



The Maryland-National Capital Park and Planning Commission

PRINCE GEORGE'S COUNTY
Planning Department

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Conceptual Site Plan Sansbury Crossing

CSP-07002-01

REQUEST	STAFF RECOMMENDATION
Amendment to the approved CSP-07002, to remove Condition 15, and to revise Condition 5(d) regarding drive-through facilities.	With the conditions recommended herein: <ul style="list-style-type: none"> • APPROVAL of Conceptual Site Plan CSP-07002-01

Location: At the southeast quadrant of the intersection of Sansbury Road and Ritchie Marlboro Road.	
Gross Acreage:	4.41
Zone:	RMF-48
Prior Zone:	M-X-T
Reviewed per prior Zoning Ordinance:	Section 27-1704(e)
Planning Area:	78
Council District:	06
Municipality:	N/A
Applicant/Address: P, B&J, LLC. P.O. Box 309 Upper Marlboro, MD, 20774	
Staff Reviewer: David Myerholtz Phone Number: 301-780-3411 Email: David.Myerholtz@ppd.mncppc.org	



Planning Board Date:	06/05/2025
Planning Board Action Limit:	06/09/2025
Staff Report Date:	05/22/2025
Date Accepted:	03/31/2025
Informational Mailing:	12/12/2024
Acceptance Mailing:	03/26/2025
Sign Posting Deadline:	05/06/2025

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at http://www.mncppcapps.org/planning/Person_of_Record/. Please call 301-952-3530 for additional information.

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THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Conceptual Site Plan CSP-07002-01
Sansbury Crossing

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

EVALUATION CRITERIA

The subject property is located within the Residential, Multifamily-48 (RMF-48) Zone. It was previously located within the Mixed Use-Transportation Oriented (M-X-T) Zone. This application is being reviewed and evaluated in accordance with the Prince George's County Zoning Ordinance effective prior to April 1, 2022 (prior Zoning Ordinance). Pursuant to Section 27-1704(a) of the Prince George's County Zoning Ordinance, development approvals of any type approved under the prior Zoning Ordinance, remain valid for the period of time specified in the prior Zoning Ordinance. If the approval is for a conceptual site plan (CSP), it shall remain valid for 20 years from April 1, 2022. Pursuant to Section 27-1704(e) of the Zoning Ordinance, subsequent revisions or amendments to CSPs grandfathered under the provisions of Section 27-1704 shall be reviewed and decided under the prior Zoning Ordinance until April 1, 2042.

Based on the foregoing, CSP-07002 was approved on November 10, 2008, under the prior Zoning Ordinance, and is valid until April 1, 2042. Therefore, subsequent amendments qualify for review under the prior Zoning Ordinance. Accordingly, this CSP amendment, CSP-07002-01, may be reviewed under the prior Zoning Ordinance. The applicant has elected to have this application reviewed under the provisions of the prior Zoning Ordinance, and the property's prior M-X-T zoning. Staff considered the following in reviewing this CSP:

- a. The requirements of the prior Prince George's County Zoning Ordinance for the Mixed Use-Transportation Oriented (M-X-T) Zone, and site design guidelines;
- b. The requirements of Conceptual Site Plan CSP-07002;
- c. The requirements of Preliminary Plan of Subdivision 4-07057;
- d. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance;

- e. Referral comments; and
- f. Community feedback.

FINDINGS

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

- 1. **Request:** This conceptual site plan (CSP) is for an amendment to the approved CSP-07002, to remove Condition 15, and to revise Condition 5(d) regarding drive-through facilities.

More specifically, the applicant requests removal of Condition 15, which states:

- 15. **To avoid access problems and other circulation issues, no restaurant on the subject property shall have drive-through window or facility.**

In addition, the applicant requests approval of a revision to Condition 5(d), which currently states:

- 5. **The following standards shall apply to and be reflected on all detailed site plans for commercial/retail buildings on the property. Said standards shall be interpreted to allow for either a single user of the entire site or up to three individual pad site users. At the time of detailed site plan review, the Planning Board may make modifications to the Development Standards without the need to amend the conceptual site plan if the Planning Board finds such modification is appropriate and consistent with the character and quality of the development envisioned by the conceptual site plan and the Westphalia Sector Plan.**

- (d) **Any drive through kiosks, canopies, or windows shall be physically and visually integrated into the main building.**

The revised language requested by the applicant is as follows:

- (d) Any drive-through canopies or windows shall be physically and visually integrated into the main building. Ordering kiosks, menu boards, and other informational signage needed to safely direct drive-through customers may be permitted and will be further reviewed at the time of detailed site plan.

With the exception of the requested deletion of Condition 15, and the revision to Condition 5(d), no other revisions are currently proposed to CSP-07002.

2. **Development Data Summary:**

	APPROVED CSP-07002	EVALUATED
Zone(s)	RMF-48	M-X-T
Use(s)	Commercial/retail, food and beverage store, gas station	Commercial/retail, food and beverage store, gas station

	APPROVED CSP-07002	EVALUATED
Gross tract acreage	4.48	4.48
Lots	3	3
Gross floor area (sq. ft.)	24,000–35,000 sq. ft	24,000–35,000 sq. ft.

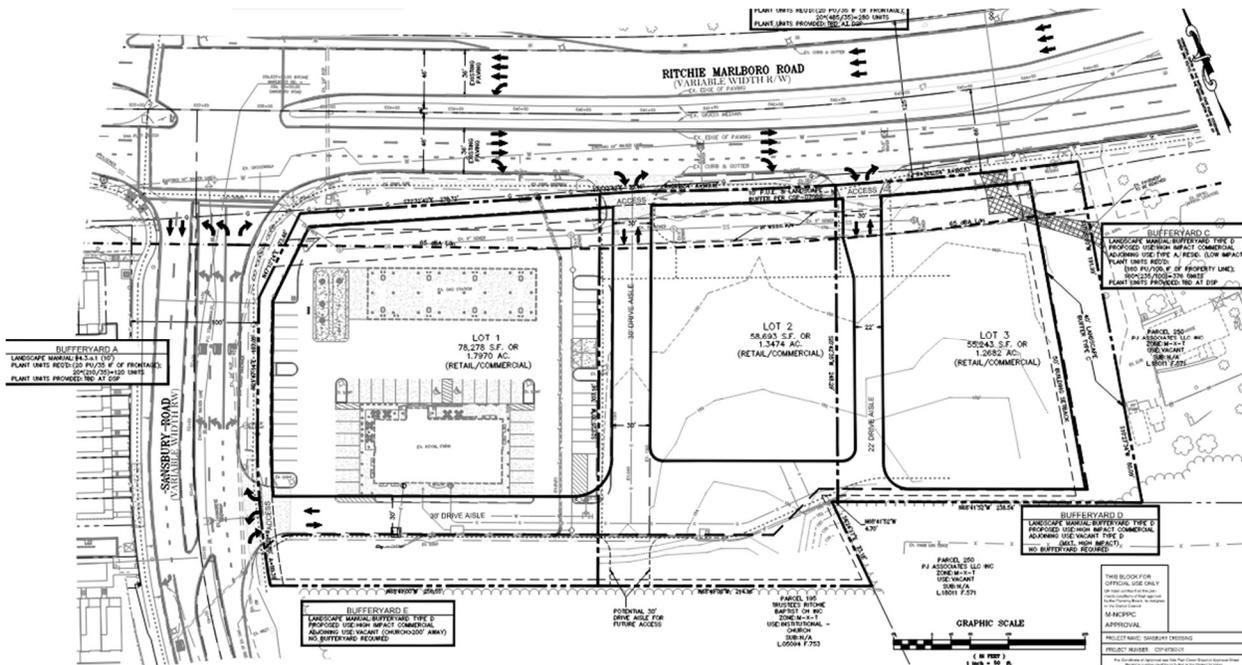


Figure 1: Existing Lots/buildings included in this application

- Location:** The subject property is located at the southeast quadrant of the intersection of Ritchie Marlboro Road and Sansbury Road, in Planning Area 78 and Council District 6. This intersection is designated by the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan and SMA) as one of nine gateways into Westphalia. It is proposed as the location of a mixed-use village center.
- Surrounding Uses:** To the east of the subject property is a single-family dwelling along Ritchie Marlboro Road, in the Residential, Rural (RR) Zone (formerly the Rural Residential (R-R) Zone). To the south is the property of the Ritchie Baptist Church, in the Residential, Multifamily-48 (RMF-48) Zone (formerly the Mixed Use-Transportation Oriented (M-X-T) Zone), and is envisioned as a possible future component of the gateway village center. To the west, across Sansbury Road, is the Westphalia Row property, which is another component of the gateway village center, and is developed with single-family attached dwelling units in the RMF-48 (formerly M-X-T) Zone. Across Ritchie Marlboro Road, to the north, the subject property faces a single-family attached development, known as the Venue, in the Residential, Single-Family-65 (RSF-65) and Residential, Single-Family-Attached (RSF-A) Zones (formerly the One-Family Detached Residential (R-55) and Townhouse (R-T) Zones, respectively).
- Previous Approvals:** This property was re-zoned from the Residential, Agricultural (R-A) Zone to the M-X-T Zone in the Westphalia Sector Plan and SMA. As part of this rezoning, the Prince George’s County District Council approved the concept plan for development of the subject property, and the neighboring properties to the west and south as an integrated,

mixed-use development. This concept plan is illustrated in plain view, and with illustrative perspective renderings in Exhibit 19 of the public record for the sectional map amendment, included in the backup for this application, and is intended to serve as a vision to guide the development of the mixed-use activity center.

CSP-07002 was approved by the District Council on November 10, 2008 (PGCPB Resolution No. 08-50), with 15 conditions, for 24,000–35,000 square feet of commercial/retail space on 3 lots.

Preliminary Plan of Subdivision (PPS) 4-07057 was approved by the Prince George’s County Planning Board on April 24, 2008 (PGCPB Resolution No. 08-51), for three lots, to support development of a gas station, convenience store, and retail.

Detailed Site Plan DSP-08043 was approved by the Planning Board on July 9, 2009 (PGCPB Resolution No. 09-98), for infrastructure, grading, and utilities to support 25,000-30,000 square feet of commercial/retail development.

DSP-08043-01 and companion Alternative Compliance AC-16003 were approved by the Planning Board on June 9, 2016 (PGCPB Resolution No. 16-71), for development of a 5,166-square-foot food and beverage store and gas station.

The site has a valid Stormwater Management Concept Approval (38411-2006-03). The approval was issued on July 5, 2023, from the Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE), and is valid through July 5, 2026.

6. **Design Features:** The site is comprised of three lots, with Lot 1 currently developed with a 5,166-square-foot food and beverage store and gas station. The applicant proposes to develop the property further with commercial uses consistent with approved CSP-07002, and no further revisions to the approved development are proposed except the requested revisions to prior conditions of approval. Specifically, the applicant envisions that the future uses may include restaurant uses. The CSP submitted by the applicant shows that development will occur on three individual pad sites, along the frontage of Ritchie Marlboro Road. There are two existing access driveways from Ritchie Marlboro Road that will provide right-in right-out access to the site’s internal driveways. Another access point exists along Sansbury Road, with a driveway along the southern side of the site, which provides access to all of the pad sites. The access point on Sansbury Road is right-in right-out with no left-turn access into the site. However, this access point includes a median gap designed to permit a left turn exit from the site to Sansbury Road. There are existing sidewalks along both road frontages, with vehicular driveways and pedestrian access routes between the three pad sites throughout the site.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George’s County Zoning Ordinance:** The CSP amendment application has been reviewed for compliance with the requirements of the M-X-T Zone, and the site design guidelines of the prior Prince George’s County Zoning Ordinance.
 - a. Conformance with the M-X-T Zone requirements is as follows:

Section 27-546. Site Plans.

(d) In addition to the findings required for the Planning Board to approve either the Conceptual or Detailed Site Plan (Part 3, Division 9), the Planning Board shall also find that:

(1) The proposed development is in conformance with the purposes and other provisions of this Division;

This application does not change the findings of CSP-07002, which conformed to this requirement, but seeks to revise the prior conditions of approval. There are no other provisions of this division specific to drive-through facilities.

(2) For property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, the proposed development is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;

The uses proposed on the site are in conformance with those envisioned in the Westphalia Sector Plan and SMA, which includes residential, retail, service, and employment components to serve the area's neighborhoods (page 29). Previous conditions of approval have included development standards to ensure that the development will be in conformance with the design guidelines. The requested revisions to the conditions of approval do not affect conformance to the design guidelines envisioned in the Westphalia Sector Plan and SMA, which do not contain restrictions for drive-throughs for the subject property. However, the design principles within the Westphalia Sector Plan and SMA seek to develop high-quality, mixed-use, walkable, "main street" activity centers (page 30). Given the autocentric nature of drive-through facilities, a condition is included herein to ensure that sites developed with drive-through businesses shall be designed with emphasis on pedestrian accommodations, as provided on page 30 of the Westphalia Sector Plan and SMA.

(3) The proposed development has an outward orientation which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;

The approved development was found to help catalyze adjacent community improvement and rejuvenation by providing convenience retail and services for the village center area (PGCPB Resolution No. 08-50). It is intended that future development on the property of the church to the south be physically integrated with the subject site by a road connection across the southern property line. The proposed amendment does not change this finding. How future

buildings relate to the streets, and other urban design considerations, including development applications for drive-through businesses, will be addressed at the time of DSP.

(4) The proposed development is compatible with existing and proposed development in the vicinity;

The existing single-family house to the east is not compatible with the proposed commercial development and will be physically separated by a landscaped buffer yard, as required by the 2010 *Prince George's County Landscape Manual* (Landscape Manual), to address incompatible uses, as approved with CSP-07002. This bufferyard will mark the edge of the village center area. The proposed development of the remainder of the village center, to the west and south of the subject property, will be compatible with the development on the subject site. Allowing drive-through businesses does not impact the compatibility of existing and proposed development in the vicinity. How future buildings relate to the existing and proposed development in the vicinity will be further analyzed at the time of DSP.

(5) The mix of uses, arrangement and design of buildings and other improvements, and provision of public amenities reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;

The requested revisions to prior conditions of approval to allow drive-through businesses will not change the findings of CSP-07002 regarding this regulation. The mix of uses, arrangement of buildings, and other improvements and amenities of the village center area will reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability. Staff note that this can be achieved through high-quality site design and architecture, if designed in accordance with the sector plan. The specifics of the arrangement and design of the buildings will be further evaluated at the time of DSP.

(6) If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;

This requirement does not apply to this application because it is not staged and proposes only revisions to the conditions of approval.

(7) The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development;

This requirement will be evaluated in more detail at the time of DSP. The CSP shows existing sidewalks along both street frontages, and

includes crosswalks across Sansbury Road to encourage pedestrian access from the Westphalia Row property. There are also proposed pedestrian connections within the subject site, between the three pads.

- (8) On the Detailed Site Plan, in areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, high quality urban design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial); and**

This requirement does not apply to the current application and will be assessed at the time of DSP.

- (9) On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, will be provided by the applicant, or are incorporated in an approved public facilities financing and implementation program, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.**

The subject property was placed in the M-X-T Zone as part of the Westphalia Sector Plan and SMA process. A traffic study was approved with the original CSP-07002 and PPS 4-07057, and in both instances, a finding of adequate transportation facilities was made. No modifications to the established trip cap have been requested.

The applicant has submitted a traffic analysis memo (January 27, 2025) which includes an analysis using the *ITE Trip Generation Manual* indicating that a fast food restaurant with a drive-through would generate five more trips in the morning peak hour, and one fewer trip in the evening peak hours than a restaurant without a drive through, which would be permitted without the requested revisions to the previous conditions of approval. Further, the analysis shows that a coffee/donut shop with a drive-through generates nine fewer trips in the morning peak hour, and nine more trips in the evening peak hour than a coffee/donut shop without a drive-through.

- (10) On the Detailed Site Plan, if more than six (6) years have elapsed since a finding of adequacy was made at the time of rezoning through a Zoning Map Amendment, Conceptual Site**

Plan approval, or preliminary plat approval, whichever occurred last, the development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or to be provided by the applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club).

The subject application is a CSP; therefore, this required finding does not apply.

- (11) On a property or parcel zoned E-I-A or M-X-T and containing a minimum of two hundred fifty (250) acres, a Mixed-Use Planned Community including a combination of residential, employment, commercial and institutional uses may be approved in accordance with the provisions set forth in this Section and Section 27-548.**

The overall CSP contains less than 250 acres; therefore, this CSP amendment application is not subject to this requirement.

Section 27-544. Regulations

- (a) Except as provided in Subsection (b), additional regulations concerning the location, size, and other provisions for all buildings and structures in the M-X-T Zone are as provided for in Divisions 3 and 4 of this Part, General (Part 2), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.**

The existing building is in conformance with the regulations of the M-X-T Zone as was applied with the approval of DSP-08043-01. No changes to site improvements are proposed with this application. Any new development proposed on the undeveloped lots, including any development of drive-through businesses, must demonstrate compliance with the referenced standards at the time of DSP.

- (b) Except as otherwise specified in this Division, where an approved Conceptual Site Plan imposes certain regulations related to the location, density, coverage, and height of improvements that are intended to implement recommendations for mixed-use development within a comprehensive master plan or general plan, such standards shall provide guidance for the development regulations to be incorporated into the Detailed Site Plan.**

The approved CSP-07002 established development standards consistent with the Westphalia Sector Plan and SMA. This application does not propose any changes to the established development standards, except for those concerning drive-through facilities, as noted above in Finding 1.

(c) For property placed in the M-X-T Zone through a Sectional Map Amendment or through a Zoning Map Amendment intended to implement land use recommendations for mixed-use development recommended by a Master Plan or Sector Plan that is approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation:

(1) The design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map Amendment Zoning Change, and a referenced exhibit of record for the property shall provide guidance for the development regulations to be incorporated into the Conceptual Site Plan.

Exhibit 19, as referenced above in Finding 5, provides guidance for the development regulations to be incorporated into the CSP. As noted above, under Finding 7a, conditions of approval associated with CSP-07002 provided development standards to ensure that the development will be in conformance with the design guidelines as envisioned on Exhibit 19.

In the Westphalia Sector Plan and SMA, drive-throughs are prohibited where visible from a public street in the Westphalia Town Center Core (page 22). The subject property is not within the Westphalia Town Center Core. The subject property is located in a Mixed-Use Activity Center, which restricts drive-in commercial services to rear areas behind main structures and not on street fronts (page 30). Drive-in commercial services are interpreted to include commercial businesses where a customer drives their vehicle into the business for servicing or other needs. Drive-in commercial services do not include drive-throughs. In summary, drive-throughs are not exclusively prohibited in the Westphalia Sector Plan and SMA within the subject area, which is in a Mixed-Use Activity Center. However, extensive design attention is necessary to achieve the main street vision in the Westphalia Sector Plan and SMA. At the time of DSP, this site will be subject to Section 27-283, Site Design Guidelines, of the prior Zoning Ordinance, the evaluation of which will be guided by the goals and polices of the Westphalia Sector Plan and SMA, including high levels of pedestrian accommodation, safety, and amenities.

Section 27-548. M-X-T Zone.

(a) Maximum floor area ratio (FAR):

(1) Without the use of the optional method of development—0.40 FAR; and

(2) With the use of the optional method of development—8.00 FAR.

The approved floor area ratio (FAR) is not changed with this CSP amendment application as no new gross floor area (GFA) is proposed. The current FAR, as approved with CSP-07002, is between 0.1 and 0.2, which is below the base allowable FAR of 0.40.

(b) The uses allowed in the M-X-T Zone may be located in more than one (1) building, and on more than one (1) lot.

CSP-07002 consists of three lots. There are no changes to the existing building on Lot 1, or to the allowable uses proposed with this CSP amendment. No further development beyond the approved GFA under CSP-07002 is included in this application.

(c) Except as provided for in this Division, the dimensions for the location, coverage, and height of all improvements shown on an approved Detailed Site Plan shall constitute the regulations for these improvements for a specific development in the M-X-T Zone.

This regulation does not apply as the subject application is a CSP amendment. This regulation will be further evaluated at the time of DSP.

(d) Landscaping, screening, and buffering of development in the M-X-T Zone shall be provided pursuant to the provisions of the Landscape Manual. Additional buffering and screening may be required to satisfy the purposes of the M-X-T Zone and to protect the character of the M-X-T Zone from adjoining or interior incompatible land uses.

The landscaping, screening, and buffering have been reviewed in previously approved applications, in accordance with the Landscape Manual requirements, and are not being altered with this CSP amendment. Any required landscaping, screening, and buffering will be required at the time of DSP.

(g) Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code.

The subject site has frontage on and direct access to Sansbury Road and Ritchie Marlboro Road.

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

(1) General.

(A) The Plan should promote the purposes of the Conceptual Site Plan.

This request is for revisions to the conditions of approval approved with CSP-07002. The approved CSP was found in conformance with the general purposes of the CSP. This amendment does not change that finding.

- (B) The applicant shall provide justification for, and demonstrate to the satisfaction of the Planning Board or District Council, as applicable, the reasons for noncompliance with any of the design guidelines for townhouses and three-family dwellings set forth in paragraph (11), below.**

The subject application is not proposing noncompliance with the design guidelines for townhouses and three-family dwellings set forth in this section.

(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.**

- (i) Parking lots should generally be provided to the rear or sides of structures;**
- (ii) Parking spaces should be located as near as possible to the uses they serve;**
- (iii) Parking aisles should be oriented to minimize the number of parking lanes crossed by pedestrians;**
- (iv) Large, uninterrupted expanses of pavement should be avoided or substantially mitigated by the location of green space and plant materials within the parking lot, in accordance with the Landscape Manual, particularly in parking areas serving townhouses; and**
- (v) Special areas for van pool, car pool, and visitor parking should be located with convenient pedestrian access to buildings.**

The submitted plans do not alter the vehicular or pedestrian circulation approved with CSP-07002. A condition of approval required with CSP-07002 provides greater guidance on specific design and locations of parking areas, which will be further evaluated at the time of DSP. In addition, a landscape buffer is provided along the site's Ritchie Marlboro Road frontage, minimizing the visual impact of cars.

(B) Loading areas should be visually unobtrusive and located to minimize conflicts with vehicles or pedestrians. To fulfill this goal, the following guidelines should be observed:

- (i) Loading docks should be oriented toward service roads and away from major streets or public view; and**
- (ii) Loading areas should be clearly marked and should be separated from parking areas to the extent possible.**

Loading areas for the two undeveloped lots on this property will be evaluated at the time of DSP; however, the drive aisles proposed through the site support loading access that is unobtrusive.

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

- (i) The location, number and design of driveway entrances to the site should minimize conflict with off-site traffic, should provide a safe transition into the parking lot, and should provide adequate acceleration and deceleration lanes, if necessary;**
- (ii) Entrance drives should provide adequate space for queuing;**
- (iii) Circulation patterns should be designed so that vehicular traffic may flow freely through the parking lot without encouraging higher speeds than can be safely accommodated;**
- (iv) Parking areas should be designed to discourage their use as through-access drives;**
- (v) Internal signs such as directional arrows, lane markings, and other roadway commands should be used to facilitate safe driving through the parking lot;**
- (vi) Drive-through establishments should be designed with adequate space for queuing lanes that do not conflict with circulation traffic patterns or pedestrian access;**
- (vii) Parcel pick-up areas should be coordinated with other on-site traffic flows;**
- (viii) Pedestrian access should be provided into the site and through parking lots to the major destinations on the site;**

- (ix) Pedestrian and vehicular circulation routes should generally be separated and clearly marked;**
- (x) Crosswalks for pedestrians that span vehicular lanes should be identified by the use of signs, stripes on the pavement, change of paving material, or similar techniques; and**
- (xi) Barrier-free pathways to accommodate the handicapped should be provided.**

The site is accessed via three vehicular entry/exit points, one located on Sansbury Road, and two other located on Ritchie Marlboro Road. The approved plans show both vehicular and pedestrian circulation to be safe, efficient, and convenient. Pedestrian circulation throughout the site is shown on the CSP and will be further evaluated at the time of DSP.

This CSP amendment application requests the deletion of Condition 15 from the approved CSP-07002, which currently prohibits drive-through windows or facilities.

Typical access problems and circulation issues for drive-through facilities often stem from lack of sufficient space for stacking/queuing vehicles, and increased traffic. Lot 2 of Sansbury Crossing is approximately 300 feet deep and 190 feet wide. Lot 3 of Sansbury Crossing is approximately 250 feet deep and 200 feet wide. The lots within this subject property are consistent in size with several other sites in the County that have approved and developed eating and drinking establishments with drive-through service, including, but not limited to the following two examples:

- DSP-13029 approved by the Planning Board (PGCPB Resolution No. 14-13) for a restaurant with drive-through service on a site that is approximately 300 feet deep and 200 feet wide.
- Specific Design Plan SDP-8954-16 was approved by the Planning Director for a restaurant with drive-through service on a site that is approximately 235 feet deep and 160 feet wide

The site has additional features including internal drive aisles, and three access points from public rights-of-way which offer greater circulation throughout the site than a typical standalone drive-through restaurant.

On concerns of traffic, the applicant has submitted a traffic analysis memo dated January 27, 2025, which includes an analysis using the *ITE Trip Generation Manual* indicating that a fast food restaurant

with a drive-through would generate five more trips in the morning peak hour and one fewer trip in the evening peak hours than a restaurant without a drive-through, which would be permitted without the requested revisions to the previous conditions of approval. Further, the analysis shows that a coffee/donut shop with a drive-through generates nine fewer trips in the morning peak hour and nine more trips in the evening peak hour than a coffee/donut shop without a drive-through.

The Transportation Planning Section noted that they have no opposition to the revisions proposed by this application, and that any proposed uses will need to comply with the established trip cap of 207 AM trips and 269 PM trips, to be evaluated at time of DSP. Staff further note that Condition 15 was added during District Council's review of this case, and was not included in PGCPB Resolution No. 08-50, for the original CSP-07002 approval. Staff find that the subject property can adequately accommodate queuing lanes that do not conflict with circulation traffic patterns or pedestrian access, which will be further analyzed at the time of DSP.

Staff note that to achieve the distinct, high quality, walkable, mixed-use and "main street" commercial development areas as envisioned by the Westphalia Sector Plan and SMA for the subject property, automobile-oriented businesses like drive-through restaurants should provide high levels of pedestrian accommodation as noted on page 30 of the Westphalia Sector Plan and SMA.

To ensure this site serves both pedestrian and vehicular access, a condition regarding pedestrian amenities and additional development standards for drive-through facilities has been included.

Staff support the applicant's request to remove Condition 15 from the CSP, and recommend that the Planning Board approve this CSP amendment, as conditioned below.

(3) Lighting.

(A) For uses permitting nighttime activities, adequate illumination should be provided. Light fixtures should enhance the site design's character. To fulfill this goal, the following guidelines should be observed:

- (i) If the development is used at night, the luminosity, orientation, and location of exterior light fixtures should enhance user safety and minimize vehicular/pedestrian conflicts;**
- (ii) Lighting should be used to illuminate important on-site elements such as entrances, pedestrian pathways, public**

spaces, and property addresses. Significant natural or built features may also be illuminated if appropriate to the site;

- (iii) The pattern of light pooling should be directed on-site;**
- (iv) Light fixtures fulfilling similar functions should provide a consistent quality of light;**
- (v) Light fixtures should be durable and compatible with the scale, architecture, and use of the site; and**
- (vi) If a variety of lighting fixtures is needed to serve different purposes on a site, related fixtures should be selected. The design and layout of the fixtures should provide visual continuity throughout the site.**

No new lighting is proposed with this application. Lighting for this property will be further evaluated at the time of DSP.

(4) Views.

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

With the approval of DSP-08043-01, a 10-foot-wide landscape buffer is included along the site's Sansbury Road frontage and a portion of Ritchie Marlboro Road frontage, creating a scenic view from adjacent public areas. Landscaping along the remaining portion of the Ritchie Marlboro Road frontage will be further reviewed with subsequent DSP applications.

(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. To fulfill this goal, the following guidelines should be observed:**
 - (i) Green area should be easily accessible in order to maximize its utility and to simplify its maintenance;**
 - (ii) Green area should link major site destinations such as buildings and parking areas;**
 - (iii) Green area should be well-defined and appropriately scaled to meet its intended use;**

- (iv) Green area designed for the use and enjoyment of pedestrians should be visible and accessible, and the location of seating should be protected from excessive sun, shade, wind, and noise;**
- (v) Green area should be designed to define space, provide screening and privacy, and serve as a focal point;**
- (vi) Green area should incorporate significant on-site natural features and woodland conservation requirements that enhance the physical and visual character of the site; and**
- (vii) Green area should generally be accented by elements such as landscaping, pools, fountains, street furniture, and decorative paving.**

This application is limited to the drive-through-related condition changes and not applicable to CSP-07002 for on-site green area. Staff find that on-site green area requirements can be met for a development with a drive-through via site design, which will be reviewed at the time of DSP.

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

No impacts to regulated environmental features (REF) are proposed with this application. All impacts were previously approved with CSP-07002, PPS 4-07057, and DSP-08043 for the subject property.

(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. To fulfill this goal, the following guidelines should be observed:**
 - (i) The design of light fixtures, benches, trash receptacles, bicycle racks and other street furniture should be coordinated in order to enhance the visual unity of the site;**
 - (ii) The design of amenities should take into consideration the color, pattern, texture, and scale of structures on the site, and when known, structures on adjacent sites, and pedestrian areas;**

- (iii) Amenities should be clearly visible and accessible, and should not obstruct pedestrian circulation;**
- (iv) Amenities should be functional and should be constructed of durable, low maintenance materials;**
- (v) Amenities should be protected from vehicular intrusion with design elements that are integrated into the overall streetscape design, such as landscaping, curbs, and bollards;**
- (vi) Amenities such as kiosks, planters, fountains, and public art should be used as focal points on a site; and**
- (vii) Amenities should be included which accommodate the handicapped and should be appropriately scaled for user comfort.**

No development is proposed with this application. Streetscape amenities will be evaluated with subsequent DSP applications. However, if a drive-through facility is proposed in the remaining lots, pedestrian facilities should be much more visible, and vehicular facilities should be visually screened from the public realm to promote walkable main street development character, as envisioned in the Westphalia Sector Plan and SMA.

(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. To fulfill this goal, the following guidelines should be observed:**
 - (i) Slopes and berms visible from streets and other public areas should appear as naturalistic forms. Slope ratios and the length of slopes should be varied if necessary to increase visual interest and relate manmade landforms to the shape of the natural terrain;**
 - (ii) Excessive grading of hilltops and slopes should be avoided where there are reasonable alternatives that will preserve a site's natural landforms;**
 - (iii) Grading and other methods should be considered to buffer incompatible land uses from each other;**

- (iv) **Where steep slopes cannot be avoided, plant materials of varying forms and densities should be arranged to soften the appearance of the slope; and**
- (v) **Drainage devices should be located and designed so as to minimize the view from public areas.**

No grading is proposed with this application. This will be further evaluated with subsequent DSP applications.

(8) Service Areas.

- (A) **Service areas should be accessible, but unobtrusive. To fulfill this goal, the following guidelines should be observed:**
 - (i) **Service areas should be located away from primary roads, when possible;**
 - (ii) **Service areas should be located conveniently to all buildings served;**
 - (iii) **Service areas should be effectively screened or enclosed with materials compatible with the primary structure; and**
 - (iv) **Multiple building developments should be designed to form service courtyards which are devoted to parking and loading uses and are not visible from public view.**

The approved plans show an internal network of driveways that provide unobtrusive and convenient access to service areas and are not impacted by this request. These guidelines will be further evaluated with subsequent DSP applications.

(9) Public Spaces.

- (A) **A public space system should be provided to enhance a large-scale commercial, mixed-use, or multifamily development. To fulfill this goal, the following guidelines should be observed:**
 - (i) **Buildings should be organized and designed to create public spaces such as plazas, squares, courtyards, pedestrian malls, or other defined spaces;**
 - (ii) **The scale, size, shape, and circulation patterns of the public spaces should be designed to accommodate various activities;**

- (iii) **Public spaces should generally incorporate sitting areas, landscaping, access to the sun, and protection from the wind;**
- (iv) **Public spaces should be readily accessible to potential users; and**
- (v) **Pedestrian pathways should be provided to connect major uses and public spaces within the development and should be scaled for anticipated circulation.**

A public space system is not proposed nor was it included with any prior approvals. This CSP is not considered a large-scale development and therefore, public space is not included for this site.

(10) Architecture.

- (A) **When architectural considerations are referenced for review, the Conceptual Site Plan should include a statement as to how the architecture of the buildings will provide a variety of building forms, with a unified, harmonious use of materials and styles.**
- (B) **The guidelines shall only be used in keeping with the character and purpose of the proposed type of development and the specific zone in which it is to be located.**
- (C) **These guidelines may be modified in accordance with Section 27-277.**

No architecture is proposed with this application. The requested revision to Condition 5(d) would not require drive-through kiosks, menu boards, and site directional signage to be integrated into the architecture of the building. Architecture will be further evaluated at the time of DSP and should be in keeping with the sector plan.

(11) Townhouses and three-family dwellings.

This requirement is not applicable to this CSP amendment because it does not include any townhouses or three-story units.

- 8. Conceptual Site Plan CSP-07002:** CSP-07002 was approved by the Planning Board on May 15, 2008 (PGCPB Resolution No. 08-50), and affirmed by the District Council on November 10, 2008, for 24,000–35,000 square feet of commercial/retail space on three lots, subject to 15 conditions, two of which are relevant to this application.

The applicant seeks to revise Condition 5(d), which states:

- 5. The following standards shall apply to and be reflected on all detailed site plans for commercial/retail buildings on the property. Said standards shall be**

interpreted to allow for either a single user of the entire site or up to three individual pad site users. At the time of detailed site plan review, the Planning Board may make modifications to the Development Standards without the need to amend the conceptual site plan if the Planning Board finds such modification is appropriate and consistent with the character and quality of the development envisioned by the conceptual site plan and the Westphalia Sector Plan.

(d) Any drive through kiosks, canopies, or windows shall be physically and visually integrated into the main building.

The revised language requested by the applicant is as follows:

(d) Any drive-through canopies or windows shall be physically and visually integrated into the main building. Ordering kiosks, menu boards, and other informational signage needed to safely direct drive-through customers may be permitted and will be further reviewed at the time of detailed site plan.

To provide a walkable, main street development character, a critical aspect is canopies and windows being part of the main building. Kiosks, however, are typically located at the rear of the property, and are not visible from public rights-of-way or the adjacent streetscape. Future proposals should be interesting with attractive architectural features that create a quality environment and “sense of place.” Staff find that the revised language to Condition 5(d) is acceptable, provides operational efficiency and is in keeping with the findings of CSP-07002, and recommend that the Planning Board approve the revision to Condition 5(d), as proposed by the applicant.

The applicant also seeks to remove Condition 15, which states:

15. To avoid access problems and other circulation issues, no restaurant on the subject property shall have drive-through window or facility.

This condition was not included in the Planning Board’s resolution for CSP-07002 (PGCPB Resolution No. 08-50), but was added as part of the District Council’s affirmation of the Planning Board’s decision. Access and circulation are discussed in Finding 7b above. In addition, on-site circulation will be further evaluated at the time of DSP. As noted above in Finding 7b, staff support the applicant’s request to remove Condition 15 from the CSP, and recommend that the Planning Board approve this CSP amendment, as conditioned below.

9. Preliminary Plan of Subdivision PPS 4-07057: PPS 4-07057 was approved by the Planning Board on April 24, 2008 (PGCPB Resolution No. 08-51), subject to 14 conditions, none of which are relevant to this CSP amendment.

10. Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance: This site is subject to the grandfathering provisions of the 2024 Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property had a tree conservation plan that was accepted for review on or before June 30, 2024, and shall conform to the environmental regulations of the 2010 WCO. A prior Type 2 tree conservation plan approval (TCP2-021-09) was implemented with a grading permit that

was approved prior to July 1, 2024. This application does not propose any changes to the implemented TCP2.

11. **Referral comments:** The subject application was referred to the concerned agencies and divisions. Due to the limited scope of this application, comments were only solicited from the Transportation Planning Section and external agencies. The referral comments are summarized as follows, and incorporated herein by reference:
 - a. **Transportation Planning**—In a memorandum dated April 29, 2025 (Smith to Myerholtz), the Transportation Planning Section stated they had no opposition to the proposed amendment to prior conditions of approval.
 - b. **Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE)**—At the time of the writing of this technical staff report, DPIE had no comments on this application.
 - c. **Prince George’s County Police Department**—At the time of the writing of this technical staff report, the Police Department had no comments on this application.
 - d. **Prince George’s County Fire/EMS Department**—At the time of the writing of this technical staff report, the Fire/EMS Department had not offered comments on the subject application.
 - e. **Prince George’s County Health Department**—At the time of the writing of this technical staff report, the Health Department had not offered comments on the subject application.
 - f. **Washington Suburban Sanitary Commission (WSSC)**—At the time of the writing of this technical staff report, WSSC had not offered comments on the subject application.
 - g. **Public Utilities**—At the time of the writing of this technical staff report, the public utility companies did not offer comments on this application.
12. **Community feedback:** As of the writing of this technical staff report, staff did not receive any inquiries from the community regarding the subject CSP amendment.
13. Based on the foregoing analysis, and as required by Section 27-276(b)(1) of the prior Zoning Ordinance, the CSP, if approved with the proposed conditions below, represents a most reasonable alternative for satisfying the site design guidelines of prior Subtitle 27, Part 3, Division 9, of the Prince George’s County Code, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.
14. Section 27-276(b)(2) of the prior Zoning Ordinance is not applicable because this is not a CSP for a Mixed-Use Planned Community.
15. Section 27-276(b)(3) of the prior Zoning Ordinance does not apply to this CSP because it is not a CSP for a Regional Urban Community.

16. As required by Section 27-276(b)(4) of the prior Zoning Ordinance, the Planning Board may approve a CSP if it finds that the REF 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 prior Prince George's County Subdivision Regulations. All impacts were previously approved with CSP-07002, PPS 4-07057, and DSP-08043 for the subject property, which are not modified by the subject amendment.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommend that the Planning Board adopt the findings of this report and APPROVE Conceptual Site Plan CSP-07002-01, for Sansbury Crossing, subject to the following conditions:

1. The conditions of approval from the original Conceptual Site Plan CSP-07002, as documented in the Prince George's County District Council decision dated November 10, 2008, shall remain in full force and effect. However, Condition 15 shall be deleted and rendered null, and subitem (d) of Condition 5 shall be modified and replaced with the following:
 - (d) Any drive-through canopies or windows shall be physically and visually integrated into the main building. Ordering kiosks, menu boards, and other informational signage needed to safely direct drive-through customers may be permitted and will be further reviewed at the time of detailed site plan.
2. At the time of detailed site plan, for any use proposed with drive-through service, the following additional development standards shall apply:
 - a. Notwithstanding adequate queuing shall be provided, only one ordering/queuing lane shall be permitted per establishment with drive-through service.
 - b. Outdoor seating areas shall be protected from idling vehicles, such as through building shielding or strategic locations, to avoid exposure to potential greenhouse gas emissions.
 - c. The site shall be designed with emphasis on pedestrian accommodations, as provided on page 30 of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*.

SANSBURY CROSSING

Conceptual Site Plan

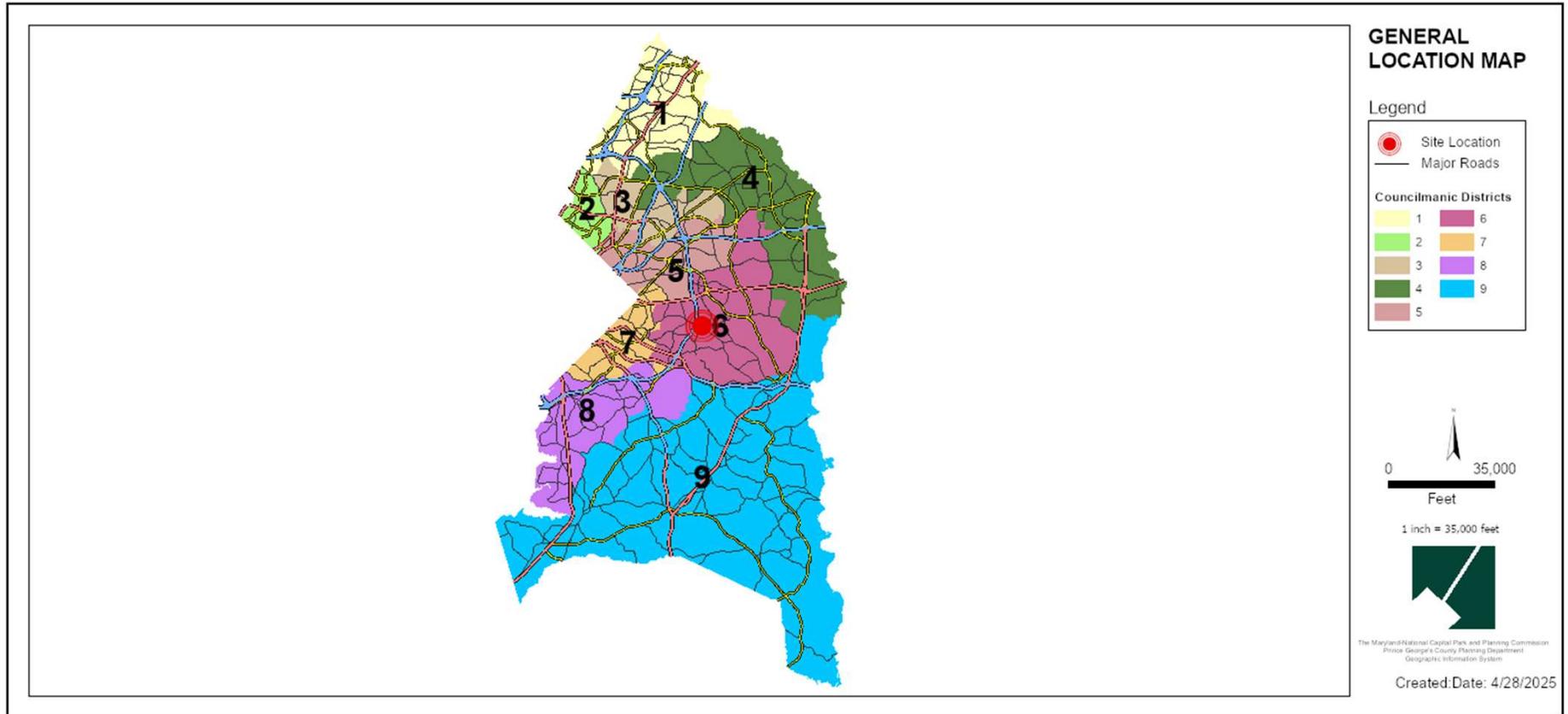
Staff Recommendation: APPROVAL with conditions



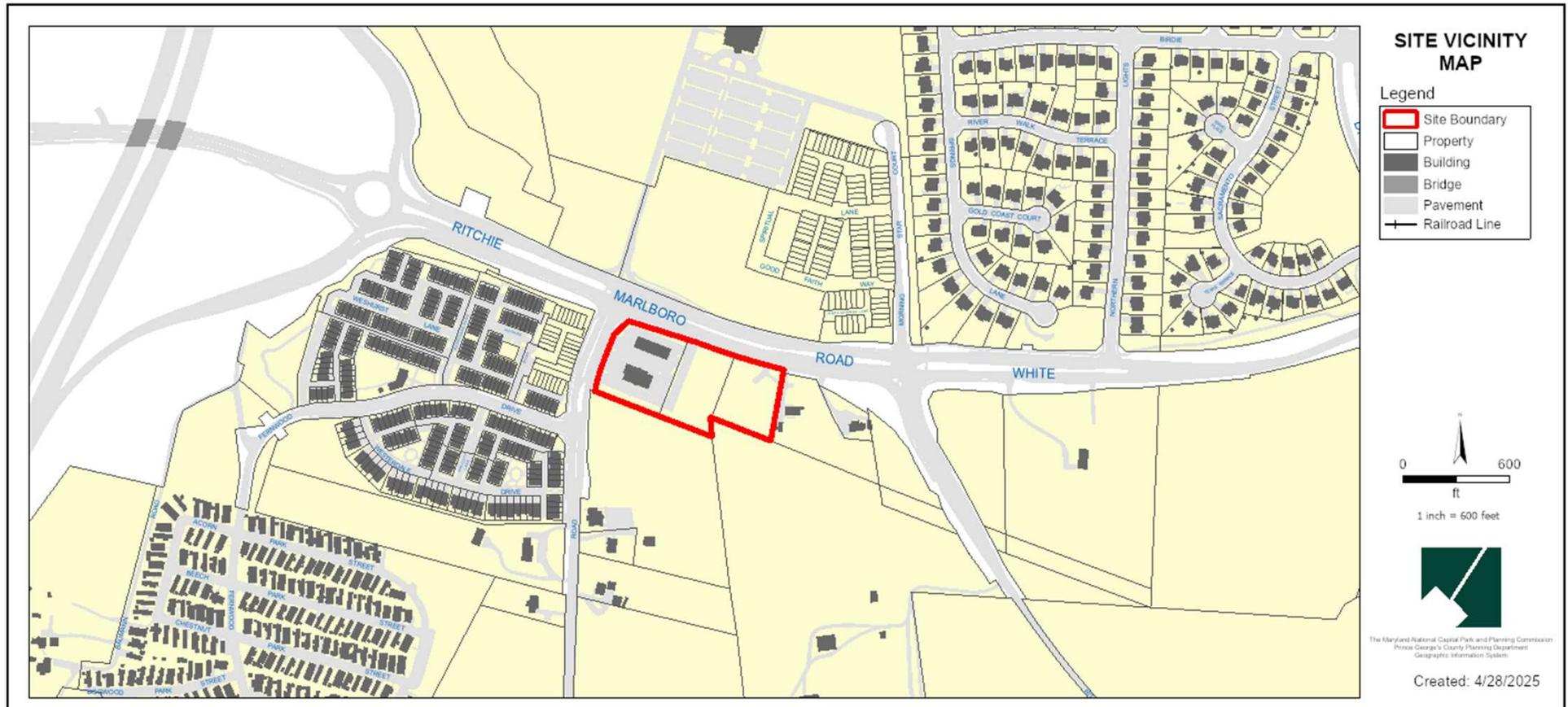
GENERAL LOCATION MAP

Council District: 06

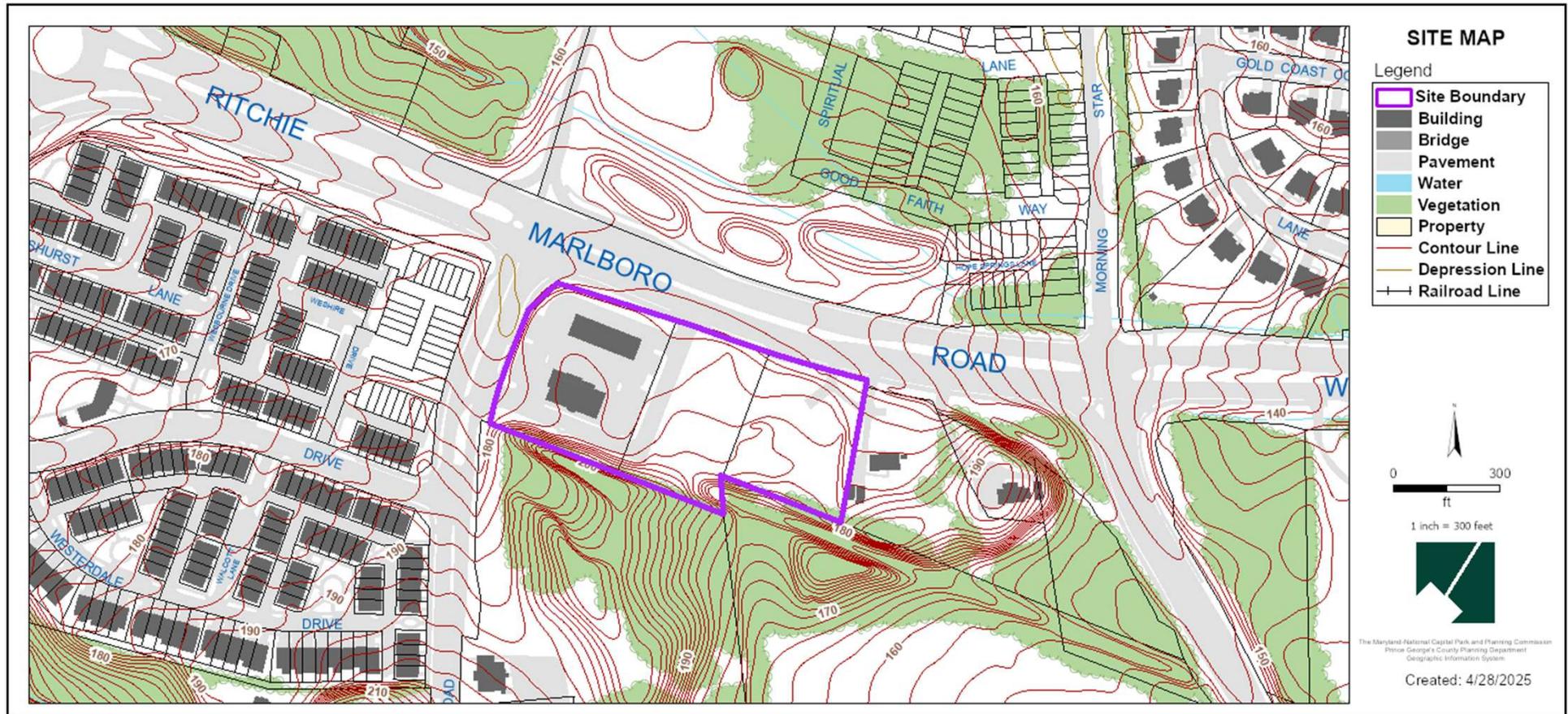
Planning Area: 078



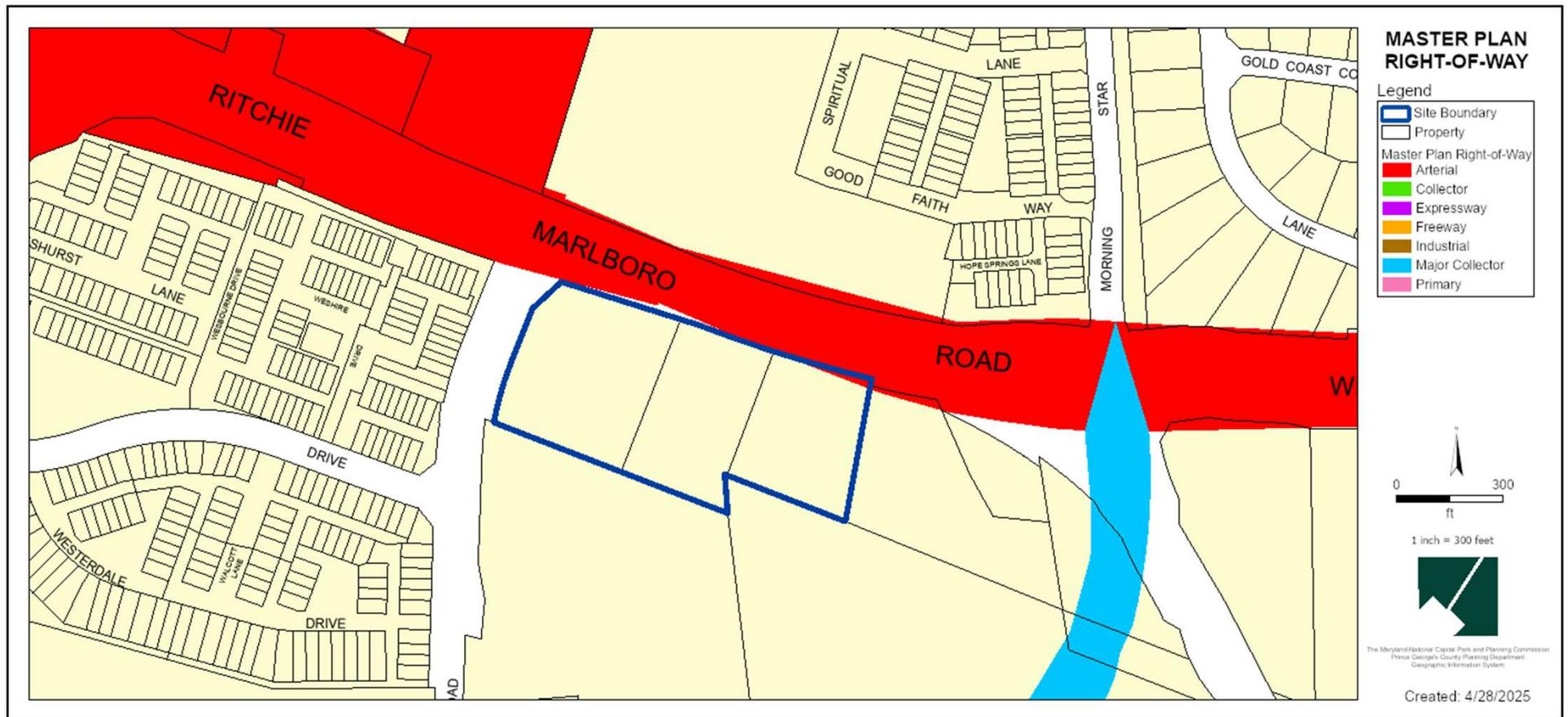
SITE VICINITY MAP



SITE MAP



MASTER PLAN RIGHT-OF-WAY MAP



BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



PROPOSED CONDITION REVISIONS

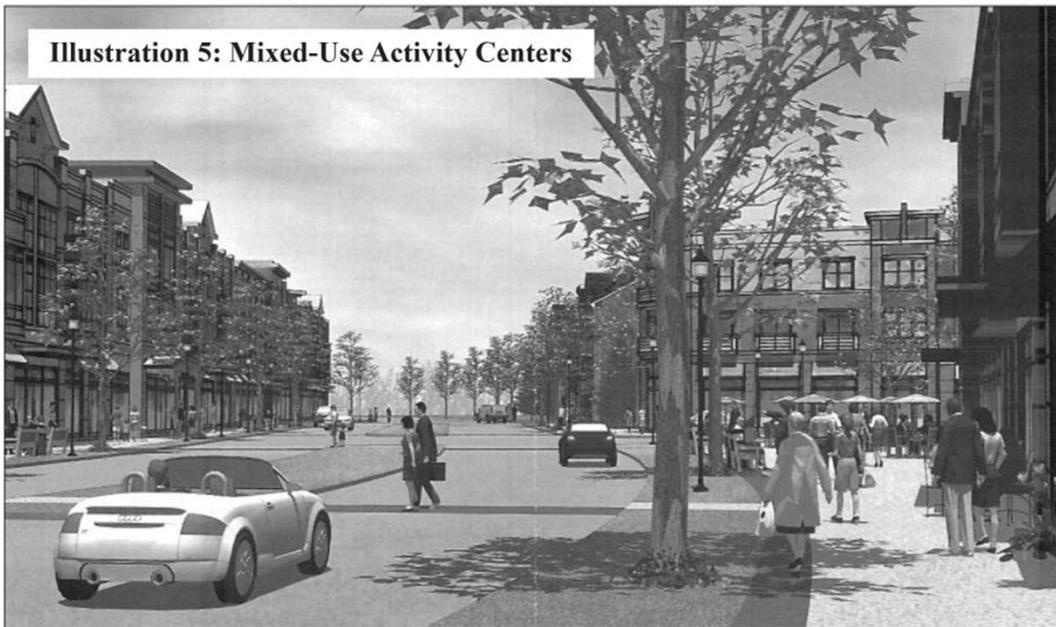
5. The following standards shall apply to and be reflected on all detailed site plans for commercial/retail buildings on the property. Said standards shall be interpreted to allow for either a single user of the entire site or up to three individual pad site users. At the time of detailed site plan review, the Planning Board may make modifications to the Development Standards without the need to amend the conceptual site plan if the Planning Board finds such modification is appropriate and consistent with the character and quality of the development envisioned by the conceptual site plan and the Westphalia Sector Plan.
 - (d). Any drive through kiosks, canopies, or windows shall be physically and visually integrated into the main building.

The revised language requested by the applicant is as follows:

- (d). Any drive-through canopies, or windows shall be physically and visually integrated into the main building. **Ordering kiosks, menu boards and other informational signage needed to safely direct drive-through customers may be permitted and will be further reviewed at the time of Detailed Site Plan.**
- ~~15. To avoid access problems and other circulation issues, no restaurant on the subject property shall have drive-through window or facility.~~

* Blue text is newly proposed revision by applicant

SECTOR PLAN VISION: MIXED-USE ACTIVITY CENTERS



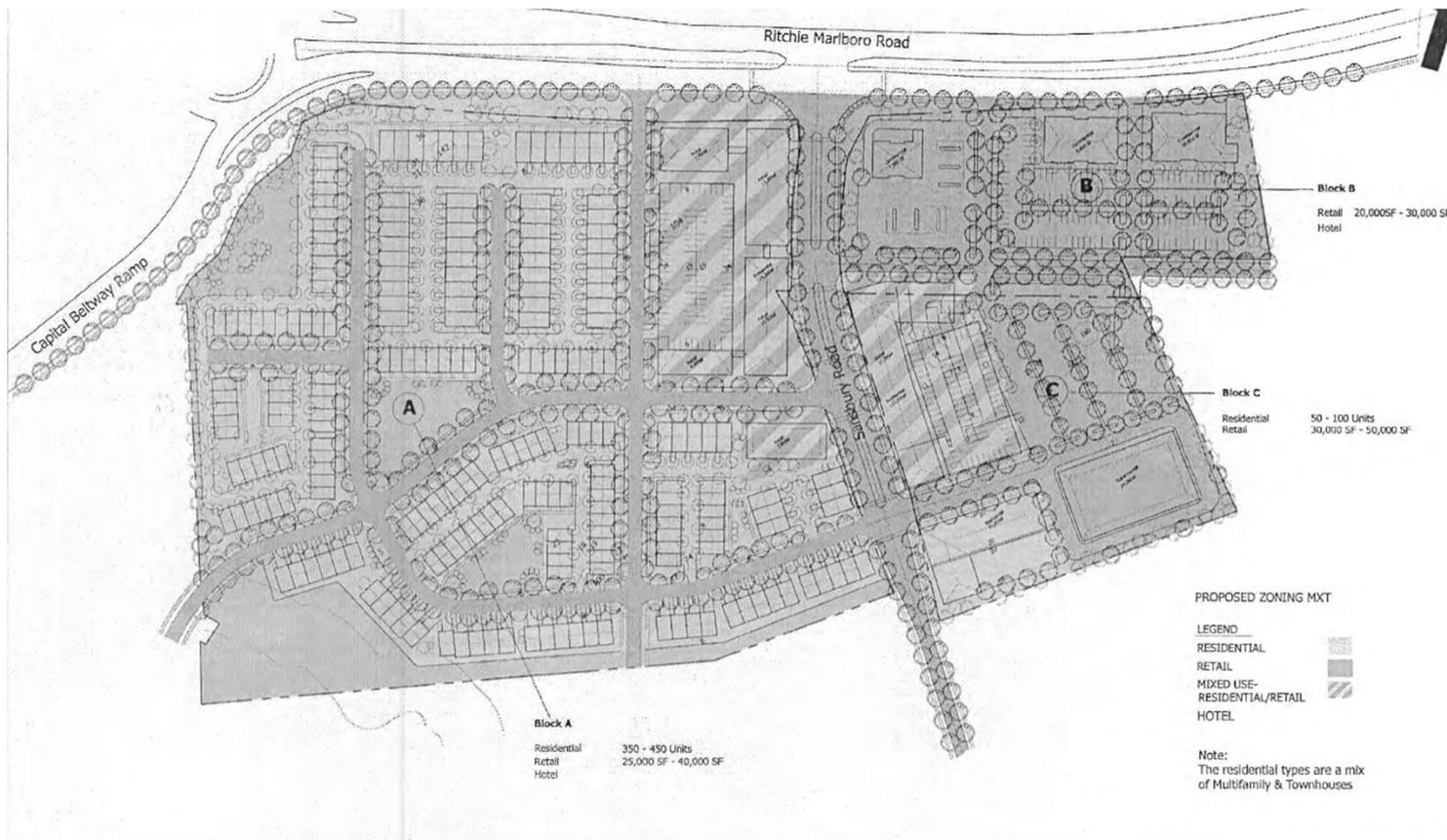
DESIGN PRINCIPLES:

- ▣ Develop distinct, high quality, walkable, mixed-use and “main street” commercial development areas with focal points and shared amenities:

- Restrict drive-in commercial services to rear areas behind main structures; do not allow on street fronts.

This illustration, prepared by the Lessard Group, Inc., as part of Public Record Exhibit 19, is representative of the main street development character that could result from implementation of recommended land use concepts for the Westphalia mixed-use activity centers. It is likely that variations will occur as development takes place that also conform to the planning principles and urban development concepts recommended for these areas.

WESTPHALIA SECTOR PLAN – MIXED USE ACTIVITY CENTER



CONDITIONS

2. At the time of the detailed site plan, for any restaurant use proposed with drive-through service, the following additional development standards shall apply:
 - a. Notwithstanding adequate queuing shall be provided, only one ordering/queuing lane shall be permitted per establishment with drive-through service.
 - b. Outdoor seating areas shall be protected from idling vehicles, such as through building shielding or strategic locations, to avoid exposure to potential greenhouse gas emissions.
 - c. The site shall be designed with emphasis on pedestrian accommodations, as provided on page 30 of the *2007 Approved Westphalia Sector Plan and Sectional Map Amendment*.

* Blue text is newly proposed revision by applicant

STAFF RECOMMENDATION

APPROVAL with conditions

- CSP-07002-01

Issues:

- None

Applicant Required Mailings:

- Informational Mailing: 12/12/2024
- Acceptance Mailing: 03/26/2025

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Dennis Whitley, III*
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Bradley S. Farrar
L. Paul Jackson, II*

* Also admitted in the District of Columbia

March 6, 2025

VIA ELECTRONIC DELIVERY

Ms. Hyojung Garland, Planning Supervisor
Urban Design Section
Maryland-National Capital Park
& Planning Commission
1616 McCormick Drive
Largo, Maryland 20774

**RE: P,B&J, LLC PROPERTY
Amendment of Conceptual Site Plan (CSP-07002-01)
Revised Statement of Justification**

Dear Ms. Garland:

On behalf of our client, **P,B&J, LLC** (the “Applicant”), Robert J. Antonetti, Jr., and Shipley and Horne, P.A. submits this statement of justification in support of Conceptual Site Plan, CSP-07002-01 (the “CSP Amendment”). The Applicant’s property is situated in Council District 6 and is further located on the southeast corner of the intersection of Ritchie-Marlboro Road and Sansbury Road, and is known as Lots 1, 2 & 3, in the Sansbury Crossing Subdivision (the “Property”). The Sansbury Crossing Subdivision record plat was recorded in Land Records on December 5, 2016, as SJH 246-29.

The Property can be found on Tax Map 74, in Grid F4, and consists of approximately 4.41 acres in the RMF-48 (Residential, Multifamily-48) Zone. Notwithstanding, the Applicant is requesting that the subject CSP Amendment be reviewed in accordance with zoning regulations in effect prior to April 1, 2022, and the requirements of the prior M-X-T (Mixed Use Transportation Oriented) Zone.

ELECTION TO UTILIZE ZONING PROCEDURES (Section 27-1704(e))

On April 1, 2022, the approved Countywide Sectional Map Amendment (“CMA”) and the updated Prince George’s County Zoning Ordinance (“New Zoning Ordinance”) became effective and rezoned the Property to the newly created RMF-48 Zone. Notwithstanding, the Applicant elects to pursue approval of CSP-07002-01 utilizing the applicable provisions of the prior zoning ordinance pursuant to Section 27-1704(e) which states in pertinent part:

Section 27-1704. Projects Which Received Development or Permit Approval Prior to the Effective Date of this Ordinance

- (e) ***Subsequent revisions or amendments to development approvals or permits “grandfathered” under the provisions of this Section as authorized herein shall be reviewed and decided under the prior Zoning Ordinance (until April 1, 2032 or April 1, 2042, unless a longer or an indefinite validity is applicable in accordance with Subsection (a), above), unless the applicant elects to have the proposed revision or amendment reviewed under Subsection (f), below. Notwithstanding the requirements of Sections 27-289 and 27-325 of the prior Zoning Ordinance (2019 Edition, 2021 Supp.), revisions or amendments to such “grandfathered” development approvals or permits may construct one or more electric vehicle charging stations subject to the review and approval of the DPIE Director. Following the expiration of the grandfather period, subsequent revisions or amendments to development approvals or permits shall be subject to the provisions of Section 27-1707.***

CSP-07002 for the PB&J Property is valid until April 1, 2042. Since CSP-07002 was approved and valid prior to the effective date of the new ordinance it is considered a “grandfathered” approval per Section 27-1704(d) and the Applicant can proceed with amendments thereto utilizing the provisions of the Zoning Ordinance that existed prior to April 1, 2022, (per Section 27-1704(e) of the New Zoning Ordinance). CSP-07002-01 is being filed in accordance with the appropriate provisions of the Prince George’s County Zoning Ordinance that existed prior to April 1, 2022, (the “Zoning Ordinance”).

1. Purpose of CSP Amendment:

The primary purpose of this CSP Amendment is to **delete** Condition **15**, and to **revise** Condition **5(d)** of CSP-07002. Condition 15 currently reads as follows:

- 15. To avoid access problems and other circulation issues, no restaurant on the subject property shall have a drive-through window or facility.***

The restrictions set forth in Condition 15 are inappropriate as the Property can be developed with restaurant uses with a drive-through by right in the M-X-T Zone and the current RMF-48 Zone. Equally as important, such uses can be developed/designed without creating any access or circulation issues on the site. Unfortunately, there is no legal or factual basis in the record of CSP-07002 that provides any evidentiary basis for the need for Condition 15 in the original CSP-07002. The only indication of any justification for the condition is in its language, which states that it is intended to “avoid access problems and other circulation issues.” It should be noted that there is no evidence

of any access or circulation “problems” or “issues” in the record of CSP-07002. To the contrary, the Applicant will be able to demonstrate that any future development of Lots 2 and 3 can accommodate restaurants with drive-through facilities without any consequential circulation or access issues that cannot otherwise be mitigated through thoughtful design at time of DSP. As part of this CSP Amendment, the Applicant has included a memorandum from its traffic engineer dated January 27, 2025, which demonstrates that drive through facilities could adequately be designed and placed on the subject Property (See attached EXHIBIT A). Further any such drive through facilities servicing restaurants (or any other user) will be adequately vetted at time of detailed site plan. Such detailed site plan applications would include circulation and access exhibits to demonstrate that vehicles can adequately access and circulate within the Property.

It should also be mentioned that Condition 5 of the current CSP contains design guidelines that direct the Applicant to design commercial/retail pads in a manner that is safe, convenient, and attractive. At the time of detailed site plan, the Applicant will be able to confirm before the Planning Board that future development on Lots 2 and 3 of the subject Property will have adequate access and circulation (even if such potential uses include the provision of a drive-through window or facility).

The Property was rezoned to the M-X-T Zone in 2007, and despite said zoning intensification occurring over 17 years ago, the Applicant has been unable to find end users for Lots 2 & 3. Many prospective tenants have a desire for drive-through service as part of their use. Since the COVID-19 pandemic, retail market trends have placed a greater emphasis on the ability of the consumer to have drive-through access. Without the requested deletion to Condition 15 in CSP-07002, the Applicant will continue to be at a competitive disadvantage in attracting quality commercial/retail users to the Property that may require a drive-through. Such potential users would meet the convenience needs of the surrounding community, increase the commercial tax base for the County, and provide attractive development for the Westphalia area in conformance with the intent of the 2007 Westphalia Sector Plan.

In addition to the deletion of Condition 15, this CSP Amendment also requests a minor revision to Condition 5(d) which currently states as follows:

5. ***The following standards shall apply to and be reflected on all detailed site plans for commercial/retail buildings on the property. Said standards shall be interpreted to allow for either a single user of the entire site or up to three individual pad site users. At the time of detailed site plan review, the Planning Board may make modifications to the Development Standards without the need to amend the conceptual site plan if the Planning Board finds such modification is appropriate and consistent with the character and quality of the development envisioned by the conceptual site plan and the Westphalia Sector Plan.***

d. Any drive-through kiosks, canopies, or windows shall be physically and visually integrated into the main building.

Drive-through windows may be needed for the future tenants on Lots 2 & 3, which are the only remaining lots in the CSP that have not yet been developed. All canopies and windows would be fully integrated into the main building. However, since an ordering kiosk and menu board are needed for efficiency purposes prior to reaching the main building, (as required for all drive-through windows), the Applicant is requesting that the above condition be amended to permit ordering kiosks, menu boards, and other informational signage that is needed to safely direct drive-through customers that is not physically and visually integrated into the main building. The above condition was recommended by the technical staff at the time of approval of the initial CSP-07002 as the Applicant at the time had shown a conceptual retail building (a pharmacy) on Lot 1 with a drive through window along Ritchie-Marlboro Road. Staff at that time preferred that the drive-through kiosks, canopies, or windows for this conceptual building for Lot 1 be moved to the rear or side of said building to lessen its visual impact from Ritchie-Marlboro Road. This concern is no longer relevant as Lot 1 has since been developed with a Royal Farms store and fueling station without a drive-through. It should be noted that development on Lots 2 and 3 are of a size and orientation where drive through windows, kiosks, or windows will be located on the sides or rear of future buildings. As such, the wording of existing condition 5(d) is unnecessary and inappropriate.

In light of the above, the Applicant would suggest that the above Condition 5(d) be **revised** as follows:

“d. Any drive-through canopies, or windows shall be physically and visually integrated into the main building. Ordering kiosks, menu boards and other informational signage needed to safely direct drive-through customers may be permitted and will be further reviewed at the time of Detailed Site Plan.”

With the exception of the requested deletion of Condition **15**, and the minor revision to Condition **5(d)**, no other revisions are currently proposed to the parent Conceptual Site Plan application, CSP-07002.

2. **Development Data Summary:**

DEVELOPMENT DATA SUMMARY		
	<u>Approved Applications</u> (CSP-07002) (PPS 4-07057) (DSP-08043-01)	<u>Proposed</u> (CSP-07002-01)
Zones:	M-X-T	RMF-48 (Former M-X-T Zone regulations apply)
Uses:	<u>CSP-07002</u> 2 Retail Buildings, Gas Station & Car Wash <u>DSP-08043-01</u> Food or Beverage Store & Gas Station	2 Commercial/Retail Buildings & Food or Beverage Store & Gas Station (Existing)
Square Footage/GFA:	<u>CSP-07002</u> 24,000 to 35,000 sq. ft. of commercial/retail <u>PPS 4-07057</u> 20,000 to 30,000 sq. ft. of commercial/retail <u>DSP-08043-01</u> 5,166 sq. ft. Food & Beverage Store & Gas Station	The PPS for the Property approved a range of 20,000 to 30,000 sq. ft. of commercial/retail (which includes 5,166 sq. ft. of existing development approved in DSP-08043-01)
Lots:	Total = 3 (Per Plat, SJH 246-29)	Total = 3 (Per Plat, SJH 246-29)

Total Gross Acreage:	4.84 acres	4.41 acres (represents acreage remaining after public roadway dedication per Plat, SJH 246-29)
100-Year Floodplain	0.0 acres	0.0 acres
Net Acreage:	4.84 acres	4.41 acres (represents acreage remaining after public roadway dedication per Plat, SJH 246-29)
Overall Floor Area Ratio (FAR) in the M-X-T Zone:	Total Maximum FAR Permitted = 0.40 FAR Total FAR Currently Existing = 0.03 FAR (Per DSP-08043-01 for Lot 1)	Total Maximum FAR Proposed = 0.40 FAR

3. Location:

The site is oriented to and has approximately 481± feet of street frontage along the south side Ritchie-Marlboro Road, and approximately 300± feet of street frontage along the east side of Sansbury Road. Ritchie-Marlboro Road is a master-planned arterial roadway, (A-36). Sansbury Road is master-planned collector roadway with side path, (C-630).

The subject Property contains 4.41 acres in the RMF-48 Zone but is developing pursuant to the prior M-X-T Zone. The subject Property is partially developed with an existing 5,166 square-foot Royal Farms food and beverage store and gas station along the west side of the Property at the corner Ritchie-Marlboro Road and Sansbury Road.

Surrounding Land Uses:

North: Across Ritchie-Marlboro Road is RSF-A zoned land developing as the Morning Star Pentecostal Church and the Venue Subdivision approved for

- East:** attached single-family dwellings in the RSF-65 Zone
Detached single-family dwellings in the RR Zone
- South:** The Ritchie Baptist Church in the RMF-48 Zone
- West:** The Westphalia Row Subdivision consisting of attached single-family dwellings in the RMF-48 Zone

4. Previous Approvals:

October 13, 2006 – Stormwater Management Concept Plan No. 38441-2006-00 is approved by the Department of Environmental Resources, (DER)

October 24, 2006 – Natural Resources Inventory, NRI/120/06, is approved by the Environmental Planning Section

February 6, 2007 – The Property is rezoned from the R-A Zone to the M-X-T Zone through the District Council’s approval of the *2007 Westphalia Sectional Map Amendment*, (See SMA Zoning Change 8 in CR-02-2007)

April 24, 2008 – The Planning Board approves PPS 4-07057 and Type I Tree Conservation Plan, TCPI/031/07, including a Variation from Section 24-121(a)(3) for Lots 2 & 3 with 14 conditions via PGCPB Resolution No. 08-51

May 15, 2008 – The Planning Board approves CSP-07002 and Type I Tree Conservation Plan, TCPI/031/07, with 12 conditions via PGCPB Resolution No. 08-50

November 10, 2008 – The District Council affirms the Planning Board’s decision for CSP-07002, (aka SP-07002), with 15 conditions

July 9, 2009 – The Planning Board approves DSP-08043 and Type II Tree Conservation Plan, TCPII/021/09, for infrastructure for grading and utilities with 1 condition via PGCPB Resolution No. 09-98

December 24, 2014 – Stormwater Management Concept Plan No. 38441-2006-02 is approved by the Department of Inspection and Enforcement, (DPIE)

April 15, 2016 – The Planning Director approves Alternative Compliance, AC-16003, for Section 4.6(c)(2) of the *Landscape Manual*, (Buffering Development from Special Roads)

June 9, 2016 – The Planning Board approves DSP-08043-01, Type II Tree Conservation Plan, TCPII/021/09/01, and Alternative Compliance, AC-16003, with 1 condition via PGCPB Resolution No. 16-71

December 5, 2016 – Final Plat of Subdivision, SJH 246-29, is recorded in Land Records for Lots 1, 2 & 3, Sansbury Crossing

5. Design Features:

The subject Property will be developed in a mixed-use format in conjunction with the requirements of the M-X-T Zone and in accordance with the recommendations for Mixed-Use Activity Center and Gateway Center developments recommended by the 2007 *Approved Westphalia Sector Plan*, and derived from a comprehensive land use planning study conducted prior to SMA initiation (October 2005 *Westphalia Comprehensive Concept Plan*). More specifically, Section 27-544 requires that development of the subject Property be guided by the sector plan's design guidelines or standards, and a referenced exhibit of record for the Property that shall provide guidance for the development regulations incorporated into the instant CSP application.

The sector plan recommends development of the subject Property as a Mixed-Use Center that is also designated as one of nine Gateways into Westphalia. The initial CSP application used the recommendations in the sector plan related to both Mixed-Use Centers and Gateways to develop a Conceptual Site Plan and an Illustrative Site Plan (both dated June 6, 2006, and part of SMA Exhibit 19). These site plans are the "referenced exhibit of record for the Property [that] shall provide guidance for the development regulations to be incorporated into the Conceptual Site Plan", as required by Section 27-547(e).

The Applicant's vision for implementing the Mixed-Use Center and Gateway recommendations in the sector plan is to develop the subject Property as a complementary component of the overall mix of uses in the Mixed-Use Center. As first shown on site plans submitted as part of SMA Exhibit 19, the Property is part of, yet distinctly separate in character, from the majority of the overall Mixed-Use Center. This distinction relates to the subject Property's obvious orientation to Ritchie-Marlboro Road and the three separate pad sites that will function as a supporting mixed-use retail element of the overall Mixed-Use Center.

The "Main Street" component of the sector plan's Mixed-Use Center will occur on adjacent properties to the south and west that are entirely oriented to Sansbury Road as shown in SMA Exhibit 19. The subject Property will contain retail/service uses in three buildings within the overall Mixed-Use Center. In total, the ultimate development of the overall Mixed-Use Center will provide opportunities for living, working, recreating, and shopping, while reducing vehicle trips. This overall Mixed-Use Center concept is illustrated on the above-mentioned June 6, 2006, Conceptual and Illustrative site plans that were submitted with SMA Exhibit 19.

The site plans in Exhibit 19 and the initial CSP application were developed in response to Development Pattern policies in the Westphalia Sector Plan that applies to Mixed-Use

Centers (p. 29-30), and this CSP amendment is in substantial harmony with the prior approved plan, CSP-07002. The design elements ascribed to such Mixed-Use Activity Centers centers are:

- ***Develop distinct, high quality, walkable, mixed-use and “main street” commercial development areas with focal points and shared amenities..*** As discussed above, SMA Exhibit 19 clearly illustrates the intended use of three retail pad sites on the subject property and the separate “Main Street” component of the overall Mixed-Use Center on the adjacent properties to the south and west fronting onto Sansbury Road. The three retail buildings/pad sites will complement one another architecturally and will be developed in a pedestrian-friendly, safe and inviting environment that also effectively serves the needs of vehicular traffic. Gateway signage and retaining wall/hardscape was reviewed and approved with DSP-08043-01 and has already been constructed on Lot 1 of the subject Property along the corner of Ritchie Marlboro Road and Sansbury Road. These features represent the focal point for the Property at the main intersection of Ritchie-Marlboro Road and Sansbury Road.

Uses recommended in the Sector Plan for mixed-use centers include retail, service, and employment components to service the area’s neighborhoods (p. 29). The uses intended for the Property will focus on meeting the retail and service needs of the neighborhoods in the Sector Plan area. This is already reflected on Lot 1 with a highly successful Royal Farms store approved in DSP-08043-01. Section 27-547(e) of the Zoning Ordinance allows a CSP submitted for any property located in the M-X-T Zone to include only one category of use, provided that it conforms to the visions, goals, policies and recommendations of the plan for that specific portion of the M-X-T Zone. As discussed herein, this CSP Amendment continues to demonstrate compliance with not only the plan (Exhibit 19 which only reflects commercial retail uses on the Property) for this portion of the M-X-T Zone, but also the visions, goals, policies and strategy recommendations of the 2007 *Westphalia Sector Plan*.

- ***Design commercial development to front a main street, or parks, plazas, or courtyards.*** The development on the Property is designed to front and interact with both of the major roads (i.e. Ritchie-Marlboro Road and Sansbury Road) on which it has frontage. The subject Property has been developed with a very successful Royal Farms service station and food store on Lot 1. This was the first phase of the overall Mixed-Use Activity Center development that helped establish a retail shopping character. The buildings on all three lots will continue to front onto the main streets of Ritchie-Marlboro Road in such a way that maximizes its roadway and access orientation. Two access points are shown from Ritchie-Marlboro Road and one access from Sansbury Road (for Lot 1). This reflects the fact that the majority of site frontage is oriented to Ritchie-Marlboro Road and the travelers along it. This orientation was also necessitated by subsequent detailed engineering studies that required locating the underground stormwater facility on the west end of the site and the preservation of woodlands along the south property line. Since a building cannot be constructed on top of an underground SWM facility or in woodland preservation, the remaining developable areas of the Property necessitate bringing the

retail buildings closer to Ritchie-Marlboro and Sansbury Roads. However, these constraints have enabled the site to provide a better internal circulation pattern and fire access than could have been achieved under SMA Exhibit 19, where buildings were shown a little closer to the edges of the roadway. Further, it is anticipated that the locations of future buildings on Lots 2 & 3 will align with location of structures of the Royal Farms store and canopy on Lot 1.

The three pad sites shown on the CSP Amendment are complementary to traditional main street communities. This is exactly the shopping street character the District Council desired for this area when it endorsed Exhibit 19 as part of the Sector Plan. Again, Exhibit 19 shows three pad sites on the subject Property with major access and visual orientation to Ritchie-Marlboro Road. Exhibit 19 clearly illustrates that the “shopping street character” is planned to occur along Sansbury Road on the remainder of the Mixed-Use Center properties that are planned to form the “Main Street” of the Mixed-Use Activity Center.

- ***Design internal streets/site circulation as low-speed streets with parallel or angled on-street parking.*** The submitted plan illustrates the internal circulation pattern that connects and provides circulation around each pad site. The parking and circulation pattern encourages low-speeds by vehicles. The road sections required by DPIE for Sansbury and Ritchie Marlboro Roads do not permit on-street parking.
- ***Residential and commercial development should be medium-to-high density with a minimum of two-story buildings, up to six.*** The three buildings on the subject Property will likely be designed as single-story retail buildings on pad sites. As part of DSP-08043-01 for Lot 1, the Planning Board found that the gable roof proposed on the Royal Farms building in conjunction with the over-sized windows, some of which are bisected by canopies, would create the appearance of a building that is at least two stories in height. It is anticipated that the retail building on Lots 2 and 3 will utilize similar architectural treatments to give the appearance of structures that are taller than 1 story. Such architectural details will be determined/reflected at time of DSP for Lots 2 & 3.

As illustrated in SMA Exhibit 19, the subject Property forms and serves a distinctly different development character than the remainder of the mixed-use “Main Street” components. Because the site is orientated to Ritchie-Marlboro Road and away from the more traditional “Main Street” components to be developed along Sansbury Road, there is less of a design need to maintain consistent building heights, particularly with the type of retail uses proposed.

- ***Design off-street surface parking to be placed to the side and rear of buildings, in the interior of blocks, and screened from public walks and streets.*** As originally shown on SMA Exhibit 19, the three buildings were shown closer to Ritchie-Marlboro and Sansbury Roads and closer to sidewalks. However, final stormwater engineering constraints required a slight redesign of the center where the buildings moved further back from the sidewalk. This movement, however, has enabled a more compatible circulation pattern

that better facilitates the use of drive-through windows at these retail buildings. Wide sidewalks have already been constructed along the Ritchie-Marlboro and Sansbury Road frontages that tie into the overall Center's wider "Main Street" sidewalk system. It is essential to note that the development of Lot 1 reflects a Royal Farms store located to the rear of Lot 1 and a gas station canopy near the frontage along Ritchie Marlboro Road. It is anticipated that the parking for buildings on Lots 2 and 3 will be largely located along the sides of said structures. Any parking located along the fronts of said buildings will be appropriately screened. The location of all parking will be determined at time of DSP.

- ***Off-street surface parking should be placed to the side and rear of buildings and in the interior of blocks and should be screened from public walks and streets.*** Condition 5(f) of CSP-07002 required the following;

"f. Off-street parking shall not be permitted between any building on the westernmost lot and Sansbury Road".

At the time of DSP-08043-01, the Applicant requested a modification to this development standard to allow off-street parking between the building on Lot 1 and Sansbury Road. There was a number of challenges to locating the building along Sansbury Road. The topographical and grade issues, safety and operational issues, efficient internal circulation, and the provision of effective pedestrian connectivity to the site made locating the building along Sansbury Road impractical. The Planning Board found that the requested modification would still result in a development that is consistent with the character and quality of development envisioned by the previously approved CSP and the Westphalia Sector Plan. Since the building on the westernmost lot that has frontage on Sansbury Road, (Lot 1), has already been fully constructed, the above condition has already been met. Compliance with the above guideline will be further reviewed at the time of DSP for Lots 2 & 3.

- ***Vehicular and pedestrian circulation should be interconnected between parcels with the sharing of curb cuts, parking, stormwater management, and the like between main businesses.*** The three lots will have interconnected parking facilities and share curb cuts. Two (2) shared vehicular access points occur on Ritchie-Marlboro Road, and one (1) along Sansbury Road. Because of this interconnectivity, the future development of Lots 2 & 3 will have ample space for internal vehicular circulation, parking, and queuing in the event a future user will need to incorporate a drive-through window. Stormwater Management will be designed to service all development envelopes and businesses on-site. Pedestrian connections are facilitated through the provision of wide sidewalks that have already been constructed along both Sansbury and Ritchie-Marlboro Roads. Appropriate vehicular circulation exhibits will be submitted at time of DSP for Lots 2 & 3 to demonstrate that all vehicles (both cars and trucks) will be able to safely and efficiently navigate the Property.
- ***Drive-through windows, canopies, and paved surface areas should be placed and designed to blend into the main street design.*** All drive-through windows or canopies

will be designed to blend into the overall development and complement associated buildings. Drive-through windows may be needed for future tenants on Lots 2 & 3. All canopies and windows would be fully integrated into the main building. However, since an ordering kiosk and menu board are needed for efficiency purposes prior to reaching the main building, (as required for all drive-through windows), the Applicant is requesting a modification to Condition 5(d) of CSP-07002 that would permit ordering kiosks, menu boards, and other informational signage needed to safely direct drive-through customers that is not physically and visually integrated into the main building.

Gateway Guidelines

The 2007 *Westphalia Sector Plan* also identifies the Property as one of the ten gateways into Westphalia. Design features for the gateways are as follows:

- *Landmark elements such as entrance signage, artwork, monuments constructed on features such as stone or masonry, decorative columns, water features, or clock towers.*
- *Landscape design including both softscape and hardscape.*
- *Resting and recreation facilities, information kiosks, or other amenities as appropriate.*

The CSP Amendment identifies a location for a gateway sign to be located at the corner of Sansbury Road and Ritchie Marlboro Road. Gateway signage and retaining wall/hardscape was reviewed and approved with DSP-08043-01 and has already been constructed on Lot 1 of the subject Property along the corner of Ritchie Marlboro Road and Sansbury Road. These features represent the focal point for the Property at the main intersection of Ritchie-Marlboro Road and Sansbury Road. Additional landscape design features for Lots 2 & 3 will be determined at time of DSP.

6. Section 27-276(b)(1) Planning Board Procedures, Required Findings for Conceptual Site Plans:

Section 27-276. - Planning Board procedures

(b) *Required findings.*

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

RESPONSE: The submitted CSP Amendment, as discussed above, continues to provide a

most reasonable alternative for satisfying the site design guidelines contained both within the 2007 *Westphalia Sector Plan* and the SMA for Mixed-Use Activity Centers. The subject Property implements the land use strategy recommendations of the 2007 Westphalia Sector Plan as noted in Sector Plan Development Concept 6 by providing needed commercial/retail uses that will service both residents in the Mixed-Use Activity Centers and travelers. In accordance with Section 27-547(e) of the Zoning Ordinance, the CSP submitted for any property located in the M-X-T Zone may include only one category of use, provided that it conforms to the visions, goals, policies and recommendations of the plan for that specific portion of the M-X-T Zone.

As discussed previously, this CSP justification demonstrates compliance with not only the plan for this portion of the M-X-T Zoned Center as shown in Sector Plan Development Concept 6, but also the visions, goals, policies and strategy recommendations of the 2007 Westphalia Sector Plan. The primary purpose of this CSP Amendment is to **delete** Condition 15, and to **revise** Condition 5(d). The restrictions set forth in Condition 15 are inappropriate as the Property can be developed with restaurant uses with a drive-through by right in the M-X-T Zone and the current RMF-48 Zone. Equally as important, such uses can be developed/designed without creating any access or circulation issues on the site. It should also be mentioned that Condition 5 of the current CSP contains design guidelines that directs the Applicant to design commercial/retail pads in a manner that is safe, convenient, and attractive. As part of this CSP Amendment, the Applicant has included a memorandum from its traffic engineer dated January 27, 2025, which demonstrates that drive through facilities could adequately be designed and placed on the subject Property (See attached EXHIBIT A). Further any such drive through facilities servicing restaurants (or any other user) will be adequately vetted at time of detailed site plan. Such detailed site plan applications would include circulation and access exhibits to demonstrate that vehicles can adequately access and circulate within the Property.

The Property was rezoned to the M-X-T Zone in 2007, and despite said zoning intensification occurring over 17 years ago, the Applicant has been unable to find end users for Lots 2 & 3. Many prospective tenants have a desire for drive-through service as part of their use. Since the COVID-19 pandemic, retail market trends have placed a greater emphasis on the ability of the consumer to have drive-through access. Without the requested deletion of Condition 15 in CSP-07002, the Applicant will continue to be at a competitive disadvantage in attracting quality commercial/retail users to the Property that may require a drive-through. Such users would meet the convenience needs of the surrounding community, increase the commercial tax base for the County, and provide attractive development for the Westphalia area in conformance with the intent of the 2007 Westphalia Sector Plan.

In addition to the deletion of Condition 15, this CSP Amendment also requests a minor revision to Condition 5(d) concerning the location of kiosks and menu boards. Drive-through windows may be needed for the future tenants on Lots 2 & 3, which are the only remaining lots in the CSP that have not yet been developed. All canopies and windows would be fully integrated into the main building. However, since an ordering kiosk and

menu board are needed for efficiency purposes prior to reaching the main building, (as required for all drive-through windows), the Applicant is requesting that the above condition be amended to permit ordering kiosks, menu boards, and other informational signage that is needed to safely direct drive-through customers that is not physically and visually integrated into the main building.

The Applicant requests that condition 5(d) be modified as follows:

- “d. Any drive-through canopies, or windows shall be physically and visually integrated into the main building. Ordering kiosks, menu boards and other informational signage needed to safely direct drive-through customers may be permitted and will be further reviewed at the time of Detailed Site Plan.”*

With the exception of the requested deletion of Condition **15**, and the minor revision to Condition **5(d)**, no other revisions are currently proposed to the parent Conceptual Site Plan application, CSP-07002.

- (2)** *The Planning Board may approve a Conceptual Site Plan for a Mixed-Use Planned Community in the E-I-A or M-X-T Zone if it finds that the property and the Plan satisfy all criteria for M-X-T Zone approval in Part 3, Division 2; the Plan and proposed development meet the purposes and applicable requirements of the M-X-T Zone; the Plan meets all requirements stated in the definition of the use; and the Plan shows a reasonable alternative for satisfying, in a high-quality, well-integrated mixed-use community, all applicable site design guidelines.*

RESPONSE: This section does not apply to the CSP Amendment as it is not proposing a Mixed-Use Planned community.

- (3)** *The Planning Board may approve a Conceptual Site Plan for a Regional Urban Community in the M-X-T Zone if it finds that proposed development meet the purposes and applicable requirements of the M-X-T Zone and the Plan meets all requirements stated in the definition of the use and Section 27-544 of this Code. For a property subject to the provisions of Section 27-544(f)(2)(I), the Planning Board or the District Council shall find that any guidelines established for a major employment use or center will not adversely affect the surrounding residential community. In making this finding, the Planning Board or District Council shall consider noise, height of the building, setbacks from surrounding properties, street frontages and sufficiency of green area.*

RESPONSE: This section does not apply to the CSP Amendment as it is not proposing a Regional Urban Community.

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

RESPONSE: This CSP Amendment continues to preserve all regulated environmental features to the fullest extent possible as found by the Planning Board in the approval of CSP-07002. This CSP Amendment only requests a revision to Condition 15 concerning drive-through service for restaurants and a revision to Condition 5(d) regarding the design for drive-throughs.

7. **Section 27-545. Optional Method of Development.**

(a) *Purposes.*

- (1) *Under the optional methods of development, greater densities shall be granted, in increments of up to a maximum floor area ratio of eight (8.0), for each of the uses, improvements, and amenities (listed in Subsection (b)), which are provided by the developer and are available for public use. The presence of these facilities and amenities is intended:*
- (A) *To make possible an environment capable of supporting the greater density and intensity of development permitted;*
- (B) *To encourage a high degree of urban design;*
- (C) *To increase pedestrian-oriented activities and amenities; and*
- (D) *To provide uses which encourage a lively, twenty-four (24) hour cycle for the development.*

RESPONSE: The subject Property will not use the optional method of development. The Property will not exceed the base FAR of 0.40 in the M-X-T Zone.

8. **Section 27-546(d) findings for Conceptual Site Plan Approval in the M-X-T Zone:**

(d) *In addition to the findings required for the Planning Board to approve either the Conceptual or Detailed Site Plan (Part 3, Division 9), the Planning Board shall also find that:*

- (1) *The proposed development is in conformance with the purposes and other provisions of this Division:*

RESPONSE: Both the District Council and Planning Board determined that the above finding was fully met at the time of the initial Conceptual Site Plan, CSP-07002. This CSP Amendment only requests a revision to Condition 15 concerning drive-through service for restaurants and a revision to Condition 5(d) regarding the design for drive-throughs. The proposed development of the Property will continue to be for retail/commercial development as approved in CSP-07002. Thus, the original findings of the Planning Board in CSP-07002 remain appropriate and applicable to this CSP Amendment. This application meets the purposes of the M-X-T Zone as outlined in Section 27-542 as follows:

Section 27-542 – Purposes

(a) *The purposes of the M-X-T Zone are:*

- (1) *To promote the orderly development and redevelopment of land in the vicinity of major interchanges, major intersections, major transit stops, and designated General Plan Centers so that these areas will enhance the economic status of the County and provide an expanding source of desirable employment and living opportunities for its citizens;***

RESPONSE: This CSP Amendment only requests a revision to Condition 15 concerning drive-through service for restaurants and a revision to Condition 5(d) regarding the design for drive-throughs. The proposed development of the Property will continue to be for retail/commercial development as approved in CSP-07002. Thus the original findings of the Planning Board in CSP-07002 remain appropriate and applicable to this CSP Amendment. The proposed development will continue to create a focal point for the southeastern quadrant of the interchange of the Capital Beltway and Ritchie-Marlboro Road at the gateway to the Westphalia area by implementing the visions, and retail land use strategy recommendations of the 2007 Westphalia Sector Plan as noted in Sector Plan Development Concept 6 provided below:

Appendix 1. Development Concepts (Cont'd)



Sector Plan Development Concept 6:
Westphalia Row/PB&J
Sectional Map Amendment Change 23A&B

- (2) *To implement recommendations in the approved General Plan, Master Plans, and Sector Plans, by creating compact, mixed-use, walkable communities enhanced by a mix of residential, commercial, recreational, open space, employment, and institutional uses;*

RESPONSE: The M-X-T Zone at this location implements the 2007 Westphalia Sector Plan as determined by Council action in adopting the SMA Amendment 8 for the subject Property and SMA Change 23 for the entire Mixed-Use Activity Center. In accordance with Section 27-547(e) of the Zoning Ordinance, the CSP submitted for any property located in the M-X-T Zone may include only one category of use, provided that it

conforms to the visions, goals, policies and recommendations of the plan for that specific portion of the M-X-T Zone. The property will likely only be developed with commercial/retail uses. As discussed previously, this CSP Amendment justification demonstrates compliance with not only the plan for this portion of the M-X-T Zoned Center as shown in Sector Plan Development Concept 6, but also the visions, goals, policies and strategy recommendations of the 2007 *Westphalia Sector Plan*.

- (3) ***To conserve the value of land and buildings by maximizing the public and private development potential inherent in the location of the zone, which might otherwise become scattered throughout and outside the County, to its detriment:***

RESPONSE: This CSP Amendment only requests a revision to Condition 15 concerning drive-through service for restaurants and a revision to Condition 5(d) regarding the design for drive-throughs. The proposed development of the Property will continue to be for retail/commercial development as approved in CSP-07002. Thus, the original findings of the Planning Board in CSP-07002 (save and except for Condition 15 and Condition 5(d)) remain appropriate and applicable to this CSP Amendment. Development of an integrated, mixed-use project at this location provides for conveniences and services at the focal point to the community to serve residents traversing this major roadway, rather than scattering these uses throughout the area. The subject Property provides a logical and complementary extension of the Mixed-Use Activity Center concept by providing a logical location for supporting retail/service uses. The requested revision to delete Condition 15 and amend Condition 5(d) in CSP-07002 is necessary to meet market demand and to allow for future tenants on Lots 2 & 3 to have the ability to request a drive-through at the time of DSP. At such time, the Applicant will demonstrate that adequate circulation and access within the Property will occur with any user that proposes a drive-through. The Applicant has tried for over 17 years to find a suitable tenant for Lots 2 & 3 without success. It is anticipated that the proposed deletion of Condition 15 and amendment of Condition 5(d) will greatly improve Applicant's opportunities to bring a high-quality user (in addition to Royal Farms on Lot 1) to the remaining portions of the project.

- (4) ***To promote the effective and optimum use of transit and reduce automobile use by locating a mix of residential and non-residential uses in proximity to one another and to transit facilities to facilitate walking, bicycle, and transit use;***

RESPONSE: The mix of residential and non-residential uses in proximity to one another at the intersection of the Capital Beltway and Ritchie-Marlboro Road, efficiently serves travelers along this intersection.

- (5) ***To facilitate and encourage a twenty-four (24) hour environment to ensure continuing functioning of the project after workday hours through a maximum of activity, and the interaction between the uses and those who live, work in, or visit the area;***

RESPONSE: The combination of commercial and residential uses along a major artery leading to the Mixed-Use Activity Center creates a 24-hour environment and an efficient location for services for those who live, work, and visit the area. The subject Property implements the land use strategy recommendations of the 2007 Westphalia Sector Plan as noted in Sector Plan Development Concept 6 by providing needed commercial/retail uses that will service both residents in the activity center and travelers. As stated elsewhere in this statement of justification, the deletion of Condition 15 and revision of Condition 5(d) is essential to allow the Property the option to develop with appropriate retail uses that contain drive-through services. Since the advent of the COVID-19 pandemic, it has become the strong preference of both tenants and consumers to have the option to utilize drive through and touchless retail to maximize convenience. The proposed CSP amendment will allow the subject Property to compete for tenants in this new retail landscape.

(6) *To encourage an appropriate horizontal and vertical mix of land uses which blend together harmoniously;*

RESPONSE: All uses within the Conceptual Site Plan will eventually blend together as other properties in the Mixed-Use Activity Center develop during subsequent phases. The subject Property allows the opportunity to establish the design elements, that will link with and help blend the discrete parts of the Mixed-Use Activity Center into a harmonious and unified development with architectural and pedestrian integration.

(7) *To create dynamic, functional relationships among individual uses within a distinctive visual character and identity;*

RESPONSE: Each use within the Mixed-Use Activity Center and on the subject Property will be distinctive, but blended together into a cohesive community through complimentary architectural treatments connected via pedestrian circulation.

(8) *To promote optimum land planning with greater efficiency through the use of economies of scale, savings in energy, innovative stormwater management techniques, and provision of public facilities and infrastructure beyond the scope of single-purpose projects;*

RESPONSE: Consolidation of uses into a single Mixed-Use Activity Center, with combined access points and a variety of uses in a single location will provide efficiency in transportation trips and circulation. Opportunities exist, as on the subject Property, to share facilities such as stormwater management and infrastructure.

(9) *To permit a flexible response to the market and promote economic vitality and investment; and*

RESPONSE: The subject Property implements the land use strategy recommendations of the 2007 Westphalia Sector Plan as noted in Sector Plan Development Concept 6 by providing commercial/retail land uses that are dictated by the market. Moreover, the mix of

residential unit types to the West and North will allow for townhouse and condominium units to more effectively serve the housing needs of different residents in the community. The subject Property allows development of discrete retail and service uses that can complement the other land uses within the Mixed-Use Activity Center without detracting from the desired “Main Street” character planned for the Sansbury Road frontage.

10. *To allow freedom of architectural design in order to provide an opportunity and incentive to the developer to achieve excellence in physical, social, and economic planning.*

RESPONSE: The ultimate landscaping, signage, seating, pedestrian walkways, and architectural design of the buildings within the Mixed-Use Activity Center will blend the various uses visually and functionally. The use of superior design and quality building materials within the subject Property will result in an overall architectural design that will provide excellence in physical, social, and economic planning at this gateway location.

Section 27-546(d) Continued:

Findings for Conceptual Site Plan Approval in the M-X-T Zone:

- (2) *For property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, the proposed development is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change. or include a major employment use or center which is consistent with the economic development strategies of the Sector Plan or General Plan;*

RESPONSE: The proposed development on the subject Property was approved as part of the M-X-T Zone approved through the 2007 Westphalia Sector Plan SMA. As discussed previously, the development proposed on the subject Property is in conformance with the design guidelines or standards intended to implement the development concept recommended by the 2007 Westphalia Sector Plan.

- (3) *The proposed development has an outward orientation which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;*

RESPONSE: The proposed Mixed-Use Activity Center development will be oriented to Ritchie-Marlboro Road visually and physically by the orientation of the fronts of the buildings to said roadway. The western corner of the subject Property already provides a gateway feature at this prominent location and includes a main street-type atmosphere along Sansbury Road. The subject Property can easily be integrated with the remainder of subsequent development phases because it will have established the basic design standards to be used throughout

the Mixed-Use Activity Center.

- (4) *The proposed development is compatible with existing and proposed development in the vicinity;***

RESPONSE: The design of the architecture of Lots 2 & 3 will consider the existing development on Lot 1 (Royal Farms) to ensure compatibility. It will also establish the design elements that will be carried forward into subsequent development phases in this Mixed-Use Activity Center, further ensuring integrity of design and compatibility with neighboring properties and the overall activity center.

- (5) *The mix of uses, arrangement and design of buildings and other improvements, and provision of public amenities reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;***

RESPONSE: As demonstrated by the approved CSP-07002 and this CSP Amendment, the arrangement and design of building pads on the subject Property will ensure implementation of a cohesive development through architectural and pedestrian connections.

- (6) *If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;***

RESPONSE: By virtue of separate ownerships, the overall Mixed-Use Activity Center must be staged. However, the subject Property is developing independently as anticipated by the SMA zoning actions in accordance with Sector Plan land use, zoning and design recommendations. The subject Property will stand as a self-sufficient entity and will allow and encourage the effective integration of subsequent phases.

- (7) *The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development;***

RESPONSE: Pedestrian walkways will connect the various uses on the site to one another and to the sidewalk and/or trail systems along the major roadways.

- (8) *On the Detailed Site Plan, in areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, high quality urban design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial); and***

RESPONSE: The above items will be addressed at the time of detailed site plan.

- (9) *On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, will be provided by the applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club), or are incorporated in an approved public facilities financing and implementation program, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.***

RESPONSE: With the exception of the requested deletion of Condition **15**, and the minor revision to Condition **5(d)**, no other revisions are currently proposed to the parent Conceptual Site Plan application, CSP-07002.

The adequacy of transportation facilities for the overall project was fully demonstrated at the time of PPS 4-07057, which was approved for the Property by the Planning Board on April 24, 2008, for 20,000 to 30,000 square feet of commercial/retail uses in the M-X-T Zone. At this time, the Applicant is not requesting any increase to the gross floor area previously approved for the project. Currently, only 5,166 square feet of gross floor area has been constructed on the Property through the subsequent approval of DSP-08043-01 for a food and beverage store and gas station, (Royal Farms).

No new driveway entrances are being proposed along Ritchie Marlboro Road for Lots 2 or 3, other than the two entrances previously authorized by the Planning Board at the time of PPS 4-07057. At that time, the Planning Board approved a variation request from Section 24-121(a)(3) of the Subdivision Regulations for the two entrances along Ritchie Marlboro Road, and no revisions are being requested for their locations or widths at this time. On-site circulation will be fully reviewed at the time of DSP when buildings and other on-site improvements are proposed. Access to Sansbury Road is limited to a right-in, right-out entrance, and no revisions to the existing entrance are being proposed as part of this CSP amendment.

- (10) *On the Detailed Site Plan, if more than six (6) years have elapsed since a finding of adequacy was made at the time of rezoning through a Zoning Map Amendment, Conceptual Site Plan approval, or preliminary plat approval, whichever occurred last, the development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or to be provided by the applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club).***

RESPONSE: The above requirement will be fully addressed at the time of DSP. All required adequacy improvements will be provided to support the development of 20,000 to 30,000 square feet of commercial/retail uses on the subject Property. No increase to the gross floor area previously approved for the project is being proposed. Any future residential use proposed on the Property would require the approval of a new PPS with a new finding of adequacy. It should be noted that per Section 24-4503(a) the subject Property was granted a certificate of adequacy which is valid for 12 years from April 1, 2022.

(11) *On a property or parcel zoned E-I-A or M-X-T and containing a minimum of two hundred fifty (250) acres, a Mixed-Use Planned Community including a combination of residential, employment, commercial and institutional uses may be approved in accordance with the provisions set forth in this Section and Section 27-548.*

RESPONSE: The subject Property consists of only 4.41 acres in the M-X-T Zone. As a result, the above condition is not applicable to the review of the subject application.

9. Section 27-544. Regulations.

(a) *Except as provided in Subsections (b) and (c) of this Section, additional regulations concerning the location, size, and other provisions for all buildings and structures in the M-X-T Zone are as provided for in Divisions 3 and 4 of this Part, General (Part 2), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.*

RESPONSE: All of the above requirements will be fully demonstrated at the time of Detailed Site Plan.

10. Section 27-547 Table of Uses.

(e) *For property placed in the M-X-T Zone by a Sectional Map Amendment approved after October 1, 2006, and recommended for mixed-use development in the General Plan, and a Master Plan, or Sector Plan for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, a Conceptual Site Plan submitted for any property located in the M-X-T Zone may include only one (1) of the above categories, provided that it conforms to the visions, goals, policies, and recommendations of the plan for that specific portion of the M-X-T Zone.*

RESPONSE: Section 27-547(e) of the Zoning Ordinance allows a CSP submitted for any property located in the M-X-T Zone to include only one category of use, provided that it conforms to the visions, goals, policies and recommendations of the plan for that specific portion of the M-X-T Zone. As discussed herein, this CSP Amendment continues to

demonstrate compliance with not only the plan (Exhibit 19 which only reflects commercial retail uses on the Property) for this portion of the M-X-T Zone, but also the visions, goals, policies and strategy recommendations of the 2007 *Westphalia Sector Plan*. The 2007 *Westphalia Sector Plan* recommends development of the subject Property as part of a Mixed-Use Activity Center that is also designated as one of nine Gateways into Westphalia. The recommendations in the sector plan related to both Mixed-Use Activity Centers and Gateways were used to develop the prior CSP application (CSP-07002) and this CSP Amendment. The Conceptual Site Plan and Illustrative Site Plan, (both dated June 6, 2006, and part of SMA Exhibit 19), were included as the “referenced exhibit of record for the Property [that] shall provide guidance for the development regulations to be incorporated into the Conceptual Site Plan.”

11. Section 27-548. - M-X-T Zone Regulations

(a) *Maximum floor area ratio (FAR):*

(1) *Without the use of optional method of development - 0.40 FAR; and*

(2) *With the use of the optional method of development - 8.00 FAR.*

RESPONSE: The project will not exceed a maximum floor area ratio of 0.40. This FAR would be further determined at the time of DSP when buildings are proposed.

(b) *The uses allowed in the M-X-T Zone may be located in more than one building, and on more than one lot.*

RESPONSE: The proposed development will create a focal point for the southeastern quadrant of the interchange of the Capital Beltway and Ritchie-Marlboro Road at the gateway to the Westphalia area by implementing the retail land use strategy recommendations of the 2007 Westphalia Sector Plan as noted in Sector Plan Development Concept 6.

(c) *Except as provided for in this Division, the dimension for the location, coverage and height of all improvements shown on an approved Detailed Site Plan shall constitute the regulations of these improvements for a specific development in the M-X-T Zone.*

RESPONSE: This data will be provided at the time of DSP submittal.

(d) *Landscaping, screening, and buffering of development in the M-X-T Zone shall be provided pursuant to the provisions of the Landscape Manual. Additional buffering and screening may be required to satisfy the purposes of the M-X-T Zone and to protect the character of the M-X-T Zone from adjoining or interior incompatible land uses.*

RESPONSE: Conformance to the *Landscape Manual* will be demonstrated at the time of DSP.

- (e) *In addition to those areas of a building included in the computation of gross floor area (without the use of the optional method of development), the floor area of the following improvements (using the optional method of development) shall be included in computing the gross floor area of the building of which they are a part: enclosed pedestrian spaces, theaters, and residential uses. Floor area ratios shall exclude from gross floor area that area in a building or structure devoted to vehicular parking and parking access areas (notwithstanding the provisions of Section 27-107.01). The floor area ratio shall be applied to the entire property which is the subject of the Conceptual Site Plan.*

RESPONSE: This information will be provided at the time of DSP.

- (f) *Private structures may be located within the air space above, or in the ground below public rights-of-way.*

RESPONSE: The above finding is not applicable to the subject Property.

- (g) *Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code.*

RESPONSE: Final Plat of Subdivision, SJH 246-29, was recorded in Land Records on December 5, 2016 for Lots 1, 2 & 3, Sansbury Crossing. The recorded plat demonstrates that each lot has frontage on, and direct vehicular access to, a public street.

No new driveway entrances are being proposed along Ritchie Marlboro Road for Lots 2 or 3, other than the two entrances previously authorized by the Planning Board at the time of PPS 4-07057. At that time, the Planning Board approved a variation request from Section 24-121(a)(3) of the Subdivision Regulations for the two entrances along Ritchie Marlboro Road, and no revisions are being requested for their locations or widths at this time. Access to Sansbury Road is limited to a right-in, right-out entrance along the rear of Lot 1, and no revisions to the existing driveway entrance are being proposed as part of this CSP amendment.

- (h) *Townhouses developed pursuant to a Detailed Site Plan for which an application is filed after December 30, 1996, shall be on lots at least one thousand two hundred (1,200) square feet in size, and shall have at least sixty percent (60%) of the full front facades constructed of brick, stone, or stucco. In addition, there shall be no more than eight (8) townhouses per building group, except where the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than eight (8) dwelling units (but not more than ten (10) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than eight (8) dwelling*

units exceed twenty percent (20%) of the total number of building groups in the total development. The minimum building width in any continuous, attached group shall be eighteen (18) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area. The minimum lot size, maximum number of units per building group and percentages of such building groups, and building width requirements and restrictions shall not apply to townhouses on land any portion which lies within one-half (½) mile of an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority and initially opened after January 1, 2000. In no event shall there be more than ten (10) dwelling units in a building group and no more than two (2) building groups containing ten (10) dwelling units. For purposes of this section, a building group shall be considered a separate building group (even though attached) when the angle formed by the front walls of two (2) adjoining rows of units is greater than forty-five degrees (45°). Except that, in the case of a Mixed-Use Planned Community, there shall be no more than eight (8) townhouses per building group, except when the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than eight (8) dwelling units (but not more than ten (10) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than eight (8) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development. The minimum building width in any continuous, attached group shall be eighteen (18) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area. Garages may not dominate the streetscape. Garages that are attached or incorporated into the dwelling shall be set back a minimum of four (4) feet from the front façade and there shall not be more than a single garage, not to exceed ten (10) feet wide, along the front façade of any individual unit. Garages may be incorporated into the rear of the building or freestanding in the rear yard and accessed by an alley. Sidewalks are required on both sides of all public and private streets and parking lots. At the time of Detailed Site Plan, the Planning Board or the District Council may approve a request to substitute townhouses, proposed for development as condominiums, in place of multifamily dwellings that were approved in a Conceptual Site Plan approved prior to April 1, 2004. Such substitution shall not require a revision to any previous plan approvals. Further, at the time of Detailed Site Plan for a Mixed-Use Planned Community, the Planning Board or the District Council may approve modifications to these regulations so long as the modifications conform to the applicable regulations for the particular development.

RESPONSE: The proposed development will create a focal point for the southeastern quadrant of the interchange of the Capital Beltway and Ritchie-Marlboro Road at the gateway to the Westphalia area by implementing the visions, and retail land use strategy recommendations of the 2007 Westphalia Sector Plan as noted in Sector Plan Development Concept 6. Any future

residential use proposed on the Property would require the approval of a new PPS with a new finding of adequacy. Should townhouses be proposed in the future, they will be designed to comply with the above requirements.

- (i) ***The maximum height of multifamily buildings shall be one hundred and ten (110) feet. This height restriction shall not apply within any Transit District Overlay Zone, designated General Plan Metropolitan or Regional Centers, or a Mixed-Use Planned Community.***

RESPONSE: Any future residential use proposed on the Property would require the approval of a new PPS with a new finding of adequacy. The above regulation will be followed should multifamily residential uses be proposed in the future.

- (j) ***As noted in Section 27-544(b), which references property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, regulations for Conceptual or Detailed Site Plans (such as, but not limited to density, setbacks, buffers, screening, landscaping, height, recreational requirements, ingress/egress, and internal circulation) should be based on the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map Amendment Zoning Change and any referenced exhibit of record for the property. This regulation also applies to property readopted in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation of a concurrent Master Plan or Sector Plan (see Section 27-226(f)(3) of the Zoning Ordinance). Notwithstanding any other provision of this Code, this regulation shall not apply to property subject to the provisions of Section 27-544(f)(2)(I), above.***

RESPONSE: The 2007 Westphalia Sector Plan recommends the development of the subject Property as part of a Mixed-Use Activity Center that is also designated as one of nine Gateways into Westphalia. The recommendations in the sector plan related to both Mixed-Use Activity Centers and Gateways were used to develop the prior CSP application (CSP-07002) and this CSP Amendment. The Conceptual Site Plan and Illustrative Site Plan, (both dated June 6, 2006, and part of SMA Exhibit 19), were included as the “referenced exhibit of record for the Property [that] shall provide guidance for the development regulations to be incorporated into the Conceptual Site Plan.” Condition 15 and Condition 5(d) were established at time of CSP-07002 as allowed by this section. As such it's appropriate for this CSP Amendment to propose revisions to these “regulations” to allow the potential for retail uses that include drive-through facilities. Again, it should be noted that drive-through facilities are allowed for all other retail uses on the Property with the exception of restaurants per existing Condition 15. There is no evidence in the record to justify why restaurants should be the only use type prohibited from having a drive-through facility. Further, the current language of Condition 5(d) places severe

design constraints on drive-through facilities that make them potentially less safe, less user friendly, and less functional. Upon approval of this CSP Amendment all details related to the design of buildings and any associated drive-through facilities will be thoroughly reviewed at time of DSP.

12. COMPLIANCE WITH PRIOR CONDITIONS OF APPROVAL

Conceptual Site Plan, CSP-07002 - (aka SP-07002):

The Planning Board approved CSP-07002 and Type I Tree Conservation Plan, TCPI/031/07, on May 15, 2008, with 12 conditions via PGCPB Resolution No. 08-50. On November 10, 2008, The District Council affirmed the Planning Board's decision for CSP-07002, with 15 conditions. The following conditions are relevant to the review of the proposed CSP amendment:

Any revisions requested to the conditions below are shown as "RESPONSE/REVISION".

1. ***Prior to certificate approval of the conceptual site plan, the plan shall be revised as follows:***
 - a. ***Remove the words, "Woodland area to be removed and graded in the future for integration with southern property. The future development will compensate for relocation of the conservation area" from the label for the potential future connections on the southern property line.***
 - b. ***List the approved development standards.***

RESPONSE: The plan revisions requested above would have been fully completed prior to the certification of CSP-07002.

2. ***Prior to certification of the conceptual site plan, the Type I Tree Conservation Plan, TCP I/031/07, shall be revised as follows:***
 - a. ***Show all required bufferyards on the TCP I in accordance with the Conceptual Site Plan (CSP-07002). The plan shall clearly identify the limits of each bufferyard shown.***
 - b. ***Revise Note 1 to reference the conceptual site plan number for this application (CSP-07002).***
 - c. ***Eliminate the proposed tree line from the plan and show only the proposed limits of disturbance. Provide the symbol in the legend.***

- d. Show all public utility easements.*
- e. Revise the TCP I worksheet as necessary.*
- f. Have the revised plans signed and dated by the qualified professional who prepared them.*

RESPONSE: The plan revisions requested above would have been fully completed prior to the certification of CSP-07002.

- 3. Prior to certification of the conceptual site plan and Type I tree conservation plan, all plans shall be revised to show the location of the unmitigated 65 dBA Ldn noise contour.*

RESPONSE: The plan revisions requested above would have been fully completed prior to the certification of CSP-07002. Further, no residential uses are being proposed with the subject CSP amendment that would require noise mitigation.

- 4. Prior to certification of the conceptual site plan, the stormwater management concept approval letter and associated plan shall be submitted. The approved concept shall be reflected on the TCP I.*

RESPONSE: The submission of the stormwater management concept approval letter and associated plan would have been required prior to the certification of CSP-07002.

- 5. The following standards shall apply to and be reflected on all detailed site plans for commercial/retail buildings on the property. Said standards shall be interpreted to allow for either a single user of the entire site or up to three individual pad site users. At the time of detailed site plan review, the Planning Board may make modifications to the Development Standards without the need to amend the conceptual site plan if the Planning Board finds such modification is appropriate and consistent with the character and quality of the development envisioned by the conceptual site plan and the Westphalia Sector Plan.*

- a. Any building located on the western portion of the site shall be visually parallel to Sansbury Road and the closest building corner shall be set back 15-25 feet from the ultimate right-of-way line.*

RESPONSE: This condition was addressed at the time of DSP-08043-01, which included the only lot in the CSP that has frontage on Sansbury Road. As such, the above condition has already been met.

- b. Provision of parking between building(s) and Ritchie Marlboro Road (from the Sansbury Road intersection to the first entrance along Ritchie Marlboro Road) shall be evaluated based on the following:*

- (1) *Consistency with the goals and standards of the Westphalia Sector Plan.*
- (2) *The location of the building.*
- (3) *The needs of the site's ultimate users.*
- (4) *The location, size, and appearance of future corner gateway feature(s).*

RESPONSE: This condition was addressed at the time of DSP-08043-01. This guideline will be further addressed on the DSP for Lots 2 & 3.

- c. *If any parking is provided between the building(s) and the Ritchie Marlboro Road right-of-way, the parking shall be buffered with appropriate screening and/or landscape features such as decorative fencing, masonry walls, and plantings along Ritchie Marlboro Road that also serve to visually connect the site to the overall gateway center features.*

RESPONSE: This condition was addressed at the time of DSP-08043-01. On June 9, 2016, the Planning Board approved DSP-08043-01, Type II Tree Conservation Plan, TCPII/021/09/01, and Alternative Compliance, AC-16003, with 1 condition via PGCPB Resolution No. 16-71. The companion Alternative Compliance application was approved for Section 4.6(c)(2), Buffering Development from Special Roadways, of the *Landscape Manual* along Ritchie Marlboro Road. As noted on Page 9 of the adopted Planning Board Resolution, PGCPB No. 16-71, the Planning Board found that the proposed landscaping, in conjunction with the gateway sign/wall and landscaping along Sansbury Road, would effectively screen the parking area and visually connect the site to the overall Gateway Center. This guideline will be further addressed at the time of DSP for Lots 2 & 3 in a similar fashion.

- d. *Any drive-through kiosks, canopies, or windows shall be physically and visually integrated into the main building.*

RESPONSE/REVISION: The Applicant is requesting a modification to the above condition. Drive-through windows may be needed for the future tenants on Lots 2 & 3, which are the only remaining lots in the CSP that have not yet been developed. All canopies and windows would be fully integrated into the main building. However, since an ordering kiosk and menu board are needed for efficiency purposes prior to reaching the main building, (as required for all drive-through windows), the Applicant is requesting that the above condition be amended to permit ordering kiosks, menu boards, and other informational signage that is needed to safely direct drive-through customers that is not physically and visually integrated into the main building.

The Applicant would suggest that the above condition be revised as follows:

- “d. Any drive-through canopies, or windows shall be physically and visually integrated into the main building. Ordering kiosks, menu boards and other informational signage needed to safely direct drive-through customers may be permitted and will be further reviewed at the time of Detailed Site Plan.”*

With the exception of the requested deletion of Condition **15**, and the minor revision to Condition **5(d)**, no other revisions are currently proposed to the parent Conceptual Site Plan application, CSP-07002.

- e. **Building(s) must be multistory or provide a visual appearance of being at least two stories in height.***

RESPONSE: The proposed gable roof of the Royal Farms building on Lot 1, that was approved with DSP-08043-01, is 32 feet in height, with the midpoint of the gable being approximately 25 feet high. The flat roof portion of the building is approximately 22 feet in height. During the review of the DSP, the Planning Board found that in conjunction with the over-sized windows, some of which are bisected by canopies, that these elements would create the appearance of a building that is at least two stories in height. At the time of future DSP applications for Lots 2 & 3, the Applicant will work with the Planning Staff to implement a building that has a height complimentary to the development on Lot 1.

- f. **Off-street parking shall not be permitted between any building on the westernmost lot and Sansbury Road.***

RESPONSE: This condition was fully addressed at the time of DSP-08043-01, which was reviewed for the building on the westernmost lot that has frontage on Sansbury Road, (Lot 1). At the time of DSP-08043-01, the applicant requested a modification to this development standard to allow off-street parking between the building on Lot 1 and Sansbury Road. There were a number of challenges to locating the building along Sansbury Road. The topographical and grade issues, safety and operational issues, efficient internal circulation, and the provision of effective pedestrian connectivity to the site made locating the building along Sansbury Road impractical. The Planning Board found that the requested modification would still result in a development that is consistent with the character and quality of development envisioned by the previously approved CSP and the Westphalia Sector Plan. Since the building on the westernmost lot that has frontage on Sansbury Road, (Lot 1), has already been fully constructed, the above condition has already been met.

- 6. **Prior to submittal of a detailed site plan for this property, the applicant shall demonstrate that the existing house on the subject property has been photographed and recorded on a Maryland Inventory of Historic Properties form. The documentation shall be submitted to staff of the Historic Preservation***

and Public Facilities Planning Section.

RESPONSE: This condition has been fully satisfied. As noted in the Planning Board Resolution for DSP-08043-01, the required MIHP Form was submitted to the Historic Preservation and Public Facilities Planning Section on September 9, 2008, (*See Page 21 of PGCPB No. 16-71*).

7. ***At the time of detailed site plan review for the first commercial/retail building for the subject property, the site will be evaluated for conformance to the gateway design guidelines of the Westphalia Sector Plan. Review should include items such as gateway entrance features, architectural design, materials, colors, landscape palette, and streetscape features and amenities. It is anticipated that the DSP for the Westphalia Row property and the PB & J property will establish these features in conjunction with the Westphalia Gateway Subcommittee, and that the design of gateway features for both properties should be similar or complimentary to one another, dependent upon the final uses approved for each site. The applicant may be required to provide an easement for the location of a gateway feature at the Ritchie Marlboro Road and Sansbury Road.***

RESPONSE: This condition was fully addressed at the time of DSP-08043-01 and has, therefore, been satisfied. Gateway signage was reviewed and approved with that application and has already been constructed on Lot 1 of the subject Property along the corner of Ritchie Marlboro Road and Sansbury Road, (*see image below of existing conditions*).



8. ***The following note shall be placed on the final plat of subdivision:***

“Development is subject to restrictions shown on the approved Type I tree conservation plan (TCP I/031/07), or as modified by the Type II tree conservation plan, and precludes any disturbance or installation of any structure

within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved tree conservation plans for the subject property are available in the offices of the Maryland- National Capital Park and Planning Commission, Prince George’s County Planning Department, Environmental Planning Section.”

RESPONSE: The above note was already added to the recorded plat, (*see Note 4 on Plat SJH 246-29*). As a result, the above condition has been fully satisfied.

9. *The proposed development shall be limited to a mix of uses where the net new trips shall not exceed 207 AM and 269 PM peak-hour trips.*

RESPONSE: The Applicant is in agreement with the above condition. Currently, the site is developed with food and beverage store and a gas station with eight multi-product dispensers and a total of 16 fueling stations that would generate 62 AM peak hour trips and 95 PM peak hour trips. All future development on the subject Property will be in full compliance with the above trip cap and will be further demonstrated at the time of DSP.

10. *Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency’s access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency.*

- a. *Sansbury Road/D’Arcy Road intersection*

Provide a separate left and right turn lanes for the D’Arcy Road approaches. Since these additional improvements will not lower the delay below 50 seconds in any given movement, and per the requirement of DPW&T, the applicant shall conduct a traffic signal warrant study and install a signal if deem to be warranted AND approved by DPW&T.

- b. *Ritchie Marlboro Road/White House Road intersection*

Provide the following improvements:

Northbound approach: 2 left turn lanes and a shared left-through-right lane.

- c. *Sansbury Road/Ritchie Marlboro Road intersection*

Provide a third eastbound and westbound through lane.

RESPONSE: The Applicant is in agreement with the above condition.

11. *There shall be no direct access to Ritchie Marlboro Road from Lot 1.*

RESPONSE: The Applicant is in agreement with the above condition. The above requirement is further stated on the recorded plat, (*see Note 5 on Plat SJH 246-29*). No new driveway entrances are being proposed along Ritchie Marlboro Road for Lots 2 or 3, other than the two entrances previously authorized by the Planning Board at the time of PPS 4-07057. At that time, the Planning Board approved a variation request from Section 24-121(a)(3) of the Subdivision Regulations for the two entrances along Ritchie Marlboro Road, and no revisions are being requested to their locations or widths at this time.

12. *Access to Sansbury Road shall be limited to a right-in right-out only.*

RESPONSE: The Applicant is in agreement with the above condition. The above requirement is further stated on the recorded plat, (*see Note 6 on Plat SJH 246-29*). Access to Sansbury Road is limited to a right-in, right-out entrance along the rear of Lot 1, and no revisions to the existing driveway entrance are being proposed as part of this CSP amendment.

13. *At time of detailed site plan for the first commercial/retail building, the applicant shall demonstrate that the proposed development provides a development style that is more consistent with that shown in Exhibit 19 of the public record for the 2007 Westphalia Sectional Map Amendment, conforms with and promotes policy 6 in strategy IV, and also with the vision, strategy, and design principles in the Westphalia Sector Plan concerning an attractive gateway into Westphalia.*

RESPONSE: This condition was fully addressed at the time of DSP-08043-01. Exhibit 19 depicts a perspective illustration of future Sansbury Road showing the main street development character referenced in the Westphalia Sector Plan. Exhibit 19 also included a gas station and convenience store at the eastern corner of Sansbury Road and Ritchie Marlboro Road as a potential development option.

The Planning Staff found that while the gas station and food and beverage store would not create the anticipated walkable “main street” commercial contemplated by the sector plan, that the uses had been part of the sector plan since its adoption. The Planning Board also found that the proposed development would be consistent with the vision, strategy, and design principles of the sector plan to create an attractive gateway into the Westphalia area. As previously noted, DSP-08043-01 was approved for the first commercial/retail building on the subject Property. As such, the above condition has been fully satisfied.

14. *At the time of detailed site plan for the first commercial/retail building, the applicant shall provide to the District Council, any plans or specifications that the applicant may have, with reference to its efforts to achieve the Westphalia Sector Plan’s policy goal of ensuring minority participation.*

RESPONSE: The above information was provided to the District Council during the review of DSP-08043-01, which was approved for the first commercial/retail building on the subject Property. As such, the above condition has been fully satisfied.

15. *To avoid access problems and other circulation issues, no restaurant on the subject property shall have a drive-through window or facility.*

RESPONSE/REVISION: This condition should be **deleted** in its entirety. The restrictions set forth in Condition 15 are inappropriate as the Property can be developed with restaurant uses with a drive-through by right in the M-X-T Zone and the current RMF-48 Zone. Equally as important, such uses can be developed/designed without creating any access or circulation issues on the site. It should also be mentioned that Condition 5 of the current CSP contains design guidelines that direct the Applicant to design commercial/retail pads in a manner that is safe, convenient, and attractive. At the time of detailed site plan, the Applicant will be able to confirm before the Planning Board that future development on Lots 2 & 3 of the Property will have adequate access and circulation, (even if such potential uses include the provision of a drive-through window or facility). As part of this CSP Amendment, the Applicant has included a memorandum from its traffic engineer dated January 27, 2025, which demonstrates that drive through facilities could adequately be designed and placed on the subject Property (See attached EXHIBIT A). Further any such drive through facilities servicing restaurants (or any other user) will be adequately vetted at time of detailed site plan. Such detailed site plan applications would include circulation and access exhibits to demonstrate that vehicles can adequately access and circulate within the Property.

The Property was rezoned to the M-X-T Zone in 2007, and despite said zoning intensification occurring over 17 years ago, the Applicant has been unable to find end users for Lots 2 & 3. Many prospective tenants have a desire for drive-through service as part of their use. Since the COVID-19 pandemic, retail market trends have placed a greater emphasis on the ability of the consumer to have drive-through access. Without the requested deletion of Condition 15 in CSP-07002, the Applicant will continue to be at a competitive disadvantage in attracting quality commercial/retail users to the Property that may require a drive-through. Such potential users would meet the convenience needs of the surrounding community, increase the commercial tax base for the County, and provide attractive development for the Westphalia area in conformance with the intent of the 2007 Westphalia Sector Plan.

Preliminary Plan of Subdivision, PPS 4-07057

On April 24, 2008, The Planning Board approved PPS 4-07057 and Type I Tree Conservation Plan, TCPI/031/07, including a Variation from Section 24-121(a)(3) for Lots 2 & 3 with 14 conditions via PGCPB Resolution No. 08-51. The following conditions are relevant to the review of the proposed CSP amendment.

1. ***Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:***
 - a. ***Locate existing water and sewer lines.***
 - b. ***Provide reference that development is subject to CSP-07002.***
 - c. ***Provide a note that a variation was approved to Section 24-121(a)(3) for direct vehicular access to Ritchie Marlboro Road and the restrictions of that approval.***
 - d. ***Add a note that a raze permit is required to remove the existing structure, and that the well and septic systems must be properly abandoned before the release of the grading permit.***

RESPONSE: The above plan revisions were addressed prior to signature approval of the PPS.

2. ***A Type II tree conservation plan shall be approved with the detailed site plan.***

RESPONSE: The Applicant is in agreement with the above condition. On June 9, 2016, the Planning Board approved DSP-08043-01, Type II Tree Conservation Plan, TCPII/021/09/01, and Alternative Compliance, AC-16003, with 1 condition via PGCPB Resolution No. 16-71. All future DSP's for the site will include a companion Type II Tree Conservation Plan.

3. ***Development of this site shall be in conformance with the Stormwater Management Concept Plan, 38441-2006-00, and any subsequent revisions.***

RESPONSE: Stormwater Management Concept Plan No. 38441-2006-02 was approved by the Department of Inspection and Enforcement, (DPIE) on December 24, 2014. All future DSP's for the site that propose new development will include an updated SDCP plan.

4. ***Any residential development of the subject property shall require the approval of a new preliminary plan of subdivision prior to the approval of a detailed site plan proposing such use.***

RESPONSE: The Applicant is in agreement with the above condition. No residential development is proposed.

5. ***An automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.***

RESPONSE: The Applicant is in agreement with the above condition.

6. ***Prior to the approval of the detailed site plan (DSP) the applicant shall submit evidence that the access easement (Liber 17192 Folio 049) dated April 7, 2003, that encumbers Lot 3 to serve Parcel 140 to the east has been abandoned. If the applicant is unable to obtain the abandonment, the DSP shall delineate the full extent of the easement and ensure uninterrupted access to Parcel 140. The layout shall be designed so that there will be no vehicular or pedestrian conflict between the development on Lot 3 and the use of the easement by the owners of Parcel 140.***

RESPONSE: As noted on Page 12 of Planning Board Resolution, PGCPB No. 16-71, this condition was fully satisfied prior to the certification of DSP-08043.

7. ***The final plat shall carry a note that direct vehicular access to Ritchie Marlboro Road from Lot 1 is denied, and that direct vehicular access from Lots 2 and 3 to Ritchie Marlboro Road combined shall be limited to two and are authorized pursuant to Section 24-121(a)(3) of the Subdivision Regulations. All other access shall be denied along Ritchie Marlboro Road. The existing access easement (Liber 17172 folio 049) serving Parcel 140 to the east shall be included when counting the total number of authorized points of access to Ritchie Marlboro Road for Lots 2 and 3 unless abandoned.***

RESPONSE: The Applicant is in agreement with the above condition. The above requirement is further stated on the recorded plat, (*see Note 5 on Plat SJH 246-29*). No new driveway entrances are being proposed along Ritchie Marlboro Road for Lots 2 or 3, other than the two entrances previously authorized by the Planning Board at the time of PPS 4-07057. At that time, the Planning Board approved a variation request from Section 24-121(a)(3) of the Subdivision Regulations for the two entrances along Ritchie Marlboro Road, and no revisions are being requested for their locations or widths at this time.

8. ***The proposed development shall be limited to a mix of uses where the net new trips shall not exceed 207 AM and 269 PM peak-hour trips. Any development generating an impact greater than that identified herein above shall require an additional preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.***

RESPONSE: The Applicant is in agreement with the above condition. Currently, the site is developed with a food and beverage store and a gas station with eight multi-product dispensers and a total of 16 fueling stations that would generate 62 AM peak hour trips and 95 PM peak hour trips. All future development on the subject Property will be in full compliance with the above trip cap and will be further demonstrated at the time of DSP.

9. *Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency*

a. *Sansbury Road/D'Arcy Road intersection*

Provide a separate left and right turn lanes for the D'Arcy Road approaches. Since these additional improvements will not lower the delay below 50 seconds in any given movement, and per the requirement of DPW&T, the applicant shall conduct a traffic signal warrant study and install a signal if deem to be warranted AND approved by DPW&T.

b. *Ritchie Marlboro Road/White House Road intersection*

Provide the following improvements:

- *Northbound approach: two left-turn lanes and a shared left-through-right lane*

c. *Sansbury Road/Ritchie Marlboro Road intersection*

- *Provide a third eastbound and westbound through lane*

RESPONSE: The Applicant is in agreement with the above condition.

10. *The final plat shall carry a note that access to Sansbury Road from this site shall be limited to a right-in/right-out only.*

RESPONSE: The above condition has been fully satisfied. The above note was added to the recorded plat, (see Note 5 on Plat SJH 246-29).

11. *Prior to the issuance of grading permits the applicant shall demonstrate that any abandoned well and septic system has been pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department.*

RESPONSE: The above condition was fully satisfied prior to the issuance of a grading permit for the Property.

12. *Prior to signature approval of the preliminary plan, the Type I Tree Conservation Plan, TCPI/031/07, shall be revised as follows:*

- a. *Label any proposed retaining walls. Provide heights and at least ten feet of cleared area on both sides for construction.*
- b. *Show the specimen trees to be removed by placing an “x” over those to be removed.*
- c. *The note on the TCPI shall be revised to state only, “Potential 30-foot drive aisle for future access to the south.” The rest of the note shall be removed.*
- d. *Have the revised plans signed and dated by the qualified professional who prepared them.*

RESPONSE: The above plan revisions were addressed prior to signature approval of the PPS.

13. *The following note shall be placed on the final plat of subdivision:*

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/031/07), or as modified by the Type II tree conservation plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved tree conservation plans for the subject property are available in the offices of The Maryland- National Capital Park and Planning Commission, Prince George’s County Planning Department.”

RESPONSE: The above condition has been fully satisfied. The above note was added to the recorded plat, (see Note 4 on Plat SJH 246-29).

14. *Prior to submittal of the detailed site plan for this property the applicant shall demonstrate that the existing house on the subject property has been photographed and recorded on the Maryland Inventory of Historic Properties form. The documentation shall be submitted to staff of the Historic Preservation and Public Facilities Planning Section.*

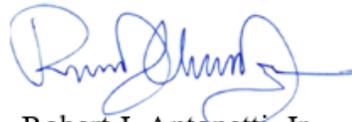
RESPONSE: This condition has been fully satisfied. As noted on Page 21 of the Planning Board Resolution for DSP-08043-01, (PGCPB No. 16-71), the required MIHP Form was submitted to the Historic Preservation and Public Facilities Planning Section on September 9, 2008.

13. CONCLUSION:

Based on the above reasons, Conceptual Site Plan, CSP-07002-01, meets all requirements for approval set forth in the prior Zoning Ordinance. As such, the Applicant respectfully requests that the instant CSP Amendment be approved by the Planning Board.

Thank you in advance for your consideration of this application. If you have any questions or comments, please do not hesitate to contact the undersigned.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert J. Antonetti, Jr.", with a long horizontal flourish extending to the right.

Robert J. Antonetti, Jr.

RJA/jjf

cc: P,B&J, LLC
CDDI
Lenhart Traffic Consulting, Inc.

LAW OFFICES
SHIPLEY & HORNE, P.A.

Russell W. Shipley
Arthur J. Horne, Jr.*
Dennis Whitley, III*
Robert J. Antonetti, Jr.

1101 Mercantile Lane, Suite 240
Largo, Maryland 20774
Telephone: (301) 925-1800
Facsimile: (301) 925-1803
www.shpa.com

Bradley S. Farrar
L. Paul Jackson, II*
* Also admitted in the District of Columbia

March 6, 2025

VIA EMAIL DELIVERY

Ms. Hyojung Garland, Planning Supervisor
Urban Design Section
Maryland-National Capital Park
& Planning Commission
1616 McCormick Drive
Largo, Maryland 20774

RE: P,B&J, LLC PROPERTY
Amendment of Conceptual Site Plan (CSP-07002-01)
(Master Plan - Environmental Goals/Policies Conformance)

Dear Ms. Garland

On behalf of our client, **P,B&J, LLC** (the “Applicant”), Robert J. Antonetti, Jr., and Shipley and Horne, P.A. submits this statement in support of Conceptual Site Plan, CSP-07002-01 (the “CSP Amendment”). The Applicant’s property is situated in Council District 6 and is further located on the southeast corner of the intersection of Ritchie-Marlboro Road and Sansbury Road, and is known as Lots 1, 2 & 3, in the Sansbury Crossing Subdivision (the “Property”). The Sansbury Crossing Subdivision record plat was recorded in Land Records on December 5, 2016, as SJH 246-29. The primary purpose of this CSP Amendment is to **delete** Condition **15**, and to **revise** Condition **5(d)** of CSP-07002. Notwithstanding, the Applicant has been asked by the Environmental Planning Section to address the applicable goals and policies the 2007 Westphalia Sector Plan and the 2017 Green Infrastructure Plan.

The purpose of this statement is to demonstrate how the proposed CSP Amendment application conforms to the relevant environmental goals and policies in the 2007 Westphalia Sector Plan (the “Sector Plan”) and the 2017 Green Infrastructure Plan.

ELECTION TO UTILIZE ZONING PROCEDURES (Section 27-1704 (b))

On April 1, 2022, the approved Countywide Sectional Map Amendment (“CMA”) and the updated Prince George’s County Zoning Ordinance (“New Zoning Ordinance”) became effective and rezoned the Property to the newly created RMF-48 Zone. Notwithstanding, the Applicant elects to pursue approval of CSP-07002-01 utilizing the applicable provisions of the prior zoning ordinance pursuant to Section 27-1704(e) which states in pertinent part:

Section 27-1704. Projects Which Received Development or Permit Approval Prior to the Effective Date of this Ordinance

- (e) *Subsequent revisions or amendments to development approvals or permits “grandfathered” under the provisions of this Section as authorized herein shall be reviewed and decided under the prior Zoning Ordinance (until April 1, 2032 or April 1, 2042, unless a longer or an indefinite validity is applicable in accordance with Subsection (a), above), unless the applicant elects to have the proposed revision or amendment reviewed under Subsection (f), below. Notwithstanding the requirements of Sections 27-289 and 27-325 of the prior Zoning Ordinance (2019 Edition, 2021 Supp.), revisions or amendments to such “grandfathered” development approvals or permits may construct one or more electric vehicle charging stations subject to the review and approval of the DPIE Director. Following the expiration of the grandfather period, subsequent revisions or amendments to development approvals or permits shall be subject to the provisions of Section 27-1707.*

RESPONSE: CSP-07002 for the PB&J Property is valid until April 1, 2042. Since CSP-07002 was approved and valid prior to the effective date of the new ordinance it is considered a “grandfathered” approval per Section 27-1704(d) and the Applicant can proceed with amendments thereto utilizing the provisions of the Zoning Ordinance that existed prior to April 1, 2022, (per Section 27-1704(e) of the New Zoning Ordinance). CSP-07002-01 is being filed in accordance with the appropriate provisions of the Prince George’s County Zoning Ordinance that existed prior to April 1, 2022, (the “Zoning Ordinance”).

A. Location, Zoning, & Existing Conditions:

The Property is oriented to and has approximately 481± feet of street frontage along the south side Ritchie-Marlboro Road, and approximately 300± feet of street frontage along the east side of Sansbury Road. Ritchie-Marlboro Road is a master-planned arterial roadway, (A-36). Sansbury Road is master-planned collector roadway with side path, (C-630).

The subject Property contains 4.41 acres in the RMF-48 Zone but is developing pursuant to the prior M-X-T Zone. The subject Property is partially developed with an existing 5,166 square-foot Royal Farms food and beverage store and gas station along the west side of the Property at the corner Ritchie-Marlboro Road and Sansbury Road.

B. Surrounding Land Uses:

North: Across Ritchie-Marlboro Road is RSF-A zoned land developing as the Morning Star Pentecostal Church and the Venue Subdivision approved for attached single-family dwellings in the RSF-65 Zone

East: Detached single-family dwellings in the RR Zone

South: The Ritchie Baptist Church in the RMF-48 Zone

West: The Westphalia Row Subdivision consisting of attached single-family dwellings in the RMF-48 Zone

C. Prior Approvals

Below are the previous land use approvals that are relevant to the subject Property:

October 13, 2006 – Stormwater Management Concept Plan No. 38441-2006-00 is approved by the Department of Environmental Resources, (DER)

October 24, 2006 – Natural Resources Inventory, NRI/120/06, is approved by the Environmental Planning Section

February 6, 2007 – The Property is rezoned from the R-A Zone to the M-X-T Zone through the District Council's approval of the *2007 Westphalia Sectional Map Amendment*, (See SMA Zoning Change 8 in CR-02-2007)

April 24, 2008 – The Planning Board approves PPS 4-07057 and Type I Tree Conservation Plan, TCPI/031/07, including a Variation from Section 24-121(a)(3) for Lots 2 & 3 with 14 conditions via PGCPB Resolution No. 08-51

May 15, 2008 – The Planning Board approves CSP-07002 and Type I Tree Conservation Plan, TCPI/031/07, with 12 conditions via PGCPB Resolution No. 08-50

November 10, 2008 – The District Council affirms the Planning Board's decision for CSP-07002, (aka SP-07002), with 15 conditions

July 9, 2009 – The Planning Board approves DSP-08043 and Type II Tree Conservation Plan, TCPII/021/09, for infrastructure for grading and utilities with 1 condition via PGCPB Resolution No. 09-98

December 24, 2014 – Stormwater Management Concept Plan No. 38441-2006-02 is approved by the Department of Inspection and Enforcement, (DPIE)

April 15, 2016 – The Planning Director approves Alternative Compliance, AC-16003, for Section 4.6(c)(2) of the *Landscape Manual*, (Buffering Development from Special Roads)

June 9, 2016 – The Planning Board approves DSP-08043-01, Type II Tree Conservation Plan, TCPII/021/09/01, and Alternative Compliance, AC-16003, with 1 condition via PGCPB Resolution No. 16-71

December 5, 2016 – Final Plat of Subdivision, SJH 246-29, is recorded in Land Records for Lots 1, 2 & 3, Sansbury Crossing

D. Compliance with 2007 Master Plan – Environment Goals and Policies

In February of 2007, the Prince George’s County District Council adopted a resolution of approval for the 2007 Sector Plan. Within the 2007 Sector Plan, **Chapter 4, Environmental Infrastructure** contains goals, policies, and strategies related to the environment. Responses to the relevant master plan goals and policies are provided below:

Westphalia Infrastructure Element

Goals

- Preserve, enhance and where appropriate, restore environmentally-sensitive features through the identification of a green infrastructure network of local significance, including green spaces and woodlands.
- Implement the sector plan’s desired development pattern while protecting sensitive environmental features and meeting the full extent of environmental policies and regulations.
- Restore and enhance water quality in areas that have been degraded and preserve water quality in areas not degraded.
- Address, through appropriate measures, issues of energy consumption and noise impacts.

RESPONSE: The Applicant acknowledges these goals and notes that the proposed development reflected in this CSP Amendment does not impact any sensitive environmental features (as no such features exist on the Property). It should also be noted that Site Development Concept Plan No. 38441-2006-02 (the “SDCP”) was approved by DPIE, and the entire Property has been rough graded pursuant to infrastructure previously approved with DSP-08043. The SDCP implements environmental site design to the maximum extent possible to effectively handle the quality and quantity of stormwater runoff from impervious surfaces to be generated by the development. Said SDCP will be revised accordingly to reflect future development on Lots 2 & 3 at the time of DSP. Issues related to noise and energy

consumption will also be evaluated at the time of DSP for Lots 2 & 3. It should be noted that because the proposed use of the site is nonresidential, noise mitigation is not required.

Policy 1 – Green Infrastructure

- Protect, preserve, and enhance the identified green infrastructure network within the Westphalia sector planning area.

RESPONSE: The Applicant acknowledges this policy and there are no “Regulated Areas” on the Property pursuant to the 2017 Green Infrastructure Plan.

Strategies

- Use the sector plan designated green infrastructure network to identify opportunities for environmental preservation and restoration during the review of land development proposals.
- Preserve 480 or more acres of primary management area (PMA) as open space within the developing areas.
- Preserve or restore the regulated areas within the sector plan, both within and outside the designated green infrastructure network and those designated through the development review process.
- Consider legislated revisions that, subject to appropriate legislative authority, allow a variation process to address thresholds below current requirements for designated General Plan centers in order to encourage an urban character of development.
- Evaluate current policies and ordinances to consider providing the option of woodland conservation credit for stream restoration, for the removal of invasive plant species, and to consider credit for the planting of a community tree grove or arboretum.
- Allow street trees within the designated town center to count towards woodland conservation requirements where the trees have been provided sufficient root zone space to ensure long-term survival and sufficient crown space that is not limited by existing or proposed overhead utility lines.
- Enhance regulated areas by concentrating required woodland conservation adjacent to regulated areas and in an interconnected manner.
- Evaluate current policies and ordinances to consider allowing plantings on slopes of rubblefills and Class III fills to count toward woodland conservation requirements.

- Place sensitive environmental areas within conservation easements to ensure preservation in perpetuity.
- Protect primary corridors (Cabin Branch) during the review of land development proposals to ensure the highest level of preservation and restoration possible. Protect secondary corridors (Back Branch, Turkey Branch, and the PEPCO right-of-way) to restore and enhance environmental features, habitat, and important connections.
- Limit overall impacts to sensitive environmental areas to those necessary for infrastructure improvements such as road crossings and utility installations.
- Evaluate and coordinate development within the vicinity of primary and secondary corridors to reduce the number and location of impacts to sensitive environmental areas.
- Develop flexible design techniques to maximize preservation of environmentally sensitive areas.

RESPONSE: The Applicant acknowledges these strategies and acknowledges that there are no “Regulated Areas” on the Property pursuant to the 2017 Green Infrastructure Plan. According to available information, Marlboro clay does not occur on this Property. There are no rare, threatened, or endangered species found to occur on this Property or on adjacent properties. Further, the Property contains no sensitive environmental features such as streams, wetlands, and 100-year floodplain. As such, there are no sensitive environmental features on the Property to monitor or restore. This Property is subject to the provisions of the Prince George’s County Woodland Conservation Ordinance, and Type I and Type II Tree Conservation Plans, (TCPI-031-07 and TCPII-21-09) were previously approved for the site. The approved Tree Conservation Plans have been implemented through grading activities approved with DSP-08043, and for the development of Lot 1, DSP-08043-01.

Policy 2 – Water Quality and Quantity

Restore and enhance water quality and quantity of receiving streams that have been degraded and preserve water quality and quantity in areas not degraded.

RESPONSE: The Applicant acknowledges this policy and notes there are no streams on the Property to monitor or restore.

Strategies

- Remove agricultural uses along streams and establish wooded stream buffers where they do not currently exist.

- Require stream corridor assessments using Maryland Department of Natural Resources protocols and include them with the submission of a natural resources inventory as development is proposed for each site. Add stream corridor assessment data to the countywide catalog of mitigation sites.
- Follow the environmental guidelines for bridge and road construction as contained in the transportation section of this sector plan.
- Construct shared public/private stormwater facilities as site amenities using native plants and natural landscaping.
- Use low-impact development (LID) techniques such as green roofs, rain gardens, innovative stormwater outfalls, underground stormwater management, green streets, cisterns, rain barrels grass swales and stream restoration to the fullest extent possible during the development review process with a focus on the core areas for use of bioretention and underground stormwater facilities under parking structures and parking lots.

RESPONSE: The Applicant acknowledges these strategies and notes there are no streams on the Property to monitor or restore. Underground stormwater management facilities have been constructed on the site as part of the infrastructure and grading activities approved with DSP-08043. Use of low-impact development techniques will be evaluated at time of DSP for Lots 2 & 3.

Policy 3 – Energy Consumption

Reduce overall energy consumption and implement environmentally-sensitive building techniques.

RESPONSE: The Applicant acknowledges this policy and notes that energy consumption and low-impact development techniques will be reviewed at time of DSP for Lots 2 & 3. Future development on Lots 2 & 3 will meet all energy efficiency standards required by the applicable version of the IBC.

Strategies

- Use green building techniques that reduce energy consumption. New building designs should strive to incorporate the latest environmental technologies in project buildings and site design. As redevelopment occurs, the existing buildings should be reused and redesigned to incorporate energy and building material efficiencies.

- Use alternative energy sources such as solar, wind, and hydrogen power. Provide public examples of uses of alternative energy sources.

RESPONSE: The Applicant acknowledges these strategies and notes that green building techniques and energy consumption will be reviewed at time of DSP for Lots 2 & 3. Future development on Lots 2 & 3 will meet all energy efficiency standards required by the applicable version of the IBC.

Policy 4 – Noise

Plan land uses appropriately to minimize the effects of noise from Andrews Air Force Base and existing and proposed roads of arterial classification and higher.

RESPONSE: The Applicant acknowledges this policy and notes that this Property is located on the south side of Ritchie Marlboro Road, a master plan arterial roadway that has been identified as a transportation-related noise generator. The Environmental Planning Section Noise Model predicts the unmitigated 65 dBA Ldn noise contour to be approximately 155 feet from the centerline of Ritchie Marlboro Road. Because the proposed use of the site is nonresidential, noise mitigation is not required. The Property is also not located within the M-I-O contour limits for noise resulting from activities at Joint Base Andrews.

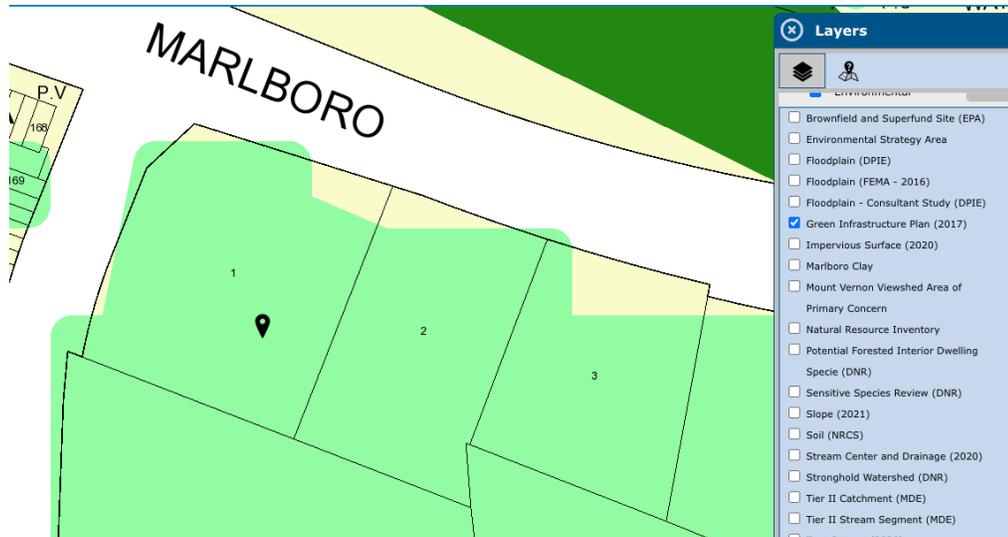
Strategies

- Limit the impacts of aircraft noise on future residential uses through the judicious placement of residential uses.
- Restrict uses within the noise impact zones of Andrews Air Force Base to industrial and office use.
- Evaluate development proposals using Phase I noise studies and noise models.
- Provide for adequate setbacks and/or noise mitigation measures for projects located adjacent to existing and proposed noise generators and roadways of arterial classification or greater.
- Provide for the use of appropriate attenuation measures when noise issues are identified.

RESPONSE: The Property is not located within the M-I-O contour limits for noise resulting from activities at Joint Base Andrews.

E. 2017 Green Infrastructure Plan (Functional Master Plan)

The Property only contains evaluation areas per the 2017 Green Infrastructure Plan, (shown in medium green below). These areas have been significantly impacted due to clearing and grading activities approved with DSP-08043. The Applicant acknowledges that there are no regulated areas on the Property pursuant to the 2017 Green Infrastructure Plan.



F. Conclusion

The Applicant respectfully requests approval of CSP-07002-01 pursuant to requirements of the prior Zoning Ordinance. As discussed herein, this application meets all the applicable environmental goals and policies set forth in the 2007 Sector Plan and complies with the 2017 Green Infrastructure Plan.

Thank you in advance for your consideration of this application. If you have any questions or comments, please do not hesitate to contact the undersigned.

Respectfully Submitted,

Robert J. Antonetti

RJA/jjf

cc: P,B&J, LLC
CDDI

Myerholtz, David

From: Smith, Noelle
Sent: Tuesday, April 29, 2025 11:39 AM
To: Myerholtz, David
Cc: Hancock, Crystal
Subject: RE: EPlan Acceptance Referral for CSP-07002-01 Sansbury Crossing

Hi David,

The nature of this case is requesting amendment to the prior approved CSP conditions, related to the use of a drive-through on the subject site. TPS has no opposition to the amendments for this application.

Thanks,

Noelle Smith, AICP

Planner IV | Countywide Planning Division | Transportation Planning

Noelle.Smith@ppd.mncppc.org | **Teams: 301-780-9613**





THE PRINCE GEORGE'S COUNTY GOVERNMENT

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

November 14, 2008

RE: SP 07002 PB & J Property
Peter Herring, Applicant

NOTICE OF FINAL DECISION OF THE DISTRICT COUNCIL

Pursuant to the provisions of Section 27-134 of the Zoning Ordinance of Prince George's County, Maryland requiring notice of decision of the District Council, you will find enclosed herewith a copy of the Council Order setting forth the action taken by the District Council in this case on November 10, 2008.

CERTIFICATE OF SERVICE

This is to certify that on November 14, 2008 this notice and attached Council Order were mailed, postage prepaid, to all persons of record.

A handwritten signature in black ink that reads "Redis C. Floyd".

Redis C. Floyd
Clerk of the Council

(10/97)

Case No. SP-07002

Applicant: PB & J, LLC

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

ORDER AFFIRMING PLANNING BOARD DECISION, WITH CONDITIONS

IT IS HEREBY ORDERED, after review of the administrative record, that the decision of the Planning Board in PGCPB No. 08-50, to approve with conditions a conceptual site plan showing 24,000-35,000 square feet of commercial/retail space (three commercial uses on three separate pad sites), for a project referred to as the PB & J property, described as approximately 4.48 acres of land in the M-X-T Zone, at the intersection of Ritchie Marlboro Road and Sansbury Road, Upper Marlboro, is:

AFFIRMED, for the reasons stated by the Planning Board, whose decision is hereby adopted as the findings of fact and conclusions of law of the District Council in this case.

Affirmance of the Planning Board's decision is subject to the following conditions:

1. Prior to certificate approval of the conceptual site plan, the plan shall be revised as follows:
 - a. Remove the words, "Woodland area to be removed and graded in the future for integration with southern property. The future development will compensate for relocation of the conservation area" from the label for the potential future connections on the southern property line.
 - b. List the approved development standards.
2. Prior to certification of the conceptual site plan, the Type I Tree Conservation Plan, TCP I/031/07, shall be revised as follows:
 - a. Show all required bufferyards on the TCP I in accordance with the Conceptual Site Plan (CSP-07002). The plan shall clearly identify the limits of each bufferyard shown.

- b. Revise Note 1 to reference the conceptual site plan number for this application (CSP-07002).
 - c. Eliminate the proposed tree line from the plan and show only the proposed limits of disturbance. Provide the symbol in the legend.
 - d. Show all public utility easements.
 - e. Revise the TCP I worksheet as necessary.
 - f. Have the revised plans signed and dated by the qualified professional who prepared them.
3. Prior to certification of the conceptual site plan and Type I tree conservation plan, all plans shall be revised to show the location of the unmitigated 65 dBA Ldn noise contour.
 4. Prior to certification of the conceptual site plan, the stormwater management concept approval letter and associated plan shall be submitted. The approved concept shall be reflected on the TCP I.
 5. The following standards shall apply to and be reflected on all detailed site plans for commercial/retail buildings on the property. Said standards shall be interpreted to allow for either a single user of the entire site or up to three individual pad site users. At the time of detailed site plan review, the Planning Board may make modifications to the Development Standards without the need to amend the conceptual site plan if the Planning Board finds such modification is appropriate and consistent with the character and quality of the development envisioned by the conceptual site plan and the Westphalia Sector Plan.
 - a. Any building located on the western portion of the site shall be visually parallel to Sansbury Road and the closest building corner shall be set back 15-25 feet from the ultimate right-of-way line.
 - b. Provision of parking between building(s) and Ritchie Marlboro Road (from the Sansbury Road intersection to the first entrance along Ritchie Marlboro Road) shall be evaluated based on the following:
 - (1) Consistency with the goals and standards of the Westphalia Sector Plan.
 - (2) The location of the building.
 - (3) The needs of the site's ultimate users.
 - (4) The location, size, and appearance of future corner gateway feature(s).

- c. If any parking is provided between the building(s) and the Ritchie Marlboro Road right-of-way, the parking shall be buffered with appropriate screening and/or landscape features such as decorative fencing, masonry walls, and plantings along Ritchie Marlboro Road that also serve to visually connect the site to the overall gateway center features.
 - d. Any drive-through kiosks, canopies, or windows shall be physically and visually integrated into the main building.
 - e. Building(s) must be multistory or provide a visual appearance of being at least two stories in height.
 - f. Off-street parking shall not be permitted between any building on the westernmost lot and Sansbury Road.
6. Prior to submittal of a detailed site plan for this property, the applicant shall demonstrate that the existing house on the subject property has been photographed and recorded on a Maryland Inventory of Historic Properties form. The documentation shall be submitted to staff of the Historic Preservation and Public Facilities Planning Section.
 7. At the time of detailed site plan review for the first commercial/retail building for the subject property, the site will be evaluated for conformance to the gateway design guidelines of the Westphalia Sector Plan. Review should include items such as gateway entrance features, architectural design, materials, colors, landscape palette, and streetscape features and amenities. It is anticipated that the DSP for the Westphalia Row property and the PB & J property will establish these features in conjunction with the Westphalia Gateway Subcommittee, and that the design of gateway features for both properties should be similar or complimentary to one another, dependent upon the final uses approved for each site. The applicant may be required to provide an easement for the location of a gateway feature at the Ritchie Marlboro Road and Sansbury Road.
 8. The following note shall be placed on the final plat of subdivision:

“Development is subject to restrictions shown on the approved Type I tree conservation plan (TCP I/031/07), or as modified by the Type II tree conservation plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved tree conservation plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George’s County Planning Department, Environmental Planning Section.”
 9. The proposed development shall be limited to a mix of uses where the net new trips shall not exceed 207 AM and 269 PM peak-hour trips.

10. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency.

- a. Sansbury Road/D'Arcy Road intersection

Provide a separate left and right turn lanes for the D'Arcy Road approaches. Since these additional improvements will not lower the delay below 50 seconds in any given movement, and per the requirement of DPW&T, the applicant shall conduct a traffic signal warrant study and install a signal if deemed to be warranted AND approved by DPW&T.

- b. Ritchie Marlboro Road/White House Road intersection

Provide the following improvements:

Northbound approach: 2 left turn lanes and a shared left-through-right lane.

- c. Sansbury Road/Ritchie Marlboro Road intersection

Provide a third eastbound and westbound through lane.

11. There shall be no direct access to Ritchie Marlboro Road from Lot 1.
12. Access to Sansbury Road shall be limited to a right-in right-out only.
13. At time of detailed site plan for the first commercial/retail building, the applicant shall demonstrate that the proposed development provides a development style that is more consistent with that shown in Exhibit 19 of the public record for the 2007 Westphalia Sectional Map Amendment, conforms with and promotes policy 6 in strategy IV, and also with the vision, strategy, and design principles in the Westphalia Sector Plan concerning an attractive gateway into Westphalia.
14. At the time of detailed site plan for the first commercial/retail building, the applicant shall provide to the District Council, any plans or specifications that the applicant may have, with reference to its efforts to achieve the Westphalia Sector Plan's policy goal of ensuring minority participation.
15. To avoid access problems and other circulation issues, no restaurant on the subject property shall have a drive-through window or facility.

Ordered this 10th day of November, 2008, by the following vote:

In Favor: Council Members Dean, Campos, Dernoga, Exum, Harrison, Knotts, Olson and
Turner

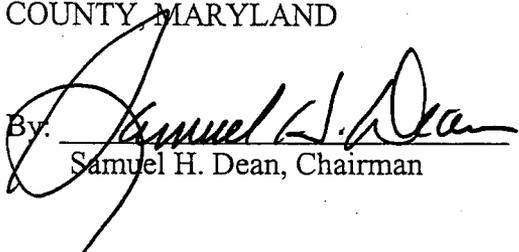
Opposed:

Abstained:

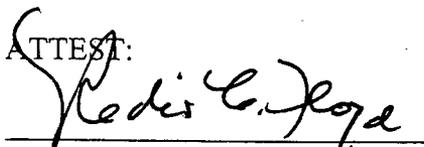
Absent: Council Member Bland

Vote: 8-0

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

By: 
Samuel H. Dean, Chairman

ATTEST:


Redis C. Floyd
Clerk of the Council

MN
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
PP
PC

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

May 20, 2008

PB&J, LLC
14402 Old Mill Road, Suite 201
Upper Marlboro, Maryland 20772

Re: Notification of Planning Board Action on
Conceptual Site Plan – 07002
PB&J Property

Dear Applicant:

This is to advise you that on **May 15, 2008** the above-referenced Conceptual Site Plan was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to Section 27-280, the Planning Board's decision will become final 30 calendar days after the date of the final notice **May 20, 2008** of the Planning Board's decision unless:

1. Within the 30 days, a written appeal has been filed with the District Council by the applicant or any Person of Record in the case; or
2. Within the 30 days (or other period specified by Section 27-291), the District Council decides, on its own motion, to review the action of the Planning Board.

Please direct any future communication or inquiries regarding this matter to Ms. Redis C. Floyd, Clerk of the County Council, at the above address.

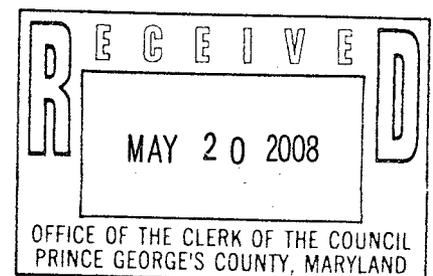
Very truly yours,
Arie Stouten, Chief
Development Review Division

By: Christopher Lindsey
Reviewer

c: Redis C. Floyd, Clerk to the County Council
Persons of Record

PGCPB No. 08-50

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 08-50

14741 Governor Oden Bowie Drive
 Upper Marlboro, Maryland 20772
 TTY: (301) 952-4366
 www.mncppc.org/pgco
 File No. CSP-07002

RESOLUTION

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

WHEREAS, in consideration of evidence presented at a public hearing on April 3, 2008, regarding Conceptual Site Plan CSP-07002 for PB&J Property, the Planning Board finds:

1. **Request:** The subject conceptual site plan proposes to develop the site with three commercial uses arranged on three separate pad sites.

2. **Development Data Summary:**

Zone(s) Use(s)	EXISTING	PROPOSED
	M-X-T Single-family house	M-X-T Commercial / retail, possibly including pharmacy and service station
Acreage	4.48	4.48
Dwelling Units	1	0
Commercial Square Footage	0	24,000-35,000
Residential Square Footage	924	0
Floor-Area Ratio	.0047	.12-.18

3. **Location:** The subject property is located at the southeast corner of the intersection of Ritchie Marlboro Road and Sansbury Road, in Planning Area 78, Council District 6. It is within the Developing Tier. This intersection is designated by the approved 2007 *Westphalia Sector Plan and Sectional Map Amendment* as one of nine gateways into Westphalia. It is proposed as the location of a mixed-use village center.
4. **Surrounding Uses:** To the east of the subject property is a single-family house along Ritchie Marlboro Road. To the south is the property of the Ritchie Baptist Church, which is zoned M-X-T and is envisioned as a possible future component of the gateway village center. To the west, across Sansbury Road, is another component of the gateway village center, the Westphalia Row property, which is currently the subject of another conceptual site plan, CSP-07001. Across Ritchie Marlboro Road to the north, the subject property faces land owned by the Greater Morningstar Pentecostal Church.
5. **Design Features:** The applicant proposes to develop the property with commercial uses. Specifically, the applicant envisions that the uses may include a pharmacy and service station, as well as a third commercial use such as a bank, restaurant, or retail store. The conceptual site plan

submitted by the applicant shows that the development will occur on three individual pad sites along the frontage of Ritchie Marlboro Road. There are two proposed access driveways from Ritchie Marlboro Road that would provide right-in right-out access to the site. Another access point is proposed along Sansbury Road, with a driveway along the southern side of the site to provide access to all of the pad sites. The access point on Sansbury Road is proposed to include a median gap to allow full right- and left-turn access to the site. Wide sidewalks are proposed along both road frontages, with a vehicular and pedestrian access route between the three pad sites along the southern side of the site.

The applicant has also submitted an illustrative plan that provides more detail of potential site arrangements. This plan shows a pharmacy building located on the western side of the site, at the corner of Ritchie Marlboro Road and Sansbury Road. The central pad site would be a service station, including a car wash as well as fuel pumps, while the third commercial pad would be located on the eastern side of the site. Both the pharmacy and the third commercial building are shown with drive-through lanes. Overall, the layout envisioned here is a typical arrangement of convenience-style commercial uses, with separate structures set back 80-120 feet from the road to allow for parking areas and drive aisles in front.

6. **Previous Approvals:** This property was re-zoned from the R-A Zone to the M-X-T Zone in the 2007 *Westphalia Sectional Map Amendment*. As part of this rezoning, the District Council approved the concept plan for development of the subject property and the neighboring properties to the west and south as an integrated, mixed-use development. This concept plan is illustrated in plan view and with illustrative perspective renderings in Exhibit 19 of the public record for the Sectional Map Amendment, and is intended to serve as a vision to guide the development of the village center.

Exhibit 19 shows the PB&J property developed with three commercial pad sites, which is consistent with the applicant's proposal. However, the arrangement of the sites is different than what the exhibit shows. In particular, while Exhibit 19 shows buildings constructed close to Ritchie Marlboro Road with parking behind, the illustrative site plan submitted by the applicant shows parking areas along the street with the buildings behind. Although the uses proposed for the site seem to be consistent with the vision of the SMA, the plan should provide a development style that is more consistent with that shown in Exhibit 19.

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the M-X-T Zone and the site plan design guidelines of the Zoning Ordinance.

Required Findings for Conceptual Site Plans in the M-X-T Zone (Section 27-546(d)):

- (1) **The proposed development is in conformance with the purposes and other provisions of this Division;**

The proposed development is in conformance with this requirement. In accordance with Section 27-542 (a) (2), the proposed conceptual site plan will implement the recommendation of the approved *Westphalia Sector Plan and Sectional Map Amendment* by contributing to the creation of a compact, mixed-use community. Because of its size, the property could not feasibly be developed by itself as a compact, self-sustaining, mixed-use community. Instead, it forms part of the larger village center area, which as a whole will constitute a mixed-use, walkable community with residential and non-residential uses in close proximity to each other. As other commercial and residential developments in the village center develop, the subject property will become an important piece of the center. The dense residential community envisioned in the vicinity will create a large demand for the services that will be available on the subject site, and the close proximity of the subject site to nearby customers will help to reduce the number and distance of automobile trips.

- (2) **For property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, the proposed development is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;**

The uses proposed on the site are consistent with those envisioned on Exhibit 19. As noted previously under Design Features, the site layout proposed by the submitted illustrative plan does not conform to the design guidelines and standards that were established by the sector plan and the Sectional Map Amendment. Staff has proposed conditions and development standards to ensure that the development will be in conformance with the design guidelines.

- (3) **The proposed development has an outward orientation which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;**

The proposed development is intended to help catalyze adjacent community improvement and rejuvenation by providing convenience retail and services for the village center area. It is intended that future development on the property of the church to the south could be physically integrated with the subject site by a road connection across the southern property line.

- (4) **The proposed development is compatible with existing and proposed development in the vicinity;**

The existing single-family house to the east is not compatible with the proposed commercial development and will be physically separated by a landscaped bufferyard as required by the *Landscape Manual*. This bufferyard will mark the edge of the village center area. The proposed development of the remainder of the village center to the west and south of the subject property will be compatible with the development on the subject site.

- (5) **The mix of uses, arrangement and design of buildings and other improvements, and provision of public amenities reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;**

The mix of uses, arrangement of buildings and other improvements and amenities of the village center area will reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability. The proposed development on the subject site will provide retail and services that will contribute to the quality and stability of the village center.

- (6) **If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;**

The applicant has not proposed a staged development.

- (7) **The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development;**

This requirement will be evaluated in more detail at the time of detailed site plan. The conceptual site plan shows wide sidewalks along both street frontages and proposes crosswalks across Sansbury Road to encourage pedestrian access from the Westphalia Row property. There are also proposed pedestrian connections within the subject site between the three pads.

- (8) **On the Detailed Site Plan, in areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, high quality urban design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial); and**

This requirement will be assessed at the time of detailed site plan. There are no proposed gathering spaces on the plan as currently configured.

- (9) **On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, will be provided by the applicant, or are incorporated in an approved public facilities financing and implementation program, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.**

As discussed below in the Transportation Planning Section's referral, the applicant has

demonstrated that adequate transportation facilities will exist to accommodate the proposed development.

Regulations of the M-X-T Zone (Section 27-544)

(b) For property placed in the M-X-T Zone through a Sectional Map Amendment or through a Zoning Map Amendment intended to implement land use recommendations for mixed-use development recommended by a Master Plan or Sector Plan that is approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation:

(1) The design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map Amendment Zoning Change, and a referenced exhibit of record for the property shall provide guidance for the development regulations to be incorporated into the Conceptual Site Plan.

The proposed conceptual site plan is intended to help implement the vision of the sector plan for a gateway village center at this location, and follows the land-use recommendations envisioned at the time of the Sectional Map Amendment. The referenced Exhibit 19 provides guidance for the development regulations to be incorporated into the conceptual site plan. As noted above under Design Features, the illustrative plan does not appear to be in conformance with the development concept shown in Exhibit 19. The staff has proposed development standards in order to address these shortcomings.

The applicant has proposed a floor-to-area ratio between .1 and .2. This is well below the M-X-T's base allowable FAR of .4.

8. 2007 Approved Westphalia Sector Plan and Sectional Map Amendment:

Village Center Guidelines

The plan designates the subject property, along with other land to the south and west, as part of a mixed-use activity center, one of two such areas in Westphalia. The plan establishes a number of guidelines for these areas. The following design principles warrant discussion at this time:

- **Design commercial development to front a main street or parks, plazas, or courtyards.**

The development is designed to front onto and interact with both of the major roads on which it has frontage.

- **Design internal streets/site circulation as low-speed streets with parallel or angled**

on-street parking.

The internal vehicular circulation routes of the site are currently shown on the illustrative plan as wide drive aisles of 30 feet in width. If feasible, these drive aisles should be developed as low-speed "streets" with parallel parking.

- **Residential and commercial development should be medium-to-high density with a minimum of two-story buildings, up to six.**

All of the land uses proposed on the site are not typically developed as multistory buildings. Ideally, they would be adapted into multistory buildings, and attempt to incorporate vertical mixing of uses. However, because of the nature of the commercial uses proposed here, it is unlikely that upper-floor residential uses would be marketable. The volume of customer traffic, both from within the village center and from passersby on the major roads, is likely to be heavy. However, if multistory buildings are not provided, the buildings should be designed to mimic the appearance of two-story buildings in order to provide some consistency with the rest of the village center.

- **Design off-street surface parking to be placed to the side and rear of buildings, in the interior of blocks, and screened from public walks and streets.**

The illustrative plan shows off-street parking in front of and to the sides of the proposed buildings. Conditions of approval have been proposed to require that the buildings be brought closer to the street. This would place more of the parking to the rears of the buildings. However, because of the large amounts of parking typically needed for the land uses proposed and the large amount of public street frontage created by the site's location at an intersection, it may not be possible to place all of the parking behind and to the side of buildings. At the time of detailed site plan, the applicant should give attention to the screening of the parking areas from public walks and streets.

- **Main street businesses should be interconnected between parcels with the sharing of curb cuts, parking, and stormwater management.**

Shared curb cuts and stormwater management between the three pad sites are envisioned.

- **Restrict drive-in commercial services to rear areas behind main structures; do not allow on street fronts.**

The proposed pharmacy building at the corner of Ritchie Marlboro Road and Sansbury Road is expected to include a drive-through service. This poses a design problem because the pharmacy building is on the most visible portion of the site and is most appropriately located to interact with the rest of the pedestrian-oriented village center. Providing a drive-through aisle or parking along the front of the building reduces its visual presence on the street and makes it more difficult for pedestrians to access the building because they must cross the parking lot or drive aisle to reach it.

The Urban Design Review Section believes that the drive-through service could be provided along one of the rear (south or east) sides of the building, away from the public rights-of-way, which would allow the building to be constructed closer to the street for greater visual impact and allow pedestrians to reach the building from the public sidewalk without crossing a parking lot or drive aisle. The applicant has stated that this arrangement might be impractical due to its impact on the layout of parking areas. However, because the sector plan's design principles specifically disallow drive-in services along street fronts, the Urban Design Review Section has no choice but to recommend that any drive-through should be located along one of the side/rear walls of the building. As this issue will require a detailed understanding of the site design to resolve, the Urban Design Review Section recommends that at the time of detailed site plan review the building should be located as close as possible to Sansbury Road, with the possibility of allowing a one-way drive aisle between the building and the public right-of-way if the applicant can demonstrate to the satisfaction of the Planning Board that no other solution is feasible.

The proposed service station includes a canopy over the fuel pump area. The submitted illustrative plan shows this canopy located in front of the service station building, which is the typical arrangement. However, this arrangement will tend to disrupt the main street design. At the time of detailed site plan review, the applicant should at a minimum consider placing the service station building and the pump canopy side-by-side in closer proximity to Ritchie Marlboro Road. This would reduce the gap in the street frontage of buildings caused by the canopy and allow the pump area to blend in more with the rest of the development without greatly reducing visibility. A more attractive solution would be to locate the service station building adjacent to Ritchie Marlboro Road with the pump canopy behind it.

The proposed service station also includes a car wash structure. The illustrative plan shows the free-standing car wash structure separated from the main service station building by the main internal access driveway that links the three pad sites. Service stations with car washes are not permitted in the M-Z-T Zone.

Finally, the third commercial use proposed on the eastern side of the site may consist of a bank or similar use that would often feature a drive-through service. Because of the lower visibility of this pad site, the drive-through poses less of a problem here than with the pharmacy building. Staff has recommended that the building be brought closer to Ritchie Marlboro Road, with the off-street parking area located behind and to the side of the building. So as not to impede pedestrian access from the parking area behind the building, it is reasonable to allow a drive-through window to be located on the east side of the building, as shown currently on the illustrative plan. This would require a one-way drive aisle, but not the drive-through window/kiosk, to be located in front of the building. The drive-through would be buffered from the residential property to the east by a full 40-foot landscaped yard and 50-foot setback.

Gateway Guidelines

The plan also identifies the intersection of Ritchie Marlboro Road and Sansbury Road as one of

the ten gateways into Westphalia. Design features for the gateways are as follows:

Design designated gateways to include at least the following design elements:

- **Landmark elements such as entrance signage, artwork, monuments constructed on features such as stone or masonry, decorative columns, water features, or clock towers.**
- **Landscape design including both softscape and hardscape.**
- **Resting and recreation facilities, information kiosks, or other amenities as appropriate.**

The conceptual site plan identifies a location for a gateway sign to be located at the corner of Sansbury Road and Ritchie Marlboro Road. As this is the first gateway into Westphalia to be developed since the adoption of the sector plan, no standard or precedent has been set regarding these features. The Westphalia Gateway Subcommittee, including several developers and stakeholders active in the Westphalia Sector, is tasked with developing standards for gateway signage or other features throughout the plan area. Ideally, all ten gateways will have a similar treatment so that everyone entering the Westphalia area will be aware that they are entering a distinctive community.

9. **Development Standards:** In order to create a distinctive sense of place and realize the vision of the Westphalia Sector Plan and Sectional Map Amendment for a pedestrian-friendly, mixed-use village center, the Urban Design Review Section recommends the adoption of development standards that will regulate the location and placement of buildings on the subject site. The proposed regulations are intended to establish build-to lines that will bring buildings close to the street, particularly along Sansbury Road. Sansbury Road is envisioned as the most appropriate area for a pedestrian-friendly environment because of the dense mixed-use development proposed along it. Although the visual appeal of the development along Ritchie Marlboro Road is crucial, it is less feasible to create a pedestrian-oriented environment there because the road is very wide and other properties to the east and north along the road will be lower-density, single-use development for the foreseeable future.
- a. Any building located on the western portion of the site shall be visually parallel to Sansbury Road and the closest building corner shall be set back 15-25 feet from the ultimate right-of-way line.
 - b. Provision of parking between building(s) and Ritchie Marlboro Road (from the Sansbury Road intersection to the first entrance along Ritchie Marlboro Road) shall be evaluated based on the following:
 - (1) Consistency with the goals and standards of the Westphalia Sector Plan

- (2) The location of the building
 - (3) The needs of the site's ultimate users
 - (4) The location, size, and appearance of future corner gateway feature(s)
- c. If any parking is provided between the building(s) and the Ritchie Marlboro Road right-of-way, the parking shall be buffered with appropriate screening and/or landscape features such as decorative fencing, masonry walls, and plantings along Ritchie Marlboro Road that also serve to visually connect the site to the overall gateway center features.
- d. Any drive-through kiosks, canopies, or windows shall be physically and visually integrated into the main building.
- e. Building(s) must be multistory or provide a visual appearance of being at least two stories in height.
- f. Off-street parking shall not be permitted between any building and Sansbury Road.

10. **Transportation Referral:** In a memorandum dated March 22, 2008 (Burton to Lindsay), the Transportation Planning Section offered the following comments:

The applicant (in a joint effort with the developer of the adjacent property – Westphalia Row; CSP-07001) prepared a traffic impact study dated September 25, 2007, in accordance with the methodologies in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. The study has been referred to the County Department of Public Works and Transportation (DPW&T), and the State Highway Administration (SHA). The findings and recommendations outlined below are based upon a review of all materials received and analyses conducted by the staff, are consistent with the *Guidelines*. It is worth noting that all of the analyses presented in the study are based on the traffic generated by both the subject application and the adjacent Westphalia Row Property. Both applications are located on either side of Sansbury Road, will impact the same transportation facilities and consequently, will receive the same off-site transportation conditions.

Traffic Impact Study

Pursuant to the scoping agreement between the applicant and staff, the traffic impact study identified the following intersections as the ones on which the proposed development would have the most impact:

EXISTING CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Ritchie Marlboro Road & Sansbury Road	C/1171	A/915
Ritchie Marlboro Road & White House Road	B/1072	A/727
** Sansbury Road & D'Arcy Road (unsignalized)	B/12.6 secs.	B/12.2 secs.
**Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the level-of-service and the intersection delay measured in seconds/vehicle. A level-of-service "E" which is deemed acceptable corresponds to a maximum delay of 50 seconds/car. For signalized intersections, a CLV of 1450 or less is deemed acceptable as per the <i>Guidelines</i>		

The traffic study identified eighteen (18) background developments whose impact would affect some or all of the study intersections. Additionally, a growth rate of 1.5 % per year (through 2010) was applied to the existing traffic counts. A second analysis was done to evaluate the impact of the background developments on the existing infrastructure. The analysis revealed the following results:

BACKGROUND CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Ritchie Marlboro Road & Sansbury Road	F/1736	E/1515
Ritchie Marlboro Road & White House Road	E/1476	B/1012
Sansbury Road & D'Arcy Road	F/947 secs.	F/538 secs.

An analysis of the traffic data under "Total" conditions represents a combination of background traffic and site-generated traffic. Using trip generation rates from the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, as well as the Institute of Transportation Engineer's (ITE) *Trip Generation Manual*, 7th edition, the study has determined that the proposed

development, based on the above-mentioned uses, would generate a net total of 207(106 in, 101 out) AM peak hour trips, and 269(133 in, 136 out) PM peak hour trips. Using these site-generated trips, an analysis of total traffic conditions was done, and the following results were determined:

TOTAL CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Ritchie Marlboro Road & Sansbury Road <i>With Improvements</i>	F/1834 D/1373	E/1665 C/1286
Ritchie Marlboro Road & White House Road <i>With Improvements</i>	E/1512 C/1313	B/1043 A/994
Sansbury Road & D'Arcy Road	F/999 secs.	F/635 secs.
Ritchie Marlboro Road @ PB&J (west)	B/11.1	E/35.8
Ritchie Marlboro Road @ PB&J (east)	B/11.1	E/36.1
Sansbury Road @ PB&J	C/19.2	C/18.9
Sansbury Road @ Westphalia Row	C/22.6	E/48.0

The results shown in the table above have indicated that there are three (3) intersections that would operate unacceptably under total traffic conditions. To address those inadequacies, the following improvements were proposed in the traffic study:

1. Sansbury Road/D'Arcy Road intersection (unsignalized)

Given the projected delay in excess of 50 seconds, the applicant proposes a traffic signal warrant study for this intersection.

2. Sansbury Road/Ritchie Marlboro Road intersection

The applicant proposes the addition of a third eastbound and westbound through lane on Ritchie Marlboro Road. With this improvement in place, the intersection is projected to operate with a LOS/CLV of D/1373 during the AM peak hour and C/1286 during the PM peak hour.

3. Ritchie Marlboro Road/White House Road intersection

Provide the following improvements:

- Southbound approach: A right turn lane and a shared thru-left lane
- Eastbound approach: A left turn lane, 2 through lanes and a right turn lane
- Westbound approach: A left turn lane, 1 through lane and a shared thru-right turn lane
- Northbound approach: 2 left turn lanes and a shared left-through-right lane

With all of the improvements cited above, the original traffic study concluded that the development of the site as proposed would satisfy traffic adequacy.

Staff Review and Comments

Upon review of the applicant's traffic study, staff agrees with its overall conclusion regarding the road system being able to accommodate the proposed development. While the DPW&T is also in general agreement with the study's conclusions, in its November 16, 2007 letter to staff (*Issayans to Burton*), it has stated that it would not permit two separate median breaks along Sansbury Road for the Westphalia Row and the PB&J properties. In light of DPW&T's position on median openings, the subject property would be limited to a right-in right-out access along Sansbury Road.

While the details of on-site circulation within (and between) the proposed three lots will be fully addressed at the time of a Detail Site Plan, staff would recommend that no access from Lot 1 should be allowed on Ritchie Marlboro Road, given its proximity to the Sansbury Road intersection

Subsequent to the November 16, 2008 letter from DPW&T, staff has received additional correspondence between DPW&T and the traffic consultant in which assumptions at the Ritchie Marlboro Road/White House Road intersection have modified. Specifically, since the northern leg of that intersection already exists, no additional improvements to and from that northern leg will be required.

The SHA, in its November 8, 2007 letter to staff (*Foster to Foster*), concurred with the study's conclusions, pending the implementation of the applicant's proffered improvements.

It is worth noting that the applicant did provide staff with a supplemental traffic study on February 4, 2008. The purpose of the supplemental study was to evaluate the impact of the proposed development on the roundabouts at Ritchie Marlboro Road and the Beltway (I-95/I-495). However, at the March 20, 2008 Planning Board Hearing, the Planning Board amended the *Guidelines*, which affected the way in which critical intersections are determined. Specifically, under the amended *Guidelines*, roundabouts located within Interstate Highway interchanges are excluded from any study area defined in a traffic study. Consequently, this amendment to the

Guidelines obviates the need for any further analysis of the roundabouts at Ritchie Marlboro Road and the Beltway.

Staff Findings

- a. The application is a Conceptual Site Plan for 4.48 acres of land in the M-X-T zone, consisting of a gas station, convenience store and retail store. The proposed development would generate 207 AM and 269 PM peak hour vehicle trips as determined using *The Guidelines for the Analysis of the Traffic Impact of Development Proposals*.
- b. The traffic generated by the proposed preliminary plan would impact the following intersections:
 - (1) Sansbury Road and D'Arcy Road
 - (2) Ritchie Marlboro Road and Sansbury Road
 - (3) Ritchie Marlboro Road and White House Road
- c. None of the intersections identified in finding (b.) above is programmed for improvement with 100% construction funding within the next six years in the current Maryland Department of Transportation *Consolidated Transportation Program* or the Prince George's County *Capital Improvement Program*.
- d. The subject property is located within the developing tier, as defined in the *General Plan for Prince George's County*. 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
 - 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 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.
- e. The following intersections identified in finding (b.) above, when analyzed with the total future traffic as developed using the *Guidelines*, were not found to be operating at or better than the policy service level defined in finding (d.) above:

- (1) Sansbury Road and D'Arcy Road
 - (2) Ritchie Marlboro Road and Sansbury Road
 - (3) Ritchie Marlboro Road and White House Road
- f. The applicant has agreed to provide the following improvements to the intersections, in consideration of the finding (e.) 5 above:
- (1) Sansbury Road/D'Arcy Road intersection (traffic signal warrant study)
 - (2) Sansbury Road/Ritchie Marlboro Road intersection – add 3rd through lane in each direction on Ritchie Marlboro Road
 - (3) Ritchie Marlboro Road/White House Road intersection
 - (a) Southbound approach: Provide a right turn lane and a shared left-through lane
 - (b) Eastbound approach: Provide a left turn lane, a right turn lane and 2 through lanes
 - (c) Westbound approach: Provide a left turn lane, a through lane and a shared thru-right turn lane
 - (d) Northbound approach: Provide two left turn lanes and shared left-thru-right lane
- g. ALL of the intersections identified in finding (b.) above, when analyzed with the improvements identified in finding (f.) above and total future traffic as developed using the *Guidelines*, were found to be operating at or better than the policy service level defined in finding (d.) above.

Planning Board Conclusions

Based on the preceding findings, the Planning Board determines that the plan conforms to the required findings for approval of the Conceptual Site Plan from the standpoint of transportation if the application is approved with the conditions included in the recommendations section of the report.

11. **Roundabouts along the Beltway:** While the Guidelines preclude roundabouts along the Beltway (I-95/I-495) from inclusion in study areas for traffic evaluation, traffic from the proposed development will have a marginal impact on the roundabouts at Ritchie Marlboro Road and the Beltway (I-95/I-495). Staff and the Planning Board recognize that the roundabouts present an unusual and significant planning problem. However, given the regional nature of the Beltway (I-95/I-495), any further improvements to address the inadequacy would likely involve the

construction of a full cloverleaf interchange, which would require a capital improvement funding plan as well as the approval of SHA and/or FHA.

12. **Community Planning Referral:** In a memorandum dated October 19, 2007, (Smith to Lindsay), the Community Planning South Division offered the following comments:

Determinations

- This application is not inconsistent with the *2002 General Plan Development Pattern* policies for the Developing Tier.
- This application is generally consistent with the retail/commercial land use pattern recommended for this part of the mixed-use activity center at Sansbury and Ritchie Marlboro Roads by the approved *2007 Westphalia Sector Plan and Sectional Map Amendment* land use policies, but it **does not conform** (or cannot be determined to conform) with the plan design principles for: (1) a pedestrian-oriented, main-street development character along Sansbury Road, (2) connectivity or coordination with development on adjacent properties within the activity center, or (3) gateway design features.
- CB-78-2006 revised the review criteria for conceptual site plans in the MXT Zone under certain circumstances, which apply in the Westphalia Sector Plan area, to establish master plan design guidelines or standards and referenced exhibits in the public record as important review criteria for development regulations to be established by the conceptual site plan. Exhibit 19 in the public record of the approved *2007 Westphalia Sector Plan and Sectional Map Amendment* pertains to review of this application.

Planning Issues

- **Revised Conceptual Site Plan Review Criteria**—Concurrent with preparation of the Westphalia Sector Plan and SMA, zoning ordinance regulations pertaining to conceptual site plan (CSP) review criteria were revised by approval of Council Bill CB-78-2006. This revision added master plan design guidelines or standards and referenced exhibits in the public record as important CSP review criteria for certain plans and SMAs approved after October 1, 2006, such as the Westphalia Sector Plan/SMA. Exhibits and development illustrations submitted to the public record are not to be considered as the approved site plan for the area; they are only the development concept that was presented to the public during preparation of the sector plan that generally reflects the intended land use and design character for that area. These exhibits are the starting point for more formal review, not the end result. When inconsistencies between development concepts, design principles and exhibits occur, they should be resolved in ways that best achieve the development goals and policies of the sector plan.

- **Master Plan Guidelines**—This application is located in a designated mixed-use activity center at the northern gateway to the sector plan along a local street (Sansbury road) and an arterial highway (Ritchie Marlboro Road), close to the interchange for the I-95 freeway. The design principles or guidelines for mixed-use activity centers are contained in CR-2-2007 (DR-2), Attachment A (p.9) which approved the 2007 *Westphalia Sector Plan and Sectional Map Amendment*. The intent of the guidelines for mixed-use activity centers is to promote development of distinct residential and neighborhood commercial activity centers designed around a main-street theme and anchored by shared amenities. Main-street character and accompanying pedestrian orientations can most effectively be achieved along Sansbury Road, not Ritchie Marlboro Road, which is intended as a 6- to 8-lane divided highway along the frontage of this property. (Note: An application for Westphalia Row CSP-07001 submitted concurrently to this one, composes another portion of this mixed-use activity center.)
- **Exhibits to Public Record of the Westphalia Sector Plan**—An illustrative concept plan and illustrative site development plan were submitted to the public record of the Westphalia Sector Plan as Exhibit 19 for the mixed-use activity center at Sansbury and Ritchie Marlboro Roads, of which this application is a part, along with graphic illustrations (perspectives of Sansbury Road and the Village Green). This application falls within “Block B” of the submitted illustrative site plan, which proposes 20,000-30,000 square feet retail uses on the southeast corner of the intersection of Ritchie Marlboro and Sansbury Roads. The perspective of Sansbury Road shows a continuous, walkable streetscape with building frontages and sidewalks along the properties on Sansbury Road. This image depicts the type of pedestrian-friendly, mixed-use, main-street development envisioned by the sector plan. However, the development concept shown on the illustrative site plan (Exhibit 19) shows a more automobile-oriented business with suburban setbacks and buffering, which is not consistent with the perspectives accompanying Exhibit 19 or the master plan guidelines for main-street character in mixed-use activity centers. The inconsistency between sector plan design principles and guidelines and public record exhibit illustrations needs to be addressed during review of this application.
- **CSP-07002 Development Proposal**—This CSP application proposes development of three commercial lots, totaling 26,820 square feet of commercial/retail space, with access points and landscape strips along Ritchie Marlboro and Sansbury Roads. There is also a woodland preservation strip shown along the southern boundary. The commercial land use and lot pattern is generally consistent with that depicted on Exhibit 19, but there are three issues to be addressed in this CSP review:
 - This CSP application does not show building or parking locations, so it cannot be determined how proposed building locations comply with master plan design principles and guidelines for this area, or the pedestrian-oriented, main-street character of development intended for Sansbury Road as illustrated by graphics in Exhibit 19. Buildings should be oriented to and close to the street and sidewalk.

- The 10-foot landscape strip shown along Sansbury Road is not consistent with the intended character of development along Sansbury Road.
- The application does not show how development or access will be coordinated with “Block C” (Exhibit 19) to the south. Connectivity is one of the goals for achieving the envisioned development patterns for the Westphalia Sector Plan area, particularly in activity center areas. Instead, the submitted CSP shows a woodland preservation area which could hinder coordinated access and shared development patterns between lots within this activity center, particularly if this area of preserved woodland is required to be relocated for shared development and access. This is not consistent with mixed-use activity center development concepts, or the development illustrations submitted to the record.

Urban Design Comment: The revised plans submitted by the applicant show a possible future road connection to Block C in the south. This potential connection is of key importance because it allows for future development to the south to be easily accessible to the subject property along an internal street instead of forcing all interaction between the subject property and the rest of the village center to take place via Sansbury Road.

The potential connection is labeled on the conceptual site plan with the following note: “Potential 30-foot-drive aisle for future access to the south. Woodland area to be removed and graded in the future for integration with southern property. The future development will compensate for relocation of the conservation area.” The last two sentences of this label are problematic because they imply that the future loss of this conservation area is anticipated on the tree conservation plan. Development of this connection would require a revision to the conceptual site plan and tree conservation plan of the subject property in order to substitute for the Woodland Conservation Area that would be lost with the development of the connection. Staff recommends that these two sentences should be removed from the plan.

The landscape strips shown on the applicant’s plans along both road frontages are a standard requirement of the *Landscape Manual*. The *Landscape Manual* requires a landscape strip between parking lots and the right-of-way (Section 4.3 (a)) and along the street frontages of commercial and industrial properties (Section 4.2).

- **Gateway**—This application is also located within a designated “gateway.” (Map 3a: Proposed Land Use, Approved by CR-2-2007 (DR-2)). Policy 6 establishes it as one of ten gateways at “key intersections entering the Westphalia community.” (CR-2-2007 (DR-2) Attachment A, p.12). Gateways require compliance with design principles aimed at distinguishing them as attractive entrances into Westphalia, including such elements as “entrance signage, artwork, monuments...landscape design including both softscape and hardscape...” etc. “Resting and recreation facilities, information kiosks, or other amenities as appropriate” are also called for (CR-2-2007 (DR-2) Attachment A, p.12). A note on the

CSP application site plan indicates that a gateway sign feature, at the corner of Sansbury and Ritchie Marlboro Road, will be determined at detailed site plan. More than just a sign is needed for a distinctive gateway. The design of buildings, landscaping, signs and any special features along the Ritchie Marlboro Road frontage as well as Sansbury Road are critical to the image of Westphalia that will be portrayed at this northern entryway. In addition, design themes and elements should be coordinated with other projects within this activity center and along the gateway frontage, such as pending application CSP-07001, Westphalia Row, on the western portion of this mixed-use activity center (Block "A" of Exhibit 19) Approval of this CSP should reflect the need to address these design issues at detailed site plan.

13. In memoranda dated August 27 and September 26, 2007, the Department of Public Works and Transportation (DPW&T) offered the following comments:
 - a. The property is located on the southeast corner of the Ritchie Marlboro and Sansbury Road intersection. Rights-of-way dedication and frontage improvement in accordance with DPW&T's urban arterial road for Ritchie Marlboro Road and urban major collector road for Sansbury Road are required.
 - b. All improvements within the public rights-of-way, as dedicated for public use to the county, are to be in accordance with the county's Road Ordinance, DPW&T's specifications and standards and the Americans with Disabilities Act.
 - c. Full-width, 2-inch mill and overlay for all county roadway frontages is required.
 - d. An access study shall be conducted by the applicant and reviewed to determine the adequacy of access points. Coordination with the Westphalia Row property across Sansbury Road will be required for the access points on Sansbury Road.
 - e. Proposed right-in/right-out access points on Ritchie Marlboro Road are acceptable.
 - f. Median modifications along Ritchie Marlboro Road are to be approved by DPW&T prior to approval of the site plan.
 - g. Compliance with DPW&T's Utility Policy is required. Proper temporary and final patching and the related mill and overlay in accordance with the established "DPW&T's Policy and Specification for Utility Installation and Maintenance Permits" are required.
 - h. All storm drainage systems and facilities are to be in accordance with DPW&T's Standards and Specifications.
 - i. Conformance with DPW&T's street tree and street lighting standards is required.

- j. Sidewalks are required along all roadways within the property limits in accordance with Sections 23-105 and 23-135 of the county's Road Ordinance.
- k. The proposed site development has an approved Concept Plan Number 38441-2006, dated October 4, 2006.
- l. A soil investigation report, which includes subsurface exploration and geotechnical engineering evaluation for public streets, is required.

Urban Design Comment: It should be noted that DPW&T usually enforces its conditions through its own permitting process.

14. Environmental Referral: In a memorandum dated November 20, 2007 (Fritz to Lindsay), the Environmental Planning Section offered the following comments:

The Environmental Planning Section recommends approval of CSP-07002 and TCPI/31/06 subject to the conditions listed at the end of this memorandum.

Background

The Environmental Planning Section has no record of any previous application for this property with the exception of a Natural Resources Inventory (NRI/120/06). The current application is for commercial/retail development in the M-X-T Zone.

Site Description

This 4.49-acre site in the M-X-T Zone is located at the southeast quadrant of Sansbury Road and Ritchie Marlboro Road. A review of the available information indicates that streams, wetlands, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils are not found to occur on the property. The site is adjacent to the Ritchie Marlboro Road which is a source of traffic-generated noise; however no residential uses for this site are proposed. The soils found to occur on this site according to the Prince George's County Soil Survey are in the Adelphia, Collington, Monmouth, Rumford, Sandy, and Westphalia soil series. According to available information, Marlboro clay does not occur on this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads in the vicinity of this property which is located in the Southwest Branch watershed of the Patuxent River basin and in the Developing Tier as reflected in the General Plan.

Westphalia Sector Plan

The subject property is located in the Westphalia Approved Sector Plan and Sectional Map

Amendment. The environmental requirements for Woodland Preservation, Stormwater Management and Noise are addressed in the Environmental Review Section below. There are no specific environmental requirements or design standards for this particular site that require review for conformance.

Countywide Green Infrastructure Plan

The subject site contains no elements within the designated network of the Countywide Green Infrastructure Plan.

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

Environmental Review

- a. A signed natural resources inventory (NRI/120/06), which included a detailed forest stand delineation (FSD), was submitted with the application. The site contains no sensitive environmental features such as streams, wetlands, and 100-year floodplain. The FSD report describes one mature forest stand totaling 2.42 acres dominated by yellow poplar and sweetgum.

Comment: No additional information is required with respect to the FSD.

- b. This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area exceeds 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site. A Type I tree conservation plan this site has been submitted.

This 4.49-acre property contains a total of 2.42 acres of upland woodland. The woodland conservation threshold has been correctly calculated at 0.67 acres, or 15 percent of the net tract based on the current zoning. The TCPI proposes to clear 2.06 acres of the onsite woodland which results in a 0.75 replacement requirement. The total woodland conservation requirement has been correctly calculated at 1.42 acres. The plan proposes to meet the requirement by providing 0.36 acres of woodland conservation and 1.06 acres of off-site mitigation. Woodland preservation is focused along the southern boundary of the site.

The TCPI states that the Westphalia Sector Plan recommends that Parcel 140, located on the east side of the subject site, be rezoned from R-A to M-X-T; however the sector plan does not recommend any rezoning for Parcel 140. Because the current zoning and use of Parcel 140 is residential, a wooded buffer should be placed on the subject site adjacent to Parcel 140.

Recommended Conditions: Prior to certification of the conceptual site plan, the Type I

Tree Conservation Plan, TCPI/031/07, shall be revised as follows:

- (1) Show all required bufferyards on the TCPI in accordance with the Conceptual Site Plan (CSP-07002). The plan shall clearly identify the limits of each bufferyard shown.
- (2) Revise note 1 to reference the conceptual site plan number for this application (CSP-07002).
- (3) Eliminate the proposed tree line from the plan and show only the proposed limits of disturbance. Provide the symbol in the legend.
- (4) Show all public utility easements.
- (5) Revise the TCPI worksheet as necessary.
- (6) Have the revised plans signed and dated by the qualified professional who prepared them.

Recommended Condition: The following note shall be placed on the final plat of subdivision:

“Development is subject to restrictions shown on the approved Type I tree conservation plan (TCPI/031/07), or as modified by the Type II tree conservation plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved tree conservation plans for the subject property are available in the offices of The Maryland-National Capital Park and Planning Commission, Prince George’s County Planning Department, Environmental Planning Section.”

- c. This property is located on the south side of Ritchie Marlboro Road, a master plan arterial roadway that has been identified as a transportation-related noise generator. The Environmental Planning Section Noise Model predicts the unmitigated 65 dBA Ldn noise contour to be approximately 155 feet from the centerline of Ritchie Marlboro Road. Because the proposed use of the site is non-residential, noise mitigation is not required; however, the unmitigated noise contour must be shown on the plans.

Recommended Condition: Prior to certification of the conceptual site plan and Type I tree conservation plan, all plans shall be revised to show the location of the unmitigated 65 dBA Ldn noise contour.

- d. The site has a stormwater management concept approval letter (38441-2006-00); however, the associated plan was not included. The plan proposes an underground storage system. The associated plan should be submitted prior to CSP certification.

Recommended Condition: Prior to certification of the conceptual site plan, the stormwater management concept approval letter and associated plan shall be submitted. The approved concept shall be reflected on TCPI.

15. **Trails Referral:** In a memorandum dated November 30, 2007 (Shaffer to Lindsay), the trails coordinator offered the following comments:

The master plan trail proposed along Ritchie Marlboro Road has been completed in the vicinity of the subject site through the recent interchange improvements made by SHA. This trail has been implemented as an 8-foot-wide concrete sidewalk along the frontage of the subject property. The sidewalk provides access along Ritchie Marlboro Road through the interchange. A master plan trail/bikeway has also been implemented along the subject site's frontage of Sansbury Road. This trail/bike facility has also been implemented as an 8-foot-wide sidewalk along the frontage of the subject property. The adopted and approved Westphalia Sector Plan designates Ritchie Marlboro Road as a master plan trail corridor and Sansbury Road as a master plan bikeway. No additional improvements are necessary along these frontages.

Internal pedestrian circulation will be addressed at the time of detailed site plan. Staff supports the conceptual pedestrian connections indicated between the three lots.

It should be noted that the former Chesapeake Beach Railroad right-of-way is located along the southern edge of the subject site. This former right-of-way lies under the current Ritchie Marlboro Road and Capital Beltway interchange. Because of this, the existing sidepath/wide sidewalk along Ritchie Marlboro Road will be utilized as the trail alignment along this corridor. This sidewalk includes curb cuts and crosswalks and safely negotiates pedestrians and cyclists through the interchange. No recommendations are made regarding this trail.

Recommendation: There are no master plan trail recommendations at this time. Internal pedestrian connections will be evaluated at the time of detailed site plan.

16. **Historic Preservation Referral:** In a memorandum dated August 9, 2007 (Stabler to Lindsay), the Historic Preservation and Public Facilities Section offered the following comments:

Phase I archeological survey is not recommended on the above-referenced 4.50-acre property located at 1709 Ritchie Marlboro Road in Upper Marlboro, Maryland. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. According to tax assessor records, the extant house on the property was built in 1935. This house appears in the 1938 aerial photographs. Although it is unlikely that significant archeological deposits will be

found on the property and no archeological survey is requested, the house should be photographed and recorded on a Maryland Inventory of Historic Properties form and the documentation sent to Historic Preservation staff.

Moreover, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires Federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when state or federal monies, or federal permits are required for a project.

17. **WSSC Referral:** On October 16, 2007, the Washington Suburban Sanitary Commission offered the following comments:
- a. Sewer extension will be required.
 - b. Water is available.
 - c. On-site plan review package should be submitted.
 - d. Revise plan to show existing and proposed water/sewer mains and proposed on-site connection location and pipeline. Public safety concerns may require special considerations and modifications of proposed development near large diameter water transmission pipelines.

Urban Design Comment: The site plan has been revised to show the existing water and sewer mains. As locations for the proposed buildings have not been precisely determined, the applicant has not yet identified proposed onsite connections.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type I Tree Conservation Plan (TCPI/031/07), and further APPROVED Conceptual Site Plan CSP-07002 for the above-described land, subject to the following conditions:

1. Prior to certificate approval of the conceptual site plan, the plan shall be revised as follows:
 - a. Remove the words, "Woodland area to be removed and graded in the future for integration with southern property. The future development will compensate for relocation of the conservation area" from the label for the potential future connections on the southern property line.
 - b. List the approved development standards.
2. Prior to certification of the conceptual site plan, the Type I Tree Conservation Plan, TCPI/031/07,

shall be revised as follows:

- a. Show all required bufferyards on the TCPI in accordance with the Conceptual Site Plan (CSP-07002). The plan shall clearly identify the limits of each bufferyard shown.
 - b. Revise Note 1 to reference the conceptual site plan number for this application (CSP-07002).
 - c. Eliminate the proposed tree line from the plan and show only the proposed limits of disturbance. Provide the symbol in the legend.
 - d. Show all public utility easements.
 - e. Revise the TCPI worksheet as necessary.
 - f. Have the revised plans signed and dated by the qualified professional who prepared them.
3. Prior to certification of the conceptual site plan and Type I tree conservation plan, all plans shall be revised to show the location of the unmitigated 65 dBA Ldn noise contour.
 4. Prior to certification of the conceptual site plan, the stormwater management concept approval letter and associated plan shall be submitted. The approved concept shall be reflected on the TCPI.
 5. The following standards shall apply to and be reflected on all detailed site plans for the property. Said standards shall be interpreted to allow for either a single user of the entire site or up to three individual pad site users. At the time of detailed site plan review, the Planning Board may make modifications to the Development Standards without the need to amend the conceptual site plan if the Planning Board finds such modification is appropriate and consistent with the character and quality of the development envisioned by the conceptual site plan and the Westphalia Sector Plan.
 - a. Any building located on the western portion of the site shall be visually parallel to Sansbury Road and the closest building corner shall be set back 15-25 feet from the ultimate right-of-way line.
 - b. Provision of parking between building(s) and Ritchie Marlboro Road (from the Sansbury Road intersection to the first entrance along Ritchie Marlboro Road) shall be evaluated based on the following:
 - (1) Consistency with the goals and standards of the Westphalia Sector Plan.
 - (2) The location of the building.

- (3) The needs of the site's ultimate users.
 - (4) The location, size, and appearance of future corner gateway feature(s).
 - c. If any parking is provided between the building(s) and the Ritchie Marlboro Road right-of-way, the parking shall be buffered with appropriate screening and/or landscape features such as decorative fencing, masonry walls, and plantings along Ritchie Marlboro Road that also serve to visually connect the site to the overall gateway center features.
 - d. Any drive-through kiosks, canopies, or windows shall be physically and visually integrated into the main building.
 - e. Building(s) must be multistory or provide a visual appearance of being at least two stories in height.
 - f. Off-street parking shall not be permitted between any building on the westernmost lot and Sansbury Road.
6. Prior to submittal of a detailed site plan for this property, the applicant shall demonstrate that the existing house on the subject property has been photographed and recorded on a Maryland Inventory of Historic Properties form. The documentation shall be submitted to staff of the Historic Preservation and Public Facilities Planning Section.
7. At the time of detailed site plan review for the subject property, the site will be evaluated for conformance to the gateway design guidelines of the Westphalia Sector Plan. Review should include items such as gateway entrance features, architectural design, materials, colors, landscape palette, and streetscape features and amenities. It is anticipated that the DSP for the Westphalia Row property and the PB&J property will establish these features in conjunction with the Westphalia Gateway Subcommittee, and that the design of gateway features for both properties should be similar or complimentary to one another, dependent upon the final uses approved for each site. The applicant may be required to provide an easement for the location of a gateway feature at the Ritchie Marlboro Road and Sansbury Road.
8. The following note shall be placed on the final plat of subdivision:

“Development is subject to restrictions shown on the approved Type I tree conservation plan (TCPI/031/07), or as modified by the Type II tree conservation plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved tree conservation plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George’s County Planning Department, Environmental Planning Section.”

9. The proposed development shall be limited to a mix of uses where the net new trips shall not exceed 207 AM and 269 PM peak-hour trips.
10. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency
 - a. Sansbury Road/D'Arcy Road intersection

Provide a separate left and right turn lanes for the D'Arcy Road approaches. Since these additional improvements will not lower the delay below 50 seconds in any given movement, and per the requirement of DPW&T, the applicant shall conduct a traffic signal warrant study and install a signal if deemed to be warranted AND approved by DPW&T.
 - b. Ritchie Marlboro Road/White House Road intersection

Provide the following improvements:

Northbound approach: 2 left turn lanes and a shared left-through-right lane.
 - c. Sansbury Road/Ritchie Marlboro Road intersection

Provide a third eastbound and westbound through lane.
11. There shall be no direct access to Ritchie Marlboro Road from Lot 1.
12. Access to Sansbury Road shall be limited to a right-in right-out only.

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Clark, seconded by Commissioner Vaughns, with Commissioners Clark, Vaughns, Cavitt and Parker voting in favor of the motion, and with Commissioner Squire absent at its regular meeting held on Thursday, April 3, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 15th day of May 2008.

Oscar S. Rodriguez
Executive Director

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

OSR:FJG:CL:bjs

APPROVED AS TO LEGAL SUFFICIENCY.

[Signature]
M-NCPPC Legal Department

Date 5/8/08

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April 29, 2008

PB&J, LLC
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Upper Marlboro, MD 20772

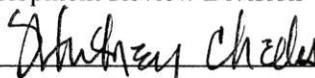
Re: Notification of Planning Board Action on
Preliminary Plan – 4-07057
PB&J Property

Dear Applicant:

This is to advise you that on **April 24, 2008** the above-referenced Preliminary Plan was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to Article 28, Section 7-116(g) of the Maryland Annotated Code, an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) calendar days after the date of the final notice **April 29, 2008**.

Very truly yours,
Arie Stouten, Chief
Development Review Division

By: 
Reviewer

c: Persons of Record

PGCPB No. **08-51**

PGCPB No. 08-51

File No. 4-07057

R E S O L U T I O N

WHEREAS, PB & J LLC. is the owner of a 4.48-acre parcel of land known as Parcels 122, 123 and 197, said property being in the 15th Election District of Prince George's County, Maryland, and being zoned M-X-T; and

WHEREAS, on November 1, 2007, Peter Herring filed an application for approval of a Preliminary Plan of Subdivision (Staff Exhibit #1) for 3 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-07057 for PB&J Property was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on April 3, 2007, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on April 3, 2007, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/031/07), and further APPROVED Preliminary Plan of Subdivision 4-07057, PB&J Property, including a Variation from Section 24-121(a)(3) for Lots 2 and 3 with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
 - a. Locate existing water and sewer lines.
 - b. Provide reference that development is subject to CSP-07002.
 - c. Provide a note that a variation was approved to Section 24-121(a)(3) for direct vehicular access to Ritchie Marlboro Road and the restrictions of that approval.
 - d. Add a note that a raze permit is required to remove the existing structure, and that the well and septic systems must be properly abandoned before the release of the grading permit.
2. A Type II tree conservation plan shall be approved with the detailed site plan.

3. Development of this site shall be in conformance with the Stormwater Management Concept Plan, 38441-2006-00, and any subsequent revisions.
4. Any residential development of the subject property shall require the approval of a new preliminary plan of subdivision prior to the approval of a detailed site plan proposing such use.
5. An automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.
6. Prior to the approval of the detailed site plan (DSP) the applicant shall submit evidence that the access easement (Liber 17192 Folio 049) dated April 7, 2003, that encumbers Lot 3 to serve Parcel 140 to the east has been abandoned. If the applicant is unable to obtain the abandonment, the DSP shall delineate the full extent of the easement and ensure uninterrupted access to Parcel 140. The layout shall be designed so that there will be no vehicular or pedestrian conflict between the development on Lot 3 and the use of the easement by the owners of Parcel 140.
7. The final plat shall carry a note that direct vehicular access to Ritchie Marlboro Road from Lot 1 is denied, and that direct vehicular access from Lots 2 and 3 to Ritchie Marlboro Road combined shall be limited to two and are authorized pursuant to Section 24-121(a)(3) of the Subdivision Regulations. All other access shall be denied along Ritchie Marlboro Road. The existing access easement (Liber 17172 folio 049) serving Parcel 140 to the east shall be included when counting the total number of authorized points of access to Ritchie Marlboro Road for Lots 2 and 3 unless abandoned.
8. The proposed development shall be limited to a mix of uses where the net new trips shall not exceed 207 AM and 269 PM peak-hour trips. Any development generating an impact greater than that identified herein above shall require an additional preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
9. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency

a. **Sansbury Road/D'Arcy Road intersection**

Provide a separate left and right turn lanes for the D'Arcy Road approaches. Since these additional improvements will not lower the delay below 50 seconds in any given movement, and per the requirement of DPW&T, the applicant shall conduct a traffic signal warrant study and install a signal if deemed to be warranted AND approved by DPW&T.

b. **Ritchie Marlboro Road/White House Road intersection**

Provide the following improvements:

- Northbound approach: two left-turn lanes and a shared left-through-right lane

c. **Sansbury Road/Ritchie Marlboro Road intersection**

- Provide a third eastbound and westbound through lane

10. The final plat shall carry a note that access to Sansbury Road from this site shall be limited to a right-in/right-out only.
11. Prior to the issuance of grading permits the applicant shall demonstrate that any abandoned well and septic system has been pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department.
12. Prior to signature approval of the preliminary plan, the Type I Tree Conservation Plan, TCPI/031/07, shall be revised as follows:
 - a. Label any proposed retaining walls. Provide heights and at least ten feet of cleared area on both sides for construction.
 - b. Show the specimen trees to be removed by placing an "x" over those to be removed.
 - c. The note on the TCPI shall be revised to state only, "Potential 30-foot drive aisle for future access to the south." The rest of the note shall be removed.
 - d. Have the revised plans signed and dated by the qualified professional who prepared them.
13. The following note shall be placed on the final plat of subdivision:

"Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/031/07), or as modified by the Type II tree conservation plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved tree conservation plans for the subject property are available in the offices of The Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department."
14. Prior to submittal of the detailed site plan for this property the applicant shall demonstrate that the existing house on the subject property has been photographed and recorded on the Maryland

Inventory of Historic Properties form. The documentation shall be submitted to staff of the Historic Preservation and Public Facilities Planning Section.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located in the southeast quadrant of the intersection of Ritchie Marlboro Road and Sansbury Roads, east of the Capital Beltway (I-495) in the Westphalia community.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

Zone	EXISTING	PROPOSED
Use(s)	M-X-T Single-family dwelling	M-X-T 20,000–30,000 sq. ft. of commercial/retail
Acreage	4.48	4.48
Lots	0	3
Parcels	3	0
Dwelling Units:		
Detached	1 (to be razed)	0

4. **Environmental**—The Environmental Planning Section has reviewed the above-referenced preliminary plan and Type I tree conservation plan stamped as received on December 19, 2007. A review of the available information indicates that streams, wetlands, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils are not found to occur on the property. The soils found to occur on this site according to the Prince George's County Soil Survey are in the Adelfia, Collington, Monmouth, Rumford, Sandy, and Westphalia soil series. According to available information, Marlboro clay does not occur on this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads in the vicinity of this property, which is located in the Southwest Branch watershed of the Patuxent River basin.

The subject property is located in the area included in the Westphalia approved sector plan and sectional map amendment. The plan contains no specific environmental recommendations for this site. The subject site is not within the designated network of the *Countywide Green Infrastructure Plan*.

A signed natural resources inventory (NRI/120/06), which included a detailed forest stand delineation (FSD), was submitted with the application. The FSD report describes one mature forest stand totaling 2.42 acres dominated by yellow poplar and sweetgum.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area exceeds 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site. A Type I tree conservation plan has been submitted and was reviewed.

This property contains a total of 2.42 acres of upland woodlands. The woodland conservation threshold has been correctly calculated at 0.67 acres, or 15 percent, of the net tract based on the current zoning. The total woodland conservation requirement has been correctly calculated at 1.42 acres. The plan proposes to meet the requirement by providing 0.36 acre of woodland preservation on-site and 1.06 acres of off-site mitigation. Woodland preservation is focused along the southern boundary of the site in a location of a possible future connection to the property to the south. It should be noted that if the treatment of the woodland preservation area shown on the plans is proposed to change in the future, the approved TCPI for this site must be revised; or if the project has proceeded to the TCPII phase, the approved TCPII shall reflect any proposed changes.

The TCPI, as submitted, requires some revisions. The TCPI should show the limits of disturbance and should include the symbol in the legend and provide at least ten feet of clearing behind retaining walls. It appears that this project may be phased and therefore the applicant should provide a lot-by-lot table stating the area of each lot, woodland existing, woodland to be cleared, and woodland preserved.

This property is located on the south side of Ritchie Marlboro Road, a master plan arterial roadway that has been identified as a transportation-related noise generator. The Environmental Planning Section noise model predicts the unmitigated 65 dBA Ldn noise contour to be approximately 155 feet from the centerline of Ritchie Marlboro Road. However, no residential uses are proposed so the noise levels are acceptable for the proposed commercial use and noise mitigation is not required.

Water and Sewer Categories

The water and sewer service categories are W-4 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003 and will therefore be served by public systems.

5. **Community Planning**—The 2002 General Plan locates this property in the Developing Tier. One of the visions for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier because the proposed development calls for three lots in an area of mixed-use activity.

The property is within the limits of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*, in Planning Area 78 in the Westphalia and vicinity community. The sectional map amendment rezoned the subject property from the R-A to the M-X-T Zone. The property is located in a designated mixed-use activity center at the northern gateway to the sector plan area along Sansbury Road and Ritchie Marlboro Road. This portion of the mixed-use center is recommended for commercial land uses at the north end of a “main street” along Sansbury Road. The design principles for the mixed-use activity centers, which were approved in the 2007 Westphalia sector plan and SMA, promote development of distinct residential and neighborhood commercial activity centers designed around a main-street theme and anchored by shared amenities. Main-street character and accompanying pedestrian orientations can most effectively be achieved along Sansbury Road, not Ritchie Marlboro Road, which is a designated arterial facility.

This application generally conforms to the retail/commercial land use pattern recommended for this portion of the mixed-use activity center at Sansbury and Ritchie Marlboro Roads by the 2007 approved Westphalia sector plan and SMA (CR-2-2007) land use policies. Development on this site will be subject to the review of a detailed site plan that will evaluate the site for conformance to the plan design principles for a pedestrian-oriented, main-street development character along Sansbury Road and connectivity with development on adjacent properties within the activity center. The review of the detailed site plan should ensure the ability for the connectivity between the subject site and Parcel 195 (Ritchie Baptist Church) to the south. The development of Parcel 195 would include primary access to Sansbury Road and secondary or accessory access to the access easement being provided within the subject site, pursuant to Section 24-128(b)(9). The gateway design features will be determined during review of the of the detailed site plan.

An illustrative concept plan and illustrative site development plan were submitted to the public record of the Westphalia sector plan as Exhibit 19 for the entire mixed-use activity center, which includes the subject property at Sansbury and Ritchie Marlboro Roads. Pursuant to approval of Council Bill CB-78-2006, master plan design guidelines or standards and referenced exhibits in the public record are important conceptual site planning tools to establish criterion for certain plans and SMAs approved after October 1, 2006, such as Westphalia. The lot pattern proposed by this preliminary subdivision application generally conforms to the lot pattern illustrated by Exhibit 19. The type, placement and design of commercial uses on the proposed lots and compliance with sector plan design principles and guidelines will be addressed during review of conceptual (CSP-07002) and detailed site plan applications.

6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, this subdivision is exempt from the requirements of mandatory dedication of parkland because it consists of nonresidential development.
7. **Trails**—The preliminary plan was reviewed for conformance with the Countywide Trails Plan and/or the appropriate area master plan in order to provide the master plan trails. The master plan trail proposed along Ritchie Marlboro Road has been completed in the vicinity of the subject site through the recent interchange improvements made by SHA. This trail has been implemented as an eight-foot-wide concrete sidewalk along the frontage of the subject property. The sidewalk provides access along Ritchie Marlboro Road through the interchange.

A master plan trail/bikeway has also been implemented along the subject site's frontage of Sansbury Road. This trail/bike facility has also been implemented as an eight-foot-wide sidewalk along the frontage of the subject property. The approved Westphalia sector plan designates Ritchie Marlboro Road as a master plan trail corridor and Sansbury Road as a master plan bikeway. No additional improvements are necessary along these frontages. Further review of the internal pedestrian circulation will be addressed at the time of detailed site plan for this site.

It should be noted that the former Chesapeake Beach Railroad right-of-way (Parcel 197) is located along the southern edge of the subject site. This former right-of-way crosses under the current Ritchie Marlboro Road and Capital Beltway interchange. Because of this, the existing side path/wide sidewalk along Ritchie Marlboro Road will be utilized as the trail alignment along this corridor. This sidewalk includes curb cuts and crosswalks and safely negotiates pedestrians and cyclists through the interchange. No recommendations are made regarding this trail.

There are no master plan trail recommendations at this time. Internal pedestrian connections will be evaluated at the time of detailed site plan.

8. **Transportation**—The Transportation Planning Section has reviewed the preliminary plan of subdivision application referenced above. The subject property consists of three lots totaling approximately 4.48 acres of land in the M-X-T Zone. The property is located in an area generally bounded by Ritchie Marlboro Road to the north and Sansbury Road to the west. The applicant proposes to develop the three lots with a gas station, a convenience store, and a retail store.

The analysis contained in this staff report replaces all previous analysis pertaining to transportation findings and recommendations for the subject application. The findings and recommendations contained herein are based on the most recent information obtained from the reviewing agencies, as well as additional traffic analyses that supplement the original September 25, 2007, traffic study.

The applicant (in a joint effort with the developer of the adjacent property—Westphalia Row; CSP-07001) prepared a traffic impact study dated September 25, 2007, in accordance with the methodologies in the "Guidelines for the Analysis of the Traffic Impact of Development Proposals." The study has been referred to the County Department of Public Works and

Transportation (DPW&T) and the State Highway Administration (SHA). The findings and recommendations outlined below are based upon a review of all materials received and analyses conducted by the staff and are consistent with the guidelines. It is worth noting that all of the analyses presented in the study are based on the traffic generated by both the subject application and the adjacent Westphalia Row property. Both applications are located on either side of Sansbury Road, will impact the same transportation facilities, and consequently, are recommended to receive the same off-site transportation conditions.

TRAFFIC IMPACT STUDY

Pursuant to the scoping agreement between the applicant and staff, the traffic impact study identified the following intersections as the ones on which the proposed development would have the most impact:

EXISTING CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Ritchie Marlboro Road & Sansbury Road	C/1,171	A/915
Ritchie Marlboro Road & White House Road	B/1,072	A/727
* Sansbury Road & D'Arcy Road (unsignalized)	B/12.6 sec.	B/12.2 sec.
*Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the level-of-service and the intersection delay measured in seconds/vehicle. A level-of-service E, which is deemed acceptable, corresponds to a maximum delay of 50 seconds/car. For signalized intersections, a CLV of 1,450 or less is deemed acceptable as per the guidelines		

The traffic study identified 18 background developments whose impact would affect some or all of the study intersections. Additionally, a growth rate of 1.5 percent per year (through 2010) was applied to the existing traffic counts. A second analysis was done to evaluate the impact of the background developments on the existing infrastructure. The analysis revealed the following results:

BACKGROUND CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Ritchie Marlboro Road & Sansbury Road	F/1,736	E/1,515
Ritchie Marlboro Road & White House Road	E/1,476	B/1,012
Sansbury Road & D'Arcy Road	F/947 sec.	F/538 sec.

An analysis of the traffic data under "Total" conditions represents a combination of background traffic and site-generated traffic. Using trip generation rates from the "Guidelines for the Analysis of the Traffic Impact of Development Proposals," as well as the Institute of Transportation Engineer's (ITE) *Trip Generation Manual, 7th edition*, the study has determined that the proposed development, based on the above-mentioned uses, would generate a net total of 207 (106 in, 101 out) AM peak-hour trips, and 269 (133 in, 136 out) PM peak-hour trips. Using these site-generated trips, an analysis of total traffic conditions was done, and the following results were determined:

TOTAL CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Ritchie Marlboro Road & Sansbury Road <i>With Improvements</i>	F/1,834 D/1,373	E/1,665 C/1,286
Ritchie Marlboro Road & White House Road <i>With Improvements</i>	E/1,512 C/1,313	B/1,043 A/994
Sansbury Road & D'Arcy Road	F/999 sec.	F/635 sec.
Ritchie Marlboro Road @ PB&J (west)	B/11.1	E/35.8
Ritchie Marlboro Road @ PB&J (east)	B/11.1	E/36.1
Sansbury Road @ PB&J	C/19.2	C/18.9
Sansbury Road @ Westphalia Row	C/22.6	E/48.0

The results shown in the table above have indicated that there are three intersections that would operate unacceptably under total traffic conditions. To address those inadequacies, the following improvements were proposed in the traffic study:

a. **Sansbury Road/D'Arcy Road intersection (unsignalized)**

Given the projected delay in excess of 50 seconds, the applicant proposes a traffic signal warrant study for this intersection.

b. **Sansbury Road/Ritchie Marlboro Road intersection**

The applicant proposes the addition of a third eastbound and westbound through lane on Ritchie Marlboro Road. With this improvement in place, the intersection is projected to operate with a LOS/CLV of D/1,373 during the AM peak hour and C/1,286 during the PM peak hour.

c. **Ritchie Marlboro Road/White House Road intersection**

Provide the following improvements:

- Southbound approach: A right turn lane and a shared through-left lane
- Eastbound approach: A left turn lane, two through lanes, and a right turn lane
- Westbound approach: A left turn lane, one through lane, and a shared through-right turn lane
- Northbound approach: two left turn lanes and a shared left-through-right lane

With all of the improvements cited above, the original traffic study concluded that the development of the site as proposed would satisfy traffic adequacy.

Upon review of the applicant's traffic study, staff agrees with its overall conclusion regarding the road system being able to accommodate the proposed development. While the Department of Public Works and Transportation (DPW&T) is also in general agreement with the study's conclusions, in its November 16, 2007, letter to staff (Issayans to Burton), it has stated that it would not permit two separate median breaks along Sansbury Road for the Westphalia Row and the PB&J properties. In light of DPW&T's position on median openings, the subject property would be limited to a right-in/right-out access along Sansbury Road.

Regarding the proposed access to Ritchie Marlboro Road, the applicant has filed a variation request pursuant to Section 24-121(a) (3) based on Ritchie Marlboro being an arterial road. Given the fact that proposed Lots 2 and 3 have frontage on Ritchie Marlboro Road only, staff is in general support of this variation request. DPW&T, in its September 26, 2007, letter to staff (*Abraham to Lindsay*), also supports this request.

While the details of on-site circulation within (and between) the proposed three lots will be fully addressed at the time of a detailed site plan, staff would recommend that no access from Lot 1 should be allowed on Ritchie Marlboro Road, given its proximity to the Sansbury Road intersection

Subsequent to the November 16, 2008, letter from DPW&T, staff has received additional correspondence between DPW&T and the traffic consultant in which assumptions at the Ritchie Marlboro Road/White House Road intersection have modified. Specifically, since the northern leg of that intersection already exists, no additional improvements to and from that northern leg will be required.

The State Highway Administration (SHA), in its November 8, 2007, letter to staff (Foster to Foster), concurred with the study's conclusions, pending the implementation of the applicant's proffered improvements.

It is worth noting that the applicant did provide staff with a supplemental traffic study on February 4, 2008. The purpose of the supplemental study was to evaluate the impact of the proposed development on the roundabouts at Ritchie Marlboro Road and the Beltway (I-95/I-495). However, at the March 20, 2008, Planning Board hearing, the Planning Board amended the guidelines, which affected the way in which critical intersections are determined. Specifically, under the amended guidelines, roundabouts located within interstate highway interchanges are excluded from any study area defined in a traffic study. Consequently, this amendment to the guidelines obviates the need for any further analysis of the roundabouts at Ritchie Marlboro Road and the Beltway.

FINDINGS

The proposed development would generate 207 AM and 269 PM peak-hour vehicle trips as determined using the "Guidelines for the Analysis of the Traffic Impact of Development Proposals."

The traffic generated by the proposed preliminary plan would impact the following intersections:

- a. Sansbury Road and D'Arcy Road
- b. Ritchie Marlboro Road and Sansbury Road
- c. Ritchie Marlboro Road and White House Road

None of the intersections identified above is programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program.

The subject property is located within the Developing Tier, as defined in the General Plan for Prince George's County. 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

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 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.

The following intersections, when analyzed with the total future traffic as developed using the guidelines, were not found to be operating at or better than the policy service level defined above:

- a. Sansbury Road and D’Arcy Road
- b. Ritchie Marlboro Road and Sansbury Road
- c. Ritchie Marlboro Road and White House Road

The applicant has agreed to provide the following improvements to the intersections, in consideration of the above:

- a. Sansbury Road/D’Arcy Road intersection (traffic signal warrant study)
- b. Sansbury Road/Ritchie Marlboro Road intersection—add third through lane in each direction on Ritchie Marlboro Road
- c. Ritchie Marlboro Road/White House Road intersection
 - (1) Southbound approach: Provide a right turn lane and a shared left-through lane
 - (2) Eastbound approach: Provide a left turn lane, a right turn lane, and two through lanes
 - (3) Westbound approach: Provide a left turn lane, a through lane, and a shared through-right turn lane
 - (4) Northbound approach: Provide two left turn lanes and shared left-through-right lane

All of the intersections identified above, when analyzed with the improvements identified and total future traffic as developed using the guidelines, were found to be operating at or better than the policy service level.

Based on the preceding findings, the plan conforms to the required findings for approval of the Preliminary Plan of Subdivision pursuant to Section 24-124.

9. **Schools**—There are no residential dwelling units proposed and therefore there are no anticipated impacts on schools.
10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance and found the following:

The existing engine service at Ritchie Road Fire Station, Company 37, located at 1415 Ritchie Marlboro Road, has a service travel time of 2.08 minutes, which is within the 3.25-minute travel time guideline.

The existing paramedic service at Kentland Fire Station, Company 46, located at 10400 Campus Way South, has a service travel time of 4.86 minutes, which is within the 7.25-minute travel time guideline.

The existing ladder truck service at Marlboro Fire Station, Company 45, located at 7710 Croom Road has a service travel time of 9.49 minutes, which is beyond the 4.25-minute travel time guideline.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service, an automatic fire suppression system should be provided in all new buildings proposed in this application unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.

The existing ladder truck service located at Kentland Company 33 is beyond the recommended travel time guideline. The nearest fire station, Ritchie Marlboro Company 37, is located at 1415 Ritchie Marlboro Road, which is 2.08 minutes from the development. This facility would be within the recommended travel time for ladder truck service if an operational decision to locate this service at that facility is made by the county.

The above findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

11. **Police Facilities**—The approved 2002 General Plan addresses the provision of public facilities that will be needed to serve existing and future county residents. The plan includes planning guidelines for police facilities as station space per capita: 141 square feet per 1,000 county residents.

The police facilities test is done on a countywide basis in accordance with the policies of the Planning Board. There are 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department and the latest county population estimate is 825,520. Using the standard of 141 square feet per 1,000 residents, 116,398 square feet of space for police facilities are needed. The current amount of space available, 267,660 square feet, is above the guideline. The proposed development is within the service area for Police District II, Bowie.

12. **Health Department**—The Environmental Engineering Program Section with the Department of Environmental Resources notes that a raze permit must be obtained through the Department of Environmental Resources prior to the removal of any existing structures. Any hazardous materials located in any structures on-site must be removed and properly stored or discarded prior to the structures being razed. A note should be placed on the preliminary plan that requires that the structure is to be razed and the well and septic systems properly abandoned before the release of the grading permit.
13. **Stormwater Management**—The Department of Public Works and Transportation, Office of Engineering has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, #38441-2006-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan, which proposes an underground storage system.
14. **Historic**—A Phase I archeological survey is not recommended. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. According to tax assessor records, the existing house on the property was built in 1935. This house appears in the 1938 aerial photographs. Although it is unlikely that significant archeological deposits will be found on the property and no archeological survey is requested, the house should be photographed and recorded on a Maryland Inventory of Historic Properties form by an architectural historian and the documentation, sent to historic preservation staff.

Moreover, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when state or federal monies or federal permits are required for a project.

15. **Variation**—Section 24-121(a)(3) of the Subdivision Regulations establishes design guidelines for lots that front on arterial roadways. This section requires that these lots be developed to provide direct vehicular access to either a service road or an interior driveway when feasible. This design guideline encourages an applicant to develop alternatives to direct access onto an arterial roadway.

The subject property has frontage on and proposes direct vehicular access via Ritchie Marlboro Road for Lots 2 and 3, which is an arterial roadway, and Sansbury Road for Lot 1, which is proposed as a 100-foot right-of-way along the property's frontage. Sansbury is proposed as a "main street" in the approved 2007 Westphalia sector plan and sectional map amendment, and the

Department of Public Works and Transportation (DPW&T) is limiting access to right-in and right-out for this site (Lot 1).

Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of variation requests (in **bold**). Staff supports the variation to allow access to a proposed arterial in this case and makes the following findings:

Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:

The approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-121(a)(3) could result in practical difficulties to the applicant that could result in the applicant not being able to appropriately develop this property.

- a. **That the granting of the variation will not be detrimental to the public safety, health or welfare, or injurious to other property.** One of the purposes of limiting access to an arterial is to enhance public safety, health and welfare. Due to the limited right-in and right-out access to Sansbury Road and the requirement for a median along the property's frontage on Sansbury Road, adequate circulation for the development proposed necessitates direct access to Ritchie Marlboro Road. The applicant requested and staff recommends that direct access be limited to right-in/right-out for the two access points serving the site (Lots 2 and 3); Lot 1 is to be served via Sansbury Road. Staff recommends that the applicant record an ingress and egress and parking easement to provide for cross pedestrian and vehicular circulation to be reflected on the final plat. The details of the circulation will be determined with the review of the detailed site plan (DSP).
- b. **The conditions of which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties.** The intersection of Sansbury Road and Westphalia Road is designated by the 2007 approved Westphalia sector plan as one of nine gateways into Westphalia. It is proposed as the location of a mixed-use village center and was rezoned to M-X-T as a part of that plan. The type and amount of development proposed on this site is unique within the sector plan in its location and its commercial uses and is intended to support a mixed-use main street community that was envisioned by the sector plan. This site is the main retail component serving the village center. Neither staff nor DPW&T supports a median opening on Sansbury Road at the site's entrance due to a median break proposed roughly 500 feet to the south to serve the Westphalia Row portion of the sector plan development, which is

primarily residential; consequently, this access must be limited to a right in/right-out only. The lack of a medium break would restrict access and on-site circulation without direct access to Ritchie Marlboro Road.

- c. **The variation does not constitute a violation of any other applicable law, ordinance, or regulation.** The Department of Public Works and Transportation will require that the applicant obtain access permits if access to Ritchie Marlboro Road is permitted by the Planning Board. That permitting process will ensure that no other violation of any other applicable law, ordinance or regulation occurs.
 - d. **Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.** The property is unique to other surrounding properties in that it is rectangular in shape with limited frontage (260± linear feet) on Sansbury Road to the west, compared to the over 600± linear feet of frontage on Ritchie Marlboro Road. If access were denied from Lots 2 and 3, adequate circulation may not be provided, which could restrict the amount of development on the site and result in a hardship on the owner.
16. **Commercial Use**—Although the subject application is not proposing any residential development, the M-X-T Zone does permit residential development. Because there exist different adequate public facility tests and there are considerations for recreational components for residential subdivisions, a new preliminary plan should be required if residential development is to be considered on this site.
17. **Existing Access Easement Serving Parcel 140**—The subject property is encumbered by an existing recorded access easement (Liber 17172 Folio 049) serving abutting Parcel 140 to the east, zoned R-R. The driveway serving the existing dwelling on-site is also partially located within the easement benefiting Parcel 140 (the existing dwelling is to be razed). The applicant has indicated, but provided no evidence, that the owner of Parcel 140 (to the east) has agreed to abandon the access easement to allow for the development of the PB&J property as proposed. The preliminary plan labels the relocation of the sole access to Parcel 140 to be 65 feet to the east along Ritchie Marlboro Road onto Parcel 140.

In order to develop this site as proposed, the existing access easement serving Parcel 140 should be abandoned. The location of the new driveway apron will require the approval of the Department of Public Works and Transportation (DPW&T) for access onto Ritchie Marlboro Road. DPW&T in their referral dated November 29, 2007, state that the “[e]xisting driveway on Lot 3 needs to be removed or relocated outside Lot 3 limits and is to remain as a right-in and right-out only access.” DPW&T acknowledges that the apron will be relocated “outside” proposed Lot 3.

If the applicant is unable to demonstrate the concurrence for the removal of the access easement, the detailed site plan should be designed to ensure that the rights of the benefited property are not interrupted and there is appropriate separation between the residential access and the commercial

use. In the event that the benefited property owner (Parcel 140) does not agree to the relocation (as discussed in the variation section of this report) the access will remain to serve Parcel 140. In the event that the Planning Board grants two points of access to the site from Ritchie Marlboro Road as requested by the applicant, the access easement serving Parcel 140 (Liber 17172 folio 049) to the east, unless abandoned, should be included when counting the total number of authorized points of access to Ritchie Marlboro Road. Section 24-121(a)(3) of the Subdivision Regulations does not distinguish between existing and proposed access to an arterial.

18. **Conceptual Site Plan (CSP-07002)**—At the writing of this staff report the conceptual site plan (CSP-07002) for this 4.48-acre site is scheduled before the Planning Board on January 10, 2007. The staff recommendation contains 11 conditions of approval, generally relating to the site design and layout, which will be reviewed at the time of detailed site plan. The proposed preliminary plan is not inconsistent with recommendations of the CSP.

An illustrative concept plan and illustrative site development plan were submitted to the public record of the Westphalia sector plan as Exhibit 19 for the mixed-use activity center at Sansbury and Ritchie Marlboro Roads, of which this application is a part, along with graphic illustrations (Perspectives of Sansbury Road and the Village Green). This application falls within “Block B” of the submitted illustrative site plan, which proposes 20,000–30,000 square feet of retail uses on the southeast corner of the intersection of Ritchie Marlboro and Sansbury Roads. The perspective of Sansbury Road shows a continuous, walkable streetscape with building frontages and sidewalks along the properties on Sansbury Road. This image depicts the type of pedestrian-friendly, mixed-use, main-street development envisioned by the sector plan.

The application does not clearly demonstrate how development or access will be coordinated with “Block C” on Exhibit 19 to the south. This potential connection is of key importance because it allows for future development to the south to be easily accessible to the subject property along an internal driveway instead of forcing all interaction between the subject property and the rest of the village center to take place via Sansbury Road. Connectivity is one of the goals for achieving the envisioned development patterns for the Westphalia sector plan area, particularly in activity center areas. Instead, the submitted CSP and preliminary plan show a woodland preservation area that could hinder coordinated access and shared development patterns between lots within this activity center. This is not consistent with mixed-use activity center development concepts or the development illustrations submitted to the record. The review of the detailed site plan should explore the provision for shared access to Parcel 195 to the south, which would encourage and support cross vehicular circulation as set forth in the sector plan, and remove what could be perceived as hurdles in the planning process to encourage property owners to implement a connection.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

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 Cavitt, seconded by Commissioner Clark, with Commissioners Cavitt, Clark, Vaughns and Parker voting in favor of the motion, and with Commissioner Squire absent at its regular meeting held on Thursday, April 3, 2008, in Upper Marlboro, Maryland.

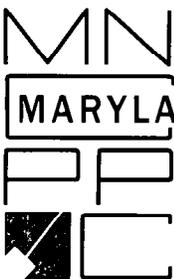
Adopted by the Prince George's County Planning Board this 24th day of April 2008.

Oscar S. Rodriguez
Executive Director

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

OSR:FJG:WC:bjjs

APPROVED AS TO LEGAL SUFFICIENCY.
Berge Jones
MNCPPC Legal Department
020 4/11/08



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 09-98

14741 Governor Oden Bowie Drive
 Upper Marlboro, Maryland 20772
 TTY: (301) 952-4366
 www.mncppc.org/pgco
 File No. DSP-08043

RESOLUTION

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

WHEREAS, in consideration of evidence presented at a public hearing on June 11, 2009 regarding Detailed Site Plan DSP-08043 for PB&J, the Planning Board finds:

1. **Request:** The subject application is for a detailed site plan for infrastructure for grading and utilities on 4.48 acres of land.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	M-X-T	M-X-T
Use(s)	Single-family house	To remain vacant until future commercial uses are approved
Parcel(s)	2	2
Acreage	4.48	4.48
Dwelling Units	1 (to be razed)	0

3. **Location:** The subject property is located in the southeast corner of the intersection of Ritchie Marlboro Road and Sansbury Road, in Planning Area 78, Councilmanic District 6. It is within the Developing Tier. This intersection is designated by the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* as one of nine gateways into Westphalia. It is proposed as the location of a mixed-use village center.
4. **Surrounding Uses:** To the east of the subject property is a single-family home facing Ritchie Marlboro Road. To the south is property owned by the Ritchie Baptist Church, which is zoned M-X-T and is envisioned as a possible future component of the gateway village center. To the west, across Sansbury Road, is another component of the gateway village center, the Westphalia Row property. Across Ritchie Marlboro Road to the north, the subject property faces land owned by the Greater Morningstar Pentecostal Church.
5. **Design Features:** The 4.48-acre site has a somewhat irregular rectangular shape which comprises three lots. Approximately one half of the subject site is covered with existing woodlands where small pockets of open space are scattered throughout the site. Located along the northern edge of the property is the proposed Washington Suburban Sanitary Commission (WSSC) right-of-way (proposed sewer) extending onto Ritchie Marlboro and Sansbury Roads.

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In the future, the applicant is expected to submit a subsequent detailed site plan to develop the property with commercial uses. The applicant envisions that the uses may include a pharmacy and service station, as well as a third commercial use such as a bank, restaurant, or retail store. The subject detailed site plan is solely for the purpose of grading and stabilizing the site and installing the water line onto the site.

- 6. **Previous Approvals:** The subject property was rezoned from the R-A (Residential-Agricultural) Zone to the M-X-T Zone in the 2007 Westphalia sectional map amendment. As part of this rezoning, the District Council approved the concept plan for development of the subject property and the neighboring properties to the west and south as an integrated, mixed-use development. This concept plan is illustrated in plan view, with illustrative perspective renderings in Exhibit 19 of the public record for the sectional map amendment, and is intended to serve as a vision to guide the development of the village center.

Conceptual Site Plan CSP-07002 was approved by the District Council on November 10, 2008.

The site is the subject of approved Preliminary Plan of Subdivision 4-07057; the resolution of approval (PGCPB Resolution No. 08-51) was adopted by the Planning Board on April 24, 2008. The preliminary plan remains valid until April 24, 2010.

- 7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the M-X-T Zone and the site plan design guidelines of the Zoning Ordinance and is found to be in compliance with those regulations.

Prince George's County Woodland Conservation Ordinance: The property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance. Type I Tree Conservation Plan (TCPI/031/07) has been approved. The Environmental Planning Section recommends approval of Type II TCPII/021/09, and prior to certification of the DSP, the Type II tree conservation plan should be revised to conform with TCPI/031/07 by providing a woodland area to buffer the property to the south and the revised plan should be signed and dated by the qualified professional who prepared the plan.

The Requirements of Preliminary Plan of Subdivision 4-07057: The site is the subject of approved Preliminary Plan of Subdivision 4-07057. The DSP will be in conformance with applicable conditions of the preliminary plan if the conditions below are fulfilled.

Conceptual Site Plan CSP-07002: The DSP is in conformance with all applicable conditions of the approved conceptual site plan.

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Required Findings for Detailed Site Plans and Conceptual Site Plans in the M-X-T Zone:

Section 27-546(d)

- (1) The proposed development is in conformance with the purposes and other provisions of this Division;**

The subject DSP is for grading and infrastructure only and does not show the details of the final development on the site, which will be provided on a future DSP. In accordance with Section 27-542(a)(2), the ultimate development on this site will implement the recommendation of the *Approved Westphalia Sector Plan and Sectional Map Amendment* by contributing to the creation of a compact, mixed-use community.

- (2) For property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, the proposed development is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;**

The ultimate uses proposed on the site are consistent with those envisioned on Exhibit 19 of the sector plan. The subject DSP is for grading and infrastructure only and does not show the details of the final development on the site, which will be provided on a future DSP.

- (3) The proposed development has an outward orientation which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;**

The ultimate proposed development is intended to help catalyze adjacent community improvement and rejuvenation by providing convenience retail and services for the village center area. The subject DSP is for grading and infrastructure only and does not show the details of the final development on the site, which will be provided on a future DSP.

- (4) The proposed development is compatible with existing and proposed development in the vicinity;**

The subject DSP is for grading and infrastructure only and does not show the details of the final development on the site, which will be provided on a future DSP.

- (5) The mix of uses, arrangement and design of buildings and other improvements, and provision of public amenities reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;**

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The ultimate mix of uses, arrangement of buildings, and other improvements and amenities of the village center area will reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability. The subject DSP is for grading and infrastructure only and does not show the details of the final development on the site, which will be provided on a future DSP.

- (6) **If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;**

The applicant has not proposed a staged development.

- (7) **The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development;**

This requirement will be evaluated in more detail at the time of the final detailed site plan. The subject DSP is for grading and infrastructure only and does not show the details of the final development on the site, which will be provided on a future DSP.

- (8) **On the Detailed Site Plan, in areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, high quality urban design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial); and**

This requirement will be assessed at the time of the final detailed site plan. The subject DSP is for grading and infrastructure only and does not show the details of the final development on the site, which will be provided on a future DSP.

- 8. **Landscape Manual:** The subject site will be required to comply with Section 4.2, Section 4.3, and Section 4.6 of the *Prince George's County Landscape Manual* when final design is submitted in a detail site plan.

9. **Planning Board Analysis:**

Historic Preservation: The Planning Board accepts that the applicant will adhere to the historic preservation conditions in Preliminary Plan 4-07057 and CSP-07002. The detailed site plan for three commercial lots in the M-X-T zone will have no effect on identified historic sites, resources, or districts.

Archeological: A Phase I archeological survey is not recommended for the PB&J Property. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. According to tax assessor records, the extant house on the property was

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built in 1935. This house appears in the 1938 aerial photographs. Although it is unlikely that significant archeological deposits will be found on the property and no archeological survey is requested, the house should be photographed and recorded on a Maryland Inventory of Historic Properties form by an architectural historian and the documentation sent to Historic Preservation staff.

Condition 14 of PGCPB Resolution No. 08-51 dated April 28, 2008 states that:

14. **Prior to submittal of the detailed site plan for this property the applicant shall demonstrate that the existing house on the subject property has been photographed and recorded on a Maryland Inventory of Historic Properties form. The documentation shall be submitted to staff of the Historic Preservation and Public Facilities Planning Section.**

This condition has not been fulfilled and will be carried over to this detailed site plan submission.

Community Planning: No major sector plan problems have been identified for this application which is limited to grading and infrastructure. The future DSP review for development on the site should ensure that all proposed buildings and landscaping will enhance the mixed-use village characteristics of the area and contribute to the site's critical role as a gateway marking the entrance into a community.

Transportation: The site plan conforms to the preliminary plan in lot layout. The ultimate development on the site is not proposed by this plan. Plans for its actual uses will be filed and reviewed in the future. Access plans will be reviewed in the future.

Subdivision: The site is the subject of approved Preliminary Plan of Subdivision 4-07057; the resolution of approval (PGCPB Resolution No. 08-51) was adopted on April 24, 2008. The preliminary plan remains valid until April 24, 2010. The resolution of approval contains 14 conditions. The following finding and condition relate to the review of this detailed site plan:

- Finding 17. Existing Access Easement Serving Parcel 140—The subject property is encumbered by an existing recorded access easement (Liber 17172 Folio 049) serving abutting Parcel 140 to the east, zoned R-R. The driveway serving the existing dwelling on-site is also partially located within the easement benefiting Parcel 140 (the existing dwelling is to be razed). The applicant has indicated, but provided no evidence, that the owner of Parcel 140 (to the east) has agreed to abandon the access easement to allow for the development of the PB&J property as proposed. The preliminary plan labels the relocation of the sole access to Parcel 140 to be 65 feet to the east along Ritchie Marlboro Road onto Parcel 140.**

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In order to develop this site as proposed, the existing access easement serving Parcel 140 should be abandoned. The location of the new driveway apron will require the approval of the Department of Public Works and Transportation (DPW&T) for access onto Ritchie Marlboro Road. DPW&T in their referral dated November 29, 2007, state that the “[e]xisting driveway on Lot 3 needs to be removed or relocated outside Lot 3 limits and is to remain as a right-in and right-out only access.” DPW&T acknowledges that the apron will be relocated “outside” proposed Lot 3.

If the applicant is unable to demonstrate the concurrence for the removal of the access easement, the detailed site plan should be designed to ensure that the rights of the benefited property are not interrupted and there is appropriate separation between the residential access and the commercial use. In the event that the benefited property owner (Parcel 140) does not agree to the relocation (as discussed in the variation section of this report) the access will remain to serve Parcel 140. In the event that the Planning Board grants two points of access to the site from Ritchie Marlboro Road as requested by the applicant, the access easement serving Parcel 140 (Liber 17172 folio 049) to the east, unless abandoned, should be included when counting the total number of authorized points of access to Ritchie Marlboro Road. Section 24-121(a)(3) of the Subdivision Regulations does not distinguish between existing and proposed access to an arterial.

Condition 6. Prior to the approval of the detailed site plan (DSP) the applicant shall submit evidence that the access easement (Liber 17192 Folio 049) dated April 7, 2003, that encumbers Lot 3 to serve Parcel 140 to the east has been abandoned. If the applicant is unable to obtain the abandonment, the DSP shall delineate the full extent of the easement and ensure uninterrupted access to Parcel 140. The layout shall be designed so that there will be no vehicular or pedestrian conflict between the development on Lot 3 and the use of the easement by the owners of Parcel 140.

This condition will be carried forward as a condition of the subject DSP.

Trails: The master-plan trail proposed along Ritchie Marlboro Road has been completed in the vicinity of the subject site through the recent interchange improvements made by the Maryland State Highway Administration (SHA). This trail has been implemented as an eight-foot-wide concrete sidewalk along the frontage of the subject property. The sidewalk provides access along Ritchie Marlboro Road through the interchange. A master-plan trail/bikeway has also been implemented along the subject site’s frontage of Sansbury Road. This trail/bike facility has also

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been implemented as an eight-foot-wide sidewalk along the frontage of the subject property. The approved Westphalia sector plan designates Ritchie Marlboro Road as a master-plan trail corridor and Sansbury Road as a master-plan bikeway. No additional improvements are necessary along these frontages.

Internal pedestrian circulation will be addressed at the time of the appropriate detailed site plan. The conceptual pedestrian connections indicated between the three lots on the approved preliminary plan are acceptable. Primary pedestrian access in the vicinity of the subject property will be accommodated by the wide sidewalks along both Ritchie Marlboro Road and Sansbury Road.

The former Chesapeake Beach Railroad right-of-way is located along the southern edge of the subject site. This former right-of-way lies under the current Ritchie Marlboro Road and Capital Beltway interchange. Because of this, the existing sidepath/wide sidewalk along Ritchie Marlboro Road will be utilized as the trail alignment along this corridor. This sidewalk includes curb cuts and crosswalks and safely negotiates pedestrians and cyclists through the interchange.

Internal pedestrian connections will be evaluated at the time of the detailed site plan for the commercial development.

Environmental Planning: This site in the M-X-T Zone is located in the southeast quadrant of Sansbury Road and Ritchie Marlboro Road. A review of the available information indicates that streams, wetlands, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils are not found to occur on the property. The site is adjacent to Ritchie Marlboro Road which is a source of traffic-generated noise; however, no residential uses appear to be proposed, so the noise levels are acceptable for the proposed commercial use. The soils found to occur on this site according to the *Prince George's County Soil Survey* are in the Adelpia, Collington, Monmouth, Rumford, Sandy, and Westphalia soil series. According to available information, Marlboro clay does not occur on this property. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on this property or on adjacent properties. There are no designated scenic and historic roads in the vicinity of this property, which is located in the Southwest Branch watershed of the Patuxent River basin and in the Developing Tier as reflected in the *Prince George's County Approved General Plan*.

- a. A signed Natural Resources Inventory (NRI/120/06), which included detailed forest stand delineation (FSD), was submitted with the preliminary plan. The site contains no sensitive environmental features such as streams, wetlands, and 100-year floodplain. The FSD report describes one mature forest stand totaling 2.42 acres dominated by yellow poplar and sweetgum.

No additional information is required regarding the natural resources inventory.

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- b. This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because a Type I Tree Conservation Plan, TCPI/031/07, has been approved.

This 4.49-acre property contains a total of 2.42 acres of upland woodlands. The woodland conservation threshold has been correctly calculated at 0.67 acre, or 15 percent of the net tract based on the current zoning. The plan proposes clearing of all of the woodland on-site. The total woodland conservation requirement has been correctly calculated at 1.78 acres. The plan proposes to meet the requirement by providing 1.78 acres of off-site mitigation.

The plan is inconsistent with the approved Type I Tree Conservation Plan, TCPI/031/07, because it does not preserve a woodland area to buffer the property to the south.

Because there are no sensitive environmental areas and no priority woodlands on the property and there are no adjacent large woodlands, the use of off-site woodland conservation is appropriate for this development.

- c. This property is located on the south side of Ritchie Marlboro Road, a master-plan arterial roadway that has been identified as a transportation-related noise generator. The Environmental Planning Section Noise Model predicts the unmitigated 65 dBA Ldn noise contour to be approximately 155 feet from the centerline of Ritchie Marlboro Road. Because the proposed use of the site is nonresidential, noise mitigation is not required.

No additional information is required with respect to noise.

- d. The site has a Stormwater Management Concept Approval Letter (38441-2006-00) and associated plan. The plan proposes an underground storage system.

No additional information is required regarding stormwater management.

Department of Public Works and Transportation (DPW&T): On May 28, 2009, the Department of Public Works and Transportation, Office of Engineering, provided a memorandum stating that the detailed site plan does not reflect the entrances/exits to or from Ritchie Marlboro Road and/or Sansbury Road, and that access to the site should be constructed as a commercial driveway apron, in accordance with the County Road Ordinance, DPW&T Specifications and Standards 200.03 and 200.04, and ADA (Americans with Disabilities Act). The memorandum also states that all improvements within the public rights-of-way, as dedicated for public use to the County, are to be in accordance with the County Road Ordinance, DPW&T specifications and standards, and ADA.

The memorandum continues to convey that street construction permits are required for improvements within public roadway rights-of-way and for the proposed private internal roadways. Maintenance of private streets is not the responsibility of DPW&T. Any proposed

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and/or existing master-plan roadways that lie within the property limits must be addressed through coordination between the Maryland-National Capital Park and Planning Commission (M-NCPPC) and DPW&T, and may involve rights-of-way reservation, dedication and/or road construction in accordance with DPW&T specifications and standards. Conformance with DPW&T street tree and street lighting specifications and standards is required, with lighting fixtures to match those in existence in the area. Any new sidewalk installation is to match existing sidewalks in the area. Additionally, sidewalks must be kept open for pedestrians at all times. All stormwater management facilities/drainage systems, including recreational features and visual amenities and facilities are to be constructed in accordance DPW&T specifications and standards.

Soil Conservation: On April 8, 2009, the Prince George's Soil Conservation District provided a referral stating that it would have no comments on the subject application.

Department of Environmental Resources (DER): The M-NCPPC did not receive a referral from the Department of Environmental Resource.

Maryland State Highway Administration (SHA): A letter submitted on April 18, 2009 from SHA stated that they have completed their review of the site plan and supporting documents. SHA has no objection to Detailed Site Plan DSP-08043 approval as submitted.

Washington Suburban Sanitary Commission (WSSC): On April 14, 2009, WSSC provided comments that water is available onto the subject site and that a sewer extension will be required. Also, Project No. DA4963Z09 is an approved project within the limits of this proposed site.

Westphalia Sector Development Review Advisory Council (WSDRAC): A referral was received from the Westphalia Sector Development Review Advisory Council (WSDRAC) on June 2, 2009, which stated that WSDRAC has no comments concerning the detailed site plan.

10. As required by Section 27-285(b) of the Zoning Ordinance, this detailed site plan for infrastructure satisfies the site design guidelines as contained in Section 27-274, prevents off-site property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan (TCP II/021/09) and further APPROVED Detailed Site Plan DSP-08043 for the above-described land, subject to the following condition:

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Page 10

- 1. Prior to certification of the DSP the following shall be completed:

The applicant shall submit evidence that the access easement (Liber 17192 Folio 049) dated April 7, 2003 that encumbers Lot 3 to serve Parcel 140 to the east has been abandoned. If the applicant is unable to obtain the abandonment, the DSP shall delineate the full extent of the easement and ensure uninterrupted access to Parcel 140. The layout shall be designed so that there will be no vehicular or pedestrian conflict between the development on Lot 3 and the use of the easement by the owners of Parcel 140.

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Cavitt, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, June 11, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 9th day of July 2009.

Oscar S. Rodriguez
Executive Director

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

OSR:FJG:JM:arj

APPROVED AS TO LEGAL SUFFICIENCY
Mac
M-NCPPC Legal Department
Date 6-29-09



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

June 14, 2016

Two Farms, Inc.
d/b/a Royal Farms
3611 Roland Avenue
Baltimore, MD 21211

Re: Notification of Planning Board Action on
Detailed Site Plan DSP-08043-01
Royal Farms, Sansbury

Dear Applicant:

This is to advise you that, on **June 9, 2016**, the above-referenced Detailed Site Plan was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

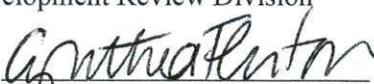
Pursuant to Section 27-290, the Planning Board's decision will become final 30 calendar days after the date of the final notice **June 14, 2016** of the Planning Board's decision, unless:

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

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

Please direct any future communication or inquiries regarding this matter to Ms. Redis C. Floyd, Clerk of the County Council, at the above address.

Very truly yours,
Alan Hirsch, Chief
Development Review Division

By: 
Reviewer

Attachment: PGCPB Resolution No. 16-71

cc: Redis C. Floyd, Clerk of the County Council
Persons of Record



RESOLUTION

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

WHEREAS, in consideration of evidence presented at a public hearing on May 19, 2016 regarding Detailed Site Plan DSP-08043-01 for Royal Farms, Sansbury, the Planning Board finds:

1. **Request:** The detailed site plan (DSP) is for a 5,166-square-foot food and beverage store and gas station on 4.48 acres of land.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	M-X-T	M-X-T
Use(s)	Vacant	Food and Beverage Store and Gas Station
Parcels*	3	0
Lots	0	3
Acreage	4.48	4.48
Gross Floor Area (GFA)	0	5,166 sq. ft.

Note: * The existing parcel references should be noted on the DSP.

Overall Floor Area Ratio (FAR) in the M-X-T Zone

Base Density Allowed	0.40 FAR
Total FAR Permitted*	0.40 FAR
Total FAR Proposed	0.03 FAR

Note: * Without optional method of development.

Parking Requirements*

Total Parking Spaces Required**	40 Spaces
Gas Station @1 space per employee	2 spaces
3,000 GFA @ 1 space per 150 GFA	20 spaces
3,000+ GFA @ 1 space per 200 GFA	11 spaces
Outdoor seating @ 1 space per 3 seats	7 spaces

Total Parking Spaces Provided	53 Spaces
Regular Spaces (9.5 ft. x 19 ft.)	51
Handicap Spaces (19 ft. x 16 ft.)	2 (van accessible)
Loading Spaces Required	1 Space
Loading Spaces Provided	1 Space

Notes: * The number of parking and loading spaces for developments in the M-X-T Zone are to be calculated by the applicant and submitted for Planning Board approval at the time of DSP, as stated in Sections 27-574 and 27-583 of the Zoning Ordinance. In this case, the applicant has chosen to provide the number of parking and loading spaces normally required under Sections 27-568 and 27-582.

** General Note 35 shall be revised to show the correct number of parking spaces required.

- Location:** The subject property is located in the southeast corner of the intersection of Ritchie Marlboro Road and Sansbury Road, in Planning Area 78, Councilmanic District 6. This intersection is designated by the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan and SMA) as one of nine gateways into Westphalia and is proposed as the location of a mixed-use village center.
- Surrounding Uses:** Across Ritchie Marlboro Road to the north is land owned by the Greater Morning Star Pentecostal Church in the Townhouse (R-T) Zone. To the south is property owned by the Ritchie Baptist Church, which is zoned Mixed Use-Transportation Oriented (M-X-T) and is envisioned as a possible future component of the gateway village center. To the east of the subject property is a single-family home facing Ritchie Marlboro Road in the Rural Residential (R-R) Zone. To the west, across Sansbury Road, is a proposed townhouse and commercial component of the Westphalia Row development in the M-X-T Zone.
- Previous Approvals:** The subject property was rezoned from the Residential-Agricultural (R-A) Zone to the M-X-T Zone in the 2007 Westphalia Sector Plan and SMA. As part of the rezoning, the Prince George's County District Council approved the concept plan for development of the subject property and the neighboring properties to the west and south as an integrated mixed-use development. This concept plan is illustrated in plan view, with illustrative perspective renderings in Exhibit 19 of the public record for the Westphalia SMA, and is intended to serve as a vision to guide the development of the village center.

Conceptual Site Plan CSP-07002 was approved by the District Council on November 10, 2008 (PGCPB Resolution No. 08-50) with 15 conditions.

The site is the subject of approved Preliminary Plan of Subdivision (PPS) 4-07057; the resolution of approval (PGCPB No. 08-51) was adopted by the Prince George's County Planning Board on April 24, 2008 with 14 conditions. The PPS is valid through December 31, 2017.

The site has a DSP for infrastructure for grading and utilities (DSP-08043) which was approved by the Planning Board on June 11, 2009 and adopted on July 9, 2009 via PGCPB Resolution No. 09-98, with one condition.

A approved Stormwater Management Concept Letter (38411-2006-00) and associated plan were submitted with the application. The approval was issued on December 24, 2014 from the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) and is valid through May 4, 2017.

6. **Design Features:** The 4.48-acre site has a somewhat irregular rectangular shape which is comprised of three parcels. The proposed development, including access, will comprise proposed Lot 1 and a portion of proposed Lot 2. The remainder of the site is anticipated for future development. The site plan proposes a single right-in/right-out point of vehicular access along the site's frontage on Sansbury Road and two full access points along Ritchie Marlboro Road. The site plan further shows a location for potential access to the adjacent church property along the south side of the site. This potential future access should be clearly labeled on all the plans, including the tree conservation plan (TCP). The proposed site design places the gas station canopy with eight pump islands (16 fueling stations) along Ritchie Marlboro Road and the food and beverage store for the Royal Farms behind, adjacent to the access driveway from Sansbury Road. Surface parking is proposed throughout the site. A free air station is shown in the required landscape strip; it should be relocated to a location within the parking area. In addition, all references to a car wash and other facilities or elements not proposed in this DSP should be deleted from the site keynotes. Stormwater management is provided via an underground facility.

The 5,166-square-foot retail building for the Royal Farms is designed to reflect a somewhat rural aesthetic, which is a trademark of Royal Farms. The new prototype model has been constructed throughout Maryland and, most recently, on Allentown Road in Camp Springs. A similar Royal Farms was also recently approved in Brandywine. The building design incorporates a band of composite siding at the top portion of the building, brick veneer in the middle, and stone veneer at the base of the building. The main entrance projects from the rest of the building and features two side entry points. The front elevation is accented with a shed-style roof over the main entrance supported by stone veneer and painted steel columns and topped with a cupola, and over-sized windows that help break up the horizontal mass. The rear elevation, which abuts the church property to the south, presents long uninterrupted bands of the composite siding, red brick, and stone veneer with awnings over the employee door and windows. Outdoor seating is proposed.

Due to the high visibility of the pumps, canopy, and retail building on a corner site such as the subject site, and particularly at a Westphalia gateway location, the design of all the site plan elements is extremely important and all materials should be of high quality. The proposed exterior building materials, including stone, brick, and composite siding, are of notable quality and durability. The pumps and canopy are reflective of the architecture and materials of the main building. The Planning Board finds that, for enhanced visual interest, the flat canopy roof of the pump station should be replaced with a mansard roof similar to that provided in Camp Springs. The applicant has agreed to provide the revised roof.

Although not required, Royal Farms, as it did with its Camp Springs location, will obtain Leadership in Energy and Environmental Design (LEED) certification if the project scores high enough for certification.

Signage: The applicant is proposing a unified sign package including one 25-foot-high freestanding pylon sign, two neon-illuminated building-mounted signs (on the front and rear elevations), signage on the fueling station canopy, and a gateway monument sign. The business logo is distinctive without being excessive, incorporating only a blue "Royal" and green "Farms" on all sign types and using channel letters on the main building. The gateway sign, as currently proposed, is constructed of a combination of brick veneer and stone to match the building materials of main building, with black wrought-iron picket fencing on the top. The Planning Board finds that the applicant should revise the design and materials of the gateway monument sign to reflect the materials and design approved by Westphalia stakeholders, and as approved by the Planning Board for other areas of Westphalia, which includes a more urban pre-cast concrete and stone veneer. The applicant has also agreed to provide a stone base for the freestanding pylon sign that will complement both the building architecture and the revised gateway monument sign.

The applicant is proposing underground stormwater management facilities. As noted above, a stormwater concept plan was approved by DPIE that includes the facilities.

COMPLIANCE WITH EVALUATION CRITERIA:

7. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the M-X-T Zone and the site plan design guidelines of the Zoning Ordinance and was found to be in compliance with those regulations.

a. **Required Findings for Detailed Site Plans and Conceptual Site Plans in the M-X-T Zone:**

Section 27-546(d)

(1) **The proposed development is in conformance with the purposes and other provisions of this Division;**

The purposes of the M-X-T Zone are provided for in Section 27-542 of the Zoning Ordinance. The subject DSP will be in conformance with the purposes and other provisions of the M-X-T Zone. Specifically, in accordance with Section 27-542(a)(2), this development will facilitate the development envisioned in CSP-07002 and 4-07057, and implement the recommendation of the 2007 Westphalia Sector Plan and SMA by contributing to the creation of a mixed-use community. The subject site will form part of the larger village center area, which, as a whole, will constitute a mixed-use walkable community with residential and nonresidential uses in close proximity to each other.

- (2) **For property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, the proposed development is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;**

The uses proposed on the site are consistent with those envisioned in the Westphalia Sector Plan; however, strict adherence to some guidelines and standards of the sector plan have proven challenging for the applicant. Due to the grade difference between the property and the street, it is neither feasible nor practical to locate a building along the property frontage at the intersection of Sansbury Road and Ritchie Marlboro Road. This difference in grade results in an inability to create a main street design, since the road and sidewalk sit so far below the actual property grade. Although the applicant is unable to fully achieve the original vision of the sector plan for a main street design character, they are providing a well-designed development that will still benefit the northern Westphalia community. Its design, coupled with the proposed landscaping, can be found to be in conformance with the land use recommendations and design policies/principles intended to implement the development concepts recommended by the sector plan.

- (3) **The proposed development has an outward orientation which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;**

Although the commercial building will not directly front on Sansbury Road, the development still possesses an outward orientation that will be visually-integrated with future adjacent development. The proposed development is intended to help catalyze adjacent community improvement and rejuvenation by providing convenience retail and services for the village center area.

- (4) **The proposed development is compatible with existing and proposed development in the vicinity;**

The previously approved CSP and PPS anticipated this use within the Sansbury Crossing development. The design is high-quality, incorporating distinctive design elements with high-end finishes and landscaping which will result in an attractive and sustainable development compatible with existing and proposed development. It is further noted that a Royal Farms within the M-X-T Zone is a permitted use.

- (5) **The mix of uses, arrangement and design of buildings and other improvements, and provision of public amenities reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;**

As envisioned in the Westphalia Sector Plan, the subject property and the property to the west represent a mix of uses that will make up the village center area. The mix of uses, arrangement of structures, and other improvements reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability.

- (6) **If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;**

The applicant has not proposed a staged development. The Royal Farms development is designed to be self-sufficient, but has allowed for the effective integration of anticipated future development on Lots 2 and 3.

- (7) **The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development;**

The applicant is proposing to install sidewalks along both road frontages to create a convenient pedestrian system that will be integrated into the overall village center. Internal circulation and sidewalks will contribute to a pedestrian-friendly system within the Royal Farms development and provide connectivity to future development on Lots 2 and 3. An oversized sidewalk along the front of the commercial building will accommodate outdoor seating for up to six tables, which will encourage pedestrian activity at this location.

- (8) **On the Detailed Site Plan, in areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, high quality urban design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial); and**

The proposed DSP and architectural elevations present site and building designs that provide appropriate human-scale and high-quality design. A variety of building materials and architectural elements are proposed to create visual interest. In conjunction with the proposed landscaping and outdoor seating, this will help create an environment that will facilitate a gathering place for patrons.

- (9) **On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, will be provided by the applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club), or are incorporated in an approved public facilities financing and implementation program, will be**

adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending its finding during its review of subdivision plats.

The subject property was placed in the M-X-T Zone as part of the Westphalia Sector Plan and SMA process. A traffic study was approved with the original CSP-07002 and PPS 4-07057 and, in both instances, a finding of adequate transportation facilities was made. In addition, the proposed Royal Farms development will meet the trip cap approved by the CSP and PPS.

- b. **Site Design Guidelines:** The applicant has proposed a site plan in accordance with Section 27-283, Site design guidelines, of the Zoning Ordinance that further cross-references the same guidelines as stated in Section 27-274 of the Zoning Ordinance, specifically in regard to parking, loading, and circulation; service areas; and lighting. Landscaping has been provided in accordance with the 2010 *Prince George's County Landscape Manual* (Landscape Manual) requirements.
- c. **Signage:** The proposal includes building-mounted signs, freestanding signs, and directional signs. The signs have been reviewed for conformance with the applicable sign regulations, as follows:
 - (1) **Freestanding Signage**—The applicant proposes one 25-foot-high freestanding pylon sign located along Ritchie Marlboro Road. The sign has been reviewed for conformance with the requirements of Section 27-614, Freestanding Signs, of the Zoning Ordinance. As the property is not located within an integrated shopping center, one square foot of signage is permitted for each four lineal feet of street frontage, up to a maximum of 200 square feet. The subject property has approximately 666.5 linear feet of street frontage on Ritchie Marlboro Road; therefore, 166.6 square feet of freestanding signage is permitted. The Pylon Sign Table should be revised to show the correct allowable sign face area. The subject application proposes a total sign face area of 68 square feet, inclusive of two areas that are identified only as “Product Display Signage” that appear to serve as sign piers or posts that hold up the sign. The sign should be revised to incorporate a stone veneer base that complements both the main building and gateway monument sign. The detail should also indicate, more specifically, the material of the product display sign face area. In addition, the Pylon Sign Table proposed sign face area should be revised to replace “Net Proposed” with “Product Advertising” and correct the square footage for the price sign to 56 square feet, rather than 68 square feet.
 - (2) **Building-Mounted Signs**—The applicant proposes two building-mounted signs, which feature the business logo. The signs are proposed to be illuminated by neon. Based upon the linear feet of building width indicated on the site plan that

is approximately 99.5 linear feet, the applicant is permitted 199 square feet of building-mounted signage. The proposal is within the limits outlined in the Zoning Ordinance for the front and rear signs.

- (3) **Canopy Signage**—The main fueling canopy is allowed 107 square feet of sign face area based on 132 linear feet and a setback from the property line of at least 30 feet. The sign face area proposed is within the allowable limits. The percentage of total sign area for the main building and canopies combined must equal 100 percent, and this is shown correctly in the table.
- (4) **Gateway Monument Sign**—The DSP shows a five-foot-high gateway monument sign located within the Sansbury Road right-of-way. Due to the difference in grade between the street and the property, the sign will sit approximately ten feet above Sansbury Road. Because of its proposed location in the right-of-way, the applicant should either relocate the sign or provide documentation from DPIE of acceptance of the proposed sign within their right-of-way. The applicant should provide calculations on the detail sheet that indicate the sign is in conformance with Part 12 of the Zoning Ordinance.

8. **Conceptual Site Plan CSP-07002:** The site is subject to CSP-07002, and the following conditions in **bold** warrant discussion.

5. **The following standards shall apply to and be reflected on all detailed site plans for commercial/retail buildings on the property. Said standards shall be interpreted to allow for either a single user of the entire site or up to three individual pad site users. At the time of detailed site plan review, the Planning Board may make modifications to the Development Standards without the need to amend the conceptual site plan if the Planning Board finds such modification is appropriate and consistent with the character and quality of the development envisioned by the conceptual site plan and the Westphalia Sector Plan.**

- a. **Any building located on the western portion of the site shall be visually parallel to Sansbury Road and the closest building corner shall be set back 15-25 feet from the ultimate right-of-way line.**

The applicant is requesting a modification of this development standard as allowed above, “in order to accommodate a development that will be safe, efficient, aesthetically pleasing, high quality, and will serve the needs of the community without creating operational issues that would jeopardize the viability of the site.” The applicant contends that the site layout proposed, which includes a gateway sign/wall along Sansbury Road, will better promote a walkable main street character, as opposed to having the back of a building sitting no less than ten feet from the sidewalk, which will be out of scale and detract from what has turned into a more residential street front, especially on the west side of Sansbury Road, pursuant to the recently approved CSP amendment. Moreover, the applicant

contends that there is significant concern, both operationally and from a public safety perspective, over having gas pumps located behind a building. Locating gas pumps behind a building is contrary to Crime Prevention Through Environmental Design (CPTED) practices and could potentially encourage unwelcomed activity within the site because a building blocks the views of the pumps from the rights-of-way. For these and other reasons provided in the record, the Planning Board finds that the requested modification is appropriate and will not detract from the character or quality of the development, as envisioned in the Westphalia Sector Plan.

b. Provision of parking between building(s) and Ritchie Marlboro Road (from the Sansbury Road intersection to the first entrance along Ritchie Marlboro Road) shall be evaluated based on the following:

- (1) Consistency with the goals and standards of the Westphalia Sector Plan.**
- (2) The location of the building.**
- (3) The needs of the site's ultimate users.**
- (4) The location, size, and appearance of future corner gateway feature(s).**

Given the need to ensure safe and efficient on-site circulation, and that there are no conflicts between vehicles and pedestrians, the Planning Board finds that the parking layout is consistent with the goals and standards of the Westphalia Sector Plan. No parking is proposed along the frontage of Ritchie Marlboro Road. Landscaping is proposed to screen the gas pumps under the canopy along Ritchie Marlboro Road, as well as along Sansbury Road. The applicant's proposal, subject to conditions relating to landscaping, is consistent with the intent of the Westphalia Sector Plan.

c. If any parking is provided between the building(s) and the Ritchie Marlboro Road right-of-way, the parking shall be buffered with appropriate screening and/or landscape features such as decorative fencing, masonry walls, and plantings along Ritchie Marlboro Road that also serve to visually connect the site to the overall gateway center features.

A request for Alternative Compliance from Section 4.6(c)(2), Buffering Development from Special Roadways, of the Landscape Manual along Ritchie Marlboro Road was recommended for approval by the Planning Director. The proposed landscaping, in conjunction with the gateway sign/wall and landscaping along Sansbury Road, will effectively screen the parking area and visually connect the site to the overall gateway center. The Planning Board concurs that the findings for alternative compliance have been met.

- d. Any drive-through kiosks, canopies, or windows shall be physically and visually integrated into the main building.**

There are no drive-through kiosks, canopies, or windows proposed. The gas canopy has been designed to integrate the same materials proposed for the main building through the use of stone veneer wrapped around the outside canopy poles that matches the stone proposed on the building. The applicant has also agreed to revise the canopy roof to better integrate the style and character of the main building.

- e. Building(s) must be multistory or provide a visual appearance of being at least two stories in height.**

The gable roof of the Royal Farms building is 32 feet in height, with the midpoint of the gable being approximately 25 feet high. The flat roof portion of the building is approximately 22 feet in height. In conjunction with the over-sized windows, some of which are bisected by canopies, these elements create a human scale, in addition to providing the appearance of a building being at least two stories in height.

- f. Off-street parking shall not be permitted between any building on the westernmost lot and Sansbury Road.**

The applicant is requesting a modification to this development standard to allow off-street parking between the building on Lot 1 and Sansbury Road. As noted previously, there are a number of challenges to locating the building along Sansbury Road. The topographical and grade issues, safety and operational issues, efficient internal circulation, and the provision of effective pedestrian connectivity to the site make locating the building along Sansbury Road impractical. The requested modification will still result in a development that is consistent with the character and quality of development envisioned by the previously approved CSP and the Westphalia Sector Plan.

- 6. Prior to submittal of a detailed site plan for this property, the applicant shall demonstrate that the existing house on the subject property has been photographed and recorded on a Maryland Inventory of Historic Properties form. The documentation shall be submitted to staff of the Historic Preservation and Public Facilities Planning Section.**

The applicant submitted the required materials on September 9, 2008. This condition has been fulfilled.

- 7. At the time of detailed site plan review for the first commercial/retail building for the subject property, the site will be evaluated for conformance to the gateway design guidelines of the Westphalia Sector Plan. Review should include items such as gateway entrance features, architectural design, materials, colors, landscape palette,**

and streetscape features and amenities. It is anticipated that the DSP for the Westphalia Row property and the PB & J property will establish these features in conjunction with the Westphalia Gateway Subcommittee, and that the design of gateway features for both properties should be similar or complimentary to one another, dependent upon the final uses approved for each site. The applicant may be required to provide an easement for the location of a gateway feature at the Ritchie Marlboro Road and Sansbury Road.

The current application is for the former PB& J Property. Gateway signage has been evaluated for conformance with the Westphalia Sector Plan and is discussed in Finding 6 above.

- 9. The proposed development shall be limited to a mix of uses where the net new trips shall not exceed 207 AM and 269 PM peak-hour trips.**

This proposal for a food and beverage store and a gas station with eight multi-product dispensers and a total of 16 fueling stations will generate 163 AM peak hour trips and 216 PM peak hour trips. However, when the Institute of Transportation Engineers (ITE) pass-by trip rate of 62 percent and 56 percent (AM and PM, respectively) are applied, the net new trip generation would be 62 AM peak hour trips and 95 PM peak hour trips. The Planning Board concludes that the current trip cap has not been exceeded, and further concludes that the trip cap remaining on the two adjacent lots will be 145 AM and 174 PM peak hour trips.

- 11. There shall be no direct access to Ritchie Marlboro Road from Lot 1.**

No direct access to Ritchie Marlboro Road from the proposed Lot 1 is shown. Access to Ritchie Marlboro Road is from the proposed Lots 2 and 3.

- 12. Access to Sansbury Road shall be limited to a right-in right-out only.**

Access to Sansbury Road is proposed to be limited to right-in/right-out only at the time the median is installed within Sansbury Road, in accordance with DPIE and/or the Prince George's County Department of Public Works and Transportation's requirements, unless otherwise modified by the permitting agency.

- 13. At time of detailed site plan for the first commercial/retail building, the applicant shall demonstrate that the proposed development provides a development style that is more consistent with that shown in Exhibit 19 of the public record for the 2007 Westphalia Sectional Map Amendment, conforms with and promotes policy 6 in strategy IV, and also with the vision, strategy, and design principles in the Westphalia Sector Plan concerning an attractive gateway into Westphalia.**

Exhibit 19 depicts a perspective illustration of future Sansbury Road showing the main street development character referenced in the Westphalia Sector Plan. Exhibit 19 also includes a gas station and convenience store at the eastern corner of Sansbury Road and Ritchie Marlboro Road

as a potential development option. The proposed gas station and food and beverage store will not create the anticipated walkable “main street” commercial contemplated by the sector plan, but nevertheless, the uses have been part of the sector plan since its adoption and the use is permitted by-right. As noted previously, the development is consistent with the vision, strategy, and design principles of the sector plan to create an attractive gateway into the Westphalia area.

14. **At the time of detailed site plan for the first commercial/retail building, the applicant shall provide to the District Council, any plans or specifications that the applicant may have, with reference to its efforts to achieve the Westphalia Sector Plan’s policy goal of ensuring minority participation.**

The applicant has indicated that they will continue to work on how they may include minority participation, and will continue to work with their consultants and the property owner to provide the District Council with any such plans.

15. **To avoid access problems and other circulation issues, no restaurant on the subject property shall have a drive-through window or facility.**

No drive-through window or facility is proposed in this DSP.

9. **Preliminary Plan of Subdivision 4-07057:** The site is subject to Preliminary Plan of Subdivision 4-07057 and the following conditions in **bold** are applicable to the DSP review. Those PPS conditions that are redundant with those in the CSP were addressed above in Finding 8.

2. **A Type II tree conservation plan shall be approved with the detailed site plan.**

The applicant submitted a Type II tree conservation plan (TCPII) which had been previously reviewed and approved with DSP-08043. All conditions of approval have been addressed.

3. **Development of this site shall be in conformance with the Stormwater Management Concept Plan, 38441-2006-00, and any subsequent revisions.**

General Note 17 on the DSP should be revised to reflect the Stormwater Management Concept Plan as 38441-2006-02, which is valid until May 4, 2017.

6. **Prior to the approval of the detailed site plan (DSP) the applicant shall submit evidence that the access easement (Liber 17192 Folio 049) dated April 7, 2003, that encumbers Lot 3 to serve Parcel 140 to the east has been abandoned. If the applicant is unable to obtain the abandonment, the DSP shall delineate the full extent of the easement and ensure uninterrupted access to Parcel 140. The layout shall be designed so that there will be no vehicular or pedestrian conflict between the development on Lot 3 and the use of the easement by the owners of Parcel 140.**

This condition was fulfilled prior to certification of DSP-08043.

7. **The final plat shall carry a note that direct vehicular access to Ritchie Marlboro Road from Lot 1 is denied, and that direct vehicular access from Lots 2 and 3 to Ritchie Marlboro Road combined shall be limited to two and are authorized pursuant to Section 24-121(a)(3) of the Subdivision Regulations. All other access shall be denied along Ritchie Marlboro Road. The existing access easement (Liber 17172 folio 049) serving Parcel 140 to the east shall be included when counting the total number of authorized points of access to Ritchie Marlboro Road for Lots 2 and 3 unless abandoned.**

No direct access to Ritchie Marlboro Road from Lot 1 is shown. The DSP should reflect that direct vehicular access from Lots 2 and 3 to Ritchie Marlboro Road is limited to two driveways and that the third driveway no longer exists. The DSP will be in conformance with the applicable conditions of the PPS subject to the conditions of the approval of this application.

10. **Detailed Site Plan DSP-08043:** Detailed Site Plan DSP-08043 was for infrastructure only and there were no conditions of approval relevant to this DSP application.
11. **2010 Prince George's County Landscape Manual:** The site plan is subject to the following sections of the 2010 *Prince George's County Landscape Manual*: Section 4.2, Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6(c)(2), Buffering Development from Special Roadways; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements.
 - a. **Section 4.2, Landscape Strips Along Streets**—The applicant is proposing ornamental trees in substitution of the required amount of shade trees along Sansbury Road. Because there are no overhead wires or other utilities necessitating the need for the substitution, the applicant is required to provide the required number of shade trees along this roadway frontage in accordance with this section. A condition is included in the approval of this application.
 - b. **Section 4.3, Parking Lot Requirements**—The site plan shows conformance with the interior planting requirements for parking lots over 7,000 square feet.
 - c. **Section 4.4, Screening Requirements**—The site plan shows a screened dumpster at the eastern portion of the site which is acceptable. A loading space is proposed to be located just north and east of the main building in the front parking area. The loading space should be relocated and screened so that it is not visible from any roadway, in accordance with this section. A condition is included in the approval of this application.

- d. **Section 4.6(c)(2), Buffering Development from Special Roadways**—The applicant has filed a request for Alternative Compliance from Section 4.6(c)(2), Buffering Development from Special Roadways, along historic Ritchie Marlboro Road because the full required buffer width has not been provided and plantings are located within a public utility easement (PUE) adjacent to the right-of-way.

Section 4.6, Buffering Development from Special Roadways:

REQUIRED: Section 4.6 (c)(2) Buffering Development from Special Roadways, along Ritchie Marlboro Road

Length of bufferyard:	238 feet
Minimum bufferyard width:	(outside the public utility easement) 20 feet
Plant Units (80 per 100 linear feet):	191

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

Length of bufferyard:	238 feet
Bufferyard width:	(including public utility easement) 14.7–25.8 feet
Plant Units:	191

Justification

The applicant does not meet the strict requirements of Section 4.6 (c)(2), Buffering Development from Special Roadways, along the entire length of frontage on the historic Ritchie Marlboro Road because the full required buffer width has not been provided and plantings are located within a PUE adjacent to the right-of-way. The applicant justifies this arrangement because Ritchie Marlboro Road, which is a six- to eight-lane arterial roadway, has no historic or scenic features remaining along this length. The subject property also has an existing Washington Suburban Sanitary Commission (WSSC) sanitary sewer easement that limits the area for planting. The full quantity of required plant materials is provided. It appears that the primary reasons for the reduced bufferyard are the PUE encumbrances, ensuring visibility for a proposed freestanding sign, and to accommodate truck turning movements. The application is supportable if certain conditions of approval are adopted to mitigate the reduced bufferyard width along the right-of-way.

The Alternative Compliance Committee found that the purpose of Section 4.6, Buffering Development from Special Roadways, is to “Provide an attractive view of development from streets and special roadways by buffering those developments with appropriate landscaping.” Given the provision of the required amount of plants and the variable bufferyard width, which ranges from 14.7 feet to 25.8 feet wide, the Planning Board finds the applicant’s proposed alternative compliance measures to be equally effective as normal compliance with Section 4.6 of the Landscape Manual. However, prior to certification, the

applicant should revise the plan to relocate as much of the plant material outside of the PUE as is feasible; remove any trees currently proposed within the WSSC easement, and adjust the quantity of the plantings, as needed, to accomplish the full number of required plant units; and provide two additional species of ornamental trees for greater species diversity.

- e. **Section 4.7, Buffering Incompatible Uses**—The applicant is providing the correct number of plant units in fulfillment of this requirement; however, the proposed trees should be staggered to provide a more natural appearance that blends with the existing trees on the adjacent property. A condition is included in the approval of this application.
 - f. **Section 4.9, Sustainable Landscape Requirements**—The submitted plans demonstrate conformance with Section 4.9 by providing 100 percent native species. The applicant has provided the required number of native species.
12. **Prince George’s County Woodland Conservation and Tree Preservation Ordinance**—This property is subject to the provisions of the Prince George’s County Woodland Conservation and Tree Preservation Ordinance because Type I and Type II Tree Conservation Plans (TCPI-03107 and TCPII-21-09) have been approved. The applicant has submitted a copy of the currently approved Type II Tree Conservation Plan (TCPII-21-09).

This 4.49-acre property contains a total of 2.42 acres of upland woodlands. The woodland conservation threshold has been correctly calculated at 0.67 acre, or 15 percent, of the net tract based on the current zoning. The plan shows clearing of all of the woodland on-site. The total woodland conservation requirement has been correctly calculated at 1.78 acres. The plan proposes to meet the requirement by providing 1.78 acres of off-site mitigation. The site has been approved for permits and has been cleared in accordance with the current approved TCPII. General Note 28 should be revised to accurately reflect the correct TCPII number.

The landscape plan submitted with the DSP proposes a straight hedgerow of 12 shade trees. This proposed planting is approximately 40 feet in width, which is consistent with the woodland buffer width shown on the initial TCPI. As noted above, the applicant should stagger the proposed trees along the southern landscape bufferyard to better reflect natural landscaping and to blend with the existing trees on the adjacent property.

No additional information is required with regard to woodland conservation.

13. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

- a. **Community Planning**—The following summarized comments are provided.

Plan Prince George's 2035 Approved General Plan—The property is within a Future Land Use Category of Mixed-Use in the *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035). Mixed-use is described as areas of various residential, commercial, employment, and institutional uses. Mixed-use areas may vary with respect to their dominant land uses, whereby, commercial uses may dominate in one mixed-use area and residential uses may dominate in another.

2007 Westphalia Sector Plan and Sectional Map Amendment—The application is in conformance with the land use recommendations and design policies and principles intended to implement the development concepts recommended by the *2007 Westphalia Approved Sector Plan and Sectional Map Amendment* (sector plan).

The proposed Royal Farms project is located in a designated mixed-use activity center at the northern gateway to the sector plan along a local street (Sansbury Road) and an arterial highway (Ritchie Marlboro Road), close to an interchange for the Capital Beltway (I-95/495). A Conceptual Site Plan (CSP-07002) was approved by the Planning Board for the entire 4.48-acre property in 2008 and envisioned a pharmacy, service station, bank, restaurant, or retail store on three commercial pad sites. The Westphalia Sector Plan envisioned this mixed-use activity center as having a main street development character (see Sector Plan Illustration 5 on page 29). The design principles on page 30 of the plan called for developing distinct, high-quality, walkable, mixed-use and “main street” commercial development areas. Illustration 5 in the sector plan is taken directly from Exhibit 19, which was referenced on page 16 of the County Council resolution that adopted the Westphalia Sector Plan and SMA (CR-02-2007). The exhibit graphically depicts a perspective of future Sansbury Road (see page 10 of Exhibit 19) showing the main street development character referenced in the Westphalia Sector Plan. Exhibit 19 also depicts a gas station and convenience store at the eastern corner of Sansbury Road and Ritchie Marlboro Road (see page 11 of Exhibit 19) as a potential development option. Although the proposed development will not create the anticipated walkable main street character contemplated by the sector plan, the gas station and food and beverage store have been envisioned in the sector plan since its adoption in 2007 and the use is permitted by-right.

Westphalia Gateway—This project is located within a designated “gateway” in the Westphalia Sector Plan. The plan establishes the intersection of Ritchie Marlboro Road and Sansbury Road as one of the gateways entering the Westphalia community. Gateways require compliance with design principles aimed at distinguishing and delineating them as attractive entrances into the sector. The gateway design principles from the Westphalia Sector Plan (page 32) include the following:

Policy 7—Gateways, Design Principles

Design designated gateways to include at least the following design elements:

- **Landmark elements such as entrance signage, artwork, monuments constructed on features such as stone or masonry, decorative columns, water features, or clock towers.**
- **Landscape design including both softscape and hardscape elements.**
- **Resting and recreational facilities, information kiosks, or other amenities as appropriate.**

The design of buildings, landscaping, signs, and any special features along the Ritchie Marlboro Road frontage, as well as Sansbury Road, are critical to the image of Westphalia that will be portrayed at this northern entryway. Stakeholders in the Westphalia sector have been working together for several years to provide for gateway signage design that can be used at all gateway locations. The applicant has shown a gateway sign that includes stone and brick veneer to match the architecture of the proposed store. The gateway sign design that was agreed upon by Westphalia stakeholders includes a bronze logo, stone veneer, and pre-cast concrete panels. It is important to maintain consistency across the ten gateways, therefore, the brick should be eliminated in place of stone veneer and pre-cast concrete. A rendering of the selected gateway signage by Land Design and a sign detail from DSP-08039-08 is attached to the Community Planning referral for reference.

Additional Gateway Design Recommendations—The Planning Board finds that several additional design revisions along the northern Westphalia gateway should be incorporated, as follows:

- (1) The applicant proposes a pylon gas sign on the northeast side of the site near the entrance on Ritchie Marlboro Road. In keeping with the design intent of the Westphalia Gateway, the existing pylon sign should be revised to include a stacked stone base that matches the stacked stone on the building and gateway monument sign. This would be similar to the sign at the Camp Springs store, which was constructed with a brick base instead of stone.
- (2) Re-create the gas canopy roof design that was constructed in Camp Springs.
- (3) The existing eight-foot wide sidewalk along Sansbury Road is proposed to be removed and rebuilt as five feet. While space for the sidewalk may be limited, provide more than five feet where achievable.

The above conditions are included in the approval of this application.

Section 27-546(d)(2) of the Zoning Ordinance requires that, for property placed in the M-X-T Zone through an SMA approved after October 1, 2006, the proposed development should be in conformance with the design guidelines or standards intended to implement the development concept recommended by the master plan, sector plan, or SMA zoning change. Although the applicant has not fully achieved the original vision of the sector plan for main street design character, the applicant has provided a well-designed food and beverage store and gas station at the northern Westphalia gateway, a use that was contemplated in Exhibit 19 of the Westphalia Sector Plan and SMA. In addition, the applicant has incorporated a Westphalia gateway feature into their site, becoming only the second applicant to do so.

- b. **Subdivision**—This property is the subject of PPS 4-07057, which was approved by the Planning Board on April 3, 2007 (PGCPB Resolution No. 08-51) and is valid through December 31, 2017. The property is not platted and will need to complete a final plat approval subsequent to this DSP approval, prior to the PPS expiration date of December 31, 2017. The PPS was approved for 3 lots and 20,000–30,000 square feet of commercial/retail. Any additional development will require a new PPS. Subject to the conditions included in the approval of this application, the DSP was found to be in substantial conformance with the approved PPS.
- c. **Environmental Planning**—The project is not subject to the current regulations of Subtitles 24 and Subtitle 25 of the Prince George’s County Code because the associated PPS was approved prior to September 1, 2010.

Site Description

This 4.49-acre site in the M-X-T Zone is located in the southeast quadrant of Sansbury Road and Ritchie Marlboro Road. A review of the available information indicates that streams, wetlands, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils are not found to occur on the property. The site is adjacent to Ritchie Marlboro Road, which is a source of traffic-generated noise; however, no residential uses appear to be proposed, so the noise levels are acceptable for the proposed commercial use. The soils found to occur on this site, according to the *Prince George’s County Soil Survey*, are in the Adelphia, Collington, Monmouth, Rumford, Sandy, and Westphalia soil series. According to available information, Marlboro clay does not occur on this property. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on this property or on adjacent properties. There are no designated scenic and historic roads in the vicinity of this property, which is located in the Southwest Branch watershed of the Patuxent River basin and in Environmental Strategy Area 2, as reflected in Plan Prince George’s 2035.

Natural Resources Inventory

The site has an approved Natural Resources Inventory (NRI-120-06) that is now expired. The NRI shows that the site contains no sensitive environmental features such as streams, wetlands, and 100-year floodplain. A revision to the NRI is not required at this time because the site is grandfathered for this DSP. A revised NRI may be required for stormwater management approval at the discretion of DPIE. No additional information is required regarding the NRI.

Woodland Conservation

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because Type I and Type II Tree Conservation Plans (TCPI-031-07 and TCPII-21-09) have been approved. The applicant has submitted a copy of the currently approved Type II Tree Conservation Plan (TCPII-21-09).

This 4.49-acre property contains a total of 2.42 acres of upland woodlands. The woodland conservation threshold has been correctly calculated at 0.67 acre, or 15 percent, of the net tract based on the current zoning. The plan shows clearing of all of the woodland on-site. The total woodland conservation requirement has been correctly calculated at 1.78 acres. The plan proposes to meet the requirement by providing 1.78 acres of off-site mitigation. The site has been approved for permits and has been cleared in accordance with the current approved TCPII. The landscape plan submitted with the DSP proposes the planting of a straight hedgerow of 12 shade trees. This proposed planting is approximately 40 feet in width, which is consistent with the woodland buffer width shown on the initial TCPI. The applicant should stagger the proposed trees shown on the landscape plan to appear more like natural landscaping to blend with the existing trees on the adjacent property.

Noise

This property is located on the south side of Ritchie Marlboro Road, a master plan arterial roadway that has been identified as a transportation-related noise generator. The Environmental Planning Section Noise Model predicts the unmitigated 65 dBA Ldn noise contour to be approximately 155 feet from the centerline of Ritchie Marlboro Road. Because the proposed use of the site is nonresidential, noise mitigation is not required. No additional information is required with respect to noise.

Stormwater Management

The site has an approved Stormwater Management Concept Letter (38441-2006-02) for a plan that proposes an underground storage system. No additional information is required regarding stormwater management.

- d. **Transportation**—The Planning Board reviewed the DSP with respect to conformance with the transportation-related conditions for the approved PPS (which were also conditions for the CSP) and concluded that adequate transportation facilities will exist to serve the proposed development.

- e. **Trails**—The Planning Board reviewed the DSP for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and/or the appropriate area master/sector plan, in order to implement planned trails, bikeways, and pedestrian improvements. The following summarized comments are provided.

The site is within the MPOT and the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (area sector plan). Two master plan trails are in the vicinity of the subject site. Both the MPOT and the area sector plan recommend shared use paths along Ritchie Marlboro Road and Sansbury Road. The trail along Ritchie Marlboro Road has been completed along the south side of the road for approximately 3,600 linear feet in the vicinity of the Capital Beltway (I-95/495) interchange, including the frontage of the subject site. This trail provides bicycle and pedestrian access under the Beltway. Both the MPOT and the area sector plan designate Sansbury Road as a master plan bikeway. This has been implemented as an eight-foot-wide sidewalk (or sidepath) along the east side of Sansbury Road, including the frontage of the subject site.

The MPOT includes several policies related to pedestrian access and the provision of sidewalks. The Complete Streets section includes the following policies regarding sidewalk construction and the accommodation of pedestrians and provision of complete streets:

Policy 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.

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

The master plan trail along Ritchie Marlboro Road will be retained as the subject site is improved. However, the DSP shows the sidewalk along the frontage of Sansbury Road as being narrowed from eight to five feet. This is due to the reconfiguration of the Ritchie Marlboro Road and Sansbury Road intersection. Also, it should be noted that an eight-foot-wide sidewalk has been approved for construction on the west side of the road, across from the subject site, for the Westphalia Row development, resulting in the relocation of the master plan trail from the east to the west side of the road. The Planning Board supports this revision, although the width of the sidewalk on the Royal Farms site should be maximized to the extent that the right-of-way allows. A small amount of bicycle parking should be provided on the site.

The applicant has agreed to revise the plans to show a seven-foot-wide hiker/biker path along the site's frontage on Sansbury Road. The conditions referenced above are included in the approval of this application.

- f. **Historic Preservation**—The DSP will have no effect on historic resources.
- g. **Archeological Review**—A Phase I archeological survey was not recommended for this property. It was also noted that Condition 14 of PGCPB Resolution No. 08-51 below has been fulfilled.

14. Prior to submittal of the detailed site plan for this property the applicant shall demonstrate that the existing house on the subject property has been photographed and recorded on a Maryland Inventory of Historic Properties form. The documentation shall be submitted to staff of the Historic Preservation and Public Facilities Planning Section.

The applicant submitted the required materials on September 9, 2008.

- h. **Permits**—Permit review comments have either been addressed in revised plans or in conditions included in the approval of this application.
- i. **Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated May 2, 2016, DPIE provided comments on issues such as frontage improvements; access points; sight distance; Americans with Disabilities Acts (ADA) requirements; sidewalks, trails and bike lanes; easements; storm drainage systems and facilities; street trees and lighting; and coordination of utilities. DPIE further stated that the DSP is exempt from Environmental Site Design standards, as long as stormwater management facilities are constructed prior to May 4, 2017.
- j. **Prince George's County Health Department**—In a memorandum dated April 25, 2016, the following comments were provided. The Environmental Engineering/Policy Program of the Health Department has completed a health impact assessment review of the DSP submission for Royal Farms and has the following comments and recommendations:
 - (1) The applicant must submit plans for the proposed food facility and apply to obtain a Health Department Food Service Facility permit through the Department of Permitting, Inspections and Enforcement (DPIE).

This comment has been transmitted to the applicant.

- (2) No construction noise should be allowed to adversely impact activities on adjacent occupied properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.

A note should be provided on the DSP indicating the applicant's intent to conform to the construction activity noise control requirements as specified in Subtitle 19 of the County Code.

- (3) During the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent occupied properties. Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

A note should be provided on the DSP indicating the applicant's intent to conform to the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control requirements.

- (4) The applicant should assure that all sources of air pollution have been registered with the Maryland Department of the Environment, Air and Radiation Management Administration. Such sources include gasoline underground storage tanks, degreasing tanks and paint spraying operations.

This comment has been transmitted to the applicant.

- k. **Prince George's County Fire/EMS Department**—The Fire Department did not offer comments on the subject application.
- l. **Prince George's County Police Department**—The Police Department did not offer comments on the subject application.
- m. **Maryland State Highway Administration (SHA)**—SHA did not offer comments on the subject application.
- n. **Washington Suburban Sanitary Commission (WSSC)**—In an e-mail dated April 8, 2016, WSSC stated that water is available onto the subject site and provided standard comments regarding coordination with other buried utilities, forest conservation easements, and construction standards.
- o. **Westphalia Sector Development Review Advisory Council (WSDRAC)**—In an e-mail dated April 27, 2016, the WSDRAC indicated that, although they do not take exception to the DSP, they have some concerns regarding congestion along Ritchie Marlboro Road, which is a major access point into the site. They further expressed the hope that corrective actions would be taken if this becomes an issue in the future.

14. As required by Section 27-285(b)(1) of the Zoning Ordinance, the Planning Board finds that this DSP satisfies the site design guidelines as contained in Section 27-274, prevents off-site property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.
15. As required by Section 27-285(b)(2) of the Zoning Ordinance, this DSP is also in general conformance with the approved CSP.
16. Section 27-285(b)(4) of the Zoning Ordinance provides the following required finding for approval of a DSP:

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

No impacts to regulated environmental features are proposed with this application. All impacts were previously approved with CSP-07001, PPS 4-07038, and DSP-08043 for the subject property.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan, TCPII-021-09-01, and APPROVED Alternative Compliance AC-16003, and further APPROVED Detailed Site Plan DSP-08043-01 for the above-described land, subject to the following condition:

1. Prior to certification of the detailed site plan (DSP), the following information shall be provided or revisions shown:
 - a. Revise General Note 28 to accurately reflect the correct Type II tree conservation number.
 - b. Revise General Note 35 to show the correct number of parking spaces.
 - c. Provide the dimensions from the property line to the interior curb on all plans.
 - d. Provide a ten-foot-wide public utility easement adjacent to the public rights-of-way.
 - e. Provide two additional species of ornamental trees that thrive in full sun along the roadways.
 - f. Label the width of the Section 4.6 bufferyard on the plan.

- g. Provide the required number of shade trees along the frontage of Sansbury Road in accordance with Section 4.2 of the 2010 *Prince George's County Landscape Manual*.
- h. The landscape plan shall show the proposed trees within the southern Section 4.7 landscape buffer staggered to look more natural and blend with the existing trees on the adjacent property.
- i. Relocate as many of the plant units as feasible outside of the public utility easement.
- j. Relocate the loading area and provide screening so that it is not visible from any roadway, in accordance with Section 4.4 of the 2010 *Prince George's County Landscape Manual*.
- k. Move the proposed trees completely from the Washington Suburban Sanitary Commission easement and provide a reconfiguration and adjustment to the quantity of the plantings, as needed, to accomplish the full number of required plant units of the Section 4.6 buffer.
- l. Show a bicycle rack accommodating a minimum of five bicycle parking spaces at a location convenient to the building entrance. The location of the rack shall be marked and labeled on the plans with details provided.
- m. Remove all structures that have been razed on the subject property from the plans.
- n. Label the dimensions and setbacks of all the structures on all plans.
- o. Delete the abandoned access easement shown on the plan that previously encumbered Lot 3.
- p. Replace the pylon sign with a ground-mounted sign with a stone base that matches the stacked stone on the building and gateway monument sign.
- q. The gas canopy roof design shall include a mansard roof.
- r. Provide a note on the plans indicating intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.
- s. Provide a note on the plans indicating intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.
- t. The DSP and Type II tree conservation plan shall reflect the future potential access to the south in conformance with Preliminary Plan of Subdivision 4-07057.

- u. The modification to the existing eight-foot-wide sidewalk along the subject site's frontage along Sansbury Road shall retain the maximum width that can be accommodated over five feet within the dedicated right-of-way, subject to the approval of the Prince George's County Department of Permitting, Inspections and Enforcement.
- v. The air station shall be relocated to a location within the parking area.
- w. All references to a car wash and other facilities or elements not proposed in this DSP shall be deleted from the site keynotes.
- x. The Pylon Sign Table proposed sign face area shall be revised to replace "Net Proposed" with "Product Advertising" and correct the square footage for the price sign to 56 square feet, rather than 68 square feet.
- y. The applicant shall either relocate the gateway monument sign along Sansbury Road or provide documentation from the Prince George's County Department of Permitting, Inspections and Enforcement to allow the proposed sign within their right-of-way.
- z. Calculations shall be provided for height and sign face area on the detail sheet that indicate that the gateway monument sign is in conformance with Part 12 of the Prince George's County Zoning Ordinance.
- aa. The current parcel references shall be provided in the General Notes.

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, and Hewlett voting in favor of the motion, and with Commissioners Bailey and Shoaff absent at its regular meeting held on Thursday, May 19, 2016, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 9th day of June 2016.

Patricia Colihan Barney
Executive Director

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department

Date 5/25/16

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:CF:rpg

Additional Back-up

For

CSP-07002-01
Sansbury Crossing

TO: Prince George's County Planning Board
FROM: Little Washington Civic Association
DATE: May 29, 2025
RE: CSP-07002-01 Sansbury Crossing – PB&J

Dear Members of the Planning Board,

The Little Washington Civic Association is writing to express our support for PB&J's application to amend the approved Conceptual Site Plan, CSP-07002-01. The proposed amendment seeks to revise and remove conditions related to drive-through facilities to permit the development of a Dunkin' donut shop with drive-through service.

We believe this project will bring a positive benefit to the community by providing a convenient commercial option for both residents and commuters who travel along the White House Road and Ritchie Marlboro Road corridors enroute to and from the Capital Beltway.

It is our understanding that drive-through service is an essential feature of many prospective tenants' business models, offering a fast and efficient option for patrons who place mobile orders or prefer quick service. The site plan thoughtfully addresses traffic flow with a well-designed ingress and egress from both Sansbury Road and Ritchie Marlboro Road, helping to prevent vehicle queuing on public roads.

PB&J is a long-standing commercial real estate firm based in Prince George's County, with more than 30 years of experience and a strong record of community engagement. They have consistently demonstrated a collaborative approach, working with residents, businesses, and faith organizations to address shared concerns and priorities.

The location of this project—strategically positioned among major roadways and within a mixed-use zone—makes it an ideal site for this type of development, especially given its proximity to residential neighborhoods, commercial centers, and houses of worship.

Thank you for your attention and for considering the Little Washington Civic Association's endorsement of this application.

Sincerely,
Melvin P. Henderson Sr.
President

A handwritten signature in blue ink that reads "Melvin P. Henderson Sr." with a stylized flourish at the end.

Little Washington Civic Association

GREATER MORNING STAR APOSTOLIC MINISTRIES, INC.

TO: Prince George's County Planning Board
FROM: Greater Morning Star Apostolic Ministries
DATE: June 1, 2025
RE: CSP-07002-01 Sansbury Crossing – PB&J

Dear Members of the Planning Board,

Greater Morning Star Apostolic Ministries is writing to express our support for PB&J's application to amend Conceptual Site Plan CSP-07002-01. The amendment seeks to revise and remove existing conditions related to drive-through facilities to allow the development of a Dunkin' donut shop with drive-through service.

We believe this project will be a welcome addition to the community, offering a convenient commercial amenity for residents and commuters who travel along the White House Road and Ritchie Marlboro Road corridors to and from the Capital Beltway.

Drive-through service has become an integral part of many modern business models, offering convenience to busy customers who utilize mobile ordering and seek fast, efficient service. The proposed site plan presents a well-considered design, with clear ingress and egress points from both Sansbury Road and Ritchie Marlboro Road to help avoid vehicle queuing on public roads.

PB&J is a long-standing, respected commercial real estate firm based in Prince George's County for over 30 years. They have consistently demonstrated their commitment to the community through active participation in public meetings and collaborative engagement with residents, businesses, and faith-based organizations to address shared concerns.

The strategic location of this development—situated near major roadways and within a mixed-use zone—makes it well-suited for this type of project. Its proximity to residential neighborhoods, commercial establishments, and religious institutions further supports its appropriateness and potential to serve the community effectively.

Thank you for your time and consideration of Greater Morning Star Apostolic Ministries' endorsement of this project.

Sincerely,



Bishop Charles E. Johnson, Sr.
Senior Pastor
Greater Morning Star Apostolic Ministries

Sansbury Crossing
CSP-07002-01
(Planning Board June 5, 2025)

Proposed Revised Conditions

2. At the time of detailed site plan, for any restaurant use proposed with drive-through service, the following additional development standards shall apply:
- a. Notwithstanding adequate queuing shall be provided, only one ordering/queuing lane shall be permitted per establishment with drive-through service.
 - b. Outdoor seating areas shall be protected from idling vehicles, such as through building shielding or strategic locations, to avoid exposure to potential greenhouse gas emissions.
 - c. The site shall be designed with emphasis on pedestrian accommodations, as provided on page 30 of the *2007 Approved Westphalia Sector Plan and Sectional Map Amendment*.

~~Strikethrough~~ represents deleted language
Underline represents added language