

March 22, 2022



Dash in Food Stores, Inc.
P.O. Box 2810
La Plata, MD 20646

Re: Notification of Planning Board Action on
Departure from Design Standards DDS-687
Dash In @ Marlboro Pike #1552

Dear Applicant:

This is to advise you that, on **March 17, 2022**, the above-referenced application was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to Section 27-228.01 of the Zoning Ordinance, the Planning Board's decision will become final 30 calendar days after the date of this final notice of the Planning Board's decision, unless:

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

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

(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.)

Sincerely,
James R. Hunt, Chief
Development Review Division

By: 
Reviewer

Attachment: PGCPB Resolution No. **2022-27**

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

R E S O L U T I O N

WHEREAS, the Prince George’s County Planning Board has reviewed Departure from Design Standards Application No. DDS-687, Dash In @ Marlboro Pike Store #1552, requesting a reduction to the requirements of Section 4.6 of the 2010 *Prince George’s County Landscape Manual* (Landscape Manual), in accordance with Subtitle 27 of the Prince George’s County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on February 24, 2022, the Prince George’s County Planning Board finds:

1. **Request:** Departure from Design Standards DDS-687 requests a reduction to the requirements of Section 4.6 of the 2010 *Prince George’s County Landscape Manual* (Landscape Manual).

The companion Detailed Site Plan, DSP-21009, was approved by the Planning Board (PGCPB Resolution No. 2022-26) to construct a 4,508-square-foot food and beverage store, gas station, and a 3,216-square-foot car wash.

2. **Development Data Summary:**

	Existing	Approved
Zone	I-1	I-1
Use(s)	Food and beverage store, gas station, and car wash	Food and beverage store, gas station, and car wash
Acreage	2.60	2.60
Gross Floor Area (sq. ft.)	3,987	7,724

3. **Location:** The subject 2.60-acre property, known as Lot 1, is located in the southwest quadrant of the intersection of MD 725 (Marlboro Pike) and US 301 (Robert Crain Highway), as shown on Tax Map 093/B4 in Planning Area 75A and Council District 9. The site is located at 15501 Marlboro Pike and is zoned Light Industrial (I-1). The site is also within the geography previously designated as the Developing Tier, reflected on Attachment H(5) of the 2014 *Plan Prince George’s 2035 Approved General Plan*, as found in Prince George’s County Planning Board Resolution No. 14-10 (see Prince George’s County Council Resolution CR-26-2014, Revision No. 31).
4. **Surrounding Uses:** The property is bounded by other I-1-zoned properties to the south and west; Mixed Use-Transportation-zoned properties to the north beyond MD 725, and Miscellaneous Commercial-zoned properties to the east beyond US 301. All of the surrounding properties are developed with commercial or industrial uses.

5. **Previous Approvals:** The subject site consists of existing Lot 1, in the Marlboro Shell development, as recorded on a plat of subdivision on October 31, 1994, among the Prince George's County Land Records in Plat Book VJ 171 on page 1. Lot 1 was subject to Preliminary Plan of Subdivision (PPS) 4-93052, which was approved by the Planning Board on December 2, 1993 (PGCPB Resolution No. 93-32) for two lots, including Lot 1, for industrial and commercial development. Lots 1 and 2 were subsequently platted in accordance with the PPS (Final Plat 5-94206).
6. **Design Features:** The companion DSP proposes to construct a 4,508-square-foot food and beverage store, a gas station with eight multi-product fuel dispensers, and a 3,216-square-foot car wash. The site will have two access points: one located along MD 725 and one located along US 301. The proposed building and gas canopy are oriented facing US 301. The proposed plan shows dumpsters located behind the building on the northwest part of the site with a two-lane drive aisle leading to the car wash. The proposed 12-foot by 40-foot loading space is located between the rear of the building and the car wash drive aisle. The site is proposing a total of 44 parking spaces to include 2 handicap-accessible spaces and 2 bike racks. There will be 22 spaces that surround the food and beverage store and 4 additional spaces that are provided in the northeast corner of the site. There are 18 spaces that will also serve as vacuum stalls to accompany the car wash. The removal of one parking space in front of the food and beverage store, to increase the width of the parking islands to provide additional trees to meet the landscape requirement, was conditioned with DSP-21009.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Departure from Design Standards DDS-687:** Section 4.6 of the Landscape Manual requires a minimum width landscape buffer and a required number of plantings along the frontage of MD 725, an historic roadway. Due to existing site limitations and the location of the public utility easement (PUE), the applicant is unable to meet the requirements. The departure is being requested to allow the applicant to utilize the landscape material planted within the PUE to count toward Section 4.6 compliance.

The applicant's Alternative Compliance application (AC-21022) was disapproved by the Planning Board with DSP-21009 (PGCP Resolution No. 2022-26). Therefore, the applicant requests a departure from design standards from Section 4.6, Buffering Developments from Streets, along the site's frontage on MD 725.

Section 27-239.01(b)(7) of the Zoning Ordinance contains the following required findings for the Planning Board to grant the departure:

(A) In order for the Planning Board to grant the departure, it shall make the following findings:

- (i) The purposes of this subtitle will be equally well or better served by the applicant's proposal;**

This is a redevelopment of a gas station, food and beverage store, and car wash. The granting of the departure will allow the site to function more efficiently without compromising the drive aisle widths that allow vehicles to safely travel throughout the site. Full compliance with Section 4.6 would require the applicant to reduce the width of the drive aisles located to the north of the gas canopy and inhibit the ability of fuel trucks to access the site. The departure will not reduce the amount of landscape material located in the buffer; it will utilize the material located within the PUE toward compliance with Section 4.6 requirements. For these reasons, the Planning Board agrees that the applicant's proposal will equally well serve the purposes of the subtitle.

(ii) The departure is the minimum necessary, given the specific circumstances of the request;

Other options have been explored to accommodate the Section 4.6 buffer, but each option would require a reduction in width of the drive aisle that adjoins this buffer and would inhibit the ability of fuel trucks to access the site. There is a 40-foot-wide easement located along the south side of the property and the applicant cannot shift the proposed development any further south without impacting this easement. The Planning Board agrees that the applicant has attempted to accommodate the Section 4.6 buffer in every practical way possible, and the departure is the minimum necessary, given the specific circumstances of the property.

(iii) The departure is necessary in order to alleviate circumstances which are unique to the site or prevalent in areas of the County developed prior to November 1949;

The site is significantly impacted by a 40-foot-wide access easement granted to the adjacent property owner. The easement is located to the south of the proposed car wash and inhibits the ability to shift the proposed improvements to the south. The Planning Board agrees that the departure is necessary to alleviate the unique circumstances of the easement.

(iv) The departure will not impair the visual, functional, or environmental integrity of the site or the surrounding neighborhood.

The site complies with the amount of landscape material required. The provided buffer should enhance the view of the property from MD 725 and the overall proposed redevelopment should improve the visual integrity of the site and the surrounding neighborhood.

- (B) For a departure from a standard contained in the Landscape Manual, the Planning Board shall find, in addition to the requirements in paragraph (7)(A), above, that there is no feasible proposal for alternative compliance, as defined in the Landscape Manual, which would exhibit equally effective design characteristics.**

With respect to the specific departure requested, the applicant cannot provide a feasible proposal for alternative compliance that would exhibit equally effective design characteristics. The applicant proposed AC-21022, which was disapproved by the Planning Board, as discussed below.

Based on the analysis above, the Planning Board approves DDS-687, to allow a departure from Section 4.6, Buffering Developments from Streets, along the site's frontage on MD 725.

8. **2010 Prince George's County Landscape Manual:** Development proposed by the companion DSP-21009 is subject to Section 4.2, Landscape Strips along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements, of the Landscape Manual. The required schedules have been provided, demonstrating conformance to the requirements.

As part of DSP-21009, the applicant filed a request for Alternative Compliance, AC-21022, relative to Sections 4.2.1, 4.3.1, 4.3-2, and 4.6 of the Landscape Manual. The applicant revised the landscape plan to meet the requirements of the Landscape Manual for Section 4.2, but has not yet satisfied Section 4.3. The site has an excess of parking spaces, and the Planning Board finds that Section 4.3 could be satisfied with the removal of one parking space and widening of the landscape islands to provide shade trees. That eliminates the need for alternative compliance from Section 4.3 of the Landscape Manual.

The applicant has requested alternative compliance from Section 4.6, Buffering Developments from Streets, of the Landscape Manual along MD 725, which abuts the property to the north. The applicant is required to provide a 20-foot-wide landscape buffer, but is only able to provide approximately 11.5 feet. The applicant is proposing to provide an additional 186 plant units; however, almost all of the plants will be located within the PUE, adjacent to the right-of-way. Per Section 4.6(c)(2)(A), all plant material is required to be located outside of the PUE to ensure survivability and long-term maintenance of the buffer, along special roadways. While the Planning Board understands that the existing conditions of the site limit the ability to meet the requirements of Section 4.6 and the applicant has provided additional plant units, the plantings do not count towards compliance, as they are within the PUE. Therefore, the Planning Board concludes that the proposed alternative design solution fails to be equally effective as normal compliance, in terms of durability and ability to fulfill the design criteria.

The Planning Board disapproved Alternative Compliance AC-21022 from the Landscape Manual for Section 4.6, Buffering Developments from Streets, along the site's frontage on MD 725 and for Section 4.3, Parking Lot Interior Planting, with a condition requiring that, prior to certification of the DSP, the landscape plan be revised to conform to Section 4.3 by removing one parking

space to the east of the food and beverage store, widening the planting islands, and adding a shade tree to each island. The applicant filed DDS-687, as discussed in Finding 7 above.

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 Departure from Design Standards DDS-687 to reduce the width of the buffer required by Section 4.6, Buffering Developments from Streets, of 2010 *Prince George's County Landscape Manual*, along the site's frontage on MD 725 (Marlboro Pike).

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council for Prince George's County, Maryland within thirty (30) days of 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, Bailey, Doerner, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, February 24, 2022, in Upper Marlboro, Maryland.

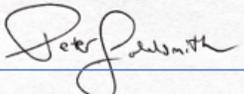
Adopted by the Prince George's County Planning Board this 17th day of March 2022.

Elizabeth M. Hewlett
Chairman

By Jessica Jones
Planning Board Administrator

EMH:JJ:TB:rpg

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department
Date: March 4, 2022

R E S O L U T I O N

WHEREAS, the Prince George’s County Planning Board has reviewed Departure from Design Standards Application No. DDS-687, Dash In @ Marlboro Pike Store #1552, requesting a reduction to the requirements of Section 4.6 of the 2010 *Prince George’s County Landscape Manual* (Landscape Manual), in accordance with Subtitle 27 of the Prince George’s County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on February 24, 2022, the Prince George’s County Planning Board finds:

1. **Request:** Departure from Design Standards DDS-687 requests a reduction to the requirements of Section 4.6 of the 2010 *Prince George’s County Landscape Manual* (Landscape Manual).

The companion Detailed Site Plan, DSP-21009, was approved by the Planning Board (PGCPB Resolution No. 2022-26) to construct a 4,508-square-foot food and beverage store, gas station, and a 3,216-square-foot car wash.

2. **Development Data Summary:**

	Existing	Approved
Zone	I-1	I-1
Use(s)	Food and beverage store, gas station, and car wash	Food and beverage store, gas station, and car wash
Acreage	2.60	2.60
Gross Floor Area (sq. ft.)	3,987	7,724

3. **Location:** The subject 2.60-acre property, known as Lot 1, is located in the southwest quadrant of the intersection of MD 725 (Marlboro Pike) and US 301 (Robert Crain Highway), as shown on Tax Map 093/B4 in Planning Area 75A and Council District 9. The site is located at 15501 Marlboro Pike and is zoned Light Industrial (I-1). The site is also within the geography previously designated as the Developing Tier, reflected on Attachment H(5) of the 2014 *Plan Prince George’s 2035 Approved General Plan*, as found in Prince George’s County Planning Board Resolution No. 14-10 (see Prince George’s County Council Resolution CR-26-2014, Revision No. 31).
4. **Surrounding Uses:** The property is bounded by other I-1-zoned properties to the south and west; Mixed Use-Transportation-zoned properties to the north beyond MD 725, and Miscellaneous Commercial-zoned properties to the east beyond US 301. All of the surrounding properties are developed with commercial or industrial uses.

5. **Previous Approvals:** The subject site consists of existing Lot 1, in the Marlboro Shell development, as recorded on a plat of subdivision on October 31, 1994, among the Prince George's County Land Records in Plat Book VJ 171 on page 1. Lot 1 was subject to Preliminary Plan of Subdivision (PPS) 4-93052, which was approved by the Planning Board on December 2, 1993 (PGCPB Resolution No. 93-32) for two lots, including Lot 1, for industrial and commercial development. Lots 1 and 2 were subsequently platted in accordance with the PPS (Final Plat 5-94206).
6. **Design Features:** The companion DSP proposes to construct a 4,508-square-foot food and beverage store, a gas station with eight multi-product fuel dispensers, and a 3,216-square-foot car wash. The site will have two access points: one located along MD 725 and one located along US 301. The proposed building and gas canopy are oriented facing US 301. The proposed plan shows dumpsters located behind the building on the northwest part of the site with a two-lane drive aisle leading to the car wash. The proposed 12-foot by 40-foot loading space is located between the rear of the building and the car wash drive aisle. The site is proposing a total of 44 parking spaces to include 2 handicap-accessible spaces and 2 bike racks. There will be 22 spaces that surround the food and beverage store and 4 additional spaces that are provided in the northeast corner of the site. There are 18 spaces that will also serve as vacuum stalls to accompany the car wash. The removal of one parking space in front of the food and beverage store, to increase the width of the parking islands to provide additional trees to meet the landscape requirement, was conditioned with DSP-21009.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Departure from Design Standards DDS-687:** Section 4.6 of the Landscape Manual requires a minimum width landscape buffer and a required number of plantings along the frontage of MD 725, an historic roadway. Due to existing site limitations and the location of the public utility easement (PUE), the applicant is unable to meet the requirements. The departure is being requested to allow the applicant to utilize the landscape material planted within the PUE to count toward Section 4.6 compliance.

The applicant's Alternative Compliance application (AC-21022) was disapproved by the Planning Board with DSP-21009 (PGCP Resolution No. 2022-26). Therefore, the applicant requests a departure from design standards from Section 4.6, Buffering Developments from Streets, along the site's frontage on MD 725.

Section 27-239.01(b)(7) of the Zoning Ordinance contains the following required findings for the Planning Board to grant the departure:

(A) In order for the Planning Board to grant the departure, it shall make the following findings:

- (i) The purposes of this subtitle will be equally well or better served by the applicant's proposal;**

This is a redevelopment of a gas station, food and beverage store, and car wash. The granting of the departure will allow the site to function more efficiently without compromising the drive aisle widths that allow vehicles to safely travel throughout the site. Full compliance with Section 4.6 would require the applicant to reduce the width of the drive aisles located to the north of the gas canopy and inhibit the ability of fuel trucks to access the site. The departure will not reduce the amount of landscape material located in the buffer; it will utilize the material located within the PUE toward compliance with Section 4.6 requirements. For these reasons, the Planning Board agrees that the applicant's proposal will equally well serve the purposes of the subtitle.

(ii) The departure is the minimum necessary, given the specific circumstances of the request;

Other options have been explored to accommodate the Section 4.6 buffer, but each option would require a reduction in width of the drive aisle that adjoins this buffer and would inhibit the ability of fuel trucks to access the site. There is a 40-foot-wide easement located along the south side of the property and the applicant cannot shift the proposed development any further south without impacting this easement. The Planning Board agrees that the applicant has attempted to accommodate the Section 4.6 buffer in every practical way possible, and the departure is the minimum necessary, given the specific circumstances of the property.

(iii) The departure is necessary in order to alleviate circumstances which are unique to the site or prevalent in areas of the County developed prior to November 1949;

The site is significantly impacted by a 40-foot-wide access easement granted to the adjacent property owner. The easement is located to the south of the proposed car wash and inhibits the ability to shift the proposed improvements to the south. The Planning Board agrees that the departure is necessary to alleviate the unique circumstances of the easement.

(iv) The departure will not impair the visual, functional, or environmental integrity of the site or the surrounding neighborhood.

The site complies with the amount of landscape material required. The provided buffer should enhance the view of the property from MD 725 and the overall proposed redevelopment should improve the visual integrity of the site and the surrounding neighborhood.

- (B) For a departure from a standard contained in the Landscape Manual, the Planning Board shall find, in addition to the requirements in paragraph (7)(A), above, that there is no feasible proposal for alternative compliance, as defined in the Landscape Manual, which would exhibit equally effective design characteristics.**

With respect to the specific departure requested, the applicant cannot provide a feasible proposal for alternative compliance that would exhibit equally effective design characteristics. The applicant proposed AC-21022, which was disapproved by the Planning Board, as discussed below.

Based on the analysis above, the Planning Board approves DDS-687, to allow a departure from Section 4.6, Buffering Developments from Streets, along the site's frontage on MD 725.

8. **2010 Prince George's County Landscape Manual:** Development proposed by the companion DSP-21009 is subject to Section 4.2, Landscape Strips along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements, of the Landscape Manual. The required schedules have been provided, demonstrating conformance to the requirements.

As part of DSP-21009, the applicant filed a request for Alternative Compliance, AC-21022, relative to Sections 4.2.1, 4.3.1, 4.3-2, and 4.6 of the Landscape Manual. The applicant revised the landscape plan to meet the requirements of the Landscape Manual for Section 4.2, but has not yet satisfied Section 4.3. The site has an excess of parking spaces, and the Planning Board finds that Section 4.3 could be satisfied with the removal of one parking space and widening of the landscape islands to provide shade trees. That eliminates the need for alternative compliance from Section 4.3 of the Landscape Manual.

The applicant has requested alternative compliance from Section 4.6, Buffering Developments from Streets, of the Landscape Manual along MD 725, which abuts the property to the north. The applicant is required to provide a 20-foot-wide landscape buffer, but is only able to provide approximately 11.5 feet. The applicant is proposing to provide an additional 186 plant units; however, almost all of the plants will be located within the PUE, adjacent to the right-of-way. Per Section 4.6(c)(2)(A), all plant material is required to be located outside of the PUE to ensure survivability and long-term maintenance of the buffer, along special roadways. While the Planning Board understands that the existing conditions of the site limit the ability to meet the requirements of Section 4.6 and the applicant has provided additional plant units, the plantings do not count towards compliance, as they are within the PUE. Therefore, the Planning Board concludes that the proposed alternative design solution fails to be equally effective as normal compliance, in terms of durability and ability to fulfill the design criteria.

The Planning Board disapproved Alternative Compliance AC-21022 from the Landscape Manual for Section 4.6, Buffering Developments from Streets, along the site's frontage on MD 725 and for Section 4.3, Parking Lot Interior Planting, with a condition requiring that, prior to certification of the DSP, the landscape plan be revised to conform to Section 4.3 by removing one parking

space to the east of the food and beverage store, widening the planting islands, and adding a shade tree to each island. The applicant filed DDS-687, as discussed in Finding 7 above.

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 Departure from Design Standards DDS-687 to reduce the width of the buffer required by Section 4.6, Buffering Developments from Streets, of 2010 *Prince George's County Landscape Manual*, along the site's frontage on MD 725 (Marlboro Pike).

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council for Prince George's County, Maryland within thirty (30) days of 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, Bailey, Doerner, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, February 24, 2022, in Upper Marlboro, Maryland.

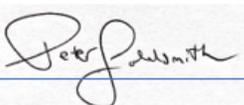
Adopted by the Prince George's County Planning Board this 17th day of March 2022.

Elizabeth M. Hewlett
Chairman

By 
Jessica Jones
Planning Board Administrator

EMH:JJ:TB:rpg

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department
Date: March 4, 2022