

PGCPB No. 2020-131(A)

File No. SDP-1803

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

WHEREAS, the Prince George’s County Planning Board is charged with approval of Specific Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George’s County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on July 30, 2020 regarding Specific Design Plan SDP-1803 for 7-Eleven at Brandywine Village, the Planning Board ~~*[finds:]~~ approved SDP-1803, and PGCPB Resolution No. 2020-131 was adopted on September 10, 2020, formalizing the approval; and

*WHEREAS, on October 5, 2020, the District Council elected to review this application, and on October 15, 2020, certain persons of record filed an appeal of the Planning Board’s decision. The District Council held oral argument on the case on November 9, 2020 and voted to remand it to the Planning Board to make findings and conclusions regarding two specific issues; and

*WHEREAS, in consideration of the written evidence and testimony presented by the applicant and opponents at a public hearing on January 14, 2021, regarding the remand of Specific Design Plan SDP-1803 for 7-Eleven at Brandywine Village, the Planning Board finds:

1. **Request:** The application is for approval of a 3,062-square-foot food and beverage store and a gas station in the Local Activity Center (L-A-C) Zone.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	L-A-C	L-A-C
Use	Vacant	Commercial
Acreage	1.14	1.14
Parcels/Lots	1	1
Gross Floor Area (square feet)	0	3,062

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

OTHER DEVELOPMENT DATA:

PARKING and LOADING

	Required	Provided
Food and Beverage Store: 1 space per 150 sq. ft. of GFA up to 3,000 sq. ft. and 1 space per 200 sq. ft. of GFA above 3,000 sq. ft.	21	23
Gas Station: 2 employees @ 1 space each	2	2
Total	23	25 (including 1 handicapped-accessible space)

3. **Location:** The subject property is located at the northwest corner of the intersection of Chadds Ford Drive and US 301 (Robert Crain Highway). The property is also in Planning Area 85A and Council District 9.
4. **Surrounding Uses:** The site is bounded to the north by vacant land in the L-A-C Zone that is also part of the Brandywine Village development. The area north of the site is the subject of Specific Design Plan SDP-1802, which is under concurrent review by the Prince George’s County Planning Board. To the west, the site is bounded by the residential section of the Brandywine Village development in the L-A-C Zone. The right-of-way of US 301 bounds the site to the east, with the Brandywine Shopping Center in the Commercial Shopping Center Zone beyond, and the right-of-way of Chadds Ford Drive bounds the site to the south, with vacant land in the L-A-C Zone beyond.
5. **Previous Approvals:** The subject property was originally part of a larger development known as Mattawoman, which consisted of a total land area of 277 acres. On November 29, 1977, the Prince George’s County District Council adopted Prince George’s County Council Resolution CR-108-1977, for the entire 277-acre Mattawoman property, placing 212 acres in the Major Activity Center (M-A-C) Zone and 65 acres in the Residential Medium Development (R-M) Zone (Zoning Map Amendment Basic Plan A-8865). In 1987, a zoning map amendment was filed to rezone the 212-acre M-A-C-zoned portion, but it was unsuccessful. In 1992, another application (A-9878) was filed to rezone the 212 acres of M-A-C-zoned land. The property, now referred to as Brandywine Village, was rezoned on September 14, 1993 by the *Approved Master Plan and Sectional Map Amendment for Subregion V, Planning Areas 81A, 81B, 83, 84, 85A, and 85B*. Of the 212 acres, 46 acres were zoned Employment and Institutional Area (E-I-A), 16.4 acres were zoned L-A-C, and 149 acres were zoned R-M (via CR-60-1993). The property covered by the subject application was in the E-I-A Zone, although portions were placed in the R-M and L-A-C Zones based upon proposed road networks that were later revised. A comprehensive design plan (CDP) was approved in January 1993, for 65 acres in the R-M Zone for 316 dwelling units. This section was located on McKendree Road and retained the name of Brandywine Village, and is not adjacent to the subject property.

On February 20, 1997, the Planning Board approved Preliminary Plan of Subdivision (PPS) 4-96083, to dedicate Chadds Ford Drive and General Lafayette Boulevard (adjacent to the property) to public use. CDP-0102 was approved by the Planning Board for the entire 212-acre parcel on October 11, 2001 (PGCPB Resolution No. 01-186). This CDP predominantly focused on the residential development in the R-M Zone, and the remaining acreage, including the property included in this application, was intended for future development.

On January 12, 2009, the District Council approved A-9996-C and A-9997-C, to rezone the property, consisting of two distinct parts, from the E-I-A, R-M, and L-A-C Zones to the L-A-C Zone, subject to the conditions and considerations contained therein. With the approval of these two zoning map amendments in 2009, covering the two parts of the subject site, the previously approved zoning map amendments and CDPs became invalid.

On May 30, 2013, CDP-1201 was approved by the Planning Board (PGCPB Resolution No. 13-58) for the entire 44.33-acre Brandywine Village L-A-C-zoned property. The CDP approved development of 191 single-family attached dwellings (townhouses) in the western portion of the site, and approved up to 218,500 square feet of commercial and retail uses in the eastern half of the property. On November 14, 2019, the Planning Board approved an amendment, CDP-1201-01, to allow for an increase of 2,000 square feet of commercial gross floor area to be permitted, up from the previously approved 218,500 square feet to 220,500 square feet, and to add a location for an additional commercial building. CDP-1201-01 was heard by the District Council on March 9, 2020, and a final decision affirming the Planning Board's decision was issued on July 27, 2020.

On May 30, 2013, the Planning Board approved PPS 4-12007 (PGCPB Resolution No. 13-59) concurrently with CDP-1201. The PPS approved 191 lots and 24 parcels to support the residential and commercial development of the site. The PPS also approved variations from Section 24-128(b)(7)(A) and Section 24-121(a)(3) of the Prince George's County Subdivision Regulations.

On March 6, 2014, the Planning Board approved SDP-1303 (PGCPB Resolution No. 14-14) for development of 188 single-family attached (townhouse) units, General Lafayette Boulevard, and associated infrastructure in the western 20.27-acre portion of the Brandywine Village site. Minor amendments were approved in SDP-1303-01 by the Planning Director, on March 2, 2016.

On February 16, 2017, the Planning Board approved SDP-1604 (PGCPB Resolution No. 17-25), for grading and installation of one stormwater management (SWM) pond for the commercial portion of Brandywine Village.

The site also has a valid SWM Concept Plan, 63545-2016-01, which was approved by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) on May 25, 2018.

6. **Design Features:** The SDP proposes the development of a food and beverage store and a gas station on proposed Parcel 1, which is being created by SDP-1802. Parcel 1 is sited in the

southeast corner of existing Outlot 6 and fronts on US 301 to the east. The right-of-way of Chadds Ford Drive bounds the site to the south. An access road to service the entire Brandywine Village Commercial development is proposed by SDP-1802, and bounds the subject parcel to the west. Parcel 2 of the larger Brandywine Village Commercial development bounds the subject site to the north. Parcel 2 is presently vacant but also subject of SDP-1802, which proposes an eating and drinking establishment with drive-through service and the development of a shared driveway in the northeast quadrant of Parcel 1. SDP-1802 is currently scheduled to be heard by the Planning Board on July 23, 2020.

Vehicular and pedestrian access to Parcel 1 is provided through northern and southern driveways and sidewalk connections to the access road to the west. The northern driveway is shared with the proposed eating and drinking establishment on Parcel 2. The southern driveway is located within close proximity to the intersection of Chadds Ford Drive and the access road. Development proposed on Parcel 1 includes a single 3,062-square-foot building for a food and beverage store located in the west-central portion of the site, and gas station canopy with eight fuel dispensers on the east side of the site. The building and canopy are oriented with their lengths aligned parallel to US 301. A fenced trash enclosure and loading space are proposed to the north of the building. Parking is provided directly south and east of the building, and two bicycle racks are adjacent to the northeast corner of the building. Sidewalks are included around the building connecting to the sidewalk proposed on the east side of the Brandywine Village Commercial access road. The proposed single-story building is to be faced on all sides with a combination of exterior installation finish system (EIFS) panels and stone veneer, in complimentary brown and tan colors. The main entrance to the building is on its east side, with a secondary entrance on its west side. Fenestration is limited and provided primarily on the eastern façade. A smaller area of windows is provided on the western façade with the secondary entrance to the building. The gas station canopy is to be clad with the same EIFS and stone veneer as the food and beverage store.

A photometric plan provided with the SDP demonstrates that adequate exterior lighting of the site will be provided. Lighting at the northern boundary of Parcel 1 shows two pole-mounted lights on Parcel 2 to the north. One of these lights, shown adjacent to the southwest corner of the building, is not included as part of SDP-1802 for Parcel 2. The subject SDP is limited to Parcel 1 and cannot propose offsite impacts. A condition has been included to remove this light from the plan. A comprehensive signage package is provided that includes building and canopy mounted signs, free standing directional and identity signage, and monument signage for site identity and display of fuel prices. As provided, two key modifications and minor corrections are required for the signage package to conform with the sign guidelines of CDP-1201-01. The necessary modifications include the removal of a large multi-business pylon sign, which is provided by SDP-1802, and removal of one of two monument signs shown on the site's frontage with US 301.

- 7. Zoning Map Amendment (Basic Plan) A-9997-C:** The District Council approved Basic Plan A-9997-C, which rezoned approximately 24.05 acres of land in the E-I-A and L-A-C Zones, located in the northwest quadrant of the intersection of US 301 and Chadds Ford Drive, to the L-A-C Zone, with seven conditions and two considerations. The conditions that are relevant to the review of this SDP are discussed, as follows:

1. Land Use Types and Quantities:

189,000 square feet of office space
14,657 square feet of retail commercial
Open Space
Homeowner Recreation Facilities
Trails

GROSS TRACT:	24.05 acres
FLOODPLAIN:	10.91 acre
NET TRACT AREA:	13.14 acres
Base intensity of zone 24.05 acres at 0.16 FAR:	167,619 square feet
Maximum intensity 24.05 acres at 0.31 FAR:	324,761 square feet

This SDP includes a total of 3,062 square feet of commercial retail space on 1.14 acres. CDP-1201-01 provided for a maximum commercial gross floor area of 220,500 square feet. Development provided in this SDP is within these established land use types and quantities.

2. All commercial structures should be fully equipped with an automatic fire suppression system in accordance with National Fire Protection Association (NFPA) Standard 13.

Standard Note 22 on sheet C-301 notes that all buildings shall be equipped with fire suppression systems.

8. Prince George’s County Zoning Ordinance: As one of the comprehensive design zones, the L-A-C Zone allows the applicant to establish its own design standards and to earn additional density if certain criteria have been met in the development review process, subject to Planning Board approval. The development standards and density bonus have been established and awarded at the time of CDP-1201 approval (see Finding 9 below). The SDP’s conformance with the requirements of the L-A-C Zone is discussed, as follows:

- a. The subject application is in conformance with the requirements of Section 27-494, Purposes; Section 27-495, Uses; and Section 27-496, Regulations, of the Zoning Ordinance, governing development in the L-A-C Zone. The proposed food and beverage store and a gas station are permitted uses. However, the food and beverage store use is subject to Section 27-515(b) Footnote 4 of the Table of Uses, which provides that goods prepared on the premises shall be offered for retail sales only on the premises. A condition has been included herein, for a note to be added to the SDP to reflect the food and beverage store use is subject to this requirement.

- b. Section 27-528(a) of the Zoning Ordinance contains the following required findings for the Planning Board to grant approval of an SDP:

- (1) The plan conforms to the approved Comprehensive Design Plan, the applicable standards of the Landscape Manual, and except as provided in Section 27-528(a)(1.1), for Specific Design Plans for which an application is filed after December 30, 1996, with the exception of the V-L and V-M Zones, the applicable design guidelines for townhouses set forth in Section 27-274(a)(1)(B) and (a)(11), and the applicable regulations for townhouses set forth in Section 27-433(d) and, as it applies to property in the L-A-C Zone, if any portion lies within one-half (1/2) mile of an existing or Washington Metropolitan Area Transit Authority Metrorail station, the regulations set forth in Section 27-480(d) and (e);**

The plan conforms to the requirements of CDP-1201 and its amendment, as discussed in Finding 9 and the 2010 *Prince George's County Landscape Manual* (Landscape Manual) requirements, as detailed in Finding 12. This SDP proposes only commercial development.

- (1.1) For a Regional Urban Community, the plan conforms to the requirements stated in the definition of the use and satisfies all requirements for the use in Section 27-508 of the Zoning Ordinance;**

The SDP does not contain property designated as a regional urban community.

- (2) The development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the appropriate Capital Improvement Program, provided as part of the private development or, where authorized pursuant to Section 24 124(a)(8) of the County Subdivision Regulations, participation by the developer in a road club;**

The subject property of Brandywine Village is governed by an approved and valid PPS 4-12007, that meets the adequacy test for the required transportation facilities serving this development. In addition, in a memorandum dated May 28, 2020, an analysis of police, fire and rescue, and water and sewer facilities was provided and determined that adequacy has been met for all of these.

- (3) Adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties;**

The application included an approved SWM concept plan, and the subject SDP is in conformance with it. Therefore, adequate provision has been made for draining surface water and ensuring that there are no adverse effects on the subject property or adjacent properties.

(4) The plan is in conformance with an approved Type 2 Tree Conservation Plan; and

The Planning Board finds that the proposed development is in conformance with the Type 2 tree conservation plan (TCP2), subject to several technical corrections.

(5) The plan demonstrates that the regulated environmental features are preserved and/or restored to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).

The Planning Board finds that the SDP demonstrates that the regulated environmental features are preserved and/or restored to the fullest extent possible, as the impacts shown are consistent with the approved CDP and PPS.

9. Comprehensive Design Plan CDP-1201, as amended: The Planning Board approved CDP-1201 on May 30, 2013, and an amendment, CDP-1201-01, on November 14, 2019. The conditions from CDP-1201 that are relevant to the review of this SDP are discussed, as follows:

2. The development of the property covered by this CDP is subject to the following standards:

COMMERCIAL USES	
Minimum Lot Coverage	60%
Minimum front Building setback from R.O.W.	10 feet
Minimum front Building setback from US 301 R.O.W.	30 feet
Minimum side setback between buildings	100 feet
Minimum rear setback	10 feet
Minimum corner setback to side street R.O.W.	10 feet
Maximum building height:	7 stories
Minimum FAR	0.16
Maximum FAR	0.31

Other Commercial Section Requirements including standards for architecture design, and roadway govern the development of the commercial section.

OVERALL DEVELOPMENT

Applicable to both Residential and Commercial Sections are standards for pedestrian circulation, signage, lighting fixtures and green building techniques govern the development of the entire project.

This SDP is for commercial development of Parcel 1 within Brandywine Village's commercial section. The development proposed is in conformance with the standards established for commercial uses and overall development.

4. At the time of specific design plan, the applicant shall:

b. Provide a photometric study for the commercial site.

A photometric plan was provided with this SDP and displays that adequate lighting is provided for development of Parcel 1. As noted in Finding 6, minor technical corrections to the photometric plan are conditioned herein.

d. Ensure that all HVAC units meet Energy Star[®] performance levels.

A condition has been included herein to address this requirement.

e. Provide sidewalks or designated walkways where there are large expanses of surface parking within the commercial area.

Sidewalks and crosswalks are provided where appropriate.

g. Provide a minimum of four green building techniques in design and development of each building in the commercial section.

The applicant's statement of justification notes the following six green building techniques are proposed to be incorporated into the building: LED lighting, White Roofs, Energy Management Systems, High Efficiency Mechanical Systems, Low Flow Plumbing Fixtures, and Structural Insulated Panels. A condition has been included herein to note that at least four green building techniques are to be incorporated into the building's design.

i. Submit details of all lighting fixtures for review, along with certification that the proposed fixtures are full cut-off optics, and a photometric plan showing proposed light levels. The following note shall be placed on all future specific design plans:

“All lighting shall use full cut-off optics and be directed downward to reduce glare and light spill-over.”

Lighting details have been provided and a condition has been included herein for the referenced note to be added to the SDP plans.

7. **Total development of the overall site shall be limited to uses that would generate no more than 659 AM and 892 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require an amendment to the CDP with a new review of the finding associated with Section 27-521(a)(7) of the Zoning Ordinance.**

This SDP includes the development of a food and beverage store in combination with a gas station. Trip generation calculations show the subject proposed development generating 118 AM and 140 PM peak-hour trips. The below referenced chart shows that the combined trip generation figures associated with existing and proposed development is under the established trip cap:

		AM Peak	PM Peak
Previously built SDP-1303	191 Townhouse units	134	153
Proposed SDP-1802	18,500 combined retail – net new trips	22	44
Proposed SDP-1803	Food and beverage store with gas station- net new trips	118	140
Total trips to-date		274	337
Trip Cap		659	892

In approving CDP-1201-01, the District Council included a single condition relevant to this SDP, as follows:

1. **Prior to certificate approval of this comprehensive design plan, the applicant shall:**

- a. **Provide a plan note, as follows:**

“All drive-through facilities serving commercial buildings shall be located to the rear of the buildings or located to the side of the buildings if the drive-through facility is part of a strip center and is located at least 150 feet away from the US 301 frontage.”

Drive-through facilities are not proposed by this SDP.

10. **Preliminary Plan of Subdivision 4-12007:** The Planning Board approved PPS 4-12007 on May 20, 2013. Conditions that are relevant to the review of this SDP are discussed, as follows:

3. **Development of this site shall be in conformance with Stormwater Management Concept Plan 15822-2008-01 and any subsequent revisions.**

The most current SWM Concept Approval is 63545-2016-01 and was submitted with the current application.

- 12. All specific design plans (SDPs) for the subject property shall demonstrate the use of full cut-off optics to ensure that off-site light intrusion into residential and environmentally sensitive areas is minimized. At the time of SDP, details of all lighting fixtures shall be submitted for review along with certification that the proposed fixtures are full cut-off optics and a photometric plan showing proposed light levels. The following note shall be placed on all future SDPs:**

“All lighting shall use full cut-off optics and be directed downward to reduce glare and light spill-over.”

Lighting details show cutoff lighting utilized for pole and building-mounted fixtures. Canopy lighting fixture details show they direct light downward. A condition has been included herein to require the note above be added to the SDP plan sheets.

- 19. Total development of the overall site shall be limited to uses that would generate no more than 659 AM and 892 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**

The SDP is in conformance with this requirement, as discussed in Finding 9 above.

- 22. Prior to approval of the specific design plan for Parcels 1–6, the typical section of the commercial roadway shall be re-reviewed to consider a center left-turn lane at key driveway locations along its length. The typical section should be modified to provide two lanes approaching Chadds Ford Drive to lessen the opportunity for excessive queuing at the intersection. These changes may require an increase in the proposed 26-foot-wide pavement section of the internal access easement (Section 24-128(b)(9)).**

This condition is being addressed through a separate application, SDP-1802, which provides for the development of the access road to service the commercial section of the Brandywine Village development.

- 24. The applicant and the applicant’s heirs, successors, and/or assigns shall provide the following:**
- b. Provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T.**

This condition is being addressed through a separate application, SDP-1802, which includes development of the access road and associated sidewalks. The subject SDP provides appropriate sidewalks internal to Parcel 1.

25. Prior to approval of the specific design plan, the following additional specific site issues shall be evaluated:

- b. The need for additional crosswalk or walkway striping through the commercial area parking lots shall be evaluated and determined. However, it appears that adequate sidewalk access is provided from the trail connection to the proposed L-A-C building frontages.**

The Planning Board finds that internal crosswalks are adequate, but that plans should be updated to reflect pedestrian and bicycle access roadway markings as provided in SDP-1802.

11. Specific Design Plan SDP-1604: In 2017, the Planning Board approved SDP-1604 for grading and stormwater facility construction on the subject property, and included conditions that are relevant to the review the subject SDP, as follows:

- 5. Prior to approval of permits for buildings or structures on Outlots 6, 7, and 8, specific design plans shall be approved, and new final plats required to remove the outlot designations.**

The subject SDP includes Parcel 1, which is created from a portion of Outlot 6. A new final plat will be required to remove the outlot designation prior to the approval of building permits in accordance with this condition. Outlot 8 remains in the northern portion of the commercial area and will require a future SDP.

12. 2010 Prince George's County Landscape Manual: This SDP is subject to Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3-2, Parking Lot Interior Requirements; Section 4.4, Screening Requirements; and Section 4.9, Sustainable Landscaping Requirements, of the Landscape Manual.

The submitted plans provide schedules and demonstrate conformance with the applicable requirements, with the following discussion. Regarding Section 4.3-2, the schedule provided requires correction to show that standards for minimum tree planting area are met.

13. Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:

The property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the gross tract area is more than 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site. A revised Type 2 Tree Conservation Plan, TCP2-002-2014-06, was accepted for review with the current application.

The previously approved and proposed revised TCP2 both use a phased woodland conservation worksheet separating Phase 1 and Phase 2. The original approval was limited to Phase 1; the current application includes separate columns for Phase 2a and Phase 2b, although current development is limited to Phase 2a.

The L-A-C Zone has a woodland conservation threshold of 15 percent, or 5.10 acres for the total 44.33-acre site, which is correctly reflected in the TCP2 worksheet. Phase 2a is 24.06 acres in size and contains 9.63 acres of floodplain, for a net tract area of 14.43 acres. The TCP2 for Phase 2a proposes to clear 6.91 acres of on-site net tract woodland and 0.46 acre of floodplain woodland, resulting in a total woodland conservation requirement of 12.70 acres.

The woodland conservation requirement for Phase 2a is proposed to be met with 0.07 acre of on-site preservation, which results in an off-site woodland conservation requirement of 2.93 acres with Phase 2a. The TCP2 plan requires technical revisions to be in conformance with the requirements of the Environmental Technical Manual, which are conditioned herein.

14. **Prince George's Country Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, of the Tree Canopy Coverage Ordinance requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit. Properties that are zoned L-A-C are required to provide a minimum of 10 percent of the gross tract area covered by tree canopy. Parcel 1 is 1.14 acres and is required to provide 0.11 acre (4,967 square feet) of TCC. The schedule provided indicates a total of 5,850 square feet of TCC is provided. However, the TCC schedule provided utilizes an incorrect parcel size of 1.28 acres and counts off-site trees on the adjacent access road parcel. A condition has been included herein for the schedule to be corrected.
15. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows, and are incorporated herein by reference:
 - a. **Community Planning**—The Planning Board adopted, herein by reference, a memorandum dated June 15, 2020 (Greene to Bossi), which noted that the applicable master plan recommended office and service uses for the subject site. Master plan conformance is not required for this SDP.
 - b. **Transportation Planning**—The Planning Board adopted, herein by reference, a memorandum dated June 15, 2020 (Burton to Bossi), in which an analysis of previous conditions of approval were incorporated into findings above. In addition, the site will be accessible at two ingress/egress points along the planned commercial access road, which forms a “T” intersection with Chadds Ford Drive. This commercial road may require left turn lanes at driveways along its length, pursuant to Condition 22 of PPS 4-12007. The centerline of the southern access point is approximately 70 feet from the intersection of the commercial access road with Chadds Ford Drive. Concerns regarding potential operational challenges for vehicles exiting the site from this access point were noted. The applicant subsequently provided additional exhibits and information to demonstrate that this access point will function safely for ingress and

egress to Parcel 1 and the Planning Boards finds the access points are acceptable as shown.

- c. **Subdivision**—Input received during the review process indicated that the SDP was in general conformance with PPS 4-12007, as discussed in findings above.
- d. **Trails**—The Planning Board adopted, herein by reference, a memorandum dated June 15, 2020 (Ryan to Bossi), which noted that SDP-1802 and the subject application, SDP-1803, are closely tied together in terms of overlapping design features. SDP-1803 plans should be updated to display and label pedestrian and bicycle improvements associated with SDP-1802, specifically sidewalks fronting the subject property, the crosswalks, and sharrows along the commercial access road. In addition, the applicant has provided two bicycle parking spaces. However, the bicycle rack style shown in the submitted plans does not provide two points of contact for supporting and securing a parked bicycle. Two points of contact is important because it better prevents a parked bicycle from falling over and both wheels and the frame can be locked to the rack using U-style locks, which better deter theft than chains or cables. The Planning Board finds that the applicant shall provide bicycle racks that provide two points of contact, such as the inverted-U style, or similar.
- e. **Permits**—The Planning Board adopted, herein by reference, a memorandum dated June 15, 2020 (Jacobs to Bossi), which provided a series of six comments regarding signage. The signage plan requires minor adjustments and corrections prior to certification.
- f. **Environmental Planning**—The Planning Board adopted, herein by reference, a memorandum dated June 16, 2020 (Finch to Bossi), which provided a comprehensive history of the site’s environmental review and conformance with prior approvals was presented. Concerns with invasive species were noted and the applicant needs to provide an invasive species management plan. No specimen trees are proposed for removal with SDP-1803. A valid SWM concept approval has been provided. The Planning Board found the SDP and TCP2 in general conformance with prior approvals, subject to a series of technical revisions as conditioned herein.
- g. **Special Projects**—The Planning Board adopted, herein by reference, a memorandum dated May 28, 2020 (Thompson to Bossi), which provided an analysis of the required adequacy findings relative to the proposed commercial project. Adequate public services are available.
- h. **Historic**—The Planning Board adopted, herein by reference, a memorandum dated May 14, 2020 (Stabler to Bossi), it was noted that the Phase I archeological survey was completed in 2013. The proposed project will not affect any archeological, or historic resources.

- i. **State Highway Administration (SHA)**—The Planning Board adopted, herein by reference, the content of an email dated May 13, 2020 (Woodroffe to Bossi), in which SHA noted that as no work was proposed in a state right-of-way and no access was proposed to a state road, an access permit is not required.
- j. **Department of Permitting, Inspections and Enforcement (DPIE)**—The Planning Board adopted, herein by reference, a memorandum dated May 22, 2020 (Giles to Bossi), in which DPIE provided a series of comments and recommendations. Several focus on concerns with the proposed project relative to its proximity to the intersection of the access road and Chadds Ford Drive. DPIE’s conditions will be addressed at the time of permitting.
- k. **Prince George’s County Police Department**—The Planning Board adopted, herein by reference, a memorandum dated May 28, 2020 (Contic to Planner Coordinator), in which the Police Department noted that they have no comments on the subject application.
- l. **Prince George’s County Health Department**—The Health Department did not provide any comments.
- m. **Prince George’s County Fire/EMS Department**—The Planning Board adopted, herein by reference, the content of an email dated May 27, 2020 (Reilly to Bossi), in which the Fire/EMS Department noted having no comment on the subject SDP.
- n. **Washington Suburban Sanitary Commission (WSSC)**—The Planning Board adopted, herein by reference, a memorandum dated June 4, 2020, in which WSSC provided standard comments on issues such as pipe and easement requirements to be enforced by WSSC at the time of permit issuance.

***16.** Remand Findings: The Order of Remand was mailed out to all parties of record on November 19, 2020. Within the Order of Remand, the District Council ordered the Planning Board to make findings and conclusions regarding two specific sections of the Zoning Ordinance, which were not raised at the Planning Board’s July 30, 2020. Upon consideration of all testimony and evidence presented at the remand hearing, the Planning Board made the following additional findings and conclusions with respect to the two issues that were the subject of the remand:

- 1. **The applicability of PGCC Section 27-528(b) during review and approval of SDP-1803. Findings and conclusions shall address and resolve health and safety issues raised below by Appellants and in accordance with PGCC Section 27-528(b).**

*Denotes Amendment

Underlining indicates new language

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

Section 27-528(b) of the Prince George's County Zoning Ordinance reads as follows:

Prior to approving a Specific Design Plan for Infrastructure, the Planning Board shall find that the plan conforms to the approved Comprehensive Design Plan, prevents offsite property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.

SDP-1803 is a Specific Design Plan, not a Specific Design Plan for Infrastructure, therefore Section 27-528(b) does not apply to this application.

As background, the Planning Board previously approved an SDP for Infrastructure for the commercial portion of Brandywine Village, which includes the subject site, on February 16, 2017 (SDP-1604). On February 27, 2017, the District Council elected not to review the Planning Board's approval. In approving SDP-1604, the Planning Board found conformance with Section 27-528(b), as discussed on page 3 of PGCPB Resolution No. 17-25.

Section 27-528(b) requires an SDP for Infrastructure to prevent environmental degradation to safeguard the public's health and safety only for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge. SDP-1604 had an associated approved stormwater management concept plan to ensure adequate handling of drainage. A Type 2 tree conservation plan, TCP2-002-14-01, was approved with SDP-1604, which regulates reforestation and woodland conservation. In addition, the Prince George's County Soil Conservation District offered detailed comments on SDP-1604 related to grading, erosion, and sediment control, which ensures that the project will not cause erosion and pollution relative to the infrastructure development through its separate permitting process.

Again, these required Zoning Ordinance findings are relative to an SDP for Infrastructure, not an SDP, which is the subject of this remand.

2. The applicability of PGCC Section 27-494 during review and approval of SDP-1803. Findings and conclusions shall address and resolve the issue of neighborhood compatibility raised below by Appellants and in accordance with PGCC Section 27-494.

The uses proposed by SDP-1803 consist of a food and beverage store and gas station. Both uses were previously found compatible with the neighborhood by the Planning Board and the District Council and are permitted uses in the L-A-C Zone.

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As background, Section 27-494 of the Zoning Ordinance states six purposes of the L-A-C Zone, for which the Planning Board made findings of conformance in its approval of Basic Plans A-9996-C (PBCPB Resolution No. 08-73) and A-9997-C (PBCPB Resolution No. 08-74) in 2008. In 2009, the District Council affirmed the Board's decisions and approved the rezoning of Brandywine Village to the L-A-C Zone. In issuing these approvals, the Planning Board and District Council determined that the proposed residential and commercial uses, which are separated by a stream valley that is to be preserved, were compatible.

In addition to the findings of the basic plan approvals, the question of neighborhood compatibility was further reviewed and determined acceptable through the approvals of CDP-1201, as amended, and a preliminary plan of subdivision (PPS), 4-12007 for the entirety of the Brandywine Village development, inclusive of the area for commercial development and townhouse neighborhood. These approved plans continue to show a defined spatial relationship, with a walkable connection, to be provided through a preserved, wooded, stream valley buffer located between the residential and commercial areas.

The Planning Board also noted that it had previously found SDP-1803 to be in conformance with A-9997-C, CDP-1201, as amended, and PPS 4-12007. In addition, the Board emphasized that a food and beverage store and a gas station are both permitted uses in the L-A-C Zone; thus, there are no further required findings for approval of an SDP for conformance to the purposes of the zone and, in particular, neighborhood compatibility.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED Type 2 Tree Conservation Plan TCP2-002-2014-06, and further APPROVED Specific Design Plan SDP-1803 for the above-described land, subject to the following conditions:

1. Prior to certificate approval of the specific design plan (SDP), the applicant shall:
 - a. Update the photometric plan to remove a pole-mounted light shown adjacent to the southeast corner of the building on Parcel 2, subject of SDP-1802.
 - b. Revise the SDP and signage plan as follows:
 - (1) Remove the detail of the large multi-tenant pylon sign, labeled as Monument Sign Detail, from sheet C-906.

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- (2) Remove the northern monument sign for site identity and fuel pricing from the signage site plan on sheet C-904.
 - (3) Include all proposed sign types and details in the Product List on sheet C-904.
 - (4) Correct the Elevation-Wall Signage, Left-Side elevation label to show the proposed signage area is 25 square feet.
 - c. Add the following note to the SDP: “All lighting shall use full cut-off optics and be directed downward to reduce glare and light spill-over.”
 - d. Add a note to the SDP indicating that all HVAC units must meet Energy Star® performance levels.
 - e. Correct the notes on the plan to remove the shared parking reduction and specify the area of this SDP to Parcel 1 only.
 - f. Add a note to the SDP indicating the food and beverage store use is subject to Section 27-515(b) Footnote 4 of the Table of Uses, which notes “Provided goods prepared on the premises shall be offered for retail sales only on the premises.”
 - g. Revise plans to include labels for the sidewalks, crosswalk crossing the commercial access road at Chadds Ford Drive, and sharrows along the commercial spine road, as proposed with SDP-1802.
 - h. Correct the Section 4.3-2 landscape schedule to show that standards for minimum tree planting area are met.
 - i. Correct the Tree Canopy Coverage Schedule to show the accurate parcel acreage, and to only count on-site trees toward conformance with the requirement.
 - j. Replace the existing proposed bicycle racks with inverted-U style bicycle racks, or a bicycle rack style that provides two points of contact to support and secure a parked bicycle.
 - k. Provide a note on the SDP listing a minimum of four green building techniques proposed to be used for the building.
2. Prior to certification of the specific design plan (SDP), the Type 2 tree conservation plan (TCP2) shall be revised, as follows:
- a. Provide a non-native invasive species management plan on the TCP2, following the Environmental Technical Manual, to address the removal of non-native invasive species identified on-site (Japanese honeysuckle and multi-flora rose) to no more than 20 percent on-site.

- b. Submit a recorded woodland and wildlife habitat conservation easement for Phase 2a development and the liber and folio shall be added as a note on the plan.
 - c. Submit all sheets of TCP2-002-2014 for signature.
 - d. Make any other revisions necessary to make the TCP2 consistent with the SDP, landscape plan, stormwater management concept plan approval, or erosion and sediment control plan.
 - e. Revise and/or recalculate any tables or worksheet affected by required revisions.
 - f. Make any technical revisions necessary to make the TCP2 plan consistent with the requirements of the Woodland and Wildlife Habitat Conservation Ordinance and Environmental Technical Manual.
 - g. Have the revised plan signed and dated by the qualified professional who prepared it.
 - h. Have the Owner's Awareness Certification signed by the property owner, or their designated agent.
3. Prior to issuance of any permits which impact wetlands, wetland buffers, streams, or waters of the United States, the applicant shall provide the Environmental Planning Section with copies of all federal and state wetland permits, evidence that approval of conditions have been complied with, and associated mitigation plans.
4. Prior to issuance of a grading permit, a copy of the erosion and sediment control plan for Phase 2A, at the appropriate technical level, shall be submitted as part of the permit package to confirm consistency between plans.

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

* * * * *

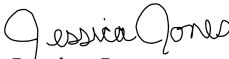
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Geraldo and Hewlett voting in favor of the motion, and with Commissioner Doerner absent at its regular meeting held on Thursday, July 30, 2020, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 10th day of September, 2020.

*This is to certify that the foregoing is a true and correct copy of the remand action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Doerner, with Commissioners Washington, Doerner, Bailey, Geraldo and Hewlett voting in favor of the motion, at its regular meeting held on Thursday January 14, 2021, in Upper Marlboro, Maryland. The adoption of this amended resolution based on the remand action taken does not extend the validity period.

Adopted by the Prince George's County Planning Board this 14th day of January 2021.

Elizabeth M. Hewlett
Chairman

By 
Jessica Jones
Planning Board Administrator

APPROVED AS TO LEGAL SUFFICIENCY
David S. Warner /s/
M-NCPPC Legal Department
Date: January 6, 2021

EMH:JJ:AB:nz

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