

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed ROSE-4398/02, BP Amoco Upper Marlboro requesting approval to make several minor modifications to the approved special exception site plan 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 January 8, 2009, the Prince George's County Planning Board finds:

- A. **Location and Field Inspection:** The subject property is located along the west side of Crain Highway (US 301), 250 feet north of its intersection with Danenhower Road and opposite the intersection of Old Crain Highway and Village Drive in Mount Pleasant. The former gas station structures and a single-family dwelling have been razed and removed. The site is currently vacant.

- B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	C-M	C-M
Use(s)	Undeveloped Land	Gas Station, Food and Beverage Store, Car Wash, Fast-Food Restaurant
Acreage	2.38	2.38
Parcels	3	2
Square Footage/GFA	4,224	4,224

- C. **History:** A portion of the subject property (1.02 acres) was rezoned from the Residential-Agricultural (R-A) Zone to the Miscellaneous Commercial (C-M) Zone during the 1994 *Approved Master Plan and Sectional Map Amendment for Subregion VI Study Area (Planning Areas 79, 82A, 82B, 86A, 86B, 87A, 87B)*. In 2002, the District Council approved Zoning Map Amendment A-9948 for the rezoning of an additional 1.36 acres from the R-A Zone to the C-M Zone, for a total of 2.38 acres in the C-M Zone. In conjunction with the rezoning, the District Council approved Special Exception SE-4398 for a gas station, a fast-food restaurant, and a food and beverage store. As companion cases to the rezoning, the application requested authorization to build within a proposed right-of-way, and a Departure from Design Standards (DDS-516) for the installation of an access driveway to a loading space less than 50 feet from residentially zoned property. In July 2004, the District Council approved County Council Bill CB-36-2004 for a text amendment which permitted a gas station on the adjacent R-A zoned property, subject to Footnote 75 of the Table of Uses for the R-A Zone. A Limited Minor Revision, ROSE SE-4398/01, was approved for modifications to a retaining wall in 2007. Preliminary Plan 4-07075 was approved in February 2008 to reconfigure three parcels (Parcels 1, 2, and 3) totaling 10.17 acres in the C-M and R-A Zones into two parcels, Parcels A and B. The

parcels; however, were never platted. The applicant is currently proposing a revised configuration for Parcels A and B, in accordance with CB-36-2004.

- D. **Master Plan Recommendation:** The 1993 Subregion VI study area master plan map recommends urban development land use for the property. The Planning Board, in approving the master plan, revised the plan text to “designate the 4.7-acre Wells property, on the west side of US 301 north of Village Drive West, in a striped pattern on the Comprehensive Plan Map, indicating potential for Retail or Service Commercial land use.” (CR-66-1993, Amendment 5, and Plan text, p. 288)

The Prince George’s County Approved General Plan places this property in the Developing Tier. The vision of the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, district commercial centers, and employment areas that are increasingly transit serviceable.

- E. **Request:** The applicant is requesting approval to make several minor modifications to the approved special exception site plan. According to the site plan, the food and beverage store/fast-food restaurant and gas station canopy will be shifted 15 feet to the north. One gas pump will be deleted from the special exception site and a 1,200-square-foot drive through, single bay car wash will be added. Underground stormwater management facilities are being replaced with a stormwater management pond on the adjacent R-A zoned parcel, and underground gasoline storage tanks are proposed to be shifted to the north side of the gas pump canopy. The applicant has also added seven required parking spaces. The approved right-in only access driveway is proposed to be relocated on the adjacent R-A zoned property to the north. Because CB-36-2004 allows a gas station to be located on the adjacent R-A zoned property, driveway access to the commercial use on the C-M zoned property is permitted. This application is being reviewed in conjunction with a Detailed Site Plan (DSP-07075) that includes three new gas pumps, parking, a relocated right-in only access driveway, and stormwater management facilities on the adjacent R-A zoned parcel. The DSP includes the entire 10.17-acre area within proposed Parcels A and B.

- F. **Neighborhood and Surrounding Uses:** The neighborhood in which the subject property is located is defined by the following boundaries:

North	—	Leeland Road
South	—	Marlboro Pike
East	—	Crain Highway (US 301)
West	—	Collington Branch

The property is surrounded by the following uses:

- North — Single-family home in the R-A Zone
- South — Undeveloped property in the R-A Zone
- East — Across US 301, undeveloped property and single-family attached dwellings in the L-A-C Zone.
- West — Undeveloped property in the R-A Zone; farther west is undeveloped property in the R-S Zone.

The neighborhood can be generally characterized as low-density residential with a majority of the residential development located on the east side of US 301 (Marlboro Meadows and Meadowbrook).

- G. **Minor Change Provisions:** Section 27-325(b), which governs minor revisions to special exception site plans, provides that:

- (1) **The Planning Board is authorized to approve the following minor changes:**
 - (A) **An increase of no more than fifteen percent (15%) in the gross floor area of a building;**
 - (B) **An increase of no more than fifteen percent (15%) in the land area covered by a structure other than a building;**
 - (C) **The redesign of parking or loading areas; or**
 - (D) **The redesign of a landscape plan.**

The proposed revisions do not increase the gross floor area of the approved building. Because the car wash is permitted by right in the C-M Zone, its square footage (1,200 square feet) does not count toward an increase in gross floor area. The revisions increase the area of land covered by a structure other than a building due to the addition of paved area for the parking spaces. The increase in land covered by a structure other than a building in this revision is 14.19 percent greater than the original special exception approval. The revision also includes a redesign of the parking areas and landscape plan.

- H. **Requirements for a Gas Station:** In accordance with Section 27-461(b)(1)(B) of the Zoning Ordinance, a gasoline station is permitted by right in the C-M Zone, subject to detailed site plan review and the requirements for gas stations which are provided per Section 27-358 of the Zoning Ordinance as set forth below:

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

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

The subject property has over 150 feet of frontage along US 301, which has a right-of-way width of 175 feet at this location and an ultimate right-of-way width of at least 300 feet.

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

No such lot is within a three hundred (300) foot radius of the subject property.

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

The applicant's proposal does not include these activities. The site plan notes should indicate that there will be no display or rental of cargo trailers, trucks, or similar uses at this site.

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

The applicant does not propose the storage or junking of wrecked vehicles on the property. The site plan notes should reflect this.

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

The site plan shows a one-way, 22-foot-wide driveway off US 301 and a two-way, 35-foot-wide driveway off the Village Drive extension. The State Highway Administration (SHA) did not provide comments for the special exception. It did, however, provide comments on the DSP. The comments did not discuss the right-in only driveway, which is less than 30 feet wide. SHA will be required to approve the width of that access driveway. The proposed driveways are at least 150 feet from the point of curvature of the curb return.

(6) Access driveways shall be defined by curbing;

The site plan indicates that both access driveways will be defined by curbing.

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

The site plan proposes a five-foot-wide sidewalk along the frontage of US 301 and along the proposed Village Drive extension.

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

The site plan is in compliance with this requirement.

(9) Repair service shall be completed within forty-eight (48) hours after the vehicle is left for service. Discarded parts resulting from any work shall be removed promptly from the premises. Automotive replacement parts and accessories shall be stored either inside the main structure or in an accessory building used solely for the storage. The accessory building shall be wholly enclosed. The building shall either be constructed of brick (or another building material similar in appearance to the main structure) and placed on a permanent foundation, or it shall be entirely surrounded with screening material. Screening shall consist of a wall, fence, or sight-tight landscaping material, which shall be at least as high as the accessory building. The type of screening shall be shown on the landscape plan;

No repair service is proposed for the site. The site plan notes should reflect this.

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

The applicant has submitted architectural details in conjunction with the detailed site plan under concurrent review. The same elevations that were submitted for the DSP must be included in the special exception so that both site plans are consistent with one another.

With regard to architecture:

The subject site is located in close vicinity to the Beech Tree and Balmoral projects, which are single-family residential developments consisting of superior quality architecture incorporating a large percentage of masonry materials. The proposed elevations feature front façades with a combination of mostly masonry materials and a minimal amount of exterior insulation finishing system (EIFS). The large expanse of EIFS proposed on the side elevations of the convenience store building is not in keeping with the high-quality character of the surrounding community. The red-colored EIFS on the side elevations shall be replaced with brick. The car wash building will be highly visible from all four sides. Therefore, the cream-colored EIFS shown in the mid section of the rear car wash elevation shall be eliminated and brick should be used in its place. In addition, the EIFS panels between the windows on the front car wash elevation are not consistent with the material distribution proposed on the other three façades. These EIFS panels shall also be replaced with red brick.

- (b) **In addition to what is required by Section 27-296(c), the site plan shall show the following:**
- (1) **The topography of the subject lot and abutting lots (for a depth of at least fifty (50) feet);**
 - (2) **The location and type of trash enclosures; and**
 - (3) **The location of exterior vending machines or vending area.**

The topographical information is shown on the site plan. The site plan details indicate the dumpster will be enclosed by a ten-foot by six-foot vinyl or composite fence. The details submitted with the DSP application indicate that the trash enclosure is brick. The special exception details must be identical to those submitted with the DSP. There are no vending machines proposed with this application.

- (c) **Upon the abandonment of a gas station, the Special Exception shall terminate and all structures exclusively used in the business (including underground storage tanks), except buildings, shall be removed by the owner of the property. For the purpose of this Subsection, the term**

“abandonment” shall mean nonoperation as a gas station for a period of fourteen (14) months after the retail services cease.

The applicant agrees to comply with this requirement.

- (d) **When approving a Special Exception for a gas station, the District Council shall find that the proposed use:**
- (1) **Is necessary to the public in the surrounding area; and**
 - (2) **Will not unduly restrict the availability of land, or upset the balance of land use, in the area for other trades and commercial uses.**

The District Council found these criteria to have been met at the time the special exception was originally approved in 2002. All revisions are required to be in accordance with the original conditions.

- I. **Requirements for a Car Wash:** A car wash is permitted by right in the C-M Zone with no specific requirements. Sufficient queuing space is provided, although the applicant should delineate access to the car wash.
- J. **Specific Special Exception Requirements:** The applicant is proposing to develop the subject property with a gas station, food and beverage store, fast-food restaurant, and car wash. The gas station and car wash uses are permitted by right in the C-M Zone, in accordance with Section 27-461(b)(1)(B) of the Zoning Ordinance subject to detailed site plan review and conformance with the specific requirements set forth in Section 27-358. The food and beverage store and fast-food restaurant are permitted only by special exception.

Section 27-355, Food or beverage store, provides that:

- (a) **A food or beverage store may be permitted, subject to the following:**
- (1) **The applicant shall show a reasonable need for the use in the neighborhood;**
 - (2) **The size and location of, and access to, the establishment shall be oriented toward meeting the needs of the neighborhood;**
 - (3) **The proposed use shall not unduly restrict the availability of land, or upset the balance of land use, in the area for other allowed uses;**
 - (4) **In the I-1 and I-2 Zones, the proposed use shall be located in an area which is (or will be) developed with a concentration of industrial or office uses;**

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

The applicable provisions for a food or beverage store were satisfactorily addressed at the time the special exception was first reviewed. The District Council determined that the use was reasonably convenient; that the size, location, and access shall be oriented toward meeting the needs of the neighborhood and the traveling public; and, that the use is an efficient use of commercially zoned property. The applicant does not propose the sale of alcoholic beverages.

Section 27-350. Drive-in or fast-food restaurant.

- (a) A drive-in or fast-food restaurant may be permitted, subject to the following:**
- (1) All proposed buildings, structures, and outdoor facilities (including vehicle parking) shall be located at least two hundred (200) feet from the nearest property line of any land in any Residential Zone, or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan. The District Council may reduce this setback requirement when it determines that the landscaping, screening, and buffering requirements in the Landscape Manual, or other conditions, will adequately protect abutting residential property;**

The proposal does not conform to this requirement. The adjoining residentially zoned (R-A) property to the north is located 113.5 feet from the relocated food and beverage store/fast-food restaurant. The original special exception site plan showed the structure 122 feet from the residentially zoned property. At that time there was a dwelling on the residential property and the District Council found sufficient justification to reduce the setback. At this time, the applicant asserts that because the proposal is not for a typical fast-food restaurant, but rather a food and beverage store that provides limited seating, the fast-food component is minor to the application. The applicant further contends that because the residentially zoned property north of the special exception site is owned by the applicant and is intended to be developed with three additional multi-product

dispensers (with six total gas pumps) pursuant to CB-36-2004, there is sufficient justification for the District Council to allow a reduction in the 200-foot setback requirement. It is further noted that the former dwelling has been razed and removed, and that the applicant is in negotiations to purchase Parcel X, in which is located the nearest remaining residential dwelling. The dwelling is approximately 200 feet from the C-M zoning boundary.

The fast-food component of the special exception is a minor one, in that the use will, for all intents and purposes, function as a food and beverage store with tables and seating provided as a convenience to patrons. The proposal does not include a drive through. The proposed gas pumps, in addition to the stormwater management facility, will provide a buffer from the fast-food restaurant.

- (2) A bicycle rack for at least six (6) bicycles shall be provided on the premises, unless the applicant demonstrates to the satisfaction of the District Council that the requirement is inappropriate because of the location or nature of the establishment;**

The site plan indicates a bicycle rack is provided. The applicant has submitted details.

- (3) The use will not restrict the availability, or upset the balance, of land use in the neighborhood for other commercial uses; and**

The fast-food component is incidental to the gas station and thus the food and beverage store uses will not restrict the availability of land or upset the balance of land use in the neighborhood for other commercial uses.

- (4) Special consideration shall be given to advertisement, outdoor display, outdoor activity, lighting, hours of operation, and other aspects of the proposed operation to assure that the health, safety, and general welfare of the community will be protected.**

The applicant has indicated that there will be no outdoor display other than the signs permitted by the Zoning Ordinance. The height of the freestanding pylon sign is proposed to be less than 22 feet high; the Zoning Ordinance allows a maximum height of 25 feet. The location and area of the sign appear to be in compliance with county sign regulations and, therefore, should not pose a hazard to motorists by obstructing views or displaying excessive advertising. There will be limited outdoor activity as there is no outdoor seating proposed. The applicant has indicated that the gas station and associated car wash will be open 24 hours a day. In order to reduce any potential negative impact to the surrounding residential zone, the evening hours of operation for the car wash are limited to 11:00 p.m. Outdoor lighting is proposed that will not cause light spillage onto

abutting properties.

- K. **Parking Regulations:** The site plan provides the following parking schedule for the proposed uses:

Gas Station	1 space/employee (2 employees)=	2 parking spaces
Fast Food Restaurant	1 space/50 sq. ft. (196 sq. ft.) =	9 parking spaces
Car Wash	1 space/500 sq. ft. (1,284 sq. ft.) =	3 parking spaces

The applicant applied a 20 percent reduction for shared parking: $14 \times .20 = 12$ parking spaces required

Food and Beverage Store 1 space/150 sq. ft. (3,000 sq. ft.) + 1 space/200 sq. ft. (666 sq. ft.)
= 24 parking spaces required

Total parking spaces required: 36

A total of 36 parking spaces are required and provided for the proposed food and beverage store, fast-food restaurant, gas station, and car wash. The applicant is also providing two handicap spaces and one loading space, as required. The parking schedule calculates the total square footage of the food and beverage store and fast-food restaurant at 3,862 square feet. The site plan, however, indicates that the total area is 4,224 square feet. This discrepancy (362 square feet) must be reconciled in order to accurately calculate the amount of parking required. In addition, the parking schedule shows the car wash at 1,284 square feet, although the site plan shows the car wash area as 1,200 square feet. This discrepancy must also be corrected.

- L. **Landscape Manual Requirements:** The site is subject to Section 4.2, Commercial Landscape Strip, Section 4.3(c), Parking Lot Interior Planting, and Section 4.7, Buffering Incompatible Uses, of the *Prince George's County Landscape Manual*. The special exception is in general conformance with all applicable sections of the Landscape Manual with two exceptions. First, the schedule for the 4.7 bufferyard along the western property line incorrectly states that no plant units are required. The schedule must be corrected to indicate that 296 plant units are required in this bufferyard. The schedule correctly shows that 305 plant units are provided in this location, exceeding the landscape manual requirement. Second, the plant list indicates the proposed evergreens will be planted at a minimum height between four and five feet. The Landscape Manual requires that the minimum height for the evergreens be between six to eight feet. The plant list must be revised to indicate the correct minimum height in compliance with the Landscape Manual.
- M. **Zone Standards:** The proposed use meets all bulk and height standards for the C-M Zone. As previously noted, the proposal does not meet all special exception setback requirements as the fast-food restaurant structure is located within the required 200-foot setback from the property line. The District Council has the discretion to approve the proposed setback of 113.5 feet based on a finding that adequate screening has been provided.

- N. **Sign Regulations:** The site plan indicates one freestanding sign located at the southern entrance to the site. Dimensions were provided and it appears the sign conforms to all applicable requirements. The sign dimensions provided, while acceptable, are not identical to what the applicant submitted for the DSP review. The DSP sign details show a considerably lower, and therefore, smaller sign with more attractive architectural details, such as brick piers flanking each side. The signage details on the special exception site plan must be identical to what was submitted for the DSP.
- O. **Other Issues:** There are two outstanding subdivision issues which require resolution. First, CB-36-2004 is a text amendment which allows a gas station to be located on the adjacent R-A zoned property to the north, subject to specific requirements. Footnote 75 for the Table of Uses for the R-A Zone requires proposed Parcel A to include between 40,000 and 45,000 square feet. A preliminary plan was approved for Parcels A and B, but the area requirement for Parcel A, which did not comply with the footnote requirement, was overlooked. As a result, the gas station use is effectively prohibited on the R-A zoned portion of the property. Additionally, the proposed right-in only access driveway at the northern end of the site currently accesses a commercial property from R-A zoned land which is prohibited by the Zoning Ordinance. To rectify these situations, the applicant will be required to adjust the lot lines for proposed Parcel A, so that the parcel meets the requirements of CB-36-2004 and includes the right-in only access driveway. The applicant has provided a proposed preliminary plan demonstrating that this can be accomplished.

The second issue involves a condition of the preliminary plan. Condition 13 limited the number of net new vehicle trips to 68 AM and 86 PM peak-hour trips. The condition was based on a gas station with eight pumps, food and beverage store, and car wash. While the special exception area only includes seven pumps (in addition to the other uses), the adjacent R-A zoned area includes three new pumps—two more than what was originally approved. The two pumps will result in the cap being exceeded; thus, a new preliminary plan will be required to find for adequate public facilities, unless the mix of uses is revised so that the trips generated are within the existing trip cap.

A third issue, unrelated to the preliminary plan, concerns the excessive amount of impervious surface leading to the car wash from the R-A zoned parcel and shown on the site plan for the special exception. Any approved changes to the DSP resulting in the reduction of impervious surface must be reflected on a revised special exception site plan prior to its certification.

P. **Required Findings:**

Section 27-317(a) of the Zoning Ordinance provides that a special exception may be approved if:

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

The proposed use and site plan are in harmony with the purposes of the Zoning

Ordinance. The 15 purposes of the Zoning Ordinance, as provided in Section 27-102(a), seek generally to protect and promote the health, safety, and welfare of the present and future inhabitants of the county. The proposed uses will replace outdated structures and generally provide convenient services to current and future county residents. The redevelopment of the site will result in the deletion of one gas pump under the approved canopy, providing improved internal circulation. Adequate queuing area is provided for the car wash facility. The development has generally been designed in conformance with the Prince George's County Code and, with conditions, will ensure the health, safety, and welfare of county inhabitants.

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

The proposed gas station is in general conformance with all applicable requirements with the exception of the 200-foot setback for the fast-food component as previously noted in Paragraph J above.

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

The commercial use has been expanded to include a portion of the residentially-zoned property to the north which was not envisioned by the master plan. The result will not have an appreciable affect upon public facilities, the transportation network, or the general community. Thus, the application will not substantially impair the master plan.

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

The proposed development will not negatively impact the surrounding transportation network in the near-term. While the US 302/Village Drive intersection currently operates adequately, the inclusion of background development will result in the intersection operating inadequately. The two new pumps not subject to the previous preliminary plan would generate 17 net new AM trips and 22 net PM trips. These trips currently would have a marginal impact on the intersection, but would have a greater impact on the intersection as more pipeline developments are completed. Because these additional trips have resulted in the approved trip cap to be exceeded, a new preliminary plan is required (unless the mix of uses is revised so that the cap is not exceeded). As long as the trip cap is not exceeded, or a new preliminary plan finds acceptable operating conditions, the proposal will not further contribute to the deterioration of operations at the intersection and the proposal will not adversely affect the health, safety, or welfare of residents or workers in the area.

(5) The proposed use will not be detrimental to the use or development of

adjacent properties or the general neighborhood; and

The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood. The applicant is updating and redeveloping a former commercial use. The uses are in an appropriate location, adjacent to a major arterial, and in conformance to the master plan. No negative impacts to the existing transportation network are anticipated. The upgraded facility represents an improvement to the community.

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

A Type I Tree Conservation Plan, TCPI/32/01-02, was approved by the Environmental Planning Section on June 26, 2008. The Board notes that:

1. This property is subject to the provisions of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the site has previously approved tree conservation plans. A Type I tree conservation plan was approved as part of the special exception approval, and a Type II tree conservation plan has been approved for development activities unrelated to the special exception use of the site.
2. The previous TCPII approvals were for use as a stockpile and construction of a retaining wall. The current revision to the TCPII is the first submittal to address the special exception use of the site. The TCPII complies with requirements that all woodland conservation areas be set back ten feet from the retaining wall in order to allow a work and maintenance zone.
3. The net tract area of this site is 9.85 acres. The woodland conservation threshold, based on the existing zones, is 41.54 percent of the net tract or 4.09 acres (the split zoning of C-M and R-A results in the unusual percentage for the threshold). Based on the clearing currently proposed, the woodland conservation requirement for the site is 4.82 acres. The plan shows this requirement being met entirely through on-site preservation.

The Type II Tree Conservation Plan, TCPII/156/06-02, has been found to require revisions. Woodland preservation cannot be credited in the 100-year floodplain, and the plan must be graphically corrected not to include woodland preservation. Likewise, woodland preservation or conservation cannot be credited with the ultimate right-of-way for US 301. Woodlands within the ultimate right-of-way do not have to be counted as cleared. Afforestation within the primary management area (PMA) is a priority, such as the area located on the northern end of the property. After these revisions are made, a determination must be made regarding how much of the woodland conservation requirement cannot be met on-site, and how much will have to be obtained in off-site

woodland conservation. The woodland conservation summary table must be revised to correctly reflect revisions made to the plan sheet.

All pertinent standard TCPII notes must be added to the TCPII.

Only the ultimate right-of-way line shall be shown on the site, and it must be located in the correct location. Other incorrectly labeled or distracting elements shall be removed from the plan. The 50-foot-wide gas easement should be identified by adding arrows to indicate the extent of the easement on the site. The legend shall also be revised to eliminate confusing elements describing the right-of-way and notes shall be renumbered or corrected to provide effective reference.

The Type II tree conservation plan revisions are summarized below:

1. Revise the plan to remove woodland preservation areas from the ultimate right-of-way and the 100-year floodplain.
2. Revise the plan to include all pertinent standard TCPII notes.
3. Revise the worksheet as necessary to reflect how the woodland conservation requirements are being met.
4. Show only the ultimate right-of-way line on the plan and remove other incorrectly labeled or distracting road elements from the plan.
5. Indicate with arrows the location of the 50-foot-wide gas easement.
6. Revise the legend to eliminate confusing graphic elements describing the right-of-way and correct or renumber notes to provide effective reference.
7. Have the plans signed and dated by the qualified professional who prepared them.

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 above-noted application, subject to the following conditions:

1. Prior to certification, the special exception site plan shall be revised to show the following:
 - a. Parcel A shall be configured so that it meets both the requirements of CB-36-2004 and includes the right-in only access driveway from US 301 which traverses the adjacent R-A zoned land to the subject property.

- b. The correct square footages of the food and beverage store, fast-food restaurant and car wash shall be shown on the site plan and in the parking schedule.
 - c. The planting schedule shall be corrected to indicate that 296 plant units are required in the 4.7 bufferyard adjacent to the single-family residence on Parcel X.
 - d. The plant list shall be revised to indicate the correct minimum height in compliance with the Landscape Manual.
 - e. The evening hours of operation of the car wash shall be limited to 11:00 p.m. The site plan notes shall reflect this restriction.
2. All architectural details for structures within the special exception, including those for the food and beverage store, trash enclosure, car wash, and freestanding sign, shall be identical to those approved with the detailed site plan. Any architectural DSP conditions of approval applicable to the area within the special exception boundary and not reflected on the approved special exception will require a revision to the special exception to include the architectural changes, prior to its certification. Any such revision to the special exception shall be submitted to the Planning Director or its designee for review and approval.
3. Prior to certification of the special exception, all areas outside of the special exception boundary, but shown on the special exception site plan shall be revised in accordance with the companion certified Detailed Site Plan, DSP-07075, so that both site plans are identical. This includes, but is not limited to, landscaping and the reduction of impervious surface.
4. Prior to certification of the special exception, the Type II tree conservation plan shall be revised as follows:
- a. Revise the plan to remove woodland preservation areas from the ultimate right-of-way and the 100-year floodplain.
 - b. Revise the plan to include all pertinent standard TCPII notes.
 - c. Revise the worksheet as necessary to reflect how the woodland conservation requirements are being met.
 - d. Show only the ultimate right-of-way line on the plan and remove other incorrectly labeled or distracting road elements from the plan.
 - e. Indicate with arrows the location of the 50-foot-wide gas easement.
 - f. Revise the legend to eliminate confusing graphic elements describing the right-of-way and correct or renumber notes to provide effective reference.
 - g. Have the plans signed and dated by the qualified professional who prepared them.

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

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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, January 8, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 29th day of January 2009.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

OSR:FJG:CF:bjs