

Case No. SP-07002

Applicant: PB & J, LLC

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

ORDER AFFIRMING PLANNING BOARD DECISION, WITH CONDITIONS

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

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

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

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

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

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

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

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

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

Provide the following improvements:

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

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

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

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

Opposed:

Abstained:

Absent: Council Member Bland

Vote: 8-0

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

By: _____
Samuel H. Dean, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council