

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 October 30, 2008, regarding Specific Design Plan SDP-9612/03 for Bellehaven Estates, Parcel H, the Planning Board finds:

1. **Request:** This application proposes to build a commercial shopping center consisting of 39,964 square feet of gross floor area in four buildings including a pharmacy and a day care center.
2. **Development Data Summary**

	EXISTING	PROPOSED
Zone(s)	L-A-C	L-A-C
Use	Vacant	Commercial shopping center
Acreage	4.98	4.98
Gross floor area	0	39,964 sq. ft.
Building A (Pharmacy)		14,564 sq. ft.
Building B (Day Care Center)		12,500 sq. ft.
Building C (Service/Retail)		9,750 sq. ft.
Building D (Service/Retail)		3,150 sq. ft.

Parking Data

	REQUIRED	PROPOSED
Standard parking spaces	123	157
Handicapped parking spaces	6	6
Van-accessible handicapped spaces	2	2
Loading spaces	3	3

3. **Location:** The subject site is Parcel H, located on the east side of St. Joseph's Drive, and south of Ardwick-Ardmore Road. This is part of the Bellehaven Estates community and is in Council District 5, Planning Area 73, in the Developing Tier.
4. **Surrounding Uses:** To the east, the subject property borders townhouse common areas owned by the Enterprise Woods Homeowners Association (HOA). To the south is Parcel J, which has been approved for the construction of a fire station. Both the townhouse development and Parcel J are zoned L-A-C as part of Bellehaven Estates. To the west, across St. Joseph's Drive, is a group of single-family homes and Flowers High School.

5. **Previous Approvals:** The site was part of the Bellehaven Estates development approved under Basic Plan A-9775. This was followed by Comprehensive Design Plan CDP-9601, which envisioned a mix of residential, commercial, and public uses including the fire station. The property was subdivided into separate lots and parcels for these units by Preliminary Plan of Subdivision 4-96066.

Specific Design Plan SDP-9612, for this section of Bellehaven Estates, was approved in 1997 for the townhouses and detached houses located east of the station property. Specific Design Plan SDP-9612/01 was approved by the Planning Board on March 8, 2007, for a single lot for the construction of an addition to one of the existing townhouses. Specific Design Plan SDP-9612/02 was approved by the Planning Board on March 13, 2008, for the parcel to the south of the subject property for the construction of a fire station.

The basic plan, comprehensive design plan, and preliminary plan of subdivision all envisioned the subject parcel as constituting the commercial portion of the local activity center.

6. **Design Features:** The plan proposes to construct four rectangular commercial buildings arranged around a common vehicular entrance from St. Joseph's Drive. For the purposes of this plan, the buildings have been designated as Buildings A, B, C, and D. The buildings are primarily brick structures which incorporate concrete masonry bases and exterior insulation and finishing system (EIFS) cornices. The buildings utilize differently-colored materials and detailing to provide visual interest on all sides. Customer entrance areas are marked with large storefront windows and shaded by fabric awnings.

Building A is located in the northern portion of the shopping center and is proposed to be a Rite Aid pharmacy. The main entrance is at the southwest corner of the building, while a drive-through window is located under a projecting structural canopy on the northern side of the building.

Building B is located in the northeastern portion of the shopping center, to the east of Building A, and is proposed to house a day care center for up to 100 children. The main entrance is located on the west side of the building, while another entrance on the north side provides access to a 5,659-square-foot play area.

Building C is located in the southeastern portion of the shopping center, to the south of Building B. This building is envisioned as a multi-tenant building for retail and commercial services.

Building D is located in the southwestern portion of the shopping center, to the west of Building C. This building is also envisioned as a multi-tenant building for retail and services.

7. **Signage:** The plan proposes multiple forms of signage. Because the site is in a comprehensive design zone, the approval of the SDP determines the amount of signage that may be present on

the site, which is not otherwise prescribed in the zoning ordinance.

The plan shows the location of a freestanding monument sign (“Bellehaven Plaza Sign”) at the entrance to the shopping center on St. Joseph’s Drive. The plan does not show the details of what this sign will look like. The applicant has indicated that currently, they do not have a design for this sign and, therefore, do not wish for its design to be approved with this SDP. This SDP can therefore approve this as an appropriate location for a future sign, but any sign permit would require the applicant to revise the SDP and gain approval of the detail of the plaza sign.

Building A features building-mounted signage totaling 233.92 square feet in area. This includes standard Rite Aid identifiers and logos, and building-mounted signage relating to the operations of the drive through service. The Rite Aid also has one freestanding directional sign with a face area of four square feet to point out the entrance of the drive through.

Building B is proposed to have one building-mounted sign with an area of 144.5 square feet advertising the day care center. As the tenants for Buildings C and D have not been determined, the applicant has designated sign envelopes on the architectural elevations for the storefronts they are providing. The tenants would then design their signage to fit within the sign envelopes. Building C proposes six building-mounted signs with a total area of 320 square feet. Building D proposes three building-mounted signs with a total area of 125.5 square feet.

The total size of building-mounted signage proposed on the four buildings is 823.92 square feet. By comparison, if these four buildings were located in an identical arrangement in a typical Euclidean commercial zone, they would be permitted to have up to 951 square feet of signage.

The signage as proposed appears to be in scale with the buildings and appropriate for the site.

8. **L-A-C Zone:** The proposed commercial shopping center includes a pharmacy and day care center for children, both of which are permitted uses in the L-A-C Zone. The other two buildings proposed on the site are designated for general retail and services. The L-A-C Zone permits a variety of retail and service uses. The applicant has not proposed what specific uses will be located within these buildings and the uses in these building will be regulated through the permitting process.

Per Section 27-528(a) of the Zoning Ordinance, to approve a specific design plan in the L-A-C Zone, the Planning Board must make the following findings:

- (1) **The plan conforms to the approved Comprehensive Design Plan, the applicable standards of the Landscape Manual, and 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 is in conformance with approved Comprehensive Design Plan CDP-9601, which designated the subject site as the future location of commercial development. The site is also in conformance with the requirements of the Landscape Manual.

- (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 or provided as part of the private development;**

The Transportation Planning Section indicates that the subject application will be served by adequate transportation facilities within a reasonable period of time. The Special Projects Section has found that the development will be adequately served by police, fire and rescue services.

- (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; and**

The site has an approved Stormwater Management Concept Plan (No. 6244-2008-00) and is designed with a series of storm drains throughout the impervious areas to channel water to a quality control infiltration trench. Overflow water will drain into the adjacent common stormwater management pond as approved by the Department of Public Works and Transportation (DPW&T).

- (4) The plan is in conformance with an approved Tree Conservation Plan.**

The plan has been found to be in conformance with the approved tree conservation plan subject to the recommended conditions.

9. **Comprehensive Design Plan CDP-9601:** This comprehensive design plan was approved subject to 27 conditions, of which the following warrant discussion at this time:

- 5. A minimum 60-foot-wide buffer shall be provided between the commercial and residential lots.**

This buffer was shown on the CDP plan as being divided evenly between the residential and the commercial properties. Accordingly, SDP-9612 was approved for the residential development including a 30-foot-wide buffer along the property line with the commercial property. The proposed SDP shows a 30-foot-wide buffer on the subject property, which will combine with the existing buffer on the residential property to form the required 60-foot-wide buffer.

- 11. The Specific Design Plan for the commercial property shall address the view of the façade that faces the residential development through the use of buffering,**

landscaping, woodland preservation, and/or architectural detail.

The façades of the buildings that face the residential development are the rears of Buildings B and C. These façades do not feature windows and their only apertures are two service entrances on the rear of Building B. However, the façades are not blank walls and feature different materials, detailing, and color for a certain amount of visual interest. Furthermore, the view of these façades will be partially concealed by the densely-planted bufferyard along the common property line.

- 12. A minimum of 20 percent of the commercial development shall be in green area. Bufferyards, landscape strips and internal landscaping shall be included in the green area.**

The applicant has calculated that the green area of the site will be 30.3 percent. A note stating this should be added to the plans.

- 13. Loading or trash facilities within the commercial component shall be screened from the residential properties. The loading spaces and access to the loading shall not be within 50 feet of the residential property.**

The proposed dumpsters will be enclosed by sight-tight fencing. There are three loading spaces proposed on the plan to be located on the eastern side of the pharmacy, in the parking lot between Buildings B and C, and on the eastern side of Building C. Of these spaces, only the space on the eastern side of Building C would be visible from the residential property. However, this space is located less than 50 feet from the property line and thus is not permitted in its proposed location. The plans should be revised to move this space to a new location that will not be visible from or located within 50 feet of the residential property.

10. **Preliminary Plan of Subdivision 4-96066:** This preliminary plan of subdivision was approved with 14 conditions of approval. There are no outstanding conditions related to this application, and the proposed development is in conformance with the preliminary plan.
11. **Landscape Manual:** The site is subject to Sections 4.2, 4.3, 4.4, and 4.7 of the Landscape Manual.
- a. **Section 4.2, Commercial and industrial landscape strip:** The property is required to provide a landscaped strip along the right-of-way around the northern portion of the site (where no parking lot borders the roads). The landscape plan demonstrates that a body of existing woodland more than 25 feet wide exists along this right-of-way, which satisfies the requirements of Section 4.2.
- b. **Section 4.3, Parking lot landscaping:** The site must provide a landscaped strip along the right-of-way of St. Joseph's Drive, which is correctly demonstrated on the landscape

plan. The site must also provide internal green planting areas for the parking lot. The landscape schedule for the internal plantings states that 18 shade trees are required, but that only 17 shade trees are proposed along with 5 ornamental and 5 evergreen trees. It should be noted that the Landscape Manual does not permit the substitution of ornamental or evergreen trees for this requirement; therefore, the plan should be revised to provide one additional shade tree.

- c. **Section 4.4, Screening requirements:** The plan proposes the locations of six dumpsters on the site, which require screening. The plan demonstrates that these dumpsters will be enclosed and screened by six-foot-tall board-on-board gated fences. The plan proposes that these fences be constructed of wood. The fence detail should be revised to provide a more durable composite material for the fences.
- d. **Section 4.7, Buffering incompatible uses:** The proposed integrated shopping center is considered a high-impact use. As such, Section 4.7 requires a type B bufferyard along the southern property line (adjacent to the fire station). The Landscape Plan correctly demonstrates the type B bufferyard along the southern property line.

The site also requires a type D bufferyard along the eastern property line (adjacent to the townhouse development). This bufferyard consists of a 40-foot-wide landscaped yard and a 50-foot building setback. On the subject property's side of the property line, the site plan demonstrates a 30-foot-wide landscaped yard. The remainder of the bufferyard has been provided on the townhouse common area as part of the townhouse development's share of the required 60-foot-wide buffer between the two properties. As the buffer on the HOA land has been shown as such on an approved specific design plan, it may be counted as the remainder of the required Landscape Manual buffer. The number of plants proposed within the landscaped yard on the commercial property fulfills the requirements of the Landscape Manual for this bufferyard.

- 12. **Day Care Review:** The proposed day care center (Building B) is a 12,500-square-foot building, with a proposed maximum enrollment of 100 children. The northern, southern, and western walls are mostly storefront windows which should allow the interior space to have some natural light and an open appearance.

Day care centers in comprehensive design zones are not technically subject to specific requirements for the use as are day care centers in Euclidean zones. However, the day care center should meet the intent of the regulations to provide for the safety and well being of the children in the day care.

In a standard commercial or industrial zone, a day care center is required to provide a play area enclosed by a substantial fence, with at least 75 square feet of play area per child, for either 50 percent of the maximum enrollment, or for the number of children that will utilize the play area at any one time, whichever is greater. Use of the play area is limited by the Zoning Ordinance regulations to the hours between 7 a.m. and 9 p.m.

The proposed play area for the day care center in Building B is an open green area, 5,659 square feet in size, directly north of the building. This space is large enough for 75 children (at 75 square feet per child). A note should be added to the plans stating that no more than 75 children may utilize the play area at any one time, and that outdoor play is limited to daylight hours between 7 a.m. and 9 p.m.

The applicant has indicated that the play area will be enclosed by a six-foot-tall board-on-board fence. The fence does not actually appear on the plans, so the plans should be revised to show the location of the fence. The fence, while remaining six feet tall and sight-tight, should be constructed using a composite material for greater durability.

13. **Transportation:** In a memorandum dated October 2, 2008 (Masog to Lindsay), the Transportation Planning Section found that all transportation-related conditions of the prior applications have been fulfilled. The subject property is in general conformance with the approved preliminary, comprehensive design, and basic plans, and the subject application will be served by adequate transportation facilities within a reasonable amount of time.
14. **Permit Review:** In a memorandum dated August 13, 2008 (Linkins to Lindsay), the Permit Review Section noted a number of issues with the plan. These issues have been addressed by revised plans, new information submitted by the applicant, and the recommended conditions of approval.
15. **Trails:** In a memorandum dated January 29, 2008 (Shaffer to Lindsay), the trails coordinator offered the following comments:

There are no master plan trails issues identified in the *Approved Master Plan and Adopted Sectional Map Amendment for Largo-Lottsford, Planning Area 73* that impact the subject application. The subject site includes existing sidewalks along both Ardwick-Ardmore Road and St. Joseph's Drive. Internal sidewalks are provided that link St. Joseph's Drive to the proposed building entrances. Staff recommends one additional sidewalk connection to better link the planned pharmacy to the existing sidewalk along St. Joseph's Drive. Staff also recommends crosswalks at other locations where the internal sidewalks intersect with drive aisles and across the site's ingress/egress along St. Joseph's Drive

The subject application also reflects a sidewalk connection to the residential property immediately to the east of the subject site. This land is owned by the Enterprise Woods Homeowners Association. If the Enterprise Woods community desires that the sidewalk connection be extended through HOA land to Berrywood Lane, this can be completed by the HOA or by the HOA in cooperation with the applicant.

16. **Community Planning:** In a memorandum dated September 9, 2008 (Washburn to Lindsay), the Community Planning North Division found that the plan is in conformance with the land use recommendation of the 1990 *Approved Master Plan and Adopted Sectional Map Amendment for*

Largo-Lottsford, Planning Area 73, and is not inconsistent with the 2002 General Plan Development Pattern policies.

17. **Historic Preservation:** The Historic Preservation Section has determined that the plan has no effect on identified historic sites or resources.
18. **Archeology:** The archeological reviewer has identified no effect on archeological resources associated with this plan.
19. **Washington Suburban Sanitary Commission:** In a memorandum dated July 29, 2008 (Black to Lindsay), the Washington Suburban Sanitary Commission (WSSC) requested that an onsite review package be submitted to them in order to evaluate the proposed water and sewer connections.
20. **Environmental Planning:** In a memorandum dated October 9, 2008 (Reiser to Lindsay), the Environmental Planning Section recommended approval of the SDP and TCPII, subject to the conditions that have been included in this resolution.
21. **Special Projects:** In a memorandum dated August 20, 2008 (Rowe to Lindsay), the Special Projects Section found that police and fire and rescue services are adequate for the site.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan (TCPII/031/97-01), and further APPROVED Specific Design Plan SDP-9612/03 for the above-described land, subject to the following conditions:

1. Prior to signature approval of the SDP, the following revisions shall be made:
 - a. Add a note demonstrating the amount of green space provided on the site.
 - b. Show the six-foot-tall fence surrounding the play area of the day care center.
 - c. Add a note that no more than 75 children may utilize the play area at any one time, and that outdoor play is limited to daylight hours between 7 a.m. and 9 p.m.
 - d. Replace the proposed wooden board-on-board fences with more durable sight-tight composite fencing.
 - e. Move the proposed loading space, located east of Building C, to a new location more than 50 feet from the residential property.
 - f. Add one additional shade tree to the internal green plantings proposed for the parking lot.

- g. Add a note that the design for the Bellehaven Plaza Sign has not been approved, and that the design of this sign must be approved through a revision to the SDP.
 - h. Provide a sidewalk connection and marked crosswalk from the existing sidewalk along St. Joseph's Drive to the pharmacy, unless modified by DPW&T.
 - i. Provide Americans with Disabilities Act (ADA) curb cuts and marked crosswalks at all sidewalk and drive aisle intersections, unless modified by DPW&T.
 - j. Provide ADA curb cuts and a marked crosswalk across the site's ingress/egress along St. Joseph's Drive, unless modified by DPW&T.
 - k. Move the proposed dumpster and screening fence located near the southeastern corner of Building B to a new location to the north of Building B, rearranging parking spaces as necessary to accommodate the change.
2. Prior to signature approval of the SDP, the TCPII shall be revised as follows:
- a. Show the limits of disturbance on the plan view and add the symbol to the legend.
 - b. Show the existing treeline with a darker line weight and add the symbol to the legend.
 - c. Show and label all existing and proposed utilities and their easements including water and sewer, stormdrain, and stormwater management, and the public utility easements.
 - d. Remove all woodland conservation from existing and proposed easements.
 - e. Provide labels, including the acreage, for all "Off-site Afforestation Areas From Previously Approved TCPII."
 - f. Revise the legend to include all symbols, including hatching, shown on the plan.
 - g. Show the legend on all sheets with a plan view, including the cover sheet.
 - h. Revise the worksheet to eliminate the "woodland retained not part of requirement" in the "residential phase" column of the worksheet or provide a worksheet for an "individual lot with a previously approved TCP."
 - i. Add an afforestation table for all proposed afforestation areas and revise all tables to account for the afforestation area as shown on the plan view.
 - j. Revise the edge management notes to include the standard section on "Protection of Reforestation and Afforestation Areas by Developers or Builders."

- k. Add the standard afforestation/reforestation management plan notes.
- l. Revise the standard Type II tree conservation plan notes as follows:
 - (1) Include optional notes five through seven.
 - (2) Revise the last sentence in Note 7 to read "These signs shall remain in place."
- m. Revise Note 4 on the signage detail to reflect a maximum spacing interval of 50 feet.
- n. Revise the TCPII approval block to type-in the TCPII number (TCPII/31/97), the previous signature approval (J. Stasz), and date (April 17, 1997).
- o. Revise the worksheet as necessary to account for revisions to the plan.
- p. After all these revisions have been made, have the qualified professional who prepared the plan sign and date it and update the revision box with a summary of the revision.

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.

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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 and Parker voting in favor of the motion, and with Commissioner Vaughns absent at its regular meeting held on Thursday, October 30, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 20th day of November 2008.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator