

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on July 13, 2017 regarding Detailed Site Plan DSP-16037 for Brooks Drive South, the Planning Board finds:

1. **Request:** The subject detailed site plan (DSP) is for a 36,185-square-foot food and beverage store and 130,000-square-foot of consolidated storage.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	R-10	R-10
Use(s)	Vacant	Food & Beverage Store/consolidated storage
Gross Acreage	11.04	11.04
Net Tract Area	10.84	10.84
Gross Floor Area (GFA) (sq. ft.)	0	166,185
Parcels	3	3
Outlot	5	1
Existing 100-year floodplain acreage	0.20	0.20
Existing Woodland in the floodplain	0.20	0.20
Existing Woodland Net Tract	10.63	10.63
Existing Primary Management Area	1.26	1.26

OTHER DEVELOPMENT DATA

Parking and Loading Schedules

Use	Parking Rate	Number of Spaces Required	Number of Spaces Approved†
Food and Beverage Store (Parcel 2) (36,185 sq. ft.)	1 parking space per 150 sq. ft. for the first per 3,000 sq. ft. and 1 space for each 200 sq. ft. above the first 3,000 sq. ft.	186	154**
Consolidated Storage (Parcel 1) (130,000 sq. ft., including 1,350 units and 1,000 sq. ft. office)	1 parking space per 50 units accessed within a building.	29	29*
	4 parking spaces per 1,000 sq. ft. of office space	4	4
	2 parking spaces for the residential unit.	2	2
Total Parking Provided			189

* of which two are handicapped accessible.

** of which six are handicapped accessible

Note: †A departure from the number of parking and loading spaces required (DPLS-449) has been separately approved (PGCPB Resolution No. 17-111) permitting a reduction of 32 spaces from the required number of parking spaces.

Use	Loading Rate	Number of Spaces Required	Number of Spaces Approved
Food and Beverage Store (Parcel 2) (36,185 sq. ft.)	1 space per 10,000 sq. ft. (12-foot by 45-foot)	1	2
Consolidated Storage (Parcel 1) (130,000 sq. ft., 963 units accessed within a building)	2 spaces per 10,000 sq. ft.	2	2
	1 space per 40,000 sq. ft. (12-foot by 33-foot)	3	3
Total Loading Provided		6	7

3. **Location:** The project is located in the northwestern quadrant of the intersection of Pennsylvania Avenue (MD 4) and Brooks Drive. The project is also located in Planning Area 75A and Council District 7.
4. **Surrounding Uses:** The subject site is bounded to the south by the right-of-way of Pennsylvania Avenue (MD 4), and by multifamily residential development in the Multifamily High Density Residential (R-10) Zone beyond; to the west by single-family detached units in the One-Family Detached Residential (R-55) Zone; to the north by multifamily residential dwelling units in the

R-10 Zone; and to the east by Brooks Drive, with multifamily residential development in the R-10 and Multifamily Medium Density Residential (R-18) Zones beyond.

5. **Previous Approvals:** The site is the subject of numerous approvals. The 2009 *Approved Marlboro Pike Sector Plan and Sectional Map Amendment* retained the property in the R-10 Zone. Preliminary Plan of Subdivision 4-12002 was approved by the Planning Board on July 11, 2013. PGCPB Resolution No. 13-81 was adopted on July 25, 2015. On June 4, 2015, the Planning Board approved a one-year extension for Preliminary Plan of Subdivision 4-12002. Detailed Site Plan DSP-15038 for infrastructure was approved by the Planning Board on May 5, 2016. PGCPB Resolution No 16-59 was adopted on May 26, 2017. Preliminary Plan of Subdivision 4-16018 was approved by the Planning Board on December 8, 2016. PGCPB Resolution No. 16-150 was adopted on January 5, 2017, that superseded PPS 4-12002. The project is also the subject of Stormwater Management Concept Plan 19543-2014-01, approved by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) on June 26, 2014, which expired on June 26, 2017. A revision of the stormwater management concept is pending approval.

6. **Design Features**

Site Design

The project is accessed from a single point along its Brooks Drive frontage via a shared ingress/egress easement, which provides access to a parking lot of the LIDL food and beverage store parking lot, in a westerly direction to the consolidated storage parking lot and building at the rear of the site. Parking is approved herein to be provided both on the eastern and southern sides of the store and two loading spaces are approved herein to be located to the rear of the food and beverage store. Pedestrian accessibility on this portion of the site is approved herein to be provided via a sidewalk leading from the existing sidewalk along Brooks Lane into the site and then along the northern side of the store to its northwestern corner, where it is not continuous to the consolidated storage building to be located at the rear of the site.

Parking for the consolidated storage building is approved herein to be located on all four sides, with one handicapped parking space located most proximate to the office provided for the building, and one provided along its northern façade. The sidewalk on the consolidated storage portion of the site is approved herein to be limited to the corner where the office space and handicapped parking space are located. A caretaker apartment is included in the consolidated storage building and parking for that unit has been included in the parking calculation.

A third parcel on the property, labeled Parcel 3, is labeled "DSP Infrastructure Only, subject to future DSP." As the property is part of and subject to this DSP and because this DSP is not for infrastructure only as allowed pursuant to Section 27- 286(b) of the Zoning Ordinance, a condition of this approval requires that this label be removed.

Architecture of the Food and Beverage Store

The building design is primarily distinguished by the sloping asymmetric roofline that frames the front (east) glazed façade. The roofline slopes from 17 to almost 30 feet in height at its apex and is approved herein to be constructed of thermoplastic material. The eastern façade consists primarily of a large glazed window treatment with brick watertable and a cast stone sill wrapping around the building on one side. All other façades of the building are clad with a combination of brick and stucco in a complementary color scheme.

On both the northern and southern elevations, clerestories provide natural light into the building's interior. Brick panels are provided at the ends of the eastern façade. The northern façade is composed primarily of stucco. A brick watertable is consistent on the southern elevation and appears on more limited portions on the other façades. A series of stucco panels of a light color provide contrast with the brick on the northern façade. The southern façade wraps glazing around its most visible eastern end and is detailed with a stretch of clerestory windows just below the roofline.

As the southern façade will be partially obscured by landscaping and contains a clerestory and substantial amounts of brick and glazing, the Planning Board finds the architecture of the southern façade acceptable. The architecture of the northern façade, however, is plain, unadorned and lacks an aesthetically pleasing pattern of fenestration. Additionally, Condition 17 of the preliminary plan of subdivision requires enhanced architecture for this rear façade. Therefore, a condition of this approval requires that, prior to certificate approval, the applicant revise the architecture of the rear façade of the building to include variation in building material, fenestration and use of architectural detail so as to comport with the requirements of Condition 17 of the preliminary plan of subdivision. Final design of the architecture of the rear façade shall be reviewed and approved by the Urban Design Section as designee of the Planning Board.

Lighting

The applicant is specifying standard downward-facing light fixtures for the 30 single and eight double light-poles to be provided in the parking lot. The 28 wall-mounted lights are of a utilitarian design and acceptable.

Signage for the Food and Beverage Store

Two 67.4-square-foot building-mounted signs bearing the company's logo of blue, red, and yellow are provided for the project; one on the southern façade and one on the eastern façade of the building. A single ground-mounted 19-foot-tall freestanding sign is shown on the DSP at the intersection of Brooks Drive and Pennsylvania Avenue (MD 4). The sign is too tall and is out of character with the surrounding residential neighborhood. A detail of the sign has been provided on Sheet 7 of the plan set. Like the wall mounted-sign, the freestanding sign bears the company's logo of blue, red, and yellow. The ground-mounted freestanding sign shall, by condition of this approval, be reduced to no more than 15 feet.

Architecture of the Consolidated Storage

Architecture for the consolidated storage building is approved herein to include a red-brown splitface block with horizontal tan striping and standing seam forest green roof. Panels on the upper portion of the building which is not masonry are either Dryvit or exterior insulating finishing system (EIFS). The fenestration is varied and balanced on the eastern and southern building façades. The northern façade presents a simpler design where the first story is done in brown splitface block, with horizontal tan-colored banding, with the entrance doors covered with canopies interspaced between runs of roll up doors accessing the storage units. The western elevation is also of simple design with a single-pedestrian door and five roll up doors provided. Masonry is carried up to the roofline on the right side of the façade and along the first story where, as on the northern façade, the splitface block is provided with off-white banding to provide contrast and a pedestrian door and five roll up doors are provided. Seven small windows are located on the upper portion of this façade. Since both the storage and food and beverage store are visible from Pennsylvania Avenue, the color scheme of the masonry used on the two buildings shall, by condition of this approval, be compatible to create a coherent streetscape.

Signage for the Consolidated Storage

Signage for the consolidated storage building includes a wall-mounted signs using channels letters and the Storage Zone's padlock insignia on the eastern and southern façades. A single 30-square-foot monument sign at the project's entrance from Brooks Drive has a brick base, a midsection with four separate panels of copy and an upper portion with the consolidated storage facility's name "Self-Storage Zone" and its padlock insignia. The monument sign shall, by condition of this approval, be no more than 15 feet in height, to be consistent with the freestanding sign of the proposed food and beverage store.

Dumpster Enclosure for the Consolidated Storage

A double dumpster enclosure is indicated at the northwestern corner of the consolidated storage building, proximate to location of the two long-term parking spaces. A detail for the dumpster enclosure is provided on Sheet 8 of the plan set, which indicates that the dumpster enclosure will be constructed of smooth-face concrete block. A condition of this approval requires that the enclosure gates be of similar compatible quality material as that of the one used for the food and beverage store.

Electric Vehicle Charging Station, Fences, Dumpster Enclosures and Bike Rack for the Food and Beverage Store

Three electric vehicle charging stations have been included on the eastern side of the parking lot. A bicycle rack is shown at the northern end of the eastern façade of the building. A detail for the bicycle rack has been provided on Sheet 8 of the DSP plan set indicating that space for a minimum of five bicycles will be provided. Decorative fences with varied heights of four, six, and eight feet internal to the site and at its periphery are shown on the DSP. A black chain-link fence is proposed along the project's Pennsylvania Avenue (MD 4) frontage. As the fence will be somewhat visible from MD 4, a condition of this approval requires that, prior to certificate approval, the chain-link fence along MD 4, extending approximately 160 feet northwest from the terminus of the decorative fence as shown on the plan, be replaced with the same decorative fence to match the

character of the larger development, to be reviewed and approved by the Urban Design Section as the designee of the Planning Board.

The applicant has indicated that a wood board-on-board fence will be used to screen the dumpsters provided for the LIDL food and beverage store. As masonry and corrugated metal materials have proven more durable than wood, a condition of this approval requires that, prior to certificate approval, the applicant revise the plans to employ a masonry and corrugated metal material for the dumpster enclosure for the LIDL food and beverage store. Additionally, the dumpsters to be provided for the consolidated storage development will be composed of concrete masonry unit, which is acceptable to the Planning Board.

Possible Green Building Techniques

Green building techniques that may be incorporated include the following:

Self-Storage Zone

- Use of high efficiency plumbing fixtures to reduce water usage; heating, ventilating and air conditioning (HVAC) system Seasonal Energy Efficiency Ratio (SEER) 13 and above;
- Low Volatile Organic Compounds (VOC) materials (i.e., adhesives, sealants and carpet);
- Use of natural daylighting in the office and apartment areas only;
- Use of recycled materials (carpet, tile, wood, etc.); and
- Automatic lighting control systems

LIDL

- Use of high efficiency plumbing fixtures to reduce water usage;
- Heating, Ventilating and Air Conditioning (HVAC) system Seasonal Energy Efficiency Ratio (SEER) 13 and above;
- Collection of recyclables with a goal for zero waste;
- Low Volatile Organic Compounds (VOC) materials (i.e., adhesives, sealants and carpet);
- Upgraded thermal insulation;
- Low Emission glazing and upgraded performance windows; and
- Light Emitting Diode (LED) EcoForm Lighting;

During the review period for the subject case, it was discovered that there was differing information sometimes included on the DSP, landscape plan and a separate “grading plan,” which was included for each sheet of the DSP. Therefore, a condition of this approval requires that, prior to certificate approval, the applicant correct the information reported on the DSP and the landscape plan to be consistent, and the grading plan be made part of the DSP and landscape plan.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George’s County Zoning Ordinance:** The subject approval has been reviewed for compliance with the following requirements of the Zoning Ordinance:
- a. **Section 27-441, Uses in Residential Zones**—As modified by County Council Bill CB-62-2015, the Business Advancement And Food Access Infill development approved herein is a permitted use in the R-10 Zone.
 - b. **Section 27-442 Regulations in Residential Zones**—As modified by Council Bill CB-62-2015, the prescriptions set forth in Section 27-442 of the Zoning Ordinance do not apply to the uses and structures within a Business Advancement and Food Access Infill development project. The dimensions and structures shown on the approved DSP for the project serve as the development regulations for the project. The subject DSP is in conformance with the applicable regulations of Section 27-441, regulations in residential zones. A condition of this approval requires that these development regulations be included on the plans as a general note.
 - c. **Section 27-107.01(a)(38.1), Definitions:**
 - Business Advancement and Food Access Infill:** A development which combines a food and beverage store not exceeding 40,000 square feet of gross floor area; a consolidated storage facility; may include an eating or drinking establishment, or any other use that is permitted by right in the C-S-C (Commercial Shopping Center) Zone; and shall not include a Department or Variety Store or Gas Station uses, where:
 - (A) **the proposed development is part of a revitalization project in accordance with Section 27-445.15 of this Subtitle; and**
 - (B) **the development meets the criteria of Division 5, Part 5 of this Subtitle.**
- The subject approval fits within this definition as it includes a food and beverage store of 36,185 square feet and a consolidated storage of 130,000 square feet, which is a permitted use in the C-S-C Zone, and does not include a Department or Variety Store or Gas Station uses involved in a residential revitalization project. The development meets the criteria of Division 5, Part 5 of this subtitle.

The specific requirements for a Business Advancement and Food Access Infill are contained in Section 27-445.15 of the Zoning Ordinance as follows:

d. **Section 27-445.15. Business Advancement and Food Access Infill:**

(a) **Applicability.** As permitted in the Residential Use Tables in Section 27-441 of this Subtitle, the following additional requirements apply to development or redevelopment in the County proposing Business Advancement and Food Access Infill uses, as defined in Section 27-107.01 of this Subtitle:

- (1) **The proposed use shall be located in a Revitalization Tax Credit District Census Tract;**
- (2) **The proposed use shall be located within a Historically Underutilized Business (“HUB”) Zone;**

Detailed Site Plan DSP-16037 is located in a Revitalization Tax Credit District Census Tract and is within a Historically Underutilized Business “HUB” Zone.

- (3) **The proposed use is located at the intersection of two (2) four-lane, divided roadways, one of which is a State road with functional transportation classification as an expressway; and**

Detailed Site Plan DSP-16037 is at the northwest quadrant of the intersection of Pennsylvania Avenue (MD 4) and Brooks Drive, both of which are two four-lane divided roadways. Pennsylvania Avenue is a state road and is classified as an expressway in the 2009 *Countywide Master Plan of Transportation* (MPOT).

- (4) **The property on which the proposed uses will be located has a land area of at least eight (8) acres and abuts property in the R-10 (Multifamily High Density Residential) Zone.**

Detailed Site Plan DSP-16037 has a gross tract area of 11.04 acres and abuts property in the R-10 Zone to the north and east.

(b) **Other Requirements.**

- (1) **The prescriptions set forth in Section 27-442 of this Subtitle shall not apply to the uses and structures within a Business Advancement and Food Access Infill development project. The dimensions and structures shown on the approved detailed site plan for the project shall serve as the development regulations for the project.**

- (2) **All Business Advancement and Food Access Infill development shall be subject to detailed site plan approval process in accordance with Division 9, Part 3 of this Subtitle.**
- (3) **The detailed site plan review shall include review and approval of architectural elements, including building materials, typical building elevations, signs, and outdoor lighting.**
- (4) **All consolidated storage for a Business Advancement and Food Access Infill development shall meet the requirements set forth in Sections 27-344.01(a)(5), (6), and (7) of this Subtitle.**

Detailed Site Plan DSP-16037 is in conformance with Section 27-445.15(b) of the Zoning Ordinance. The development regulations, including architectural elements, including building materials, typical building elevations, signs, and outdoor lighting for the Business Advancement and Food Access Infill development will be what is approved with the subject DSP. A condition of this approval requires that they be included as a general note on the DSP.

e. **Section 27-344.01, Consolidated Storage:**

Section 27-344.01 of the Zoning Ordinance sets forth the requirements for consolidated storage. Council Bill CB-62-2015 specifies only requirements of Section 27-344.01(a)(5), (6) and (7) applied to this DSP. Each applicable provision regarding consolidated storage is included in **boldface** type below, followed by Planning Board comment:

- (5) **The exterior and architectural facade of the building shall be compatible with the prevailing architecture and appearance of other development in the surrounding neighborhood;**

As the originally submitted architecture for the consolidated storage facility was not of the same color scheme as the food and beverage store, a condition of this approval requires that, prior to certificate approval, the color scheme of the masonry materials for the storage facility be compatible with the color scheme used for the masonry on the food and beverage store to create a coherent development.

- (6) **Beginning June 23, 1988, no entrances to individual consolidated storage units shall be visible from a street or from adjoining land in any Residential or Commercial Zone (or land proposed to be used for residential or commercial purposes on an approved Basic Plan for a Comprehensive Design Zone, or any approved Conceptual or Detailed Site Plan);**

The entrances to the individual storage units are limited to the northern and western façades and will not be visible from the street nor from adjoining land in a residential or commercial zone. This screening is accomplished by a combination of natural topography, screening, the inclusion of a sight-tight fence and a berm along Pennsylvania Avenue (MD 4). The subject project meets this requirement. However, the chosen chain-link fence with slatting is not the most aesthetically pleasing. Therefore, a condition of this approval requires that, prior to certificate approval, the fencing material be changed to a more aesthetically-pleasing composite material.

- (7) Entrances to individual consolidated storage units shall be either oriented toward the interior of the development or completely screened from view by a solid wall, with landscaping along the outside thereof.**

The entrances are screened in accordance with this requirement. The doors to the individual storage units are oriented to the north and west, which will be screened by a combination of natural topography, landscaping, a berm along Pennsylvania Avenue (MD 4) and a sight-tight fence, which is required by a condition of this approval.

f. **Section 27-274, Site Design Guidelines, as cross-referenced in Section 27-283—**

The subject DSP is in general conformance with the site design guidelines in Section 27-283, which further cross references the same guidelines in Section 27-274 of the Zoning Ordinance.

(1) General.

(A) The Plan should promote the purposes of a Conceptual Site Plan.

A conceptual site plan is not required for the proposed use or zone, so this finding does not apply.

This DSP promotes the purposes found in Section 27-281. Specifically, this plan helps to fulfill the purposes of the R-10 Zone where the subject property is located. The development of a food and beverage store is permitted in the zone via the adoption of County Council Bill CB 23-2015. The site plan gives an illustration as to the location and delineation of the food/beverage store, parking, green areas, and other similar physical features and land use proposed for the site.

In addition to the purposes set forth in Section 27-281 of the Zoning Ordinance, Section 27-274 further requires the applicant demonstrate the following:

(2) Parking, loading, and circulation

- (A) Surface parking lots should be located and designed to provide safe and efficient vehicular and pedestrian circulation within the site, while minimizing the visual impact of cars. Parking spaces should be located to provide convenient access to major destination points on the site.**
- (B) Loading areas should be visually unobtrusive and located to minimize conflicts with vehicles or pedestrians.**
- (C) Vehicular and pedestrian circulation on a site should be safe, efficient, and convenient for both pedestrians and drivers.**

Parking and loading areas are located and designed to provide safe and efficient vehicular and pedestrian circulation within the site. All drive aisles are wide enough to provide safe, efficient, and convenient circulation and loading within the site. One-hundred-fifty-four parking spaces are proposed to include six handicapped spaces. Three spaces on the eastern portion of the site are designated as potential electric vehicle charging stations. Seven loading spaces have been provided for the project. The parking has been placed along the eastern and southern façades of the food and beverage store building. Parking is provided on all four sides of the consolidated storage building. Sidewalks and crosswalks are provided accessing the site. These design elements ensure a safe circulation pattern for both vehicles and pedestrians and open views from the building out onto the property frontage.

(3) Lighting.

- (A) For uses permitting nighttime activities, adequate illumination should be provided. Light fixtures should enhance the design character.**

This DSP complies with the above design guideline of the Zoning Ordinance. Adequate lighting will be provided to illuminate entrances and parking throughout the site. Site lighting will be pole-mounted lighting within the parking lot as well as wall-mounted sconces along the sides and rear of the proposed buildings. The lighting herein approved will provide patrons with a bright safe atmosphere, while not causing a glare or light spilling onto adjoining properties. A photometric plan is included with the DSP.

(4) Views.

- (A) Site design techniques should be used to preserve, create, or emphasize scenic views from public areas.**

This DSP complies with the above design guideline. This plan is designed to preserve, create, or emphasize views from the public roads and the adjoining property. The buildings herein approved have been designed to provide a modern, clean, and strong street presence on Brooks Drive and Pennsylvania Avenue (MD 4) with a modern architectural design for both the storage building and the food and beverage building, which has gently curving asymmetric roofline and a fully-glazed front façade. The building materials include a combination of brick and articulated stucco in a complimentary multicolor scheme to ensure that all views are attractive and the building is of high quality. A landscape plan showing the landscaping associated with the development has been approved herein. This design will further promote pedestrian connectivity, while not sacrificing the needed visibility of the site to the traveling public and without jeopardizing the health, safety, and general welfare of the public due to on-site constraints that other designs would create. The site layout also adheres to accepted crime prevention through environmental design (CPTED) practices.

(5) Green Area.

- (A) On-site green area should be designed to complement other site activity areas and should be appropriate in size, shape, location, and design to fulfill its intended use.**

This DSP complies with the above design guideline. The on-site green area is mainly at the periphery of the parking area, framing it aesthetically and assisting in relief from the heat-island effect.

(6) Site and streetscape amenities.

- (A) Site and streetscape amenities should contribute to an attractive, coordinated development and should enhance the use and enjoyment of the site.**

The DSP and landscape plan approved herein comply with the above design guideline. The site and streetscape amenities herein approved will contribute to an attractive coordinated development. The landscape plan herein approved meets the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) and will contribute to an attractive coordinated development, which will enhance the use and enjoyment of the site.

(7) Grading.

- (A) Grading should be performed to minimize disruption to existing topography and other natural and cultural resources on the site and on adjacent sites. To the extent practicable, grading should minimize environmental impacts.**

This DSP complies with the above design guideline. The project has been evaluated for environmental, stormwater management, historic, and archeological impacts, and the results of those reviews have been incorporated into this approval.

(8) Service Areas.

- (A) Service areas should be accessible, but unobtrusive.**

This DSP complies with the above design guideline. The loading and the dumpster enclosures are located near each other and at the rear of the site. The dumpster enclosures will, by condition of this approval, be finished in acceptable quality materials. The service area is easily accessed through the parking lot and is unobtrusive because of its design and placement.

(9) Public Spaces.

- (A) A public space system should be provided to enhance a large-scale commercial, mixed use, or multifamily development.**

As there is no public space included in this development, this guideline is not applicable to the subject development.

(10) Architecture.

- (A) When architectural considerations are references for review, the Conceptual Site Plan should include a statement as to how the architecture of the buildings will provide a variety of building forms, with unified, harmonious use of materials and styles.**
- (B) The guidelines shall only be used in keeping with the character and purpose of the proposed type of development and the specific zone in which it is to be located.**
- (C) These guidelines may be modified in accordance with Section 27-277.**

This DSP complies with the design guidelines outlined above. As illustrated on the architectural plans, the exterior and architectural façade of the buildings will be comprised of generally high-quality and attractive materials that include a fully-glazed front façade and a combination of brick and articulated stucco, in a complimentary multicolor scheme, to ensure that all views are attractive. The buildings herein approved have been designed to provide a modern, clean, and strong architecture, visible from both Brooks Drive and Pennsylvania Avenue. The building design and enhanced details of all the building materials will provide a variety of building forms, with unified harmonious use of materials and styles.

8. **Preliminary Plans of Subdivision 4-16018:** Preliminary Plan of Subdivision 4-16018 was approved by the Planning Board on December 8, 2016 superseding PPS 4-12002, which later approval was formalized in the Planning Board’s adoption of PGCPB Resolution No. 16-150, subject to 20 conditions on January 5, 2017. The relevant conditions of the latter approval are included in **boldface** type below, followed by the Planning Board’s findings.

4. **Total development shall be limited to uses which generate no more than 147 AM peak hour trips and 327 PM peak hour trips. Any development generating an impact greater than that identified herein shall require a new determination of the adequacy of transportation facilities and a new preliminary plan of subdivision.**

Condition 4 is a trip cap condition. Development herein approved would generate 92 AM and 255 PM trips, which is within the cap of 147 AM and 327 PM peak-hour trips. Conformance with the cap is noted in the table below:

Trip Generation Summary, DSP-16037, Brooks Drive South								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			in	out	total	in	out	total
Food and Beverage Store	36,185	square feet	76	47	123	188	180	368
Less Pass-By (40 percent AM and PM)			-30	-19	-49	-75	-72	-147
Net Grocery Store Trips			46	28	47	113	108	221
Consolidated Storage	128,400	square feet	10	8	18	17	17	34
Total Trips Utilized by Proposal			56	36	92	130	125	255
Trip Cap					147			327

The approval is in conformance with this requirement.

- 13. Prior to approval of the detailed site plan (DSP) and the Type 2 tree conservation plan, the applicant shall limit the disturbance to Specimen Tree 3 (ST-3) to 30 percent or less of its critical root zone, or a variance for the removal of ST-3 shall be approved at the time of DSP.**

It is determined that, with the rough and fine grading required for the subject site, Specimen Tree 3 (ST-3) cannot be saved. A variance application describing why this tree could not be saved was found plausible by the Planning Board, which herein grants the requested variance.

- 14. Prior to approval of the detailed site plan (DSP), the revised and approved stormwater concept plan and letter for the current proposal shall be submitted and correctly reflected on the Type 2 tree conservation plan and the DSP.**

A revised stormwater concept plan has been submitted to DPIE to show the new commercial layout. Several rounds of comments have been processed through the project engineer and DPIE. A condition of this approval requires that, prior to certificate of approval, a revised and approved stormwater management concept plan and letter for the current commercial proposal be submitted and correctly reflected on the Type 2 tree conservation plan (TCP2) and DSP.

- 16. At the time of detailed site plan (DSP) review, provide an exhibit that illustrates the location and limits of all off-site improvements proffered in the bicycle and pedestrian impact statement (BPIS submitted August 31, 2016) for review by the operating agencies. This exhibit shall not delay the acceptance of the DSP.**

The subject exhibit has been received by the Planning Board and referred to the operating agencies in accordance with this requirement.

- 17. At the time of detailed site plan, the applicant shall demonstrate that the rear building elevation of the grocery store is visually attractive so that it will be compatible with the surrounding architecture and the other buildings internal to the site. High-quality materials, such as brick, shall be utilized in the design of the rear elevation, and special attention should be paid to the form, massing, architectural detail, and pattern of fenestration along the rear elevation.**

A condition of this approval requires architectural improvements to the rear building elevation of the food and beverage store in accordance with this condition. The approval is in conformance with this condition.

- 19. At the time of detailed site plan, the private access easement pursuant to Section 24-128(b)(9) shall be reflected with a cross section consistent with the applicants “Brooks Drive South – Private Ingress/Egress Easements Plan View.”**

The private access easement has been reviewed and is determined to be consistent with the applicant’s “Brooks Drive South – Private Ingress/Egress Easements Plan View.” The subject project is in conformance with this condition.

9. **Detailed Site Plan DSP-15038:** Detailed Site Plan DSP-15038 for infrastructure was approved by the Planning Board on May 5, 2016, subject to three conditions. The Planning Board adopted PGCPB Resolution No. 16-59 on May 26, 2016, formalizing that approval. The improvements approved in the DSP were never constructed on the property. None of the conditions attached to the approval of DSP-15038 is applicable to this approval.
10. **Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance:** The property is subject to the provisions of the applicable Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because it measures greater than 40,000 square feet and contains more than 10,000 square feet of existing woodland. A TCP2 was submitted for review.

The 11.04-acre site contains 10.82 acres of existing woodland, of which 0.22 acre of woodland is within the 100-year floodplain. The site has a woodland conservation threshold of 2.16 acres, or 20 percent of the net tract, as tabulated. The TCP2 shows a total woodland conservation requirement of 5.54 acres, which includes the 0.03 acre of off-site woodland clearing. The TCP2 meets this requirement by providing 0.98 acre of on-site woodland preservation and the remaining 4.56 acres in off-site preservation and woodland conservation credits. Three of the four on-site specimen trees identified on the property are approved herein to be preserved, the other specimen tree is approved herein to be removed. The submitted tree conservation plan has been reviewed and found to be in conformance with the WCO. The project is in conformance with the requirements of the Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance.

11. **Prince George’s County Tree Canopy Coverage Ordinance:** The project is subject to the requirements of the Tree Canopy Coverage Ordinance, as it involves the disturbance of more than 5,000 square feet of land area. As the project is located in the R-10 Zone, 15 percent of the 11.04-acre site (or 1.656 acres or 72,135 square feet) is required in tree canopy coverage. The applicant is meeting the requirement with 5.46 acres or 237,838 square feet of woodland conservation and 22,725 square feet of landscape trees to be provided on-site and 0.22 acre (or 9,583 square feet) of existing trees, for a total of 270,146 square feet of tree canopy.

12. **2010 Prince George's County Landscape Manual:** The project is subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Each applicable section of the Landscape Manual is listed below, followed by a finding of the subject DSP's conformance with those requirements.

- a. **Section 4.2, Requirements for Landscape Strips Along Streets**—This section of the Landscape Manual requires that, for all nonresidential uses in any zone and for all parking lots, a landscape strip (as described in Section 4.2(c)(3)–(5)) be provided on the property abutting all public and private streets. The landscape plan has provided the required schedules for a 764-foot landscape strip along Pennsylvania Avenue (MD 4) and two landscape strips along Brooks Drive (250.1 linear feet and 265 linear feet). The schedules demonstrate conformance with the requirements of Section 4.2 of the Landscape Manual.
- b. **Section 4.3, Parking Lot Requirements**—This section of the Landscape Manual requires that perimeter landscape strips be provided for parking and that parking lots measuring greater than 7,000 square feet provide planting in the interior of the parking lot. The correct schedule has been provided for the required interior parking lot landscaping, indicating that the applicant has provided 8,134 square feet of interior parking lot landscaping meeting and exceeding the 6,925-square-foot requirement.
- c. **Section 4.4, Screening Requirements**—This section of the Landscape Manual requires that trash and loading facilities be screened from public views, either through the planting of vegetation, or through the use of man-made screens and fencing. The applicant has enclosed the dumpsters in sight-tight enclosures in accordance with this requirement. See Finding 6 for a detailed discussion of the design of said enclosures.

Additionally, with respect to Section 4.4 conformance, the loading spaces included in the subject development are not required to be screened as they are not visible from residential uses, residentially-zoned land, or land proposed to be used for residential purposes on an approved basic plan, approved official plan, or any approved conceptual, detailed or special exception site plan constructed public streets. Lastly, with respect to Section 4.4, there is no mechanical equipment shown on the plans that would need to be screened pursuant to Section 4.4 of the Landscape Manual.

- d. **Section 4.9, Sustainable Landscaping Requirements**—This section of the Landscape Manual requires that a certain percentage of plants within each plant type (including shade trees, ornamental trees, evergreen trees, and shrubs) be native species (or the cultivars of native species). The minimum percentage of each plant type required to be native species and/or native species cultivars is specified below:

Shade trees	50%
Ornamental trees	50%
Evergreen trees,	30%
Shrubs	30%

The landscape plan provides 100 percent native shade trees and 65 percent native shrubs. There are no ornamental or evergreen trees included in the plant list. The subject project has met and exceeded the requirements of Section 4.9 of the Landscape Manual.

13. **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:

- a. **Historic Preservation and Archeology**—The Planning Board found that the subject property was extensively graded in the 1960s. A search of current and historic photographs, topographic and historic maps, and the locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. The subject proposal would not impact any historic sites, historic resources or known archeological sites.
- b. **Community Planning**—The Planning Board found that the subject property is located in the Established Communities Growth Policy area of the Plan Prince George’s 2035 Plan. The vision for the Established Communities Growth Policy area is context-sensitive infill and low to medium-density development. The subject project is also in the area covered by the 2009 *Approved Marlboro Pike Sector Plan and Sectional Map Amendment* (sector plan), which retained the property in the R-10 Zone and recommends Residential High land use designation for this property. However, subsequently, Council Bill CB-62-2015 (Business Advancement and Food Access Infill) was introduced and approved to allow grocery store, consolidated storage and office development at this site.

Although the sector plan did not envision this property for commercial development, consideration should be given to design and articulation to realize the sector plan vision on page 13, that reads: “... Commercial properties are compatible with the neighborhoods, offering services catering to local needs and providing quality goods and services that cater to the larger region as well. Established businesses and new businesses thrive in thematic nodes that promote activity, socialization and commerce... Environmental sustainability practices are incorporated to promote sensitivity to and preservation of the natural environment...” In addition, the above plan vision and other design guidelines and exemplary features contained in Chapter IX of the sector plan have been considered during DSP preparation.

As a neighborhood commercial node, the applicant presented a master plan of the entire site to showing how these uses function “in thematic nodes that promote activity, socialization and commerce “as described on page 13 of the 2009 *Approved Marlboro Pike Sector Plan and Sectional Map Amendment*. The use and site design of Parcel 3 will be determined in its relationships to the overall function of the commercial node. A condition of this approval will ensure the cohesiveness, function, and aesthetics of the overall commercial development. Interior orientation of the grocery store and the design of

Parcel 3 will provide a comprehensive functional relationship of various design elements. A departure from parking and loading standards has been granted herein.

The architecture for the two proposed buildings has been coordinated in that some of the same colors and materials were included in both. By condition of this approval, the applicant shall apply the same color scheme to the masonry used on the two buildings. When the additional parcel is developed, it will be subject to the same requirements.

- c. **Transportation Planning**—The Planning Board has reviewed the site plan and departure noted above. The subject site consists of approximately 11.04 acres of land in the R-10 Zone. The property is located at the intersection of Pennsylvania Avenue (MD 4) and Brooks Drive, in the northwest quadrant. The Planning Board has herein approved a total of 166,185 square feet of mixed commercial and mini-warehouse space in accordance with Council Bill CB-62-2015 within a designated Business Advancement and Food Access Infill use.

The site is the location of a recent subdivision, Preliminary Plan of Subdivision 4-16018. The DSP is being done pursuant to Council Bill CB-62-2015, which allows the Business Advancement and Food Access Infill use in the R-10 Zone under certain conditions upon approval of the DSP. The site meets the location conditions for this use as listed in Section 27-445.15 of the Zoning Ordinance, including the requirement that the proposed use is located at the intersection of two four-lane, divided roadways, one of which is a state road with functional transportation classification as an expressway. Both MD 4 and Brooks Drive are divided four-lane roadways, and MD 4 is a master plan expressway.

For a discussion of Preliminary Plan of Subdivision 4-16018, Conditions 4, 5, and 6, see Finding 8 of this approval.

The access and circulation pattern was reviewed during preliminary plan review. The configuration shown on the site plan is largely consistent with the pattern that was previously presented, and access and circulation are determined to be acceptable.

The site is adjacent to MD 4, a current expressway facility. No additional right-of-way is required in support of current or planned functions of MD 4. The site is also adjacent to Brooks Drive. While this roadway was constructed as an arterial, the most recent master plan in this area left this roadway undesignated.

- d. **Subdivision and Zoning**—The subject property is located on Tax Map 80, Grid F-1, and has a gross tract area of 11.04 acres in the R-10 Zone. The Planning Board is approving a total of 166,185 square feet of mixed commercial and mini-warehouse space in accordance with Council Bill CB-62-2015, within a designated Business Advancement and Food Access Infill use. The property was the subject of Preliminary Plan of Subdivision (PPS) 4-16018 (PGCPB Resolution No. 16-150) that was approved on December 8, 2016, for three parcels and an outlot subject to 20 conditions, of those

conditions 13, 14, 16, 17 and 19 are applicable to the review of the subject DSP application. For a discussion of the subdivision-related conditions of this approval, see Finding 8 of this approval.

- e. **Trails**—The Planning Board has reviewed the subject DSP application in order to implement planned trails, bikeways, and pedestrian improvements.

The subject project located in the northwestern quadrant of the intersection of Pennsylvania Avenue (MD 4) and Brooks Drive, is accessed from Brooks Drive and is subject to the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2009 *Approved Marlboro Pike Sector Plan and Sectional Map Amendment* (Sector Plan). The subject project consists of a food and beverage store, and a consolidated storage facility. Because the site is located within the Pennsylvania Avenue Corridor, it was subject to Section 24-124.01 and the Transportation Review Guidelines – Part 2 at the time of Preliminary Plan 4-16018. Enhanced facilities for pedestrians and bicyclists were required at the time of Preliminary Plan consistent with these requirements. Some of the trails-related conditions of that approval are pertinent to these facilities.

Three master plan trail/bikeway recommendations impact the subject site. Master plan trails are recommended along Pennsylvania Avenue (MD 4) and Oxon Run. The text from the Marlboro Pike Sector Plan regarding these two facilities are as follows:

POLICY 2: Provide adequate pedestrian and bicycle linkages to schools, parks, recreation areas, commercial areas, and employment centers.

STRATEGIES:

- **Complete the trail along the north side of MD 4 along the entire length of MD 4 within the Capital Beltway. Link communities with adjacent commercial areas and provide safe pedestrian access to bus stops along the corridor.**
- **Provide an M-NCPPC stream valley trail along Oxon Run within the study area. Extend the trail from MD 4 to the Oakland Neighborhood Park (Sector Plan, Page 63).**

Continuous sidewalks and designated bike lanes were also recommended along Brooks Drive. The sidewalks have been completed by Department of Public Works and Transportation (DPW&T) and striping for designated bike lanes (or other appropriate on-road bicycle treatment) can be considered via a future resurfacing project consistent with the strategy copied below from the Sector Plan:

POLICY 3: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the American Association of State Highway and Transportation Officials (AASHTO) Guide for the Development of Bicycle Facilities.

STRATEGIES:

Provide bicycle-compatible road improvements and striping when road improvements are undertaken.

The Complete Streets element of the MPOT reinforces the need for these recommendations and includes the following policies regarding sidewalk construction and the accommodation of pedestrians.

POLICY 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.

POLICY 2: All road frontage improvements and road capital improvement projects within the developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

Providing attractive and accessible sidewalk access from the surrounding public rights-of-way and sidewalks is important. Pedestrians should be able to access buildings from the roads on complete sidewalk and walkway. These issues were addressed at the time of the Preliminary Plan of Subdivision 4-16018 (PGCPB Resolution No. 16-150). See Finding 8 of this approval for a discussion of Condition 16 of that approval.

Proposed Bicycle and Pedestrian Improvements:

An existing standard sidewalk is in place along Brooks Drive, including the frontage of the subject site. Currently, only a narrow sidewalk exists along the site frontage of Pennsylvania Avenue between Brooks Drive and the existing bus stop. No sidewalk exists along the majority of the site's frontage of Pennsylvania Avenue. The Planning Board has worked with the applicant to ensure that the site provides an inviting and accessible pedestrian environment for residents of the nearby apartment complexes. The on-site improvements agreed to by the applicant included replacing the existing standard sidewalk with an eight-foot-wide sidewalk, the provision of a sidewalk, and providing an enhanced streetscape along the portion of the access road leading from Brooks Drive to the LIDL and the undeveloped pad site, which is part of this DSP. A small amount of bicycle parking has been provided to serve the proposed uses.

Lastly, the site has no direct vehicular access to Pennsylvania Avenue (MD 4) even though the site abuts the roadway. Pedestrian safety has been an issue along MD 4 due to the volume and speed of motor vehicle traffic, the number of bus stops, the lack of sidewalks, and the abutting high-density residential uses. The MPOT recommends a sidepath along the entire north side of MD 4. Portions of this sidepath have been

constructed as development has occurred and the Maryland State Highway Administration (SHA) has a capital improvement project for the design and construction of the sidepath along MD 4 from Forestville Road to Silver Hill Road (MD 458) (SHA Project Number PG758_51). As part of the package of off-site improvements for the subject site recommended at the time of preliminary plan, the Planning Board recommended that this sidepath be constructed along the site's frontage of MD 4 from Brooks Drive to the existing bus stop. This sidepath would replace the existing narrow sidewalk and provide the master plan trail for a distance of approximately 210 linear feet. The Planning Board does not believe that the extension of the sidepath the entire length of the subject property is appropriate at this time as there is no logical terminus for the facility at that end of the site and there is no connecting sidewalk or sidepath on the adjacent property.

The Oxon Run Trail, while adjacent to the subject site, does not impact the subject approval. This planned trail will be on the adjacent linear parcel (Outlot B) that follows the stream valley.

Several revisions to the plans were made in response to the Planning Board's findings.

- f. **Permit Review**—The Planning Board has no issue.
- g. **Environmental Planning**—The following is environmental planning-related background regarding the project:

The Planning Board previously reviewed the following applications and associated plans for the subject site:

Development Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
4-12002	TCP1-001-13	Planning Board	Approved	07/11/2013	PGCPB No. 13-81(C)
DSP-15038	TCP2-005-16	Planning Board	Approved	05/05/2016	PGCPB No. 16-59
4-16018	TCP1-001-13-01	Planning Board	Approved	12/8/2016	PGCPB No. 16-150
DSP-16037	TCP2-005-16-01	Planning Board	Pending	Pending	Pending
NRI-027-12	N/A	Planning Board	Approved	12/17/2012	N/A
NRI-027-12-01	N/A	Planning Board	Approved	12/29/2016	N/A

Grandfathering

This project is not grandfathered with respect to the environmental regulations contained in Subtitle 24 that came into effect on September 1, 2010 because the approval is for a new DSP. This project is subject to the 2010 Woodland and Wildlife Habitat Conservation Ordinance (WCO) and the environmental technical manual.

Site Description

The 11.04-acre site is located on the corner of the north side of Pennsylvania Avenue (MD 4), and the west side of Brooks Drive South. Based on available information, the site contains a stream, steep slopes of 15 percent and greater, and 100-year floodplain. The site is in the Oxon Run watershed of the Middle Potomac River basin. The predominant soils found to occur, according to the U.S. Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS), Web Soil Survey (WSS), include the Udorthents, reclaimed gravel pits (5–15 percent slopes). Based on available information, Marlboro clay is not found to occur in the vicinity of this property, nor are Christiana complexes. According to the 2005 *Approved Countywide Green Infrastructure Plan*, the property contains Regulated Areas and Evaluation Areas. The site is currently located within Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan*.

Previous Conditions of Approval

The property was the subject of Preliminary Plan 4-16018, approved by the Planning Board on December 8, 2016, (PGCPB Resolution No. 16-150). See Finding 8 of this approval for a discussion of relevant environmentally-related Conditions 10, 11, 13 and 14.

Environmental Review

As revisions are made to the plans submitted, the revision boxes on each plan sheet shall be used to describe what revisions were made, when and by whom.

Natural Resources Inventory/Existing Conditions

The Natural Resources Inventory, NRI-027-12 was approved on December 17, 2012. The Planning Board has determined that the wetlands shown on the NRI, the TCP1 and the preliminary plan, are not regulated wetlands, and are the result of the previous mining and grading operation on the property. A revised NRI was submitted and approved on December 29, 2016.

Woodland Conservation

This property is subject to the provisions of the applicable WCO because the property is greater than 40,000 square feet and contains more than 10,000 square feet of existing woodland. A TCP2 has been submitted for review.

The 11.04-acre site contains 10.82 acres of existing woodland on the net tract and 0.22 acre of woodland within the 100-year floodplain. The site has a woodland conservation threshold of 2.16 acres, or 20 percent of the net tract, as tabulated. The TCP2 shows a total woodland conservation requirement of 5.54 acres, which includes the 0.03 acre of off-site woodland clearing. The TCP2 meets this requirement by providing 0.98 acres of on-site woodland preservation and the remaining 4.56 acres in off-site

woodland conservation credits. Three of the four on-site specimen trees identified on the property shall be preserved. The other specimen tree is to be removed.

Specimen Trees

Section 25-122(b)(1)(G) requires that “Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree’s condition and the species’ ability to survive construction as provided in the Technical Manual.”

Effective October 1, 2009, the State Forest Conservation Act was amended to include a requirement for a variance if a specimen, champion, or historic tree is proposed to be removed. This state requirement was incorporated in the adopted County Code effective on September 1, 2010.

A Subtitle 25 Variance application dated May 8, 2017 is herein approved for the removal of one specimen tree made necessary because of the redesigned site layout. The revised TCP2 shows the removal of a specimen tree, a 37-inch diameter at breast height (dbh) American Beech. The limits of disturbance on the plan shows that this tree is to be removed.

Section 25-119(d) of the WCO contains six required findings [**text in bold**] to be made before a variance can be granted. The letter of justification submitted in support of the variance application addresses the required findings for removal of one specimen tree (ST-3).

(A) Special conditions peculiar to the property have caused the unwarranted hardship

The site was previously used for mining and the existing topography will require a large amount of grading to balance the site. Retaining walls, which vary from 0 to 21 feet in height, prevent grading beyond the primary management area (PMA) limits. Fill dirt is required at the location of ST-3, which will impact greater than 30 percent of the specimen tree’s critical root zone. This tree will not survive the impacts to the critical root zone and must be removed during the construction activities herein approved. If not removed during the initial construction grading, the specimen tree will eventually die and have to be removed to prevent risk of loss of structures.

The condition and locations of the specimen tree proposed for removal is a special condition peculiar to the property. All of these factors are beyond the owner’s control and have created an unwarranted hardship for the applicant.

(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas

If other properties include trees in a similar location and condition on a site, the same considerations would be provided during the review of a requested variance application.

(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants

The Planning Board generally supports the removal of one specimen tree in the most undevelopable areas if grading cannot be minimized due to existing topography. The site's past mining activities require a large amount of grading to balance the site. If other properties include trees in a similar location and condition on a site, the same considerations would be provided during the review of a required variance application.

(D) The request is not based on conditions or circumstances which are the result of actions by the applicant

The site is undeveloped. The applicant has taken no action to date on the subject property.

(E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property

The requested variance does not arise from a condition relating to the land or building use, either permitted or nonconforming on a neighboring property. There are no existing conditions on the neighboring properties that have any impact on the location or site of the trees, nor are there conditions that are affecting the layout and development of the site with respect to the specimen trees to be removed.

(F) Granting of the variance will not adversely affect water quality

Granting the variance to remove ST-3 will not directly affect water quality because the reduction in tree cover caused by one specimen tree removal is minimal. Specific requirements regarding stormwater management for the site will be further reviewed by DPIE.

The required findings of Section 25-119(d) have been adequately addressed by the applicant for the removal of one specimen tree (ST-3) and the Planning Board herein approves the variance.

A condition of this approval requires that, prior to certificate approval, the following note shall be placed on the TCP2 which reflects this approval, directly under the woodland conservation worksheet:

“NOTE: This plan is in accordance with the following variance from the strict requirements of Subtitle 25 approved by the Planning Board on (ADD DATE): The removal of one specimen tree (Section 25-122(b)(1)(G)), ST-3, a 37-inch dbh American Beech.

Preservation of Regulated Environmental Features/Primary Management Area

Impacts to the regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for stormwater management facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the regulated environmental features. Stormwater management outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, stormwater management facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with County Code.

The site contains regulated environmental features. According to the previously approved TCP1, impacts to the PMA were proposed for stormwater management outfalls, installation of a retaining wall, and for connecting to the existing sewer line. Impacts to the stream buffers are herein approved for stormwater management outfalls and for the connections to the existing sewer line. The TCP2 herein approved reduces the PMA impacts to just one sewer line connection and two stormwater outfall areas. All of these impacts have been previously approved by Type 1 Tree Conservation Plan TCP1-001-13-01.

A condition of this approval requires the inclusion of breakdown tables for the approved PMA impacts and additional PMA impacts to be placed on the TCP2.

Soils

The predominant soils found to occur, according to the USDA NRCS WSS, include the Udorthents, reclaimed gravel pits (5–15 percent slopes). Based on available information, Marlboro clay is not found to occur in the vicinity of this property, nor are Christiana complexes.

Stormwater Management

This development had an approved Stormwater Management Concept Plan and Letter (19543-2014-00), dated June 26, 2014, based on the previous residential development proposal. The site does not have stormwater management concept approval based on the current commercial proposals. A condition of this approval requires that the applicant provide an approved plan for the current commercial proposal.

- h. **Prince George's County Fire/EMS Department**—In a memorandum dated May 12, 2017, the Prince George's County Fire/EMS Department offered comment on needed accessibility, private road design and the location and performance of fire hydrants. The comments will be enforced through the agency's separate permitting process.
- i. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated June 5, 2017, DPIE offered numerous comments regarding the subject project will addressed through their separate permitting progress. Regarding stormwater management, DPIE stated that Stormwater Management Concept Plan 19543-2014, valid through June 26, 2017, is consistent with the proposed Detailed Site Plan DSP-16037. As the stormwater management concept plan will expire prior to Planning Board taking action on the subject DSP, a condition in this resolution requires that, prior to certificate approval, the applicant shall provide staff as designee of the Planning Board with evidence of an approved stormwater management plan and a revised referral or emailed statement noting that the subject DSP is in conformance with a revised stormwater management concept plan.
- j. **Prince George's County Police Department**—At the time of this writing, the Prince George's County Police Department did not provide comment regarding the subject project.
- k. **Prince George's County Health Department**—At the time of this writing, the Prince George's County Health Department did not provide comment regarding the subject project.
- l. **Maryland State Highway Administration (SHA)**—In an e-mail dated June 21, 2017, a representative of SHA stated that he had no comments or concerns regarding the subject project.
- m. **Washington Suburban Sanitary Commission (WSSC)**—In an e-mail received WSSC offered numerous comments that will be addressed through their separate permitting process.
- n. **Verizon**—At the time of this writing, Verizon did not provide comment regarding the subject project.

- o. **Potomac Power Electric Company (PEPCO)**—In an e-mail dated June 20, 2017, a representative of PEPCO stated that he had no comments regarding the subject project.
 - p. **Town of Capitol Heights**—At the time of this writing, the Town of Capitol Heights did not provide comment regarding the subject project.
 - q. **City of District Heights**—At the time of this writing, the City of District Heights did not provide comment regarding the subject project.
14. Based on the foregoing and as required by Section 27-285(b)(1) of the Zoning Ordinance, the DSP will, if approved with the proposed conditions below, represent a most reasonable alternative for satisfying the site design guidelines of the Zoning Ordinance without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.
15. Section 27-285(b)(4) of the Zoning Ordinance provides the following required findings for approval of a DSP:
- (4) The plan shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

The Planning Board hereby finds that, although the site contains many regulated environmental features (floodplain, stream buffers, wetlands and wetland buffers associated with the adjacent Timothy Branch stream system), the project will not impact them. Therefore, it may be said that, in accordance with Section 27-285(b)(4) of the Zoning Ordinance, the project preserves and/or restores the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).

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 2 Tree Conservation Plan (TCP2-005-2016-01) and APPROVED a Variance from Subtitle 25 for the removal of one specimen tree, and further APPROVED Detailed Site Plan DSP-16037 for the above-described land, subject to the following conditions:

- 1. Prior to certificate approval of the detailed site plan (DSP), the applicant shall submit additional documentation and revise the plans as follows:
 - a. Indicate the height of the proposed consolidated storage building on the DSP.
 - b. Revise the Section 4.2-1(A) schedule to include one shade tree for every 35 feet.

- c. The applicant shall demonstrate that the rear-building elevation of the grocery store is visually attractive so that it will be compatible with the surrounding architecture and the other buildings internal to the site. High-quality materials, such as brick, shall be utilized in the design of the rear elevation, with special attention paid to the form, massing, architectural detail, and pattern of fenestration along the rear elevation. The architecture of the rear façade shall be reviewed and approved by the Urban Design Section as the designee of the Planning Board.
- d. The following note shall be placed on the Type 2 tree conservation plan, which reflects this approval, directly under the woodland conservation worksheet:

“NOTE: This plan is in accordance with the following variance from the strict requirements of Subtitle 25 approved by the Planning Board on (ADD DATE):

The removal of one specimen tree (Section 25-122(b)(1)(G)), ST-3, a 37-inch dbh American Beech.
- e. The revised and approved stormwater management concept plan and letter for the current commercial proposal shall be submitted and correctly reflected on the Type 2 tree conservation plan and the DSP.
- f. Parcel 3, labeled “DSP Infrastructure Only, subject to future DSP,” shall be relabeled to indicate that it is part of the subject development and may say that it will be developed in the future as a revision to the subject DSP. The interim condition of this portion of the DSP shall be indicated on the DSP.
- g. The dumpster enclosure for the LIDL food and beverage store shall be replaced with masonry to match the building elevations and painted corrugated metal doors and compatible quality material shall be used for the gate of the dumpster of the storage facility.
- h. The proposed decorative fencing currently shown at the entrance to the proposed self-storage building shall be extended from the location on the DSP to approximately 160 feet along Parcel 1’s Pennsylvania Avenue (MD 4) frontage.
- i. The applicant shall ensure that the same information, so far as it is relevant and appropriate such as grading plan, is included on the DSP and landscape plan.
- j. The description of the required handicapped parking rate shall be corrected in the parking schedule on the cover sheet of the plan sheet and the calculations corrected if and as necessary.
- k. Delineate all parking and loading space dimensions.

- l. Reduce all monumental signs for both the food and beverage store and the consolidated storage facility to be no more than 15 feet in height.
 - m. Ensure the color scheme for the masonry material proposed on the consolidated storage facility is compatible with the masonry color scheme on the food and beverage store. A similar compatible masonry color scheme shall be applied on the building on Parcel 3 in the future.
2. Prior to approval of a final plat for the subject site, Section 24-128(b)(9) of the Subdivision Regulations access easement will be recorded in land records. The liber and folio of that recording shall be reflected on the plat.

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, Doerner, Geraldo, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, July 13, 2017, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 27th day of July 2017.

Patricia Colihan Barney
Executive Director

By Jessica Jones
Planning Board Administrator

PCB:JJ:RG/HZ:rpg