

Case No. SP-07043

Applicant: LLC Development Corp.

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

ORDER AFFIRMING PLANNING BOARD DECISION, WITH CONDITIONS

IT IS HEREBY ORDERED, after review of the administrative record, that the decision of the Planning Board in PGCPB No. 08-132, to approve with conditions a detailed site plan for construction of a 171,069 square foot building supply store, for a project referred to as Jemal's Post, Lot 1 (Lowe's), on property described as approximately 16.57 acres of land in the I-1 Zone, southwest of the interchange of Pennsylvania Avenue and the Capital Beltway, east of Forestville Road, Forestville, is:

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

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

1. Prior to signature approval, the following revisions shall be made to the plans:
 - a. Correct the landscape plan to provide the required Type B bufferyard along the northern property line.
 - b. Provide a six-foot-tall sight-tight fence constructed of a durable and attractive non-wood material along the northern property line.
 - c. Update the landscape schedules on the landscape plan.
 - d. Remove the proposed freestanding pylon sign from the plans.
 - e. Provide square footage and construction details for the freestanding signs on Forestville Road.
 - f. Correct the parking schedule to account for only those spaces that will be available for parking by staff and customers.

- g. Provide screening for the outdoor storage along the north and south sides of the parking lot, and in the rear of the property. Screening may be provided by a dense evergreen screen.
 - h. Demonstrate the required green area provided on the property.
 - i. Provide an additional sidewalk through the northern portion of the parking lot in accordance with the trails coordinator's recommendation. This sidewalk shall be constructed with permeable paving.
 - j. Provide an additional sidewalk along the northern edge of the service road from the Penn- Belt Road cul-de-sac to the southwest corner of the building.
 - k. Remove one of the two proposed freestanding signs along Forestville Road from the plan.
 - l. Label the construction materials and sign face square footage of the remaining freestanding sign along Forestville Road.
 - m. The chain-link fence around the garden center shall be upgraded with a masonry base at least four feet in height around the length of the fence. Masonry columns (to match the two proposed columns on either side of the entrance on the north side of the enclosure) shall be added at the corners of the fence, at the entrance on the west side of the enclosure, and at two points along the length of the fence on the north side, for a total of five additional columns.
2. Prior to signature approval of the DSP, the applicant shall receive approval for a revised stormwater management plan. The applicant shall demonstrate that DPW&T has approved the stormwater management plan and that DPW&T has found the DSP to be in conformance with it. If such an approval cannot be obtained, the applicant must revise the DSP to be consistent with the approved stormwater management plan.
3. Prior to signature approval of the detailed site plan, the Type II tree conservation plan shall be revised as follows:
- a. Show the proposed infrastructure as shown on the DSP.
 - b. Show the existing tree line for Parcel 190.
 - c. Show the complete limits of disturbance for the entire development.
 - d. Show the off-site clearing for Parcel 190 in the worksheet.
 - e. Show the location of the woodland preservation signs.
 - f. Revise the woodland conservation worksheet as necessary.
 - g. Have the revised plan signed and dated by the qualified professional who prepared the plan.

4. Prior to signature approval of the detailed site plan, the applicant shall obtain signature approval of the preliminary plan of subdivision.
5. Prior to signature approval of the detailed site plan, the applicant shall submit four copies of the final Phase I archeological report and a draft Phase II report for review by Historic Preservation staff.
6. Prior to issuance of any grading permit, the applicant shall submit the final Phase II report.
7. If a Phase III archeological mitigation is necessary the applicant shall provide a plan for avoiding and preserving the site in place prior to final plat. The site shall be marked in the field with orange snow fencing prior to the approval of any grading permits and the applicant shall contract with an archeologist to monitor any ground disturbance around the site.
8. If staff agrees that the site cannot be preserved in place, the applicant shall provide a final report detailing the Phase III investigations and ensure that all artifacts are curated in a proper manner, prior to approval of any grading permits.
9. Depending upon the significance of findings (at Phase I, II, or III level), the applicant shall provide interpretive signage. The location and wording shall be subject to approval by the staff archeologist prior to the approval of any grading permits.
10. In order to meet the requirements of condition 15 of PGCPB Resolution No. 04-252, the applicant shall prepare a detailed stream restoration plan that provides for the full restoration of the segments of Henson Creek above and below Brinkley Road as identified in the report: "Stream Corridor Assessment" stamped as received by the Environmental Planning Section on August 1, 2008 and dated July 2008. The detailed stream restoration plan shall be submitted to and approved by the Planning Board or designee with input from and the concurrence of the Department of Parks and Recreation and the Department of Public Works and Transportation. The work shall be bonded prior to the issuance of the first permit. Implementation of the restoration plan shall commence prior to the issuance of the second building permit on the overall subject property. In no event shall the non-issuance of a stream restoration permit or other approval preclude the issuance of the first building permit on-site, provided a bond is posted and the plan approved.
11. Prior to signature approval of the DSP, the architectural elevations shall be revised to improve their visual appearance. These revisions shall include adding two horizontal bands within the upper light beige field of the façade and adding a third band along the roofline. These bands shall match the darker beige color of the base of the building and shall extend around all sides of the building. The material of these bands shall be colored polished concrete block along the masonry sections of the wall and colored EIFS along the EIFS portions of the wall.

- 12. Prior to the release of any building permits, the applicant shall bond the required traffic signal at the intersection of Forestville Road and Stewart Road with DPW&T. The timing of the signal installation shall be determined by DPW&T.

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

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

Opposed:

Abstained:

Absent: Council Member Bland

Vote: 8-0

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

By: _____ Samuel H. Dean, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council