

Case No.: SP-99044

Applicant: Preit-Rubin, Inc.

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

ORDER AFFIRMING PLANNING BOARD DECISION

IT IS HEREBY ORDERED, after review of the entire record, that the Planning Board's decision in Resolution PGCPB No. 01-77, approving with conditions a Detailed Site Plan for property described as approximately 51.78 acres of land in the C-S-C Zone, in the northwest quadrant of the intersection of East West Highway (MD 410) and Belcrest Road, Hyattsville, Maryland, is hereby:

AFFIRMED, for the reasons stated by the Planning Board in its resolution, which are hereby adopted as the findings of fact and conclusions of law of the District Council, with the following additions:

- A. The District Council agrees with the Planning Board that the Transit District Site Plan is in strict conformance with mandatory development requirements of the Transit District Development Plan, as modified in PGCPB No. 01-76. That Planning Board resolution recommends amendments to mandatory development requirements applicable to the subject property, amendments which are being approved by the District Council.
- B. The District Council agrees with the Planning Board and Technical Staff that streetscape and pedestrian zone improvements, the subject of Mandatory Development Requirement P-1, should be considered a priority for the subject property. Phasing of streetscape improvements is the subject of a condition to this approval.
- C. The District Council agrees with Planning Board and Technical Staff disposition of issues under Mandatory Development Requirements

P2, P33, P92, P93, P95, P98, S8, S17, S23, S30, S33, S64, S65, S3, S5, S11, S12, S13, S15, S16, S18, S19, S24, S25, S 28, S31, S32, S63, S66, and S67.

- D. The District Council agrees with the Planning Board that after amendment of the Transit District Development Plan, the subject site plan will be consistent with the TDDP.
- E. The District Council also agrees with the Planning Board that the site plan shows compliance with all C-S-C Zone requirements.
- F. The District Council agrees with the Planning Board that the proposed site plan conforms with applicable Transit District Mandatory Transportation and Parking Requirements and Site Design Guidelines. Conditions below address some of these requirements.
- G. The District Council agrees with Planning Board findings regarding Landscape Manual requirements. Full compliance with these requirements is addressed in the conditions below.

To protect adjacent properties and the neighborhood, affirmance of the Planning Board's decision is subject to the following conditions:

1. Prior to signature approval of the Detailed Site Plan, any changes to the plans required by the Primary Amendment TP-00001 shall be fulfilled.
2. Construction of Phase III streetscape improvements shall be completed prior to approval of the use and occupancy permit for the next anchor store or new pad site on the subject property.
3. Phase I streetscape improvements are along East West Highway from the existing ATM of the Chevy Chase Bank to the main entrance, as indicated on Staff Exhibit A, and shall also include a temporary brick paver sidewalk on the west side of the right-in-only driveway. All Phase I site improvements shall be completed before the certificate of occupancy for the Outback Steakhouse is issued by the Department of Environmental Resources.
4. Construction of all Phase II site improvements shown on Staff Exhibit A shall be completed prior to issuance by DER of the certificate of occupancy for the next anchor store or new pad site.

5. Prior to certificate of approval, the plans shall be revised to indicate the following:
 - a. The sidewalk located in the streetscape along East West Highway shall be at least 8 feet wide.
 - b. The streetscape/pedestrian zone shall be shown along the entire frontage of East West Highway. The design of the streetscape and associated plazas shall consider all of the issues in the finding discussing S8, under the comments of the Urban Design Section. These plans shall be referred to the Town of University Park and the City of Hyattsville for review and comment.
 - c. A three-foot-high brick wall shall be provided bordering the parking compound along the entire length of the East West Highway frontage. Final design details shall be determined by the staff and applicant.
 - d. A sidewalk and crosswalk shall be provided from the main entrance at East West Highway to the shopping center on the west side of the Outback Steakhouse, as shown in Figure 31 of the text.
 - e. The plans shall show an irrigation system to maintain the plant material in the plaza area adjacent to the pedestrian bridge and along the linear plaza.
 - f. The details and specifications of the bus shelters on Belcrest Road shall be reviewed and approved by the Transportation Planning Section and the Urban Design Section.
 - g. The plans shall show a raised pedestrian crossing, a minimum of 8 feet wide, across the right-in-only driveway from East West Highway.
 - h. The plans shall show only one bus pull-off area accommodating three or more buses along Belcrest Road, per the WMATA and DPW&T standards. The bus pull-off area along East West Highway shall be eliminated.

- i. Lighting fixtures shall be clearly delineated on the plans and shall be placed approximately 60 feet on center along East West Highway and 45 feet on center along the linear plaza.
- j. The crosswalk across East West Highway as shown in Figure 31 shall be shown on the plans pending approval by the State Highway Administration (SHA). If approved by SHA, this crosswalk shall be constructed in Phase III of the development.
- k. The plans shall be revised to conform to Section 4.3(a) and (c) of the Landscape Manual for Phases I and II.
- l. The Detailed Site Plan shall specify that all tree pits within the plazas shall be connected with a continuous noncompacted soil volume under the sidewalk. Soil system details shall be included in the plans and shall be approved by the Planning Board or its designee. "CU-Soil" or other equal product shall be used as a "structural soil" for shade trees planted in tree pits.
- m. A photometric plan shall be submitted for Phases I and III to demonstrate that the plazas and parking areas and areas around the building are lighted to a minimum of 1.25 footcandles.
- n. The plans shall indicate bicycle parking at 50 percent of the rate required in S30, and the plans shall be modified to indicate the location of the spaces and the details and specifications.
- o. Appropriate details and the following note shall be added to the Detailed Site Plan and the Sediment Control Plan:

"Prior to the final inspection and sign-off of permits by the Sediment/Stormwater or Building Inspector, any storm drain inlets associated with the development and all inlets on the subject subarea shall be stenciled with 'Do Not Dump, Chesapeake Bay Drainage.'"
- p. A Woodland Conservation Worksheet shall be added to the plans, and the plan shall be certified as a TCPII/100/00. The following note shall be added under the worksheet:

"S33 of the Prince George's Plaza TDDP requires the afforestation of at least 10 percent of the gross tract for all properties within the Prince George's Plaza Transit

District currently exempt from the Woodland Conservation and Tree Preservation Ordinance. Afforestation shall occur on-site or within the Anacostia Watershed in Prince George's County to the extent possible, with priority given to riparian zones and nontidal wetlands, particularly within the Northwest Branch sub-watershed."

- q. The location of the off-site woodland conservation mitigation for TCPII/100/00 shall be identified. If the proposed location is outside the Anacostia watershed, documentation shall be provided to the Environmental Planning Section to demonstrate that off-site woodland conservation sites have been diligently pursued on private property in the Anacostia watershed at three or more sites.
 - r. The applicant shall submit a Phase II Noise Study for the construction proposed on "Phase I," as shown on the Detailed Site Plan. The Noise Study shall be reviewed and approved by the Environmental Planning Section (as the successor to the Natural Resources Division) prior to certification of the Detailed Site Plan. The recommendations contained in the Phase II Noise Study shall be shown on the Detailed Site Plan and architectural drawings prior to certification.
6. Prior to the issuance of grading permits, a TCPII plan shall be approved, and easements for off-site mitigation shall be recorded.
 7. Prior to the issuance of a building permit for Phase I, a performance bond, letter of credit, or other suitable financial guarantee for the plaza area shall be submitted to the Development Review Division.
 8. Prior to the issuance of a building permit for Phase II, a performance bond, letter of credit, or other suitable financial guarantee for the plaza area shall be submitted to the Development Review Division.
 9. Prior to the issuance of a building permit for Phase II, architectural elevations shall be approved by the Planning Board.
 10. Prior to signature approval of the architecture for the Outback Steakhouse, the following modifications shall be made:

- a. The proposed cornice and dentil molding shall be continued around the entire north and west facades. The proposed neon lighting shall wrap around the entire building.
- b. The color of the shingles shall be revised from green to indicate either a black or gray color or combination of the black or gray, if the existing slate roof is not preserved.
- c. The site plan and architectural drawings shall be revised to indicate a six-foot-high screen wall around the dumpster enclosure, with a water table similar in design and color to the water table feature on the main building. The water table on the dumpster enclosure will transition to the existing retaining wall, which will be refaced to match the water table.
- d. All utility doors shall be of a color to blend with the color of the siding.
- e. The signage information shall be provided to demonstrate conformance to the overall sign plan and shall include color and size specifications.

Ordered this 10th day of July, 2001, by the following vote:

In Favor: Council Members Bailey, Estep, Gourdin, Hendershot, Scott, and Shapiro

Opposed:

Abstained: Council Members Russell, Maloney, and Wilson

Absent:

Vote: 6-0-3

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: _____
Ronald V. Russell
Chairman

ATTEST:

Joyce T. Sweeney
Clerk of the Council