

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 April 24, 2008 regarding Detailed Site Plan DSP-02039/03 for Firestone Eastgate, Lots 1 and 2, the Planning Board finds:

1. **Request:** The subject application requests a tire store in an existing shopping center.
2. **Development Data Summary**

	EXISTING	PROPOSED
Zone	C-S-C	C-S-C
Use(s)	Vacant	Tire Store
Acreage	782.22	782.22
Lots	2	2
Building Square Footage/GFA-Pad Site	0	8,447
Lot 1	23,139	31,586
Overall Center	119,359	127,806
Total parking spaces-Pad Site	0	25
Of which handicapped spaces	0	2
Parking on Lot 2	187	187
Parking-Overall Center	764	789
Loading spaces	0	0

3. **Location:** The site is in Planning Area 70 and Council District 3. The Eastgate Shopping Center is located in the southwestern quadrant of the intersection of MD 193 and MD 564. The subject Firestone tire store would be located on the southern side of Greenbelt Road, approximately 1,200 feet from its intersection with Lanham Severn Road.
4. **Surrounding Uses:** The subject Firestone pad site is bounded to the south by the existing Eastgate Shopping Center, including the approved Staybridge Hotel site, the future Eastgate Drive and a stormwater management facility; to the east by the existing Chevy Chase Bank within the existing Eastgate Shopping Center; to the west by the existing Eastgate Shopping Center including a Pizza Hut, McDonald's, Kentucky Fried Chicken, a liquor store and Giant Food Store; and to the north by Greenbelt Road (MD 193).
5. **Previous Approvals:** The project is subject to the requirements of Preliminary Plans of Subdivision 4-01067 and 4-06061, Detailed Site Plans DSP-02039, DSP-02039/01 and

DSP-02039/02. The site is also the subject of Stormwater Management Concept Plan 21701-2001, dated November 19, 2007, which is valid for three years.

6. **Design Features:** The site is accessed either on its southern side from an internal drive leading from Greenbelt Road (MD 193) or its eastern side from another drive aisle internal to the shopping center. Parking is provided on all but the southern side of the building. Bays for tire service are located along the southern portion of the store's eastern façade.

The building itself is attractively designed with a partially pitched "regal blue" standing seam metal roof, "pure white" fypon moulding under the eave line, with "mountain red" brick as the primary building material and "desert sand" brick accents. The western elevation has a storefront window on its southern end with a "sapphire blue" fabric awning and a channel letterset wall sign stating "Firestone, Complete Auto Care" above. The majority of the façade is taken up with five service bay doors, with a modest channel letterset "Bridgestone" sign above and a second entry door at its extreme right. The color of the entry doors is specified as "ivory". The eastern elevation has three entry doors, three service bays and a sign above on its right side, where the roof, instead of being flat, is pitched. Detailing is the same as the other facades. An attractive dumpster enclosure is located on the corner of the east elevation's southern end with capped columns and a decorative gate.

The northern elevation has the same detailing as the other facades, a storefront window with an entry door and fabric awning, as well as a second windowed area on its right side. Wall signage is provided on this façade also. The southern elevation is attractively designed in the same style as the others, but with three faux windows and a view of the attractively disguised dumpster enclosure.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the C-S-C Zone and the site plan design guidelines of the Zoning Ordinance.
 - a. The subject application is in conformance with the requirements of Section 27-461, which governs permitted uses in commercial zones. The proposed commercial shopping center is a permitted use in the C-S-C Zone.
 - b. The proposal is also in conformance with the requirements of Section 27-462, Regulations, regarding additional regulations for development in commercial zones.
8. **Preliminary Plan of Subdivision 4-01067:** The property is the subject of Preliminary Plan of Subdivision 4-01067, approved by the Planning Board on January 24, 2002. The resolution of approval, PGCPB Resolution No. 02-26, was adopted on February 14, 2002. The property is also subject to Preliminary Plan of Subdivision 4-06061, approved by the Planning Board on December 19, 2002. The resolution of approval, PGCPB Resolution No. 06-278, was adopted on January 4, 2007. The relevant conditions of each approval are listed below in **bold** faced type,

followed by staff comment.

Preliminary Plan of Subdivision 4-01067, PGCPB Resolution No. 02-26:

- 2. Development shall be in conformance with the approved stormwater concept plan, Concept 21701-2001-00, or any revisions thereto.**

Comment: In a memorandum dated February 5, 2008, the Department of Public Works and Transportation stated that the proposed site development is consistent with approved Stormwater Management Concept Plan No. 21701-2001, dated November 19, 2007.

- 6. The applicant, his heirs, successors and/or assignees shall construct a multiuse, Class II trail along the subject property=s entire road frontage of MD 564 (Lanham-Severn Road). Construction shall occur during construction of road improvements. This condition and the construction of the trail is subject to the applicant being able to obtain the required permits from the Department of Environmental Resources, Maryland Department of the Environment, and the State Highway Administration.**

Comment: Per the trail coordinator's memorandum dated January 20, 2008, this requirement was addressed in Conditions 2 and 3 of the approval of the original detailed site plan for the property.

- 7. Total development within the proposed subdivision shall be limited to the equivalent of 36,300 square feet of gross floor area of commercial retail development or any other permitted uses which generate no more than 74 AM and 129 PM peak hour vehicle trips. Any development other than that identified herein shall require an additional preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**

Comment: In a memorandum dated January 31, 2008, the Transportation Planning Section stated that the site plan conforms to the requirements of Condition 7 of preliminary plan of subdivision 4-01067.

- 11. A Type II Tree Conservation Plan shall be approved in conjunction with Detailed Site Plans.**

Comment: In an email dated February 8, 2008, the Environmental Planning Section stated that the proposed development and site plan are in conformance with revised TCPII/85/02-02 and recommended approval of the site plan and the TCPII. If the TCP II is approved as recommended, the applicant may be said to be in accordance with this requirement.

Preliminary Plan of Subdivision 4-06061, PGCPB Resolution No. 02-278:

- 3. An automatic fire suppression system shall be provided in all new buildings**

proposed in this subdivision, unless the Prince George's County Fire/ EMS Department determines that an alternative method of fire suppression is appropriate.

Comment: A condition below requires that prior to signature approval of the plans, a note shall be added to the plans that an automatic fire suppression system shall be provided for the proposed structure, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.

4. Development must be in accordance with the approved Stormwater Management Concept Plan 21701-2001-00.

Comment: In an e-mail dated January 8, 2008, the Department of Public Works and Transportation stated that the proposed site development is consistent with approved Stormwater Management Concept Plan 21701-2001, dated November 19, 2007.

5. A detailed site plan shall be approved prior to the approval of building permits. The site plan shall demonstrate conformance to the master plan concept for the community activity center that includes the clustering of buildings within the shopping center to promote pedestrian circulation and a focal point.

Comment: Should the subject detailed site plan revision be approved, this condition would be fulfilled with respect to its required approval prior to the issuance of building permits. With respect to master plan compliance, in a memorandum dated January 28, 2008, the Community Planning North Division stated that the subject application is not inconsistent with the 1993 *Approved Master Plan and Sectional Map Amendment for Glenn Dale-Seabrook-Lanham and Vicinity (Planning Area 70)*.

6. A Type II Tree Conservation Plan shall be approved in conjunction with detailed site plans.

Comment: In an e-mail dated February 8, 2008, the Environmental Planning Section recommended approval of TCPII/85/02-02 with no conditions. Should that recommendation be followed, conformance with this condition could be found.

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

(A) At MD 193 and MD 564 intersection

Install a shared through/right turn lane along the westbound approach of MD 193 such that the westbound approach has dual left turn lanes, two through lanes, and a shared through/right turn lane.

Install split phasing for the northbound and southbound approach of MD 564 and provide striping improvements along both approaches such that each approach has an exclusive left turn lane, a shared through/left turn lane, a through lane and an exclusive right turn lane.

(B) Eastgate Drive (C-339R)

Construct the proposed Eastgate Drive (C-339R) pursuant to DPW&T specification.

Comment: In a letter dated January 30, 2008, the State Highway Administration stated that they would withhold comment on the subject project due to lack of compliance with this condition. However, the developer complied with the condition at the time of issuance of building permits following approval of the detailed site plan for the overall Eastgate Shopping Center. Access to the proposed Firestone facility will be provided to MD 193 by means of an existing access point into the Eastgate Shopping Center and no changes to that access point are proposed.

8. Prior to the issuance of building permit the applicant shall conduct a signal warrant study for the MD 564/site entrance intersection and install a signal if deemed necessary.

Comment: In a memorandum dated April 9, 2008, the Transportation Planning Section stated that this condition had been met and required no further action.

9. Any residential development of the subject property, other than one single-family dwelling, shall require the approval of a new preliminary plan of subdivision prior to the approval of any building permits.

Comment: In a memorandum dated April 9, 2008, the Transportation Planning Section stated that this condition had been met and required no further action.

9. **Landscape Manual:** The project is subject to the requirements of Section 4.2 and 4.3a of the Prince George's County *Landscape Manual*. Staff has reviewed the revised landscape plan for the project and finds that, though the southern facade would benefit from the addition of more plant material, it is in conformance with the requirements of those sections.
10. **Woodland Conservation Ordinance:** The proposed project is subject to the Prince George's County Woodland Conservation and Tree Preservation Ordinance as it has a previously approved TCPII. The Environmental Planning Section, in an e-mail dated February 8, 2008, stated that the

proposed development is consistent with the revised TCPII/85/02 and unconditionally recommended approval of the detailed site plan and tree conservation plan. Therefore, it may be said that the proposed project conforms to the requirements of the Woodland Conservation and Tree Preservation Ordinance.

11. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

Historic Preservation—In comments dated January 4, 2008, the Historic Preservation Planning Section stated that the proposed project would have no effect on St. George's Chapel and Cemetery, the only historic resource in the vicinity of the subject site.

Archeological Review—In a memorandum dated January 15, 2008, staff indicated that no archeological comment would be necessary on the subject project.

Community Planning—In a memorandum dated January 28, 2008, the Community Planning Division stated that the application is not inconsistent with the 2002 General Plan Development Pattern policies for the regional center in the Developed Tier and that the application is not inconsistent with the *1993 Approved Master Plan and Sectional Map Amendment for Glenn Dale-Seabrook-Lanham and Vicinity*.

Transportation—In a memorandum dated April 9, 2008, the Transportation Planning Section offered the following:

The Transportation Planning Section has reviewed the application referenced above. The subject property consists of approximately 2.65 acres of land in the C-S-C Zone. The property is located on the south side of MD 193, approximately 750 feet west of its intersection with MD 564. The applicant proposes a tire and auto service store of 8,447 square feet.

The prior application, Preliminary Plan of Subdivision 4-01067, is relevant to the review of this case. Another preliminary plan, 4-06061, was filed on Lot 2, and is also relevant to this project because the detailed site plan covers both Lot 1 and 2, though the site plan proposes development only within Lot 1 of Eastgate Shopping Center.

To date, the following appears to have been constructed within Lot 1:

A total of 24,023 square feet of general retail space arranged around a parking compound in the southern portion of Lot 1

A 1,400-square-foot bank

The current plan proposes a 8,447-square-foot tire and auto service store and indicates a future 8,700-square-foot restaurant. It does not appear that the restaurant has had detailed site plan review and has not been permitted. Without the restaurant, but with the current site plan, it would

appear that approximately 33,870 square feet would have been approved through detailed site plan review (if this application moves forward). Preliminary Plan 4-01067 includes Condition 7 that limits development to 36,300 square feet of retail development, or the equivalent number of vehicle trips. At this time, the site plan conforms to Condition 7. However, this finding is made with two provisions:

1. The proposed Damon's restaurant of 8,700 square feet, when it is reviewed as a site plan, would not conform to the condition, given available information. The "available information" phrase needs to be discussed further below.
2. A 122-room hotel has been approved on Lot 2 of Eastgate Shopping Center pursuant to DSP-02039/02. In turn, that DSP application was approved pursuant to Preliminary Plan 4-06061, which was filed for Lot 2 solely to provide for the 122-room hotel. That subdivision did not utilize development capacity created under 4-01067, and while a new trip cap was not established by 4-06061, that subdivision left the entire trip cap established under 4-01067 attributable to development, existing and future, within Lot 1.

Preliminary Plan 4-01067 includes two additional transportation-related conditions. Both Conditions 8 and 9 have been met and require no further action.

Preliminary Plan 4-06061 includes Conditions 7 and 8, which both involve off-site transportation conditions. While those conditions are directly tied to Lot 2, they are indirectly tied to Lot 1 given that the subject detailed site plan covers both Lots 1 and 2. The State Highway Administration has raised issues regarding the timely implementation of the off-site improvements related to 4-06061, and these issues must be resolved prior to additional development pursuant to DSP-02039 moving forward. Conditions 7 and 8 should be made conditions of this detailed site plan, with both of them to be re-reviewed at the time of building permit to ensure that the state is satisfied with the implementation schedule.

Regarding the "available information," it is noted in this review that the site plan for this case describes a number of structures as future retail, future restaurant, proposed Chevy Chase bank, and future new food store. Lot 2 has an approved site plan that is a parent case to this one that is not reflected. This information is patently wrong. The buildings described in this manner can be viewed on aerial photographs, and to label them in this way violates the submittal requirements for a detailed site plan. Furthermore, much of the overall site information is unreadable. It is strongly recommended that future site plans be required to provide accurate and readable information.

Comment: A recommended condition below would require clarification and updating of the plans for the project prior to signature approval of the plans for the project.

The subject property was the subject of a 2001 traffic analysis conducted by the transportation planning staff and was given subdivision approval pursuant to a finding of adequate transportation facilities made in 2002 for Preliminary Plan of Subdivision 4-01067. From the

standpoint of transportation, it is determined that this plan meets the requirements of Subtitle 27 and is consistent with past approved plans. Notwithstanding this determination, it is recommended that Conditions 7 and 8 of the resolution for Preliminary Plan of Subdivision 4-06061 be made conditions of approval for the subject plan.

Comment: After careful consideration, staff has not included conditions 7 and 8 in the recommendation section of this report. They remain, however, independently enforceable.

Subdivision—In a memorandum dated January 24, 2008, the Subdivision Section stated that the property is the subject of Preliminary Plan of Subdivision 4-01067, approved by the Planning Board on January 24, 2002. The resolution of approval, PGCPB Resolution 02-26 was adopted on February 14, 2002. The property is subject to the conditions of approval contained in that resolution.

Further, they stated that total development of the subject site is limited as specified in Condition 7 of that resolution. Specifically, that condition states:

7. Total development within the proposed subdivision shall be limited to the equivalent of 36,300 square feet of gross floor area of commercial retail development or any other permitted uses which generate no more than 74 AM and 129 PM peak hour vehicle trips. Any development other than that identified herein shall require an additional preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.

Additionally, they stated that the limits of development specified in the preliminary plan (4-01067) apply to the subject Lot 1 (Plat REP 195-82), Lot 2 (Plat RED 195-81) and Outlot A (Plat REP 195-81). This revision is proposing 8,447 square feet of tire and auto service store. The transportation condition is applicable to this proposed development.

In closing, they noted that the case was previously reviewed as DSP-02039, which was approved by the Planning Board on December 19, 2002 and that the conditions attached to that approval are found in Resolution No. 02-258(C). They also noted that grading and building permits have been issued for the site and much of the infrastructure has been built

Comment: Please see Finding 8 for a discussion of this and other relevant conditions of the applicable preliminary plan of subdivision.

Trails—In a memorandum dated January 29, 2008, the trails coordinator offered the following: The approved Glenn Dale-Seabrook-Lanham and Vicinity Master Plan includes three master plan trail facilities in the vicinity of Eastgate Shopping Center. Master plan trails are recommended along Eastgate Drive and MD 564. These recommendations were addressed via Conditions 2 and 3 of approved DSP-02039. MD 193 is also designated as a master plan trail corridor. Further, he stated that the approved East Glenn Dale Area Sector Plan further refines this recommendation to include standard or wide sidewalks with designated bike lanes (Sector Plan, page 33). At the time of the original detailed site plan, it was anticipated that bicycle and pedestrian accommodations

along MD 193 would be addressed comprehensively for the corridor via a State Highway Administration neighborhood conservation project. However, as funding for many of these types of projects was eliminated and the anticipated improvements were not completed, staff now recommends that a standard sidewalk be provided along the subject site's frontage of MD 193. Although many portions of the road currently do not include sidewalks (including the frontage of Eastgate Shopping Center) where frontage improvements have been made, a standard sidewalk has been provided (see attached aerial). In lieu of a State Highway Administration project to address bicycle and pedestrian issues comprehensively for the MD 193 corridor, staff believes that sidewalk construction is appropriate as frontage improvements are made. A recommended condition below would require such a sidewalk along the project's frontage.

Permits—In a memorandum dated January 23, 2008, the Permit Review Section offered numerous comments that have either been addressed by revisions to the plans or in the recommended conditions below.

Environmental Planning— In an e-mail dated February 8, 2008, the Environmental Planning Section stated that the proposed development and submitted site plan are in conformance with the revised TCPII. Further, they stated that they had no other issues and comments regarding the TCP and environmental issues and, therefore, recommended approval of DSP-02039 and TCPII/85/02-02.

Prince George's County Fire/EMS Department—In a memorandum dated January 17, 2008, the Prince George's County Fire/EMS Department offered information regarding needed accessibility, private road design, and the location and performance of fire hydrants.

Department of Public Works and Transportation (DPW&T)—In an e-mail dated January 28, 2008, DPW&T, noting that transportation-related issues would have to be coordinated with the State Highway Administration since the development accesses Greenbelt Road (MD 193), a state-maintained road, stated that the proposed development was consistent with the approved Stormwater Management Concept Plan 21701-2001, dated November 19, 2007.

Washington Suburban Sanitary Commission (WSSC)—In a memorandum dated February 1, 2008, WSSC stated that water and sewer is available to the site and that the applicant should refer to their previous comments made on the prior revisions.

Baltimore Gas and Electric (BG&E)—In comments received February 18, 2008, BG&E stated that they had no objections to the proposed development within the Eastgate Shopping Center project.

Maryland State Highway Administration (SHA)—In a letter dated January 30, 2008, SHA staff stated that they would hold their review of the subject plans and any other future plan submissions for the expansion of the shopping center until transportation conditions associated with PGCPB Resolution No. 02-26 are coordinated with SHA, have been bonded, and a clear

construction schedule has been provided. Noting that the applicant/developer secured approved plans in January 2007 to improve MD 193 and that SHA had not, to date, issued an access permit, they recommended that the applicant comply with the prior conditions of approval prior to SHA offering comment on the subject project. Staff does not find it necessary or appropriate to reiterate the preliminary plan conditions regarding required transportation improvements in the recommendation section of this report.

Glenn Dale Citizens' Association—In a letter dated March 31, 2008, the Glenn Dale Citizens' Association stated the following:

- a. They were pleased with the revised building design presented to them on March 18, 2008, which included a blue peaked roof and upgraded brick facades. They stated that they thought the blue peaked roofline ties in with the architecture of the rest of the shopping center and the brick offers a high quality look for the building.
- b. They noted the addition of architectural details to the southern end of the building, which faces the interior of the shopping center and directly toward the intersection of its main internal streets. They said they especially liked the addition of windows and canopies to the southern end of the building and that the dumpster was moved to the right and offset from the approaching road, but requested that the dumpster storage area be tall enough to completely cover any commercial dumpster placed there.

Comment: Staff shares the Citizens' Association's concern and a recommended condition would ensure that the dumpster enclosure provides an effective screen.

- c. They asked that the building be designed with energy efficiency and conservation measures in mind, approaching Leadership in Energy and Environmental Design (LEED) certification.

Comment: A recommended condition below would require the applicant to offer written documentation of proposed energy efficiency and conservation measures employed in the design and construction of the project.

- d. They asked that as much landscaping material as possible be used, especially along the southern façade.

Comment: Staff is in agreement that the addition of landscaping to the southern façade would enhance its appearance and therefore recommended a condition requiring the addition of five shrubs.

12. As required by Section 27-285(b) of the Zoning Ordinance, the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of

the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

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/85/02-02) and further APPROVED Detailed Site Plan DSP-02039/03 for the above-described land, subject to the following conditions:

1. Prior to signature approval, the applicant shall make the following revisions to the plans or submit the following additional documentation:
 - a. Applicant shall remove notation on the detailed site plan that states "approval limit of this detailed site plan."
 - b. A note shall be added to the plans that an automatic fire suppression system shall be provided for the proposed structure, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.
 - c. A standard sidewalk shall be indicated along the Firestone pad's site's MD 193 frontage, unless modified by the State Highway Administration.
 - d. The applicant shall provide written documentation to staff of proposed energy efficiency and conservation measures employed in the design and construction of the project.
 - e. Applicant shall provide specifications as to the dimensions of the dumpster to be placed in the enclosure demonstrating that the enclosure will be entirely effective in blocking the dumpster from view.
 - f. Applicant shall increase the landscaping for the project to include five additional shrubs along the southern façade of the proposed building.
 - g. Plans shall be revised to accurately reflect current development on the site, differentiating between standing structures and those proposed to be developed. Also, the detailed site plan approved for Lot 2 of the subject detailed site plan shall be clearly identified on that portion of the site as "The Staybridge Hotel, Detailed Site Plan DSP-02039/02." Lastly, the applicant shall ensure clear presentation of all provided information, including legibility of all written statements.

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, Vaughns, Cavitt and Parker voting in favor of the motion at its regular meeting held on Thursday, April 24, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 15th day of May 2008.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

OSR:FJG:RG:bjs