

Case No.: SDP-9612/03

Applicant: OC Bellehaven, LLC

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 administrative record, that the Planning Board's decision in Resolution PGCPB No. 08-159, approving with conditions a specific design plan for construction of a commercial shopping center, consisting of 39,964 square feet of gross floor area in four buildings, including a pharmacy and a day care center, southeast of the intersection of St. Joseph's Drive and Ardwick-Ardmore Road, Springdale, is hereby:

AFFIRMED, for the reasons stated by the Planning Board in its resolution, including the Planning Board's findings of fact and conclusions of law, with the following additions:

A. The applicant, other parties of record, and the District Council are in agreement that the applicant and community representatives must work together on the issues stated in condition 3. At the District Council's hearing on February 23, 2009, the applicant, the Ardmore Springdale Civic Association (Mr. Damon Fikes), and other parties speaking to the Council agreed to work on the community concerns in this condition.

B. The applicant on February 23, 2009, in responding to parties of record and the District Council, stated that no alcohol sales and no 24-hour convenience stores were planned for the subject property. The applicant also did not object to any other community concern stated in condition 3.

C. Except as modified here, the District Council accepts and adopts the Planning Board's decision, in the exercise of the Council's original jurisdiction over specific design plans, as provided in Part 3 of the Zoning Ordinance. Based on the administrative record, the District Council adopts as its own the findings and conclusions of the Planning Board, with the above additions.

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

1. Prior to certificate approval of this specific design plan, the applicant shall revise the site plan and landscape plan as follows:
 - (a) Add a note demonstrating the amount of green space provided on the site.
 - (b) Show the six-foot-tall fence surrounding the play area of the day care center.
 - (c) Add a note that no more than 75 children may utilize the play area at any one time, and that outdoor play is limited to daylight hours between 7 a.m. and 9 p.m.
 - (d) Replace the proposed wooden board-on-board fences with more durable sight-tight composite fencing.
 - (e) Move the proposed loading space, located east of Building C, to a new location more than 50 feet from the residential property.
 - (f) Add one additional shade tree to the internal green plantings proposed for the parking lot.
 - (g) Add a note that the design for the Bellehaven Plaza sign has not been approved, and that the design of this sign must be approved through a revision to the SDP.
 - (h) Provide a sidewalk connection and marked crosswalk from the existing sidewalk along St. Joseph's Drive to the pharmacy, unless modified by DPW&T.
 - (i) Provide Americans with Disabilities Act (ADA) curb cuts and marked crosswalks at all sidewalk and drive aisle intersections, unless modified by DPW&T.

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

- (l) Revise the standard Type II tree conservation plan notes as follows:
 - (1) Include optional notes five through seven.
 - (2) Revise the last sentence in Note 7 to read, “These signs shall remain in place.”
 - (m) Revise Note 4 on the signage detail to reflect a maximum spacing interval of 50 feet.
 - (n) Revise the TCP II approval block to type-in the TCP II number (TCP II/31/97), the previous signature approval (J. Stasz), and date (April 17, 1997).
 - (o) Revise the worksheet as necessary to account for revisions to the plan.
 - (p) After all these revisions have been made, have the qualified professional who prepared the plan sign and date it and update the revision box with a summary of the revision.
3. After certificate approval of SDP-9612/03, the applicant shall continue to work with the Urban Design Section, M-NCPPC, and with community representatives (including, without limitation, the Ardmore Springdale Civic Association; the Enterprise Woods Homeowners Association; the Charles H. Flowers PTSA; and the Ardmore Elementary PTA) on the following issues:
- (a) Building Materials: The brick and EIFS materials shown in the plan, and the building design generally, must be compatible with surrounding uses and the appearance of the community, particularly the new Fire Station and Charles H. Flowers High School.
 - (b) Building Signs: The reference to “Rite Aid” in the plan illustration must be removed.
 - (c) Security: Daytime security must be provided on-site, to prevent loitering on the premises. “No Loitering” signs are to be posted and enforced by daytime security personnel.
 - (d) St. Joseph’s Drive: The applicant must address the issue of parking on St. Joseph’s Drive, to prohibit such parking on the frontage of the subject property.
 - (e) Green Buildings and Rain Gardens: The proposed commercial shopping center must benefit the environment. All buildings should be eligible for LEED-certification, by meeting the criteria; use of green roofs shall be considered for all buildings, and rain gardens shall be placed on the areas at the edge of the site.

- (f) Site Plan Sign Design: The applicant shall consult with students from Charles H. Flowers High School, as was done for the adjacent Fire Station.
- (g) Community Agreement: Ardmore Springdale Civic Association concerns shall be addressed in a written agreement. There are to be no sales of alcohol on the premises, and no 24-hour convenience stores. Prior to issuance of any permits, the applicant, community representatives, and Urban Design Section shall see that a written agreement between the Ardmore Springdale Civic Association and the applicant is completed and followed, as to the issues stated above.

Ordered this 23rd day of March, 2009, by the following vote:

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

Opposed:

Abstained:

Absent: Council Member Exum.

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: _____
Marilynn M. Bland, Chairperson

ATTEST:

Redis C. Floyd
Clerk of the Council