

PGCPB No. 03-163

File No. DSP-03008

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 24, 2003, regarding Detailed Site Plan DSP-03008 for Terrapin Station (Sunoco Gas Station), the Planning Board finds:

1. The detailed site plan is for Terrapin Station, a proposed one-story retail development consisting of 13,153 square feet on a 0.39-acre site in the M-U-I Zone. The site, which was formerly a Sunoco gas station, is now vacant and is located on the east side of US 1 at the intersection with Hartwick Road, in the City of College Park. The site is also located in Subarea 1c (Town Center) of the *Approved College Park US 1 Corridor Sector Plan* where Detailed Site Plan review is required in accordance with the Development District Overlay Zone (DDOZ). A Preliminary Plan of Subdivision (4-02051) was approved for the site by the Prince George's County Planning Board on September 19, 2002.

The surrounding uses are as follows: The site is bounded to the west by US 1 and to the south by Hartwick Road. Across US 1 is the College Park Shopping Center and across Hartwick Road is an existing office. To the north is existing commercial development in the M-U-I Zone. To the east is existing residential development in the R-18 Zone (apartments) and R-55 Zone (one single-family detached lot. The site is approximately 1,800 feet south of the main entrance to the University of Maryland.

2. **Site data for the Detailed Site Plan is as follows:**

	EXISTING	PROPOSED
Zone(s)	M-U-I	M-U-I
Use(s)	Vacant	Retail
Acreage	0.39	0.39
Lots	0	0
Parcel	1	1
Square Footage/GFA	0	13,153 SF
Dwelling Units:	0	0

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Minimum Parking Spaces Required (estimated):

Use	Requirement
Retail (13,153 sf)	1sp/150 sf of first 3,000 sf + 1sp/200 sf above 3,000 sf (Reduce by 10 percent as required by sector plan) 64 spaces
Parking Provided:**	0 spaces

**(Applicant requests modification to parking requirements. See Finding 7 below for discussion.)

Required Findings:

3. Section 27-548.25(a) of the Zoning Ordinance requires that a Detailed Site Plan be approved by the Planning Board in accordance with Part 3, Division 9 of the Zoning Ordinance. The detailed site plan submitted has been reviewed in accordance with those provisions and it can be found that the plan represents a most reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.
4. Section 27-548.25(b) requires that the Planning Board find that the site plan meets applicable Development District Standards. In general, the detailed site plan meets the applicable Development District Standards. If the applicant intends to deviate from the Development District Standards, the Planning Board must find that the alternative Development District Standards will benefit the development and the Development District and will not substantially impair implementation of the Sector Plan.

The Development District Standards are organized into three categories: Public Areas; Site Design; and Building Design.

Public Areas:

P.3. Street Furniture

The applicant has not requested a modification to this standard. The applicant is working with the City of College Park to select appropriate street furniture for the site. The city has recommended a condition that has been incorporated into the Recommendation Section for street furniture to be used on the site.

P.4.F. Street Trees

The minimum planting area for street trees shall be six feet in width, eight feet in length, and four feet deep. Wherever possible, the tree planting areas below the sidewalk paving should be connected so that the root zone space for trees can be shared.

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The applicant has not requested a modification to this standard. In this case, there are four existing shade trees in substandard tree pits of four feet in width by four feet in length along US 1. It is unknown if the tree planting areas below the sidewalks are connected. The two new trees to be provided along US 1 have not been provided an adequate tree planting area. The applicant should revise the plan to provide the required tree planting area for all trees along US 1. Since the sidewalk is brick, it should not be difficult to increase the size of the existing tree pits to the required dimension of six feet in width by eight feet in length. Planting details should be provided for the new trees that meet these requirements.

P.5. Lighting

The applicant has not requested a modification to this standard. The applicant is working with the City of College Park to select appropriate lighting for the site. The city has recommended a condition that has been incorporated into the Recommendation Section for street lighting to be used on the site.

P6.A. Utilities

All new development within the development district shall place utility lines underground. Utilities shall include, but are not limited to, electric, natural gas, fiber optics, cable television, telephone, water and sewer.

The applicant requests to modify the above standard by bringing the utility lines to the rear of the site rather than placing another pole along US 1. The plans show three utility poles on the site—one pole on the south side of the site at the intersection of US 1 and Hartwick Road and the other two utility poles on the north side of the site in the sidewalk, approximately 11 feet from the property line and in the northeast corner of the site. The applicant's engineer has indicated that the two poles on the north end of the site will be removed as they only serviced the subject site and are no longer needed. The utility pole on the south side of the site will be either relocated to the rear of the property along Hartwick Road or may not be needed at all if PEPCO allows the lines to be in a conduit under Hartwick Road. However, the site plan currently shows the existing utility lines as not being removed. The plans should be revised to indicate that the two utility poles on the north end of the site will be removed and the utility pole on the south side of the site will be either relocated or removed if PEPCO allows the utilities in conduit under Hartwick Road. Other utilities will be underground, such as water and sewer. Staff is of the opinion that since the applicant has indicated that no utility lines will be placed along US 1, and if the above condition is imposed, the alternative Development District Standard will benefit the development and the Development District and will not substantially impair implementation of the sector plan.

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Site Design:

S2.X. Parking Areas

To encourage the construction of off-street structured parking facilities in the main street and town center (areas 1 and 3) and to promote economic development, the Planning Board during the site plan review process or the Planning Department during a permit review process may waive the minimum off-street parking requirements provided that:

- 1. A Parking District is established for the area in accordance with requirements of Subtitle 2, Division 27, Sections 2-399 to 2-413 of the Prince George's County Code.**
- 2. The applicant agrees to pay a fee-in-lieu for the required number of off-street parking spaces that are to be waived and/or a special assessment as defined by the Parking District.**

The applicant has requested to deviate from the above standard. For a discussion of this issue, see Finding 7 below.

S3.B. Building Siting and Setbacks

A front build-to line between 12 inches and 12 feet from the ultimate right-of-way shall be established for all buildings or storefronts which are located in the main street (3a and 3b) and town center (1a, 1b, 1c, 1d and 1e) subareas (see Table 16). The build-to line shall be compatible with all storefronts or buildings within an attached row or a group of buildings in a block. The Commercial and Industrial Landscape Strip requirements (Section 4.2) of the *Landscape Manual* shall not apply. See Type I Street Edge.

The applicant requests to modify the above standard and contends that "in this case, the 110-foot ultimate right-of-way line cuts well into the site and would prevent the proposed building from lining up with the existing buildings that are in a group on the block. State Highway Administration at the time of Preliminary Plan (4-02051) did not request dedication. Therefore, pursuant to Section 27-259(a)(2)(B), building permits may be issued to build within the ultimate right-of-way without Council authorization. The building will be set back 1 to 11 feet from the existing right-of-way line which will allow the proposed buildings to line up with the other buildings on the block as envisioned by the Sector Plan." Additionally, staff notes that the State Highway Administration, in a memorandum dated March 13, 2003 (Bailey to Wagner) "agrees with the site plan showing the removal of the existing entrance along US 1 and the upgrade of the frontage with streetscape enhancements." SHA indicated no objection to the proposed building being located in the ultimate right-of-way but noted that "the proposed improvements along the property fronting US 1 are subject to SHA requirements" and that "a permit issued by SHA must be obtained for work performed within the state right-of-way, prior to issuance of building permits."

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Staff is of the opinion that the alternative Development District Standard will benefit the development and the Development District and will not substantially impair implementation of the sector plan.

S4.E. Buffers and Screening

The bufferyard requirements within the development district may be reduced to facilitate a compact form of development compatible with the urban character of the US 1 corridor. The minimum bufferyard requirements (landscape yard) for incompatible uses in the *Landscape Manual* (Section 4.7) may be reduced by 50 percent. The plant units required per 100 linear feet of property line or right-of-way shall also be reduced by 50 percent. Alternative Compliance shall not be required for these reductions.

The applicant has requested to deviate from the standards along the eastern property line adjacent to existing residential development.

Based on the above requirements, a “C” bufferyard, reduced by 50 percent, is required. Therefore, a 15-foot-wide landscape bufferyard is required. The applicant proposes a building that encompasses most of the site. The site is small (0.39 acre) and in the northeast corner of the site, adjacent to the residentially zoned property, there is a significant grade drop of approximately six feet. The previous gas station use constructed a retaining wall in this location that will be utilized by the applicant as part of the foundation for the building. A six-foot-wide elevated steel grate walkway will be provided along the back of the building providing access to the retail units, leaving only two feet of planting area. The applicant had provided a board-on-board fence originally to act as a screening device, but staff requested something more substantial and permanent. In response to that request, the applicant’s architect designed a screen wall that is attached to the steel grate walkway and also to the building consisting of a two-inch by two-inch steel framework on four-inch by four-inch steel posts with vinyl-coated wire mesh infills that will support evergreen vines to provide a year-round evergreen screen. Additionally, staff recommends that the back of the building be split-faced block, colors to match the brick color of the building, to provide an attractive appearance of the building since the vines will take some time to establish on the fence. Staff notes that under B.3.A. Architectural Features, smooth-faced concrete masonry units are not permitted and the applicant has not requested to deviate from this standard. The alternative Development District Standard, with the modification mentioned above, will benefit the development and the Development District and will not substantially impair implementation of the sector plan.

B3. Architectural Features:

The applicant has not requested a modification to these standards. In general, the architecture is in conformance with all building design requirements under Architectural Features. The building has been designed with high-quality materials consisting of brick and synthetic stucco (EIFS). Windows and doors have been attractively designed to enhance the design character of the building’s exterior appearance. The City of College Park has recommended a condition that the EIFS material be replaced by brick on the front facades of the building and the applicant has

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agreed to that condition. Furthermore, as mentioned above, the smooth-faced block on the rear elevation is prohibited and should be replaced with split-faced block.

B6.F. Building Services

Dumpsters shall be enclosed with a continuous solid, opaque masonry wall or other opaque screening treatment. Buildings should consolidate their garbage storage needs in a single, central location away from public view.

The site plan meets this standard. The applicant has provided a trash dumpster that is completely enclosed by a brick enclosure with ornamental steel gates. The loading space that serves the dumpster will also be screened by a six-foot-high brick wall and landscaping. The brick wall steps down to 48 inches behind Tenant 'B' space. The brick wall in this location should remain at six feet high to be consistent with the other wall and the screen fence.

Location of Loading Space

The applicant has requested a departure from Section 27-579(b) of the Zoning Ordinance with regard to the location of loading spaces adjacent to residentially zoned property. The Zoning Ordinance requires a 50-foot setback to loading space and access to loading. In this instance, Section 27-548.25(e) states that if a use would normally require a variance or departure, separate application shall not be required, but the Planning Board shall find in its approval of the site plan that the variance or departure conforms to all applicable Development District Standards. The site plan shows one loading space at the rear of the property off Hartwick Road. Condition 6.a. of the Preliminary Plan (4-02051) requires that vehicular access to the site from Hartwick Road be located as far from Hartwick Road's intersection with Baltimore Avenue as possible. The site plan meets the requirement of the Preliminary Plan, but does not meet the 50-foot setback requirement. The loading space is approximately four feet from the residential property, but will be screened with a six-foot-high brick wall and landscaping. The applicant contends that "to comply with this Section of the Zoning Ordinance would require that the loading space be located along the US Route 1 frontage." Staff notes that the site is irregularly shaped and that the property frontage along Hartwick Road is only 75 feet. Staff is of the opinion that the brick wall and landscaping will provide sufficient screening and that the departure conforms to all applicable Development District Standards.

B.5. Signs (Attached to a Building or Canopy)

The detailed site plan is in conformance with the design standards for signage for the project. A signage plan has been provided by the applicant that incorporates the standards of the Sector Plan. Signage is proposed to be located on the surface of the parapet wall above the tenant's respective storefront. Total sign areas are to comply with the Prince George's County Zoning Ordinance, including restrictions based on frontage. Lettering and logos are to comply with the Design Standards outlined in the Sector Plan.

5. The detailed site plan is in compliance with Preliminary Plan of Subdivision 4-02031 and all

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applicable conditions of approval. The following conditions warrant discussion:

5. **At the time of Detailed Site Plan, the determination of the ultimate rights of way for Hartwick Road and US 1 shall be finalized.**

The ultimate right-of-way for US 1 has been correctly shown on the Detailed Site Plan. The City of College Park, by letter dated July 3, 2003 (Schum to Wagner), has indicated that "the City has no intentions of widening Hartwick Road." Therefore, the right-of-way for Hartwick Road is correctly shown on the Detailed Site Plan.

7. **No detailed site plan shall be approved by the Planning Board for the site until a parking district and fee-in-lieu for the waiver of parking spaces in downtown College Park is established. It is anticipated that as part of the detailed site plan approval, the City of College Park shall propose to be the entity that establishes the parking district and will propose the fee-in-lieu amount for the waiver of parking spaces in the district to be approved by the Planning Board as part of the detailed site plan.**

See Finding 7 below for discussion of this condition.

Referrals

6. In a memorandum dated March 25, 2003 (Metzger to Wagner), the Environmental Planning Section offered the following comments:

This site was previously reviewed by the Environmental Planning Section in 2002 as a Preliminary Plan of Subdivision (4-02051). This application seeks the approval of a Detailed Site Plan to establish a mixed-use commercial retail building, to be located in an M-U-I Zone. The subject property has an approved conceptual stormdrain plan, CSD 40136-2002-00, that expires on December 9, 2005. A Standard Letter of Exemption from the Woodland Conservation Ordinance was issued by the Environmental Planning Section, Countywide Planning Division, on June 4, 2002, which expires on June 4, 2004.

Site Description

The 0.39-acre site is located at the intersection of Hartwick Road and US 1 and is entirely developed. A review of the information available indicates that Marlboro clay, steep and severe slopes, 100-year floodplain, wetlands, or streams are not found to occur on this property. The site is located in the Paint Branch watershed, which is a tributary to the Anacostia River. The soils found to occur on this property, according to the Prince George's County Soil Survey, include the Elsinboro series. This series does not pose any problems for development. There are no rare, threatened, or endangered species located in the vicinity of this property based on information provided by the Maryland Department of Natural Resources–Natural Heritage Program. No historic or scenic roads are affected by this proposal. The sewer and water service categories are S-3 and W-3. US 1 is a noise generator; however, the noise levels are low enough not to impact

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adversely the commercial use proposed. The proposed use is not anticipated to be a noise generator. This property is in the Developed Tier as delineated on the approved General Plan.

Previous Approval Conditions

The property was the subject of Preliminary Plan 4-99067, Prince George's County Planning Board Resolution No. 02-199, and was approved on June 17, 2002. That resolution contains the following environmental conditions:

- "2. At the time of Detailed Site Plan, the plan shall address Design Standard S6(C) from the College Park/US 1 Sector Plan regarding afforestation."

Comment: The plan does not adequately address this condition. See Environmental Review Section for comments.

- "3. At time of Detailed Site Plan, the plan shall address Design Standard S7 from the College Park/ US 1 Sector Plan regarding stormwater management."

Comment: During the review of the preliminary plan the type of stormwater management facility to be constructed was not known. Design Standard S7 describes the use of low impact development techniques, retrofitting of existing stormwater management facilities, use of underground retention facilities and other design issues. The site has obtained a stormwater management waiver due to the existing site conditions. This design standard does not apply.

- "8. The applicant shall request the dedication of any fee-in-lieu of providing stormwater management on site, as part of the stormwater concept plan to the Paint Branch restoration effort."

Comment: Stormwater management requirements have been waived by the Department of Environmental Resources on the subject property. A fee-in-lieu for on-site attenuation/quality control measures in the amount of \$5,650 was required. A note on the landscape plan (sheet LP-4) states: "A fee-in-lieu for the stormwater management has been approved by the Department of Environmental Resources (DER) for water quantity and water quality. The fee-in-lieu is \$5,650.00. This fee will be dedicated to the Paint Branch restoration effort as determined by DER conceptual stormwater management approval # 40136-2002-00." This condition has been adequately addressed.

Environmental Review

This site is exempt from the provisions of the Woodland Conservation Ordinance because it is less than 40,000 square feet in size and does not have a previously approved Tree Conservation Plan. A Tree Conservation Plan and Forest Stand Delineation are not required. A Standard

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Letter of Exemption dated June 4, 2002, was issued by the Environmental Planning Section, Countywide Planning Division, in compliance with Woodland Conservation requirements.

Comment: No further action is required at this time with regard to the Woodland Conservation Ordinance requirements. The exemption letter must be submitted at time of permit application.

Development District Standards

This site is within the Development District Overlay Zone for the College Park US 1 Corridor and is subject to site design requirements for tree cover and stormwater management. Design standard C in *S6. Trees, Plantings and Open Space* requires that afforestation be provided for a minimum of ten percent of the gross site area. This coverage is measured by the amount of cover provided by a tree species in ten years. Street trees planted along abutting rights-of-way may be counted toward meeting this standard. The required tree cover credit for a site that is 17,059 square feet is 1,706 square feet.

Large shade trees have a ten-year tree canopy credit of 200 square feet for a two-inch caliper tree and 250 square feet for a three-inch caliper tree. The Urban Design Section notes that the plan provides for the appropriate credit of 250 square feet, multiplied by the six trees, resulting in an amount of credit of 1,500 square feet. The plan also provides four American hollies that have a credit of 100 square feet each for an additional 400 square feet, bringing the total tree cover credit to 1,900 square feet. However, the hollies have been planted in a four-foot-wide planting bed next to the loading space at less than four feet on center, a spacing that is too close. American hollies can become very large and will become a nuisance as they grow into the loading area. Staff recommends that smaller shrubs, such as 'Otto Luykens' cherry laurels be provided in the space adjacent to the loading area and that an additional shade tree be provided in the sidewalk along Hartwick Road. The additional shade tree would provide an additional 250 square feet of canopy credit for a total of 1,750 square feet, which meets the requirements.

The size of the proposed tree pits is questionable for the size of trees proposed to be planted. The opening on the pits is only 16 square feet, which only meets ten percent of the recommended size for large shade trees. The details on sheet SP-3 do not apply for the type of planting proposed and should be revised to show how the trees will be planted in tree pits. The Urban Design Section will address this issue further to ensure that the trees survive when planted.

(Note: See Finding 4 under Street Trees for a discussion of the above.)

In addition, the proposed placement of the overhead utilities lines has not been shown. The existing lines will conflict with the proposed buildings in their current location. This conflict needs to be resolved and shown on the plan because it impacts the ability of the plan to meet the afforestation requirement.

Required Revisions: The landscape plan must be revised to meet the minimum afforestation requirement of ten percent, revise the size of the tree pits to ensure long-term survival of the trees, revise the detail sheet to show how the trees will be planted in tree pits, and show the proposed

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location of utility lines along US 1.

7. In a memorandum dated July 15, 2003 (Masog to Wagner), the Transportation Planning Section offered the following comments:

Review Comments

The site plan is acceptable, and it is consistent with the amount of development that was analyzed at the time of preliminary plan review. The subdivision was reviewed during 2002 and at that time, the Planning Board made findings of transportation adequacy. Those findings are still valid.

The plan correctly locates the needed ultimate rights-of-way along US 1 and Hartwick Road.

The key issue at this time concerns the need of the applicant to seek a waiver of all required parking spaces for this site. Given the size of the property and its location within downtown College Park, the request is not unusual. The *College Park US 1 Corridor Sector Plan and Sectional Map Amendment* anticipated requests of this nature by including parking requirements for all development within the Main Street and town center areas of the plan (the subject property is within the town center area). In order to encourage the development of off-street shared parking facilities, the plan allows the Planning Board to waive the minimum on-site parking requirements provided that three conditions are met:

1. A Parking District is established for the area in accordance with requirements of Subtitle 2, Division 27, Sections 2-399 to 2-413 of the Prince George's County Code.
2. The applicant agrees to pay a fee-in-lieu for the required number of off-street parking spaces that are to be waived and/or a special assessment as defined by the Parking District.
3. The developer has a written agreement with the university that student tenants in the building will be permitted to purchase parking permits to park on the University of Maryland campus under current student parking policy as such as may be changed from time to time.

The third requirement above does not apply, since the development proposed for this site does not include residential space for potential student tenants.

With regard to the first requirement above, the City of College Park has introduced the initial charter resolution to establish a parking district within the city's downtown area. The area covered by this proposed parking district includes the subject site. The charter resolution will need to be followed by at least two additional ordinances in order to implement the parking district. The City of College Park has determined that a special assessment—and not a fee-in-lieu—is the appropriate means for participation for properties within the parking district. While the first requirement does indicate that the parking district be established at the time that parking requirements are waived, the primary reason for that timing is that the Planning

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Board—and not the City—has the authority to impose a fee-in-lieu; the required fee-in-lieu could not be known unless a parking district was actually established. Given the City of College Park's current intent to impose a special assessment instead of a fee-in-lieu, the Planning Board can consider the site plan because the city would have the authority to tax the site. Notwithstanding the above findings, if the city were to determine, as the details of the parking district are discussed, that a fee-in-lieu should become an element of the parking district, the need for the Planning Board to impose the needed fee-in-lieu could be a basis for reconsideration of the subject site plan.

Given that the applicant has indicated a willingness to pay either a fee-in-lieu or a special assessment, the second requirement above is met. To conclude, the requirements for waiver of the required on-site parking in the *College Park US 1 Corridor Sector Plan and Sectional Map Amendment* are met by the actions that have occurred to date.

The preliminary plan resolution includes Condition 7, which requires: "No detailed site plan shall be approved by the Planning Board for the site until a parking district and fee-in-lieu for the waiver of parking spaces in downtown College Park is established. It is anticipated that as part of the detailed site plan approval, the City of College Park shall propose to be the entity that establishes the parking district and will propose the fee-in-lieu amount for the waiver of parking spaces in the district to be approved by the Planning Board as part of the detailed site plan." The condition is met because the fee-in-lieu has indeed been determined to be zero—the City of College Park is pursuing the creation of a parking district based upon the use of a special assessment, not a fee-in-lieu.

In summary, the site plan is acceptable and consistent with prior underlying approved plans. The Transportation Planning Section currently supports the waiver of all required parking spaces, and is recommending no conditions at this time.

8. The City of College Park held a public hearing on the subject application on July 8, 2003, and voted to approve the site plan with nine conditions, which were agreed upon by the applicant. Those conditions have been incorporated into the recommendation section below.

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 Detailed Site Plan DSP-03008, subject to the following conditions:

1. Prior to certification of the Detailed Site Plan, the following revision shall be made:
 - a. The smooth-faced block on the rear elevation shall be replaced with split-faced block.
 - b. The 48-inch-high brick wall along the rear property line shall be revised to be six feet high.
 - c. The site plan shall be revised to provide the required tree planting area for all trees along

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US 1: six feet in width by eight feet in length. Planting details shall be provided for the new trees that meet these requirements.

- d. Substitute 'Otto Luykens' cherry laurels in the space adjacent to the loading area for the four American hollies.
 - e. Provide an additional shade tree in the sidewalk along Hartwick Road.
 - f. The plans shall be revised to indicate that the two utility poles on the north end of the site will be removed and the utility pole on the south side of the site be either relocated or removed if PEPCO allows the utilities in conduit under Hartwick Road.
2. Signage shall be located on the surface of the parapet wall above the tenant's respective storefront. Total sign areas are to comply with the Prince George's County Zoning Ordinance, including restrictions based on frontage. Lettering and logos are to comply with the Design Standards outlined in the Sector Plan. Canopy and window signage is permitted in conformance with the Design Standards of the Sector Plan.
3. The subject property shall be part of a downtown parking district to be established by the City of College Park. The applicant agrees to pay a special assessment levied on property in the district for the construction, operation or maintenance of parking facilities.
4. Prior to the issuance of a certificate of occupancy permit for the first tenant, the College Park Parking District shall be established along with the special tax assessment amount. If such district and special tax assessment amount has not been established by the time of Certificate of Occupancy, then the Planning Director, in conjunction with the Prince George's Revenue Authority and the City of College Park shall establish a fee-in-lieu and the applicant shall pay such fee to the City of College Park prior to release of the Certificate of Occupancy permit for the first tenant. If in the future, a special tax assessment parking district is established, the fee-in-lieu shall be refunded or appropriate credits provided to the applicant.
5. The City of College Park desires to have a mix of retail and restaurant uses on the site. Thus, the property owner agrees that for one year from the date of the issuance of the building permit, it will keep 1,400 square feet available to maximize the opportunity to bring at least one non-restaurant tenant to the site. Once at least one non-restaurant tenant is secured or the one-year period expires, this condition shall be deemed to be fulfilled.
6. The parking data on the Site Plan shall be revised as follows:
 - 1.0 space/150 square feet of the first 3,000 square feet GFA
 - 1.0 space/200 square feet of the GFA above the first 3,000

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Minimum spaces required=71 spaces—10 percent
(per US 1 Sector Plan)=64 spaces

Parking Spaces Provided=0 spaces

The base minimum number of spaces to be waived may increase if an eating or drinking establishment is located on the property as the number of spaces required would be calculated at 1.0 space/each 3 seats.

7. The Landscape Plan shall be revised to change the trumpet vine to an appropriate evergreen vine to provide a year round buffer from the adjacent residential property. The applicant shall work with the city horticulturalist to identify a suitable evergreen vine.
8. The Site Plan shall be revised to include the specific style and type of street furnishings, including pedestrian lighting fixtures, benches, and trash receptacles to be used on site, as selected by the city.
9. The payment of any fee-in-lieu of providing stormwater management on site, as part of the stormwater concept plan, shall be requested to be paid to the Paint Branch restoration effort.
10. Tenant use of the dumpster between the hours of 10:00 p.m. and 6:00 a.m. shall be prohibited.
11. The front facades of the building shall be all red brick.

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 Eley, seconded by Commissioner Scott, with Commissioners Eley, Scott and Hewlett voting in favor of the motion, with Commissioner Vaughns opposing the motion and with Commissioner Lowe absent at its regular meeting held on Thursday, July 24, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 31st day of July 2003.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:GW:rmk