



Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

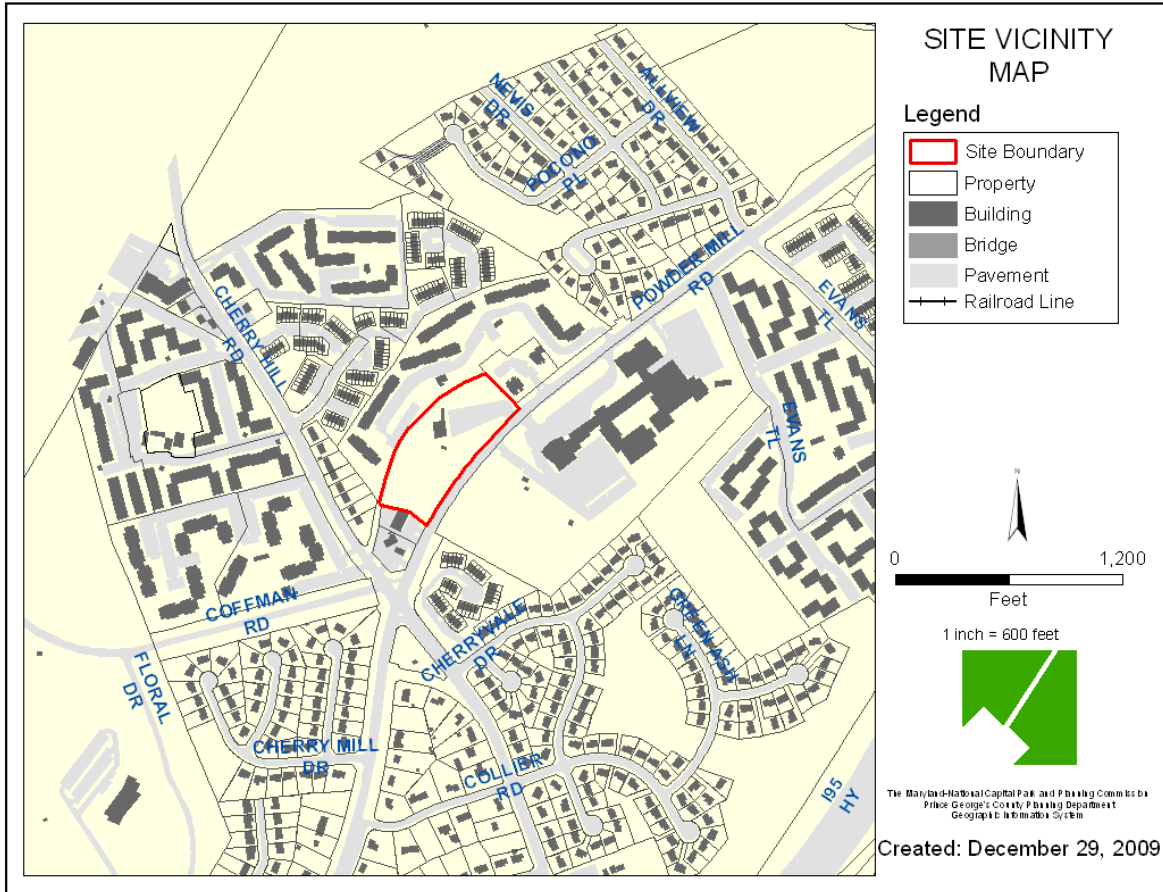
Special Exception

SE-4682

Application	General Data	
Project Name: American Legion Post #28 Location: Along the north west side of Powder Mill Road (MD 212), approximately 600 feet northeast of its intersection with Cherry Hill Road. Applicant/Address: American Legion Post #28 c/o Bill Trimble, Judge Advocate 3510 Powder Mill Road Beltsville, MD 20705 Property Owner: American Legion Post #28 c/o Bill Trimble, Judge Advocate 3510 Powder Mill Road Beltsville, MD 20705	Planning Board Hearing Date:	03/21/13
	Staff Report Date:	03/05/13
	Date Accepted:	08/09/12
	Planning Board Action Limit:	N/A
	S.E. Acreage:	3.15 acres
	Zone:	R-T
	Gross Floor Area:	4800 sq. ft.
	Lots:	N/A
	Parcels:	1
	Planning Area:	61
	Tier:	Developing
	Council District:	01
	Election District	01
	Municipality:	N/A
	200-Scale Base Map:	214NE03

Purpose of Application	Notice Dates	
Special Exception to redevelop the property with a new 4,800-square-foot private club on 3.15 acres in the R-T Zone.	Informational Mailing	10/11/11
	Acceptance Mailing:	08/08/12
	Sign Posting Deadline:	N/A

Staff Recommendation		Staff Reviewer: John Ferrante Phone Number: 301-952-3665 E-mail: John.Ferrante@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		



THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

TECHNICAL STAFF REPORT

TO: The Prince George's County Planning Board
The Prince George's County District Council

VIA: Jimi Jones, Zoning Supervisor, Development Review Division

FROM: John Ferrante, Senior Planner, Zoning Section, Development Review Division

SUBJECT: **Special Exception Application No. SE-4682**
American Legion Post No. 28

REQUEST: Private Club in the R-T Zone

RECOMMENDATION: **Approval with Conditions**

NOTE:

The Planning Board has scheduled this application to be reviewed on the agenda date of March 21, 2013. If the Planning Board decides to hear the application, it will be placed on a future agenda.

Any person may request the Planning Board to schedule a public hearing. The request may be made in writing prior to the agenda date or in person on the agenda date. All requests must specify the reasons for the public hearing. All parties will be notified of the Planning Board's decision.

You are encouraged to become a person of record in this application. The request must be made in writing and addressed to the Prince George's County Office of the Zoning Hearing Examiner, County Administration Building, Room 2184, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. Questions about becoming a person of record should be directed to the Hearing Examiner at 301-952-3644. All other questions should be directed to the Development Review Division at 301-952-3530.

FINDINGS

- A. **Location and Field Inspection:** The property is currently improved with an asphalt parking lot, a 750-square-foot trailer, and an existing 275-square-foot shed that will remain on the site, but will be moved to a new location. A construction trailer is also located along the southern edge of the parking compound that is proposed to be removed. The site has direct access to Powder Mill Road (MD 212), a master plan arterial facility with an ultimate right-of-way (ROW) width of 130 feet.

B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	R-T	R-T
Use(s)	Private Club	Private Club
Acreage	3.15 +/-	3.15 +/-
Lots	0	0
Parcels	1	1
Square Footage/GFA	None	4,800
	(Previously existing building razed due to fire)	
Variance	No	No

- C. **History:** The American Legion Post No. 28 has been in operation on the property since approximately 1948. However, no prior special exceptions were found to be approved for the use. The main 4,800-square-foot facility was destroyed by fire a few years ago, and in 2005 Raze Permit No. 22720-2005-RZ was approved by Prince George's County to remove what was left of the existing building and foundation.

On February 23, 2012, the Planning Board approved Preliminary Plan of Subdivision 4-11006 (PGCPB Resolution No. 12-12) for the property. The preliminary plan application was for the purposes of subdividing Parcel 61 into 17 lots and 3 parcels. Two of the parcels (Parcels A and B), are proposed for the future development of 17 new residential townhouses. The remaining parcel is proposed for the redevelopment of a 4,800-square-foot American Legion and the retainment of a 750-square-foot trailer and 264-square-foot shed.

At the time of preliminary plan, the Planning Board also approved Type I Tree Conservation Plan, TCPI-012-11, and a Variation from Section 24-121(a)(3) of the Subdivision Regulations. The variation request was for the purposes of authorizing direct vehicular access to Powder Mill Road (MD 212), a master plan designated arterial roadway. The Planning Board's actions for Preliminary Plan 4-11006 are contained in PGCPB Resolution No 12-12. The preliminary plan is valid until March 22, 2014.

At the time of the writing of the technical staff report, a final plat had not yet been recorded in Land Records that reflects the lotting pattern shown on the approved preliminary plan of subdivision. Therefore, the property remains one overall acreage parcel (Parcel 61) until such a time that a final plat is recorded for the property.

Two separate stormwater management concept plans have been approved by DPW&T for the property. Stormwater Concept Plan 19335-2011 was approved on January 10, 2012 for the entire property and includes the new development of the 17 dwelling units that were proposed with Preliminary Plan 4-11006. Stormwater Concept Plan 34431-2008-01 was approved on February 21, 2012 for only the portion of the property located within the special exception boundaries and includes the redevelopment of the American Legion facility and its associated parking compound.

Master Plan Recommendation: In a memorandum dated September 5, 2012, the Community Planning North Division stated that the application does not conform with the medium-high density residential land use recommendations of the 2010 *Approved Subregion 1 Master Plan and Sectional Map Amendment*. However, a private club is a permitted use in the R-T Zone with the approval of a special exception.

General Plan: This application is consistent with the 2002 General Plan Development Pattern policies for Corridor Nodes in the Developing Tier and does not violate the General Plan's growth goals for the year 2025, based upon review of Prince George's County's current General Plan Growth Policy Update.

The 2010 *Approved Subregion 1 Master Plan and Sectional Map Amendment* retained the subject property in the R-T Zone.

- D. **Request:** The property is currently known as Parcel 61 which has a net lot area consisting of approximately 6.43 acres in the R-T Zone. The applicant seeks approval of a special exception application to operate a private club on a portion of the property consisting of 3.15 acres. The property is the subject of Preliminary Plan of Subdivision, 4-11006 which was approved by the Planning Board on February 23, 2012 (PGCPB Resolution No. 12-12). The preliminary plan application proposed the subdivision of the property into three separate parcels, two of which would contain the future development of 17 new residential townhouses, and the third parcel to contain the redevelopment of a 4,800-square-foot American Legion facility.

A final plat of subdivision has not yet been recorded in Land Records that reflects the lotting pattern shown on the approved preliminary plan of subdivision. Therefore, the property remains one overall acreage parcel (Parcel 61) until such a time that a final plat is recorded. Although the parcel as a whole consists of 6.43 acres, the area statement on the site plan incorrectly states that the property is 6.50 acres. A condition has been recommended to have the acreage of the site corrected on the area statement prior to final disposition of the case. Regardless, the special exception boundaries will be confined to a 3.15-acre portion of the property that will contain the proposed use and the parking and landscaping that is required to serve the proposed use.

American Legion Post 28 has been in operation on the property since approximately 1948. However, no prior special exceptions were found to be approved for the use. The original building was destroyed by fire sometime in 2005, and the American Legion is now requesting to redevelop the property with a new 4,800-square-foot private club. An existing 750-square-foot mobile home, (which is labeled on the plan as a "trailer"), is proposed to remain on the site for the use of the property manager's residence, and a 264-square-foot storage shed will be relocated to the northwest edge of the existing parking compound next to the proposed trash enclosure. The existing shed is incorrectly labeled as being 275 square feet on the site plan and will need to be corrected prior to final disposition of the case. One freestanding sign is proposed along Powder Mill Road (MD 212).

The existing macadam parking lot will be restriped, some small areas of existing paving will be removed, and interior green islands will be added to comply with the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Approximately 17 light posts will be added to the parking lot, each one being approximately 18 feet in height. The submitted landscape plan demonstrates that approximately 47 shade trees, 11 ornamental trees, 6 evergreens and 35 shrubs will be added to the site, all of which are native species. The new plantings that are proposed, along with the areas of existing woodland, will bring the site into compliance with the requirements of the 2010 *Prince George's County Landscape Manual*.

F. Neighborhood and Surrounding Uses:

The applicant submits that the property is located within a residential neighborhood that is bounded by Powder Mill Road (MD 212) to the south, Cherry Hill Road to the west, and Calverton Boulevard to the north and to the east. High Point High School is located on the south side of Powder Mill Road directly across from the subject property.

The property is surrounded by the following uses:

North—Multifamily Dwelling Units/Condominiums in the R-30 Zone.

South—The remainder of Parcel 61 which is currently undeveloped but has an approved preliminary plan for the new development of 17 townhouses in the R-T Zone. Beyond is a six-Store Commercial Shopping Center in the C-S-C Zone and the Powder Mill Road (MD 212) right-of-way (ROW).

East—Powder Mill Road (MD 212) right-of-way, and beyond High Point High School in the R-R Zone.

West—Multifamily Dwelling Units/Apartments in the R-30 Zone.

G. Specific Special Exception Requirements: Section 27-359 of the Zoning Ordinance provides the specific special exception requirements for a private club;

Section 27-359. Golf course; private club; nonprofit recreational uses.

- (a) **A golf course, private club, community building, or other nonprofit recreational use may be permitted, when it is not publicly owned or operated. Concessions for serving food and refreshments to, and entertainment for, club members and guests, may also be permitted. This special exception does not apply to community swimming pools, golf driving ranges, or miniature golf courses.**
- (b) **A golf course may be permitted in the V-L and V-M Zones, provided the District Council finds that the proposed use:**
 - (1) **Preserves the open space, scenic vistas, and environmental features of the area;**
 - (2) **Complements the natural characteristic of the area; and**
 - (3) **Provides enjoyment or recreational activities, including passive recreational activities, for the residents of the Zone.**

Comment: The American Legion Kennedy-Latimer Post 28 will not be publicly owned or operated. There will be food, refreshments and entertainment for club members and guests. A community swimming pool, golf driving range or miniature golf course is not proposed. Lastly, the site is not located in the V-L or V-M Zone and a golf course is not proposed as a part of the special exception application.

- H. **Parking Regulations:** The required parking for a private club is comprised by the uses that make up the club. The parking schedule on the site plan states that the club is proposed to have an eating and drinking area with 52 seats, requiring 18 parking spaces, a 160-square-foot office, requiring 1 parking space, an auditorium/meeting room with 69 seats, requiring 18 parking spaces, a pool room with two tables, requiring 9 parking spaces, a 750-square-foot trailer for the property manager's residence, requiring 2 parking spaces and an existing 264-square-foot shed requiring 1 parking space. Therefore, a total of 49 parking spaces are required to serve the proposed use.

A total of 91 parking spaces are proposed to be provided on the site, consisting of 64 standard spaces, 20 compact spaces, 5 standard handicapped spaces and 2 van accessible handicapped spaces.

Because the gross floor area (GFA) of the private club will be less than 10,000 square feet in size, no loading space is required to serve the proposed use.

- I. **Prince George's County Landscape Manual Requirements:** In accordance with Section 27-328.02 of the Zoning Ordinance, the application is subject to Section 4.2 Landscape Strips Along Streets; Section 4.3 Parking Lot Requirements (Interior Planting); Section 4.7 Buffering Incompatible Uses and Section 4.9 Sustainable Landscaping Requirements of the 2010 *Prince George's County Landscape Manual*.

The Landscape Plan provides required landscape schedules that conform to the abovementioned requirements except for Section 4.3 regarding the layout of parking lot. Section 4.3(c)(2)(G) requires a minimum of one interior planting island to be provided on average for every ten contiguous parking spaces. The two rows of parking in the middle of the site show 16 contiguous spaces without providing any interior planting island. The applicant should revise the Landscape Plan to satisfy the Section 4.3 requirements.

Tree Canopy Coverage Ordinance

The Tree Canopy Coverage (TCC) Ordinance became effective on September 1, 2010. The subject property is located in the R-T Zone and the proposed total gross floor area is more than 1,500 square feet. Therefore, the application is subject to 15 percent tree canopy coverage per the requirements of the TCC Ordinance. Since this application only covers a portion of the larger site, the 15 percent coverage should only be calculated based on the site area within the special exception boundaries. The landscape plan should be revised to include the standard tree canopy coverage schedule demonstrating conformance with the requirements of the TCC Ordinance.

Comment: Conditions have been recommended as part of this report to require the landscape plan to be revised prior to final disposition of the case to demonstrate conformance with the Tree Canopy Requirements and with Section 4.3 of the Landscape Manual.

- J. **Zone Standards:** No variances have been requested from any zoning standards as a part of the special exception application.

An existing 750-square-foot trailer is located just five feet north of the proposed American Legion building. General notes provided on the site plan state that the trailer, used as the property manager's residence, has existed on the site since 1965 and the American Legion has been using the trailer as an interim meeting space since the main building was destroyed by fire a few years ago.

On November 24, 1975 the Zoning Ordinance was amended to prohibit mobile homes in all zones in Prince George's County except the R-M-H Zone. In 1979 the Zoning Ordinance was further amended to allow mobile homes in certain residential zones, (O-S, R-A), by special exception approval provided that are used for residential purposes only, are situated on a concrete platform, are securely anchored and tied down with the wheels removed, and they meet the specific special exception criteria contained within Section 27-528.5 of the Zoning Ordinance.

In a memorandum dated September 13, 2012, the Permit Review Section noted that the mobile home should either be certified as a nonconforming use or obtain approval of a special exception. However, the current residential use tables provided within Section 27-441(b)(6) of the Zoning Ordinance do not permit a mobile home as a one-family dwelling or the parking of a mobile home in general within the R-T Zone even through the special exception process.

In order for the mobile home to remain on the property, and to be reflected on the special exception site plan, a separate nonconforming use application (NCU) would have to be submitted by the applicant and approved by the Planning Board and/or the District Council prior to final disposition of the special exception application. In order for the NCU application to be approved, the applicant would have to meet the criteria in Section 27-244 of the Zoning Ordinance and clearly demonstrate that the mobile home has been existence on the property prior to November 24, 1975.

As a result, a condition has been recommended as a part of this report to require that the existing mobile home either be certified as a nonconforming use or removed from the Site and Landscape Plans prior to final disposition of the special exception application.

- K. **Signage Regulations:** Section 27-617(a) of the Zoning Ordinance provides the following sign criteria for the proposed freestanding sign;

Section 27-617. Institutional—Other than Temporary.

- (a) **In any zone (except Comprehensive Design and Mixed Use Zones) where a church; library; school; hospital; fire station; community center; day care center for children; service, fraternal, or civic organizations; or other similar institution is allowed, a sign may be erected. Institutional signs shall meet the following design standards:**

- (1) **Maximum area for each sign - 48 square feet.**
- (2) **Maximum height - 8 feet above finished grade at base of sign.**
- (3) **Minimum setback - 15 feet from adjoining land in any Residential Zone (or land proposed to be used for residential purposes in a Comprehensive Design, Mixed Use, or Planned Community Zone).**
- (4) **Type allowed - freestanding or attached to a building.**
- (5) **Maximum number - 1 per street the property fronts on (must face street frontage).**

Comment: The applicant proposes one freestanding sign along Powder Mill Road (MD 212) that meets all of the above criteria with the exception of Section 27-617(a)(2). The site plan submitted proposes a freestanding sign that is 16 feet in height, when the maximum height allowed by Section 27-617(a)(2) of the Zoning Ordinance is only eight feet high. A note provided on Page SE-1 of the submitted plan also indicates that a 24-square-foot freestanding sign is proposed while the sign calculations provided on Page SE-4 indicate that a 32-square-foot sign is proposed.

On February 23, 2012, the Planning Board approved Preliminary Plan of Subdivision 4-11006 (PGCPB Resolution No. 12-12) for the property. However, the submitted special exception site and landscape plans do not show the required right-of-way (ROW) dedication of 65 feet from the master plan centerline of Powder Mill Road (MD 212) in accordance with Conditions 1(a) and 8(a) of Planning Board Resolution PGCPB No. 12-12. The revised type II tree conservation plan (TCPII) that was submitted does appear to reflect the right-of-way dedication area, and that plan demonstrates that a portion of the proposed freestanding sign would encroach into the future right-of-way dedication for MD 212.

As a result, a condition has been recommended to have the site plan, landscape plan and architectural elevations, as applicable, revised prior to final disposition of the case to clarify the square footage of the proposed freestanding sign, demonstrate that it will not exceed eight feet in height and that it will be located outside of the right-of-way dedication area for MD 212. A condition is also recommended to have the type II tree conservation plan (TCPII) revised prior to final disposition of the case to relocate the proposed freestanding sign outside of the right-of-way dedication area for MD 212.

- L. **Referrals:** No major issues were identified in the referrals that were received for the subject application. Any plan revisions that were requested have either been already addressed through the submission of revised plans or thru the recommended conditions of approval.
- M. **Required Findings:** Section 27-317(a) of the Zoning Ordinance provides that a special exception may be approved if:

(1) The proposed use and site plan are in harmony with the purposes of this Subtitle;

Comment: The primary purpose of the Zoning Ordinance is to protect public health, safety, and welfare; to promote the most beneficial relationship between the uses of land and buildings; and to protect landowners from adverse impacts of adjoining development. The American Legion has been operating a private club on this property for approximately 64 years with no adverse impacts on the use or development of adjacent properties. With the recommended conditions, the site will be in conformance with all requirements of this Subtitle and no variances have been requested from these requirements in order to implement the use.

(2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle;

Comment: Although the use operated on the property for many years, the redevelopment of the site will require the property to be in compliance with all current county and state regulations including; the 2010 *Prince George's County Landscape Manual*, the Subdivision Regulations within Subtitle 24 of the County Code, The Woodland and Wildlife Habitat Conservation Ordinance (WCO), Americans with Disability Act (ADA) Standards, and all current stormwater management requirements. With the recommended conditions, the proposed use will be in substantial conformance with all the applicable requirements and regulations of this Subtitle.

(3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or, in the absence of a Master Plan or Functional Master Plan, the General Plan;

Comment: In a memorandum dated September 5, 2012, the Community Planning North Division stated that the application does not conform with the medium-high density residential land use recommendations of the 2010 *Approved Subregion 1 Master Plan and Sectional Map Amendment*. However, a private club is a permitted use in the R-T Zone with the approval of a special exception application. Therefore, there is a legislative presumption that the use can be carried out in harmony with the purposes of this Subtitle with no adverse impacts on health, safety, and welfare.

The Environmental Infrastructure Section in the approved master plan and sectional map amendment contains goals, policies and strategies. In a memorandum dated February 27, 2012, the Environmental Planning Section found that the subject application is in substantial conformance with the goals, policies and strategies within the 2010 *Approved Subregion 1 Master Plan and Sectional Map Amendment*. As a result, the proposed use will not substantially impair the integrity of any validly approved master plan.

(4) The proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area;

Comment: The reconstruction of the original building that was destroyed by fire and the continuation of a use that has existed on the property for several decades will have no adverse affect on the health, safety, or welfare of residents or workers in the area.

In a memorandum dated August 21, 2012, the Transportation Planning Section stated that there are no apparent issues that would be posed by adding this degree of travel to roadways in the immediate area. The adequacy of transportation facilities is not an issue in the review of this use; review is strictly within the required findings of health, safety, and welfare. Furthermore, the review of the prior preliminary plan application involved a finding of transportation adequacy, and it is further noted that the use is in compliance with the preliminary plan trip cap that was established in Condition 9 of PGCPB Resolution No. 12-12.

The use will be served by an existing driveway that serves the site from MD 212. In a memorandum dated August 25, 2012, the State Highway Administration (SHA) concluded that the existing conditions along Powder Mill Road (MD 212) can support the proposed redevelopment of the private club. The location of the driveway, and its direct access point on to MD 212, was appropriately reviewed as a variation to Section 24-121(a)(3) of the Subdivision Regulations during the review of the preliminary plan application, and the variation request was approved by the Planning Board at that time. As a result, the Transportation Planning Section concluded that the special exception use application poses no issue regarding the required special exception finding that the proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area

(5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood; and

Comment: The American Legion has operated a private club on the subject property for many decades without any detrimental effects on the use or development of adjacent properties or the general neighborhood. The Type II tree conservation plan and landscape plan that were submitted, demonstrate that the proposed building will be well screened from all of the abutting properties. The abutting properties to the north and west have already been developed with apartments and condominiums in the R-30 Zone. Outside the special exception boundaries, the remainder of the applicant's property (Parcel 61) to the south is currently undeveloped but has an approved preliminary plan for the new development of 17 townhouses in the R-T Zone. Appropriate landscaped bufferyards have been established on the plans in accordance with the requirements of the Landscape Manual to properly screen the proposed private club from any future townhouses that may be developed on the southern portion of the property in the future.

The redevelopment of the site will bring the property into conformance with the current requirements of the Woodland and Wildlife Habitat Conservation Ordinance, the Landscape Manual, the Zoning Ordinance, the Americans with Disabilities Act and all stormwater management regulations, therefore, improving the overall design and appearance of the property. The continuation of the same use that has operated on the property since approximately 1948 will have no detrimental effects on the use or development of adjacent properties or the general neighborhood.

(6) The proposed site plan is in conformance with an approved Tree Conservation Plan.

Comment: A Type 2 Tree Conservation Plan (TCP2-003-13) was submitted with the subject application. The plan was reviewed by the Environmental Planning Section for conformance to the prior approved Type I Tree Conservation Plan (TCPI-012-11), and the Woodland and Wildlife Habitat Conservation Ordinance. In a memorandum dated February 27, 2013, the Environmental Planning Section recommended approval of the subject special exception application and the submitted Type 2 Tree Conservation Plan, TCP2-003-13, subject to conditions. As a result, the proposed site plan is in substantial conformance with an approved tree conservation plan.

(7) The proposed site plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible.

Comment: The Environmental Planning Section previously reviewed and approved Natural Resource Inventory, NRI-026-11, for the property on April 4, 2011. The Natural Resource Inventory (NRI) was reviewed at the time of preliminary plan for the purpose of identifying and

preserving any sensitive environmental features that may exist on the property. According to mapping research and as documented on the approved NRI, streams, wetlands and 100-year floodplain were not found to occur on the subject property. Therefore, no regulated environmental features were found to exist on the site that would require preservation and/or restoration.

CONCLUSION:

Based on the preceding analysis and findings, staff recommends APPROVAL of Special Exception Application SE-4682, American Legion Post #28, subject to the following conditions:

1. Prior to final disposition of the case, the following revisions shall be made to the Site and Landscape plans:
 - a. The right-of-way (ROW) dedication of 65 feet from the master plan centerline of Powder Mill Road (MD 212) shall be shown in accordance with Conditions 1(a) and 8(a) of PGCPB Resolution No. 12-12.
 - b. Include a standard tree canopy coverage schedule on the landscape plan that demonstrates conformance with the 15 percent TCC requirement.
 - c. Demonstrate conformance with Section 4.3(c)(2)(G) of the 2010 *Prince George's County Landscape Manual*.
 - d. Revise Note 25 on the site plan to refer to the correct application number for the previously approved preliminary plan of subdivision.
 - e. Show the right-of-way limits for all existing and proposed water and sewer mains.
 - f. Show the ten-foot-wide public utility easement (PUE) and sidewalk along the public right-of-way as reflected on the approved preliminary plan of subdivision and in accordance with Conditions 7 and 8(b) of PGCPB Resolution No. 12-12.
 - g. Show the relocation of the existing utility poles and overhead wires in accordance with Condition 14 of PGCPB Resolution No. 12-12.
 - h. Correct the square footage of the existing 12-foot by 22-foot shed.
 - i. Revise the area statement to provide the correct acreage of the property.
2. Prior to final disposition of the case, the following revisions shall be made to the Type II Tree Conservation Plan:
 - a. Provide standard type II tree conservation plan (TCPII) Note 9 regarding the grandfathering status of the project.
 - b. Revise the worksheet to reflect only the clearing necessary for the current application and to account for the preservation being provided within Phase 1.
 - c. Provide a specimen tree protection sign surrounding specimen tree 1.

- d. Have the standard owner's certification signed by the owner.
 - e. Relocate the proposed freestanding sign outside of the right-of-way dedication area for Powder Mill Road (MD 212).
 - f. After all revisions have been made, have the qualified professional who prepared the plan sign and date it.
3. Prior to final disposition of the case, the site plan, landscape plan and architectural elevations, as applicable, shall be revised to clarify the square footage of the proposed freestanding sign, demonstrate that it will not exceed eight feet in height and that it will be located outside of the right-of-way dedication area for Powder Mill Road (MD 212).
4. Prior to final disposition of the case, the existing mobile home on the property shall either be certified as a nonconforming use by the Planning Board and/or the District Council or be removed from the site and landscape plans.