

RESOLUTION

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 October 26, 2006 regarding Detailed Site Plan DSP-02034/05 for Rite Aid Largo Commons, the Planning Board finds:

1. **Request:** The subject application is for approval of a detailed site plan for a 14,564 square foot drug store, on a portion of Lot 2, Block C of Capital Commerce Park.

2. **Development Data Summary:**

	Existing	Proposed
Zone	I-3	I-3
Use	Vacant	Drug Store
Gross tract area Lot 2, Block C (Acre)	10.94	10.94
Gross tract area of this DSP (Acre)	1.93	1.93
Square Footage/GFA	0	14,564
	Required	Provided
Parking	79	79
Loading	2	2

3. **Location:** Lot 2, Block C is located in Council District 6, Planning Area 73 and Election District 13. More specifically, the project is located in the northwestern quadrant of the intersection of Arena Drive and Landover Road (MD 202).

4. **Surroundings and Use:** The proposed project is bounded to the north by vacant land; to the east by vacant land with a detailed site plan (DSP-02034/04) approved on it for a restaurant, Brian Mitchell's Crab Cafe; to the west by vacant land with a detailed site plan (DSP-02034/03) approved on it for a bank (Wachovia); and to the south by Landover Road (MD 202), with vacant land, and a residential subdivision beyond.

5. **Previous Approvals:** The property was the subject of Preliminary Plan of Subdivision 4-89129 approved by the Planning Board on August 3, 1989. The resolution of approval, PGCPB Resolution 89-407, was then adopted by the Planning Board, formalizing the action, on August 3, 1989. The property is also the subject of record plat NLP 150@83. The property was then the subject of a detailed site plan approvals DSP-02034-DSP-02034/04. Lastly, the site received stormwater management concept approval 19145-2006-00 from the Department of Environmental Resources on May 28, 2006. Such approval will expire on May 28, 2009.

6. **Design Features:** The application involves a 1.93 acre portion of a larger 10.94 acre tract known as the Capital Commerce Park. The park is operated under a condominium regime. The site is proposed to be accessed via two driveways from a 30-foot private right-of-way internal to the larger development at either end of the site's road frontage. The access drives lead to the parking area containing the required 79 spaces that surrounds the proposed Rite-Aid Pharmacy on three sides. A drive-through window and a trash area are provided at the rear of the building. The entrance to the building is located on its southeastern corner and is visible from Arena Drive. Architecture for the building includes minimal articulation of facades and use primarily brick as an architectural finish material. Glazing and signage are most articulated at the southeast corner of the building where the front entrance is located. Applicant has submitted a signage plan that includes wall and directional signage and a single monument sign measuring 50 inches high and 48 inches wide and resting on a brick base.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject project is in compliance with Section 27-473 of the Zoning Ordinance regarding permitted uses in industrial zones and with Section 27-474 of the Zoning Ordinance regarding the various applicable regulations in the I-3 zone, with the following exception: the site plan does not comply with Section 27-411(f)(2), which requires that not more than 25 percent of any parking lot be located in the yard to which the building's main entrance is oriented. The applicant claims that approximately 37 percent of the parking is located in the front yard. Section 27-411(f)(2) allows the Planning Board to approve an additional 15 percent, beyond the 25 percent allowed by right. Should the Planning Board approve the site plan as presented, it would also be approving that additional allowance and at such time, the application could be deemed in full compliance with the requirements of the Zoning Ordinance.
8. **Preliminary Plan of Subdivision 4-89129:** The property is subject to requirements of Preliminary Plan of Subdivision 4-89129, approved by the Planning Board on August 3, 1989. The resolution of approval, PGCPB Resolution 89-407, was then adopted by the Planning Board on August 3, 1989. The property is also the subject of record plat NLP 150@83. The following conditions contained in the resolution of approval are applicable to the subject project. Staff's comments follow the listing of each relevant condition:

1. **Compliance with all conditions of approved SP-87168/01, and conformance with SP-87168/01.**

Comment: Staff has reviewed the proposed project against the requirements of the approval of the most recently approved conceptual site plan CSP-87168/01 and found it generally in conformance.

3. **Development of this site must be in accordance with the approved Conceptual Stormwater Management Plan CSD 87288.**

Comment: In comments dated June 6, 2006, the Department of Environmental Resources (DER) stated that the site plan for DSP-02034/05 is consistent with approved Stormwater Concept 19145-2006. A recommended condition below would require that, prior to signature approval, the applicant procure a statement from DER that consistency with the approved Stormwater Management Concept 19145-2006 implies consistency with CSD 87288.

5. **Development shall be limited to 300,000 square feet of general office development or any other amount of development, which would generate no more than 580 AM peak hour vehicular trips and 537 PM peak hour vehicular trips.**

Comment: In a memorandum dated August 31, 2006, the Transportation Planning Section stated that the subject plan conforms to the transportation requirements of Preliminary Plan of Subdivision 4-89129.

6. **The Arena Drive reconstruction as a six-lane divided roadway shall be completed and maintenance responsibility accepted by the Prince George's County Department of Public Works and Transportation prior to the extension of Apollo Drive to Arena Drive.**

Comment: This condition has been complied with.

7. **Prior to the issuance of any building permits on this site, the applicant shall agree to pay for and install a traffic signal at the intersection of Technology Way and MD 202 if the Arena Drive reconstruction as a six-lane roadway is not completed, and if deemed necessary to the State Highway Administration.**

Comment: Such traffic signal has been installed at the time of writing of this report.

9. **Record Plat NLP 150@83:** Record Plat NLP 150@83 contains four notes. Each note of the subject approval is listed below, followed by staff's comments.

Plat Note 1 requires conformance to the approved and any revised/amended site development plans.

Comment: Staff has reviewed the subject plan against the requirements of prior approved site development plans and finds it substantially in conformance.

Plat Note 2 requires that development conform to the "Traffic Conditions" of Resolution 89-407 (4-89129).

Comment: In a memorandum dated August 31, 2006, the Transportation Planning Section stated that the subject project conforms to the transportation-related requirements of approved Preliminary Plan 4-89129.

Plat Note 3 denies access to Landover Road (MD 202) and Arena Drive.

Comment: The subject project is accessed from a private internal street, not from Landover Road (MD 202) and Arena Drive.

Plat Note 4: “The architectural plan submitted for building permit application for the development of this site shall comply with the following requirements:

- “a. Address the provision of specific up-to-date security hardware such as adequate deadbolt locks.
- “b. Any breaking and entering, thefts or vandalism at the construction site shall be reported immediately upon the knowledge of such crimes. Construction equipment/trailers shall be in a central location and fenced. Subsequent to any breaking or entering, the developer or builder shall be required to fully alarm all points of access (windows and doors) to the construction office/trailer’s, and implement any reasonable crime prevention measures recommended by the Police Department to help prevent future occurrences.
- “c. Ground floor units of the office building shall be alarmed with adequate intrusion alarms. Consideration should be given to individual alarms for individual suites.
- “d. All appliances, electrical fixtures, carpeting, plumbing fixtures, and cabinets shall be stored in secured construction trailers or in secured buildings.”

Comment: Recommended condition i(i-iv) below ensures that notes regarding the above will be placed directly on the detailed site plan and will be enforced at time of building permit.

10. **Prince George’s County Landscape Manual:** The project is subject to the requirements of Section 4.3a, Section 4.3b, and Section 4.3c of the Landscape Manual. Staff has reviewed the project against the requirements of the applicable sections of the manual and suggested recommended conditions below that would bring the project into full compliance with the requirements of the Landscape Manual.
11. **Woodland Conservation and Tree Preservation Ordinance:** The property is subject to the provisions of the Woodland Conservation Ordinance because the gross tract area is greater than 40,000 square feet; there are more than 10,000 square feet of existing woodland on the site; and there is a prior tree conservation plan approval for the site (TCPII/23/95). Type II Tree Conservation Plan TCPII/23/95 was approved in conjunction with DSP-94045 for the proposed construction of a Caldor Department store on this site. That TCPII was later revised in conjunction with the Detailed Site Plan for Infrastructure, DSP-02034.

Type II Tree Conservation Plan TCPII/23/95-03, as most recently revised on December 22, 2003, addresses the requirements of the Woodland Conservation Ordinance. The 10.94 acre property with

a net tract of 8.96 acres has a Woodland Conservation Threshold of 1.34 acres (15 percent). The amount of required woodland conservation based on the amount of clearing approved is 5.17 acres.

The TCPII has proposed to meet the requirement with 0.5 acres of on-site preservation and 4.67 acres of off-site mitigation, which meets the requirement of the Woodland Conservation Ordinance.

12. **Conceptual Site Plan CSP-87168/01 and its subsequent revisions**—Staff has reviewed the subject project against the requirements of CSP-87168/01 and found it to be substantially in compliance except for the need to who the landscaping in the 30-foot-wide landscape yard along Arena Drive.
13. **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 June 21, 2006, the Historic Preservation Planning Section stated that the proposed project would have no effect on historic resources.

Archeological Review—In comments dated June 30, 2006 the staff archeologist stated that she would not recommend a Phase I archeological survey for the subject property, as a search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicated that the probability of finding archeological sites is low. She noted however, that Section 106 review may require an archeological survey for state or federal agencies. Lastly, she noted that Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties, including archeological sites, where federal monies, properties, or permits are required for a project.

Community Planning—In a memorandum dated June 5, 2005, the Community Planning Division stated that the application is not inconsistent with the 2002 *Prince George's County Approved General Plan* Development Pattern policies for the Developing Tier and that the application conforms to the land use recommendations of the relevant master plan.

Transportation—In comments dated August 31, 2006, the Transportation Planning Section offered comments on transportation-related conditions of the preliminary plan of subdivision 4-89129, conditions 4, 5, 6 and 7. They stated that the applicant was clearly in conformance with conditions 4 (prohibiting ingress/egress to MD 202 and Arena Drive), 6 (that Arena Drive be constructed as a six-lane divided roadway prior to any connection via Apollo Drive) and 7 (requiring that a traffic signal be installed at MD 202 and Technology Drive). With respect to condition 5, which requires that development conform to the trip cap, the Transportation Planning Section, noting that many trips generated by the subject site would be shared with other uses, found the application to be in conformance with the condition. In closing, they pointed out that further development on the site would require the approval of a new preliminary plan of subdivision for the sole purpose of increasing the PM trip cap for the site.

Subdivision—In a memorandum dated June 13, 2006, the Subdivision Section stated that the property is the subject of Preliminary Plan 4-89129, approved by the Planning Board on August 3, 1989. The resolution of approval, PGCPB Resolution 89-401, was adopted on August 3, 1989. The property is the subject of record plat NLP 150@83 and is known as Capital Commerce Park, Lot 2, Block C. They stated that the detailed site plan as submitted, is not in conformance with the approved preliminary plan. They said that the detailed site plan appears to be part of lot 2, not the approved 10.94 acres, which is reflected on record plat NLP 150@83. They stated that the applicant must demonstrate the legal division of the lot or the applicant must include all of Lot 2 and label the bearings and distances. Further they stated that the approved preliminary plan does not provide for a private road with access to Apollo Drive and that the applicant must identify under what authority they are proposing the private road access. With respect to the particular conditions of PGCPB Resolution 89-407, they offered the following:

That conditions 1, 3, 5, 6, and 7 of the preliminary plan are relevant to the subject project and that conditions 5–7 should be referred to the Transportation Section for conformance.

With respect to record plat NLP 150@83, staff stated that notes 1, 2, 3, and 4 apply to the subject project. Please see findings 8 and 9 for a more detailed review of these requirements. The subdivision staff's concerns were alleviated by understanding that the development was set up as a condominium regime, with an approved private road.

Trails—In a memorandum dated August 4, 2006, the Senior Trails Planner stated that the Approved Sector Plan and Sectional Map Amendment for Morgan Boulevard and Largo Town Center Metro Areas designates Arena Drive as a master plan trail corridor, which has been implemented in part as eight-foot concrete sidewalks in front of the FedEx Field site and several other locations. Noting that the even more proximate planned Wachovia Bank and Brian Mitchell Crab House both include an eight-foot sidewalk along Arena Drive, with standard sidewalks recommended along other road frontages, the Senior Trails Planner made a similar recommendation for the subject site. Such recommendations have been included as conditions below. He suggested that the required sidewalk be placed within the public right-of-way unless modified by DPW&T.

Permits—In a memorandum dated June 2, 2006, 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 a memorandum dated May 31, 2006, the Environmental Planning Section offered the following:

- a. A detailed forest stand delineation (FSD) was submitted and approved during the review of Detailed Site Plan SP-94045.

Discussion: No further information with respect to the detailed forest stand delineation is required with this application.

- b. This property is subject to the provisions of the Woodland Conservation and Tree Preservation Ordinance because the gross tract area is greater than 40,000 square feet; there are more than 10,000 square feet of existing woodland on-site; and there is a prior tree conservation plan approval for this site (TCPII/23/95). Type II Tree Conservation Plan TCPII/23/95, was approved in conjunction with DSP-94045 for the proposed construction of a Caldor department store on this site. That TCPII was later revised in conjunction with the Detailed Site Plan for Infrastructure, DSP-02034.

Type II Tree Conservation Plan TCPII/23/95-03, as most recently revised on December 22, 2003, addresses the requirements of the Woodland Conservation Ordinance. This 10.94 acre property with a net tract of 8.96 acres has a Woodland Conservation Threshold of 1.34 acres (15 percent). The amount of required woodland conservation based on the amount of clearing approved is 5.17 acres.

The TCPII has proposed to meet the requirement with 0.50 acres of on-site preservation and 4.67 acres of off-site mitigation, which meets the requirements of the Woodland Conservation Ordinance.

Discussion: No further information regarding woodland conservation is required as part of this application.

- c. This site is located near the headwaters of Southwest Branch, which is a tributary to the Patuxent River. Section 24-101 of the Subdivision Ordinance provides the definition of the features of the Patuxent River Primary Management Area (PMA). The stream, wetlands, and 100-year floodplain that comprise the PMA appear to be correct based on a Jurisdictional Determination (JD) previously reviewed for this portion of the site. The previously approved preliminary plan of subdivision and site plan did not propose any protection for these features. There are valid permits from the U.S. Army Corps of Engineers and the Maryland Department of the Environment to permanently disturb these features. As part of this application valid wetland permits were submitted for informational purposes (Permit/Certification Number: 91-NT-01247/199261183, with an expiration date of July 23, 2007).

Discussion: No additional information is required with respect to the PMA and proposed PMA impacts.

- d. This property is located within a transportation-related noise impact zone due to its proximity to MD 202. However, the property is zoned I-3 and proposes commercial uses for the site, not residential uses that would be subject to a requirement for noise mitigation.

Discussion: No further information is required with respect to the transportation-related noise impacts or for noise attenuation measures because no residential uses are proposed for this site and the state noise standards for commercial uses have been met.

Department of Environmental Resources (DER)—In comments dated June 6, 2006, DER stated that the site plan for Rite Aid at Largo Commons DSP-02034/05 is consistent with approved stormwater management concept approval number 19145-2006.

Fire Department—In a memorandum dated June 6, 2006, the Prince George's County Fire Department offered comment on required access for fire apparatuses, the design of private roads, fire lanes and the location and performance of fire hydrants.

Department of Public Works and Transportation (DPW&T)—In a memorandum dated May 25, 2006, DPW&T stated that:

- Right-of-way dedication in accordance with DPW&T's urban arterial road standards would be required for Arena Drive;
- A street construction permit was issued for the frontage of arena Drive;
- The permit was revised to increase the proposed sidewalk width along the frontage from five feet as shown on the existing permit plan to eight feet in order to bring the plans into conformance with a prior Maryland-National Capital Park and Planning Commission M-NCPPC) resolution;
- The proposed sidewalk will have six feet of green space between the existing curb and the proposed sidewalk;
- An easement for the proposed sidewalk will be required along the site frontage;
- Sidewalks would be required within the property limits in accordance with Sections 23-105 and 23-135 of the County Road Ordinance.
- All storm drainage systems and facilities are to be in accordance with DPW&T's and the Department of Environmental Resources' requirements.

Washington Suburban Sanitary Commission (WSSC)—In a memorandum dated September 27, 2006, the Washington Suburban Sanitary Commission stated that water and sewer is available to the site, that an onsite plan review package had been submitted, and that the applicant should apply for plumbing permits for the project.

Maryland State Highway Administration (SHA)—In a letter dated June 8, 2006, SHA stated that they had no objection to Detailed Site Plan DSP-02034/05.

14. As required by Section 27-285(b), 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/23/95-03) and further APPROVED Detailed Site Plan 02034-05 for the above-described land, subject to the following conditions:

1. Prior to signature approval of the plans the following revisions shall be made to the plans or the following additional materials shall be submitted:
 - a. The landscape schedules shall be revised to demonstrate conformance to Sections 4.3 a, 4.3 b, and 4.3 c and the plans shall be revised accordingly.
 - b. The dumpster enclosure details shall be revised to indicate the same brick color and material to be utilized on the main building.
 - c. A parking and loading schedule shall be provided demonstrating compliance with the requirements of Part 11 of the Prince George's Zoning Ordinance;
 - d. Dimensions from the building to all property lines, and dimensions for all requirements under the Landscape Manual, shall be shown on the site and landscape plans.
 - e. The detailed site plan shall include lot coverage and green areas, for the entire area of Lot 2, Block C, and shall be cumulative.
 - f. The plans shall be revised to provide a sidewalk along the east side of the entrance road from the internal drive, and a crosswalk to the sidewalk adjacent to the building, and a crosswalk from the sidewalk perpendicular to the wide sidewalk along Arena Drive.
 - g. Add an additional sheet to the plans that shows the entire Lot 2, Block C, with all appropriate bearings and distances.
 - h. In conformance with Plat Note 4 of the final plat, applicant shall:
 - i. Include information on the detailed site plan as to what type of specific up-to-date security hardware such as adequate deadbolt locks will be provided for the project.
 - ii. Applicant shall add a note to the plans stating that: "Any breaking and entering, thefts or vandalism at the construction site shall be reported immediately upon the knowledge of such crimes. Construction equipment/trailers shall be in a central location and fenced. Subsequent to any breaking or entering, the

developer or builder shall be required to fully alarm all points of access (windows and doors) to the construction office/trailer's, and implement any reasonable crime prevention measures recommended by the Police Department to help prevent future occurrences.”

- iii. Applicant shall add a note to the plans stating that ground floor units of the office building shall be alarmed with adequate intrusion alarms. Consideration should be given to individual alarms for individual suites.
 - iv. Applicant shall add a note to the plans stating that all appliances, electrical fixtures, carpeting, plumbing fixtures, and cabinets shall be stored in secured construction trailers or in secured buildings.
 - i. Applicant shall procure a statement from the Department of Environmental Resources that consistency with approved Stormwater Management Concept 19145-2006 implies consistency with CSD 87288.
 - j. The landscape plan shall be revised to show the 30-foot landscape buffer shown on CSP-87168/01 along Arena Drive and landscape strip in accordance with Section 4.3 (a) of the Landscape Manual.
2. Applicant shall provide an eight-foot wide sidewalk along the subject site's entire frontage of Arena Drive. This sidewalk shall be within the public right-of-way, unless modified by DPW&T.
 3. Applicant shall provide a standard sidewalk along the subject site's entire frontage of the existing private drive.

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 Clark, with Commissioners Eley, Clark, Vaughns, Squire and Parker voting in favor of the motion at its regular meeting held on Thursday, October 26, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 16th day of November 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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