Charles County Board of Appeals
Meeting of April 14, 2015

Department of Planning and Growth Management Staff Report

Project Name & Number: Waldorf Restaurant, Inc. – Board of Appeals - Docket #1325
Type of Project: Special Exception - Use 6.01.150 –Retail sales greater than 100,000 square feet on one floor. (Walmart Supercenter)

Prepared by Kirby R. Blass, Planning Division
For questions, contact the Planning Division at 301-645-0540

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I. Applicant & Project Information:

Applicant: Waldorf Restaurant, Inc., P.O. Box 2000, Gambrills, Maryland 21054

Property Owners: Waldorf Restaurant, Inc. / Chaney Properties, Inc., P.O. Box 2000, Gambrills, Maryland 21054

Developer: Wal-Mart Stores, Inc., 2001 Southeast 10th Street, Bentonville, Arizona 72716-0550

Plans Prepared By: Bowman Consulting Group, Ltd., 14020 Thunderbolt Place, Suite 300, Chantilly, Virginia 20151

Agent / Attorney: Richard R. Page Wyrough, Esq. and Edward C. Gibbs, Jr., Esq.

Specific Request: The Applicant is petitioning for a *Special Exception, pursuant to Articles XXV and XIII, and Use # 6.01.150* of the Charles County Zoning Ordinance to establish *Retail sales greater than 100,000 square feet on one floor in* the form of a Walmart. The proposed Walmart retail super store will be a one-story building consisting of approximately 184,015 square feet and an approximate 8,452 square foot open air garden center. The business will feature a variety of retail uses including, but not limited to, a grocery store section, a pharmacy, optometry services, a clothing section, a toy department, a gardening center, an automotive facility, and a food tenant, among other uses. Use 6.01.150 is permissible within the Transit Orientated Development (TOD) zone only via special exception approval from the Board of Appeals.

Subject Property: A proposed 20.01+/- acre lot (Lot 5) located within the larger 143.67 acre Waldorf Station development, encompassing Tax Map 8, Parcels 17, 26, 254, 339, and 588, within Grid 6 along the west/northwest side of Crain Highway in Waldorf, Maryland. On the associated Waldorf Station preliminary plan, XPN #12-0010, approved by the Planning Commission on September 22, 2014, the land area encompassing the proposed special exception use, is identified as Lot 5, comprising of approximately twenty (20.01+/-) acres within development District 'A'. Please note that in some older correspondence, such as the General Development Plan (GDP), the project is referred to as Waldorf Crossing.

Zoning: Transit Orientated Development (TOD) with Resource Protection Zone (RPZ) and Highway Corridor (HC) overlays.

Background / History of the Property: This special exception application is requested for a 20.01 +/- parcel of land, which is part of a larger 143.67 acre proposed mixed-use development known as Waldorf Station. A Decision and Order for the re-zoning of the development area to Transit Orientated Development (TOD) and the associated Master Plan: PDZA #00-07, along with findings of consistency of the Master Plan with the Transit Orientated Development (TOD) requirements of the Zoning Ordinance, were approved by the Charles County Commissioners on October 27, 2004, via the enactment of Bill #2004-08. The original Decision and Order of October 27, 2004 and the amended Decision and Order of December 8, 2009 conclude that the

Master Plan meets the requirements of the Comprehensive Plan, Zoning Ordinance, and purpose of the Transit Orientated Development (TOD) criteria. Copies of both Decision and Orders have been provided within the report materials as Exhibits A and B.

Potential approval of the requested special exception use should be based upon compliance with applicable requirements of Use 6.01.150 and the special exception criteria of Chapter 297-415 H., and not based upon whether or not proposed Walmart is a Transit Orientated Development (TOD) project, by itself or as part of the larger Waldorf Station development, as this determination was previously made by the County Commissioners in 2004 and reiterated again in 2009.

The Board of Appeals members are encouraged to reference the exhibits on pages 11, 12, and 13 of the conceptual Site Development Plan (SDP), submitted by Bowman Consulting, to see how the various transit components of the districts and parts of the overall plan fit together with this project as part of the future overall Transit Orientated Development (TOD) project.

Please be advised that there are three historic resources located on this property which are proposed for demolition prior to future site improvements being made: the Chaney Building, the Embassy Dairy, and the Waldorf Restaurant and Motel. Conditions of approval associated with these resources were applied at time of the Preliminary Subdivision Plan (PSP), XPN #12-0010, approval on September 22, 2014, and are incorporated herein as staff recommended conditions of approval numbers #2, #3, and #4, pertaining to the potential granting of the special exception use.

II. Environmental Characteristics:

The subject site contains a stream and associated Resource Protection Zone (RPZ), crossing through the northwestern section of the property. Disturbance to the RPZ is permitted for limited uses, outlined in Section §297-174, Zoning Ordinance. While it does not appear that any disturbances to the RPZ are being proposed beyond what is permissible under Section §297-174, approval of this Special Exception shall be conditioned upon the applicant being required to obtain a variance from the Board of Appeals for any disturbance not permitted by the Zoning Ordinance. Please reference staff recommended condition of approval #9.

Watershed:
This project is within the Mattawoman Creek Watershed.

Forest Conservation:
This project is subject to a Preliminary Forest Conservation Plan for the Waldorf Station subdivision, approved November 18, 2013. The property subject to this Special Exception contains a portion of proposed Conservation Area No. 4, in the northwest corner of the property, including a mixture of forest retention and reforestation.

Habitat Protection:
A habitat protection plan was not required for this project, based upon comments received from the Department of Natural Resources, Wildlife and Heritage Service. However, a portion of the property is subject the County's Resource Protection Zone, which provides a buffer to an existing stream in the northwest corner of the property.

III. Criteria for Approval and Findings:

The request for Special Exception #1325 was evaluated by staff based upon the standards set forth in Article XIII, §297-212, Use # 6.01.150, Retail sales greater than 100,000 square feet on one floor, and Article XXV, §297-415 of the Charles County Zoning Ordinance.

The principal issue is whether the proposed use is appropriate to the subject site, the surrounding properties, is consistent with the requirements of the Zoning Ordinance and the use meets the definition of Retail sales greater than 100,000 square feet on one floor.

IV. Minimum Zoning Requirements: (Findings by staff have been annotated in *italics*):

Per Article XIII, §297-212, the minimum standards for the use, 6.01.150, Retail sales greater than 100,000 square feet on one floor are as follows:

This use is permitted by special exception in the CC, CB, MX, **TOD**, and PUD Zones, subject to the following:

A. Site design and exterior architectural plans shall be reviewed and approved by SDAR upon the granting of a special exception by the Board subject to the following minimum site design and architectural design standards:

Please note that Special exception approval of Use 6.01.150, Retail sales greater than 100,000 square feet on one floor, by the Board of Appeals does not constitute final approval by Charles County Site Design & Architectural Review (SDAR). The formal SDAR review and approval process will take place at time of future Site Development Plan (SDP) application, if the requested special exception use is granted.

The Board of Appeals is encouraged to make recommendations or apply conditions of approval related to the exterior architectural design, which they determine as a body to be beneficial to the appearance or greater functionality of the building, or use in general, in relation to the criteria below.

Please note that only staff's findings are provided for the criteria below. The Applicant's responses to these criteria are provided within the associated Statement of Justification in Support of Special Exception Application / Waldorf Station, containing twenty-nine (29) pages, which has been included with the provided staff report materials for your review and consideration.

(1) Facades greater than one hundred feet in length, measured horizontally, shall incorporate wall plane projections or recesses with minimum two-foot depth, and in sufficient number, to reduce the unbroken massing into lengths of approximately 40 feet or less along all sides of the building.

Staff Finding:

Staff finds that the updated exterior architectural renderings for the Walmart, submitted by Perkowitz+Ruth Architects on October 29, 2014, satisfy the use criteria.

The four (4) façade walls incorporate several plane projections and recesses, all of which are at least the required minimum two-foot depth. The most prominent projections and recessed areas are identified along the front elevation where the entry vestibules project approximately 18' feet forward of the main facade wall, and adjacent to the garden center where a landscaped seating area with benches is proposed.

(2) The building design along any public street shall have arcades, display windows, entry areas, awnings or other such features along no less than 60% of its horizontal length.

Staff Finding:

Staff finds that the updated exterior architectural renderings for the Walmart, submitted by Perkowitz+Ruth Architects on October 29, 2014, satisfy the use criteria. The building design includes:

- *Display windows,*
- *Two central entry areas,*
- *Functional awnings on windows located along the main pedestrian routes of travel.*
- *Three decorative trellis features incorporated along the front and right elevations.*
- *At least twelve benches along the front and right elevations, and*
- *Substantial foundation landscaping beds around the perimeter of the building footprint.*

The front and right elevations face 'public streets' U.S. Route 301 and Mattawoman Drive respectively. These features are intended to be a catalyst in the creation of an inviting, urban atmosphere feel to the building. The rear elevation facing the proposed Western Parkway, also classified as a 'public street' will be supplied with:

- *Enhanced architectural detailing which accentuates the windows and roofline;*
- *Varying roofline heights and projections to screen the loading dock and compactor; and*
- *A masonry screening wall, with decorative fencing, that will include a heavily landscaped berm consisting primarily of flowering and evergreen species.*

The Waldorf Station Design Code, approved by the Planning Commission, has the following to say regarding entry areas to retail buildings in Section 8.3 Retail Entries on page 52 by stating:

- *"Customer entries should clearly identify the building entrance in the facade design. Entrances also create architectural focal points and break up large facades. On larger buildings, multiple entrances reduce walking distances from cars, facilitate pedestrian and bicycle access from public sidewalks, and provide convenience where certain entrances offer access to individual stores, or identified departments in a store. Entryway design elements and variations should give orientation and aesthetically pleasing character to the building".*

Staff Finding:

Currently three entry points are identified as the Market, Home & Pharmacy, and Outdoor Living / Garden Center areas along the front façade. These entry areas are defined by enhanced architectural detailing including transparent glass vestibules, and in the case of the Outdoor Living / Garden Center ornamental metal fencing. The inclusion of multiple entrances reduces the walking distances required from cars and facilitates pedestrian and bicycle access from public sidewalks.

To mitigate the fact that there is no customer entry proposed along the right elevation of the building, where substantial parking area is proposed, the Applicant has proposed a defined pedestrian travel way which includes a minimum 8' foot wide sidewalk, metal awnings, and two (2) trellis structures, to provide pedestrian comfort and direct them to the multiple entries provided along the front façade.

Staff had conversations with the Applicant regarding the inclusion of an entry area along the right elevation; however the Applicant indicated that such an entry area was not desirable / feasible due to interior layout concerns.

(3) Building facades must include no fewer than two of the following elements:

(a) Color change;
(b) Texture change;
(c) Wall off-sets, reveals or projecting ribs.

Staff Finding:

Staff finds that the updated exterior architectural renderings for the Walmart, submitted by Perkowitz+Ruth Architects on October 29, 2014, satisfy the use criteria.

The building facades include color and texture changes, as well as wall off-sets as specified in the use criteria. The predominant building colors are earth tones. These colors include 'Autumn Blend', 'Heritage Blend', and 'Marlous Blend' Quik-Brik concrete masonry. Texture changes are provided via the use of cultured stone - country ledgestone 'Echo Ridge', Eifs cornices and window framings, and split face concrete masonry units (CMU's). Each façade wall includes a combination of each color and texture change. Wall off-sets / projections are each provided with a different color of the Quik-Brik concrete masonry to add visual interest and depth to the building.

Per the approved Waldorf Station Design Code 4.7 Materials, "Building materials shall be of a good quality and durable to reduce the amount of maintenance and expense required over time" and 4.8 Colors, "Creative use of color is encouraged as a means to create a distinctive appearance and identity for individual businesses and residential villages...Predominant building field colors are encouraged to be earth tones or light pastel colors. Consideration should be given to the use of natural colors in concrete, brick and stone rather than bright hues. Specific exterior facade colors palettes shall be established for use in certain areas of the WSTOD or for use throughout Waldorf Station to create the "distinctive identity" and "memorable gateway" appearance".

Since the Walmart application is the first application for the entire Waldorf Station development, determining and agreeing upon an attractive color scheme for this expansive building is very important as a model and a reference for future tenants / other large scale uses within the development as it continues to grow into the future.

(4) The roof design shall provide variations in roof lines and add interest to, and reduce the massive scale of, large buildings. Roofs shall include two or more roof planes. Parapet walls shall be architecturally treated to avoid a plain, monotonous look.

Staff Finding:

Staff finds that the updated exterior architectural renderings for the Walmart, submitted by Perkowitz+Ruth Architects on October 29, 2014, satisfy the use criteria.

The proposed roof design provides variations in the roof lines and adds interest to, and reduces the massive scale of, the expansive building. The roof includes at least two planes and the parapet walls are architecturally treated to blend with the façade. Eifs cornices are provided on all rooflines to soften the transition from one roofline to another along each façade wall.

Staff had conversations with the Applicant regarding the inclusion of more substantive roof line variations, particularly above the customer entries along the front façade; however the Applicant expressed hesitation in doing so. Their position is that such modifications would not be beneficial to the overall appearance of the building as currently designed and that the roof-lines as proposed satisfy the use criteria as written.

(5) Mechanical equipment shall be screened to views in all directions. If roof-mounted, the screen shall be designed to conform architecturally to the design of the building either with varying planes or with parapet walls.

Staff Finding:

Providing screening of mechanical equipment from view in all directions is an understood and agreed upon requirement.

- *Roof-mounted mechanical equipment will be installed behind sections of the exterior facade which contain parapet walls blocking their view from all directions surrounding*

the building.

Compliance with this condition will be verified at time of future official SDAR application.

(6) Loading docks, outdoor storage must be screened from adjacent properties, and materials, textures, colors and design of fences, walls, and screening shall be compatible with on-site development, adjacent properties, and the neighborhood.

Staff Finding:

Providing screening of the loading dock area and outdoor storage is an understood and agreed upon requirement.

The loading dock area is located in the rear of the building and, per the Applicant, will be substantially screened from view via:

- *10' foot high walls, the inclusion of a heavily landscaped berm along the proposed Western Parkway and two long sections of retaining wall set into the adjacent slope.*
- *The textures, colors, and design of the loading dock screening and retaining walls will be coordinated with the overall building design.*
- *The heavily landscaped berm along the proposed Western Parkway will include a larger than required number of evergreen species to ensure that year-round screening is provided.*
- *Various species of fast growing evergreen trees and shrubs. The evergreen trees will be 6' feet - 8' feet tall at time of planting and located at or near the top of the berm for greater immediate screening.*
- *The outdoor storage area will be surrounded and screened by decorative metal fencing. Numerous planter areas / planting beds will be provided along the front and left elevation of the building where the outdoor storage / garden center is proposed. These planter areas / planting beds will provide additional screening and visual interest to that section of the building.*

  These details and the acceptable species and quantities of plantings to be provided will be verified and further refined at time of future Site Development Plan (SDP) application. Please reference staff recommended condition of approval #5.

(7) Areas for outdoor sales of products may be permitted if they are extensions of the sales floor into which patrons are allowed free access. Such areas shall be incorporated into the overall design of the building, and the landscaping shall be permanently defined and screened with walls and/or fences. Materials, colors and design of screening walls and/or fences shall conform with those used as predominant materials and colors on the building. If such areas are to be covered,

then the covering shall be similar in materials and colors to those that are predominantly used on the building facade. Outdoor sales areas shall be considered as part of the gross floor areas of the retail establishment. Outdoor storage of products in an area where customers are not permitted is prohibited. This prohibition includes outdoor storage sheds and containers.

Staff Finding:

Staff does not object to the requested outdoor sales area / Garden Center, as it meets the established criteria of this condition. The Garden Center is proposed by Walmart as an extension of the main sales floor into which patrons have free access.

The Garden Center will be:

- *Incorporated into the overall design of the building.*
- *Screened with decorative columns, metal fencing, and numerous planter beds along the perimeter.*

  Per the Applicant, no outdoor storage of products, outdoor sheds or containers are proposed on the site. Bale and pallet storage is provided at the rear of the property solely for operational purposes (e.g. waste) and is screened with walls and fencing to match the building. The Garden Center will not be covered by a roof; however the front portion will be covered by a fabric canopy.

  SDAR will ensure that the canopy is in keeping with the overall design of the building.

(8) Pedestrian sidewalks, no less than eight feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be located at least six feet from the facade of the building to provide planting beds for foundation landscaping except where features such as display windows, arcades or entryways are part of the facade.

Staff Finding:

Providing pedestrian sidewalks along the full length of the building along any facade featuring a customer entrance is an understood and agreed upon requirement.

Pages 4 and 6 of the conceptual Site Development Plan (SDP), submitted in conjunction with the special exception application, illustrate the inclusion of:

- *Pedestrian sidewalks along the front, left, and right elevations in varying 8' foot and 12' foot widths.*
- *Numerous planting beds for foundation landscaping.*

Compliance with this condition will be verified at time of future Site Development Plan (SDP) application.

(9) All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low-maintenance surface materials such as pavers, bricks or scored concrete to enhance pedestrian safety and comfort.

Staff Finding:

Providing durable, low maintenance surface materials for all internal pedestrian walkways is an understood and agreed upon requirement, in order to enhance pedestrian safety and comfort.

The conceptual Site Development Plan (SDP) submitted in conjunction with the special exception application, illustrates the inclusion of:

- *Pavers, brick or concrete pedestrian walkways.*

  Per the Applicant, the pedestrian crosswalks will be constructed with and defined by pavers, brick or concrete.

  Compliance with this condition will be verified at time of future Site Development Plan (SDP) application.

In summary, based upon the application materials submitted for review, it is Staff's finding that the Applicant has satisfied the minimum Use #6.01.150 approval criteria (1) through (9) as detailed in this report.

B. Any building which is expanded to 100,000 square feet or more on one floor shall be subject to a special exception and shall meet the requirements stated in Subsection A above.

Per Article XXV, §297-415, H, the Board of Appeals shall grant a special exception when, from a preponderance of the evidence of record, the proposed use:

Please note that only staff's findings are provided for the criteria below. The Applicant's responses to these criteria are provided within the associated Statement of Justification in Support of Special Exception Application / Waldorf Station, containing twenty-nine (29) pages, which has been included with the provided staff report materials for your review and consideration.

(1) Will not be detrimental to or endanger the public health, safety and general welfare.

Staff finds that based upon the application materials submitted for review; that the proposed use will not be detrimental to or endanger the public health, safety and general welfare. The use will be subject to compliance with all applicable County, State, and Federal regulations, including, but not limited to, the following local regulations: Charles County Zoning Ordinance, Grading and Sediment Control Ordinance, Road

Ordinance, Storm Water Ordinance, Forest Conservation Ordinance, and Floodplain Ordinance.

(2) Is a permissible special exception in the zone.

Staff finds that Use 6.01.150, Retail sales greater than 100,000 square feet on one floor, is a permissible use within the Transit Orientated Development (TOD) zone via special exception approval from the Charles County Board of Appeals.

(3) Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood.

Staff finds that based upon the application materials submitted for review; that the proposed use will not be detrimental to the use, peaceful enjoyment, economic value or development of the surrounding properties or the general neighborhood. It is located within a larger Transit Orientated Development (TOD) project and not adjacent to any existing residential neighborhood.

(4) Complies with the standards and requirements set forth in Article XIII.

Staff finds that based upon the application materials submitted for review; that the proposed use complies with the standards and requirements set forth in Article XIII.

(5) Will cause no objectionable impact from traffic, noise, type of physical activity, fumes, odors, dust or glare.

Resource and Infrastructure Management (RIM) staff findings in regards to objectionable impact from traffic:

The Applicant performed traffic analyses similar to what will be required at time of Site Development Plan (SDP) Application.

The Applicant analyzed the future function of the three(3) proposed Walmart site access points where they intersect with US Route 301, (see A, B, C below) in addition to a fourth intersection (US 301 at Substation Rd).

(A) <u>US Route 301 at the southernmost access road "Passage Place"</u>
A planned Right-In-Right-Out intersection, which minimizes turning movements to southbound right turns in and out only. Current traffic analyses project satisfactory levels of service, with the basis that Developer improvements to the intersection are constructed. The improvements are an additional US 301 Southbound through lane.

(B) <u>US 301 at the central access road "Portal Place"</u>
A Right-In-Right-Out intersection, plus US 301 Northbound left turns from the US 301 median. Current traffic analyses project satisfactory levels of service, with the basis that Developer improvements to the intersection are constructed. The improvements are (a)

an additional US 301 Southbound through lane, and (b) US 301 northbound Median Left turn, and channelization which prohibits left turns out of Portal Place

(C) US 301 at Mattawoman Drive (northern access road)
A 4-way signalized intersection. Current traffic analyses project satisfactory levels of service, with the basis that Developer improvements to the intersection are in place. The improvements are: (a) an additional US 301 Southbound through lane; (b) a second left turn lane in US 301 northbound and southbound directions, and associated traffic signal alterations; and (c) Eastbound Mattawoman Drive three (3) lane approach (rights, thru, lefts)

(D) US 301 at Substation Road:
A 3-way half-signalized intersection. Current traffic analyses project satisfactory levels of service, with the basis that Developer improvements to the intersection are in place. The improvements are an additional US 301 Southbound through lane.

The Applicant has shown through the traffic analyses filed with this Application, that the use will not cause objectionable impacts to traffic.

Staff additionally finds that based upon the application materials submitted for review; that the use will not cause objectionable impact from noise, type of physical activity, fumes, odors, dust or glare. The proposed use will be located within a neighborhood dominated by intense commercial development along both sides of US Route 301.

(6) Will provide adequate utilities, water, sewer or septic system, access roads, storm drainage and/or other necessary public facilities and improvements. If a use requires an adequate public facilities review by the Planning Commission, such review shall be made a condition of the granting of the special exception by the Board.

Resource and Infrastructure Management (RIM) staff finds that the site plans to have access through three (3) roadways, Passage Place, Portal Place, and Mattawoman Drive Extension, all which intersect with US Route 301. All three (3) roadways then intersect with "Pullman Place", parallel to and approximately 250 feet from US Route 301. The Applicant has shown through the current traffic analyses that by splitting the site traffic amongst the three (3) access roads, and based upon the road and access improvements proposed, the proposed Walmart will be provided with adequate access roads.

The use does require an adequate public facilities review by the Planning & Growth Management Department as part of a Site Development Plan (SDP) application. The APF Review requires the Applicant submit a Traffic Impact Study. That study will need to comply with all Ordinance standards and APF Manual Guidelines, including but not limited to the provision of new traffic counts, which are less than one-year old. A Preliminary Adequate Public Facilities (PAPF) Application is required prior to that submittal, in order to determine the scope (surrounding intersections and roads to analyze) of the study. Please reference staff recommended condition of approval #17.

(7) Will provide adequate ingress and egress and be so designed as to minimize traffic congestion in the public streets.

Resource and Infrastructure Management (RIM) staff finds that based upon the current traffic analyses of the three (3) access roads where they intersect with US Route 301, plus analyses of the US 301 at Substation Road intersection, and based upon all Developer intersection and road improvements, the Applicant has shown that adequate ingress and egress will be provided, and that the site is so designed to minimize traffic congestion in the public streets.

(8) Is in accordance with the objectives of the Charles County Comprehensive Plan.

Community Planning staff has reviewed the subject application for consistency with the objectives of the 2006 Charles County Comprehensive Plan as required under § 297-415(H)(8) of the County Zoning Ordinance and has the following findings.

Land Use

- *The subject Special Exception use is located in an area designated as Mixed Use District in the 2006 Comprehensive Plan. The intent of the Mixed Use Districts is "to encourage a mix of medium to high density residential, business and employment uses in a compact, well-designed, pedestrian-friendly environment" (page 3-12). Staff finds that the proposed Special Exception use is a part of a larger mixed use TOD development and that the proposed design is in a pedestrian-friendly environment, with pedestrian pathways that provide ample interconnections within the site and to adjoining sites. While the proposed Special Exception use does not provide a design as compact as would be intended for these areas, staff also recognizes that this site is part of a larger approved Planned Development Zone which has previously approved development restrictions and conditions, thus it is necessarily limited as to the amount of density it can reasonably provide on this site.*

Parks, Recreation & Open Space

- *Community Planning finds that the proposal is generally consistent with the Parks, Recreation & Open Space element of the Comprehensive Plan in that it includes pedestrian connections and community parks.*

Community Development

- *The purpose of the Community Development element of the Comprehensive Plan is to help maintain and enhance community character for different areas of the county. Community character is the overall combination of characteristics that distinguishes a community or place from other places. This could include improved design quality as well as integration of individual developments with other neighborhoods and communities. The element further establishes an overall vision for community character in the Urban Core of the Development District (page 13-4), where the proposed Special*

Exception use is located. Some of the main concepts for urban areas are:

- *Compact areas with public and private uses within walking distance;*
- *Center of the community having a distinct character or theme;*
- *Areas of vitality and diversity, including a mix of commercial, office, residential, public institutional and park uses, which contribute to the concept of community center;*
- *Urban character and feel with abutting buildings and smaller setbacks, all organized around a system of city blocks with sidewalks and a formal streetscape.*

- *Furthermore, the subject site is located in an area considered a gateway into the county. The Community Development element emphasizes the importance of gateway character.*

- *Staff finds that the proposed project is generally consistent with regards to Community Development in that it provides community recreational amenities and ample pedestrian connections, and is part of a larger mixed-use planned development which will have an integrated design. In addition, the applicant has stated that gateway elements will be provided in a more appropriate area on the overall TOD development site. While this particular site lacks a compact urban development pattern, staff recognizes that the site is part of a larger approved Planned Development Zone which has previously approved development restrictions and conditions, thus it is necessarily limited as to the amount of density it can reasonably provide on this site.*

Waldorf Sub Area Plan

- *The subject property is designated as an Opportunity Mixed Use Area in the Waldorf Sub Area Plan. Opportunity Mixed Use Areas are creative mixed use areas with community-enhancing features that could include art, recreation, or entertainment, and are meant to discourage strip development. The comments and findings for the proposal's consistency with the Waldorf Sub Area Plan are similar to the comments for the Comprehensive Plan above:*

    - *The proposal generally meets the intent of an Opportunity Mixed Use Area. While the project design lacks a compact urban development pattern, staff recognizes that this site is part of a larger approved Planned Development Zone which has previously approved development restrictions and conditions, thus it is necessarily limited as to the amount of density it can reasonably provide on this site.*

(9) Conforms to the applicable regulations of the zone in which it is located and to the special requirements established for the specific use.

Staff finds that based upon the special exception application materials submitted for review and the approved Decision and Order (PDZA #00-07), including the findings and conclusions in that document, that the proposed use conforms to the applicable regulations and regulatory criteria as related to the Transit Orientated Development (TOD) zoning district. Compliance will be verified at time of future Site Development Plan (SDP) stage.

V. Recommendation & Proposed Conditions of Approval:

As documented within the staff report, staff finds that the requested special exception application for use 6.01.150, retail sales area greater than 100,000 square feet on one floor, complies with the criteria as outlined and therefore we recommend approval with the following **Conditions of Approval** for the purposes of adequately and completely addressing requirements of the Zoning Ordinance:

1. The Applicant must submit a Site Development Plan (SDP) application for review and approval by all appropriate County and State agencies in accordance with all applicable regulations.

2. Prior to demolition, the developer, at their expense, will gently lower the "Waldorf Restaurant" sign, and will allow Charles County Government to remove architectural artifacts, at the County's expense, per the list to be provided to the developer by January 1, 2015 for long term preservation.

3. The developer, in consultation with Historic Preservation Commission Staff, will develop an interpretive panel on Waldorf as "Little Las Vegas" to be placed in the designated pocket park as per the Preliminary Subdivision Plan of Waldorf Station (XPN #12-0010).

4. The survey form for the Embassy Dairy will be strengthened in Section 8 per the recommendation of Historic Preservation Commission Staff.

5. At time of site development plan, the project shall provide enhanced screening, buffering, and plantings, including enhanced bufferyards, comparable to a 15' bufferyard 'D', and additional evergreens, above what is minimally required, along the sides and rear of the property. In addition, a landscaped berm shall be provided along the rear of the property to adequately screen the building from the proposed Western Parkway.

6. At time of site development plan, the project shall provide detailed urban amenities including landscaping, hardscaping, and furniture in the two community parks.

7. All subsequent site plans, plats, and permit drawings shall include the location of forest conservation easements and the Resource Protection Zone (RPZ) where the limits of disturbance are within 200 feet of these features per Appendix A(#27) of the Charles County Zoning Ordinance.

8. This project shall meet the requirements of the Parking and Landscaping Ordinances, Articles XX and XXI, Zoning Ordinance. The site plan included in the special exception application will need to be revised for consistency with these regulations at the time of Site Development Plan (SDP) approval.

9. A variance from the Board of Appeals will be required for any disturbance to the Resource Protection Zone (RPZ) that is not permitted under Section §297-174, Zoning Ordinance.

10. Per Section §297-357 H(2) of the Charles County Zoning Ordinance, non-native invasive plant species identified by the Maryland Department of Natural Resources Wildlife and Heritage Division are prohibited from being used to meet landscaping requirements. Therefore, the use of *Nandina Domestica*, shown on these drawings, or any other non-native invasive plants, will not be permitted to meet any landscape requirement.

11. The Special Exception is not an approval of the road system layout, cross-sections, entrance locations, intersection locations, intersection control, allowed turning movements, number and location of lanes, and trails. Any road and pedestrian improvements necessary to safely accommodate the first phase of development that includes the proposed Walmart will be substantially completed prior to issuance of a use and occupancy permit for Walmart.

12. During the site development plan stage, the applicant will demonstrate that the proposed roads will operate acceptably with the first phase of development including the proposed Walmart.

13. The access locations and allowed turning movements to the proposed Walmart project from Western Parkway must be approved by the Charles County Commissioners, and approval of a special exception will not grant approval of the intersections of Mattawoman Drive and Passage Place with Western Parkway.

14. Urban road standards in the Road Ordinance require the provision of a middle left turn lane on major collector roadways. The Applicant must provide a left turn lane at all entrances to Mattawoman Drive. Through traffic should not be assumed sharing a lane with left-turning traffic. This should be addressed in the detailed traffic study required which will be submitted during the future site planning process.

15. Special exception approval of Use 6.01.150, Retail sales greater than 100,000 square feet on one floor, by the Board of Appeals does not constitute final approval by Charles County Site Design & Architectural Review (SDAR). A March 12, 2014 letter from PGM Director Peter Aluotto advised Mr. Daniel Heil with Bowman Consulting that the official SDAR review and approval of the proposed Walmart exterior architecture and site design would not occur until such time that the associated Site Development Plan (SDP) is distributed for review to County Staff. At time of future SDP submittal the Applicant is required to submit a formal application to SDAR for approval consideration. At time of formal SDAR application, the exterior architectural appearance will be modified / revised as necessary in order to demonstrate compliance with the Use criteria 6.01.150 as well as the Waldorf Station Design Guidelines and Standards for commercial / retail development, which are required to meet and/or exceed the minimum criteria found within the Charles County Architectural and Site Design Guidelines and Standards (A.S.D.G.S.).

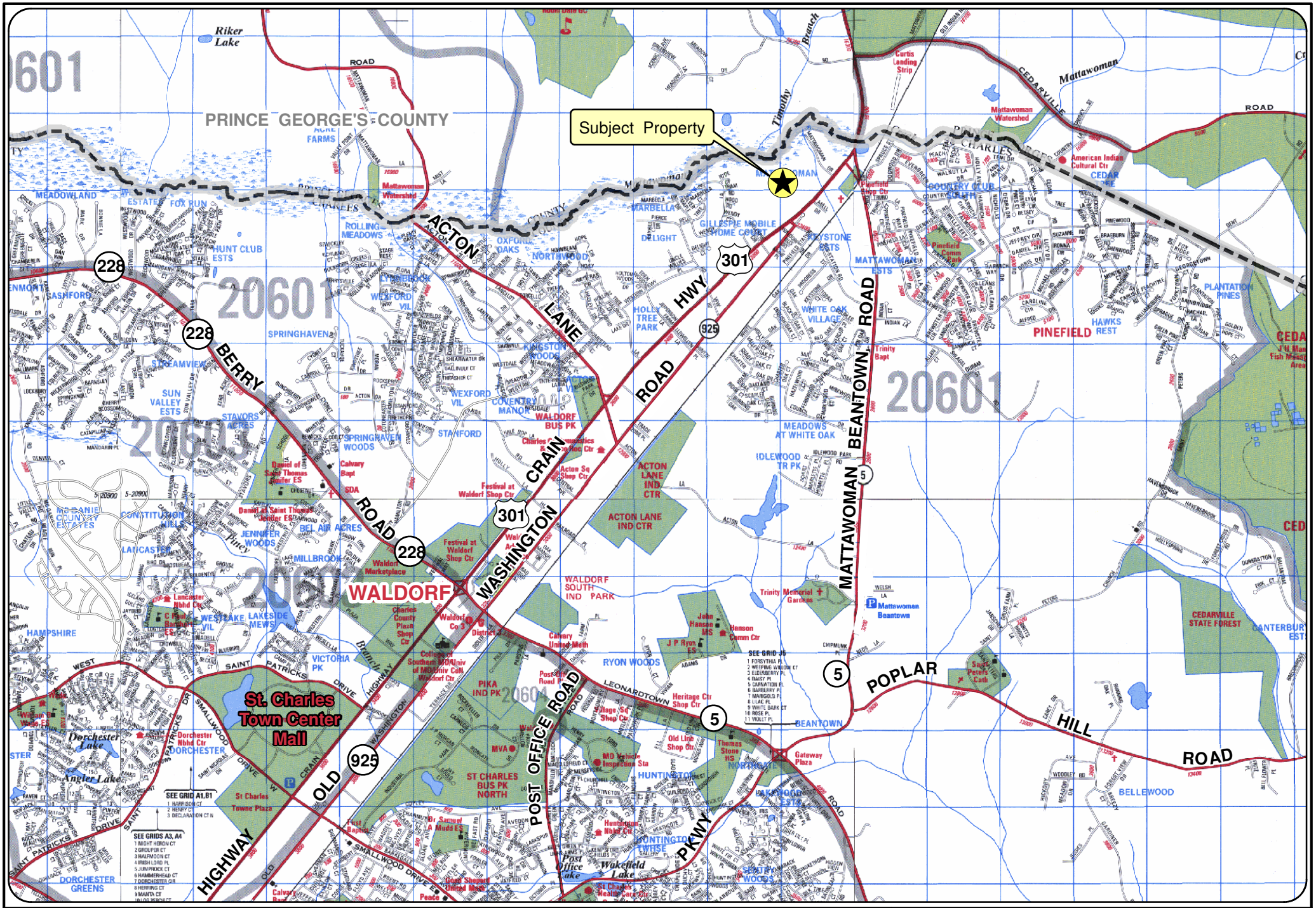
16. At time of future Site Development Plan (SDP) application, the Applicant will submit a proposed addendum to the Charles County approved Waldorf Station Design Guidelines and Standards. This addendum document is a required submittal item for SDAR review and Planning Commission approval with the technical Wal-Mart Site

Development Plan (SDP) application as required by terms of the General Development Plan approval. The addendum will specifically include more detailed architectural and site design requirements, which will meet and/or exceed established County guidelines and standards, for commercial / retail development areas within the Waldorf Station Transit Orientated Development (WSTOD), in accordance with Chapter §297-110 (10) and (16) of the Charles County Zoning Ordinance.

17. The project requires an Adequate Public Facilities (APF) review. This review will take place during the site development plan (SDP) review. The SDP APF review will address surrounding roads and intersections affected by the proposed Walmart development.

18. The approval and continued effect of this Special Exception is contingent upon compliance with all applicable County, State, and Federal regulations, including, but not limited to, the following local regulations: Charles County Zoning Ordinance, Grading and Sediment Control Ordinance, Road Ordinance, Storm Water Management Ordinance, Forest Conservation Ordinance, and Floodplain Ordinance.

VI. Appendices: Attached.



0 2,500 5,000 10,000 Feet

Information contained on this drawing is for graphical purposes only and is not meant to be used for engineering purposes.

SCALE	CHARLES COUNTY GOVERNMENT	DATE	WALDORF STORE #1717-08
DRAWN BY:	Department of Planning and Growth Management	FEB 2015	DOCKET #1325
CHECKED BY:	200 Baltimore St PO BOX 2150 La Plata, MD 20646 (301)645-0627		LOCATION MAP CHARLES COUNTY, MD

BASE ZONES

AC
AGRICULTURAL CONSERVATION

RC/RC (D) ✳
RURAL CONSERVATION

RR
RURAL RESIDENTIAL

RV
VILLAGE RESIDENTIAL

RL
LOW DENSITY SUBURBAN RESIDENTIAL

RM
MEDIUM DENSITY SUBURBAN RESIDENTIAL

RH
HIGH DENSITY SUBURBAN RESIDENTIAL

RO
RESIDENTAIL / OFFICE

CER
CORE DEVELOPMENT / RESIDENTIAL

CMR
CORE MIXED RESIDENTIAL

CRR
CORE RETAIL RESIDENTIAL

CN
NEIGHBORHOOD COMMERCIAL

CC
COMMUNITY COMMERCIAL

CB
CENTRAL BUSINESS

CV
VILLAGE COMMERCIAL

BP
BUSINESS PARK

IG
LIGHT INDUSTRIAL

IH
HEAVY INDUSTRIAL

AUC
ACTON URBAN CENTER

WC
WALDORF CENTRAL

✳ RC(D) = RURAL CONSERVATION DEFERRED DEVELOPMENT DISTRICT

OVERLAY ZONES

HIGHWAY CORRIDOR

RESOURCE PROTECTION

CRITICAL AREA BOUNDARY

FLOATING ZONES

PRD
PLANNED RESIDENTIAL DEVELOPMENT

PMH
PLANNED MOBILE HOME PARK

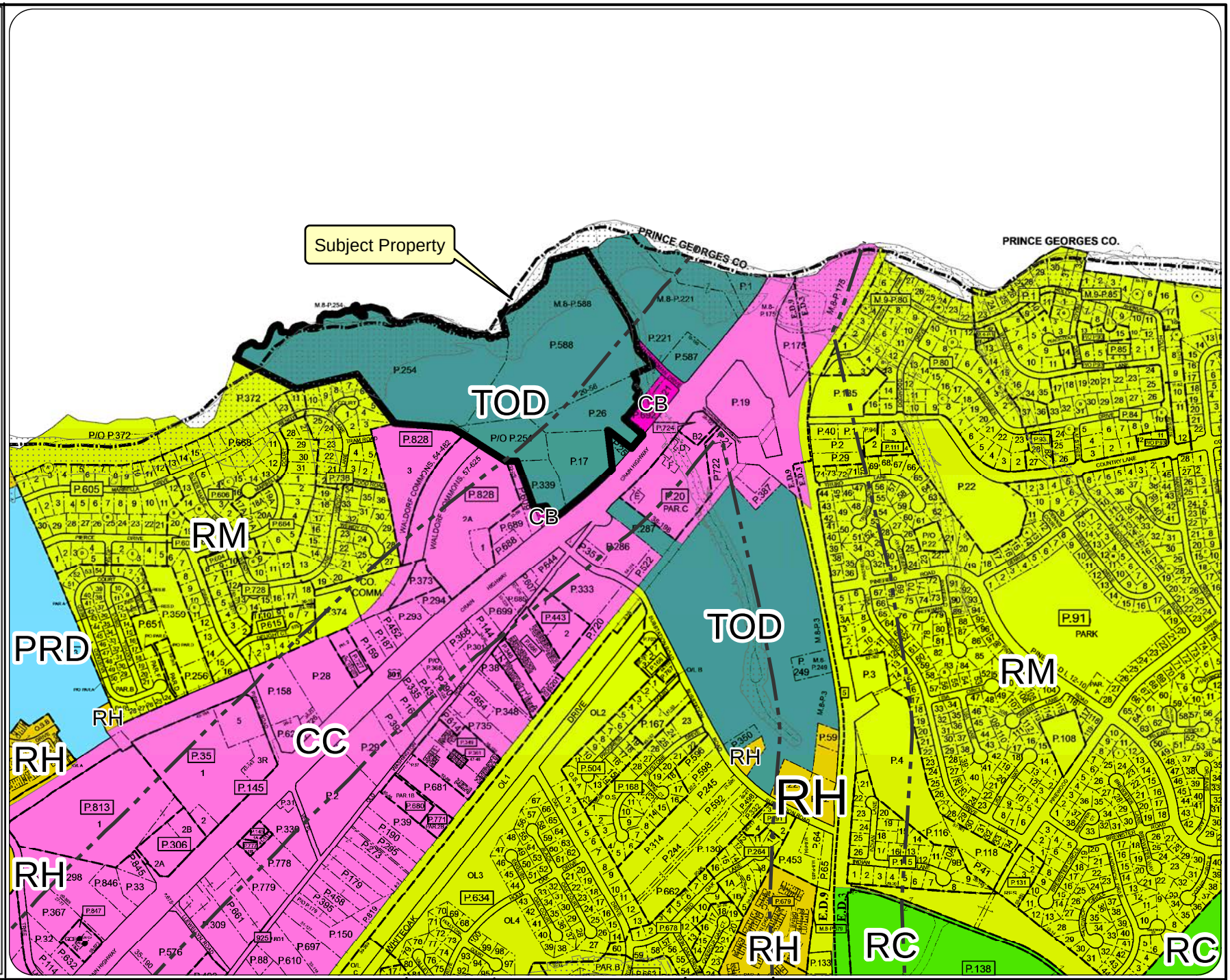
PEP
PLANNED EMPLOYMENT/INDUSTRIAL PARK

MX
PLANNED MIX USE

PUD
PLANNED UNIT DEVELOPMENT

WPC
WATERFRONT PLANNED COMMUNITY

TOD
TRANSIT ORIENTED DEVELOPMENT



0 750 1,500 3,000 Feet

N W E S

Information contained on this drawing is for graphical purposes only and is not meant to be used for engineering purposes.

SCALE

DRAWN BY:

CHECKED BY:

CHARLES COUNTY GOVERNMENT

Department of Planning and Growth Management

200 Baltimore St
PO BOX 2150
La Plata, MD 20646
(301)645-0627

DATE
FEB 2015

WALDORF STORE #1717-08

DOCKET #1325

ZONING MAP

CHARLES COUNTY, MD

0 250 500 1,000 Feet

N W E S

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CHARLES COUNTY GOVERNMENT

Department of Planning and Growth Management

200 Baltimore St
PO BOX 2150
La Plata, MD 20646
(301)645-0627

DATE

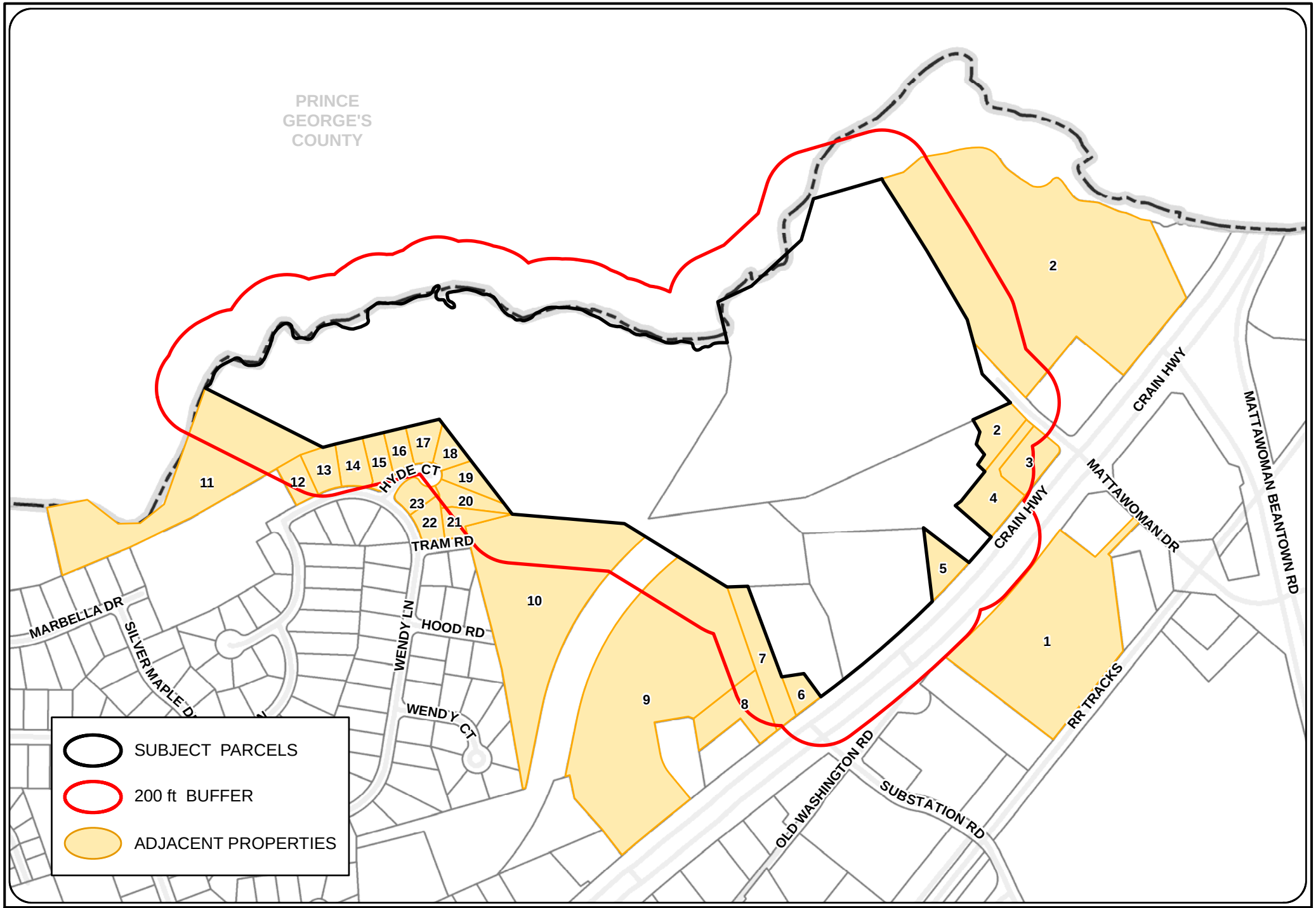
FEB 2015

WALDORF STORE #1717-08

DOCKET #1325

AERIAL MAP (2014)

CHARLES COUNTY, MD



0 350 700 1,400 Feet

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N W E S

SCALE

DRAWN BY:

CHECKED BY:

CHARLES COUNTY GOVERNMENT

Department of Planning and Growth Management

200 Baltimore St
PO BOX 2150
La Plata, MD 20646
(301)645-0627

DATE
FEB 2015

WALDORF STORE #1717-08

DOCKET #1325

ADJACENT PROPERTY MAP

CHARLES COUNTY, MD

Owner Information as of June 2014.

PROP NUM	ACCTID	ADDRESS	CITY	ZIPCODE	OWNNAME1	OWNNAME2	OWNADD	OWNCITY	OWNSTATE	OWNERZIP	LEGAL1	LEGAL2	LEGAL3	SECTION	BLOCK	LOT	MAP	GRID	PARCEL
1	0906024491	2056 CRAIN HWY	WALDORF	20601	JCR PINEFIELD SO INVESTORS LLC	C/O JC REGER INTERESTS INC	601 KING STREET 4TH FL	ALEXANDRIA	VA	22314	IMPSPAR C-F & AREA A	RESUB PAR B-1	PINEFIELD SHOPPING CTR				0008	0006	0020
2	0906058698				WALDORF RESTAURANT INC ET AL		PO BOX 2000	GAMBRILLS	MD	21504	15.3157 AC	RT 301 S OF P G CO					0008	0006	0221
3	0906096492	2055 CRAIN HWY	WALDORF	20601	SMO INCORPORATED		PO BOX 2810	LA PLATA	MD	20646	IMPS0.834 AC	RT 301-MATTA-BEANTWN RD					0008	0006	0621
4	0906141404	2065 CRAIN HWY	WALDORF	20601	MCDONALD'S CORPORATION		PO BOX 182571	COLUMBUS	OH	43218	IMPS1.169 AC	W SI 301 S MATTAWOMAN DR					0008	0006	0692
5	0906024432	2085 CRAIN HWY	WALDORF	20601	HENDIFAR PROPERTIES LLC		419 N BUNDY DR	LOS ANGELES	CA	90049	IMPS.52 AC	RT 301 WALDORF GULF S S					0008	0006	0025
6	0906088635	2145 CRAIN HWY	WALDORF	20601	CHANEY PROPERTIES INC		PO BOX 2000	GAMBRILLS	MD	21054	IMPS.39 AC	W/S RT 301					0008	0006	0027
7	0906083595	2159 CRAIN HWY	WALDORF	20601	AYERS RICHARD C & ROGER N	C/O THUNDERBIRD DENTAL LABORATORY	2159 CRAIN HIGHWAY	WALDORF	MD	20601	IMPS1.20 AC	NW SI 301					0008	0006	0609
8	0906141129	2165 CRAIN HWY	WALDORF	20601	OSVAL & ASSOCIATES LLC		1502 21ST ST NW	WASHINGTON	DC	20036	IMPSPARCEL B - 1.238 AC	W SI RT 301					0008	0006	0689
9	0906036139	2185 CRAIN HWY	WALDORF	20601	KODY HOLDINGS III LLC		2240 CRAIN HIGHWAY	WALDORF	MD	20601	IMPSLT 2A - 5.193 AC	W SI CRAIN HWY	WALDORF COMMONS			2A	0008	0006	0828
10	0906299679				KODY HOLDINGS III LLC		2240 CRAIN HIGHWAY	WALDORF	MD	20601	LOT 3 7.6878 ACRES	W SI CRAIN HWY	WALDORF COMMONS			3	0008	0006	0828
11	0906068758				SMITH JOHN J & LAURA A		2115 MARBELLA DR	WALDORF	MD	20601	PAR A S-1 5.681 AC	PLAT 3	MARBELLA SUB				0008	0005	0372
12	0906068162	12303 WENDY LANE	WALDORF	20601	ROY TRACEY A		12303 WENDY LN	WALDORF	MD	20601	IMPSLOT 23 BLK A SEC 1		MARBELLA SUB	1	A	23	0008	0005	0606
13	0906175090	12295 WENDY LANE	WALDORF	20601	BLACK QUENTIN B & LANITA T		12299 WENDY LN	WALDORF	MD	20601	IMPSLOT 11 BLK J SEC 2		MARBELLA SUB	2	J	11	0008	0005	0738
14	0906175082	12291 WENDY LANE	WALDORF	20601	JONES DOROTHY T		P O BOX 1100	WALDORF	MD	20604	IMPSLOT 10 BLK J SEC 2		MARBELLA SUB	2	J	10	0008	0005	0738
15	0906175074	2050 HYDE CT	WALDORF	20601	WILLIAMS KENNETH R		2050 HYDE COURT	WALDORF	MD	20601	IMPSLOT 9 BLK J SEC 2		MARBELLA SUB	2	J	9	0008	0005	0738
16	0906175066	2054 HYDE CT	WALDORF	20601	OSLUND ROBERT G & LORETTA L	C/O HUSEMAN MANAGEMENT	PO BOX 536	LA PLATA	MD	20646	IMPSLOT 8 BLK J SEC 2		MARBELLA SUB	2	J	8	0008	0005	0738
17	0906175058	2058 HYDE CT	WALDORF	20601	HEMSLEY TERRELL & KIMBERLY A		2058 HYDE CT	WALDORF	MD	20601	IMPSLOT 7 BLK J SEC 2		MARBELLA SUB	2	J	7	0008	0005	0738
18	0906175031	2062 HYDE CT	WALDORF	20601	IPPOLITO VINCENT		PO BOX 424	WALDORF	MD	20604	IMPSLOT 6 BLK J SEC 2		MARBELLA SUB	2	J	6	0008	0005	0738
19	0906175023	2061 HYDE CT	WALDORF	20601	WILSON P J & DEBRA L ZENTZ		2061 HYDE COURT	WALDORF	MD	20601	IMPSLOT 5 BLK J SEC 2		MARBELLA SUB	2	J	5	0008	0005	0738
20	0906175015	2057 HYDE CT	WALDORF	20601	FLYNN KIMMIE L		PO BOX 1121	LA PLATA	MD	20646	IMPSLOT 4 BLK J SEC 2		MARBELLA SUB	2	J	4	0008	0005	0738
21	0906175007	2104 TRAM ROAD	WALDORF	20601	CAMPBELL GREGG L		2104 TRAM RD	WALDORF	MD	20601	IMPSLOT 3 BLK J SEC 2		MARBELLA SUB	2	J	3	0008	0005	0738
22	0906174981	12281 WENDY LANE	WALDORF	20601	SCHAEFFER JOSEPH R JR & DAWN		12281 WENDY LANE	WALDORF	MD	20601	IMPSLOT 2 BLK J SEC 2		MARBELLA SUB	2	J	2	0008	0005	0738
23	0906174973	12285 WENDY LANE	WALDORF	20601	FORINASH GLEN C & KIMBERLY L		12285 WENDY LN	WALDORF	MD	20601	IMPSLOT 1 BLK J SEC 2		MARBELLA SUB	2	J	1	0008	0005	0738