

**INTEROFFICE
MEMORANDUM**

**CALVERT COUNTY
DEPARTMENT OF PLANNING & ZONING**
----- (410) 535-2348 (301) 855-1243 Fax (410) 414-3092

TO: Bobbie Hutchison

FROM: Bill Pittman

DATE: August 1, 2005

SUBJECT: SPR 02-46, Shoppes at Apple Greene, Dunkirk

*Reviewed
these comments &
check print of
Tenny Wright
2:30 pm
8-3-05
UP*

The latest revised site plan, submitted July 11, 2005 has been reviewed for compliance with the Dunkirk Zoning Ordinance, the Calvert County Zoning Ordinance (CCZO), the County Comprehensive Plan, applicable subdivision of the property and the conditions of approval as identified within the Planning Commission's letter of conditional approval dated November 25, 2003 and the P&Z review memo dated December 23, 2004. The following P&Z comments are a result of that review:

1. The site plan needs to be revised to clearly indicate the limits of construction or development of each of the proposed site improvements (including limits of pavement and construction of roadways, etc.) for Phases One and Two.

This comment has not been fully addressed at this time. The proposed phasing is noted on the revised site plan. There are, however, a few clarifications and/or revisions to the proposed phasing plan that need to be made. In addition, the perimeter of some of the future phases will need to have curbing added as an interim measure so as to assure safe vehicular and pedestrian circulation. The sidewalk, landscaping/screening and curbing associated with Dunkirk Way will need to be made park of the initial phase of development. There also seems to be a discrepancy with regard to phasing of construction of Dunkirk Way... the phasing lines within the site plan package are different on various sheets. Further discussion on these points can be made clearer during a meeting where a check print can used to identify the areas of concern. (see P&Z file check print)

8/1/05:

- A. **A note needs to be placed on the site plan indicating that that the curbing proposed around future phases is to be installed as part of Phase One. Details of the various proposed curbing types need to be placed on the detail sheet.**
- B. **The site plan now reflects that all of Dunkirk Way (and associated improvements) are to be constructed/installed at one time.**

- C. **There remain some minor clarifications needed regarding the boundaries of the proposed phasing of the overall project.**
 - D. **The proposed “layouts” of the future phases Three, Four and Five need to be deleted from the site plan. These layouts were nothing more than “concepts” and have not been reviewed in detail and have not received any form of formal or conditional approval.**
2. Prior to the issuance of any permits, the SHA and/or County road rights-of-way and all easements, dedications and/or reservations for road widening and construction will need to be recorded. The construction of Dunkirk Way and the improvements to Ward Road must be done under an executed Public Works Agreement.

The applicant’s agent has acknowledged these requirements and has indicated that the requirements are being “worked on” and that the requirements have not been fully addressed.

8/1/05: No update. Applicant’s agent has acknowledged this requirement

3. The Dunkirk Zoning Map contains a 100' setback along the property boundary adjoining the Apple Greene Subdivision. The water tower needs to be relocated out of the setback or a variance obtained from the Board of Appeals.

This requirement appears to have been addressed.

8/1/05: No updated needed.

4. The parking lot (a few parking spaces) near the south side of the CVS store needs to be revised so that the proposed pedestrian route between the proposed building A and the CVS is unobstructed by parked cars. In addition, the northern pedestrian crossing at the north corner of Building A needs to be extended to link up with the proposed pedestrian route to the CVS store.

This comment has not been adequately addressed.

8/1/05: This comment remains. Additional revisions need to be made.

5. Pedestrian routes (sidewalks) need to be provided along Ward Road (between MD Rt. 4 and the extension to Dunkirk Way) leading into the site, and also along Dunkirk Way (between MD Rt. 4 and Ward Road) leading into the site.

This comment has partially been addressed, but additional revisions are needed. (see the P&Z file for the P&Z check print)

8/1/05: This comment has not been adequately addressed. The comment remains.

6. Potential conflicts exist between the proposed forest conservation retention and reforestation areas, the proposed and required tree plantings along the MD Rt. 4 and Ward Road frontage and the required SHA and/or County road widening reservations. Therefore, dedications and/or easements will need to be addressed prior to final approval of the site plan.

The applicant's agent has acknowledged this and indicated that a recording plat was being prepared that would address points. This reviewer does not know whether or not this proposed plat has been submitted for review, approval and recording.

8/1/05: The applicant agent acknowledges that this comment has not been addressed and that a plat has not been sent to P&Z to review.

7. There are some discrepancies in the existing tree lines (proposed to be retained) on the site plan sheets and the forest retention sheet. Each appropriate sheet within the site plan package will need to be revised to definitively demonstrate the existing tree line that is to be retained. In addition, the limit of work (or disturbance) line will also need to be revised on those same sheets.

This comment has partially been addressed. The revised tree lines have been adjusted. The limit of disturbance (LOD) line remains in question. It appears that not all of the LOD is shown on the site plan. The LOD graphic on the site plan legend does not match what may be the proposed LOD.

There appear to be conflicts with the proposed forest retention area and the proposed limit of work or clearing line. A copy of the P&Z approved and recorded record plat of the property demonstrating the forest retention/afforestation areas will need to be submitted prior to the completion of the review of the limit of work line.

The site plan legend will need to be revised to demonstrate the same graphics as used within the rest of the site plan package.

8/1/05: There still appears to be problems with the limit of work (line). The limit of work should also be shown on more than one sheet. The site plan should have an overall layout sheet provided in the set of drawings and after the cover sheet (a new sheet #2) that shows all of the project and its various parts and the complete limit of disturbance.

8. The proposed landscape plan for the site will need some revisions to address the following:

The applicant's agent has proposed revisions to the following comments. However, this reviewer requests a meeting to discuss the proposed revisions and means of addressing all the comments.

- A. Some additional trees need to be provided within parking lot islands where they are missing.

This comment has partially been addressed. There are additional areas where trees can be installed to meet the intent of the zoning ordinance.

8/1/05: This comment remains. There are still some planting islands that need trees placed in them.

- B. Some plant material is proposed to be planted (on the landscape plan) where a sidewalk is proposed on the site plan. The landscape plan and the site plan are not in agreement.

This comment has been addressed.

- C. Additional hedge type plantings need to be provided along the perimeter of all of the proposed parking areas.

Some additional planting of hedges is needed.

8/1/05: This comment has been addressed.

- D. Additional screening needs to be provided at the rear of the shopping center to screen the loading and service areas from public view and to improve the appearance of the retaining wall.

I acknowledge the elevation differences, but additional tree plantings can and need to be installed to screen the rear of the center.

8/1/05: I understand the agent's response to this comment. Unfortunately, the intent of the requirement has not been adequately addressed. The rear of a shopping center that has loading and service areas that are quite visible to a roadway is required to be screened. The single row of trees proposed along Dunkirk Way and Ward Road is not an adequate response. The proposed plantings will have little to no effect especially during the winter.

- E. The site plan will need to be revised to include the access, parking and landscaping revisions to the CVS site. The owner of the CVS site will also need to sign the site plan acknowledging and authorizing the proposed revisions.

This reviewer does not see how this requirement has been fully addressed.

8/1/05: Additional vegetative screening is needed for the parking row (fronting) MD RT 4.

- F. The sewage treatment facilities will need to be screened from view.
There was no response to this comment. The comment stands.

8/1/05: This comment has not been adequately addressed. Additional tree plantings are needed.

- G. The key within the planting schedule is not fully legible and is not easily compared with the landscape plan and, therefore, needs to be revised
The planting schedule key was enlarged. All of the proposed plants on the site plan need to be individually labeled. Currently, only some of the plants are identified on the site plan.

8/1/05: This comment stands. The plant type (name) on the landscape plan are difficult to read and the landscape schedule is not located on the same sheet.

- H. Some of the types of plant material proposed needs to be revised to a more appropriate type of plant for the intended and/or required use.

8/1/05: This comment remains. Some proposed plant types need to be revised due because they do not provide the required effect (adequate screening year around and/or shade canopy) or they are an desirable type of plant due to their known growth habits or health.

- I. Additional tree plantings are needed along Dunkirk Way (both sides of the road), Ward Road and MD RT 4.

8/1/05: The additional plantings are noted. However, some of the proposed plant types need to be changed. Trees need to be provided along the development's entire Ward Road frontage.

9. All ancillary items to be placed on the site, such as but not limited to HVAC units, exterior telephone booths, ATM's, utility boxes (power and telephone), mail or other drop boxes, exterior display and/or retail areas, trash containers, cart storage areas adjacent to the building and in the parking lot will need to be shown on the site plan.

This reviewer acknowledges that the applicant's agent has indicated that all ancillary items have been shown on the site plan. However, this reviewer would like to discuss this point with the agent. There are usually cart storage areas, vending areas and outdoor retail areas along the front of such developments and none is shown at this time. If no uses are proposed on the site plan in these areas, a note needs to be placed on the site plan sheet that clearly states that such activities are not permitted except in previously approved (on the site plan) areas.

8/1/05: The agent's response appears to conflict with what is shown. Further clarification is needed as to the intent of the "applicant's tenant's needs or desires with regard to ancillary items.

The parking lot may not be used for uses other than patron vehicle parking or other uses/activities shown on the approved site plan. A note to this effect shall be prominently placed on the site plan cover sheet and the site plan sheet.

10. No outdoor storage is proposed on site. However, if outdoor storage of any kind is desired in the future, the types of storage will need to be identified and the perimeter of each will need to be shown on the site plan, and some additional vegetative plantings may be needed to address the screening requirements. A note needs to be placed on the site plan that indicates that no outdoor storage has been approved on this site plan.

The note needs to be modified to read that no outdoor storage has been proposed and none has been approved. A similar note needs to be placed on the cover sheet of the site plan package.

8/1/05: No further comment needed.

11. Curbing and construction material of proposed curbing (interior on-site curbing), brick pavers, painted striping, areas proposed to be grass covered, fencing, and exterior lighting fixtures etc. need to be shown on the site plan.

The limits of the proposed depressed curbing need to be more clearly identified on the site plan. A traffic control pavement painting plan (and details) needs to be provided within the site plan package. Further discussion is needed with regard to the on-site traffic signage plan. The site plan needs to be revised to indicate what the non-pavement surfaces will be during Phase 1 and 2.

8/1/05: Additional discussion is needed to fully address this comment.

12. All exterior lighting will need to be of a type that is considered "dark skies friendly" and shall be permanently directed so as not to adversely impact neighboring roadways and properties. A note to this effect will need to be placed on the site plan.

This comment has been addressed.

13. No freestanding signs are being reviewed or approved at this time. However, any existing signs and all future commercial signs will need to be setback a minimum of 10' from the front property line.

This comment has been addressed.

14. All new buildings, building additions or alterations, exterior lighting fixtures, trash enclosures, fencing, retaining walls and signage will need to be reviewed and approved by the Dunkirk Architectural Review Committee (DARC). The details of the DARC “approved” exterior lighting fixtures and fencing will need to be placed on the site plan prior to final approval of the site plan. The remaining items will need to be reviewed and approved by the DARC prior to building permit issuance. Verification is needed of compliance with height regulations for structures in this zoning district.

The applicant’s agent has acknowledged this requirement.

15. If more than one parcel is being served by the wastewater treatment facility, then it becomes a community system and will require that the sewer category be changed from an S-5 to an S-3, through amendment of the Water & Sewerage Plan. In fact, the Board of Appeals Order stated that the subject parcels must be combined into one parcel or the Applicant must request a category change for the subject property. This must be addressed prior to final site plan signature.

The applicant’s agent has acknowledged the above restrictions and has indicated that a replatting of the properties to combine them into one parcel is currently being addressed.

8/1/05: A the applicant’s agent has indicated that this comment has not been addressed.

16. The County Water & Sewerage Plan (page I-78) requires a Public Works Agreement for all privately-owned community and multi-use systems (prior to issuance of construction permits).

The applicant’s agent has acknowledged this requirement.

17. Reforestation requirements must be addressed.

The applicant’s agent has acknowledged the requirement and has indicated what they think will meet the requirement. The forest retention line needs to be clearly identified as such on the site plan. There appear to be some conflicts with the proposed clearing, grading and development and the proposed forest retention line.

8/1/05: The applicant’s agent has acknowledged the concern, but has not addressed the comment.

18. State and/or federal permits are required for the filling of Waters of the US, and must be obtained prior to issuance of grading and building permits by Calvert County.

The applicant's agent has acknowledged this requirement.

8/1/05: The agent has submitted a copy of the above item.

19. Prior to final site plan approval, written confirmation will need to be received from the State Highway Administration (SHA) stating that the site plan accurately demonstrates all of the SHA required improvements (and dedication, reservation and/or easement) along MD Rt. 4, Ward Road and Dunkirk Way.

The applicant's agent has acknowledged this requirement. Prior to final approval of the site plan, this office will require a signed certificate of adequacy for the roads from the County's traffic engineer along with the written confirmation from SHA.

8/1/05: Again the applicant's agent has acknowledged the requirement.

20. The design of the proposed retaining walls must be submitted to the Department of Public Works prior to the issuance of any permits for this site.

The applicant's agent has acknowledged this requirement. Should the engineering of the wall impact the layout of the proposed shopping center and/or the proposed grading already shown, the site plan will need to be revised and approved by the appropriate review agencies (including P&Z).

8/1/05: The applicant's agent has again acknowledged the comment.

21. The approval by the Planning Commission is contingent upon the applicant successfully addressing the remaining review agencies' comments with no major changes to the layout as presented.

The applicant's agent acknowledged this restriction.

8/1/05: The applicant's agent has again acknowledged this comment.

A written explanation of how and where the above comments have been addressed on the revised site plan package must be submitted with the revised site plan. Included with the required written explanation, a written and signed certification is needed that states that no changes have been made to any sheet of the site plan package unless those changes have been identified within the written explanation submitted with the site plan package.

c. R. A. Barrett & Assoc., Inc.