

COUNCIL OF THE TOWN OF LA PLATA
Resolution No. 11-1

Introduced By: Mayor Roy G. Hale, by request
Date Introduced: *[scheduled for February 22, 2011]*
Date Adopted: *[scheduled for February 22, 2011]*
Date Effective: *[if adopted February 22, 2011, effective February 22, 2011]*

1 **A RESOLUTION** concerning
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3 **Proposed Planned Redevelopment and Infill District (PRID) Master Site Development Plan,**
4 **Ashraf Medical Clinic, 6 Oak Avenue**
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6 FOR the purpose of granting, subject to certain conditions, the application of Muhammad
7 Ashraf for a Planned Redevelopment and Infill District (PRID) Master Site Development Plan to
8 permit the site redevelopment and operation of the Ashraf Medical Clinic at 6 Oak Avenue in the
9 Town of La Plata.

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11 **EXPLANATORY STATEMENT**
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13 The Petitioner has filed an application for Planned Redevelopment and Infill District (PRID)
14 Master Site Development Plan as set forth in Sections 191-25.5 of the La Plata Town Code for
15 property owned by the Petitioner at 6 Oak Avenue in the Town of La Plata. Public hearings were
16 held by the Planning Commission on August 4, 2010, and the Council of the Town of La Plata on
17 October 26, 2010, at which time testimony and other evidence was offered by and on behalf of the
18 Petitioner and the Town. Members of the general public attended both hearings and submitted
19 evidence, including written evidence during the time when the public hearing record was held open.
20 After consideration of the entire record made at the public hearings, including all testimony, written
21 recommendation with conditions of the Planning Commission, documents and exhibits offered and
22 accepted therein by way of oral, written or referenced material, and in light of matters of public
23 record of which notice may have been taken, and after having duly judged the credibility of
24 witnesses appearing before it, and the qualifications and credentials of Petitioner's expert witnesses,
25 the Council of the Town of La Plata makes the following findings of fact and conclusions of law
26 applicable to and in disposition of the application for a Planned Redevelopment and Infill District
27 (PRID) Master Site Development Plan filed by Petitioner.
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29 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**
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31 1. The Petitioner, Muhammad Ashraf, is the owner of the 0.6213 acre parcel of real property

32 located at 6 Oak Avenue in the Town of La Plata. This property is located on the east side of Oak
33 Avenue, south of the intersection of Charles Street and Oak Avenue. The property is more
34 particularly described in a deed dated April 30, 2010, and recorded among the Land Records of
35 Charles County, Maryland in Liber 07195, page 0020. The property is located in an R-8 zoning
36 classification and PRID Overlay Zone.

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38 2. The Petitioner filed an application on July 13, 2010, for a PRID Master Site
39 Development Plan per Section 191-25.5 of the Code of the Town of La Plata to allow the Petitioner
40 to redevelop the property and operate the Ashraf Medical Clinic on the site. The application is
41 proper in form. The Planning Commission and Town Council have jurisdiction under Section 191-
42 25.5 of the Code of the Town of La Plata to entertain the Petitioner's application for PRID Master
43 Site Development Plan.

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45 3. A public hearing was held by the Planning Commission, on the application on August 4,
46 2010. Notification of the hearing was published in the Maryland Independent on July 16, 2010.
47 Notice of the application was posted on the property on July 14, 2010, and notice of the hearing was
48 sent to the owners of property contiguous to and opposite the property. The notice and advertising
49 requirements of Section 191-54B and C of the Code of the Town of La Plata have been complied
50 with.

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52 4. The Planning Commission made a written recommendation to the Town Council that the
53 proposed PRID Master Site Development Plan be approved with conditions.

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55 5. A public hearing was held by the Council of the Town of La Plata, on the application on
56 October 26, 2010. Notification of the hearing was published in the Maryland Independent on
57 October 8, 2010. Notice of the application was posted on the property on October 5, 2010, and
58 notice of the hearing was sent to the owners of property contiguous to and opposite the property.
59 The notice and advertising requirements of Section 191-54B and C of the Code of the Town of
60 La Plata have been complied with.

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62 6. In accord with 191-25.5 E. (2) (A), the Town Council finds that the MSDP is consistent
63 with the purpose and intent of the PRID Overlay Zone in that:

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65 a. The property has been used as a single family residence but lies in transition
66 between established single family residential properties and commercial and institutional
67 properties. The property is adjacent to commercial properties immediately to its north and
68 across Oak Avenue to its west, and by the institutional Civista Medical Center which abuts
69 the property to its northeast. The property lies adjacent to residential properties to its south.
70 The property is surrounded by parcels that are zoned, CB, CBT, P-L and R-8. The Council
71 finds that the relevant neighborhood for purposes of assessing compatibility of the proposed
72 Master Site Development Plan with the neighborhood consists of Parcels 170, 169, 253,
73 252, 251, 250, 249, 248, 247, and 254 as shown on Charles County Tax Map #113. In
74 accord with 191-25.5 A. (1), the reuse of the existing building and site is compatible with

75 the existing neighborhood and will provide for an additional commercial use, expanding the
76 current mix of uses in this transitional area. The building will maintain the exterior
77 appearance as it had when it was a residential use, maintaining the existing aesthetic of the
78 residential part of the neighborhood. The new use as a medical office complements the
79 Civista Medical Center which is adjacent and northeast to this property, as well as the two
80 adjacent commercial properties housed in their original residential style structures. Tree
81 buffering, in accord with Section I. 5., between the site and the residential property to the
82 south will mitigate against any possible adverse effect from the limited use of the site as a
83 medical office. The use of the site will be limited to normal business hours, Monday
84 through Friday, and should have no adverse impact on use of adjacent residential properties
85 during evening and weekend hours.

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87 b. In accord with 191-25.5 A. (2), the proposed use will provide activity in a
88 residential property that had been sitting vacant, and will improve the neighborhood
89 character by removing a potential for nuisance or blight. Use as a medical office will attract
90 patients to La Plata and the hospital, allowing for convenience to La Plata residents, and
91 new customer opportunities for other downtown La Plata businesses. The proposed tree
92 buffer, in accord with Section I. 5., along the common property line with the residential
93 property to the south will add to the tree canopy and green features in the area.

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95 c. In accord with 191-25.5 A. (3), the existing building is, and can readily be, served
96 by existing streets and utilities. The MSDP specifies a sidewalk along Oak Avenue,
97 enhancing pedestrian access in that corridor.

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99 d. In accord with 191-25.5 A. (4), the reuse of the existing building as a medical
100 office will add flexibility, by providing for a new use not allowed by the underlying zone.
101 This allows the building to remain in residential character with a viable use that
102 complements the medical center and commercial uses adjacent to this property.

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104 e. In accord with 191-25.5 A. (5), the reuse of the existing building maintains the
105 residential architectural character of the neighborhood. Existing open space is maintained,
106 with no additional building coverage. The additional parking included in the MSDP utilizes,
107 in lieu of traditional impervious asphalt or concrete, grass pavers which will provide a
108 pervious and natural surface for additional parking.

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110 f. In accord with 191-25.5 A. (6), the reuse of the existing building will preserve
111 both the existing main structure and garage structure. There are no existing natural features
112 unique to the site.

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114 7. In accord with 191-25.5 E. (2) (B), the Town Council finds that the MSDP is consistent
115 with the Comprehensive Plan. The MSDP fosters use of the PRID regulations to ensure
116 compatibility between the proposed use and neighboring properties through the use of appropriate
117 buffers. (Comp. Plan, p. 12) The MSDP also plans for and accommodates activity related to
118 Civista Medical Center. (Comp. Plan, p. 10) Finally, the MSDP extends pedestrians facilities with

119 the addition of sidewalk on Oak Avenue. (Comp. Plan, pp. 9, 14, 15-16). There are no applicable
120 approved design guidelines or vision plans that affect the proposed MSDP.

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122 8. In accord with 191-25.5 E. (2) (C), the Town Council finds that the MSDP is not
123 reasonably likely to adversely impact surrounding neighborhoods or properties for the following
124 reasons: (i) activities at the property would be limited to traditional working hours of 8:00 am to
125 5:00 pm, Monday through Friday, thus minimizing any noise and vehicles accessing the property
126 during evening and weekend hours when residential neighbors are more likely to be at home, and
127 minimizing the proliferation of additional traffic during any specific times of the day; (ii) no
128 lighting is proposed for parking areas; the existing residential style structure will be reused with
129 minimal exterior alterations; and (iv) employee and visitor vehicle trips would be spaced out
130 throughout the hours of operation. The reuse of the existing building is compatible with the existing
131 neighborhood. The building will maintain the exterior appearance that it had when it was a
132 residential use, maintaining the existing aesthetic character of the neighborhood. The new use as a
133 medical office complements the Civista Medical Center which is adjacent and northeast to this
134 property, as well as the two adjacent commercial properties in their original structures.

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136 9. In accord with 191-25.5 E. (2) (D), the Town Council finds that the proposed use will
137 provide cardiac care and related employment conveniently located adjacent to Civista Medical
138 Center. The structure is currently vacant, and the use will put the building back to an active use.
139 The MSDP also provides for the installation of a sidewalk to enhance pedestrian safety.

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141 10. In accord with 191-25.5 E. (2) (E), the Town Council finds that the 9 parking spaces
142 proposed in the MSDP are adequate for the proposed use. The public services of water and sewer
143 are adequate for the proposed use. The site is served by Oak Avenue for vehicular traffic and is
144 adjacent to the Civista Medical Center, making it convenient for pedestrian access.

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146 11. In accord with 191-25.5 E. (2) (F), the Town Council finds that the MSDP utilizes the
147 existing structures, and therefore will not alter the architecture or existing setbacks from
148 surrounding properties. Options for landscape screening from neighboring properties are provided
149 under the conditions of this Resolution. Adequate pervious paver parking is demonstrated in the
150 plan and is located behind the building.

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152 12. Pursuant to Section 191-25.5. E.(2) of the Town Code, the Council of the Town of La
153 Plata is authorized to impose conditions upon the granting of a PRID MSDP application. The Town
154 Council deems it advisable to impose conditions upon the granting of Petitioner's application as
155 hereinafter set forth. Whereupon,

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157 SECTION I. BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF LA PLATA
158 this January 25, 2011, that, based upon the foregoing Findings of Fact and Conclusions of Law, the
159 application of Muhammad Ashraf approval of a Planned Redevelopment and Infill District Master
160 Site Development Plan for property owned by the Petitioner at 6 Oak Avenue in the Town of
161 La Plata be and it is hereby granted, subject to the following conditions:

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1. The proposal by Petitioner for the property shall be developed, constructed, maintained and operated substantially in accordance with the Master Site Development Plan for Ashraf Medical Clinic introduced at the Town Council public hearing, on October 26, 2010, and as described in the Petitioner's PRID OVERLAY ZONE MASTER SITE DEVELOPMENT PLAN NARRATIVE, as revised October 2010, except to the extent that such plan must be modified in any non-material way to comply with any requirements of law or the Town's Design Review Board. In the event of any conflict between the MSDP, the Narrative and the conditions of this Resolution, the conditions in this Resolution shall take precedence, followed by the MSDP.

2. The hours of operation are limited to 8:00 AM to 5:00 PM, Monday through Friday.

3. The second floor in its entirety is restricted to non-patient uses, such as storage, and staff lounge area or any other purpose that excludes the use by patients or the general public.

4. The building shall be secured by the installation and continuous monitoring of a security alarm system.

5. For compliance with 191-25.5 F (5) (B), the property owner, prior to the issuance of a use and occupancy permit, shall submit an offer via certified, return receipt mail, to provide buffering to the adjacent property owners at 8 Oak Avenue, 602 Wicomico Street, and 604 Wicomico Street located in the Town of La Plata. The offer to provide buffering shall be delivered following the installation of the parking area, and shall provide each of the adjacent property owners with a choice of fencing or landscaping on Petitioner's property to reduce any possible visual or noise impact to the adjacent properties. If any adjacent property owner does not accept or reject the offer within thirty days (30) after receipt the offer shall be deemed refused and Petitioner's obligation shall be deemed satisfied as to that property owner. Petitioner's letter to the adjacent property owners, together with any signed return receipts, and any letters of acceptance or rejection of the offered buffering from adjacent property owners shall be included with Petitioner's application for a use and occupancy permit.

6. The name of the occupant of the property, as depicted on any signage, shall state "Suburban Heart Institute" or similar terminology that excludes the use of the term "medical clinic" or similar terminology that may connote a high volume or "walk-in" medical facility.

7. Any signage shall be limited to 10.5 square feet and 4.5 feet in height, and shall be reviewed subject to such modifications as may be required by the Town's Design Review Board, and permitted upon approval of the Town's Design Review Board.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be recorded by the Town in the Land Records of Charles County.

ADOPTED this 22 day of February, 2011.

SEAL:

COUNCIL OF THE TOWN OF LA PLATA

Roy G. Hale, Mayor

R. Wayne Winkler, Councilman

C. Keith Back, Councilman

ATTEST:

Paretta D. Mudd, Councilwoman

Danielle Mandley, Town Clerk

Date: _____

Joseph W. Norris, Councilman