

Case No. SP-83054/04

Applicant: Phoenix Construction
Company, Inc.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

ORDER AFFIRMING PLANNING BOARD DECISION

IT IS HEREBY ORDERED, after review of the administrative record, that the decision of the Planning Board in PGCPB No. 04-131, to approve a detailed site plan for apartment housing for the elderly on property described as approximately 10.17 acres of land in the C-1 (R-P-C) Zone, located on the east side of US 301, south of Fairhaven Avenue, Upper Marlboro, is hereby:

AFFIRMED, for the reasons stated in the Planning Board's Resolution, whose findings and conclusions are hereby adopted as the findings of fact and conclusions of law of the District Council.

Affirmance of the Planning Board's decision is subject to the following conditions:

1. Prior to the issuance of building permits for the proposed apartments for the elderly, the landscaping previously approved for Outlot A must be installed in accordance with the approved landscape plan.
2. Prior to signature approval of DSP-83054/04, the site plan shall be revised to show a redesign of the parking lot and a recalculation of the parking spaces to be provided, where the redesign was caused by the relocation of parking spaces adjoining parcel A-4. The driveway aisle width between the rows of parking spaces in the northeastern portion of the shopping center should be shown.

3. Prior to signature approval of DSP-83054/04, a plan of development incorporating Outlot A and showing the proposed apartment complex, as well as previously approved uses, shall be submitted for approval by the Urban Design Section. The plan shall reference the individual landscape plans for the shopping center, Outlot A, and the proposed senior housing complex.

4. Special Exception S.E. 4501, and Alternative Compliance Application AC-04012 shall be approved prior to signature approval of DSP-83054/04.

5. Prior to the approval of S.E. 4501, the landscape plan for S.E. 4501 shall be revised as follows:

- (a) The number of trees shown in Bufferyard 2 shall be doubled. Instead of the proposed sight-tight fence, an ornamental metal fence shall be provided.
- (b) The caliper of the shade trees proposed for Bufferyard 2 shall be increased to 3.5 to 4.0 inches.
- (c) The parking spaces and loading space along the northeast boundary line shall be removed from the plan and replaced with a 20-foot-wide heavily landscaped strip.
- (d) The ornamental picket fence shall be continued along the entire northeast boundary line, except for interruptions for vehicular and pedestrian access to parking lots or building entrances.
- (e) The loading space shall be relocated to the area in front of the south wing of the building, or placed interior to the building.
- (f) Three additional ornamental trees shall be located in front of the south wing of the building, if the loading space is moved to that location.
- (g) The location of individual trees that will remain in the wooded area shown along US 301 shall be identified. Wherever 25 feet of woodland will not remain,

as is indicated in Option 3 of figure 4-2 of the Landscape Manual, additional trees shall be planted, to meet Section 4.2, Commercial Landscape Strip Requirements.

(h) The proposed sight-tight fencing between parcel A-4 and Outlot A shall be replaced by a continuation of ornamental metal fencing and a gate leading to Outlot A.

(i) A pedestrian path and permanent outdoor seating shall be shown in that part of Outlot A directly to the rear of parcel A-4.

(j) The location of the fountain shall be labeled.

(k) The activity terrace details shall show permanent outdoor seating, and the shade trees shall be relocated closer to the circular drive, to provide more shade on the terrace.

(l) The rear deck shall be shown as a ground level patio, constructed of materials similar to the activity terrace.

(m) The lot lines, zoning lines, and special exception boundary lines shall all be clearly delineated, and separated from one another.

6. Prior to signature approval of DSP-83054/04, the detailed site plan shall be revised, as follows:

(a) Part of Outlot A, roughly 5,000 square feet in size and generally to the rear of parcel A-4, shall be added to the 3,200 square feet now incorporated into the proposed special exception boundary.

(b) The proposed sight-tight fencing shall be replaced with ornamental metal fencing and a gate for pedestrian access from the apartment complex to Outlot A. A pedestrian path and permanent outdoor seating should be provided in this area.

(c) The indoor amenities listed in the statement of justification shall be listed on the site plan. The location for on-site visits by health care professionals should be specifically stated.

- (d) Two additional parking spaces for the disabled shall be shown in the parking row nearest to the fountain, in place of two standard spaces.
 - (e) The pedestrian connection to the shopping center shall be constructed with appropriate pavers and appropriate lighting.
 - (f) The site plan shall show the delineation of the 65 dBA Ldn noise contour.
7. A fire suppression system shall be installed in all residential units, unless the Prince George's Fire/EMS Department determines that an alternative method of fire suppression is appropriate.
 8. Prior to the issuance of grading permits for Outlot A or parcels A-1, A-2, or A-3, letters of exemption from woodland conservation shall be obtained.
 9. Prior to signature approval of the Type II tree conservation plan, the applicant shall revise the woodland conservation worksheet, to include off-site grading impacts and recalculate the woodland conservation and other requirements, as needed.
 10. Prior to the approval of building permits, a certification by a professional engineer qualified in acoustical analysis shall accompany the building permits, confirming that building shells of structures within prescribed noise corridors have been designed to reduce interior noise levels to 45 dBA (Ldn) or less.
 11. Before site plan certification, the applicant must amend the landscape plan to show 19 Leyland Cypress trees in the area of the property abutting the rear lot lines of Lots 25 and 26, Section 1, Rosaryville Estates subdivision. The Leyland Cypress trees shall be planted 9 feet on center and stand 10 to 12 feet high.

Ordered this 11th day of July, 2005, by the following vote:

In Favor: Council Members Dean, Bland, Dernoga, Exum, Harrington, Hendershot, Knotts and Peters

Opposed:

Abstained:

Absent: Council Member Campos

Vote: 8-0

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

By: _____
Samuel H. Dean, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council