

R E S O L U T I O N

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 July 19, 2001, regarding Detailed Site Plan SP - 01023 for Marlton Town Center - Village Green, Section 2, the Planning Board finds:

1. Request: The subject application is for the approval of a Detailed Site Plan for a Picnic Area/Park in the R-30 zone.
2. Location: The site is located in Planning Area 82A, Council District 9. More specifically, it is situated at the intersections of Marlton Center Drive, Heathermore Boulevard, Great Gorge Way and Center Park Way.
3. Surroundings and Use: The subject site occupies a block in the R-30 zone. It was designated as a neighborhood park of a townhouse development in a subdivision known as Marlton Town Center by the Sectional Map Amendment (SMA) for the Subregion VI Study Area. To its north is townhouse development, to its south is luxury apartment development, to its east and west are vacant lands zoned R-30 and C-2.
4. Previous Approval: The subject site is part of the previously approved Preliminary Plat of Subdivision 4-94029, Tree Conservation Plan I (TCP I/18/94) and Tree Conservation Plan II (TCP II/35/95). The Preliminary Plat of Subdivision 4-94029 was first approved on June 23, 1994 and subsequently revised on October 13, 1994 and May 6, 1999.

In addition to the Preliminary Plat of Subdivision 4-94029, the subject site was also subject to the conditions of the Official Plan for the Marlton Residential Planned Community (R-P-C), Zoning Map Amendment Nos. A-6696-C, A-9730-C and A-9731-C. Preliminary Plat of Subdivision 4-94029 carried forward the conditions attached to the former approvals, such as the specific condition regarding the construction of a two-story community building on the subject site.

5. Site Plan Data
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|------------------------------|--|
| Zone | R-30 (R-P-C) |
| Use | Picnic Area/Park |
| Total Site Area | 3.954 acres |
| of which green space | 3.846 acres |
| Parking Required | 5 spaces |
| Parking Provided | 8 spaces |
| of which Standard Space | 6 spaces |
| H.C. Van Accessible | 2 spaces |
| Facility Provided | Equipment/QTY. |
| 40' x 78' Play Ground | 1 Metal Swings
1 Eagle play structure
1 Eagle play structure-tot
2 Eagle spring animals
1 Grill
1 Trash can
2 6' Benches |
| Gazebo | 39' Diameter all steel double
tiered hexagonal gazebo with cupola
and ribbed metal panel roof |
6. Design Features: The subject site is a rectangular small block bounded on four sides by streets. The terrain of the site descends gradually from the northwest to the southeast and drops greatly at the southeast corner of the site by more than 20 feet resulting into a seasonal swale. The entire site is open with only two small clusters of existing woods in its western portion.
- The layout of this neighborhood park is divided into two major portions. The proposed facilities, which consist of one play ground, one picnic shelter and a six-space public parking lot, are concentrated in the northwest corner of the site linked by a five-foot asphalt path. The proposed stormwater management pond that utilizes the existing natural swale is located in the southeast part of the site. The two parts exist independently from each other.
- The Landscape Plan employs shade and ornamental trees in a form of plant clustering consisting of three to five trees around the major facilities. Two perimeter planting treatments, consisting of three species of shrubs, are proposed to enclose the parking lot

and the picnic shelter. The expanse of space between the two parts of the layout is left with its natural setting.

COMPLIANCE WITH EVALUATION CRITERIA:

7. Zoning Ordinance: The subject application has been reviewed for compliance with the requirements in the R-30 zone and the site plan design guidelines of the *Zoning Ordinance*.

- a.. The subject application is in conformance with the requirements of Section 27-441, which governs permitted uses in residential zones. The proposed neighborhood park is part of a townhouse development and serves mainly the recreational needs of local residents. The property will be administered and maintained by the homeowners= associationCthe Citizens Association of Marlton.
- b. The proposed neighborhood park is the open space required by the Zoning Map Amendment A-9730-C. Condition 2.e attached to the approval of Application No. A-9730-C requires that design attention should be given to the community open space system that will eventually form the main open space spine for the region. It states:

AExtending from the main open space spine, the linear park, are bands of green space as shown on the proposed Tentative Plan. This provision creates a frame work for a community open space system. The internal open space within individual parcels should be provided and planned as branches off these major open space bands. These branches are essential to the completeness of the entire system. With well distributed branches, the open space system can then intimately and harmoniously blend into neighborhoods and greatly enhance the cohesiveness of this planned community.@

The proposed Village Green will be an indispensable part of the community open space system and will help to shape the main open space system of Marlton Residential Planned Community.

8. Preliminary Plat of Subdivision 4-94029: Conditions attached to the approval of Preliminary Plat of Subdivision 4-94029 necessitate that approval of the Detailed Site Plan should be subject to the following:

- A4. Development of this site shall be in conformance with all the conditions of the Official Plan for the Marlton Residential Planned Community (R-P-C), ZMA Nos. A-6696-C, A-9730-C and A-9731-C.@**

Comment: The original application for the R-P-C Zone in Marlton, Application A-6696,

was filed in 1968. District Council Resolution 92-1969 approved rezoning of 1,568.73 acres from the R-R Zone to the R-P-C Zone on February 26, 1969. The Official Plan for Marlton was adopted by the Commission on July 13, 1970. No specific condition is applicable to the subject application. Since the Village Green is part of the townhouse development in the R-30 Zone, the development of this neighborhood is in compliance with the Official Plan for Marlton.

A-6696-C is an amendment to the Marlton Official Plan. It rezoned the subject property from the R-10 to the R-30 (R-P-C) Zone. The proposed Village Green is in the R-30 Zone as designated by A-6696-C.

Zoning Map Amendment A-9730-C is an application to rezone approximately 431.5 acres of land in the R-P-C (R-10, R-R, R-T, R-80, I-3, R-18 and C-1) Zones to the R-P-C (R-R, R-80, R-35, R-T and R-10) Zones. A-9731-C is an amendment to Zoning Map to rezone approximately 1.86 acres of land in the R-P-C (R-10) Zone to the R-P-C (C-S-C) Zone. Both ZMAs were approved by the District Council with conditions. Among all the attached conditions, the Condition 15 of A-9730-C and Condition 12 of A-9731-C, which are the same, specifically addressed the construction of the Community Center on the subject property. This condition was carried through the Preliminary Plat of Subdivision 4-94029 and was subsequently revised in 1999. The proposed design and construction of the Village Green follow the requirements in the 1999 revised condition:

A9.b. Recreational or community facilities shall be approved by the Planning Board or its designee upon the review and comment on the Citizens Association of Marlton (CAM) and the applicant. Said facilities shall be reviewed and approved by the Planning Board or designee in the form of a detailed site plan prior to the issuance of the first building permit for Parcels B, E and F of the preliminary plat for the Marlton Town Center (4-94029). Construction or bonding of said facilities shall be completed prior to the issuance of the first building permit for parcels B, E and F.@

Comment: The subject application serves the purpose of this condition. The proposed facilities in the Detailed Site Plan were reviewed and approved by the Citizens Association of Marlton (CAM). In a letter dated June 6, 2001(Gene Lewis, President of Citizen Association of Marlton to Mr. Jerry Connelly, Senior Vice President of Pleasants Development, Inc.), Mr. Lewis acted on behalf of the Citizens Association of Marlton and formally agreed with the general layout and proposed facilities of this Detailed Site Plan. The letter reads:

AThe Citizens Association of Marlton Board of Directors has reviewed and approved the plan known as the Marlton Town Center Village Green Site Plan, for the picnic, parking and play ground area and all other items identified therein.

Please note that not including the picnic tables in the site plan was an oversight and they will be included as agreed.

AConstruction for this amenity for the Marlton Community should commence immediately upon approval of all plans and permits as agreed by both parties and no further home construction in East Marlton should begin until this commitment has been honored.@

A11.c. The public spaces within the Town Center, such as the streets, Village Green and Village Square, shall be designed with appropriate landscaping, street furniture, spacial paving and other facilities to promote small town center character and to encourage pedestrian activities within the center.@

Comment: The design of this neighborhood park is only marginally in compliance with this condition. The layout does not treat the site as a whole and does not integrate the existing natural features well into the design scheme.

The proposed pedestrian walkway is five feet wide asphalt that leads to the proposed facilities. There is no other additional landscaping or street furniture along the path. There are neither special paving nor even lighting fixtures that will promote small town center character to encourage pedestrian activities within this neighborhood park.

The current design of the neighborhood park, however, is what local residents want. The Citizens Association of Marlton (CAM) has reached a consensus with Lake Marlton Ltd. Partnership, the developer of Marlton Town Center that the CAM would like a simple but functional neighborhood park and wants to use the leftover funds to construct a much needed ballfield for the neighborhood in the future. The CAM reviewed and approved this detailed site plan on June 6, 2001. The president of CAM, Mr. Gene Lewis, also visited the Development Review Division office during the review process and reiterated that the layout and design as submitted in DSP-01023, Marlton Town Center Village Green, are what the residents desire for their neighborhood.

A15. At the time of detailed site plan approval, the applicant, his heirs, successors and/or assigns shall demonstrate that all alternative recreational facilities equal or exceed in dollar amount what would have been spent for the community building (comprising of two stories at 2,000 square feet each).@

Comment: As it has been stated previously, the CAM and the developer have reached a two-part recreational facilities agreement required by this condition. In a letter (David L. Shaffer to Henry H Zhang) dated June 27, 2001, Mr. Shaffer describes the details of this agreement as the following:

ALake Marlton Ltd. Partnership has entered into an agreement with the Citizens Association of Marlton, whereby the two-story community building in the Village Green was deleted and substituted with a picnic shelter, a tot-lot, an open play area and a parking area. This concept was initiated by us at the request of the

homeowners and subsequently approved by the MNCPPC& PC. Part of the agreement and approval was that we would provide amenities equal in cost to the original community building. This cost was established and bonded at \$365,000. The agreement with the Citizens Association requires that the surplus funds above and beyond the cost of the picnic pavilion and associated amenities be used to construct much needed ballfields elsewhere in Marlton at a location mutually agreeable to the Citizens Association and Lake Marlton L.P. They have reviewed the current plan for the Village Green and are quite anxious to see it constructed (see letter sent previously)@

Comment: The information provided above does not completely fulfil the term of the condition because it does not provide the cost of the proposed facilities in the park and does not indicate how much is left over.

9. Landscape Manual: The proposed neighborhood park is a complete block bounded on its four sides by streets. There is no *Landscape Manual* issue with this case.
10. Woodland Conservation Ordinance: The property is subject to the provisions of the Prince George=s County Woodland Conservation Ordinance because it is more than 40,000 square feet gross tract area in size and contains more than 10,000 square feet of existing woodland.
 - a. The Forest Stand Delineation and Tree Conservation Plan, TCP I/84/94, was approved by the Planning Board with Preliminary Plat of Subdivision 4-94029 for a larger area which contains the subject site. TCP II/35/95 was approved by Planning Board Resolution Number 96-304 for a larger area which also contains the subject site.
 - b. The subject application as submitted is in conformance with the previously approved TCP II/35/95.
 - c. The submitted site plan indicates a reforestation area of 0.35 acres within the proposed Village Green. But the applicant fails to clearly demarcate the boundary of this area. Because of the fragmented design and the small size of this site, if the reforestation area remains within the site, the usable area of this neighborhood park will be further limited.
11. Referral Comments: The subject application was referred to all concerned agencies and divisions. Major referral comments are summarized as follows:
 - a. The Department of Parks and Recreation had not responded to the referral request at the time the staff report was written.
 - b. The Transportation Planning Section in a memorandum dated June 27, 2001

found that the Detailed Site Plan, DSP-01023, is acceptable.

- c. In a memorandum dated May 22, 2001, the Environmental Planning Section recommended the approval of Detailed Site Plan DSP-01023.
- d. The DER/Concept Section in a memorandum (R. De Guzman to Henry Zhang) dated May 16, 2001 noticed that:

AThe park portion of the village green at Marlton Town Center, Section 2 does not have an approved Stormwater Management Concept.@

In a subsequent memorandum (Rick Thompson to Henry Zhang) dated June 06, 2001, the DER/ Concept Section stated that:

AThe subject site is part of an approved Stormwater Concept Plan #948005570 dated 9/3/98. All stormwater requirements for the park have been met.@

- e. In a memorandum dated June 08, 2001, the Subdivision Section staff found that five of the conditions attached to the approval of Preliminary Plat of Subdivision 4-94029 are applicable to this Detailed Site Plan review. Four of the applicable conditions are discussed in Finding 8 of this staff report. Condition 16 is included in the recommendation section as one of the conditions that will be attached to the approval of this Detailed Site Plan.
- f. The Community Planning Section, in a memorandum dated July 05, 2001 identified a procedural issue specifically concerning the construction of a 4,000 square foot community building required by Condition 9.b of the previous approval. The memorandum reads:

AThe main issue is a procedural one. Generally, this proposed detailed site plan appears to be consistent with the type of development, location and acreage, envisioned for this location in the *Marlton Official Plan* and the *1993 Subregion VI Study Area Master Plan*. It is our understanding that a condition of approval for the corresponding subdivision (4-94029) was to construct a 4,000 square foot community building (or facilities of equivalent value) at this location. Subsequently, it is also our understanding that the developer and the community have agreed to delete the community building in favor of landscaping and playground facilities. So long as this proposal is in conformance with the *Marlton Official Plan*, it would be considered to be also in conformance with the recommendations of the *Subregion VI Master Plan*.@

Staff Comment: To construct a Community Center building of two floors, each of 2,000 square feet in gross floor area, is the condition attached to the approval of Zoning Map Amendment A-9730-C, A-9731-C and Preliminary Plat of Subdivision 4-94029. On May 6, 1999, the Planning Board approved a request by Norman Rivera, attorney for the applicant, Lake Marlton Limited Partnership, to reconsider Condition 9.b of the original approved Preliminary Plat of Subdivision 4-94029, which requires the construction of the community building in question, on the basis of Agood cause.@ According to the Amended Resolution (PGCPB No. 94-219(A)/2, File No. 4-94029), theeAgood cause@ basis for the reconsideration was that in the time since the original approval, the demand for the community building had diminished and demand for alternative recreational facilities had increased. On December 2, 1999, the Planning Board reconsidered Condition 9. b of the Preliminary Plat of Subdivision and APPROVED the subject application with all of the original findings and conditions with the exception of new substitute Condition 9.b and additional conditions 15 and 16.

Per Condition 15, at the time of detailed site plan approval, the applicant, his heirs, successor and/or assigns shall demonstrate that all alternative recreational facilities equal or exceed, in dollar amount, what would have been spent for the community building (comprising of two stories at 2,000 square feet each). Lake Marlton Ltd. Partnership and the Citizens Association of Marlton have finalized the cost in dollar amount of the construction of 4,000 square foot community building. This cost was established and bonded at \$365,000.

12. The Detailed Site Plan, if revised in accordance with the proposed conditions, will represent a reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development from its intended uses.

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 Detailed Site Plan for the above-described land, subject to the following conditions:

1. Prior to issuance of the first building permit for parcels B, E and F,
 - a. The applicant shall provide a new recreational facilities agreement (or alternative instrument specified by the Development Review Division) that identifies the facilities to be constructed in accordance with DSP-01023, and which facilities will be provided later. The total combined value for both groups of facilities shall be no less than \$365,000.
 - b. The construction of all facilities in the park shown on DSP-01023 shall be completed.

- c. A bond or other suitable financial guarantee shall be provided for the balance of the recreational facilities.
- 2. Prior to certification of approval of DSP-01023, the applicant shall make the following revisions to the Detailed Site Plan:
 - a. Provide the lighting fixture design and details.
 - b. Increase the width of the internal pedestrian path to six feet wide.
 - c. Add four omitted picnic tables to the site plan and revise the site plan details sheet accordingly.
 - d. Delete the text of AReforestation Area 0.35 Acres@ from the site plan.
 - e. Provide reference to the final plat of subdivision on the site plan

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 Lowe, seconded by Commissioner Scott, with Commissioners Lowe, Scott, Brown and Hewlett voting in favor of the motion, and with Commissioner Eley absent at its regular meeting held on Thursday, July 19, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 26th day of July 2001.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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