

**A M E N D E D   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 \*was presented at a public hearing on June 12, 2003, regarding Detailed Site Plan DSP-02005 for Marlton Town Center, Phase IV \*[, the Planning Board finds:]; and

\*WHEREAS, the District Council elected to review the Detailed Site Plan DSP-02005 for Marlton Town Center, Phase IV on July 21, 2003; and

WHEREAS, the District Council remanded the case to the Planning Board on January 27, 2004 for additional information regarding the adequacy of road club conditions to improve traffic facilities; the status of transportation facilities serving the subject development; and other issues; and

WHEREAS, the Planning Board having considered evidence presented at a second hearing on the case held on April 15, 2004 and evaluated the issues contained in the Order of Remand, finds that those issues are not within the jurisdictional purview of the Planning Board's review of Detailed Site Plans and are not relevant to the review of this Detailed Site Plan and do not change the Planning Board's previous approval of the Plan, and further finds:

1. The subject Detailed Site Plan is for 48 townhouse lots and 1 parcel on a 4.24-acre parcel of land known as Marlton Town Center, Phase IV, in the R-30 Zone. The subject property is located in the northeast quadrant of Heathermore Boulevard and Grand Haven Boulevard.
2. **Development Summary**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone(s)	R-P-C and R-30	R-P-C and R-30
Use(s)	Vacant	Townhouse Residential
Acreage	4.24	4.24
Lots	0	48
Parcels	0	1
Square Footage/GFA	NA	NA

The adjacent properties are as follows:

\*Denotes amendment

[Brackets] denotes deletion

Underlining denotes addition

North - Marlton Town Center Phase III Townhouses zoned R-30  
South - Heathermore Boulevard  
East - Vacant property zoned R-R  
West - Great Gorge Way and across the street from Great Gorge Way are the Marlton Town Center Phase II Townhouses and homeowners open space zoned R-30

Access to the property is from Great Gorge Way.

3. Townhouses shown on a Preliminary Plan of Subdivision approved pursuant to the Subdivision Regulations are a permitted use in the R-30 Zone and are subject to all the requirements applicable to the R-T Zone.

On February 26, 1969, the District Council approved an amendment to the official plan of Marlton (Zoning Resolution No. 92-1969). The amendment placed individual parcels within the R-P-C Zone in subzoning categories. Condition 2 of the Zoning Map Amendments states that the maximum number of dwelling units for the subject property is 48 townhouses. This may be reduced at the time of Preliminary Plan and/or Detailed Site Plan approval after a further analysis of compatibility, including design issues and the intent of CB-55-1996 and CB-56-1996. CB-55-1996 and CB-56-1996 included design criteria and density requirements for townhouses which are incorporated in the R-T Zone requirements of the Zoning Ordinance.

The applicant has complied with the above condition by proposing a total of 48 townhouse units. Finding 6 addresses consistency of the design of the townhouses with the requirements of the R-T Zone.

On December 12, 2002, the Planning Board approved Preliminary Plan 4-02023 for the subject property, consisting of 48 lots and one parcel (PGCPB No. 02-248). Conditions 1 and 3 of the Preliminary Plan state as follows:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised as follows:
  - a. Lots 223-232 shall be reoriented to front on Great Gorge Way.
  - b. General Notes shall be added to the preliminary plan, including a note referencing the presence of cemeteries of lack thereof.
  - c. The stormwater management concept plan approval number and date shall be added to the plan. A copy of the approval letter shall also be submitted.
3. A Type II Tree Conservation Plan shall be approved in conjunction with the detailed site plan.

The applicant has reoriented Lots 223-232 to front on Great Gorge Way and a Type II Tree Conservation Plan has been submitted along with the detailed site plan. The applicant has proposed townhouse bays with five, six and eight bays around open landscaped courtyards. No back-to-front orientation of the townhouses has been proposed. The rear yards of the townhouses are oriented toward internal landscaped courtyards. With the exception of the lots in the rear of the subject property, all the lots have a front orientation toward existing streets. The additional lots on the rear of the property have a front orientation on proposed internal streets. The proposal therefore complies with the above condition.

4. The proposed townhouse models have various options like brick facades, shutters, windows, window trim, bay windows and one-car garages. The proposed design features contribute to the overall superior quality of architecture proposed for this development.
5. The proposal is subject to the requirements of Section 4.1 (Residential requirements) of the *Landscape Manual*. The proposal complies with the requirements. The applicant has not provided a landscape schedule. Although the proposal is not subject to the requirements of Section 4.7 along the vacant property along the east, a landscape buffer consisting of a large percentage of evergreen trees would be desirable to screen the rear yards of the lots along this property line. A condition of approval has been added to require the same.
6. The proposal is consistent with the following applicable sections of Section 27-433, R-T Zone (Townhouse) of the Zoning Ordinance:

**(d)(2) There shall be not more than six (6) nor less than three (3) dwelling units in any horizontal, continuous, attached group, except where the Planning Board or District Council, as applicable, determines that more than six (6) dwelling units (but not more than eight (8) dwelling units) or that one-family semidetached dwellings would create a more attractive living environment, would be more environmentally sensitive, or would otherwise achieve the purposes of this Division. In no event shall the number of building groups containing more than six (6) dwelling units exceed twenty percent (20%) of the total number of building groups, and the end units on such building groups shall be a minimum of twenty-four (24) feet in width.**

With the exception of one townhouse building, all the proposed townhouse buildings have no less than five dwelling units and no more than six dwelling units in a building. One of the townhouse buildings has eight units. The number of buildings with more than six units is 12 percent of the total number of buildings, and the end units on all the building groups are a minimum of 25 feet in width. The applicant has proposed this single building with eight units due to space constraints. This building was also approved for this development during the Preliminary Plan stage. Staff has recommended approval of this townhouse

building with more than six units as proposed because they will retain an attractive living environment and will help achieve the purposes of this Division.

- (3) The minimum width of dwellings in any continuous, attached group shall be at least twenty (20) feet. Attached groups containing units all the same width and design should be avoided, and within each attached group attention should be given to the use of wider end units.**

The minimum width of the dwelling units is at least 20 feet.

- (4) The minimum gross living space, which shall include all interior space except garage and unfinished basement or attic area, shall be one thousand two hundred and fifty (1,250) square feet.**

The minimum floor area of the proposed townhouses is 1,252 square feet.

- (5) Side and rear walls shall be articulated with windows, recesses, chimneys, or other architectural treatments. All endwalls shall have a minimum of two (2) architectural features. Buildings on lots where endwalls are prominent (such as corner lots, lots visible from public spaces, streets, or because of topography or road curvature) shall have additional endwall treatments consisting of architectural features in a balanced composition, or natural features which shall include brick, stone, or stucco.**

The applicant has provided adequate articulation for side and rear walls. Most of the endwalls have a minimum of two architectural features. A condition of approval has been added to provide all endwalls with a minimum of two architectural features. The rear yards and the rear elevations of Lots 199 to 210 will be visible from each other. Therefore, the rear elevations of these lots must have additional architectural features to make them as attractive as the front elevations. A condition of approval has been added to require the same.

- (6) Above-grade foundation walls shall either be clad with finish materials compatible with the primary facade design, or shall be textured or formed to simulate a clad finished material such as brick, decorative block, or stucco. Exposed foundation walls of unclad or unfinished concrete are prohibited.**

Above-grade foundation walls are clad with materials compatible with the primary facade design, which is either brick or siding.

- (7) A minimum of sixty percent (60%) of all townhouse units in a development shall have a full front facade (excluding gables, bay windows, trim, and doors)**

**of brick, stone, or stucco. Each building shall be deemed to have only one "front."**

A condition of approval has been added to require the same.

**(e) Streets.**

**(1)(A) The tract of land used for the project involving these dwellings shall have frontage on, and direct vehicular access to, a public street having a right-of-way width of at least sixty (60) feet;**

The private streets in the entire Marlton Town Center have direct vehicular access to Heathermore Boulevard, which has an existing right-of-way of 120 feet.

**(B) Private streets which are interior to the project (and are not dedicated to public use) shall be improved to not less than the current standards set forth in Subtitle 23 of this Code which apply to a public, twenty-six (26) foot wide secondary residential street, except that roadside trees are not required (within the street right-of-way). Sidewalks may be omitted when it is determined that there is no need for them. Sidewalks cast monolithically with the curb and gutter shall be permitted;**

The minimum width of the internal driveways and streets is 26 feet. Sidewalks have been provided along the internal streets.

**(C) Private streets shall be common areas conveyed to a homes association, and provisions for maintenance charges shall be made in accordance with Subsection (i). (For the purpose of this section, "private streets" are internal vehicular access roadways serving the development by means of private streets approved pursuant to Subtitle 24 of this Code, except driveways which dead-end within a parking lot);**

Conditions of approval for the Preliminary Plat address the above issue of conveyance of common areas to a homeowners association.

**(D) Points of access to public streets shall be approved by the County Department of Public Works and Transportation, State Highway Administration, or other appropriate highway authority, as applicable.**

The access points for the development have been reviewed by the Department of Public Works and Transportation during the Preliminary Plat approval.

**(f) Access to individual lots.**

- (1)(A) While it is not necessary that each individual lot have frontage on a street, each lot shall be served by a right-of-way for emergency and pedestrian access purposes. The right-of-way shall either be owned by a homes association and approved by the Planning Board, or a dedicated as a public right-of-way.**

Every lot in this development has access to a driveway or street for emergency and pedestrian access purposes.

- (C) Each right-of-way shall contain a sidewalk at least six (6) feet wide which connects parking areas with the individual lots. The maximum grade of the sidewalk shall generally be not more than five percent (5%). However, when the normal grade of the land exceeds five percent (5%), ramps or steps may be utilized to remain consistent with that grade.**

Concrete sidewalks have been provided for connecting the individual lots to parking areas, driveways and internal streets. A condition of approval has been added to provide a minimum width of six feet for the sidewalks and restrict the maximum grade of the sidewalk to no more than five percent.

- (D) No individual lot shall be more than two hundred (200) feet from a point of approved emergency vehicle access.**

No individual unit is located more than 200 feet from a driveway or internal street.

**(j) Front elevation plan.**

- (1) A front elevation plan (or profile plan) shall be submitted with the Detailed Site Plan. The elevation plan shall show a variation in design of dwellings, or groups of dwellings, sufficient to satisfy the purposes of this section.**

The applicant has submitted a front elevation plan for the proposed house models

**(k) Site plan.**

- (1) **A Detailed Site Plan shall be approved for all attached dwellings, in accordance with Part 3, Division 9, of this Subtitle.**
- (2) **In addition to the requirements of Part 3, Division 9, the Detailed Site Plan shall include:**
  - (A) **An identification of two (2) or more dwelling units (at different locations within the proposed development) which have the potential to be made accessible through barrier-free design construction (in accordance with Section 4-180 of Subtitle 4 of this Code), given such site characteristics and design criteria as proposed grading, topography, elevation, walkways, and parking locations; and**

A condition of approval has been added to require identification of two units which have the potential to be made accessible through barrier-free design construction.

- (B) **The type and location of required streetlights.**

The applicant has submitted a lighting plan with details of the proposed street lights.

#### **Referral Comments**

7. The Permits Review Section (Windsor to Whitmore, February 19, 2002) had some concerns regarding the minimum yard area provided. The applicant has revised the drawings to provide the minimum yard area required by the Zoning Ordinance.
8. The Transportation Planning Section (Mokhtari to Srinivas, June 28, 2002) has stated that the on-site circulation and driveway locations are acceptable. Access to the property and adequacy of transportation facilities were addressed during the review of the Preliminary Plan and adequate transportation facilities are available to serve the proposed development.
9. The Community Planning Division (Irminger to Whitmore, March 25, 2002) has stated that there are no master plan issues associated with the proposal.
10. The Transportation Planning Section (Shaffer to Srinivas, February 28, 2002) has stated that there are no master plan trail issues. The proposed sidewalk system will accommodate the pedestrian movement throughout the site.
11. The Environmental Planning Section (Stasz to Whitmore, May 9, 2002) has stated that there are no streams, wetlands or floodplains on the property. There are no significant noise issues. The proposed use is not a noise generator. There are no rare, threatened or endangered species on the site. The site is subject to the provisions of the Woodland Conservation Ordinance because the

entire site is more than 40,000 square feet in size and contains more than 10,000 square feet of woodland. The section has recommended revisions to the Type II Tree Conservation Plan TCPH/39/95 regarding woodland conservation areas. A condition of approval has been added to require the same.

12. The Fire Prevention Division (Oladeinde to Whitmore, April 10, 2002) has stated that any courts or dead ends created should provide a 43-foot turning radius within 200 feet of the end of the road.
13. The Subdivision Section (Del Balzo to Whitmore, December 6, 2002) has stated that the proposed site plan is in accordance with the condition of approval of Preliminary Plan 4-02083.
14. The Zoning Section (Wallace to Srinivas, May 28, 2003) has stated that Zoning Map Amendment A-6696 is the only zoning case that applies. The conditions of approval do not apply directly to this property. Since the site was originally placed in the R-10 subcategory, the density requirements of the R-T Zone do not apply and the proposed 48 dwelling units are well within the dwelling units cap. The development standards of the R-30 Zone apply to this property.
15. With the proposed conditions, Detailed Site Plan SP-02005 represents a reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.

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 Type II Tree Conservation Plan (TCPH/39/95-01) and further APPROVED Detailed Site Plan DSP-02005 for the above-described land, subject to the following conditions:

1. Prior to certification of the Detailed Site Plan:
  - a. The site/grading, landscaping and architectural drawings shall be revised to show the following:
    - (1) Landscape schedules for compliance with Section 4.1 (Residential Requirements) of the *Landscape Manual*.
    - (2) A landscape buffer consisting of a large percentage of evergreen trees to screen the rear yards of the lots along the property line to the east.
    - (3) A minimum of two architectural features on the end walls.
    - (4) Additional architectural features on the rear elevations including but not limited to bay windows, shutters, porches, sunrooms etc.



- (5) A minimum width of six feet for the sidewalks adjacent to the curbs and a maximum grade of no more than five percent except adjacent to Great Gorge Way and in front of lots 205-210.
- (6) Identification of two units which have the potential to be made accessible through barrier-free design construction.

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.

\* \* \* \* \*

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 Vaughns, seconded by Commissioner Harley, with Commissioners Vaughns, Harley, Eley and Hewlett, voting in favor of the motion, and with Commissioner Squire absent, at its regular meeting held on Thursday, April 15, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 15th day of April 2004.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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