

RESOLUTION

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, the Prince George's County Planning Board considered a revision to Detailed Site Plan DSP-83054/04 in conjunction with it's recommendation regarding Special Exception Application No. 4501 for housing for the elderly in the C-1 Zone; and

WHEREAS, in consideration of evidence presented at a public hearing on June 10, 2003 regarding Detailed Site Plan DSP-83054/04, for a revision to the Marlton Plaza Shopping Center to permit the addition of apartment housing for the elderly, the Planning Board finds:

- A. Location and Field Inspection: The subject property is located on the east side of Crain Highway (US 301) and south of Fairhaven Avenue. It is developed with the Marlton Plaza Shopping Center; a linear, suburban-style shopping center that includes a Food Lion grocery store, a CVS drug store, and a variety of smaller shops, as well as a freestanding bank and a McDonald's fast food restaurant. Several of the smaller shops in Marlton Plaza are located along the southern end of the shopping center, facing the undeveloped parcel for which the special exception is requested.

The shopping center and the Shell gas station across Fairhaven Avenue to its north frame an entryway into the planned community of Marlton, originally established in 1969 and located in the R-P-C (Residential Planned Community) Zone.

- B. Development Data Summary:

	SE-4501	DSP-83054/04
Zone(s)	R-P-C (C-1 and R-80)	R-P-C (C-1 and R-80)
Current Uses	Undeveloped	Retail Shopping Center
Proposed Uses	Apartment Housing for the Elderly	Retail Shopping Center & Apartment Housing for the Elderly
Acreage	2.59	10.17 *
Parcels	Parcel A-4, part of Parcel A-1 and part of Outlot A	Parcels A-1 through A-4*
Existing Square Footage/GFA	0	62, 904 GFA retail shopping center 2,500 GFA bank 2,700 GFA fast food restaurant
Proposed Square Footage	114,674 GFA	62, 904 GFA retail shopping center 2,500 GFA bank 2,700 GFA fast food restaurant 114,674 GFA apartments for the elderly
Existing Dwelling Units:	0	0
Proposed Multifamily	102 DU	102 DU

*Other Development Data: Outlot A, measuring approximately 2.35 acres, was created pursuant to the 1969 Marlton official plan, which set aside this land for a setback between the shopping center and the single-family residential neighborhood to the east. The property is also used as a stormwater management pond. Although not currently included in the acreage of DSP-83054, it has been referenced as a bufferyard on page 1 of the DSP. Page 6 of DSP-83054/02 shows a landscape plan approved for this property. This outlot should be added to the acreage for DSP-83054, bringing the total area to 13.52 acres.

- C. History: The subject property was placed in the Residential Planned Community (R-P-C) Zone in 1969 with the approval of Zoning Map Amendment A-6696 (Council Resolution No. 92-1969).

In 1976, the Planning Board approved Departure from Design Standards DDS-65 for the location of loading areas within the 50-foot setback from residentially zoned land. Based on the location of Outlot A, which provides a setback of over 100 feet between the rear of the shopping center parcel and the nearest residential building lot, the Planning Board granted the requested departure with 11 conditions including:

- Elimination of any access to the shopping center from the south.
- Provision and maintenance of a 15-foot-wide landscaping strip in addition to the existing 30-foot landscaping strip on the R-80-zoned property to the east.
- Maintenance of a 30-foot landscaping strip along the entire rear boundary of the commercially zoned property adjacent to Lot 11 and provision of a 30-foot landscaping strip on the southern end of the property parallel to Tyre St.

On June 9, 1977, a development plan for Marlton Plaza Shopping Center was approved in accordance with the conditions of DDS-65. Minor revisions to this plan were approved administratively in January and April 1978.

In 1983, a Detailed Site Plan (SP-83054) was approved, along with a Special Exception for a gas station (SE-3394). The gas station was never built. In 1994, the Planning Board approved a revision to SP-83054/01 for a fast food restaurant (McDonald's). In 1997, the Detailed Site Plan was again revised for the renovation and expansion for the Food Lion grocery store (SP-83054/02). In conjunction with that revision, the Planning Board also approved a Departure from Design Standards (DDS-471) for the reduction in width of the service drive aisle to the rear of the shopping center. Finally, in 1997, a Departure from Sign Design Standards (DSDS-561) for the height and area of the freestanding shopping center sign was approved, and an administrative-level revision (DSP-83054/03) was approved to fulfill the conditions of approval of the sign departure.

- D. Master Plan Recommendation: The 2002 General Plan locates the subject property in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low-to-moderate density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. The 1993 Approved Master Plan for Subregion VI Study Area also addresses the subject property. The plan designates retail-commercial land uses at this location,

consistent with the zoning in place since 1969. On page 143, the plan notes that Marlton Plaza was planned to have an additional 70,000 square feet of commercial space

- E. Request: The applicant proposes to build and lease apartments for the elderly, who are defined under Section 27-337 of the Zoning Ordinance to mean a person or a family in which the head of the household or his/her dependent is at least 62 years of age.

The companion special exception application is for approval of a four- to five-story U-shaped building with 102 apartments, 83 of which will be two-bedroom units and 19 of which will be one-bedroom dwellings. Amenities provided to the residents within the building would include an exercise/wellness room, a multipurpose room with kitchen, an activity room, a library, a laundry facility, and a beauty parlor/barbershop.

The proposed development will also require a revision to DSP-83054. The application also requires approval of alternative compliance for the bufferyard between the proposed apartments and the shopping center.

- F. Neighborhood and Surrounding Uses: The neighborhood defined for this application is consistent with previous special exception applications for parcels within Marlton Plaza:
- Northeast and east—PEPCO power lines
South—Old Indianhead and Duley Station Roads
West—US 301

Except for Marlton Plaza, the neighborhood consists of single-family residential development. The southern part of the neighborhood is characterized by large lot development and the northern portion consists of suburban development in the R-R and R-80 Zones.

- G. In August 1983, the Urban Design Section of the Development Review Division, as designee of the Prince George's County Planning Board, approved a detailed site plan for Marlton Plaza (DSP-83054), which showed no development proposed on Parcel A-4. Since that time, DSP-83054 has been revised three times. The current application seeks approval of a fourth revision to the detailed site plan and a Type II tree conservation plan for the development of senior housing on Parcel A-4. The previous detailed site plan reviews did not include a detailed environmental review because the major development of the site preceded the adoption of the Stormwater Management and Woodland Conservation Ordinances.
- H. Most of the design considerations raised by this revision are related directly to the proposed special exception application. The proposed special exception also results in some impacts to the balance of the site already approved under DSP-83054.
- I. The landscaping of Outlot A has been a condition of approval of previous detailed site plans and departures from design standards since 1988. The condition of Outlot A is currently an eyesore. Not only is the property not landscaped, but the only real screening of the rear of the shopping center is accomplished with vinyl slats attached to a chain-link fence. Because the condition of the buffer has previously been brought to the attention of this applicant, the installation of this landscaping will be

required as a condition of approval prior to the issuance of building permits for the proposed apartments for the elderly.

- J. Outlot A, although referenced in previous approvals, has never been incorporated into the detailed site plan. Prior to signature approval of DSP-83054/04, a plan of development incorporating Outlot A, and showing the proposed special exception use as well as the shopping center, shall be submitted for approval by the Urban Design Section.
- K. From an urban design standpoint, the land area of Outlot A included in the special exception application is land that is fenced and inaccessible, as well as screened, so it doesn't even provide for the appearance of being part of the proposed use. Outlot A is developed as a stormwater management pond, but lacks the landscaping and amenity features that were shown on previously approved plans for the stormwater management pond. The condition of Outlot A is an eyesore to the community. Outlot A should be incorporated into the special exception and/or the detailed site plan in its entirety. It should be accessible to the future residents of the community, and landscaping, a trail system, and seating should be implemented into the buffer area. This will require the applicant to work with the Department of Environmental Resources to redesign the stormwater area in order to upgrade the facility.
- L. The area directly to the rear of the proposed apartments appears to be free of topographic constraints, and could provide an area to walk and sit and enjoy a more natural and quiet outdoor setting. A condition of this special exception will require the installation of the landscape materials in Outlot A required in previous approvals for DSP-83054. The outlot should be added to the area of the special exception in its entirety, or an area of roughly 5,000 square feet in size should be added to the 3,200 square feet of Outlot A now incorporated into the proposed special exception boundary. The proposed sight-tight fencing between the outlot and the apartment complex should be replaced by a continuation of the metal picket fencing to allow views into the open space area. In addition, a pedestrian path should provide access to permanent outdoor seating areas in that portion of the outlot described above.
- M. Parcel A-4, the proposed special exception site, has functioned as a required bufferyard for the shopping center from adjacent properties to the south. DSP-83054/03 required a type D bufferyard with a 50-foot setback and a 40-foot bufferyard, which is the requirement for a bufferyard between a commercial shopping center and single-family detached uses. The proposed special exception use is for a multistory apartment building, which is a residential use. The requirement is, therefore, reduced to a Type B buffer with a 30-foot building setback and a 20-foot-wide landscaped bufferyard. Bufferyard 2 as shown on the landscape plan will not provide the visual screen the *Landscape Manual* dictates through the provision of a fence and the quantity plant unit requirements because the change in grade proposed in that area is too steep. The fence is placed on the property line where the proposed elevation is approximately six feet below the elevation of the basement slab, therefore, not providing any screening of the building itself. The fence is proposed as a screen fence, however, the fence should be up-graded to the metal picket fence in order to continue the proposed fencing around the remainder of the development. Additional landscaping with seasonal interest should be provided in order to fulfill the requirements of Section 4.7 of the *Landscape Manual*. This will require a doubling of the plant materials currently shown. Additionally, to reduce the time required for the proposed landscaping to mature, it is recommended that the size of the proposed shade trees

be increased to a caliper of 3.5 to 4.0 inches.

- N. Alternative Compliance has been requested for the Type D buffer required between the shopping center and the proposed apartment housing. The Alternative Compliance Committee recommends approval of a reduction to a 20-foot-wide bufferyard and the continuation of the ornamental fencing proposed along the western frontage of the site, finding this combination equal to the requirements of the *Landscape Manual* at this location. The addition of the 20-foot-wide bufferyard will require the relocation of parking spaces, affecting the overall parking space design and computations. A recalculation and redesign of the parking lot for the shopping center in accordance with the requirements of Part 11 will be required prior to signature approval of this detailed site plan.
- O. Per Section 4.2, the applicant is incorporating 25 feet of existing woodland along the US 301 right-of-way. It appears that some supplemental landscaping along the existing trees is required in order to provide for a full 25 feet, as the applicant has dimensioned the minimum distance in the widest area and the remaining portion of the woodland conservation is less than 25 feet.
- P. Per Section 4.2, the applicant is incorporating a ten-foot-wide landscape strip along Antioch Street and has demonstrated compliance to this section of the *Landscape Manual*.
- Q. The application is subject to 4.3(c) and has demonstrated compliance to this section of the *Landscape Manual*.
- R. The relationship between the proposed senior housing complex and the shopping center will be enhanced by a safe, appropriately lit pedestrian walkway between the two complexes. The site plan currently proposes a painted crosswalk linking the two sidewalks. It is recommended that appropriate pavers be used to further accentuate the importance of this pedestrian link.
- S. Parking Regulations: The addition of a 20-foot bufferyard between the proposed apartments and the shopping center will require a recalculation and a redesign of the shopping center parking spaces.
- T. Environmental Issues:
 - 1. The detailed site plan and landscape plan show that almost no existing woods will remain to buffer the parking lot and main building from Crain Highway. The tree line shown is for the tree canopy, not for the location of existing trees at ground level. The width of existing woodlands to remain adjacent to the right-of-way ranges from zero to 25 feet at its widest point, which is less than the 35-foot width required by the Woodland Conservation Ordinance as the minimum width for woodland preservation.
 - 2. The 30-foot-wide bufferyard along the southern property line is encumbered with several easements. However, the existence of easements does not prevent the planting of landscaping in these areas. The landscape plan will remain enforceable through the Department of Environmental Resources and will require the landowner to replant if necessary.

3. The original approval of this detailed site plan predates the adoption of the Woodland Conservation Ordinance. A detailed forest stand delineation was submitted with this application for Parcel A-4 only, which is subject to the Woodland Conservation Ordinance. The FSD was found to be complete and accurate. Parcel A-1, A-2, A-3, and Outlot A are exempt from the Woodland Conservation Ordinance because together they contain less than 10,000 square feet of existing woodlands. Letters of exemption will be required with the submittal of all grading permits affecting these sites.
 4. A Type II tree conservation plan was submitted for Parcel A-4 with this application. The Woodland Conservation Ordinance requires that a Type I tree conservation plan be approved in conjunction with an application for special exception. In order to fulfill requirements, a TCPI will need to be approved in conjunction with the special exception, and a TCPII will need to be approved in conjunction with the detailed site plan.
 5. A Type II tree conservation plan (TCPII/187/03) was submitted for Parcel A-4, which shows off-site impacts onto Outlot A. The woodland conservation threshold for this TCPII is 0.39 acres (15 percent of the net tract) plus additional acres due to the clearing proposed and off-site impacts. The total woodland conservation requirement for the site cannot be determined until the amount of clearing proposed on-site and off-site is correctly quantified.
 6. The stormwater management concept approval letter and associated plans have been submitted.
 7. Crain Highway (US 301) is master planned to be upgraded to a freeway. The current traffic volume (2002) is 30,850 vehicles per day. An estimation of the location of the 65 dBA Ldn noise contour was made to determine potential impacts on the proposed residential use for this site, and to evaluate mitigation potential. Using the Environmental Planning Section noise model, which projects traffic volumes for 10 years, the 65 dBA Ldn noise contour will fall approximately 283 feet from the centerline of the master-planned road. The 65 dBA Ldn noise contour should be delineated on the detailed site plan.
 8. The state maximum interior noise level requires a reduction to 45 dBA Ldn or less. Standard building construction can generally reduce interior noise levels by 20 dBA Ldn. A portion of the proposed building falls within the 65 dBA noise contour, which means that additional mitigation may be required.
- U. Based on the above findings, the Detailed Site Plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code 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 (TCPII/187/03) and further APPROVED Detailed Site Plan 83054/04 for the above-described land, 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 will 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 provided 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 SE-4501 and Alternative Compliance Application AC-04012 shall be approved prior to signature approval of DSP-83054/04.
5. Prior to the approval of SE-4501, the landscape plan for Special Exception SE-4501 shall be revised to show the following:
 - a) The number of trees shown in Bufferyard 2 shall be doubled. An ornamental metal fence shall be provided in lieu of the proposed sight-tight fence.
 - 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 indicated in Option 3 of figure 4-2 of the *Landscape Manual*, additional trees shall be planted to meet the requirement of 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 from one another.
6. Prior to signature approval of Detailed Site Plan-83054/04, the detailed site plan shall be revised to show the following:
- 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 to Outlot A from the apartment complex. 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. This should specifically include the location for on-site visits by health care professionals.
 - d) Two additional parking spaces for the handicapped, in lieu of two standard spaces, shall be shown in the parking row nearest to the fountain.
 - 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 Parcels A-1, A-2, A-3 or Outlot A, letter(s) 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 requirement and other requirements as needed.

10. Prior to the approval of building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that building shells of structures within prescribed noise corridors have been designed to reduce interior noise levels to 45dBA (Ldn) or less.

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 Squire, seconded by Commissioner Harley, with Commissioners Squire, Harley, Eley and Hewlett voting in favor of the motion, and with Commissioner Vaughns absent at its regular meeting held on Thursday, June 10, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of July 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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