

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed SE-4405 requesting a special exception for a private club in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on July 19, 2001, the Prince George's County Planning Board finds:

- A. Location and Field Inspection: The subject property is a two-acre undeveloped site located on the north side of Martin Luther King, Jr. Highway (MD 704), approximately 170 feet east of Johnson Avenue in the Town of Glenarden. It is level and partially wooded and has about 225 feet of frontage on MD 704.
- B. Request: The applicant currently operates a private club (American Legion, Glenarden Post No. 275) across Martin Luther King, Jr. Highway. The current request is to permit the club to move to a new building on a larger lot than the present location.

The proposed club facility will consist of a one-story, 10,500-square-foot building and a parking area with 120 parking spaces. Maximum occupancy of the club is set at 430 persons, and the hours of operation will be Sunday through Thursday 12:00 p.m. to 12:00 a.m., and Friday through Saturday 12:00 p.m. to 2:00 a.m. The private club will be operated for various meetings and social events (weddings, birthdays, etc.). There will be no nightclub events or disco activities for ticket sales. The private club will be restricted to members and their guests. Members will be limited to veterans with honorable discharges.

- C. Neighborhood and Surrounding Uses: The following neighborhood boundaries are identified for this special exception:

North - Bellwood Avenue

Southeast - Martin Luther King, Jr. Highway

West - Dodge Park Neighborhood Park, Dodge Park Elementary School and the Washington Commerce Center.

The subject property is surrounded by the following uses:

Northwest • Single family detached residences in the R-55 Zone

Northeast • Townhouses under construction in the R-T Zone

Southeast • Across Martin Luther King, Jr. Highway, the current location of the American Legion private club and apartments in the R-18 Zone

Southwest • retail-commercial uses and a medical office

D. Specific Special Exception Requirements • **Sec. 27-359. Golf course; private club; nonprofit recreational uses:**

- (a) A golf course, private club, community building, or other nonprofit recreational use may be permitted, when it is not publicly owned or operated. Concessions for serving food and refreshments to, and entertainment for, club members and guests, may also be permitted. This special exception does not apply to community swimming pools, golf driving ranges, or miniature golf courses.

Section 27-107.01 (a)(49) defines a private club as **■An establishment providing facilities for entertainment or recreation for only bona fide members and guests, and not operated for profit.**• The applicant's statement indicates that the club will be for the use of members and their guests only.

- E. Parking Regulations: The proposed plan adequately provides for the parking needs of the use. It is noted that the office square footage needs to be identified and parking spaces need to be identified to meet that requirement. The number of proposed spaces currently exceeds the requirement, so it appears that this revision can be accommodated without adding additional spaces.

The proposed site plan meets the design standards for parking lots. However, clarification in the field is needed for access to the loading area. The loading space and its access are correctly shown away from residential development. However, since portions of the parking lot are within 50 feet of residentially zoned land, a **■no truck access**• sign should be posted on the property to ensure that trucks will not use that northeastern lane. A note to this effect must be added to the site plan.

- F. Landscape Manual Requirements: The application complies with most of the requirements of the *Landscape Manual*. One exception is the width of the bufferyard along the northeast property line. An application for alternative compliance (AC-00064) was reviewed by the Alternative Compliance Committee and recommended for approval with conditions by the Committee and the Planning Director on March 1, 2001. Condition No. 3 contains the landscaping conditions.

It is also noted that the landscape plan, as proposed, does not provide adequate screening of the loading area. Although the orientation of the loading space precludes the normal screening required

by the *Landscape Manual*, there are several landscape islands in the parking area which intervene between the public street and the loading area. It is also noted that the size of the proposed willow oak trees in the landscape plan are smaller than the required size. It is recommended that the following conditions be added to the alternative compliance recommendation: All shade trees shall be provided at the required size of 2.5- to 3.0-inch caliper, and those four shade trees within the islands nearest to the loading area shall be at 3.0- to 4.0-inch caliper. Each of these four trees shall be surrounded with seven shrubs: ■euonymus manhattan,• or similar.

- G. Zone Standards: The proposal complies with the setback, lot coverage and height requirements of the R-T Zone.
- H. Sign Regulations: A freestanding sign is proposed for the property. The site plan shows a 10-foot setback from the property line, which appears to be the ultimate right-of-way line for MD 704. The site plan must be clarified to show the precise location of this right-of-way line.
- I. Required Findings **Section 27-317(a) of the Zoning Ordinance provides that a special exception may be approved if:**

- (1) The proposed use and site plan are in harmony with the purposes of this Subtitle.

The purposes of the Zoning Ordinance are generally intended to protect the public health, safety and welfare; to promote a beneficial relationship between the uses of land and buildings and to protect landowners from adverse impacts of adjoining development. The proposed private club, with the recommended conditions, is in harmony with these purposes. The site is located along a highway, rather than interior to a residential neighborhood. On one side it adjoins commercial uses. On two sides it adjoins residential development; however, in both cases there are significant buffers between the adjoining residential development and the private club. Existing woodlands on the northwest and a portion of the northeast sides will be retained. Along the balance of the northeast side, adjoining the townhouse development under construction, the combination of a board-on-board fence and more than the required landscape materials will ensure adequacy of the buffers consistent with the purposes of the *Landscape Manual*. Traffic in and out of the site will be confined to Martin Luther King, Jr. Highway and will not impact residential streets.

- (2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle.

The approval of this application requires the approval of alternative compliance and a tree conservation plan. The landscape plan submitted for approval of alternative compliance has been recommended for approval. The proposed Tree Conservation Plan still requires the submission of a detailed forest stand delineation for a recommendation of approval.

- (3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or in the absence of a Master Plan or Functional Map Plan, the General Plan.

The 1993 *Landover and Vicinity Master Plan* shows the subject property proposed for townhouse uses. Quasi-public uses are considered an appropriate component of residential areas, and the approval of this request would not constitute a substantial impairment of the integrity of the Master Plan.

- (4) The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area.

The proposed use will not pose adverse effects upon the health, safety or welfare of residents or workers in the area. Access to the site is from a major highway and the nearest intersection (MD 704 and Johnson Avenue) has adequate capacity to handle the additional traffic generated by the proposed use. There are significant existing and proposed buffers between the proposed use and adjoining residential uses. The proposed building is set back over 50 feet from the nearest residential property line and most of the parking lot is located over 30 feet from residentially zoned property. The uses on the site are buffered by existing wooded areas and will be further buffered by a sight-tight fence along the northeast property line. The northwest property line and the remainder of the northeast property line should be similarly treated with a sight-tight fence. The addition of this fence will increase security and reduce noise for residents who live in the adjoining homes.

To further minimize noise impacts, outdoor social events shall not be conducted after 9:00 pm and shall be limited to no more than six events per year. It is also recommended that the applicant provide details on noise attenuation measures in a note to be added to the site plan.

The Fire Department requests the addition of a small turnaround area at the end of the parking lot to allow emergency vehicles to more easily exit the site. This may have a slight impact on the wooded buffer, but not a significant one.

- (5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.

The use of the proposed club will be limited to the its members and their guests. The proposed development will be adequately buffered from adjoining uses, according to the standards and purposes of the *Landscape Manual*. Limitations on the timing and number of outdoor social events will further ensure that the use of the club will not be detrimental to adjoining residences.

Because the use is at least partially surrounded by residential dwellings, it is appropriate to consider the architecture of the proposed building. It is therefore recommended that the applicant submit an architectural rendering of the proposed building to show how architectural details and building materials will ensure compatibility with adjoining residential areas. The use of noise attenuation measures in the building will further mitigate noise impacts.

- (6) The proposed site plan is in conformance with an approved Tree Conservation Plan.

A tree conservation plan was submitted to the M-NCPPC Environmental Planning Section, which has reviewed the plan. The Woodland Conservation Ordinance requires conservation of at least .66 acre, or some combination of conservation and afforestation. Submittal of a detailed forest stand delineation will be required before adequacy of the proposed TCP can be established. In addition, the applicant should submit a location for off-site mitigation rather than relying upon a fee-in-lieu of afforestation. (See March 6, 2001 memorandum from Porter Ingrum.) The applicant must submit the forest stand delineation and revise the TCP as recommended by the Environmental Planning Section prior to the close of the record in this case.

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 recommended to the District Council for Prince George's County, Maryland that the above-noted application be APPROVED, subject to the following conditions:

1. Events at the club shall be restricted to those attended by members and their guests.
2. The site plan shall be amended to show the following revisions:
 - a. The trash dumpster shall be relocated from its present location near the adjoining single-family residences to the north, to an area near the proposed loading space near the adjoining commercial uses.
 - b. The parking schedule shall indicate the parking requirements for the office portion of the proposed club.
 - c. The plan shall indicate the location of a "no truck access" sign to prevent trucks from using the northeastern-most travel lane in the parking lot.
 - d. A turnaround area shall be added to the northern end of the parking lot, in conformance with Fire Department regulations for emergency vehicles.
 - e. The exact location of the ultimate right-of-way for MD 704 shall be shown to ensure conformance with all setback requirements.
3. The applicant shall revise the landscape plan to show the following:
 - a. The spacing of the shade and ornamental trees in the northeast bufferyard shall be adjusted so that there is a minimum of 10 feet between trees.
 - b. The nearest townhouse on the adjoining site shall be shown on the plan.
 - c. The plan shall note the adjoining townhouse development by name and site plan number (Glenarden Towns, SP-96071).

- d. The landscaping schedules shall be revised to show a perimeter landscaped strip along the southeast property line in accordance with Section 4.3 of the *Landscape Manual*.
 - e. All shade trees shall be provided at the required size of 2.5- to 3.0-inch caliper, and those four shade trees within the islands nearest to the loading area shall be at 3.0- to 4.00inch caliper. Each of these four trees shall be surrounded with seven shrubs: ■euonymus manhattan,• or similar.
4. A Forest Stand Delineation shall be submitted to the Environmental Planning Section to complete the Tree Conservation Plan review.
 5. Prior to the approval of the revised TCP, the applicant shall submit a location for an off-site woodland mitigation area. The preferred location is in the Beaverdam Creek subwatershed or the Anacostia watershed.
 6. Prior to TCP I approval, the plan shall be relabeled as a Type I TCP. Notes on the plan shall be those appropriate to a Type I Tree Conservation Plan. Specifically, notes 2 and 6 shall be removed from the TCP I notes section.
 7. The applicant shall submit a copy of a Stormwater Management Concept Approval Letter to the Environmental Planning Section prior to special exception approval.
 8. Prior to approval of this special exception, the applicant shall submit an architectural elevation or rendering to demonstrate compatibility of building materials and design details with the adjoining residential development. Additionally, prior to building permit, the applicant shall demonstrate that the building itself is to be constructed as a concrete masonry unit with a brick facade, to include 2x4 studs and R-13 fiberglass insulation: that the northern end of the building will not have any windows; that all doors will have hydraulic closures; and that the windows will be double-glazed. These building details shall be set forth in a note to be added to the site plan.
 9. A sight-tight fence shall be provided along the entire northeast and northwest property lines.
 10. The applicant shall hold no more than six (6) outdoor events per year, and any such event shall not be conducted outdoors after 9:00 p.m.

* * * * *

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.

PGCPB No. 01-149
File No. - SE-4405
Page 7

Adopted by the Prince George's County Planning Board this 6th day of September, 2001.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:CW:wrc