



*Note: Staff reports can be accessed at [www.mncppc.org/pgco/planning/plan.htm](http://www.mncppc.org/pgco/planning/plan.htm)*

## DETAILED SITE PLAN

**DSP-02005**

Application	General Data
Project Name  MARLTON TOWN CENTER, PHASE IV  Location  Northeast quadrant of Heathermore Boulevard and Grand Haven Boulevard.  Applicant/Address  Lake Marlton Limited Partnership 24024 Frederick Road Clarksburg, MD 20871	Date Accepted 02-06-2002
	Planning Board Action Limit 04-17-2002 (waived)
	ZHE Hearing Date NA
	Plan Acreage 4.2240
	Zone R-P-C & R-30
	Dwelling Units 48 lots, 1 parcel
	Square Footage NA
	Planning Area 82A
	Council District 9
	Municipality NA
	200-Scale Base Map 211SE11

Purpose of Application	Notice Dates
RESPONSE TO ORDER OF REMAND FROM DISTRICT COUNCIL	Adjoining Property Owners (CB-15-1998) NA
	Previous Parties of Record (CB-13-1997) 03/29/04
	Sign(s) Posted on Site NA
	Variance(s): Adjoining Property Owners NA

Staff Recommendation			Staff Reviewer: LAXMI SRINIVAS
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

April 7, 2004

**MEMORANDUM**

TO: Prince George's County Planning Board

VIA: Steve Adams, Urban Design Supervisor

FROM: Laxmi Srinivas, Senior Planner

SUBJECT: Detailed Site Plan, SP-02005  
TCPH/39/95-01  
Marlton Town Center—Phase IV  
Response to Order of Remand from the District Council

The Planning Board approved a Detailed Site Plan for Marlton Town Center, Phase IV, on July 3, 2003 (PGCPB No. 03-136). The District Council elected to review the Detailed Site Plan DSP-02005 for Marlton Town Center, Phase IV, on July 21, 2003, and reviewed the Detailed Site Plan on January 27, 2004. The District Council remanded the case to the Planning Board on January 27, 2004.

The Sections of the Order of Remand are quoted below and responses are provided primarily from the Transportation Planning Section's revised referral dated March 9, 2004.

- A. The staff report for this Detailed Site Plan indicates that transportation improvements were required in the approval, PGCPB No. 00-48, for Preliminary Plan 4-99064. The record here does not show the status of those improvements.**

The memorandum from the Transportation Planning Section states that:

"This section of the Order addresses the status of the transportation improvements that were conditions of approval for Preliminary Plan No. 4-99064 (PGCPB No. 00-48). Subsequent to the approval of 4-99064, all of the improvements cited in PGCPB No. 00-48 have been built."

- B. Before it takes final action on this DSP application, the District Council requires a full explanation of the status of the transportation facilities to serve this development project and give access to and from the subject property. The State Highway Administration submitted materials dated 13 November 2003 and October 2002 at a recent SHA briefing in Greenbelt, where SHA official discussed major State highways in Prince George's County, including MD 301. Council asks the Planning Board to review these materials and consider whether it should modify its resolution of approval.**

The memorandum from the Transportation Planning Section states that:

“This section of the Order requests a review of recent SHA briefing materials, with consideration given to modifying the Planning Board’s resolution of approval. The materials include pages from the state Consolidated Transportation Program regarding improvements along US 301. These materials describe a multimodal corridor study along the US 301 corridor between La Plata and the US 50/US 301 interchange in Bowie. The SHA materials show that the study is funded for planning and right-of-way acquisition only. There are no funds appropriated for construction. However, the transportation review of a Detailed Site Plan is guided by the required findings under Section 27-285(b). None of these findings requires a determination of adequate transportation facilities. While it is generally understood that there are severe transportation issues along sections of the US 301 corridor, the findings required of a Detailed Site Plan do not authorize transportation staff to address off-site transportation issues beyond those that are the subject of preliminary plan conditions. Therefore, there is not a basis, from the standpoint of transportation, to modify the conditions placed upon the Detailed Site Plan.”

- C. **The remand is intended to fulfill the purposes of the Zoning Ordinance, as stated in Section 27-102 (a) of the Zoning Ordinance. In particular, the general police-power purposes in subsection (a)(1), the plan implementation purposes in (a)(2), the public facilities purposes in (a)(3), the orderly growth and development purposes in (a)(4), and the traffic and transportation purposes in (a)(11) shall be addressed by staff and Planning Board, on the remand.**

Section 27-102 lists the general purposes of the Zoning Ordinance. The specific requirements for the different types of uses and procedures set out in the Zoning Ordinance are designed to meet these 15 purposes. Each stage of development is designed and regulated pursuant to these purposes. Each stage of development, from the very general, zoning, to the specific, site plan review, is unique and as such has its own specific set of criteria for review and approval. And each stage has its own set of findings necessary for approval. It is within these findings at each different stage of the development process that the purposes of the Zoning Ordinance are upheld. Section 27-102 (a)(1)-(4) are addressed at stages earlier in the process and are presumed to be satisfied at the time of detailed site plan approval.

- D. **This remand is also intended to allow proper interpretation and application of the Zoning Ordinance, Section 27-108.01 (a) (23) (the Ordinance “shall be read as a whole”); to provide for appropriate Detailed Site Plan review, in accordance with Section 27-281 (a)(1)(b)(1) (Detailed Site Plan review is “discretionary” and is intended to effect certain purposes, including development conformance with the General Plan and other approved plans); to permit timely and appropriate District Council review of this DSP, as authorized and required by Section 27-290; and to allow the applicant, if it chooses, to supplement the record, to show how ingress to and egress from the proposed residential community and its individual lots will be aided (or adversely affected) by SHA plans for improvements and modifications of MD 301.**

The applicant has no additional information or findings to add to the record regarding the issues identified in the Order of Remand.

Section 27-108.01 of the Zoning Ordinance is entitled “Interpretations and rules of construction.” It contains 26 very specific rules, such as definitions of the words “following,” “preceding,” “and,” “or,” “sell,” and “shall.” It includes explanations of how to measure distances and compute time for purposes of the Zoning Ordinance. The rule of construction in question states, in full: “It is not

intended that specific requirements be interpreted separately from all other requirements in the Ordinance. The Zoning Ordinance should be read as a whole.” This rule of construction has been fully met through the review, evaluation, findings and conditions contained herein.

The question of appropriate detailed site plan review has also been raised, with reference to Section 17-181. Although Section 27-181, Purpose of Detailed Site Plans, does not reference their discretionary nature, it does reference master plans and specifically states that one of the general purposes of detailed site plans is: to provide for development in accordance with the principles for the orderly, planned, efficient and economical development contained in the General Plan, master plan, or other approved plans.

It should be noted that the specific purposes of a detailed site plan are:

- (A) To show the specific location and delineation of buildings and structures, parking facilities, streets, green areas, and other physical features and land uses proposed for the site;
- (B) To show specific grading, planting, sediment control, tree preservation, and stormwater management features proposed for the site;
- (C) To locate and describe the specific recreation facilities proposed, architectural form of buildings, and street furniture (such as lamps, signs, and benches) proposed for the site; and documents that are necessary to assure that the plan is implemented in accordance with the requirements of this Subtitle.

Furthermore the required findings for a detailed site plan are as follows:

- (1) The Planning board may approve a detailed site plan if it finds that the plan 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. If it cannot make these findings, the Planning Board may disapprove the plan.

The purposes of the Zoning Ordinance, the rules of construction, and the general and specific purposes and required findings for detailed site plans have been appropriately applied to the subject project. The transportation issues described in the Order of Remand are not germane to the review of this detailed site plan.

Therefore, staff does not recommend any change to the Planning Board’s previous approval of the plan. Staff recommends that the Planning Board REAPPROVE DSP-02005 and TCPII/39/95-01 with conditions as previously approved in PGCPB Resolution 03-136.