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Special Exception Application No. 4501; Revision of Detailed Site Plan Application No. 83054/04; (AC-04012)

Application	General Data
Project Name: Marlton Senior Housing Location: East side of US 301, south of Fairhaven Avenue. Applicant/Address: Phoenix Construction Company, Inc. 8120 Woodmont Avenue, Ste. 160 Bethesda, Maryland 20814	Date Accepted: SE-4501 5/11/04 DSP-83054 11/3/03
	Planning Board Action Limit for DSP Waived
	Plan Acreage: 10.17
	Zone: C-1 (R-P-C)
	Dwelling Units: 102
	Square Footage: 114,674 GFA
	Planning Area: 82A
	Tier: Developing
	Council District: 09
	Municipality: N/A
	200-Scale Base Map: 212SE10

Purpose of Application	Notice Dates
Apartment housing for the elderly	Adjoining Property Owners Previous Parties of Record Registered Associations: 3/8/04 (CB-12-2003)
	Sign(s) Posted on Site: 5/26/04

Staff Recommendation		Staff Reviewer: Catherine H. Wallace	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

June 2, 2004

TECHNICAL STAFF REPORT:

TO: The Prince George's County Planning Board
The Prince George's County District Council

VIA: Jimi Jones, Acting Zoning Supervisor

FROM: Catherine H. Wallace, Planner Coordinator

SUBJECT: **Special Exception Application No. 4501**
Revision of Detailed Site Plan DSP-83054/04
Alternative Compliance Application No. 04012

REQUEST: **Apartment housing for the elderly and a revision to the detailed site plan for Marlton Plaza Shopping Center, Alternative Compliance for a bufferyard**

RECOMMENDATION: **APPROVAL; with conditions**

NOTE:

Special Exception 4501 and the revision of Detailed Site Plan DSP-83054/04 are companion cases. Because the Planning Board has the authority to make the final decision in a detailed site plan, the Board will hear these applications on the agenda date listed above.

The Planning Board encourages all interested persons to request to become a person of record in this application. Requests to become a person of record should be made in writing and addressed to the Development Review Division at the address indicated above. Please call 301-952-3530 for additional information.

FINDINGS:

- A. Location and Field Inspection: The property that is the subject of Detailed Site Plan DSP-83054 is located on the east side of Crain Highway (US 301) and south of Fairhaven Avenue. It is known as 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. The site that is the subject of Special Exception SE-4501 is a wooded parcel of land located on the southern end of the shopping center. It is also within the boundary of DSP-83054. 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). The R-P-C Zone was intended to provide for the comprehensive zoning and design of a new town, complete with a variety of dwelling unit types, and served by its own complement of commercial development and public facilities as well as an opportunity to provide at-place employment. The A-6696 rezoning decision provides for an official plan delineating parcels and

sub zones, a detailed plan of development that shows proposed lots and buildings, as well as some design criteria, and the text of the Marlton Plan submitted by the then developer, Marlton Joint Venture, and revised in accordance with the final zoning decision. Since 1969, there have been several amendments to the Marlton official plan, most notably Zoning Map Amendments A-9730 and A-9731, which did not encompass the subject property.

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.

(See attached minutes for DDS-65 for the full list of conditions.)

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 foot 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 requested 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.

SPECIAL EXCEPTION 4501

G. Specific Special Exception Requirements:

Sec. 27-337. Apartment housing for elderly or physically handicapped families.

- (b) Apartment housing and related facilities for elderly or physically handicapped families may be permitted within a building other than a surplus public school building, subject to the following:
- (1) The owner of the property shall record among the Land Records of Prince George's County a Declaration of Covenants which establishes that the premises will be solely occupied by elderly or handicapped families for a fixed term of not less than twenty (20) years. The covenants shall run to the benefit of the Maryland-National Capital Park and Planning Commission;

The applicant shall submit the required Declaration of Covenants for approval by the Zoning Hearing Examiner prior to final approval of this special exception.

- (2) Not applicable.
- (3) In the C-S-C Zone, the following shall apply:
- (A) The subject property shall contain at least two (2) contiguous acres, and shall not contain more than forty-eight (48) dwelling units per acre of net lot area. The density may be increased by one (1) unit per acre for each one thousand (1,000) square feet of indoor space available for common use

by the residents for social, recreational, or educational purposes. The indoor space shall be shown on the site plan;

The site subject to the proposed special exception is 2.59 acres in size and will have a density of 39.38 dwelling units per acre, thus meeting this requirement.

(B) Not less than fifty percent (50%) of the net lot area shall be devoted to green area;

An exhibit entitled "Net Lot Green Exhibit" demonstrates that the site will retain approximately 52 percent of its area in green space.

(C) The District Council shall find that existing development and uses in the neighborhood (particularly on adjacent properties) will not adversely affect the proposed development;

To the south and east of the site are single-family residential uses in the R-80 Zone. The property is separated from the residences to the east by a 100-foot setback (Outlot A, established by the Marlton official plan to separate the residential areas from the rear of the shopping center). The shopping center and the traffic on US 301 are likely to have the greatest impacts on the proposed development. The proposed site plan provides setback of 123 feet from US 301. The site plan also shows some retention of wooded areas along that perimeter. However, the depth of the woodland ranges from only 25 feet to zero. This buffer must be augmented by additional plantings to meet the minimum requirements of the *Landscape Manual*. In addition, the site plan must be amended to delineate the location of the 65dBh noise contours, and noise attenuation measures must be incorporated into the design of the proposed residential units. (See referral reply from the Environmental Planning Section, May 25, 2004.)

The proximity of the shopping center permits access to some retail sales and services that seniors typically patronize. For example, the center includes a grocery, pharmacy, bank, restaurant, dry cleaner, beauty shop, and veterinarian. The southern end of the shopping center is not a blank wall, but actually a series of small storefronts. However, by virtue of the age of the shopping center and the fact that it was developed as a strip, suburban center, it presents a large expanse of asphalt parking area. The parking lot includes only moderate amounts of landscaping and no true pedestrian-friendly atmosphere.

For this reason, staff has encouraged a strong emphasis on providing pedestrian access between the two uses while also locating appropriate amounts of landscaping and vegetative buffers. As currently proposed, the site plan retains shopping center parking spaces along the north side of the proposed north wing of the building. Also, a loading space is proposed in that location. These uses are located in the area that should be reserved for a landscape buffer, given the location of the proposed building. Alternative compliance has been requested for the required buffer. The Alternative Compliance Committee has reviewed the application and recommends that in lieu of a 40-foot-wide bufferyard, a 20-foot-wide bufferyard and a continuation of the proposed ornamental metal fencing be provided between the apartment building and the retail center, except where access to the indoor trash compactor area and service equipment is needed. This buffer will provide some screening of the parking lot and commercial activities at the shopping center, and with the pedestrian crosswalk, will enhance the relationship between the two uses. The recommended screening is particularly important in light of the fact that the floor plan of the north wing of the building includes dwelling units at this location. The addition of the bufferyard

will require a revision and recalculation of the parking spaces required for the shopping center as well as a relocation of the proposed loading space. The loading space may be relocated to the area in front of the south wing of the building, or could be placed inside the building.

(4) In the R-R, R-80, and R-55 Zones, the following shall apply:

Approximately 3,200 square feet of the proposed special exception are part of Outlot A, which is in the R-80 Zone. Although no development is proposed on this part of the property, the requirements of this subsection (4) must also be addressed.

(A) The requirements of paragraphs (1), (2), (3), and (4) of Subsection (a), above, shall be met:

(1) In addition to the requirements of Section 27-296(c), the site plan shall show the density, and the type and total number of dwelling units proposed;

The site plan shows the density, type and number of dwelling units proposed. As noted above, the proposed density of 39.38 dwellings per acre is within the parameters of the density set for the C-1 (C-S-C) Zone, which is 48 units per acre. There are no specific density limitations for this special exception in the R-80 Zone and no development is proposed for that portion of the property.

(2) The District Council shall find that the subject property is suitable for the type of development proposed, and is of sufficient size to properly accommodate the proposed number of dwelling units;

The property is suitable for the proposed use. The site is located in a community planned for a mixture of land-use types and densities. Although the site is shown in the C-1 (C-S-C) subzone, housing for the elderly is permitted by special exception in the C-S-C Zone. The proposed location, adjacent to a small retail shopping center, will provide residents with convenient access to necessary goods and services. Although Marlton Plaza was not developed as an integrated activity center, the location of apartments for the elderly near the shopping center can provide a beneficial relationship for both uses and be suitable for the development proposed, if careful attention is given to the relationship between the two uses.

There have, however, been some challenges in designing the site to fit the proposed number of units while managing the competing needs for appropriate setbacks from US 301, landscape buffers, the need for usable open space, appropriate locations for loading, and the parking needs for both the residential complex and the shopping center. Earlier versions of the proposed plan showed a building located within 17 feet of the ultimate right-of-way for US 301. The current proposal has redistributed the wings of the building so that the closest point of the building is now 123 feet away from the right-of-way. Although this is a significant improvement, noise contours exceeding state standards for residential areas extend about 200 feet into the site. A condition requiring noise attenuation measures to be incorporated into the design of the buildings is recommended to address this issue.

The proposed site and landscape plans will need additional revisions to permit a determination that the site is suitable and of sufficient size to accommodate the proposed number of dwellings. Additional landscaping is required to provide adequate buffers from the residential neighborhood to the south of the site, the adjoining shopping center, and US 301. With the recommended revisions to the site and landscape plans, staff finds the subject property suitable for the type and

quantity of development proposed. A further discussion of these issues is found under the *Landscape Manual* and Design Issues section of this report.

(3) Recreational and social amenities for the residents may be provided, if shown on the site plan and approved by the District Council;

The applicant's proposal provides for a number of indoor amenities and recreational uses. Included in the proposal and shown on the floor plans submitted with this application are an exercise/wellness room, a multipurpose room with kitchen, an activity room, a library, laundry facility, and a beauty parlor/barbershop. Outdoors, the site plan proposes an "activity terrace" and circular garden, which is intended to include a water fountain. This terrace is located near the building's main entrance. A smaller patio is to be located to the rear of the building. The indoor amenities should be listed on the special exception site plan. The site plan should also label the water fountain feature and the terrace details should include seating elements. The site plan should also clarify that the rear patio is a patio and not a deck. This should be a basement level structure, as a deck would require a variance due to the setback limitation. The rear patio should be constructed of materials similar to the activity terrace.

Outdoor recreational amenities are not a strong component of the subject application. The applicant maintains that residents in the 62-and-over age category are far more likely to use indoor activity areas than outdoor areas. Staff believes that outdoor activities, particularly walking, should be encouraged and that walks to and from the shopping center are not sufficient. Much of the property in front of the building lies within the area impacted by noise from US 301, although the proposed activity terrace is located beyond the 65dBA noise contour. To the rear of the building, the topography is not conducive to recreational activities. Outlot A, however, could provide the location for some limited outdoor activities. The May 26, 2004, memorandum from the Urban Design Section notes the following:

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. If land from Outlot A is included as part of this application, and since it is owned and controlled by the applicant, then the land should be accessible and should be an amenity for the community. This will require the applicant to work with the Department of Environmental Resources to redesign the stormwater area in order to upgrade the facility. 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.

The above recommendation should not be interpreted to mean that seating or pedestrian trails need to be incorporated throughout Outlot A. Much of the topography of the stormwater management facility does not lend itself to a path system or any other use. However, 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.

- (4) The height, lot coverage, density, frontage, yard, and green area requirements, including restrictions on the location and height of accessory buildings, as specified for the zone in which the use is proposed, shall not apply to uses or structures provided for in this Section. The dimensions, percentages, and density shown on the approved site plan shall constitute the regulations for development under a given Special Exception.**

The application meets the requirements for lot coverage, density, frontage, yard and green area requirements for this Special Exception in the C-S-C Zone where the proposed building and accessory parking will be located. No development is proposed in the R-80-zoned portion of the property, and the staff recommendation for some outdoor seating and a pathway to access the sitting areas will retain the use as open space.

(B) The District Council shall find that the proposed use:

- (i) Will serve the needs of the retirement-aged community or physically handicapped families;**

Again, this finding is required because of the inclusion of R-80-zoned property in the special exception request. It is not required for an application in the C-S-C Zone. The applicant's statement of justification refers to the 1999 Senior Housing Task Force report, which concludes that there is a large concentration of seniors and emerging seniors (currently 45 to 64 years old) in the county and that the southern part of the county is particularly underserved for senior housing opportunities. The M-NCPPC Research Section staff concurred in this finding most recently in the technical staff report for Special Exception SE-4467.

Moreover, the site is an appropriate location to serve those needs. The convenience of groceries and other daily necessities within walking distance is a major amenity for senior citizens. The site is not particularly convenient to hospital and other medical facilities, but the applicant states that, "Although the project is designed as an independent living facility for seniors above the age of 62, accommodations will be made for periodic on-site visits by healthcare practitioners for the convenience of the residents." The site plan should note the location for on-site visits by healthcare practitioners.

- (ii) Will not adversely affect the character of the surrounding residential community. The District Council shall consider the lot size, height of the building, lot coverage of all buildings on the property, setbacks from surrounding properties, street frontage, and sufficiency of green area when determining the proposed development's effect on surrounding residential communities.**

With the recommended conditions, the proposed use will not adversely affect the character of the nearby residential community. The subject site is located at the point of transition between single-family detached and retail commercial zoning. Residential lots to the east of the site are located over 100 feet away due to the location of Outlot A. The most direct impacts of any

development on this site will fall on lots 24, 25, 26 and 16 located on Tyre and Antioch Streets. The impacts of residential uses, however dense, are generally considered less intense than the impacts associated with commercial uses. The proposed site and landscape plans show that the proposed development can meet the 30-foot setbacks and 20-foot bufferyard width required between multifamily residential development and single-family detached development.

However, staff finds the landscaping proposed in Bufferyard 2 between the site and adjoining lots 25 and 26 insufficient. The *Landscape Manual* allows the reduction by 50 percent of landscape materials when a sight-tight wall or fence is used for screening. However, due to the topography of the area, the proposed six-foot-high fence will screen neither use from the other. As a result, the number of trees proposed at this location should be doubled to meet the minimum standard. In lieu of a sight-tight wooden fence, a continuation of ornamental fencing should be provided. Due to the changes in topography and the significant difference between the height and scale of the proposed building and the adjacent single-family homes, the landscape buffer should exceed the minimum requirements. It is, therefore, recommended that at the time of planting, a caliper of 3.5 to 4.0 inches, rather than the typical 3.0 to 3.5 inches, will be specified.

(C) For the purposes of this Section, the term “elderly or physically handicapped family” means a family in which the head of the family, or his dependent, is at least sixty-two (62) years of age or is physically handicapped. A person shall be considered physically handicapped if he has a physical impairment which:

- (1) Is expected to be of continued and indefinite duration;**
- (2) Substantially impedes the ability to live independently; and**
- (3) Is of a nature that the ability could be improved by more suitable housing conditions.**

The applicant’s statement notes that the proposed housing is for elderly residents, 62 years of age or older. Prior to the approval of this special exception, the applicant shall submit a draft covenant to the Zoning Hearing Examiner stipulating that the minimum age of the head of family or dependent shall be 62 years.

H. Parking Regulations: The proposed special exception use meets the requirements for the number of parking spaces and the design standards of Part 11 of the Zoning Ordinance. The use requires .66 parking spaces per dwelling unit, therefore 68 spaces are required and provided. Of these, three are required to be handicapped accessible. Due to the age of the prospective residents, staff recommends the addition of two more handicapped accessible spaces in lieu of two standard spaces in the parking row near the center fountain. The addition of a 20-foot bufferyard between the proposed apartments and the shopping center will also require a recalculation and a redesign of the shopping center parking spaces.

I. *Landscape Manual* Requirements and Other Design Issues:

The subject special exception proposes a development that involves more than a ten percent increase in the gross floor area on site, and thus is subject to Section 4.2, Commercial and Industrial Landscaped Strip; Section 4.3, Parking Lot Requirements, 4.4 Screening requirements and Section 4.7, Buffering Incompatible Uses of the *Landscape Manual*.

Alternative Compliance AC-04012 was filed to reduce the 40-foot-wide bufferyard required between the proposed apartment complex and the shopping center. The Alternative Compliance Committee agreed that a reduction was warranted, but not to the degree suggested by the applicant. The committee found that having the building directly abutting parking and loading spaces would not protect the privacy of or promote the enjoyment of future residents of the apartment building. The committee recommends that the parking spaces and loading space be relocated and that the resulting area be used to create a 20-foot-wide landscaped strip and the continuation of the ornamental metal picket fence proposed along other portions of the property.

In addition to comments regarding Outlot A, the Urban Design Section staff provided the following additional comments in relevant part:

The Urban Design Section has reviewed the plans and numerous revisions as the applicant worked through the feasibility process. The most recently revised plan, which is the subject of this referral, is the product of the applicant addressing the issues brought forward by the staff during the review process. The concerns that have been addressed by the applicant include providing a greater setback of the building from US 301 and providing a pedestrian connection from the residential community located southwest of the subject site to the existing shopping center.

- a) 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. Since the applicant has submitted an alternative compliance application, this aspect of the plan should be reviewed in that context as well.
- b) Per Section 4.2, the applicant is incorporating a ten-foot-wide landscape strip along the Antioch right-of-way, and has demonstrated compliance to this section of the *Landscape Manual*.
- c) The application is subject to 4.3(c) and has demonstrated compliance to this section of the *Landscape Manual*.
- d) The proposed SE, apartments for the elderly adjacent to an existing shopping center, requires a D bufferyard. The plan is not labeled to determine the proposed bufferyard or the proposed landscape yard, however, it is clear that the plans falls short of meeting the requirements. This proposal is particularly concerning; as the floor plans indicate residential living quarters along an area just five feet from parking and loading facilities. This is the subject of the alternative compliance application.
- e) The subject site also abuts a bufferyard that was established with the R-P-C official plan and was also identified as a bufferyard in earlier detailed site plans. No bufferyard is required (between the proposed apartment use and the Outlot A bufferyard).
- f) 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 staff recommends that the

fence 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.

- g) The plans indicate a proposed loading space located within the required bufferyard and directly adjacent to residential units. The impact of loading facilities on residential living units is tremendous, due to the noise generation of the large vehicles and the activities of loading. The loading space should be relocated away from residential units or the floor plan of the building should be redesigned to create indoor space, which is not living space.
- J. Zone Standards: The proposed use meets the development standards of the C-1 Zone and no variances are required for this use. No development is proposed in the R-80 Zone.
- K. Marlton Official Plan: The District Council approved the first Marlton official plan in 1969 when 1,964 acres were rezoned from the R-R to the R-P-C (Residential Planned Community) Zone in Zoning Map Amendment A-6696. The purposes of the R-P-C Zone are: (a) to provide for large-scale planned and complete community development; and (b) to provide a procedure for addressing the future development and use of land in existing R-P-C Zones. This rezoning was the second major use of the R-P-C Zone, the first one having been used in Greenbelt in the 1930s.

A total of 6,192 dwellings were approved as part of the plan. This included 2,945 apartment units, 1,109 townhouses, and 2,138 single-family detached dwellings. In 1988 the successor in interest to the original developer, Lake Marlton Limited Partnership, purchased the eastern portion of the Marlton lands as well as the town center properties and filed six rezoning applications. Two of these applications were approved in 1990: A- 9730 and A-9731. A-9731 was for 1.8 acres in the town center portion of West Marlton and the property was rezoned from R-10 to C-S-C.

A-9730 was for 431 acres in East Marlton. A 12-acre commercial tract was eliminated and 200 additional dwelling units were added to the overall cap in lieu of the commercial zoning. The maximum dwelling unit potential in East Marlton was increased from 1,979 to 2,179, and the total dwelling unit cap was increased from 6,192 to 6,392. In general, the new changes reduced residential densities along Croom Road and transferred them to the more central properties near the proposed lake. The R-18 Zone was eliminated, the R-10 and R-T categories were increased, and 57 acres of R-35 zoning were added.

In 1994, the sectional map amendment generally reduced densities in the Marlton town center area by rezoning 26.6 acres from R-10 to R-30, 29 acres from C-2 to R-30, and 3.34 acres from R-R to R-30. This had the net effect of reducing the potential for residential dwellings by approximately 590 units.

Section 27-539(c)(2) provides that the approval of a special exception shall automatically be considered an amendment to the official plan. Therefore, it is not strictly necessary to find conformance with the official plan, in that the District Council may amend that plan through the special exception process. However, if the requested special exception is approved, the added dwelling units will not exceed or even approach the overall residential dwelling unit cap approved in 1990. In addition, the proposed plan satisfies Condition 5 of Zoning Map Amendment A-6696,

which requires “a 30-foot side planted buffer completely extended behind and around the commercial property that is proposed for the south side of Grandhaven Road.”

- L. Environmental Issues: 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.

“Further, a thirty (30) feet (wide) buffer yard will be provided along the southern property line that separates the Subject Property from the three residential (R-R Zone) properties and the dedicated yet undeveloped Antioch Street to the south of the Subject Property. One of the residential properties will be screened from the Subject Property by an existing woodland and two of the residential properties will be screened by the installation of new planting units, as depicted on the Landscape Plan.”

The 30-foot-wide bufferyard along the southern property line is encumbered with a 25-foot-wide stormdrain easement along the southern portion of the boundary, adjacent to Antioch Street, and Lots 24 and 25, Rosaryville Estates. The minimal plantings proposed in this area have been placed in the stormdrain easement and provide minimal “screening,” for a 49-foot-high building. Adjacent to Lot 16, the existing woodlands, which range from 25 to 35 feet in width (35 feet is the minimum width for woodland preservation under the Woodland Conservation Ordinance), are encumbered with a 12-foot-wide water easement overlaying a 10-foot-wide gas line easement, the previously mentioned 25-foot-wide storm drain easement, an SHA stormwater outlet easement, and a public utility easement adjacent to Crain Highway. Adjacent to Lot 24, off-site grading impacts into the 25-foot-wide stormdrain easement remove most of the existing screening. Along the southeast side of the property, a 15-foot-wide stormwater management easement shows trees planted in the easement and the location of patios. Required trees cannot be planted in easements because they can be removed at any time by the easement holder.

Recommended Revision: Prior to certificate approval of the detailed site plan and signature approval of the special exception, revise the DSP and special exception site plan to provide screening and buffering as required by the *Landscape Manual*.

Comment: The Development Review Division agrees with the Environmental Planning Section regarding the need for additional landscaping in the area of Bufferyard B as shown on the landscape plan (see discussion under I.f. above). However, the existence of easements does not prevent the planting of landscaping in these areas simply because the easement holder may have the right to remove landscaping in case of repairs to an underground pipe. The landscape plan is still enforceable through the Department of Environmental Resources and will require the landowner to replant if necessary.

Environmental Review

1. 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.

Comment: No further action is necessary with regard to the FSD for Parcel A-4.

2. 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.

Recommended Condition: 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.

3. 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.

Recommended Condition: Prior to approval of the Special Exception, a Type I tree conservation plan for Parcel A-4 shall be submitted to the Environmental Planning Section for review.

4. 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.

In addition to those revisions previously required, the TCPII needs overall revisions to fulfill the requirements of the Woodland Conservation/Tree Preservation Technical Manual.

Recommended Condition: Prior to signature approval of the Type II tree conservation plan, revise the woodland conservation worksheet to include off-site grading impacts and recalculate the woodland conservation requirement and other requirements as needed.

5. The stormwater management concept approval letter and associated plans have been submitted.

Comment: No further information is required relative to stormwater management.

6. 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.

Outdoor activity areas within the 65 dBA Ldn noise contour must receive mitigation from this level of noise because it exceeds the state maximum noise level for this zone. The plan as submitted does not show any outdoor activity areas within the 65dBA Ldn noise contour.

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.

Recommended Condition: Prior to certificate approval of the detailed site plan, revise the detailed site plan to delineate the 65 dBA Ldn noise contour.

Recommended Condition: 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.

N. 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.

With the recommended conditions, the proposed use and site plan are in harmony with the purposes of the Zoning Ordinance to promote the public health, safety and welfare. The proposed housing for the elderly will serve the needs of the older population of southern Prince George's County. The recommendations to increase landscaping within the bufferyard to the south and to provide a bufferyard between the proposed apartments and the shopping center.

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

With the recommended conditions for additional landscaping, the proposed use will meet the purposes of the setback and landscaping requirements of the Zoning Ordinance and the *Landscape Manual*. The proposed site plan meets the development standards of the C-S-C and R-80 Zones. Alternative compliance is recommended for approval, but will require additional landscaping and parking design modifications.

(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 2002 General Plan locates the subject property in the Developing Tier. As noted above, the Subregion VI study area plan designates future "retail-commercial" development at this location rather than the proposed "high urban" residential land use. However, the Commercial Areas chapter, while recognizing that an additional 70,000 square feet of commercial space was anticipated for the Marlton Plaza Shopping Center, concludes that a potential exists for an "oversupply of retail and service commercial uses in the Subregion VI Study Area." (Plan, page 142.) Accordingly, the plan recommends "no additional land be rezoned to commercial usage." The proposed change of land use from retail commercial to residential may help to alleviate a potential oversupply of retail and retail commercial square footage in the area.

The Living Areas chapter (pages 94-95) states the following guidelines:

- Living areas should be developed as identifiable communities, oriented to adequate, appropriate community facilities. Recreation areas, school facilities, convenience centers, and other public and quasi-public activities should be designed to serve as social focal points in residential areas.
- Living areas should contain no uses or activities that are incompatible with the residential activities.
- A range of housing should be provided in the urban and suburban areas to meet the needs of different household ages, sizes and income levels.
- Where feasible, building setbacks, and/or berms or acoustical fencing should be utilized to deflect noise and to screen visual impacts, especially at major road intersections and interchanges, or where conflicts may develop between land uses.
- Residential and related uses fronting on major highways...should conform to a particularly high standard of design.
- Living areas should include appropriate sites for senior citizen housing and related facilities in locations that can provide a human scale through adequate outdoor space, and can be serviced by social and welfare programs. Ideally they should be located at sites that can provide convenient connections to shops, transportation and other needs of the elderly. The best options within the study area would appear to be in Planning Areas 79 and 82A, particularly in the immediate vicinity of shopping areas.

The Community Planning memorandum of December 11, 2003, notes that, "The proposed residential development is not located in the context of an identifiable residential community; it is physically isolated from other residential development and is associated with a strip commercial shopping center. However, having a shopping center on the abutting property is a convenience that should be emphasized in the design of this project so its proximity can be an amenity. Special attention should be paid to ensuring that the residents will have a level, solid surface, well-lit footpath to use when walking to and from the shopping center. Lastly, in regard to both the General Plan vision for Developing Tier projects to be 'increasingly transit-oriented' and the plan guideline that senior citizen housing should, among other things, 'provide convenient connections to (public) transportation,' staff suggests that this proposal incorporate a bus stop."

Comment: Although the proposed location does not conform to all of the suggested locational criteria found in the master plan, the location is convenient to shopping amenities. Moreover, the proposed change from commercial to residential use is consistent with the master plan recommendation to limit commercial expansion. The proposed special exception will not impair the integrity of the recommendations of the Subregion VI master plan, nor of the General 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 adversely affect the health, safety or welfare of residents or workers in the area. The housing for the elderly will result in a net decrease in traffic on surrounding streets compared to retail commercial development. Only 7 AM peak-hour trips and 10 PM peak-hour trips will be generated by this development as compared to 77 AM and 326 PM peak-hour trips if developed in accordance with the retail uses permitted in the C-S-C Zone. Access to and circulation within the site is acceptable, and the site plan accurately reflects the master plan

proposed upgrade of US 301. Residential apartments for the elderly also tend to have fewer noise impacts than the activities associated with commercial uses.

Fire and rescue services to the site will be adequate with the installation of fire suppression systems (sprinkler systems) in the residential units. The subject property is within the adequate response time standards from the Upper Marlboro II, Company 45 Station, located at 7710 Croom Road for engine and ambulance service. The proposed senior center is within adequate response time standards from Upper Marlboro Station I, Company 20, located at 14815 Pratt Street for paramedic service. It is beyond response time standards from Clinton Station, Company 25, located at 9025 Woodyard Road, for ladder truck service.

The above findings are in conformance with the *Approved Public Safety Master Plan* (1990) and the *Guidelines For The Analysis Of Development Impact On Fire and Rescue Facilities*.

In order to alleviate the negative impact on fire and rescue services due to the inadequate ladder service, a fire suppression system should be installed in all units, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.

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

The proposed apartments for the elderly will introduce a more intense residential development to the neighborhood than the single-family detached development that adjoins it to the south. However, multifamily residential development is generally considered to have fewer impacts than commercial development. The elevations and other graphic renderings of the proposed buildings show traditional architectural features consistent with traditional residential and institutional development. Outlot A provides opportunities for significant vegetative buffers between the subject site and the homes to the east. Along the southern boundary, the proposed site plan shows the setback and size of bufferyard that is required by the *Landscape Manual* between the two types of residential uses. The opportunities for buffering to the south are more limited and, therefore, the staff is recommending a significant increase in the quantity and size of landscaping that has been proposed within the required bufferyard. With the increase in the bufferyard plantings, staff finds that the proposed use will not be detrimental to the use or development of adjacent properties.

(6) The proposed site plan with the recommended conditions will be in conformance with an approved tree conservation plan. A TCPI is required for a special exception application. See Environmental Planning comments and conditions of approval.

DETAILED SITE PLAN-83054/04

The technical staff has reviewed the detailed site plan for the subject property and presents the following evaluation and findings leading to a recommendation of approval with conditions.

EVALUATION

The detailed site plan was reviewed and evaluated for conformance with the following criteria:

- a. The Marlton official plan, as amended.

- b. The Marlton detailed development plan, as amended.
- c. The conditions of approval of Zoning Map Amendment A-6696
- d. The conditions of approval of DDS-65 and DDS-471.
- e. The requirements of the R-P-C and C-1 (C-S-C) Zones, as stated in the Zoning Ordinance.
- f. The requirements of the *Landscape Manual*.
- g. Referrals.

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, based upon the following findings:

1. Marlton Plaza, the property that is the subject of the revised detailed site plan application is made up of four parcels (Parcels A-1, A-2, A-3, and A-4) that are zoned Recreational Planned Community (R-P-C) and Commercial (C-1). Parcels A-1 through A-4 were created by the resubdivision of Parcel A, Brandywine Plaza, and recorded among the land records of Prince George's County on October 16, 1979.

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 total area of the detailed site plan is 10.17 acres, with Parcel A-4 being 2.49 acres in size. 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.

2. Most of the design considerations raised by this revision are related directly to the proposed special exception application and are discussed in detail in that section of the report. Appropriate conditions of approval that affect the detailed site plan and special exception application will be required for both applications.
3. The proposed special exception also results in some impacts to the balance of the site already approved under DSP-83054.
4. It is important to point out that 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.

5. 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.
6. 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. As noted in the special exception application, the proposed landscape plan technically meets this requirement. However, due to the topography of the adjoining sites and the proposed height of the building, additional landscaping is recommended to soften the impact of the size and scale of the proposed development.
7. 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.
8. As part of the finding of appropriateness of the location of the requested special exception use, staff finds that the relationship between the two uses 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.

RECOMMENDATION

Based on the foregoing analysis of the requested applications, the staff recommends the approval of Special Exception 4501, Detailed Site Plan DSP-83054/04, TCPII/187/03, and Alternative Compliance AC-04012 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. The applicant shall submit the required Declaration of Covenants stipulating the age of the proposed residents for approval by the Zoning Hearing Examiner, prior to final approval of SE- 4501.
3. 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.

4. 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.
5. Special Exception SE-4501 and Alternative Compliance Application AC-04012 shall be approved prior to signature approval of DSP-83054/04.
6. 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 shade 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.

7. Prior to final approval of Special Exception SE-4501, the special exception 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.
8. A fire suppression system shall be installed in all residential units, unless the Prince George's Fire/EMS Departement determines that an alternative method of fire suppression is appropriate.
9. 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.
10. Prior to approval of the special exception, a Type I tree conservation plan for Parcel A-4 shall be submitted to the Environmental Planning Section for review and shall be subject to approval by the Zoning Hearing Examiner.
11. 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.
12. Prior to certificate approval of the detailed site plan, the applicant shall revise the detailed site plan to delineate the 65 dBA Ldn noise contour.
13. 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.