

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on December 16, 2004, 2003 regarding Detailed Site Plan DSP-04014 for Buena Vista (Vista Gardens Marketplace), the Planning Board finds:

1. **Request:** The subject application is for approval of a detailed site plan for an integrated shopping center in the R-T Zone.

2. **Development Data Summary:**

Zone(s) Use(s)	EXISTING R-T/R-R Single-family residential and vacant	PROPOSED R-T/R-R Integrated Shopping Center*
Acreage	50.8	50.8
Lots	95	9
Parcels	2	2
Total Gross Leasable Area (GLA) (SF)		410,207
Of which Retail GLA		393,980
Office GLA		16,227

**\*Note:** CB-70-2003 amends the residential use tables to permit retail use, generally permitted in the C-S-C (Commercial Shopping Center) Zone, in the R-T Zone under certain circumstances.

OTHER DEVELOPMENT DATA

	REQUIRED	PROVIDED
Total Parking Spaces	2,052	2,136
Of which		
Standard Spaces	1,368	1,463
Compact Spaces	-	604
Handicapped Parking Spaces	26	69
Standard Handicapped Spaces	-	59
Van Accessible Handicapped Spaces	-	10
Total Loading Spaces	6	6

3. **Location:** The subject site is located on the south side of Martin Luther King, Jr. Highway (MD 704), east of Lottsford Vista Road, in Planning Area 70, Council District 5.

4. **Surroundings and Use:** The site is split zoned R-T and R-R and is bounded to the north and west by the rights-of-way of Martin Luther King, Jr. Highway (MD 704) and Lottsford Vista Road, respectively. To the north across Martin Luther King, Jr. Highway (MD 704) and to the east of the site are properties in the R-R Zone. To the south of the site is property in the R-T Zone, the existing Heather Glen Manor townhouse subdivision. To the west of the property across Lottsford Vista Road is property in the I-1 Zone.
5. **Previous Approvals:** The subject site has a previously approved Preliminary Plan of Subdivision, 4-97023, including a Type I Tree Conservation Plan TCPI/53/96, for 165 townhouse units. In 2001, a Type II Tree Conservation Plan (TCPII/46/01) was approved for timber harvesting of all except for 5.93 acres of the site. On October 28, 2003, the District Council adopted CB-70-2003, an Ordinance concerning the R-T Zone, which allows retail use in the R-T Zone under certain circumstances. A Preliminary Plan of Subdivision 4-03125 and an Infrastructure Detailed Site Plan DSP-03086 were submitted for an integrated shopping center after the enactment of CB-70-2003 in 2003. Preliminary Plan of Subdivision 4-03125 was approved by the Planning Board (Resolution 04-91) on April 29, 2004, subject to 27 conditions. On the same day, the infrastructure detailed site plan was also approved by the Planning Board (Resolution 04-96) subject to four conditions. On July 26, 2004, the District Council issued an Order to affirm the Planning Board's approval of DSP-03086 with all findings and conditions as contained in Resolution PGCPG 04-96 and added one additional Condition 5 (see Finding 10 below for a detailed discussion of Condition 5). The site has also a stormwater management concept approval #15255-2001-02.
6. **Design Features:** The subject site is in a roughly rectangular form and is located at the intersection of Martin Luther King Jr. Highway and Lottsford Vista Road with the long side fronting Martin Luther King Jr. Highway. Except for a small C-O-zoned property that occupies the corner of the intersection, the rest of the subject property has a direct frontage on both Martin Luther King Jr. Highway and Lottsford Vista Road. Two major entrance points have been proposed from Martin Luther King Jr. Highway and three additional entrances have also been proposed off of Lottsford Vista Road.

The site is planned with a major linear building parallel to Martin Luther King Jr. Highway located deep on the site and six pad sites along Martin Luther King Jr. Highway. In between the linear building and pad sites are the major parking compounds. Additional parking is also provided at the rear of the linear building along the property line adjacent to the existing townhouse community to the south. The entire development envelope is enclosed with a continuous wall of which part is brick and part is a concrete manufactured unit with piers. The portion of the wall along both Martin Luther King Jr. Highway and Lottsford Vista Road is brick with gates and entrance features at the entry points. The other portion of the wall along both the southern and eastern boundaries of the development envelope also serves as a retaining wall and is made of concrete manufactured units with a height that varies from 8 to 26 feet. The wall in the south screens the shopping center from the adjacent townhouse community and the wall in the east separates the shopping center from a 100-year floodplain on the site. An additional retaining

wall segment is also shown parallel to the eastern wall referenced above. Major retailers proposed for this integrated shopping center include a Target department store, a Shoppers Food Warehouse grocery store, a Home Depot store, an Office Depot store, and a pharmacy. No specific retailers have been identified on the pad sites along Martin Luther King Jr. Highway.

Architectural elevations have been proposed for all retailers in a big linear building and two pad sites. The proposed architecture for the linear building features a flat roof pattern and a three-part composition elevation. The main elevations, which are oriented toward Martin Luther King JR. Highway, consist of a decorative EIFS cornice top, a brick veneer middle with recess bands and a split-face architectural block base. Vertically presented architectural elements in the form of pavilion tower have been used to accent the main entrance to major retailers such as Target, Home Depot, with their primary identification signs on the tower. The same form of towers also has been used at the corners of this linear building.

The architecture for the rectangular pad site consists of retail space at the first floor and office space at the second floor. The building is designed with a symmetrical tripartite composition elevation with a hip-roof pavilion (standing seam metal roof in slate green) in the middle and two flat roof sections (with decorative cornice of different heights) flanked both sides of the central portion. The exterior finish is the same with the rest of the shopping center buildings. Because of its prominent location, which can be viewed from all directions, four elevations should be treated in the same way in terms of architectural details and decoration. A condition of approval has been proposed to require the north elevation, especially the cornice of the northern elevation, to be treated the same way as the south elevation. The architecture for the other pad site is the Grace's Restaurant, which is designed and decorated in a similar style.

A signage package consisting of entrance monumental signs, free standing signs and building mounted signs has been submitted for review.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. **CB-70-2003:** CB-70-2003, an Ordinance concerning the R-T Zone, amends the residential use table to permit retail use, generally permitted in the C-S-C (Commercial Shopping Center) Zone, in the R-T Zone under certain circumstances as stated in the amended uses table footnote as follows:

**“<sup>71</sup> Provided:**

- A. The use is located on land not less than 30 acres and not more than 70 acres in size;**
- B. The land adjoins properties in the R-T Zone that is at least 60 acres in size and is developed with at least 350 townhouses;**
- C. The land and adjoining properties described in Subsection (B) were placed in the R-T Zone as a result of an approved Sectional Map Amendment;**

- D. The land has frontage on and access to a road classified as an arterial on the applicable Master Plan and maintained by the State Highway Administration; and**
- E. A Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle.**

**Comment:** The subject application complies with the above conditions (A) to (D), as the site is 50.8 acres in size and is adjacent to properties (Heather Glen Garden and Vista Gardens) in the R-T Zone to the south that are not more than 70 acres in size and are developed with at least 400 approved townhouses units. The above-mentioned properties were placed in the R-T Zone as a result of the approved Glenn Dale-Seabrook-Lanham and vicinity master plan (1993), Amendment 7. The site has frontage on Martin Luther King Jr. Highway (MD 704), which is classified as an arterial road on the above-noted master plan and maintained by the State Highway Administration. The subject detailed site plan has been submitted in order to meet the requirement (E) and will be reviewed and approved in accordance with Part 3, Division 9 of the Zoning Ordinance for a detailed site plan.

Per Part 3, Division 9, of the Zoning Ordinance, a detailed site plan shall be reviewed for compliance with the regulations of the underlying zone and other regulations such as Part 11, Off-site Parking and Loading, and Part 12, Signs. CB-70-2003 only amends the residential use table without altering regulations of the R-R/R-T Zones, sign and off-site parking and loading regulations, the subject detailed site plan is not in compliance with most of the applicable regulations in R-R/R-T Zones.

However, since CB-70-2003 allows the use generally permitted in the C-S-C Zone to be developed on the subject site, the Urban Design Section believes that to review the subject DSP for conformance with the regulations of the C-S-C Zone instead of the R-R/R-T Zone is the intent of CB-70-2003.

- 8. **Preliminary Plan of Subdivision 4-03125:** The Preliminary Plan of Subdivision 4-03125 was approved by the Planning Board on April 29, 2004, subject to 27 conditions. The following conditions are applicable to the review of this detailed site plan:
  - 1. **Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised as follows:**
    - a. To provide reference in the general notes to Parcels 23 and 46.
    - b. To provide a note that the master plan trail shall be located on Parcel B if owned by M-NCPPC or located in the public use easement if the applicant retains ownership.

- c. To reflect the R-R/R-T zoning line consistent with the Glenn Dale-Seabrook SMA, approved text and/or approved map.

**Comment:** These conditions will be enforced at the time of signature approval of Preliminary Plan of Subdivision 4-03125. A condition of approval has been proposed to require the applicant to have all previous approvals certified prior to certificate approval of this DSP.

**2. A Type II Tree Conservation Plan shall be approved in connection with the Detailed Site Plan approval.**

**Comment:** A Type II Tree Conservation Plan TCPII/46/01 was approved at the time of Infrastructure Detailed Site Plan DSP-03086 approval. A revised Type II Tree Conservation Plan TCPII/46/01-01 has been submitted with this DSP and will be heard by the Planning Board along with this DSP.

**4. The first Detailed Site Plan subsequent to the approval of the DSP for Infrastructure or prior to the approval of the final plat, whichever comes first, shall ensure the following:**

- a. **The ultimate right-of-way of Martin Luther King, Jr. Highway has been approved by SHA.**
- b. **The limit of Parcel B, to be conveyed to M-NCPPC, is determined.**

**Comment:** The subject DSP is the first DSP subsequent to the approval of Infrastructure Detailed Site Plan DSP-03086. The first condition has been fulfilled, but the second one has not yet. A condition of approval has been proposed in the recommendation section of this report to require the applicant to delineate the boundary of Parcel B prior to certificate approval of this application.

**5. The first Detailed Site Plan subsequent to the approval of the DSP for infrastructure shall ensure the following:**

- a. **The applicant shall construct an eight-foot-wide asphalt trail connecting the existing trail to the south to the southern end of the hiker/biker pathway tunnel under MD 450, at the property's frontage.**
- b. **Detailed construction drawings for the eight-foot-wide asphalt trail and any needed structures shall be submitted and approved as part of the DSP for development.**
- c. **The trail shall be constructed in accordance with the applicable standards in the *Parks and Recreation Facilities Guidelines*.**

- d. **All trails shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed by DPR.**
- e. **The trail within the PMA shall be field located prior to construction and shall be placed to reduce impacts to the existing resources to the fullest extent possible.**

**Comment:** DPR staff reviewed the DSP and noticed that some of the above conditions have not been fulfilled. Staff recommends the detailed construction drawing for the trails be approved by DPR prior to certification and the location of the trail should be staked out in the field and approved by DPR prior to construction.

- 10. **The limit of disturbance shown on the final approved technical stormwater management plan cannot exceed the limits approved by the Planning Board within the PMA, as shown on the approved TCPI. The stormwater management plan shall be revised in accordance with the Planning Board's decision if inconsistencies are identified later in the development process. Development of this site shall be in conformance with approved technical Stormwater Management Plan, #15255-2001-02.**

**Comment:** This condition will be carried forward as one condition of approval for this DSP. At the time that this staff report was written, the final technical stormwater management plan had not been approved by the Department of Environmental Resources.

- 11. **The applicant shall provide for any necessary turn lanes and/or frontage improvements as required by SHA, in connection with granting access to MD 704. These may include turn lanes for deceleration and acceleration of vehicles at the site, frontage improvements at the site, lengthening or doubling of turn lane bays, traffic signal modifications, and additional pavement markings and signage. Additional right-of-way dedication to SHA may be required for these improvements.**

**Comment:** This condition will be carried forward as a condition of approval for this DSP because the concerns of the State Highway Administration (SHA) have not yet been fully addressed. In a memorandum dated July 20, 2004 (Foster to Zhang), SHA indicated that the entrance close to Lottsford Vista Road is inconsistent with SHA requirements for access onto a divided highway. The SHA reviewer indicates that the specific design requirements for both access points and upgrading along MD 704 must be coordinated with the Access Permits Office of SHA during the permit review process.

- 14. **Total development within the subject property shall be limited to 405,900 square feet of retail space, or equivalent development that generates no more than 251 AM and 732 PM new peak-hour trips. Any development generating an impact greater than that identified herein shall require a new preliminary plan of subdivision with**

**a new determination of the adequacy of transportation facilities.**

**Comment:** A review of the subject DSP by the Transportation Planning Section (Jenkins to Zhang, December 3, 2004) indicates that the proposed development exceeds the development cap that was established at the time of preliminary plan approval (4-03125). The Transportation Planning Section recommends that the subject site plan be revised to reduce approximately 4,300 square feet of the total gross leasable area.

- 17. Prior to signature approval of the Preliminary Plan and the Type I TCP, the plans shall be revised to show the preservation of the PMA in its entirety within the limits of Parcel B, with the exception of the one stormwater outfall as shown on the Type I TCP. The TCPI shall contain the following note:**

**“The trail within the PMA shall be field located prior to construction in coordination with the Department of Parks and Recreation and shall be placed to reduce impacts to the existing resources to the fullest extent possible.”**

**Comment:** This condition will be enforced at the time of signature approval of Preliminary Plan of Subdivision 4-03125 and Type I Tree Conservation Plan TCPI/53/96-01. A condition of approval has been proposed to require the applicant to have all previous approvals certified prior to certificate approval of this DSP.

- 19. Prior to signature approval of the TCPI, the plan shall be revised as follows:**
- a. Provide a note that states that specimen trees are not located at the site.**
  - b. Show the locations of severe slopes (slopes 25 percent in grade or steeper) and steep slopes containing highly erodible soils (slopes between 15 and 25 percent grade). Provide symbols in the legend for the severe slopes and steep slopes on highly erodible soils.**
  - c. Revise the TCPI standard notes to include note #6 with the related stormwater management information.**
  - d. Revise the woodland conservation worksheet and TCPI accordingly to note the presence of the two zoning categories (R-T and R-R) and complete the worksheet accordingly.**
  - e. Clearly show the proposed limits of disturbance on the plans and provide a separate symbol in the legend.**
  - f. Remove the second set of contour lines from the plan.**

- g. Have the qualified professional who made the revisions to the plan sign and date it.**

**Comment:** This condition will be enforced at the time of signature approval of Type I Tree Conservation Plan TCPI/53/96-01. A condition of approval has been proposed to require the applicant to have all previous approvals including Type I Tree Conservation Plan certified prior to certificate approval of this DSP.

- 23. As part of the review of the first Detailed Site Plan subsequent to the DSP for infrastructure, the applicant shall prepare a proposal for the provision of one or more historical marker(s) to denote the historic alignment of Lottsford Vista Road, its historic uses, and place in the history of Prince George's County.**

**Comment:** No information regarding the above-noted proposal has been submitted with this DSP. A condition of approval has been proposed in the recommendation section of this report to require the applicant to submit a proposal to be reviewed and approved by the Historic Preservation Section as the designee of the Planning Board.

- 27. In conformance with the adopted and approved Glenn Dale-Seabrook-Lanham and vicinity master plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:**
  - a. Construct the eight-foot-wide, Class II trail along the subject property's entire frontage of MD 704, with the concurrence of SHA. It is preferable that this trail be separated from the curb by a grass or landscaped strip.**
  - b. Construct the master plan trail along Folly Branch at a location agreeable to the applicant and DPR. The ultimate alignment of this trail will be determined at the time of detailed site plan beyond the site plan for infrastructure.**

**Comment:** The subject DSP has shown an eight-foot-wide trail along both the subject property's entire frontage of MD 704 (Martin Luther King Jr. Highway) and Folly Branch. However, the locations of the master plan trails shown on different plans are not consistent with each other and in some locations the trail is too close to the retaining wall. A condition of approval has been proposed in the recommendation section to require the applicant to revise plans to properly show the location of the trails in question prior to certificate approval of this DSP. Condition 27 (a) and the first half of (b) will be carried forward as a condition of approval of this DSP.

- 9. Infrastructure Detailed Site Plan DSP-03086 and the Order of District Council affirming the approval of DSP-03086:** Infrastructure Detailed Site Plan DSP-03086 was approved by the Planning Board on April 29, 2004, which is the same date as the Preliminary Plan of Subdivision 4-03125, subject to four conditions, of which three are applicable to the review of this detailed site plan as follows:

- 1. Prior to certificate approval of this Detailed Site Plan, the applicant shall**
  - a. Address all of the previous conditions of approval regarding the Forest Stand Delineation.**
  - b. Revise TCPII/46/01-01 to show a limit of disturbance in conformance with the approved PMA impacts pursuant to Preliminary Plan 4-03125 and be consistent with the approved Type I Tree Conservation Plan.**
  - c. Revise TCPII/46/01-01 as follows:**
    - (1) To be in substantial conformance with the site's woodland conservation requirements as found on TCPI/53/96-01.**
    - (2) To provide the legend on all sheets of the plan.**
    - (3) To show all site features in the legend with identifying symbols and on the plan (streams and their associated 50-foot buffers, wetlands and associated 25-foot buffers, and 100-year floodplain and the source of verification of its delineation and location by the County's Department of Environmental Resources [DER]).**
    - (4) To revise the worksheet to reflect that the site is split-zoned R-T and R-R.**
    - (5) To provide all standard Type II Tree Conservation Plan notes.**
    - (6) To show the proposed building footprints and their locations.**
    - (7) To show a separate symbol for the proposed limits of disturbance (LOD) and the Tree Protection Devices (TPDs).**
    - (8) To address the time frame for the use of the proposed TPDs and forest conservation signage.**
    - (9) To add the edge management notes.**
    - (10) After these revisions have been made to the plan and the revisions have been noted in the revision boxes on each sheet of the plan, have the qualified professional who prepared the plan sign and date it.**
  - d. Provide evidence that the State Highway Administration (SHA) has approved the ultimate right-of-way necessary to the road improvement**

**along the frontage of Martin Luther King, Jr. Highway and the location of the required access point to the site.**

**Comment:** These conditions will be enforced at the time of signature approval of Infrastructure Detailed Site Plan DSP-03086. A condition of approval has been proposed to require the applicant to have all previous approvals, including Infrastructure Detailed Site Plan DSP-03086, certified prior to certificate approval of this DSP.

- 2. This Detailed Site Plan shall be subject to whatever applicable conditions are attached to the approval of Preliminary Plan of Subdivision 4-03125 and the plans shall also be revised accordingly.**

**Comment:** See the above Finding 8 for the discussion of the applicable preliminary plan conditions.

- 3. Prior to the first Detailed Site Plan, subsequent to the approval of the DSP for infrastructure, the applicant shall**
  - a. Show clearly all parkland boundaries; the parkland shall include, as a minimum, a floodplain along the Folly Branch Stream Valley and any additional land necessary to construct the master-planned trail on public parkland.**
  - b. Submit the detailed construction drawings for the eight-foot-wide asphalt trail and any needed structures to assure dry passage to Department of Parks and Recreation (DPR) for review and approval.**

**Comment:** DPR staff reviewed the submitted plans and noticed that the limits of Parcel B are not shown. A condition of approval that requires the applicant to fulfill the above condition has been included in the recommendation section of this report.

On July 26, 2004, the District Council affirmed the Planning Board's approval of Infrastructure Detailed Site Plan DSP-03086 with all findings and conclusions as contained in Planning Board Resolution No. 04-96 (see Finding 9 above for more details) and added Condition 5 to PGCPB No. 04-96 in order to protect adjacent properties and neighborhood as follows:

- 5. Before the Planning Board approves a detailed site plan allowing issuance of building permits, the applicant shall:**
  - a. Show that facilities to manage stormwater runoff on the eastern part of the property, in the vicinity of the Folly Branch Valley, will prevent disturbance of the stream and adjacent properties;**

- b. Demonstrate that stormwater runoff from the subject property, at full build-out, will not adversely affect present or future residential development on surrounding properties;**

**Comment:** The subject DSP shows an integrated shopping center, which is enclosed by a wall of brick and concrete manufactured unit. Two stormwater management ponds are located between the two major entrance points off Martin Luther King Jr. Highway. A second retaining wall segment has also been shown on the eastern part of the property in close vicinity of the Folly Branch Valley. Current on-site stormwater management will minimize the impact of the proposed shopping center on the stream and adjacent properties. At time of the review of this DSP, the final technical plan was currently under full review by the Department of Environmental Resources (DER). The DER reviewer indicated (on the technical plan) that except for some minor revisions the proposed technical plan is acceptable. The approval of the on-site stormwater management plan will ensure that the stormwater runoff from the subject site, at full build-out, will not adversely affect present or future residential development on surrounding properties.

- c. To [sic]ensure that the project will not create future flooding problems for adjacent properties, have soils on the subject property tested, at the applicant's expense, by faculty in the Department of Natural Resource Sciences and Landscape Architecture, College of Agriculture and Natural Resources, University of Maryland, College Park;**

**Comment:** The applicant commissioned Independent Consultants & Engineers (ICE), Inc. to undertake a Geotechnical/Feasibility Study for the proposed Vista Garden Market Place on December 3, 2003. In order to fulfill the above condition, the applicant has retained Dr. Brian A. Needelman, assistant professor at the Department of Natural Resource Science and Landscape Architecture, College of Agriculture and Natural Resources, University of Maryland at College Park. As indicated in his letter to Mr. Goddard, NAI The Michael Companies, due to time constraints, Dr. Needelman asked his colleague Mr. Bruce Bagley of Laurel Oak Land Consulting, LLC, to perform a desktop peer review of the December 3, 2003 Geotechnical/feasibility Study by Independent Consultants & Engineers (ICE), Inc. In his report to Mr. Milbourne dated September 2, 2004, Mr. Bagley provided the following conclusion:

“In short, due to the nature of the project, the stability of the Patapsco Fm (the major soil type of the site), the sediment and stormwater control requirements which will be employed at the time, the relatively great isolation distance separating the Lakeview subdivision from the proposed project site, and the intervening intermittent stream and floodplain which separates and buffers the Lakeview subdivision from any construction related impacts on the opposite site, LOLC LLC believes that the proposed Vista Gardens Market Place will not result in any adverse environmental impacts which will affect the health and well being of the Lake View residents.”

- d. Have approved by DER the final stormwater management plan, with all**

**technical detail and supporting data and computations, to show the placement and operation of all facilities on the property;**

**Comment:** At the time of this DSP review, a final stormwater management plan with all technical details per the requirements of Department of Environmental Resources (DER) is also under review. The DER reviewer indicated that the proposed technical stormwater management plan is acceptable subject to several minor revisions.

- e. **Show, in a report from a qualified consultant, that the proposed retail project at completion will not create adverse noise effects for adjacent residential properties, effects which are substantially higher in volume or duration than effects from townhouse development at maximum densities on the subject property;**

**Comment:** In a letter dated November 22, 2004 (Harvey to Milborne), Scott Harvey, P.E., Chief Engineer of Phoenix Noise & Vibration, LLC, made two recommendations as follows:

“Restrict operation of any equipment such as trash compactors to daytime hours.

“Rooftop HVAC units should be located away from the roof edge by a sufficient distance to block lines of site to the unit or be screened by a screen wall. For some equipment, a roof top noise barrier may be required.”

The letter further concludes that:

“... the proposed Vista Gardens Marketplace, upon completion, will not create adverse noise effects on the adjacent residential properties, effects which are substantially higher in volume or duration than effects from townhouse development and commonly associated activities at maximum densities on the subject property.”

The above two recommendations have been incorporated into the proposed conditions of approval.

- f. **Demonstrate, as part of the detailed site plan review, how property will be planned, built out, and lighted, to prevent the proposed retail project from creating added crime problems for adjacent residential properties; and**

**Comment:** A brief Crime Prevention Design Analysis (CPDA) has been carried out for Vista Gardens Marketplace and submitted with this DSP for review. The CPDA by Lessard Commercial Inc., which is based in Vienna, Virginia, focuses on three basic strategies of CPTED (crime prevention through environmental design): improving natural surveillance, access control and increasing territorial control. The CPDA also indicates that Vista Gardens Marketplace will be under 24-hour surveillance and security in order to create an unobtrusive safety net for shoppers. As discussed in the following paragraph below, no evidence has been provided to show

that the project will be covered by 24-hour security.

- g. Have the subject property covered by 24-hour security, to prevent crime on or adjacent to the project.**

**Comment:** No information has been provided to show that the subject property will be covered by 24-hour security in order to prevent crime on or adjacent to the project. A condition of approval has been proposed in the recommendation section of this report to require the applicant to provide evidence prior to certificate approval of this DSP.

10. ***Landscape Manual:*** The proposed development is subject to Section 4.2, Commercial and Industrial Landscaped Strip, Section 4.3, Parking Lot Requirements, and Section 4.7, Buffering Incompatible Uses, of the *Landscape Manual*.
- a. Section 4.2, Commercial and Industrial Landscaped Strip Requirements, requires that in the situation of a nonresidential use in residential zones, a landscaped strip shall be provided on the property adjacent to all public rights-of-way. The section also requires that in any area where a parking lot is immediately adjacent to a public right-of-way, Section 4.3(a) applies. The subject site has two street frontages along Martin Luther King Jr. Highway and Lottsford Vista Road and for most parts of the frontage, a parking lot is immediately adjacent to roadways. The landscape plan shows a Section 4.2 10-foot-wide strip along the frontages of the site. The landscape plan and schedule should be revised to differentiate the Section 4.3(a) strip from the Section 4.2 strip. A condition of approval has been proposed in the recommendation section of this report.
- In addition, a pedestrian path has been found in the landscape strips. The landscape plan should be revised to relocate the path out of the landscape strips. A condition of approval also has been proposed in the recommendation section of this report.
- b. See the above finding for Section 4.3(a) Landscaped Strip Requirements for a parking lot.
- Section 4.3(c), Interior Planting, requires a certain percentage of parking lot to be used as interior planting area. The landscape plan has identified six parking lots with varied sizes. The required percentage of the interior area for each parking lot varies from five percent to ten percent. The landscape plan provides the required interior areas and plant units.
- c. Section 4.7, Buffering Incompatible Uses, requires that a landscape bufferyard be provided between two incompatible uses. The proposed use, integrated shopping center, is a high impact use and an office use to the northwest of the property is a medium impact use. Per Section 4.7, a Type B Bufferyard is required. Type B bufferyard is a landscape strip with a minimum 20 feet in width to be planted with 80 plant units per each 100 linear feet of property line and requires a minimum 30 feet of building setback. The

landscape plan is in conformance with this requirement for this part of the site.

To the south of the subject site are the existing townhouses and one single-family detached house. Per Section 4.7, a Type D Bufferyard is required between the shopping center and the existing residential properties. Type D bufferyard is a landscape strip with a minimum 40 feet in width to be planted with 160 plant units per each 100 linear feet of property line and requires a minimum 50 feet of building setback. The landscape plan shows the required bufferyard and plant units.

11. **Woodland Conservation Ordinance:** This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet; there are more than 10,000 square feet of existing woodland on site; and there is a previously approved Type I Tree Conservation Plan TCPI/53/96.
  - a. A Forest Stand Delineation (FSD) submitted with TCPI/53/96-01, included in Preliminary Plan of Subdivision 4-03125, was approved by the Planning Board on April 29, 2004. No additional information is required with this DSP.
  - b. The Type II Tree Conservation Plan, TCPII/46/01-02, submitted with this application has been found to be in general compliance with the requirements of the Woodland Conservation Ordinance subject to conditions.
  
12. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
  - a. In a memorandum dated July 20, 2004, the Community Planning Division provided the following determination:

“This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

“This Detailed Site Plan is not in conformance with the Low Urban residential land use recommendation shown on the plan map and the plan text of the 1993 *Approved Master Plan and Sectional Map Amendment for Glenn Dale-Seabrook-Lanham and Vicinity (Planning Area 70)*. The R-T zoned portion of the site is subject to CB-70-2003. CB-70-2003 permits a commercial shopping center on the site.”
  - b. In a memorandum dated August 5, 2004, the Subdivision Section staff indicated that Preliminary Plan of Subdivision 4-03125 has been approved by the Planning Board for this property, but a final plat has not been recorded yet. The Subdivision staff listed all applicable conditions attached to the approval of Preliminary Plan of Subdivision 4-03125. See above Finding 8 for a detailed discussion of each condition.
  - c. The subject application was also referred to the Department of Environmental Resources.

In a memorandum dated August 16, 2004, the staff noted that the site plan for Vista Gardens Marketplace DSP-04014 is consistent with approved stormwater management concept 15255-2001-02.

- d. The Environmental Planning Section in a memorandum dated December 7, 2004, indicated that the plans as submitted have been found to meet all applicable environmental requirements. The staff recommended approval of this application with conditions that have been incorporated into the recommendation section of this report.
- e. In a memorandum dated December 3, 2004, the Transportation Planning Section noted that the proposed development exceeds the trip cap for this site approved at the time of Preliminary Plan of Subdivision 4-03125. Approximately 4,300 square feet of reduction in total gross leasable area is recommended. The transportation planner also recommends two conditions of approval on sidewalks and on-site circulation related to access points to the site that have been incorporated into the conditions of approval for this DSP.

In a separate memorandum from the Transportation Planning Section dated December 2, 2004, on detailed site plan review for master plan trail compliance, the trails planner recommended two conditions that have been included in the conditions of approval of this staff report.

- f. In a memorandum dated July 20, 2004, the State Highway Administration required that the specific design for both access points and upgrading along MD 704 be coordinated with the Engineering Access Permits Division during the permit review process.

**Comment:** The SHA's comment has been sent to the applicant during the review process. The applicant has fully acknowledged the specific access and upgrading requirements of SHA.

- g. The Permit Section in a memorandum dated November 29, 2004, provided 10 comments on the application regarding its compliance with the Zoning Ordinance and CB-70-2003. Most of the comments have either been addressed by the revised plans or the conditions of approval in the recommendation section of this report. Two of the comments warrant discussion as follows:

- 7. **A portion of the parking lot is located within the R-R portion of the property. The proposed use is not permitted in the R-R Zone. Therefore the parking lot should be removed from the R-R portion of the site.**

**Comment:** The subject site is shown in both the R-R and R-T Zones. The location of the zoning line has been shown differently on the GIS map and sectional map amendment of the area. The exact location of the zoning line has been an issue of argument. In a letter dated August 23, 2004 (Gardner to Shipley), the Office of the General Counsel reaffirmed that the correct zoning line that divides the subject property into two zones was expressed by the District Council by Amendment No. 7 set forth in CR-80-1993 (DR-2), in the SMA at pages 183 to 198 (the

“Relevant Enactment’). GIS maps compiled by Commission staff are not the “official” zoning maps for Prince George’s County.

The Urban Design staff worked with the applicant and has mapped the zoning line as referenced above by the General Counsel on the submitted DSP. Except for a limited area of grading and a segment of retaining wall that have been extended into the R-R-zoned portion of the site, all other proposed improvements are located within the R-T-zoned portion of the subject property.

8. **CB-70-2003 permits any use allowed in the C-S-C Zone on this site. However, no changes were made in regard to sign regulations for this site. Sign associated with nonresidential uses allowed in a Residential Zone shall be regulated by the same provisions as those for the least intensive Commercial Zone in which the nonresidential use is allowed. However, some uses are permitted in both the C-S-C Zone and the C-O Zone. Should the Planning Board address whether C-S-C Zone sign regulations shall be used for all uses on this site. [sic]**

**Comment:** As discussed in above Finding 7, the Urban Design Section believes that to review the subject DSP for conformance with the sign regulations of C-S-C Zone instead of R-R/R-T Zone is the intent of CB-70-2003.

- h. In a memorandum dated December 1, 2004, staff of the Department of Parks and Recreation (DPR) listed all applicable conditions of approval attached to Preliminary Plan of Subdivision 4-03125. DPR recommends approval of this DSP, subject to four conditions that have been included in the recommendation section of this report.
- i. The Fire/EMS Department of Prince George’s County had not responded to the referral request at the time the staff report was written.

## **URBAN DESIGN CONCERNS**

13. The Urban Design Section has the following concerns regarding the perimeter retaining and decorative wall:
  - a. The entire shopping center will be enclosed by a wall of different heights. The Urban Design staff is concerned about the safety of the proposed wall, especially along the southern boundary line of the subject site, given its close proximity to the existing townhouse community, Healthier Glen Manor, and its unusual height. The proposed retaining wall along the southern boundary varies from 10 feet to 26 feet in height and is less than 45 feet away from the property line of the existing townhouse, at the closest point. A condition of approval has been proposed in the recommendation section to

require the applicant to provide detailed construction drawings or the equivalent certified by a professional structural engineer that the wall has been designed with sufficient safety measures so it will not be a safety hazard to the adjacent residents and properties even in rare natural situations such as during a high wind or an earthquake.

- b. The proposed retaining wall along the subject site's southern boundary line is as long as 1,430 feet and overlooks the rear yards of the existing townhouses and one single-family detached house to the south. Even though a Section 4.7 bufferyard has been shown along the boundary in front of the proposed wall, the Urban Design staff is concerned about the aesthetic appearance of the wall that is facing the residential properties because it will take many years for the plant materials to be mature enough to screen portions of this very high retaining wall. A condition of approval has been proposed in the recommendation section of this report to require the applicant to either use earth-tone brick to build this portion of the proposed perimeter wall or brick veneer to decorate the side of the wall facing the residential properties to the south.
14. As required by Section 27-285 (b), 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 cost 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/46/01-01) and further APPROVED Detailed Site Plan DSP-04014 for the above-described land, subject to the following conditions:

1. Prior to certificate approval of this detailed site plan, the applicant shall:
  - a. Complete certification of all previously approved plans including Preliminary Plan of Subdivision 4-03125, Type I Tree Conservation Plan TCPI/53/96-01, Infrastructure Detailed Site Plan DSP-03086, and Type II Tree Conservation Plan TCPII/46/01.
  - b. Prepare a proposal for the provision of one or more historical marker(s) to denote the historic alignment of Lottsford Vista Road, its historic uses, and place in the history of Prince George's County to be reviewed and approved by the Historic Preservation Section as the designee of the Planning Board.
  - c. Revise the plans to show a consistent ultimate alignment of the master plan trail along Folly Branch agreeable to the applicant and the Department of Parks and Recreation (DPR).
  - d. Provide evidence to show that the subject property will be covered by 24-hour security in order to prevent crime on or adjacent to the project

- e. Revise the landscape plan to relocate the pedestrian path outside of the Section 4.2 landscape strips and differentiate Section 4.3(a) landscape strips from Section 4.2 strips. Revise the plans to clearly show all parkland boundaries, which shall be reviewed and approved by DPR.
  - f. Delineate the limit of Parcel B, to be conveyed to M-NCPPC, and show graphically on all plans.
  - g. Have the detailed construction drawings for the eight-foot-wide asphalt trail and any structures on the dedicated parkland approved by DPR.
  - h. Change the finish of the portion of the retaining wall that is facing residential properties to the south to either earth-tone brick or brick veneer or other attractive masonry units if accepted in writing by the Heather Glen Home Owners' Association.
  - i. Revise the north elevation of the building on the rectangular pad site to be treated with the same details and architectural elements as the south elevation.
  - j. Add a site plan note as follows:  
  
"Restrict operation of any outdoor equipment such as trash compactors to daytime hours."
  - k. Provide sign face area calculation on the sign detail sheet.
  - l. Reduce the total gross leasable area by a minimum 4,300 square feet unless the applicant can demonstrate that the trip cap of no more than 251 AM and 732 PM new peak-hour trips will not be exceeded through the use of certain mitigation measures which are satisfactory to the Transportation Planning Section and revise the driveway layout in accordance with the recommendation of the Transportation Planning Section unless the State Highway Administration deems such changes are not necessary.
2. Prior to certificate approval of this detailed site plan, the following environmental planning issues shall be addressed:
- a. The technical stormwater management plans shall be revised so that the limits of disturbance and PMA delineation approved by the Planning Board in Preliminary Plan 4-03125 are shown on the plan.
  - b. The preliminary plan and TCPI/53/96-01 shall be revised to show the limits of disturbance in conformance with Condition 17 of PGCPB Resolution No. 04-91.
  - c. The preliminary plan and TCPI/53/96-01 shall be revised as follows:

- (1) Show the correct amount of proposed clearing to the closest 1/100<sup>th</sup> of an acre in the worksheet, on the plan with the clearing pattern used, and in the legend with the corresponding symbol.
  - (2) Show the limits of disturbance for the entire site in conformance with the approval of the preliminary plan.
- d. The TCPII shall be revised to indicate proposed reforestation and/or afforestation areas to address Condition 22 of Planning Board Resolution No. 04-91, or provide evidence from DER that this is not an acceptable practice within the ponds.
- e. The DSP and the TCPII shall be revised to show the limits of disturbance within the PMA as approved by the Planning Board in conformance with the conditions of approval of Preliminary Plan 4-03125 and the approved Type I Tree Conservation Plan, TCPI/53/96-01.
- f. A Type II Tree Conservation Plan shall be submitted that addresses all the requirements of the Woodland Conservation Ordinance and it shall be in full conformance with previous and current conditions of approval.
- g. The DSP shall be revised to fully conform to the Type II Tree Conservation Plan.
- h. TCPII/46/01-02 shall be revised as follows:
- (1) Add the 50-foot wide stream buffer to the composite sheet and to the third sheet and include a symbol in the third sheet's legend.
  - (2) Relabel the title for the "General Notes for Woodland Conservation" the "Standard Notes for a Type II Tree Conservation Plan." Note 2 contains outdated language and should be updated to contain the current language used in this standard note. In Note 4 remove or "X" out the third sentence. Provide standard Note 5 regarding proposed off-site mitigation. In Note 6, in the second sentence, put a period after the word "place" and remove or "X" out the phrase "for five years after completion of work." Remove or "X" out Note 8 as it is the same language used in Note 6.
  - (3) Show all the required information including but not limited to final building locations, grading, parking, retaining and screening walls, and the proposed grading for the entire site.
  - (4) Provide the four notes under the TPD sign detail from the manual in place of the nine notes shown on the plan.
  - (5) Show the required woodland preservation area signage in relation to the east portion of the site where preservation is proposed.

- (6) After these revisions have been made, have the qualified professional who prepared the plan sign and date it.
3. Prior to approval of any grading permits, the off-site location of the required woodland conservation mitigation must be secured and noted on the plans.
4. The limit of disturbance shown on the final approved technical stormwater management plan shall not exceed the limits approved by the Planning Board within the PMA, as shown on the approved TCPI. The stormwater management plan shall be revised in accordance with the Planning Board's decision if inconsistencies are identified later in the development process. Development of this site shall be in conformance with approved technical Stormwater Management Plan, #15255-2001-02.
5. The applicant shall provide for any necessary turn lanes and/or frontage improvements as required by the State Highway Administration (SHA), in connection with granting access to MD 704. These may include turn lanes for deceleration and acceleration of vehicles at the site, frontage improvements at the site, lengthening or doubling of turn lane bays, traffic signal modifications, and additional pavement markings and signage. Additional right-of-way dedication to SHA may be required for these improvements.
6. In conformance with the adopted and approved Glenn Dale-Seabrook-Lanham and vicinity master plan, the applicant and the applicant's heirs, successors, and/or assigns shall provide the following:
  - a. Construct the five-foot wide sidewalk and the five-foot wide designated bike lane along the subject site's frontage of MD 704, as approved by the State Highway Administration. These facilities will accommodate the master plan trail/bicycle facility proposed in the Adopted and Approved Glenn Dale-Seabrook-Lanham and Vicinity Master Plan.
  - b. Construct the master plan trail along Folly Branch.
7. Prior to issuance of any permits for the perimeter retaining and decorative walls, the applicant shall provide detailed construction drawings or the equivalent certified by a structural engineer to indicate that the wall has been designed with sufficient safety measures so it will not be a safety hazard to the adjacent residents and properties.
8. Prior to construction, the location of the master plan trails shall be staked in the field and approved by DPR.
9. Prior to issuance of the certificate of occupancy by the Department of Environmental Resources for the proposed Shoppers Food Warehouse grocery store located on the southeast portion of the property, the construction of the trails on the dedicated parkland shall be completed.
10. Prior to issuance of the first building permit for the linear building close to the existing

townhouses, an acoustics professional shall certify that the rooftop HVAC units will not create adverse noise effects on the residential properties.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Eley, seconded by Commissioner Vaughns, with Commissioners Eley, Vaughns, Squire and Hewlett voting in favor of the motion, and with Commissioner Harley absent at its regular meeting held on Thursday, December 16, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 6<sup>th</sup> day of January 2005.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:HZ:rmk