

RESOLUTION

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

WHEREAS, in consideration of evidence presented at a public hearing on March 22, 2012, regarding Detailed Site Plan DSP-11030 for Marlo Plaza, the Planning Board finds:

1. **Request:** The subject application requests approval of a detailed site plan pursuant to County Council Bill CB-5-2004 to allow wholesaling, distribution, and related storage in a portion of the existing Marlo Furniture store and warehouse.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	C-S-C (Commercial Shopping Center)	C-S-C (Commercial Shopping Center)
Use(s)	Shopping Center, Showroom, and Furniture Warehouse	Shopping Center, Showroom, and Warehouse
Acreage	10.19	10.19
Building Square Footage/GFA	185,093	185,093

	REQUIRED	APPROVED
Parking	377	370*
Loading	7	11

**A departure for a reduction of 57 spaces has been previously approved.*

3. **Location:** The subject site is located in the southwest quadrant of the intersection of US 1 and Contee Road.
4. **Surrounding Uses:** The property is surrounded by a mix of commercial uses. North of the subject property across Contee Road is a shopping center identified as the Centre at Laurel, which is located inside the municipal boundaries of the City of Laurel. East of the subject property across Baltimore Avenue (US 1) are retail and automotive uses in the Commercial Miscellaneous (C-M) Zone. South of the subject property is existing commercial development in the C-M Zone, currently occupied by a car rental business; and west of the subject property is a contractor's yard with outdoor storage in the C-M Zone. The site plan should be revised to accurately note the zone of the adjacent properties.
5. **Previous Approvals:** The subject property was placed in the I-1 Zone in November 1977, via the District Council's adoption of the Northwestern Area Sectional Map Amendment. The Marlo

Plaza Shopping Center and warehouse were constructed in 1988 in accordance with the I-1 Zone regulations in affect at the time, which permitted the warehouse use associated with the furniture store by right. On November 3, 1988, the Prince George's County Planning Board approved Departure from Parking and Loading Standards DPLS-71 for the Marlo Plaza Shopping Center for a reduction of 57 required parking spaces. The Planning Board's approval for that application is referenced in PGCPB Resolution No. 88-526.

The site is currently located in the C-S-C Zone. In 2004, County Council Bill CB-5-2004 was enacted for the purpose of permitting wholesaling, distribution, and related storage in the C-S-C Zone under certain circumstances. The subject application is submitted in fulfillment of the requirements of Section 27-461(b), Uses Permitted Footnote 48, of the Zoning Ordinance.

6. **Design Features:** The subject application proposes a new occupant within an existing furniture warehouse in the Marlo Plaza Shopping Center. The shopping center is developed with 119,039 square feet of retail development, a 66,054-square-foot warehouse, and an existing surface parking lot with 370 parking spaces. The property has existing frontage on and vehicular access from Contee Road and Baltimore Avenue (US 1). The warehouse is located with the southeastern portion of the existing shopping center.

The subject detailed site plan proposes no new construction, although a few landscape and pedestrian access improvements are approved as a part of the subject application.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The detailed site plan has been submitted to seek approval of a wholesaling, distribution, and related storage use within the existing shopping center. Per Section 27-461(b), this use is permitted in the C-S-C Zone under certain conditions identified in Footnote 48 of the commercial zones use table, which reads:

Section 27-461(b) Footnote 48

Provided:

- (A) **The use is an adaptive reuse of a furniture warehouse store, which has or had a valid use and occupancy permit prior to January 1, 2004, and is in an existing shopping center that is located on a parcel(s) containing not less than five (5) or more than eleven (11) acres;**

The Planning Board finds that the Marlo Furniture warehouse store has been in operation since 1988, when the Marlo Plaza Shopping Center was constructed. The Marlo Plaza parcel is 10.19 acres, which also conforms to the above requirement.

- (B) The use is located in a building of at least sixty-five thousand (65,000) square feet and was constructed after 1980 with a minimum of 16-foot ceilings; and**

The warehouse use is proposed in the portion of the building that was originally used for the furniture warehouse. The size of the existing warehouse portion of the building is indicated to be 66,054 square feet, in conformance with the above requirement. The height of the warehouse building is indicated to be approximately 48 feet, and the applicant's statement of justification states that a minimum of 16-foot ceilings are contained within the existing building. The height of ceiling internal to the warehouse should be noted on the site plan. The Planning Board finds that the proposed warehouse building conforms to the above requirement.

- (C) A Detailed Site Plan must be approved in accordance with Part 3, Division 9, of this Subtitle. The site plan should address, but not be limited to, ingress and egress, truck traffic and parking on the site, and screening for any on-site truck storage.**

The Planning Board finds that the subject detailed site plan has been submitted in accordance with the above requirement.

Ingress and Egress

The Planning Board finds that the ingress and egress are acceptable, and are not proposed to be changed by this plan. The site has a full-movement access along Contee Road and a right-in right-out access along US 1. There would be some utility to moving the Contee Road access point about 225 feet to the west; this would allow the site full access at an existing traffic signal. However, it is also recognized that there is a slight grade differential at that location, and that potential access point, given the current building and parking layout, could probably not accommodate trucks effectively. Unless otherwise required by the Department of Public Works and Transportation (DPW&T), moving the access point along Contee Road is not recommended. Circulation within the site is also acceptable.

Truck Traffic and Parking

Trucks are able to access the loading spaces on the site, and the Planning Board finds that there is adequate loading space provided in concert with the warehouse/wholesaling facility.

The site has a previously approved Departure from Parking and Loading Standards DPLS-71 for the Marlo Plaza Shopping Center for a reduction of 57 required parking spaces. The Planning Board finds that the subject proposal does not negatively impact the previously approved departure.

Screening

While there is no on-site truck storage, there is truck loading. There are eleven existing loading spaces on the site. There is a wall that currently exists which provides some screening for the five loading spaces in front of the warehouse. There are also three loading spaces east of the warehouse building, which, at their closest point, are 35-feet from the US 1 right-of-way. The Planning Board finds that these loading spaces will be adequately screened through the addition of evergreen plant material shown on the plan, and the existing grade change between the US 1 right-of-way and the subject loading spaces.

The subject detailed site plan does not include a review of signs. All future signs approved for the warehouse must conform to the requirements of Part 12 of the Zoning Ordinance.

8. **Departure from Parking and Loading Standards DPLS-71:** On November 3, 1988, the Prince George's County Planning Board approved Departure of Parking and Loading Standards DPLS-71 for the Marlo Plaza Shopping Center for a reduction of 57 required parking spaces. The Planning Board's approval for that application is referenced in PGCPB Resolution No. 88-526. The applicant's departure request was approved, in part, to provide additional capacity for higher parking generation uses in the future, and to provide parking for two future building sites in the northeastern corner of the lot. There are no conditions of the above-referenced approval that are relevant to the subject application. The approved departure from parking and loading standards remains valid for the subject revision.
9. **Prince George's County Landscape Manual:** The Planning Board finds that the subject detailed site plan is not subject to the 2010 *Prince George's County Landscape Manual*, because the subject proposal does not involve a change of use from a lower to a higher intensity use category, an increase in impervious surface, or an increase in any building's gross floor area (GFA).

The landscaped areas for the shopping center (Marlo Plaza) were developed pursuant to an approved landscape plan prepared in September 1989, prior to the effective date of the October 1989 *Prince George's County Landscape Manual* (Landscape Manual). Even though the plan was prepared pre-Landscape Manual, the plan demonstrated conformance with the landscape requirements of the time, including landscape strips along the property's street frontages, and more than five percent interior landscape area in the parking lot.

Site photographs and aerial imagery show that some of the landscape materials approved to fulfill the landscape requirements are not currently provided on the subject site. Some of the required plant material may not have been installed, or, if installed, did not survive to the present date. Any diseased or dead plant material on the site should be removed and replaced with healthy plant material as shown on the approved landscape plan; additionally any absent plant material should be provided in accordance with the approved site plan. All plant material associated with the approved site plan should be provided prior to the release of use and occupancy permit for the warehouse occupant.

The applicant shall complete a site inventory that highlights the plant materials to be replaced, and certify that all such material has been replaced in accordance with the approved detailed site plan prior to the release of the use and occupancy permit for the warehouse.

10. **The Woodland and Wildlife Habitat Conservation Ordinance and the Tree Canopy Ordinance:** The subject application proposes a new warehouse user within existing facilities. The project proposes less than 5,000 square feet of disturbance and will not require a grading permit.

Because the subject detailed site plan will not require a grading permit per Section 32-127(a)(6)(A) of the Prince George's County Code, the Planning Board finds that the following items are not required for this review:

- a. A natural resources inventory (NRI)
- b. A Type 2 tree conservation plan (TCP2) or a letter of exemption
- c. Demonstration of compliance with Division 3 of Subtitle 25, the Tree Canopy Coverage Ordinance

The proposal does not impact any woodlands or regulated environmental features.

11. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

- a. **Community Planning**—The Planning Board adopts the following findings:

- (1) This application is consistent with the 2002 Approved General Plan Development Pattern policies for the Developing Tier. Approval of this application does not violate the General Plan's growth goals for the year 2025 upon review of the Prince George's County current General Plan Growth Policy Update.

This application is located 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.

- (2) This application does not conform with the commercial mixed-use land use recommendation of the June 2010 *Approved Subregion 1 Master Plan and Sectional Map Amendment*

The 2010 *Approved Subregion 1 Master Plan and Sectional Map Amendment* places the subject property in the US 1 Corridor's Focus Area 4. The vision for this focus area is new mixed-use development that complements and enhances the surrounding residential neighborhood and is connected by an open-space network

and pedestrian-friendly, traffic-calmed streets. The master plan designates the subject property's frontage along US 1 as a "retail streetscape" which calls for a consistent pedestrian-friendly streetscape oriented toward retail activities.

While Policy 1, Strategy 1 of Focus Area 4 in the 2010 *Approved Subregion 1 Master Plan and Sectional Map Amendment* recommends the existing Marlo Furniture site redevelop with commercial and mixed-use residential, in the short-term, the Community Planning Division recognizes that County Council Bill CB-5-2004, which pertains to the C-S-C Zone, allows for wholesaling, distribution, and related storage of materials not used or produced on the premises provided certain conditions are met, including the approval of a detailed site plan.

The following policy and strategies from the master plan are relevant to this application:

Policy 3: Create a safe walkable environment through improvements to streets, sidewalks, and building orientation.

Strategies

- Improve the sidewalk network and add street trees throughout the area.
- Create an urban boulevard character along US 1 by widening sidewalks and establishing a build-to-line to locate future development closer to the street.

Policy 4: Create a pedestrian-and transit-friendly corridor.

Strategies

- Along the portions of US 1 devoted to retail uses, establish a consistent pedestrian-friendly streetscape oriented toward retail activities.

Policy 5: Create a well-defined and visually consistent "street wall" along US 1

Strategies

- Where existing parking lots front US 1, install planned buffers (i.e., 36-inch evergreen hedges and street trees) as a short-term strategy to shield parking and automobiles.

The sidewalk along US 1 does not extend along the entire length of the subject property. There is a segment of frontage of approximately 380 feet that lacks a sidewalk. The Planning Board finds that the applicant shall provide an extension of the existing sidewalk along Baltimore Avenue (US 1) in accordance with the Department of Public Works and Transportation (DPW&T) standards, unless modified by DPW&T, or the State Highway Administration (SHA).

- b. **Transportation Planning**—The site plan is required to allow a wholesaling, distribution, and related storage use within the existing shopping center. Per Section 27-461 of the Zoning Ordinance, this use is permitted in the C-S-C Zone under certain conditions identified in Footnote 48 of the commercial zones use tables. The requirement for a site plan must address ingress and egress, truck traffic and parking on the site, and screening associated with truck storage, along with general site issues. While there are no traffic-related findings required, the specific use requires some transportation-related review.

The site is located on three old recorded parcels of Contee Heights and three unrecorded parcels. The site was developed after 1980, but prior to the enactment of legislation in 1990, that would have required a preliminary plan for the site prior to construction of more than 5,000 square feet.

The site has operated for many years with a large combination furniture store and warehouse. At this time, the applicant desires to maintain the furniture store; however, all warehousing has been moved to another facility, prompting this application to partition the warehouse portion of the store for use by a different concern.

The site has frontage on US 1, which is a master plan arterial facility. The site also has frontage along Contee Road, which is also an arterial facility. Given the construction limits of the roadways and their associated facilities, it appears that the needed right-of-way, consistent with master plan requirements, has been deeded already; however, this is not reflected on PGAtlas.

- c. **Trails**—The 2009 *Approved Countywide Master Plan of Transportation* (MPOT) recommends that a sidepath be constructed along Baltimore Avenue (US 1) from the District of Columbia to Laurel. This sidepath is being constructed along the north side of US 1, well south of the subject property at this time. An interim five-foot-wide sidewalk is approved for the subject property. The construction of the sidepath along the entire subject property frontage of US 1 can be addressed in the future if the site is redeveloped, or if a road project results in a widening of US 1.

- d. **Permit Review**—The Permit Review Section’s comments have been addressed through plan revisions and in the conditions of approval.
 - e. **Department of Public Works and Transportation (DPW&T)**—In a revised referral dated March 13, 2012, DPW&T provided the following comments on the detailed site plan:
 - (1) The referenced property is located on the northwest quadrant of intersection of Contee Road and Baltimore Avenue (US 1). US 1 is State-maintained roadway; coordination with the Maryland State Highway Administration (SHA) is required.
 - (2) Sidewalks are required along all roadways within the property limits in accordance with Section 23-135 of the County Road Ordinance. Sidewalks are required along state roads that have concrete curb and gutter in accordance with the current DPW&T Specifications and Standards.
 - (3) Street construction permit must be obtained from SHA to construct the sidewalk on Baltimore Avenue (US 1) along the property frontage.
 - f. **City of Laurel**—The subject application was referred to the City of Laurel due to its proximity to the municipal boundaries. Comment from the City was not received prior to the writing of the subject resolution.
12. Based on the foregoing, and as required by Section 27-285(b) of the Zoning Ordinance, 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.

Since the site contains no regulated environmental features, the finding required by Section 27-285(b)(4) need not be made in this case.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Detailed Site Plan DSP-11030, subject to the following conditions:

- 1. Prior to signature approval, the applicant shall revise the plans as follows or provide the specified information:
 - a. The height of the ceiling internal to the warehouse shall be noted on the site plan.
 - b. The site plan shall be revised to indicate five-foot-wide sidewalk along the entirety of the site’s frontage. A plan note may be provided to indicate that the provision of the additional

sidewalks is subject to modification by the Department of Public Works and Transportation (DPW&T), and the State Highway Administration (SHA)

- c. The site plan shall be revised to accurately note the zone of adjacent properties.
2. All diseased or dead plant material on the site shall be removed and replaced with healthy plant material shown on the approved landscape plan. Additionally, any absent plant material shall be provided in accordance with the approved landscape plan. All plant material associated with the approved plan shall be installed prior to release of the use and occupancy permit for the proposed warehouse use.
3. Prior to the release of the use and occupancy permit for the warehouse use, the applicant shall submit a site inventory of all missing, dead or diseased plant material, and shall certify that all such material has been replaced in accordance with the approved detailed site plan.


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 Bailey, seconded by Commissioner Washington, with Commissioners Bailey, Washington, Squire and Hewlett voting in favor of the motion, and with Commissioner Shoaff absent at its regular meeting held on Thursday, March 22, 2012, in Upper Marlboro, Maryland.

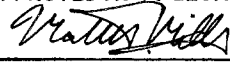
Adopted by the Prince George's County Planning Board this 12th day of April 2012.

Patricia Colihan Barney
Executive Director


By Jessica Jones
Planning Board Administrator

PCB:JJ:MF:arj

APPROVED AS TO LEGAL SUFFICIENCY.


M-NCPPC Legal Department

Date 4/2/12