

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 April 29, 2003 regarding Detailed Site Plan DSP-03086 for Buena Vista (Vista Gardens Marketplace), the Planning Board finds:

1. **Request:** The subject application is for approval of an infrastructure detailed site plan for an integrated shopping center.
2. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	R-T	R-T
Use(s)	Vacant	Integrated Shopping Center
Acreage	49.4	49.4
Lots	9*	9
Parcels	2	2

Note: * The number of lots and parcels is as proposed in Preliminary Plan of Subdivision 4-03125.

3. **Location:** The subject site is located on the south side of Martin Luther King, Jr. Highway (MD 704), east of Lottsford Vista Road.
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 the 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 are townhouses in the R-T Zone. 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, was submitted for an integrated shopping center after the enactment of CB-70-2003 in 2003. The Preliminary Plan of Subdivision 4-03125 is currently under review and is scheduled to be heard by the Planning Board on April 29, 2004, the same hearing date as for the subject infrastructure Detailed

Site Plan, DSP-03086. The site has also a stormwater management concept approval #15255-2001-02.

6. **Design Features:** This limited Detailed Site Plan for infrastructure covers the entire site of 49.4 acres but shows a total disturbed area of 36 acres, west of the 100-year floodplain, mainly in the R-T Zone. This Detailed Site Plan also shows grading, stormwater management, tree conservation areas, as well as sediment and erosion control. No building footprint or road layout is shown on the plan.

COMPLIANCE WITH EVALUATION CRITERIA

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

“⁷¹ **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 classification 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 49.4 acres in size, 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 more than 350 townhouse units. The above-mentioned R-T-zoned 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, 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 an infrastructure Detailed Site Plan.

8. **Preliminary Plan of Subdivision 4-03125:** The Preliminary Plan of Subdivision, 4-03125, was submitted in 2003 and it is currently under review by the Subdivision Section. The Preliminary Plan application will be heard by the Planning Board on the same date with this Detailed Site

Plan application. The Detailed Site Plan will be subject to any conditions that will be attached to the approval of Preliminary Plan 4-03125.

9. **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, is pending approval by the Planning Board on April 29, 2004. A condition of approval proposed by the Environmental Planning Section has been incorporated into the Recommendation section of this report.
 - b. The Type II Tree Conservation Plan, TCPII/46/01-01, submitted with this application does not show the impacted Patuxent River Primary Management Area (PMA) and its associated features. By reviewing the proposed impact in the Preliminary Plan, the environmental planner supports an impact to approximately 60,000 square feet (or 1.38 acres) of the PMA subject to the final approval of the Planning Board. Conditions of approval proposed by the Environmental Planning Section have been incorporated in the Recommendation section of this report.
10. **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 March 30, 2004, the Community Planning Division noted that there are no master plan or general plan issues related to this limited Detailed Site Plan application.
 - b. In a memorandum dated March 12, 2004, the Subdivision Section staff indicated that a Preliminary Plan of Subdivision, 4-03125, is pending which may impact the subject Detailed Site Plan.
 - c. The subject application was also referred to the Department of Environmental Resources. In a memorandum dated March 8, 2004, the staff noted that the site plan is consistent with approved stormwater management concept #15255-2001.
 - d. The Environmental Planning Section, in a memorandum dated April 12, 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. The Office of Soil Conservation, Prince George's County, in a memorandum dated March 15, 2004, indicated that there is a grading and sediment control plan for this property currently under review (SC#128-04) with minor comments given to the

engineer. The staff has no additional comments concerning this Detailed Site Plan.

- f. The Permit Section in a memorandum offered no comments on this Detailed Site Plan application.
 - g. The Department of Parks and Recreation, in a memorandum dated April 20, 2004, recommended approval of this infrastructure Detailed Site Plan (DSP), subject to three conditions, which have been incorporated into the conditions of approval.
 - h. The State Highway Administration (SHA), in a memorandum dated April 20, 2004, indicated that the proposed DSP does not satisfy the requirements regarding frontage improvement and access point along Martin Luther King, Jr. Highway (MD 704). A condition has been proposed in the Recommendation Section to require the compliance prior to certificate of approval of this infrastructure DSP.
11. This limited Detailed Site Plan for infrastructure satisfies the site design guidelines as contained in Section 27-274, prevents off-site property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare and economic well-being for grading, reforestation, woodland conservation, drainage, erosion and pollution discharge.

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-03086 for the above-described land, subject to the following conditions:

- 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.
2. This Detailed Site Plan shall be subject to whatever applicable conditions that are attached to the approval of Preliminary Plan of Subdivision 4-03125 and the plans shall also be revised accordingly.
 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.
 4. Prior to the issuance of the grading permit, the applicant shall submit the stormwater management plan including plans for the drainage outfalls and any drainage improvements on dedicated parkland to DPR for review and approval.

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 Harley, seconded by Commissioner Eley, with Commissioners Harley, Eley, Squire, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, April 29, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 20th day of May 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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