

RESOLUTION

WHEREAS, the Prince George’s County Planning Board is charged with the approval of Conceptual 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 14, 2019, regarding Conceptual Site Plan CSP-18001 for Marlow Heights Center, the Planning Board finds:

1. **Request:** The conceptual site plan (CSP), with the companion detailed site plan, DSP-18016, requests validation of the number of parking spaces provided on an existing commercial property, in accordance with Section 27-574 of the Prince George’s County Zoning Ordinance.
2. **Development Data Summary:**

<b>Zone</b>	<b>EXISTING</b>	<b>APPROVED</b>
<b>Use</b>	M-X-T	M-X-T
<b>Gross Acreage</b>	Commercial/Office	Commercial/Office
	0.25	0.25
<b>100-Year Floodplain</b>	N/A	N/A
<b>Lots/Parcels</b>	1	1
<b>Gross Floor Area (GFA)*</b>	10,176 sq. ft.	10,176 sq. ft.
<b>Parking Spaces**</b>	<b>REQUIRED</b>	<b>APPROVED</b>
<b>Dentist/Medical Office</b>		
650 sq. ft. @ 1 space per 200 sq. ft.	4	4
<b>Herbalife Nutrition/ Normal Retail</b>		
650 sq. ft. @ 1 space per 150 sq. ft.	5	2
<b>Church (2,100 sq. ft.)</b>		
40 seats @ 1 space per 4 seats	10	2
<b>General Office (4,150 sq. ft.)</b>		
Ministry Outreach Office 1,400 sq. ft.		
Tag and Title Office 650 sq. ft.		
General Office 2,100 sq. ft.		
2,000 sq. ft. @ 1 space/250 sq. ft.	8	8
2,150 sq. ft. @ 1 space/400 sq. ft.	6	6

<b>Total Number of Parking Spaces</b>	33***	22****
Van Accessible Handicapped	2	2
<b>Loading Spaces (12 ft. x 33 ft.)</b>	0	0

**Notes:** \*The site plan does not indicate if the GFA excludes those portions of the basement that are used exclusively for storage or other areas used exclusively for mechanical elements. These areas should be removed to indicate the correct GFA.

\*\*Per Sections 27-574 and 27-583 of the Prince George’s County Zoning Ordinance, there is no specific required number of parking or loading spaces in the M-X-T Zone. The applicant is to submit an analysis to be approved by the Planning Board. See Finding 7 for a discussion of the parking analysis.

\*\*\*Total number of parking spaces required by Section 27-568 of the Prince George’s County Zoning Ordinance.

\*\*\*\*The CSP shows 22 parking spaces; however, the parking schedule states that 21 spaces are proposed. A condition has been added to the companion DSP-18016 requiring the applicant to revise the parking schedule to show the correct number of parking spaces proposed.

3. **Location:** The subject property is located on the west side of Riviera Street, in the southwest quadrant of its intersection with 28th Avenue, in Planning Area 76A, Council District 7. More specifically, the property is located at 3710 Riviera Street in Temple Hills, Maryland.
4. **Surroundings and Use:** The subject property is bounded by the public right-of-way of 28th Avenue on the north, with commercial and retail uses beyond; to the east by the public right-of-way of Riviera Street; to the west by an existing parking lot in the Multifamily High Density Residential (R-10) Zone; and to the south by an existing single-family residential dwelling in the One-Family Detached Residential (R-55) Zone.
5. **Previous Approvals:** The subject property is known as Lot 1, Block S, of Marlow Heights, recorded in Prince George’s County Land Records in Plat Book WWW 24-73, as approved in 1954. On December 8, 1967, Special Exception SE-1654 was approved by the Prince George’s County District Council, to allow the adjacent Parcel 484 to be used as an automobile parking compound, in conjunction with the development of the subject property as embodied in Zoning Resolution No. 581-1967.

A review of aerial photographs of the site indicate that the existing commercial building on Lot 1 was constructed in approximately 1968. Additionally, it is noted that this property was rezoned from Commercial Office (C-O) to Mixed Use-Transportation Oriented (M-X-T) by the 2008 *Approved Branch Avenue Corridor Sector Plan and Sectional Map Amendment* (Branch Avenue Corridor Sector Plan and SMA) approved by the District Council in September of 2008.

6. **Design Features:** The subject applications are not proposing any site improvements on the subject property, but instead request validation of the existing parking for the commercial building, in conformance with Section 27-574, which requires parking in mixed-use zones to be approved by the Prince George's County Planning Board. The M-X-T Zone requires the approval of a CSP and DSP for all uses and improvements per Section 27-546(a) of the Zoning Ordinance. This application has been filed in accordance with this requirement. The existing development is legal and was approved with off-site parking on Parcel 484, to the west with SE-1654, as allowed per Section 27-573 of the Zoning Ordinance.

#### CONFORMANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the M-X-T Zone and the site plan design guidelines of the Zoning Ordinance.

- a. Conformance with the M-X-T Zone requirements, as follows:

##### **Section 27-546. Site Plans.**

- (d) **In addition to the findings required for the Planning Board to approve either the Conceptual or Detailed Site Plan (Part 3, Division 9), the Planning Board shall also find that:**

- (1) **The proposed development is in conformance with the purposes and other provisions of this Division;**

The subject limited application is in conformance with the purposes of the M-X-T Zone, as the parking is appropriately designed for the proposed retail and office tenants, with respect to size and location, promoting the orderly redevelopment of properties within the area. Additionally, it is noted that the subject property is designed in accordance with the vision of the Branch Avenue Corridor Sector Plan and SMA, for a medium density mixed-use community and has been developed with a mix of commercial/retail and office uses. The approval of these applications will enhance the economic status of the County and provide an expanding source of desirable employment opportunities for its citizens.

- (2) **For property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, the proposed development is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;**

The subject site was placed in the M-X-T Zone through an SMA approved after October 1, 2006, specifically on August 23, 2008, through the approval of the Branch Avenue Corridor Sector Plan and SMA by the Prince George's County Council. There were no design guidelines or standards prescribed for the property, which was developed in its current configuration prior to rezoning the property. It is noted that validation of the parking on-site does not change the configuration or design of the property. The applicant does not propose redevelopment at this time, and any future redevelopment will be in accordance with the M-X-T Zone, as recommended by the sector plan.

- (3) The proposed development has an outward orientation which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;**

The submitted application is for validation of the on-site parking and will not affect the property's existing physical integration with the adjacent development. It is noted that the existing building is oriented toward the street, and sidewalks are provided on the street frontage to create a more urban and pedestrian-friendly streetscape.

- (4) The proposed development is compatible with existing and proposed development in the vicinity;**

The existing commercial development is compatible with nearby existing and proposed development, such as the commercial office building to the east across Riviera Street.

- (5) The mix of uses, arrangement and design of buildings and other improvements, and provision of public amenities reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;**

The submitted application is for validation of existing parking and does not propose any changes to uses, buildings, or other improvements. It is noted that the existing tenant mix includes office, institutional, and retail uses in a single building, which has operated independently and demonstrated the ability to sustain an independent environment of continuing quality and stability.

- (6) If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;**

This requirement does not apply to this application because it is existing, and staging is not required as there are no proposed site improvements.

- (7) The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development;**

The submitted applications are for validation of existing parking; however, there is an existing sidewalk along the frontage of the property on 28th Avenue and Riviera Street. The pedestrian system will encourage pedestrian activity and provide connections to the surrounding community.

- (8) On the Detailed Site Plan, in areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, high quality urban design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial); and**

This application is for a CSP. It is noted that no new pedestrian improvements or gathering places are proposed with this application.

- (9) On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, or will be provided by the applicant, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.**

The subject property was placed in the M-X-T Zone by an SMA, but no new development is proposed.

- (10) On the Detailed Site Plan, if more than six (6) years have elapsed since a finding of adequacy was made at the time of rezoning through a Zoning Map Amendment, Conceptual Site Plan approval,**

**or preliminary plat approval, whichever occurred last, the development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or to be provided by the applicant.**

This application is for a CSP. It is noted that no new development is proposed.

- (11) **On a property or parcel zoned E-I-A or M-X-T and containing a minimum of two hundred fifty (250) acres, a Mixed-Use Planned Community including a combination of residential, employment, commercial and institutional uses may be approved in accordance with the provisions set forth in this Section and Section 27-548.**

The overall site plan contains less than 250 acres; therefore, this application is not subject to this requirement.

- b. The CSP application is also in conformance with additional regulations of the M-X-T Zone, as follows:

**Section 27-544. Regulations.**

- (a) **Except as provided in Subsection (b), additional regulations concerning the location, size, and other provisions for all buildings and structures in the M-X-T Zone are as provided for in Divisions 3 and 4 of this Part, General (Part 2), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.**

The existing building is in conformance with the regulations of the C-O Zone, as were applied with the construction of the building prior to 1970. No changes to site improvements are proposed with this application.

- c. **Site Design Guidelines:** The findings of approval regarding conformance with Section 27-283, Site design guidelines, of the Zoning Ordinance, that further cross-references the same guidelines as stated in Section 27-274 of the Zoning Ordinance, are limited due to the nature of this CSP.

The site design guidelines address general matters such as parking, loading and circulation, lighting, views, green area, site and streetscape amenities, grading, service areas, public spaces, architecture, and townhouses. The building is existing, and no new improvements are being proposed. The building was constructed under prior

regulations, and many guidelines are not applicable to this application. A full discussion of the guidelines is provided in the associated DSP-18016.

8. **Special Exception SE-1654:** Special Exception SE-1654 was approved on December 8, 1967, with five recommendations, and PGCPB Resolution No. 581-1967 formalized this approval for adjacent Parcel 484. The SE allowed for an automobile parking compound to serve the commercial uses on the subject property, Lot 1. The Planning Board noted that due to the need for the parking compound on this off-site property to support the development in the subject applications, the conditions of the SE approval shall be evaluated at this time. The Department of Inspection and Permits conditions of approval that impact this CSP application are as follows:

- b. **A slightly, tight fence, five (5) feet in height above the grade of abutting residential land shall be constructed within six months and maintained on the parking area adjacent to side and/or rear lot line. (Section 24.75)**

The plan shows an eight-foot-high, chain-link fence with barbwire along the west and south sides of the parking compound on the adjacent Parcel 33, with no fence on Parcel 484. Therefore, a condition has been added to the companion DSP-18016 requiring that the five-foot-high, sight-tight fence be shown.

- c. **In addition to the above, adequate shrubbery or other screen planting on the residential side of this wall or fence shall be planted. (Section 24.75)**

This requirement refers to the residential side of the wall or fence; however, the residentially zoned property, adjacent to Parcel 484, is developed with a parking lot that was constructed between 1968 and 1977 based on aerial photographs. Therefore, this condition is no longer applicable, as there is no residential side of the fence.

- d. **If lighting is provided, the lights shall be arranged so as not to reflect or cause glare into abutting residential lots.**

No lighting is provided for the parking lot area.

- e. **Agreement for continued use of parking compound shall have been submitted to The Maryland-National Capital Park and Planning Commission. (Section 24.8)**

An agreement for the continued use of the parking compound was not submitted with the companion DSP application; therefore, one is required prior to certification of the DSP, and is conditioned in the DSP-18016 approval.

9. **2010 Prince George's County Landscape Manual:** This CSP is for validation of existing parking and no revisions to site improvements are proposed. Therefore, conformance to the Landscape Manual is not required per Section 1.1(b).

10. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The subject CSP is exempt from the Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the site is less than 40,000 square feet and has no previous tree conservation plan approvals. Additionally, the Planning Board noted that a Letter of Exemption (S-085-2018) has been issued and is valid until June 11, 2020. A Natural Resources Inventory Equivalency Letter (NRI- 093-2018) has also been issued because there are no regulated environmental features located on the subject property. The NRI equivalency letter is valid until June 11, 2023.
11. **Prince George's County Tree Canopy Coverage Ordinance:** This CSP is for validation of existing parking and does not propose any site disturbance or GFA. Therefore, the tree canopy coverage ordinance is not applicable, per Section 25-127(a)(1) of the WCO.
12. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the following concerned agencies and divisions. The referral comments are summarized, as follows:
  - a. **Community Planning**—The Planning Board adopted herein by reference a memorandum dated January 16, 2019 (Lester to Bishop), which noted that the property was reclassified from the C-O Zone to the M-X-T Zone with the approval of the Branch Avenue Corridor Sector Plan and SMA, and that sector plan conformance is not required.
  - b. **Transportation Planning**—The Planning Board adopted herein by reference separate memorandums dated January 29, 2019 and January 30, 2019 (Masog to Bishop), which noted that no new construction is proposed, and access and circulation would remain the same. The transportation-related findings of adequacy are met because there is no development proposed at this time. The Planning Board found that the plan is acceptable and meets the findings required for a CSP.
  - c. **Subdivision**—The Planning Board adopted herein by reference a memorandum dated January 18, 2019 (Turnquest to Bishop), which noted that a new preliminary plan of subdivision is not required for this application because it meets the standards for an exemption from this requirement.
  - d. **Permit Review**—The Planning Board adopted herein by reference a memorandum dated January 2, 2019 (Gallagher to Bishop), which noted permit-related issues that are addressed, as necessary.
13. As required by Section 27-276(b)(1) of the Zoning Ordinance, the Planning Board noted that this CSP, if approved with the conditions below, represent 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.



14. As required by Section 27-276(b)(4) for approval of a CSP, respectively, the Planning Board noted that the regulated environmental features on-site have been preserved and/or restored in a natural state, to the fullest extent possible, in accordance with the requirements of Section 24-130(b)(5) of the Subdivision Regulations, as this property does not contain any regulated environmental features.

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 Conceptual Site Plan CSP-18001 for Marlow Heights Center, with no conditions

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 Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner, and Hewlett voting in favor of the motion, and with Commissioner Geraldo absent at its regular meeting held on Thursday, March 14, 2019, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 28th day of March 2019.

Elizabeth M. Hewlett  
Chairman

By Jessica Jones  
Planning Board Administrator

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