



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 11-39

File No. DSP-04010/03

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 May 5, 2011, regarding Detailed Site Plan DSP-04010/03 for Hunter's Ridge, the Planning Board finds:

1. **Request:** The subject application is for approval of a detailed site plan (DSP) for 284 fee-simple townhouse units and 39 condominium units in the Hunter's Ridge development.

A total of 323 condominium units with townhouse architecture were approved previously for the site. This application is to convert 284 units to fee-simple townhouses and keep 39 units as condominiums, all of which will be constructed using previously approved townhouse models.

2. **Development Data Summary**

	EXISTING	APPROVED
Zone(s)	R-18	R-18
Use(s)	Vacant	Single-Family Attached Residential
Acreage	23.57	23.57
Total number of units	0	323
Condominium units	-	39
of which 20-foot-wide condominiums	-	16
of which 16-foot-wide condominiums	-	23
Fee-simple townhouse units/lots	-	284
of which 20-foot-wide models	-	128
of which 16-foot-wide models	-	156

	Required	Approved
Variance (60%) from the Tree Canopy Coverage requirements in subtitle 25, Section 25-128.	160,300 sq. ft.	64,825 sq. ft.

Other Development Data

PARKING	REQUIRED	APPROVED
Total Spaces	462	591
of which		
16-foot Townhouse (156 fee-simple units and 23 Condominium units)	256	179* (1-car garage)
20-foot Townhouse (128 fee-simple units and 16 Condominium units)	206	288 (2-car garage)
Additional on-site surface parking spaces	-	-
Parallel	-	107 spaces
Standard Parking	-	3 spaces
Handicap Spaces	12 spaces†	24 spaces

Note: *Section 27-445.10(b)(5) of the Zoning Ordinance allows up to 30 percent reduction to the regular parking requirements in accordance with Section 27-568. Even though there are fee-simple townhouses and condominium units proposed in this DSP, only two models (Adams and Fitzgerald) will be used throughout the development. Despite the type of ownership that will differentiate the fee-simple townhouse units/lots from the condominium townhouse units, the physical appearance of the units will be either the Adams or Fitzgerald model. Section 27-568 requires 2.04 parking spaces per attached dwelling unit. A 30 percent reduction to the parking calculation, based on the ratio in Section 27-568, is the required parking for this development.

†Section 27-566 requires two percent of the total parking spaces to be designated for the physically handicapped if the number of parking spaces is more than 500. The application has 591 parking spaces, thus a minimum of 12 parking spaces for the physically handicapped should be provided. The application proposes 24 spaces, which is two times more than is required by the Zoning Ordinance. The site plan conforms to the parking requirements for the physically handicapped in terms of the number and location of spaces.

Architectural Data*	Base Finished Area (sq. ft.)
Adams	1,696
Fitzgerald	1,302

Note: *These are the two previously approved models in DSP-04010-02 and will be used in this DSP for both fee-simple townhouses and condominium units.

COMPARISON OF R-18 ZONE REQUIREMENTS AND POST-REHABILITATION CONDITIONS

Zoning Regulation	R-18 Zone Requirements	Conditions after Rehabilitation
Minimum Lot Size (sq. ft.)	16,000	1,026,709 (23.57 acres)
Maximum Lot Coverage (%)	30	82.5
Green Space (%)	70	17.5
Lot Width/Frontage (ft.)	125	Varied 16–28 feet
Front Yard (ft.)	33 (max.)	15 (min.)
Side Yard (ft.)	33/13 (max.)	N/A
Rear Yard (ft.)	33 (max.)	N/A
Building Height (ft.)	40	45 (max.)
Distance Between Buildings (ft.)	50 Plus 2 above 36 ft. or 58 (max.)	16 (min.)
Density (du/ac)	12 (24 in previous multifamily development)	13.7

3. **Location:** The subject property is located in the northwest quadrant of the intersection of Landover Road (MD 202) and 75th Avenue, inside the Capital Beltway (I-95/495), in Planning Area 72, and Council District 5.
4. **Surrounding Uses:** The property is surrounded by a mix of developed land in the Light Industrial (I-1), Multifamily Medium Density Residential (R-18), Commercial Shopping Center (C-S-C), and the Commercial Office (C-O) Zones. Adjoining the subject property to the west is property in the I-1 Zone and to the north is Beall's Pleasure in the R-18 Zone and Historic Site 72-2; it is also individually listed in the National Register of Historic Places (1979). The site is bounded on the south side by the right-of-way of Landover Road (MD 202) and on the east side partially by the right-of-way of 75th Avenue and partially by properties in the C-O and C-S-C Zones. Further east, across 75th Avenue is a larger property in the R-18 Zone, which has been redeveloped with multifamily dwelling units.
5. **Previous Approvals:** The subject property was improved with 594 multifamily apartment units in the 1960's. The 1993 *Approved Master Plan and Sectional Map Amendment for Landover and Vicinity (Planning Area 72)* retained the property in the R-18 Zone. The 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* also retained the R-18 Zone for the subject property. On February 25, 2005, the Prince George's County Planning Board approved a residential revitalization Detailed Site Plan (DSP-04010, PGCPB Resolution No. 05-58) for this site for 308 residential condominium units. The Prince George's County District Council affirmed the Planning Board's approval on July 11, 2005 with nine conditions. On June 5, 2008, the Planning Board approved the first revision to the Detailed Site Plan (DSP-04010/01, PGCPB Resolution No. 08-91), which was subsequently approved by the District Council on October 27, 2008 with three conditions. The revision was to replace 308 previously approved condominium units (140 multifamily units and 168 townhouse units) with 323 regular fee-simple

townhouse units. On June 3, 2010, the Planning Board approved the second revision to the Detailed Site Plan (DSP-04010/02, PGCPB Resolution No. 10-63(c)), which was subsequently affirmed by the District Council on September 27, 2010 with four conditions, to add two single-family attached (townhouse) models, the Adams and Fitzgerald. On January 27, 2011, the Planning Board approved Preliminary Plan of Subdivision 4-10015 (PGCPB Resolution No. 11-06) for the site with 16 conditions to subdivide the property into 284 fee-simple lots and three parcels. The site also has an approved Stormwater Management Concept Plan, 16527-2004-01, which expired on March 21, 2011. The Planning Board attached a condition to require the applicant to obtain a new stormwater management (SWM) concept approval prior to certification of this DSP.

6. **Design Features:** Detailed Site Plan DSP-04010 was previously approved to permit the removal of 27 existing multifamily apartment buildings, with a total of 594 units and one swimming pool, and replace them with 52 new buildings in the form of normal townhouses. The site is consistent with the layout that was approved in DSP-04010 and the changes subsequently approved in DSP-04010/01.

The site layout remains the same as in the most recent prior approvals, except for some minor adjustments due to engineering requirements. The entire site is organized in a grid street pattern around a centrally-located, cross-shaped linear green with the long axis running approximately from north to south and the short axis running approximately east and west. In the middle of the cross is a proposed fountain flanked on the east and west sides by trellises. Within the linear green areas, various active recreational facilities and amenities, such as exercise stations and sculpture areas for children, and passive recreational areas, such as sitting areas, have been proposed. Additional trellises are also shown on both ends of the long axis of the central green. A geometrically-shaped green open space terminates the north/south green axis. A loop street further extends from the green open space to the secondary entrance area (through Bealls Court) that is accessed from 75th Avenue. The other access to the site is from Landover Road (MD 202), which is the main entrance to the subject site.

The general layout shown in this DSP revision was approved previously in DSP-04010/01 and most recently in Preliminary Plan of Subdivision 4-10015. This application, however, retains 39 units, which are located in the southwest quadrant of the intersection of 75th Avenue and Bealls Court, as condominiums. Specifically, the units along Yellowhorn Lane, Bearberry Drive, Pearlberry Drive, and Snowberry Drive for a total of 39 will remain as condominium townhouse units. The remaining 284 units will be fee-simple townhouses. Any previous conditions governing those units will still be in effect.

Two townhouse models with a frontage width of 16 and 20 feet, respectively, were approved in DSP-04010-02. Each townhouse model has a one or two-car garage as a standard feature. The models are a traditional architectural style with varied roof patterns and decorative architectural elements. The buildings will be finished with a combination of standard vinyl siding and brick veneer. The base finished living area of each model, as indicated in the architectural model data table, varies from 1,302 to 1,696 square feet. The previously approved conditions for architecture

have been met by the two proposed townhouse models. No changes to the architectural models are included in this application.

There is no revision to previously approved signage with this application.

7. **Recreational Facilities:** The on-site recreational facilities were evaluated at the time of the first Detailed Site Plan (DSP-04010) approval for the subject site. The recreational facility proposal included an on-site recreational facility package and a proffer for an off-site fund contribution. The additional off-site contribution was estimated at approximately \$500,000. The on-site recreational facility package was evaluated once again at the time of DSP-04010/01 approval, which was slightly different from the previous approval in terms of total number of dwelling units. It was at the time of DSP-04010/01 that the total number of dwelling units of 323 was approved. The total recreational obligation in a subdivision for 323 dwelling units in Planning Area 72 was calculated at \$320,300. Detailed Site Plan DSP-04010/01 provided an on-site recreational facility package with a value of less than \$364,000, which exceeds the required value for a subdivision of this scale. In the subject application, the total number of dwelling units, recreational facilities, and their locations remain the same as approved in DSP-04010/01. The previous conditions of approval regarding completion of the recreational facilities and the \$500,000 contribution should continue to govern the project and will be carried forward to the subject application. The specific list of recreational facilities submitted with this DSP is as follows:

Fitness circuit:

- a. Introduction and heart check (1)
- b. Achilles stretch (1)
- c. Hamstring stretch (1)
- d. Sit & reach (1)
- e. Knee lift (1)
- f. Log hop (1)
- g. Half knee bend (1)
- h. Body curl (1)
- i. Bench curl (1)
- j. Sit-up (1)
- k. Vault bar (1)
- l. Push-up (1)
- m. Bench Leg Raise (1)
- n. Bench dip (1)
- o. Leg Stretch (1)

Total of 15 stations: \$52,400

2 Tot lots that include:

- Stool boulder (1)
- Bench boulder (1)
- Hill boulder (1)
- Cliff boulder (1)
- Mountain boulder (1)

Total value: \$110,000

20 park benches: \$10,000

Central core game, trellis & pergola area: \$ 148,000

Grand Total: \$320,400.00

The recreational facility package meets the on-site recreational facility requirements.

COMPLIANCE WITH EVALUATION CRITERIA

8. **The Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements regarding residential revitalization and the site plan design guidelines of the Zoning Ordinance.
- a. The subject application is in conformance with the requirements of Section 27-441, Uses Permitted, which governs permitted uses in residential zones. The proposed revitalization project, as shown on the subject detailed site plan and as the subject of previous approvals, is a permitted use in the R-18 Zone.
- b. Per Section 27-445.10, Residential Revitalization, (c) Findings, in approving a residential revitalization project, the Planning Board shall find that the project:
- (1) **Improves a deteriorated or obsolete multifamily or attached one-family dwelling unit development by replacing or rehabilitating dwellings, improving structures, or renovating and improving other facilities;**

The conversion of 284 previously approved condominium units into fee-simple townhouses will have no effect on previous findings. The other 39 previously approved units will remain as condominiums. The development will eventually replace an obsolete, vacant, multifamily residential district (which has now been razed) with new buildings. The previously existing parking spaces and other site features have been razed and will be replaced with new improvements, including landscaping and many on-site amenities. Two previously approved townhouse models will be used for both the fee-simple townhouses

and condominium units. The 323 units consist of 179 units with 16-foot frontage (with a one-car garage) and 144 units with 20-foot frontage (with a two-car garage). The interior of the units will be furnished in accordance with current interior decoration standards and equipped with current household appliances. One existing access point along Landover Road (MD 202) will be closed and the other access will be improved as the main entrance to the site. An additional access point off 75th Avenue has been improved and shown on the plan as Bealls Court. The revitalization will also reduce the density on the site by approximately 45 percent, from the existing 24 units per acre to 13.7 units per acre. The physical quality of the site will be greatly improved upon the completion of the revitalization project.

(2) Maintains or improves the architectural character of the buildings so that they are compatible with surrounding properties;

The conversion of the ownership of the units from condominium to fee-simple will have no effect on previous findings. The proposed buildings, in the form of normal townhouse units, show a strong urban-residential architectural character. The proposed building mass, in general, is scaled down dramatically from the previous apartment buildings and is more compatible with the only residential building in the vicinity (to the north of the site). The open frontage of the proposed development along both Landover Road (MD 202) and 75th Avenue improves the contextual relationship between the subject property and the surrounding neighborhood through visually-attractive, quality residential design and the augmentation of existing landscaping. Many new architectural details, such as an optional entrance porch, railed balcony, and brick veneer base for each building, will improve the buildings' scale and curb appeal. Additional landscaping, such as that on the centrally located linear green open space, and site improvements, such as pole-mounted street lighting, on-site recreational facilities, and ornamental perimeter iron fencing, are improvements to the current site conditions.

Architectural elevations have been previously approved by the Planning Board. No revisions to the approved architecture have been included in this application.

(3) Serves a need for housing in the neighborhood or community;

This application will have no impact on previous findings that the subject development will help serve the need for housing in the community. The renovation will provide a total of 323 units with two types of townhouse units of two different frontage widths. At the time of DSP-04010 approval in 2005, the Prince George's County Department of Housing and Community Development provided comments indicating that the subject application is in conformance with the county's Housing and Community Development Consolidated Plan. The quality and safety features of this project will be highly beneficial to the neighborhood, thus the project will continue to serve the housing needs of the community, but in a much better way.

(4) Benefits project residents and property owners in the neighborhood;

The previously existing apartments were vacant and had been a nuisance for the neighborhood. The revitalization will remove the nuisance from the neighborhood and introduce good-quality housing. The proposed project will greatly benefit property owners in the neighborhood and provide new housing opportunities to residents in the county.

(5) Conforms with the housing goals and priorities as described in the current Housing and Community Development Consolidated Plan for Prince George's County; and

Community building and revitalization are keys to housing and community development activities in Prince George's County. At the time of DSP-04010 approval, the Planning Board found that the proposed revitalization project conforms to the housing goals and priorities of the then Housing and Community Development Consolidated Plan according to a memorandum from the Department of Housing and Community Development. Among six goals and priorities of the consolidated plan, the proposed project specifically meets four of them that are applicable to this detailed site plan. The same is true with this revision. The revitalization will be a special housing reinvestment in an Inner-Beltway community. It will develop a range of housing for residents including, but not limited to, families and persons with disabilities. It will build and restore a vibrant community by creating safe neighborhoods where people want to live and improve the quality of life for all residents by reducing the concentration of inferior, low-value housing units in the community.

(6) Conforms to either specific land use recommendations or principles and guidelines for residential development within the applicable master plan.

The 1993 *Approved Master Plan and Sectional Map Amendment for Landover and Vicinity* retained the property in the R-18 Zone. The 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* also retained the R-18 Zone designation for the subject property. According to a previous review by the Community Planning Division, the subject application is also consistent with the 2002 *Prince George's County Approved General Plan* Development Pattern policies for the Developed Tier and conforms to the land use recommendations of the master plan for urban land use. The master plan also recommends placing a high priority on continual rehabilitation of existing old living areas through both public and private actions.

9. **Previously Approved Detailed Site Plans DSP-04010, DSP-04010/01 and DSP-04010/02:** The subject site was developed with garden apartments back in the 1960's. The first Detailed Site Plan (DSP-04010) was approved under residential revitalization legislation to demolish the garden apartments and replaced them with condominium units. Since the development was a condominium project on a recorded plat, no preliminary plan of subdivision was required. Due to the economic downturn, the applicant came in for a revision (DSP-04010/01) to the previously

approved DSP to change the condominium units into a regular fee-simple townhouse development. A second revision (DSP-04010/02) was made to the previously approved DSP to introduce two new townhouse models. The DSP and its two revisions were approved by the Planning Board and affirmed by the District Council. The conditions attached to the DSP and its two revisions that are applicable to the review of this DSP are discussed as follows:

- a. **Detailed Site Plan DSP-04010:** The Planning Board approved DSP-04010 on February 24, 2005 with six conditions. The District Council affirmed the Planning Board's approval on July 11, 2005 with nine conditions. The following conditions warrant discussion:

4. **Prior to issuance of the 250th building permit, the applicant shall submit to the Urban Design Section confirmation that it has paid to an appropriate public agency or community organization recreational facilities funds of \$500,000, for off-site recreational facilities serving the surrounding community.**

This condition has been included in this resolution.

5. **All condominium and townhouse units directly visible (by unbroken line of sight) from MD 202 shall have brick or stone on visible front (or rear) façades and on all sides which face or stand at an angle less than 90 degrees from the MD 202 right-of-way. The 10 condominium units and the 14 townhouse units that are oriented toward Landover Road (MD 202), as well as the 12 townhouse units that are oriented toward 75th Avenue, as shown on Staff Exhibit A, shall have full front brick façades.**

This condition should be modified due to the changes proposed in this DSP. The intent of this condition is to ensure that those elevations visible from public roadways, in this case from both MD 202 and 75th Avenue, should have brick or stone façades and those side or rear elevations visible from MD 202 should also have a brick finish. The 39 condominium units are located in the southwest quadrant of the intersection of 75th Avenue and Bealls Court. The rest of the site is occupied by fee-simple townhouses. There are three building sticks with a total of 26 townhouses fronting on MD 202 and two condominium sticks with a total of 16 units fronting on 75th Avenue. In addition to the high visibility unit requirements as identified on the site plan, those 26 townhouses and 16 condominium units should have full front brick façades. A modified condition based on this condition has been incorporated in this resolution.

6. **The condominium units and the townhouse units shown on Staff Exhibit A are designated as high visibility units. The side elevations of the high visibility units shall consist of one story of brick and a minimum of two architectural features, in a balanced composition, as shown on the submitted architectural elevations.**

The high visibility units have been identified on the site plan. A note to require the treatment of the side elevations, as required by this condition, has been included in this resolution.

7. **Before certification of the Detailed Site Plan, and before recording of the final plat, both site plan and final plat shall have the following note added, in a place where it is clearly legible:**

"This Detailed Site Plan [or "This Final Plat"] has been approved subject to all covenants, easements, servitudes, rights-of-way, and other restrictions, recorded or unrecorded, which were in effect on the date of approval."

This condition has been split into two conditions in this resolution because the approvals of the DSP and final plat happen at different times. The final plat usually will be approved after the approval of the DSP.

8. **The applicant shall provide regular shuttle bus service for residents to Metrorail.**

This condition will be carried forward as a condition in this resolution.

9. **No buildings shall stand more than five stories high.**

The two previously approved architectural models to be used in this development are typical three-story townhouses. The DSP complies with this requirement.

- b. **Detailed Site Plan DSP-04010/01:** The Planning Board approved DSP-04010/01 on June 5, 2008 with three conditions. The District Council affirmed the Planning Board's approval on October 27, 2008 with three conditions. The following conditions warrant discussion:

2. **Prior to issuance of the 250th building permit, all on-site private recreational facilities shall be completed and be available for use by residents.**

This condition will be carried forward as a condition in this resolution.

3. **The applicant and its successors and assigns, in perpetuity shall provide regular shuttle bus service for residents to Metrorail.**

This condition will be carried forward as a condition in this resolution.

- c. **Detailed Site Plan DSP-04010/02:** The Planning Board approved DSP-04010/02 on June 3, 2010 with four conditions. The District Council affirmed the Planning Board's approval on September 27, 2010 with four conditions. The following conditions warrant discussion:

4. **No townhouse stick shall be all vinyl siding.**

Since the DSP includes both traditional fee-simple townhouses and condominiums and they will use the two previously approved townhouse models, this condition has been included in this resolution.

10. **Preliminary Plan of Subdivision 4-10015:** Preliminary Plan of Subdivision 4-10015 was an application for approval of 284 fee-simple lots and 3 parcels that form the basis for this DSP revision. The Planning Board approved the plan on January 27, 2011 with 16 conditions. The following conditions are applicable to the review of this DSP:

2. **Prior to final plat approval, a revision to Detailed Site Plan-04010-02 shall be approved to reflect the proposed parcel and lot lines, correct the acreage of the site, and demonstrate conformance with all applicable requirements of the Zoning Ordinance.**

The subject DSP was filed to fulfill this condition.

3. **Development of this site shall be in conformance with Stormwater Management Concept Plan 16527-2004-01 and any subsequent revisions.**

The Stormwater Management Concept Plan, 16527-2004-01, submitted with this application expired on March 21, 2011. The applicant must obtain a new approval prior to certification of this DSP. A condition has been included in this resolution.

4. **At the time of detailed site plan, the DSP and landscape plan shall demonstrate how the tree canopy coverage requirement will be met.**

The subject DSP and the accompanying landscape plan cannot meet the tree canopy coverage (TCC) requirement. According to the review by the Environmental Planning Section, the required TCC is approximately 3.54 acres. The applicant only provides 64,825 square feet of coverage area, which is only 42 percent of the required coverage. A tree canopy variance from the requirement has been submitted with this DSP. The review concludes that the variance request meets all criteria for approval and the Planning Board approved the variance.

5. **Prior to the issuance of building permits for proposed residential structures, the applicant shall submit certification by a professional engineer with competency in acoustical analysis to the Environmental Planning Section demonstrating that the design and construction of building shells within the 65 dBA Ldn noise corridor of**

Landover Road (MD 202) will attenuate noise to interior noise levels of 45 dBA Ldn or less.

This condition will be carried forward as a condition in this resolution.

- 6. Prior to approval of the detailed site plan, the DSP shall be revised as necessary to relocate proposed Station 5 outside of the 65 dBA Ldn noise contour, or provide mitigation that reduces the traffic related noise impacts to 65 dBA Ldn or less.**

The proposed Station 5 in question, which was previously located within the 65 dBA Ldn unmitigated noise contour line, has been relocated into the central green area.

- 9. Prior to approval of the detailed site plan, the DSP shall re-evaluate the turnaround capability of Cutleaf Lane, Scotch Rose Drive, Wintercreeper Drive, Riverbank Lane, Prairie Rose Drive, and Carolina Rose Drive, and the layout will be adjusted as determined appropriate and no loss of lots will be required.**

The six segments of the internal streets as identified in this condition are short dead-end streets serving six townhouses on each side, and each segment provides access to a total of 12 lots. The six segments have an almost identical length of 130 feet. The intent of the design, according to the applicant, is to keep the streets for both cars and residents. Given the short length of the streets and fewer units each serve, in order to keep those segments as private as possible, the Urban Design staff recommends that a "hammerhead" or "T-shape" back-up bay six feet deep be added to each segment to allow small trucks and passenger cars to back up and turn. During the Subdivision and Development Review Committee meeting for this case, the Prince George's County Department of Public Works and Transportation (DPW&T) agreed with the back-up solution. The applicant has revised the site plan in accordance with the Urban Design Section's recommendation.

- 11. Prior to approval of the detailed site plan, the private on-site recreational facilities shall be reviewed by the Urban Design Section (M-NCPPC) for adequacy and proper siting.**

As discussed in Finding 7, a recreational facility package of approximately \$320,300 is required for this project. In addition, to complement the on-site recreational facilities, the applicant has proffered \$500,000 for use in improving off-site recreational facilities in the immediate neighborhood in the vicinity of the subject site. The on-site recreational facilities have been evaluated in two previous applications and again as explained in Finding 7 above, and found to be adequate to serve the proposed development in terms of minimum monetary requirements.

- 11. The Prince George's County Landscape Manual:** The site has been the subject of several previous approvals including three detailed site plans. The site's landscaping issues have also been reviewed under the previous *Prince George's County Landscape Manual*. The current Landscape Manual has been updated since the last detailed site plan approval. The updated Landscape Manual includes many new requirements compared with the previous manual. Section

27-445.10(b)(6) of the Zoning Ordinance requires that the project, under the residential revitalization provision, comply with the requirements of the Landscape Manual to the extent that is practical. In this case, the Urban Design Section believes three revisions are appropriate for this site as follows:

- a. The updated Landscape Manual has revised various landscape schedules that take into consideration tiers, centers, and corridor concepts as included in the *Prince George's County Approved General Plan*. The landscape plan provides the new applicable schedules.
- b. Section 4.9, Sustainable Landscaping Requirements, of the Landscape Manual mandates a percentage of plants within each plant category to be native species (or cultivars of native species) as identified in the U.S. Fish and Wildlife Service publication *Native Plants for Wildlife Habitat and Conservation Landscaping: Chesapeake Bay Watershed* or The Maryland-National Capital Park and Planning publication *Native Plants of Prince George's County* dated 1998, or any subsequent revisions. The landscape plan has been revised to show the percentage of native plants in each category.
- c. Section 4.10, Street Trees along Private Streets, has prescribed ten requirements that govern the planting of street trees along private streets. Since the development proposed in this DSP consists of townhouses and condominiums, all streets within the site are privately-owned streets. All street trees planted should be in conformance with the requirements in Section 4.10 to the extent practical.

12. **The Prince George's County Woodland and Wildlife Habitat Conservation Ordinance and the Tree Canopy Coverage Ordinance:** The property is not subject to the provisions of the Woodland Conservation Ordinance because, although the entire site is more than 40,000 square feet in area, there are less than 10,000 square feet of existing woodland, except for the requirements of Division 3 regarding tree canopy coverage (TCC). A Type I tree conservation plan is not required. A letter of exemption from the Woodland Conservation Ordinance has been issued for this site. The exemption letter is valid through July 7, 2012.

Subtitle 25, Division 3: Tree Canopy Coverage Ordinance requires a minimum 15 percent of the gross tract area covered under tree canopy for property in the R-15 Zone. The gross tract area is 24.53 acres resulting in a requirement for TCC of 3.54 acres. The landscape plan provides approximately 64,825 square feet of tree canopy area which is about 42 percent of the required area. A tree canopy variance from the requirement has been filed with this application.

Section 25-119(d)(1) of the Woodland and Wildlife Habitat Conservation Ordinance contains the required findings [text in bold] to be made before a variance can be granted.

- (A) **Special conditions peculiar to the property have caused the unwarranted hardship;**

The site has been cleared and graded in accordance with a standard letter of exemption from the Woodland and Wildlife Habitat Conservation Ordinance and a previously approved detailed site plan that is consistent with the current application. The site is also in the Developed Tier, and is proposed to be developed in accordance with the Residential Revitalization standards (Section 27-445.10). There is no maximum density for residential development; however, the site was previously developed with 594 garden apartment units. The proposed revitalization plan proposes a total of 323 units, which is approximately 54 percent of the existing number of units. It would be an unwarranted hardship to require a redesign that results in fewer units to plant additional trees because the site would not be able to achieve the high density that is appropriate for this site.

(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas;

If the full tree canopy requirement is provided, the site would have to be redesigned to reduce the number of proposed units to a level that makes the project economically impractical according to information provided by the applicant. Providing the full complement of tree canopy on a site utilizing the provisions of the Residential Revitalization standards could deprive this applicant of rights that might be commonly enjoyed by others.

(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants;

This application is consistent with previously approved plans that have been reviewed using the same parameters as other similar types of projects. Granting of this variance will not confer on this applicant a special privilege that would be denied to other applicants.

(D) The request is not based on conditions or circumstances which are the result of actions by the applicant;

The request is not based on conditions or circumstances which are the result of actions by the applicant.

(E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and

The development of this site is not associated with development on a neighboring property.

(F) Granting of the variance will not adversely affect water quality.

The site does not contain any regulated environmental features. Regulations regarding stormwater management provide for water quality treatment on a site that was previously devoid of stormwater management facilities.

The Planning Board finds that the criteria above have been adequately addressed for the reduction in tree canopy coverage by 2.2 acres (95,476 square feet).

13. **Further Planning Board Findings and Comments from Other Entities:** The site included in this DSP has been the subject of several previous approvals. This application is to convert 284 condominium units included in previous approvals to fee-simple townhouse lots, and has proposed no changes to the rest of the previously approved DSP. Limited referrals have been sent to concerned agencies and divisions. The referral comments are summarized as follows.

a. **Subdivision Review**—The subject application's conformance with the applicable conditions attached to 4-10015 has been discussed in Finding 10 of this report. The subject detailed site plan in is substantial conformance with approved Preliminary Plan of Subdivision 4-10015.

b. **Transportation Planning**—The plan is acceptable, and conforms to the *Countywide Master Plan of Transportation (MPOT)*. The plan should not move forward until Condition 9 of PGCPB Resolution No. 11-06 is addressed.

Condition 9 of PGCPB Resolution No. 11-06 requires re-evaluation of the turnaround capability of six short internal streets serving townhouses. As discussed in Finding 10 of this report, the applicant has revised the plan and provided a back-up treatment at the ends of the streets to allow vehicles to turn around.

The Planning Board concluded that this plan is acceptable, fulfills the intent of applicable master plans and functional plans, and satisfies prior conditions of approval.

c. **Environmental Planning**—The Planning Board finds that the criteria for approval of the variance have been met and approves the tree canopy variance request.

d. **Permit Review**—There are no permit issues with the DSP at this time.

e. **Historic Preservation**—The character and redevelopment of the subject property was established through the underlying DSP approval. The change from condominium to fee-simple lots as included in this application will have no effect on the adjacent National Register property, Historic Site 72-002, Beall's Pleasure.

f. **The Department of Parks and Recreation (DPR)**—Since there are no changes to the previously approved recreational facility package and pertinent conditions, DPR provides no further comments on the subject DSP.

g. **The Department of Public Works and Transportation (DPW&T)**—DPW&T provided standard discussion on issues such as right-of-way dedication, frontage improvement, sidewalks, street trees and lighting, storm drainage systems, and facilities in order to be in accordance with the requirements of DPW&T. Most of the issues will be addressed at the

time of the issuance of road and access related permits. DPW& T specifically noted that the proposed detailed site plan is not consistent with approved Stormwater Management Concept Plan 16527-2004-01.

The above mentioned stormwater management concept plan expired on March 21, 2011. The applicant is in the process of applying for a new one. A condition has been included in this resolution to require the applicant to submit a new stormwater management concept plan and approval prior to certification of this DSP.

14. 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.

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-04010/03, subject to the following conditions:

1. Prior to signature approval of this DSP, the applicant shall provide the required information or make the following revisions to the plans:
 - a. Add a brick-elevation tracking table to the site plan. This table may be combined with the High Visibility End Unit table.
 - b. Add site plan notes as follows:

"This Detailed Site Plan has been approved subject to all covenants, easements, servitudes, rights-of-way, and other restrictions, recorded or unrecorded, which were in effect on the date of approval."

"At least 60% of the units shall have a full front façade of brick (excluding gables, bay windows, trim, and doors)."

"The side elevations of the units (including both townhouses and condominium units) shown on the site plan that are designated as high-visibility units shall consist of one story of brick and a minimum of three architectural features, in a balanced composition."

"In addition to the high visibility units, the units on Lots 16-24, Block C, and Lots 20-36, Block B that are directly visible (by unbroken line of sight) from MD 202 shall have brick or stone finish on visible front (or rear) façades and on all side elevations which face or stand at an angle less than 90 degrees from the MD 202 right-of-way. Instead of full brick treatment, those side elevations can

also choose to have one story of brick and a minimum two architectural features, in a balanced composition. “

“In addition to the high visibility units, 16 condominium units on Yellowhorn Lane that are oriented toward 75th Avenue shall have brick on full front façades, and on all side elevations which face or stand at an angle less than 90 degrees from the 75th Avenue right-of-way. Instead of full brick treatment, those side elevations can also choose to have one story of brick and a minimum two architectural features, in a balanced composition. “

“No building stick shall be all vinyl siding.”

- c. Provide a new approved stormwater management concept plan. The concept shall be correctly reflected on the DSP.
 - d. Provide upgraded treatment for garage doors for all 26 units located in the three buildings fronting MD 202; and the units on Lots 1–4, Block D; Units A, B, C, and D on Bearberry Drive; and Units A, B, C, and D on Pearlberry Drive, to be reviewed and approved by the Urban Design Section. Such upgraded treatment may include decorative windows, a decorative panel pattern, or other treatments that provide visual details and interest.
 - e. Provide additional trees along the two main streets, to the extent practical, to be reviewed and approved by the Urban Design Section as the designee of the Planning Board.
2. The applicant and the applicant’s heirs, successors, and/or assignees shall provide regular shuttle bus service for residents to Metrorail in perpetuity.
 3. Prior to issuance of building permits for proposed residential structures, the applicant shall submit certification by a professional engineer with competency in acoustical analysis to the Environmental Planning Section demonstrating that the design and construction of building shells within the 65 dBA Ldn noise corridor of Landover Road (MD 202) will attenuate noise to interior noise levels of 45 dBA Ldn or less.
 4. Prior to issuance of the first building permit, the applicant and the applicant’s heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation (DPW&T) for placement of a Class III bikeway signage along 75th Avenue.
 5. Prior to issuance of the 250th building permit, the applicant shall submit to the Urban Design Section confirmation that it has paid, to an appropriate public agency or community organization, recreational facilities funds of \$500,000 for off-site recreational facilities serving the surrounding community.
 6. Prior to issuance of the 250th building permit, all on-site private recreational facilities shall be completed and be available for use by residents.

7. At the time of final plat, the following notes shall be added to the plat:

"This Final Plat has been approved subject to all covenants, easements, servitudes, rights-of-way, and other restrictions, recorded or unrecorded, which were in effect on the date of approval."

"The applicant and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation (DPW&T) for placement of a Class III bikeway signage along 75th Avenue. The payment shall be received prior to the issuance of the first building permit."

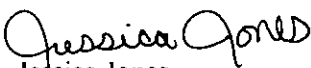
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

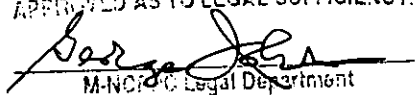
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Cavitt, seconded by Commissioner Vaughns, with Commissioners Cavitt, Vaughns and Parker voting in favor of the motion, and with Commissioners Clark and Squire absent at its regular meeting held on Thursday, May 5, 2011, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 26th day of May 2011.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Acting Planning Board Administrator

PCB:JJ:HZ:arj

APPROVED AS TO LEGAL SUFFICIENCY.

M-NCPPC Legal Department
Date 5/13/11