



PGCPB No. 13-30

File No. DSP-12029

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 28, 2013, regarding Detailed Site Plan DSP-12029 for Montpelier Crossing, the Planning Board finds:

1. **Request:** This application is a request for approval of a renovation and expansion of an existing two-story community building in a multifamily housing development.

2. **Development Data Summary**

	EXISTING	APPROVED
Zone(s)	R-18	R-18
Use(s)	Multifamily	Multifamily
Acreage	17.58	17.58
Units	386	386
Gross Floor Area of Community Building	3,035 sq. ft.	3,847 sq. ft.

3. **Location:** The subject site is located in Planning Area 62, Council District 1. More specifically, the property is located in the southwestern quadrant of the intersection of Muirkirk Road and Laurel-Bowie Road (MD, 197).

4. **Surrounding Uses:** The subject property is bounded to the east by the public right-of-way of Laurel-Bowie Road (MD 197), an arterial road, with commercial uses in the Commercial Shopping Center (C-S-C) Zone beyond; to the north and west by the public right-of-way of Muirkirk Road, with multifamily residential uses in the Multifamily Medium Density Residential (R-18) Zone and Historic Site 62-006, Montpelier Mansion, in the Reserved Open Space (R-O-S) Zone beyond; and to the south with vacant wooded property in the R-18 and R-U (Residential Urban Development) Zones.

5. **Previous Approvals:** The existing multifamily development was constructed between 1965 and 1968. The site became a certified nonconforming use in two parts. Section I, Oxford Green Apartments, containing 245 units was certified in 1986. Section II, Montpelier Woods, containing 141 units, was certified in 2001. These apartments were certified as a nonconforming use because both sections were constructed in the 1960's and exceed the current maximum density and bedroom percentages of the R-18 Zone. In 2011, the two sections came together under one permit, 20655-2011-U, for Montpelier Crossing.

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6. **Design Features:** The subject site is irregular in shape with three sides fronting on public rights-of-way. There are four entrances to the development off of Muirkirk Road and there is no vehicular connection to Laurel-Bowie Road (MD 197).

Thirteen two- to three-story, 18-to 33-foot-high, flat-roofed garden-style and townhouse apartment buildings, comprised of masonry terrace levels with masonry and wood super structures with brick exteriors, are spread throughout the property with interspersed parking and green areas. The existing two-story, 12-foot-high pool house is located along the southwestern edge of the site facing Muirkirk Road, immediately north of the southernmost vehicular entrance and adjacent to the existing in-ground swimming pool.

Sidewalks are provided throughout the site to provide access from parking areas to the front of the multifamily units. This sidewalk system connects to the existing public sidewalk on Muirkirk Road. There is no pedestrian connectivity to Laurel-Bowie Road (MD 197). There are two children's play areas located within the open space, and sidewalk connections to these as well.

The landscaping on the subject property predates the 2010 *Prince George's County Landscape Manual*. There are various shade, ornamental, and evergreen trees scattered throughout the open green spaces on-site. Some existing forested area exists between the development and the right-of-way of Laurel-Bowie Road (MD 197). No new plantings are proposed with the new community building, as all surrounding trees are to remain.

The subject proposal is to renovate and expand the existing pool house to include community uses and a leasing center, along with the pool house uses. Associated site work includes the reconfiguration of existing concrete sidewalks around the building and a portion of the adjacent parking area to change a standard parking space to a handicapped parking space. The proposed and existing building is oriented in a north-south fashion, with the main entrance along the western façade into the upper level, and another entrance to the lower level on the eastern façade for access to the existing pool area, which is to remain unchanged. The proposed building includes a dark brown asphalt-shingled, multi-height gable roof, beige cement fiber lap siding on all façades, with a dark brown brick water table on the western/front elevation and on the exposed foundation on the northern and southern elevations. The symmetrical building design includes ample fenestration on all elevations and a central feature with a cross-gable roof and a cupola on the roof.

No other site improvements are proposed with this application.

7. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the R-18 Zone and the site design guidelines of the Zoning Ordinance.
 - a. The subject application is an existing, certified nonconforming use. Multifamily housing is a permitted use in the R-18 Zone; however, the existing development conforms to earlier standards and does not meet current density regulations.

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- b. The proposal is an existing, certified nonconforming use that was built in accordance with (density and other regulations) in place at the time of construction, and with the issued nonconforming use permit.
- c. Subtitle 27, Division 6, Subdivision 1, of the Zoning Ordinance defines the requirements for nonconforming buildings, structures, and uses. The applicable sections of this division are provided below.

Section 27-242(b)(5) Recreational and social uses for multifamily dwellings.

- (A) **The alteration, extension, or enlargement of recreational and social uses associated with certified nonconforming multifamily dwellings, for the sole use of residents and their guests shall not be considered an alteration, extension, or enlargement of the nonconforming use. A Detailed Site Plan shall be approved for this use in accordance with Part 3, Division 9, of this Subtitle, prior to the issuance of any permits.**

Section 27-242(b)(5)(A) permits the alteration and enlargement of the existing pool house into a community building and provides the legal basis for this DSP application.

- 8. **Prince George's County Landscape Manual:** The proposed renovation and expansion of a community building in the R-18 Zone is subject to the 2010 *Prince George's County Landscape Manual* (Landscape Manual) as follows:
 - a. **Section 4.1, Residential Requirements**—The subject application is exempt from the requirements of this section as it does not propose any gross floor area expansion to a multifamily building.
 - b. **Section 4.3, Parking Lot Requirements**—The subject application is exempt from the requirements of this section because it does not propose an increase in impervious area for parking and/or loading spaces.
 - c. **Section 4.4, Screening Requirements**—Section 4.4 requires that all dumpsters, loading spaces, and mechanical areas be screened from adjoining existing residential uses, land in any residential zone, and constructed public streets. No such areas are being proposed with the subject application.
 - d. **Section 4.6, Buffering Development from Streets**—Section 4.6 provides guidance for scenic and historic road treatments and buffering residential development from streets. The subject application is not adjacent to a scenic or historic road and does not involve any change to the existing nonconforming residential development. Therefore, this section does not apply.

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- e. **Section 4.7, Buffering Incompatible Uses**—The subject application is exempt from the requirements of this section because it does not involve an increase of more than ten percent of the gross floor area of the existing buildings on the subject parcel, no part of the expanded clubhouse will extend closer to an adjacent property line, and it does not involve a change in use from a lower to higher intensity use category or from a residential to a nonresidential use.
 - f. **Section 4.9, Sustainable Landscaping Requirements**—The subject application is exempt from the requirements of this section because it does not propose any new landscaping.
9. **Woodland and Wildlife Habitat Conservation Ordinance:** The property is exempt from the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property contains less than 10,000 square feet of woodland on-site and has no previous tree conservation plans. The site qualifies for a standard letter of exemption from the Woodland and Wildlife Habitat Conservation Ordinance; therefore, a condition has been included in this approval requiring this to be obtained prior to certification.
10. **Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a building or grading permit for 1,500 square feet or greater of gross floor area (GFA) or disturbance. Properties that are zoned R-18 are required to provide a minimum of 15 percent of the gross tract area in tree canopy. The subject property is 17.58 acres in size, resulting in a TCC requirement of 2.64 acres. A TCC schedule was provided on the DSP showing that the requirement is being met on-site by the retention of existing trees. However, no information was provided about how the area of existing trees was calculated. Therefore, a condition has been included in this approval requiring this information be supplied prior to certification.
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. **Historic Preservation**—The Planning Board found that the subject application will have no impact on the nearby historic site, Montpelier Mansion (62-006).
 - b. **Subdivision Review**—The subject property is known as Parcel A, located on Tax Map 14 in Grid E-1, and is 18.37 acres. Parcel A is within the Multifamily Medium Density Residential (R-18) Zone and the plat was approved on May 5, 1965 and recorded in Plat Book WWW 56-63. The site plan shows the acreage as 17.58 acres, which is 0.79 acre less than what is shown on the plat. The applicant submitted a right-of-way plat which dedicated 0.045 acre to the Maryland State Highway Administration (SHA). The applicant should submit evidence of the discrepancy of the additional 0.74 acre. The site plan also shows that Parcel A was subdivided into Parcels 1 and 2. A special warranty deed was

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submitted; however, a fee simple interest is not a legal subdivision of land. The site plan should be revised to show Parcel A in its entirety.

The site plan does not match the bearings and distances as reflected on the record plat (WWW-56-63) along the eastern property line. The change in bearings and distances is likely a result of right-of-way dedication; however, there are distances associated with a line table, but no line table appears on the site plan. The applicant should provide a line table so that all of the bearings and distances are shown.

The record plat does not contain any notes. It should be noted that the record plat shows a 30-foot building restriction line (BRL) along the eastern property line. The site plan shows the BRL, and reflects that existing structures are within the BRL. However, no new development is proposed within the BRL and, therefore, no further action is necessary regarding this issue at this time. The property is the subject of Preliminary Plan of Subdivision 12-3044, which is not available in the Maryland-National Capital Park and Planning Commission (M-NCPPC) files.

Based on available aerial photographs, the development was built before 1977. Pursuant to Section 24-111(c)(3) of the Subdivision Regulations, the application is exempt from the requirement of filing a preliminary plan of subdivision because the development proposed is an addition to a development in existence prior to January 1, 1990, and does not exceed 5,000 square feet of gross floor area.

Detailed Site Plan DSP-12029 will be in substantial conformance with the record plat if the above comments have been addressed. It should be noted that the bearings, distances, lots, and blocks as reflected on the final plats must be shown and match. Failure of the site plan and record plats to match will result in building permits being placed on hold until the plans are corrected. There are no other subdivision issues at this time.

Conditions have been included in this approval to address these issues.

- c. **Permit Review**—Permit comments have either been addressed through revisions to the DSP, are no longer applicable, or are included as conditions in this approval.
- d. **Environmental Planning**—The site is located within close proximity to the Baltimore Washington Parkway (I-295), which is designated as a master plan freeway; and Laurel Bowie Road (MD 197), which is designated in the master plan as arterial. Both roadways generate sufficient traffic to result in noise levels above 65 dBA Ldn; however, the proposed clubhouse is not a residential use and, therefore, noise is not anticipated to be an issue in relation to the proposed application. No other environmental requirements relate to this application.
- e. **The Department of Public Works and Transportation (DPW&T)**—DPW&T did not submit comments on the subject application.

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- f. **The City of Laurel**—The City of Laurel, in a memorandum dated February 4, 2013, stated that they have no comments regarding the subject application.
12. Based upon the foregoing analysis and as required by Section 27-285(b)(3) of the Zoning Ordinance, the subject 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-12029, subject to the following conditions:

1. Prior to signature approval, the applicant shall:
- a. Revise the detailed site plan to:
- (1) Show how the area of existing trees credited in the tree canopy coverage schedule was calculated.
 - (2) Show all building restriction lines and public utility easements on-site and adjacent rights-of-way.
 - (3) Show and dimension the entire pool area.
 - (4) Show all retaining walls or fencing and label the top and bottom of the wall along with the height of the fencing.
 - (5) Add the plat reference (WWW 56-63) and building construction dates to the notes.
 - (6) Correct the acreage and bearings and distances to match the record plat and provide a line table for the bearings and distances or provide additional documentation explaining the discrepancy.
 - (7) Change "Parcels 1" and "2" to "Parcel A" on the notes and drawing or provide additional documentation explaining the discrepancy.
 - (8) Change the notes to reflect one existing parcel and to "See Sheet 3 for proposed work."
 - (9) Consistently label the proposed gross floor area of the building on Sheets 1 and 3.

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- b. Obtain a standard letter of exemption from the Woodland and Wildlife Habitat Conservation Ordinance (WCO).
- c. Add a note stating that no change to the number of apartments or bedrooms is approved by the subject detailed site plan.

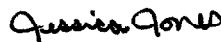
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

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 Shoaff, seconded by Commissioner Washington, with Commissioners Shoaff, Washington, Bailey, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, March 28, 2013, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 18th day of April 2013.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:JK:arj

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department

Date 4/2/13