

Case No.: DSP-16044
The Woodlands at Reid Temple

Applicant: Reid Temple Community
Development Corporation

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL

FINAL DECISION — APPROVAL OF DETAILED SITE PLAN

Pursuant to Section 25-210 of the Land Use Article, Md. Ann. Code (2012 Ed. & Supp. 2015) and Section 27-290 of the Prince George's County Code (as amended), the District Council has jurisdiction to issue the final decision in this Detailed Site Plan Application Number 16044 ("DSP-16044"). As the basis for this final decision, the District Council adopts, except as otherwise stated herein, the findings and conclusions set forth by the Planning Board's Resolution No. 17-151 ("PGCPB No. 17-151").

PGCPB No. 17-151 recommending approval of DSP-16044 and Type 2 Tree Conservation Plan TCP2-028-17, a request for approval of a 261,205-square-foot, 252-unit apartment housing for the elderly and associated site improvements on a 10.75-acre property in the Rural Residential (R-R) and Multifamily Medium Density Residential-Condominium (R-18C) Zones, located in Planning Area 70, Councilmanic District 4, located on the eastern side of MD 193 (Glenn Dale Boulevard), approximately 170 feet north of its intersection with Daisy Lane, are hereby AFFIRMED.

Procedural History

On November 16, 2017, Planning Board held a public hearing to consider Applicant's request to approve DSP-16044, a request for approval of a 261,205-square-foot, 252-unit apartment housing for the elderly and associated site improvements on a 10.75-acre property in

the Rural Residential (R-R) and Multifamily Medium Density Residential-Condominium (R-18C) Zones. (11/16/2017, Tr.), PGCPB No. 17-151, p. 1. Planning Board also held a hearing on November 16, 2017 on Applicant’s Preliminary Plan of Subdivision application 4-16034 (PPS 4-16034). The Board considered, among other things, traffic impact and full vehicular access onto Facchina Place—an existing 50-foot-wide right-of-way. (11/16/2017, Tr.), PGCPB No. 17-150, p. 1.

On December 7, 2017, Planning Board adopted its findings and conclusions in PGCPB No. 17-151, approving DSP-16044. PGCPB No. 17-151, p. 20. On the same day, the Board also adopted its findings and conclusions in PGCPB No. 17-150, approving PPS 4-16034. PGCPB No. 17-150, p. 27. The District Council has no statutory authority to review Planning Board decision in PPS 4-16034.

On January 22, 2018, the District Council elected to review the Planning Board’s decision in DSP-16044. Zoning Agenda, 2/26/2018. No person of record appealed the Board’s decision.

On February 26, 2018, the District Council held oral argument to review and make the final decision in DSP-16044. Zoning Agenda, 2/26/2018, (2/26/2018, Tr.).

Detailed Site Plan

The purpose of a Detailed Site Plan is outlined in PGCC § 27-281. Some general purposes of a detailed site plan are to 1) provide for development in accordance with the principles for the orderly, planned, efficient and economical development contained in the General Plan, Master Plan, or other approved plan, 2) help fulfill the purposes of the zone in which the land is located, and 3) provide for development in accordance with the site design guidelines established in Division 9 (Site Plans) of the Zoning Ordinance. Specific purposes of a detailed site plan are 1) to

show the specific location and delineation of buildings and structures, parking facilities, streets, green areas, and other physical features and land uses proposed for the site; 2) to show specific grading, planting, sediment control, woodland conservation areas, regulated environmental features and storm water management features proposed for the site; 3) to locate and describe the specific recreation facilities proposed, architectural form of buildings, and street furniture (such as lamps, signs, and benches) proposed for the site; and 4) to describe any maintenance agreements, covenants, or construction contract documents that are necessary to assure that the Plan is implemented in accordance with the requirements of this Subtitle. PGCC § 27-281.

Because the detailed design of land development significantly affects the health, safety, and welfare of the general public, and because regulation of land development through fixed standards can result in monotonous design and lower quality development, certain types of land development are best regulated by a combination of development standards and a discretionary review of a detailed site plan. PGCC § 27-281.

Opposition

A person may make a request to the District Council to review a decision of the Planning Board only if the person is an aggrieved person that appeared at the hearing before the Planning Board in person, by an attorney, or in writing. LU § 25-212, PGCC § 27-290. No person of record made a request to the District Council to review the Board's decision; however, the Council allowed certain persons of record to comment on the Board's decision in DSP-16044. Comments disfavored the Applicant's proposed site plan elevations, traffic impact from the project, and the Board's approval of full vehicular access onto Facchina Place—an existing 50-foot-wide right-of-way.

- Facchina Place

Full vehicular access to Facchina Place was decided by the Board when it approved the Applicant's PPS 4-16034, not DSP-16044. PGCPB No. 17-150, pp. 11-14. The District Council has no statutory authority to review the Board's decision in PPS 4-16034. Therefore, the Board's approval of DSP-16044, subject to a revision of the Plan to reflect the Board's approval of the Applicant's variation request for full vehicular access to Facchina Place was lawful.

Moreover, the Board's approval of DSP-16044, subject to a revision of the Plan to reflect the Board's approval of the Applicant's variation request for full vehicular access to Facchina Place represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use. PGCC §27-285(b). Access to Facchina Place will provide better overall circulation of traffic, and it will be particularly beneficial to future residents whose destinations are to the south and east of the subject property. Facchina Place will also provide a more direct access to westbound MD 193 at the Daisy Lane/MD 193 intersection. Without full vehicular access to Facchina Place, residents must travel an additional half mile on eastbound MD 193 and make a U-turn at the Prospect Hill Road/MD 193 intersection to gain access onto westbound MD 193. PGCPB No. 17-151, p. 11. Finally, the use of Facchina Place as a secondary point of access/egress will create a safer and more optimal circulation for the site. PGCPB No. 17-150, p. 12.

- Traffic

Traffic impact was fully addressed by Planning Board in PPS 4-16034, not DSP-16044. PGCPB No. 17-150, pp. 9-14. The District Council has no statutory authority to review the Board's

decision in PPS 4-16034. Therefore, the Board’s approval of DSP-16044 was legally consistent with the Board’s transportation analysis and conditions of approval in PPS 4-16034.

In accordance with law, DSP-16044 is subject to the following conditions:

1. Prior to certification, the applicant shall revise the detailed site plan (DSP) as follows, or provide the specified documentation:
 - a. Obtain signature approval of Preliminary Plan of Subdivision (PPS) 4-16034 and revise the DSP and tree conservation plan to conform to PPS 4-16034, as necessary.
 - b. Add site plan notes as follows:

“During the demolition and construction phases, this project will conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.”

“During the demolition and construction phases, this project will conform to construction activity noise control requirements as specified in the Code of Maryland Regulations (COMAR).”
 - c. Revise the general notes and plan to reflect the current legal description of the property, and remove the leasehold information.
 - d. Provide documentation from the Prince George’s County Department of Permitting, Inspections and Enforcement to confirm that the DSP is in conformance with the approved stormwater management concept plan, unless provided prior to the Planning Board hearing.
 - e. Provide details for the proposed patio behind the community center building.
 - f. Provide the building drop-off areas as shown on the applicant’s submitted studies, “Building 1 Drop Off Study” and “Building 2 Drop Off Study” dated October 6, 2017.
 - g. Revise the signage details to be in conformance with the Zoning Ordinance, Part 12.
 - h. Provide details and analysis of the private on-site recreational facilities, in conformance with Preliminary Plan of Subdivision 4-16034 requirements.

Note appropriate triggers for construction in the general notes, to be approved by the Urban Design Section.

- i. Provide a general note on the DSP specifying the proposed regulations concerning the net lot area, lot coverage and green area, lot width, frontage, yards, building height, site access, distance between unattached townhouses, density, accessory buildings, and other requirements, consistent with the DSP.
- j. Revise the site plan to reflect a pedestrian-only access to Old Prospect Hill Road and a full vehicular access to Facchina Place, in accordance with the applicant's exhibit.
- k. Provide a photometric plan, including details of all light fixtures, for the development indicating full cut-off optics, no spillover at the property lines, and sufficient lighting for all parking facilities, entrances, pedestrian pathways, public spaces, and property addresses, to be reviewed by the Urban Design Section as the designee of the Planning Board.
- l. Revise the DSP and Type 2 tree conservation plan to show the limit of disturbance and proposed stormwater management structures and devices, consistent with the approved stormwater management concept plan.
- m. Revise the landscape plan as follows:
 - (1) Revise the Tree Canopy Coverage schedule to correctly reflect the required and provided tree canopy coverage areas.
 - (2) Revise the landscape plan to provide a minimum of 50 percent of the shade trees required by Section 4.1 within 30 feet of the proposed buildings, where feasible.
 - (3) Revise the landscape plan to demonstrate conformance to Section 4.4 for screening of mechanical equipment.
- n. Revise the Type 2 tree conservation plan (TCP2) as follows:
 - (1) Add a specimen tree sign along the proposed tree protection fence that is to the northeast of Specimen Tree ST-7.
 - (2) Show the correct gross tract area within the R-18C Zone on the woodland conservation worksheet.
 - (3) Add the match lines referenced on all consecutive sheets of

the TCP2 onto the cover sheet.

- (4) Identify the location and type of all tree protection fencing that is detailed on the plan.
 - (5) Revise the worksheet as necessary.
 - (6) Add the standard TCP2 notes pertaining to off-site woodland preservation to the plan.
 - (7) Add the property owner's awareness certificate to the plan and have it completed by all property owners located on- and off-site that are directly impacted by the TCP2.
 - (8) Have the qualified professional who prepared the TCP2 sign and date it and update the revision box with a summary of the revisions made.
 - (9) Revise the TCP2 to show Specimen Tree ST-15 as being saved on the plan and on the associated specimen tree table.
2. Prior to signature approval of the Type 2 tree conservation plan (TCP2) for this site, documents for the required woodland conservation easements shall be prepared and submitted to the Environmental Planning Section for review by the Office of Law, and submission to the Office of Land Records for recordation. The following note shall be added to the standard TCP2 notes on the plan, as follows:
- “Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded in the Prince George's County Land Records at Liber _____ Folio _____. Revisions to this TCP2 may require a revision to the recorded easement.”
3. Prior to issuance of the first grading permit, copies of the recorded woodland conservation easement documents, with the approved liber and folio, shall be provided to the Environmental Planning Section. The liber and folio of the recorded woodland conservation easement shall be added to the Type 2 tree conservation plan.
 4. Prior to issuance of a building permit for the subject property, provide proof that the project will be financed, at least partially, by tax credits approved by the State of Maryland.
 5. Prior to issuance of a building permit for the subject property, provide proof that SHA has issued an access permit from MD 193/Glenn Dale Blvd.

6. Prior to issuance of use and occupancy permit for the subject property, the Applicant shall provide sidewalk improvements on the property frontage of MD 193/Glenn Dale Blvd., subject to SHA access permit and/or approval.
7. Prior to issuance of use and occupancy permit for the subject property, the Applicant shall repave or resurface Facchina Place spur at secondary entrance to the property, subject to DPWT permit and/or approval.
8. Prior to issuance of use and occupancy permit for the subject property, the Applicant shall provide directional signage on-site to the MD 193 as the primary entrance and exit.
9. Prior to issuance of use and occupancy permit for the subject property, the Applicant and DPWT and/or DPIE shall conduct an on-site visit to determine, including but not limited to, whether full vehicular access to Facchina Place could be restricted to emergency vehicles only, whether full vehicular access to Facchina Place could be restricted by directional signage or whether full vehicular access to Facchina Place could be restricted to certain times of the day. The parties shall also review the potential for traffic calming measures under County policy, including but not limited to speed humps, on Facchina Lane.
10. The building height shall not exceed fifty-five (55) feet, including custom tower cone-type elevations.

ORDERED this 12th day of March, 2018, by the following vote:

In Favor: Council Members Davis, Glaros, Lehman, Patterson, Taveras, Toles and Turner.

Opposed:

Abstained:

Absent: Council Members Franklin and Harrison.

Vote: 7-0.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON
REGIONAL DISTRICT IN PRINCE GEORGE'S
COUNTY, MARYLAND

By: _____
Dannielle M. Glaros, Chair

ATTEST:

Redis C. Floyd
Clerk of the Council