THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 15-53

File No. DDS-627

RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed DDS-627, Bhagya Village, requesting departure from design standards for the location of a loading space and its access driveway less than 50 feet from a residential zone in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on May 21, 2015, the Prince George's County Planning Board finds:

A. **Location and Field Inspection**: The subject property is located at 6711 Cipriano Road on the east side of Cipriano Road, approximately, 1,300 feet (one-quarter mile) north of its intersection of Good Luck Road and approximately, 2,640 feet (one-half mile) south of Greenbelt Road (MD 193). The site is comprised of 6.01 acres of land in the R-80 Zone. The property is developed with an existing one-story house, a small shed, a circular gravel driveway, concrete pads and a barbeque pit, all of which will be removed. A large area of the site is naturally wooded along the east side of the property. North and west sides of the property also have some natural wooded area with large trees that buffers the site from the adjacent properties. One large perennial stream known as the Bald Hill Branch stream with two small perennial tributaries, and three associated wetlands exist along the eastern portion of the site. This area also contains areas of steep slopes and a 100-year floodplain. The property has approximately 112 feet of street frontage on Cipriano Road. Access to the site is via a 36-foot-wide driveway entrance from Cipriano Road.

B. **Development Data Summary**:

	EXISTING	APPROVED
Zone(s)	R-80	Unchanged
Use(s)	single family house	Apartment housing for elderly and physically handicapped
Acreage	6.01	Unchanged
Parcels	1	Unchanged
Dwelling Units	1	118 condominium units
Square Footage/GFA	1,253	215,378
Lot coverage	N/A	43.3%
Green area	N/A	47.9%
Parking Spaces	N/A	179
Loading spaces	N/A	1
Building Height	NA	61 ft.

C. **History:** The subject property was zoned R-80 since 1979. According to the tax record, the existing single-family house was built in 1893. The current residence on the property is not a historic resource or historic site and is therefore not subject to Subtitle 29, the Prince George's County Historic Preservation Ordinance.

D. **Master Plan and Recommendation:** The 2010 *Approved Glenn Dale-Seabrook-Lanham and Vicinity Sector Plan and Sectional Map Amendment* retained the subject property in R-80 (One-Family Detached Residential) Zone. The application is consistent with the *Plan Prince George's 2035 Approved General Plan* policies for established communities and conforms to the residential land use recommendation for the subject property in the 2010 *Approved Glenn Dale-Seabrook-Lanham and Vicinity Sector Plan and Sectional Map Amendment.*

E. **Departure from Design Standards (DDS):** The applicant is requesting a departure from design standards to locate an exterior loading space and vehicular driveway located within 50 feet of a residentially zoned property per Section 27-579(b) of the Zoning Ordinance. The applicant is requesting a waiver of 39.8-feet for the driveway and a departure of 31.5 feet for the location of an exterior loading space. The adjoining property to the north of the loading space is zoned R-80 and is used as a child care center by Themba Creative Learning Center, LLC.

Alternative Compliance (AC): The applicant is also requesting an approval of an Alternative Compliance from Section 4.7, Buffering incompatible Uses, to reduce the width of the required landscape yard between the proposed multifamily building and the single-family residences. Based on the information provided on the plan, a 25-foot-wide landscape yard 35-foot-wide building setback are required to accommodate the 61-foot-high building. The applicant is only providing a 21-foot-wide landscape yard from the required 25-foot-buffer. Therefore, a four-foot-wide reduction in landscape yard is requested along the southern property line.

F. **Neighborhood and Surrounding Uses:** The neighborhood is predominantly developed with residential single-family dwellings and some institutional uses. The institutional uses include churches, daycare and Montessori Schools; public schools in the northeast portion: Catherine T. Reed Elementary, Robert Goddard Middle and DuVal High Schools and the Howard B. Owens Science Center. Commercial uses including grocery store, restaurants, banking, and dining are confined to Greenbelt Road (MD 193). This is the same neighborhood as was accepted in Special Exception SE-4725.

The neighborhood is defined by the following boundaries:

North— Greenbelt Road (MD 193)

South & East— Good Luck Road

West— Cipriano Road

The property is surrounded by the following uses:

North— Child Care Center, R-80 Zone

South— Single-family detached residential development, in the R-80 Zone.

East— Vacant Prince Georges County owned land and a church in the R-80 Zone.

West— Cipriano Road right-of-way and across the right-of-way is single-family residential development in R-80 Zone.

G. **Parking Regulations:** Section 27-568 of the Zoning Ordinance requires 0.66 parking spaces per dwelling unit.

The proposed elderly housing facility will have 118 dwelling units. A total of 78 parking spaces are required (118 x .66 = 78 spaces). According to the parking schedule and drawing on the proposed site plan, a total of 179 parking spaces are provided; 105 of which are proposed in an underground parking garage. The applicant is providing eight parking spaces for the handicapped; two of which are van accessible.

The site proposes to provide 100 more parking spaces then required. However, since there is not enough active outdoor recreational facilities provided on-site to meet the need of 300 residents of all ages. Staff therefore recommends that 22 of the parking spaces along the northwest side of the parking lot be converted to an active recreational facility. A detailed explanation of this need is provided in Section G(4)(A)(a)(3) above.

H. **Loading Requirements:** Section 27-582 of the Zoning Ordinance requires one loading space for every 100 to 300 multifamily dwellings.

The site plan shows that one loading space as required. However, the loading space and its driveway access to the loading space do not meet the 50-foot setback requirements from the adjacent residentially zoned property per Section 27-579(b) of the Zoning Ordinance. Therefore, a departure from design standards is requested as part of this application.

Section 27-579(b) of the Zoning Ordinance states that "No portion of an exterior loading space and no vehicular entrances to any loading space (including driveways and doorways), shall be located within 50 feet of any residential zone (or land proposed to be used for residential purposes on an approved basic plan for a Comprehensive Design Zone, approved official plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan)."

The driveway entrance to the loading space at the north side of the property is set back only 10.2 feet and the exterior loading space is located 18.5 feet from the adjacent residentially zoned property; therefore, a departure of 39.8 feet for the driveway and a departure of 31.5 feet for the location of an exterior loading space are requested.

I. **Required findings for Departure from Design Standards (DDS-627):** The applicant is requesting a departure from design standards to locate an exterior loading space and vehicular driveway located within 50 feet of a residentially zoned property pursuant to Section 27-579(b) of the Zoning Ordinance.

Pursuant to Section 27-239.01(b)(7)(A) of the Zoning Ordinance provides that in order for the Planning Board to grant the departure, it shall make the following findings:

(b) Procedures

(7) Required findings

(A) In order for the Planning Board to grant the departure, it shall make the following findings:

(i) The purposes of this Subtitle will be equally well or better served by the applicant's proposal;

The purposes of the Zoning Ordinance are set forth in Section 27-102. They are varied in nature, but in general are to protect the health, safety, and welfare of residents and workers in Prince George's County. In this instance, the facts establish that granting the requested departure will not jeopardize these purposes. The loading space is proposed to be located on the north side of the building, which provides off-street loading and does not obstruct vehicle traffic in the parking lot or on the street. This location was carefully designed to minimize impacts to the residentially used property. The proposed six feet high fence and ten feet wide landscaping strip along northern property line will further ease the view of loading space from the adjacent day care facility.

(ii) The departure is the minimum necessary, given the specific circumstances of the request;

The departure is the minimum necessary to alleviate circumstances of the request. The proposed location is the best of many alternatives because it hides the loading space from the adjacent residential uses. The applicant was unable to locate the loading space elsewhere on the site because it would require screening from residential properties and streets. Providing such a screening from the street would block the natural surveillance of the parking lot from the right-of-way which in turn can threaten the security of the future residents. Thus, the requested departure is minimum necessary in order to prevent possible crime and provide safer environment for all occupants in the apartment.

(iii) The departure is necessary in order to alleviate circumstances which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949;

The unique circumstances here is that the proposed use is multifamily condominium units for elderly or physically handicapped which barely exceeds the minimum number of units required to have a loading space. Since there are no commercial uses in the building and the units will be owner occupied rather than rental units, the turnover will be less frequent. For these reasons, the loading spaces will have less use than any commercial property. Furthermore, the property slopes from higher near the street to lower in the rear. Environmental features take up most of the rear property, essentially creating a much shallower parcel which in turn limits the extent of developable land on-site. Therefore, most of the parking spaces for residents are located in the underground garage with the exception of overflow and guest parking located in the front of the building. To best screen the loading space from the adjacent residential uses without interfering with the surface parking for residents and guest, and providing appropriate screening from adjacent low impact institutional/educational uses, the proposed location to the north appears to be the most appropriate place. It is important to note that although the immediate property to the north is residentially zoned, it is being used as a parking lot for the Themba Learning Academy, a commercial use. The actual loading space is located approximately 115 feet away from the day care building. The slope and the shallow lot due to the environmental constraints in the rear, and the parking needs in the front, are circumstances that are unique to the site; making the departure minimum necessary.

(iv) The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.

The departure will not impair the visual, functional or environmental quality, or integrity of the site or of the surrounding neighborhood. It will rather improve the traffic, maximize surveillance in the parking lot, and enhance the overall appearance of the property by obscuring the loading area in the side of the proposed building with ten-foot landscaped buffering from the adjacent commercially used property.

J. **2010 Prince George's County Landscape Manual Requirements:** The site is subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual), Sections 4.1, 4.2, 4.3, 4.4, 4.7, and 4.9 because it involves construction of a new multifamily building on the subject property. The applicant has filed for an Alternative Compliance from

Section 4.7, Buffering Incompatible Uses, for a reduction in the width of the required landscape yard between the proposed multifamily building and single-family residence to the south.

REQUIRED: 4.7 Buffering Incompatible Uses, along the southern property line, adjacent to existing single-family homes.

Length of bufferyard	608 feet
Minimum building setback	35 feet
Landscape yard	25 feet
Bufferyard occupied by ex. trees	25 percent
Fence or wall	Yes, for 174 linear feet
Plant Units (80 per 100 l. f.)	296*

* including credit for the proposed fence

PROVIDED: 4.7 Buffering Incompatible Uses, along the southern property line, adjacent to an existing single-family homes.

Length of bufferyard	608 feet
Minimum building setback	50 feet
Landscape yard	21-25 feet
Bufferyard occupied by ex. trees	25 percent
Fence or wall	Yes, for 174 linear feet
Plant units	375

Justification of Recommendation
Along the southern property line the subject site is adjacent to single-family detached residences. The Landscape Manual states that the setback and landscape yard requirements should be increased for buildings over 46 feet in height that are adjacent to single-family development. The yard requirement should be increased by one-third of the building height over 46 feet. Based on the information provided on the plan, a 35-foot-wide building setback and 25-foot-wide landscape yard are required to accommodate the 61-foot-tall building. The applicant is requesting Alternative Compliance from Section 4.7, Buffering Incompatible Uses, along the southern property line to reduce the width of the proposed landscape yard. The reduction in the required landscape yard width is requested due to the location of a proposed access drive on the south side of the proposed building that accesses its underground parking.

The driveway reduces the landscape yard width by one- to- four feet for a length of approximately 280 feet.

As an alternative to the normal requirements of Section 4.7, the applicant proposes: a six-foot-tall, vinyl, sight-tight fence along the southern boundary of the access drive, which will effectively screen views of cars entering the underground parking facility from the adjacent single-family residences; and the full amount of required plant material that would be typically

required by the Landscape Manual. The Planning Board finds that the mix of proposed shade and evergreen trees will soften views of the fence, and the combination of trees and fencing will provide buffering that is equally effective as normal compliance with Section 4.7 of the Landscape Manual.

Recommendation
The Planning Board recommends APPROVAL of Alternative Compliance for Section 4.7 of the 2010 Prince George's County Landscape Manual, for Bhagya Village, Parcel 37, along the southern property line with conditions listed at the end of the report.

Tree Canopy Coverage Ordinance
The Tree Canopy Coverage Ordinance requires 15 percent tree canopy coverage for properties zoned R-80. Therefore, the subject 6.01-acre property will be required to provide 0.9 acres of tree canopy. This requirement is exceeded on the subject site through the preservation of existing trees and the proposed on-site landscaping.

K. **Sign Regulations:** The site is proposing one-brick monumental sign with the name and address of the apartment displayed on the sign. The proposed sign meets the requirements of Section 27-618(c)(1)(A-C) of the Zoning Ordinance.

L. **Further Planning Board Findings and Comments from Other Entities:**

1. **Subdivision Review**—The existing square footage of the gross floor area (GFA) on-site is not provided on the plan and should be. However, it is evident that the proposed 215,378 square feet of GFA for apartment housing development is significantly greater than what is currently existing on the property. Therefore, a new preliminary plan of subdivision (PPS) and final plat will be required prior to the approval of a building permit pursuant to Section 24-107 of the Subdivision Regulations.

2. **Environmental Planning**—Prior to grading of the site, the County requires the approval of an Erosion and Sediment Control Plan. The Tree Conservation Plan must reflect the ultimate limits of disturbance (LOD) not only for installation of permanent site infrastructure, but also for the installation of all temporary infrastructure including Erosion and Sediment Control measures. A copy of the Erosion and Sediment Control Concept Plan must be submitted at the time of preliminary plan application so that the ultimate limits of disturbance for the project can be verified and shown on the TCP2. No Erosion and Sediment Control Concept Plan was submitted with this application.

3. **Transportation Planning**—The 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the Approved Glenn Dale-Seabrook-Lanham and Vicinity Sector Plan and Sectional Map Amendment (area master plan) include one master plan trail/bikeway recommendations that impact the subject site. The MPOT also includes several policies related to pedestrian access and the provision of sidewalks within designated centers and corridors, as well as other areas in the Developed and Developing

Tiers. The Complete Streets Section includes the following policies regarding sidewalk construction and the accommodation of pedestrians.

POLICY 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.

POLICY 2: All road frontage improvements and road capital improvement projects within the developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

The submitted SE-4749 (SE) reflects the existing standard sidewalks along the site's frontage of Cipriano Road. This will fill an existing gap in the sidewalk network. As Cipriano Road is also designated as a master plan bikeway (see MPOT map), the provision of one "Share the Road with a Bike" sign is also recommended. On-road bicycle improvements (such as designated bike lanes or wide outside curb lanes) can be considered by Department of Public Works and Transportation (DPW&T)/ the Department of Permitting, Inspections and Enforcement (DPIE) at the time of road resurfacing. It appears that the stream valley trail along Bald Hill Branch is a long-term recommendation as significant land acquisition is required along the corridor before construction of this master plan trail is possible.

Whereas, this subject Departure from Design Standards (DDS-627) and the Alternative Compliance (AC-14023) application for Bhagya Village, has a companion Special Exception SE-4749, in conjunction with Variance TCP2-008-14-01 approval. The special exception request was to construct a four-story, 61-foot-high, 118-unit apartment building for the elderly for physically handicapped in the R-80 Zone. The proposal also includes the construction of an one-story 109-space, underground parking garage and a 70-space surface parking lot, including 22 future parking spaces along the northwest corner of the lot. The site has an existing single-family structure and shed that is proposed to be razed. As part of this special exception, a variance for removal of three specimen trees is also requested as part of this review per Section 25-122(b)(1)(G) of the Woodland and Wildlife Habitat Conservation Ordinance (WCO).

Whereas, the Planning Board chose not hear the Special Exception application at its scheduled public hearing on May 21, 2015, because the Zoning Hearing Examiner is required to conduct the official public hearing and has the authority to approve or deny an application for Special Exception or Variance in accordance with Section 27-312 of the Zoning Ordinance.

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 above-noted application, subject to the following conditions:

1. The site and landscape plans shall be revised to include the following:

   a. Update the sight-tight fencing detail to show the proposed ground plane, and avoid gaps in screening that might occur under the fence.

   b. Update the required building restriction line (BRL) and landscape yard delineations along the southern property line consistently with the requirements of the 2010 *Prince George's County Landscape Manual*. A 35-foot-wide BRL and a 25-foot-wide landscape yard shall be delineated.

   c. Reference the Alternative Compliance, AC-14023, under the Section 4.7 schedule for the southern property line.

   d. Include the building height, in feet, within the building footprint on the site and landscape plans.

   e. Add a note on the site plan indicating the location of the video surveillance camera on the premise.

2. Fast growing evergreen trees will be added to the landscape plan along the east side of the property in order to supplement the buffering of the building from Saint Anne Avenue.

3. The landscape plan will show plant material at an increased size (over the standard 2.5" to 3" caliper/6-8' height requirement) and utilize species to quickly and densely buffer the adjacent homes along Magnolia Drive.

4. The use of the loading space will be restricted to 7 a.m. to noon, Monday through Friday.

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

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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 Bailey, seconded by Commissioner Shoaff, with Commissioners Bailey, Shoaff, and Hewlett voting in favor of the motion, and with Commissioner Geraldo opposing the motion, and with Commissioner Washington temporarily absent at its regular meeting held on Thursday, May 21, 2015 in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 11th day of June 2015.

Patricia Colihan Barney
Executive Director

Jessica Jones/agd

By Jessica Jones
Planning Board Administrator

PCB:JJ:TA:ydw

APPROVED AS TO LEGAL SUFFICIENCY
M-NCPPC Legal Department
Date 6/12/15