

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 24, 2016, regarding Detailed Site Plan DSP-15042 for Cambridge Apartments at New Carrollton Station, the Planning Board finds:

1. **Request:** The detailed site plan (DSP) approval is to replace a swimming pool and restroom building with a 3,876-square-foot leasing office/fitness center.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	M-X-T/T-D-O	M-X-T/T-D-O
Use(s)	Swimming Pool and Restroom Building	Leasing Office/Fitness Center
Acreage	3.98	3.98
Parcel	1	1

OTHER DEVELOPMENT DATA

Parking Schedule

The applicant included the parking table below on Sheet 1 of the DSP plan set.

	Required	Provided
Minimum Parking Required	N/A*	99 spaces
Maximum Parking Permitted	276**	99 spaces
Minimum Accessible Spaces	6 spaces	7 spaces

Notes: *Per Section 27-548.06(c)(1) of the Zoning Ordinance, the minimum number of spaces and design of off-street parking and loading areas do not apply within the Transit District Overlay Zone.

**Table 9 of the Transit District Development Plan sets a maximum parking ration at 1.5 spaces per residential unit.

As stated on page 60 of the 2010 *Approved New Carrollton Transit District Development Plan and Transit District Overlay Zoning Map Amendment* (New Carrollton TDDP/T-D-O ZMA), this expansion of a certified nonconforming use, that was lawful as of the date of the T-D-O ZMA approval which does not conform to all TDDP standards, is hereby approved as the Planning Board hereby finds that the expansion is compatible with adjacent uses and meets the goals of the TDDP. Therefore, the subject project is not subject to the development district standards of the T-D-O ZMA and did not have to request a deviation from the development district standards for the parking and loading and/or any other standard the project does not meet. See Finding 7 for a detailed discussion of how the subject project is compatible with the adjacent uses and meets the goals of the TDDP.

3. **Location:** The subject property is located on the eastern side of 85th Avenue, approximately 1,500 feet south of its intersection with Annapolis Road (MD 450). The project is also located in Planning Area 60 and Council District 3.
4. **Surrounding Uses:** The site is bounded to the south by a stormwater management pond and vacant land in the Open Space (O-S) Zone; to the east by a rail right-of-way owned by the National Railroad Passenger Corporation, with land on the southeastern side of the right of-way zoned Mixed Use-Transportation Oriented (M-X-T) and Transit District Overlay (T-D-O) owned by the Washington Metropolitan Area Transit Authority (WMATA), which is also a part of the New Carrollton Metro Station; to the north by multifamily housing in the M-X-T and T-D-O Zones; to the northwest by buildings, which are also a part of the New Carrollton Metro Station; to the west by multifamily housing; and to the southwest by surface parking in the M-X-T and T-D-O Zones.
5. **Previous Approvals:** The site is the subject of Natural Resources Inventory NRI-007008-01, approved by the Planning Board on August 28, 2015. The site is also the subject of Preliminary Plan of Subdivision 12-2726 and Record Plat WWW 51-77, recorded in the Prince George's County Land Records on June 12, 1964. The site is also the subject of approved Stormwater Management Concept Plan 32859-2015-00, approved by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) on October 8, 2015 and valid until October 8, 2018. Lastly, the site is also the subject of a Certified Nonconforming Use CNU-6885-2001 and validation of a Permit Issued in Error (ERR-89) for 89 multifamily units.

The site is covered by the New Carrollton TDDP/T-D-O ZMA, which rezoned the property from the Multifamily Medium Density Residential (R-18) Zone to the M-X-T Zone. The site is exempt from the development district standards contained in that plan, as it is a certified nonconforming use.

6. **Design Features:** The Planning Board hereby approves the replacement of an abandoned swimming pool and restroom building with a 3,876-square-foot leasing office/fitness center. The site is developed with an 89-unit multifamily development known as the Cambridge Apartments at New Carrollton Station. Forty-two units are located in Building 1 (which parallels the northern boundary of the site) and 47 units are located in Building 2 (which parallels 85th Avenue and is

located closer to the swimming pool). A swimming pool and restroom building on the site were centrally located toward the northern end of Building 2. This is where the leasing and fitness building is hereby approved to be located.

The site is trapezoidal shape, with its southeastern boundary running roughly parallel to the adjacent rail line/rail right-of-way. The site is relatively flat, except along its eastern and southern boundaries, where the land remains forested. A master planned collector roadway, 85th Avenue, is located along the western boundary of the site. Parking is strategically situated so that views of the parking area from 85th Avenue are almost entirely eliminated.

The architecture hereby approved for the front (northern) façade of the building includes a front entrance marked by a portico topped with a pitched roof, which will provide a dry refuge for residents and visitors arriving at the building in inclement weather. There is a front entrance door and extensive windows/glazing on this central element, offering a pleasing fenestration pattern. A grey stone material is included across the watertable of the front façade and extends to the top of several pilasters on the front portico. The front entranceway is further accentuated by four vertical and one horizontal white architectural elements included on the forward portion of the portico. The right and left ends of the proposed front façade are similar and both have lower pitched roofs than that of the central building and each includes a single faux round louvered window on each pediment. The left end element has a single three-pane window centrally located below the round louvered window and above the stone watertable. The right end element has three double windows centrally located below the round faux louvered window and above the stone watertable. There are four steps together with a handrail indicated on the right side of this façade to provide pedestrian access where there is a grade difference. The top of the steps visible on the west (right hand) façade drawing is shown to the far right/west end of the front façade.

The rear (southern) façade of the building herein approved mimics the front elevation to a great extent. It, however, replaces the front door with a third bay of windows in the central section of the building, does not have stone running up to the roofline of the central section, and has slightly different fenestration on its right and left ends. On the rear, the right end has two double windows, instead of three as on the front, and on the left end has three double windows, instead of the single three-pane window as on the front.

The end elevations (eastern and western) herein approved are subordinate to the front and rear façades. The east (left side) elevation contains two secondary access doors to the building (grey in color and composed of insulated hollow metal), stone along all but the end segments of the watertable, and three sets of double windows located above the watertable, two on the left/southern portion of the façade and one on the right/northern portion of the façade. A condition of this approval requires that, prior to certificate approval, this elevation be revised to use stone across its entire watertable.

The west (right side) elevation herein approved is simpler, with two double windows at each end of the façade. Stone is used on its watertable and to ground level, which varies in size because of the topography of the site. A railing is indicated along this façade, extending from below the set of

double windows on the left side of this façade that are closer to the center all the way to the same set of windows on the right side. There are four concrete steps with a bannister indicated on the left side of the building to provide pedestrian access and accommodate for the grade difference.

The light fixtures herein approved to be utilized in the project are downward facing and will prevent light from “spilling” onto properties adjacent to the development, as per photometric plans reviewed by the Planning Board for the project that support this assertion.

COMPLIANCE WITH EVALUATION CRITERIA

7. **2010 Approved New Carrollton Transit District Development Plan and Transit District Overlay Zoning Map Amendment:** There is no record of a site plan having been approved for the project, as it was developed with multifamily units prior to the institution of a site plan requirement. The property is zoned M-X-T and falls within the T-D-O Zone. As the project was originally developed prior to its inclusion in the T-D-O, it does not meet all of the standards outlined in the TDDP. Therefore, the existing improvements are considered legally nonconforming. In fact, the site and its improvements were formally certified as a nonconforming use in application CNU-6885-2001 and ERR-89.

As stated in the Applicability of Site Plan Requirements section, Item 7b, of the New Carrollton TDDP/ T-D-O ZMA), a property owner may not expand a nonconforming use that does not conform to the TDDP standards, unless a DSP is approved with findings that the expansion is compatible with adjacent uses and meets the goals of the TDDP. Also, it specifically states that a conceptual site plan (CSP) is not required for when the purpose of the DSP is to expand a nonconforming use. The Planning Board hereby finds that the project meets these requirements.

The subject project, as an expansion of a certified nonconforming use, is exempt from the standards of the New Carrollton TDDP/T-D-O ZMA. More specifically, Item 7b on page 60 of the TDDP states:

- b. **Except for improvements listed below in number 8, a property owner may not expand a certified nonconforming use, or a use or structure that was lawful on the date of TDPZMA approval but does not conform to TDDP standards, unless a detailed site plan is approved with findings that the expansion is compatible with adjacent uses and meets the goals of the TDDP.**

Item 8 (General) on page 60 of the TDDP lists exemptions from the TDDP standards and site plan review including permits for alteration or rehabilitation, canopies, fences, decks, ordinary maintenance, changes in occupancy or ownership, and signs. The replacement of a swimming pool and restroom building by a leasing office/fitness center herein approved is not covered by any of these exemptions. However, Item 7b provides that, if one of the exemptions listed in Item 8 does not apply, the Planning Board may approve an expansion of a nonconforming use or a use or structure that was lawful on the date of the T-D-O ZMA approval, but does not conform to the

TDDP standards, if a DSP is approved with findings that the expansion is compatible with adjacent uses and meets the goals of the TDDP. See Finding 8 for a detailed discussion of the subject project's conformance with all of the required findings. The subject DSP herein approved meets this requirement.

As required by the Applicability of Site Plan Requirements section, Item 7b, on page 60 of the New Carrollton TDDP/T-D-O ZMA, the following findings are hereby made:

- a. The leasing and fitness center herein approved is found to be compatible with the adjacent uses comprised of residential uses, including residential apartments and condominiums and ancillary transportation uses such as surface parking, rail lines, and the New Carrollton Metro Station.
 - b. The leasing and fitness center herein approved is found to meet the goals of the New Carrollton TDDP/T-D-O ZMA for the North Hillside Residential Neighborhood, as it will provide an attractive amenity for the Cambridge Apartments, which is part of the medium-density residential enclave that, together with the surrounding apartments and condominiums, provides a variety of housing options while acting as a transition area between the higher density uses of the Metro core and the lower density commercial services of the Annapolis Road Corridor, in accordance with the stated goals of the plan.
8. **Prince George's County Zoning Ordinance:** The subject approval has been reviewed for compliance with the requirements of the M-X-T Zone and the site plan design guidelines of the Zoning Ordinance, as follows:
- a. The project is subject to the requirements of Section 27-547 regarding uses permitted in Mixed Use Zones and Section 27-548 regarding regulations in the M-X-T Zone of the Zoning Ordinance. The leasing office with fitness center herein approved as an accessory use to the multifamily dwelling is a permitted use. The project is also subject to Off-Street Parking and Loading (Part 11), Signs (Part 12), and the 2010 *Prince George's County Landscape Manual* (Landscape Manual), deemed a part of the Zoning Ordinance. See Finding 10 below for a detailed discussion of the project's conformance to the applicable requirements of the Landscape Manual.
 - b. Section 27-546(d) of the Zoning Ordinance requires the following additional required findings for projects located in the M-X-T Zone. Each required finding is indicated in **boldface** type below, followed by Planning Board comment.
 - (1) **The proposed development is in conformance with the purposes and other provisions of this Division;**

The replacement of a swimming pool and restroom building with a 3,876-square-foot leasing office/fitness center herein approved will not affect the previous findings of conformance with this required finding.

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

As stated on page 60 of the New Carrollton TDDP/T-D-O ZMA, the project is exempt from the design guidelines or standards of the plan, as it involves an expansion of a certified nonconforming use. Additionally, the approval is not required to conform to the requirements of Plan Prince George's 2035. Therefore, this normally required finding does not apply.

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

The replacement of a swimming pool and restroom building with a 3,876-square-foot leasing office/fitness center herein approved will not affect the previous findings of conformance with this required finding.

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

The replacement of a swimming pool and restroom building with a 3,876-square-foot leasing office/fitness center herein approved is compatible to the existing multifamily neighborhood and will increase the quality of life of the existing residents.

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

The replacement of a swimming pool and restroom building with a 3,876-square-foot leasing office/fitness center herein approved will be an extension of the existing neighborhood function and will not affect previous findings of conformance with this required finding.

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

The replacement of a swimming pool and restroom building with a 3,876-square-foot leasing office/fitness center herein approved is to be completed in a single phase, so this otherwise required finding does not apply to the subject project.

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

The replacement of a swimming pool and restroom building with a 3,876-square-foot leasing office/fitness center herein approved will not affect the previous findings of conformance with this requirement. In addition, plans for the project were reviewed by the Planning Board for, among other things, trails, bicycle, and pedestrian accessibility. In response, the Board has included three conditions in this approval that will further enhance pedestrian accessibility.

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

The replacement of a swimming pool and restroom building with a 3,876-square-foot leasing office/fitness center herein approved will not affect previous findings of conformance with this required finding, as the office/fitness center herein approved has been reviewed to ensure that adequate attention has been paid to human scale, high-quality urban design, and other amenities such as the type and textures of materials, landscaping and screening, street furniture, and lighting.

- (9) On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, will be provided by the applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club), or are incorporated in an approved public facilities financing and implementation program, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.**

The subject project is a DSP, not a CSP. Therefore, this required finding is not applicable to the proposed project.

- (10) **On the Detailed Site Plan, if more than six (6) years have elapsed since a finding of adequacy was made at the time of rezoning through a Zoning Map Amendment, Conceptual Site Plan approval, or preliminary plat approval, whichever occurred last, the development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or to be provided by the applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club).**

Pursuant to Section 24-111(c)(3), the development herein approved is exempt from the requirement for a resubdivision of land. More particularly, the relevant portion of Section 24-111(c)(3) of the Subdivision Regulations requires that a final plat of subdivision approved prior to October 27, 1970 be resubdivided prior to issuance of a building permit, unless the development proposed is in addition to a development in existence prior to January 1, 1990 and does not exceed 5,000 square feet of gross floor area (GFA). As the subject development was in existence prior to January 1, 1990 and is approved at 3,876 square feet and, therefore, the subject project falls within this exception of Section 24-11(c)(3).

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

The 3.90-acre site is far below the 250-acre size which would make a property zoned M-X-T subject to this required finding. In any case, the project was planned and approved as a residential development and is not a mixed-use planned community. This finding is not applicable to this approval.

9. **Preliminary Plan of Subdivision 12-2726 and Final Plat WWW 51-77:** The subject property (Parcel 9) was reviewed as Preliminary Plan of Subdivision 12-2726; however, records are no longer available for this case. The record plat was recorded on June 12, 1964 as Plat WWW 51-77. There are no plat notes that affect the subject project.
10. **2010 Prince George's County Landscape Manual:** The DSP for the replacement of a pool and restroom building with a leasing center office/fitness center is subject to the requirements of Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.6-1, Buffering Residential Development from Streets; and Section 4.9, Sustainable Landscaping Requirements, of the Landscape Manual. Pursuant to Sections 1.1(g)(1) and 1.1(e)(2), respectively, the project is not subject to the requirements of Section 4.1, Residential Requirements or Section 4.3, Parking Lot Requirements, of the Landscape Manual. Therefore, the Planning Board, by condition of this

approval, requires that the Section 4.1-4 schedule and the Section 4.3-2 schedule and its attendant note regarding alternative compliance be removed from Sheet 2 of the landscape plan. Conformance to applicable Sections 4.2, 4.6, and 4.9 of the Landscape Manual is as follows:

- a. **Section 4.2, Requirements for Landscaped Strips along Streets**—The project herein approved is subject to the requirements of Section 4.2, as the parking lot herein approved is adjacent to 85th Avenue for a stretch of approximately 40 feet. Section 4.2(c) requires that “For all...parking lots, a landscape strip as described in Section 4.2(c)(3)–(5), shall be provided on the property abutting all public and private streets.” Further, the Landscape Manual requires that, in the area of the County that was previously described as the Developed Tier, one of three options be provided for that street frontage. By condition of this approval, the Planning Board requires that, prior to certificate approval of the project, the landscape plan be revised and a Section 4.2-1 schedule be provided specifying one of the options as selected and demonstrating conformance to the requirements of Section 4.2 of the Landscape Manual.
- b. **Section 4.6-1, Buffering Residential Development from Streets**—Section 4.6 requires that a 35-foot-wide buffer be provided along the 640 feet (excluding the driveway) that the project adjoins 85th Avenue. Further, it requires for a collector road, which is 85th Avenue’s classification, the applicant must provide a 35-foot-wide buffer with 4 shade trees, 12 evergreen trees, and 20 shrubs per 100 linear feet or 26 shade trees, 77 evergreen trees, and 128 shrubs for the project’s 85th Avenue Frontage. The Section 4.6 schedule provided on Sheet 2 of the landscape plan and the plans indicate that this requirement has been met.
- c. **Section 4.9, Sustainable Landscaping Requirements**—Section 4.9 requires that a certain percentage of plants within each plant type (including shade trees, ornamental trees, evergreen trees, and shrubs) should be native species (or the cultivars of native species). The minimum percentage of each plant type required to be native species and/or native species cultivars is specified below:

Shade trees	50%
Ornamental	50%
Evergreen	30%
Shrubs	30%

As demonstrated on the provided Section 4.9-1 schedule on Sheet 2 of the landscape plan, the applicant is proposing 100 percent of the shade trees to be native, 39 percent of the evergreen trees to be native, and 39 percent of the shrubs to be native in accordance with the above requirements. Additionally, note that the landscape plan conforms to the remaining requirements of Section 4.9 of the Landscape Manual in that the applicant is not proposing any invasive species, permitting any existing invasive species on-site to remain undisturbed, and that no trees are proposed to be planted on slopes greater than

3:1. Therefore, the subject project conforms to the requirements of Section 4.9 of the Landscape Manual.

11. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The site is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. A Type 2 tree conservation plan (TCP2) has been reviewed by the Planning Board. It shows that no woodland clearing or primary management area (PMA) impacts are hereby approved as part of this development. The woodland conservation threshold is 0.60 acre and the site has a woodland conservation requirement of 0.60 acre. The woodland conservation requirement is being met with 0.80 acre. As the Board herein approves the TCP2 subject to conditions, it may be said that the subject project conforms to the applicable requirements of the WCO.
12. **Prince George's County Tree Canopy Coverage Ordinance:** The project is exempt from the requirements of Subtitle 25, Division 3: Tree Canopy Coverage Ordinance, as the subject project does not involve disturbance in excess of 5,000 square feet.
13. **Further Planning Board Findings and Comments from Other Entities:** The DSP has been referred to the concerned agencies and divisions for comments. The referral comments are summarized as follows:
 - a. **Community Planning**—The Planning Board hereby states that the approval conforms to the 2010 New Carrollton TDDP/T-D-O ZMA land use recommendations for a mixed-use residential use. The rental and fitness building herein approved is exempt from the development standards because the property was a certified nonconforming use prior to approval of the overlay zone.

Additionally, the Planning Board hereby states that the approval is not required to conform to the requirements of the applicable General or master plan. More specifically, with respect to the *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035), the subject site is located within the Established Communities policy area and that the plan recommends maintaining and enhancing existing public services facilities and infrastructure in these areas to ensure that the needs of the existing residents are met.

With respect to the New Carrollton TDDP, the Planning Board stated that the project is located in the New Carrollton community of Planning Area 69, that the land use proposed for that area is mixed-use residential, that the Board should be, and they were, consulted regarding the applicability of the 2005 *Approved Countywide Green Infrastructure Plan* (Green Infrastructure Plan) and the Environmental Infrastructure chapter of the TDDP. Further, the Board stated that no historic recourses or public facilities were identified on this site or on an abutting property, and that the property is not located in the Military Installation Overlay (M-I-O) Zone area. With respect to transportation, the Board indicated that 85th Avenue is an existing collector street and that the sidewalks along

85th Avenue from Annapolis Road (MD 450) to Harkin Road should be widened. In addition, the Board stated that the New Carrollton TDDP/T-D-O ZMA rezoned the property from R-18 to M-X-T and superimposed a T-D-O Zone on the property.

In closing, the Planning Board stated that the subject approval raises no specific planning issues, but offered the following general information:

- The property is located in the North Hillside Residential Neighborhood within the T-D-O Zone. The primary intention for this area is to create an attractive, medium-density, mixed-use residential enclave that provides a variety of housing options and community-serving commercial service while acting as a transition between the higher-density uses of the Metro core and the lower-density commercial services of the Annapolis Road Corridor.
- The T-D-O Zone imposes development standards to implement the plan's vision for this area. The property is located within the T-D-O Zone. Since the property was certified as a nonconforming use prior to approval of the overlay zone, the proposed rental and fitness building is exempt from the development standards.

- b. **Transportation Planning**—The Planning Board has reviewed the subject DSP with respect to transportation planning. The site consists of 3.98 acres in the M-X-T Zone within a T-D-O Zone. It is located on the east side of 85th Avenue and north of the New Carrollton Metro Station. The subject approval authorizes the replacement of an existing swimming pool and bathroom facility with a 3,876-square-foot leasing office and fitness center. The property is currently used for multifamily residences (apartments). There are no transportation-related conditions of prior approvals relevant to this approval. The existing commercial entrance to the site on 85th Avenue will remain. A handicapped parking space and a handicapped accessible sidewalk along the north side of the proposed building will be provided. The Board finds that the on-site circulation and access, as shown, are acceptable.

Master Plan Roads

The site is adjacent to 85th Avenue, which is a master plan collector roadway listed in the 2010 New Carrollton TDDP/T-D-O ZMA with 80 feet of right-of-way. This roadway is shown on the site plan with 60 feet of right-of-way, and no new development is proposed in the master plan right-of-way of 85th Avenue.

The Planning Board hereby finds that, from the standpoint of transportation, the subject project is acceptable and meets the required findings for a DSP, as described in the Zoning Ordinance.

- c. **Subdivision Review**—The subject property is located on Tax Map 44 in Grid A-4 and Tax Map 52 in Grid A-1, and measures 3.9833 acres. Detailed Site Plan DSP-15042 consists of one legal parcel of land. Parcel 9 was reviewed as Preliminary Plan of

Subdivision 12-2726. Records are no longer available for this case. The record plat was recorded on June 12, 1964 as Plat WWW 51-77. The property is zoned M-X-T within the New Carrollton TDDP/T-D-O ZMA. The purpose of the subject approval is to replace the swimming pool with a building that will include the leasing office and a fitness center. The new building totals 3,876 square feet of GFA.

The existing development is a certified nonconforming use apartment complex (CNU-6885-2001 and ERR-89) that was built in 1964. General Note 8 reports the existing GFA is 91,701 square feet, with the proposed removal of 726 square feet (bath house) and the addition of 3,875 square feet for the leasing office and a fitness center. Pursuant to Section 24-111(c)(3) of the Subdivision Regulations, the development herein approved is exempt from the requirement for a resubdivision of land. More particularly, the relevant portion of Section 24-111(c)(3) requires that a final plat of subdivision approved prior to October 27, 1970 be resubdivided prior to issuance of a building permit, unless the development proposed is in addition to a development in existence prior to January 1, 1990 and does not exceed 5,000 square feet of GFA. As the subject development was in existence prior to January 1, 1990 and is proposed at 2,100 square feet, the subject project falls within this exception of Section 24-111(c)(3).

In comparing the boundary of Parcel 9 to the record plat (WWW 51-77), the length of the curve does not match the record plat and shall be corrected. Failure of the site plan and record plat to match (including bearings, distances, and lot sizes) would result in permits being placed on hold until the plans were corrected.

Therefore a condition of this approval requires that, prior to certificate approval of the plans, the length of the curve in the boundary of Parcel 9 shown on the DSP be revised to match that shown on the record plat.

- d. **Trails**—The subject DSP was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and/or the pertinent area master plan in order to provide the appropriate trails requirements.

The Planning Board has reviewed the DSP for conformance with the MPOT and other relevant plans in order to implement planned trails, bikeways, and pedestrian improvements. The Board has identified major issues and included in this approval certain conditions of approval for the subject project.

The subject project is located in a multifamily residential community along 85th Avenue. The site is covered by the MPOT and the 2010 New Carrollton TDDP/T-D-O ZMA (area plan).

The subject project herein approved is for a 3,876-square-foot building to be used as a fitness center and leasing office for a residential community. The building herein approved will replace an existing outdoor swimming pool and restroom building in the center of the

subject site, located approximately 190 feet from 85th Avenue. The subject site has frontage on 85th Avenue and is located approximately 1,500 feet south of Annapolis Road (MD 450).

A sidewalk currently exists on the east side of Ellin Road/85th Avenue, between the New Carrollton Metrorail station (approximately 2,500 feet south of the subject site) and MD 450. There are no marked bicycle lanes along Ellin Road/85th Avenue.

Master Plan of Transportation: There are three MPOT trail facilities in the vicinity of the subject site (see MPOT map):

Road	Facility	Limits	Constructed
Ellin Road/85th Avenue	Bicycle Lanes	MD 410 (Veterans Parkway) to MD 450 (Annapolis Road)	No
85th Avenue	Sidepath	Ellin Road to 5289 85th Avenue	Yes
85th Avenue	Sidepath	5289 85th Avenue to MD 450 (Annapolis Road)	No

In addition to the planned pedestrian and bicycle facilities listed, the Complete Streets section of the MPOT includes the following policies regarding multi-modal transportation and the accommodation of pedestrian and bicyclists (MPOT, page 10):

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.

POLICY 3: Small area plans within the Developed and Developing Tiers should identify sidewalk retrofit opportunities in order to provide safe routes to school, pedestrian access to mass transit, and more walkable communities.

POLICY 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO Guide for the Development of Bicycle Facilities.

The improvements herein approved will not impact the subject site's frontage. Additionally, the existing right-of-way along 85th Avenue appears to provide adequate space to accommodate a standard bicycle lane in both directions. Bicycle lanes on 85th Avenue can be a component of corridor-wide or streetscape improvements implemented by the Prince George's County Department of Public Works and Transportation (DPW&T) at a later time.

The site plans herein approved indicate a sidewalk along the parking lot to the north of the building. The sidewalk does not continue along the entirety of the parking lot south of the proposed building. The submitted plans indicate a new parking space at the northeastern corner of the building. Adjacent to the parking space is a curb ramp, however, this ramp is placed in front of a standard parking spot and could be blocked by a vehicle. The plans also indicate two existing handicapped parking spaces near the northwestern corner of the proposed building. However, it is not clear if there currently exists a curb ramp that meets Americans with Disabilities Act (ADA) guidelines.

In order to improve the walkability of the site, the Planning Board, by conditions of this approval, requires the applicant to extend new sidewalk along the entire edge of the parking lot, to relocate the curb ramp so that it cannot be blocked by another vehicle, and that a curb ramp that meets ADA guidelines be installed at the northeastern corner of the building for the two existing handicapped parking spaces, prior to certificate approval.

2010 Approved New Carrollton Transit District Development Plan and Transit District Overlay Zoning Map Amendment: The subject site is located within the North Hillside Residential Neighborhood of the area plan (page 21). The overlay zoning map amendment provides standards for new development. Standards related to pedestrian and bicyclist transportation are listed below. However, the project is exempt from these standards, as the project involves the expansion of a certified nonconforming use. This discussion is provided for informational purposes only. Note, however, that the ADA is a federal law, and compliance with it is required irrespective of local plans, ordinances, and regulations.

The area plan (page 145) provides standards regarding open space:

6. ***Open Spaces—Americans with Disabilities Act ADA Accessibility:*** All open spaces shall be barrier-free and accessible to persons with disabilities, the elderly, people with strollers, and vendors with pushcarts. Open spaces shall meet ADA requirements for parks and recreation spaces.

The site plans herein approved show one new curb ramp at the northeast end of the building herein approved. As noted previously, this ramp can be blocked by a vehicle. The Planning Board, by condition of this approval, requires that the curb ramp be moved. No other curb ramps are depicted on the site. The Board herein requires, by condition of this approval, that an additional curb ramp that meets ADA guidelines be installed at the northwestern end of the parking lot.

The area plan (page 155) provides standards regarding on-site pedestrian and bicycle circulation:

Intent

To provide safe on-site routes for pedestrians and bicycle circulation

Standards

Attractive access routes for pedestrian travel shall be provided by:

1. Reducing distances between destinations or activity areas such as public sidewalks and building entrances. Where appropriate, develop pedestrian routes through sites and buildings to supplement the public right-of-way.
2. Providing an attractive, convenient pedestrian access way to building entrances.
3. Bridging across barriers and obstacles such as fragmented pathway systems, wide streets, heavy vehicular traffic, and changes in level by connecting pedestrian pathways with clearly marked crossings and inviting sidewalk design.
4. Integrating signage and lighting that offers interest and safety for pedestrians.
5. Connecting parking areas and destinations with pedestrian paths identified through the use of distinctive paving materials, pavement striping, grade separations, or landscaping.

The site plans herein approved show a sidewalk on the north side of the building along the end of the parking lot. The sidewalk does not extend beyond the northeastern corner of the parking lot. A sidewalk along the entire parking lot will provide better access to both the residential buildings and the proposed building. The Planning Board, by condition of this approval, requires that sidewalk be extended along the entire length of the parking lot.

The area plan (page 168) provides standards regarding bicycle parking:

Intent

To ensure the construction of bicycle parking facilities that provide convenient access to adjoining uses without compromising pedestrian/bicyclist safety and quality of the streetscape environment.

2. *Bicycle Space Required Number:* The minimum number of required bicycle parking spaces shall be one bicycle space for every 20 off-street vehicular parking spaces. Single-family dwelling units shall be exempt from all bicycle parking requirements.

3. ***Bicycle Space Dimensions:*** Bicycle spaces shall be a minimum of six feet long and 2.5 feet wide and shall provide an overhead minimum clearance of seven feet in covered spaces. A minimum five-foot-wide clear aisle shall be provided between each row of bicycle parking spaces.
4. ***Bicycle Parking Locations:*** Bicycle parking shall be located proportionally at each public entrance within a development.
 - b. **On-site:** Bicycle parking not located within a parking structure shall be located on-site with 50 feet of main building entrances. Bicycle parking shall not obstruct walkways.
5. ***Bike Parking Security***
 - a. **Bicycle racks:** Secure stationary racks shall be provided that are anchored/bolted to the ground for security of bicycle property.
 - b. **Bicycle locker:** Lockable enclosures shall be provided for the storage of bicycles for security of bicycle property.
6. ***Bike Parking Access:*** Bicycle parking shall have direct access to the public right-of-way.

The site plans herein approved do not indicate any proposed bicycle parking. The Planning Board, by condition of this approval, requires installing two u-shaped bicycle racks near the entrance of the fitness center/leasing office herein approved. These bicycle racks will provide four bicycle parking spaces. The Board does not require installing bicycle lockers at this time, unless there is support among residents for bicycle lockers.

Statement of Justification

The applicant submitted a statement of justification with the subject site plans. None of the items in the statement directly relate to pedestrian and bicyclist transportation. The following items can tangentially relate to pedestrian and bicyclist transportation.

2. **Buildings shall sit between 20 and 40 feet from the edge of the curb.**

The Planning Board herein approves relief from this requirement per Section 27-548.08(c)(2) of the Zoning Ordinance, as the existing buildings were developed before the T-D-O was in place and the structure herein approved is accessory in nature.

Reducing the distance between a building and the curb could help improve the walkable environment along a corridor. However, as the building herein approved is for an existing multifamily residential community, it may be infeasible to relocate the building herein approved to be within 20 to 40 feet of the curb.

5. Off-street parking lots and structures shall be placed behind their on-site uses.

As shown on the approved plans, the existing off-street parking is behind the on-site uses. The parking of the residential community is existing parking and located behind the residential buildings.

e. Permit Review—

- (1) The dimensions for the location, coverage, and height of all improvements shown on an approved DSP shall constitute the regulations for these improvements for a specific development in the M-X-T Zone.
- (2) There shall be a coversheet with general zoning notes and regulations approved by the Planning Board.
- (3) The site plans shall demonstrate all dimensions of the structures, the height, number of stories, parking schedule, landscape schedules, etc.

These comments have been addressed by conditions of this approval.

f. Environmental Planning—The Planning Board previously reviewed the following applications and associated plans for the subject site:

Development Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
DSP-15042	TCP2-002-16	Planning Board	Pending	Pending	Pending

An approved and signed Natural Resources Inventory, NRI-007-08-01, which was revised in August 2015, has been reviewed. Note that the improvements herein approved do not fall within any environmentally-sensitive areas identified therein. In fact, the existing forest stand on the eastern side of the property and the stream buffer on the southern side of the property will remain undisturbed by this work. The subject site has not been the subject of previous environmental reviews or TCP approvals, other than the NRI.

With respect to grandfathering, the project is subject to the current regulations of Subtitles 24 and 25 that came into effect on September 1, 2010 and February 1, 2012 because the project herein approved is for a new DSP and there are no previous approvals.

The Planning Board then offered the following environmental review of the subject project. First, with respect to the NRI and existing features, the Board stated that an approved NRI was submitted with the review package, NRI-007-008-01, which was approved on August 28, 2015. The NRI shows regulated environmental features or woodlands on the subject property. The impacts are located within an existing disturbed area.

With respect to woodland conservation, the Planning Board stated that the site is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. A TCP2 had been submitted showing that no woodland clearing or PMA impacts are approved as part of this development. The woodland conservation threshold is 0.60 acre and the site has a woodland conservation requirement of 0.60 acre. The woodland conservation requirement is being met with 0.80 acre of on-site retention.

The Planning Board has included a condition of this approval regarding the above. In addition, the Board provided the following:

- This site contains regulated environmental features that are required to be protected under Section 27-285(b)(4) of the Zoning Ordinance. The on-site regulated environmental features include stream, stream buffer, and the PMA buffer. These features enter the site from an outfall adjacent to 85th Avenue and drains to an off-site stormwater management pond. This system is located in a wooded portion of the southern area of the site. No impacts to these features are herein approved.
- The plan herein approved demonstrates that on-site regulated environmental features have been preserved to the fullest extent possible.
- An approved Stormwater Management Concept Plan and Letter (32859-2015-00) were submitted for this site. The approval letter was issued on October 8, 2015 and states that the project is not required to pay a fee-in-lieu of providing on-site attenuation/quality control measures. Dry wells are the only stormwater management structures required in this approval.
- The site fronts on 85th Avenue, which is identified as a master plan collector roadway and is not designated as a historic or scenic roadway.
- The site is located to the west of an active National Railroad Passenger Corporation rail bed. Due to the herein approved replacement of the apartment complex's pool by a multi-use building, no noise/vibration study is required.

- The predominant soils found to occur on-site, according to the USDA NRCS Web Soil Survey, include Christiana-Downer-Urban land complex, Fallsington-Urban land complex, and Urban land-Russett-Christiana complex soil types. According to available information, Marlboro clay is not known to occur on this property, but Christiana complexes are present.

This information is provided for the applicant's benefit. The County may require a soils report in conformance with Prince George's County Council Bill CB-94-2004 during the building permit process review.

- g. **Prince George's County Police Department**—No comment was received from the Police Department regarding the subject project.
- h. **Prince George's County Health Department**—In a memorandum dated March 3, 2016, the Health Department stated that they had completed a health impact assessment review of the DSP submission for the Arena North Drive, Sandpiper Property, project and offered the following comments. Each comment is included below, followed by Planning Board comment:

- There is an increasing body of scientific research suggesting that artificial light pollution can have lasting adverse impacts on human health. The site plan indicates that "the existing service areas (trash and recycling) are placed outside the public view and will be well lit at night".

The applicant has specified downward facing light fixtures to prevent light from spilling onto adjacent properties and has provided photometric plans, which indicate that light levels are projected to be within acceptable limits for this residential development, in accordance with this concern.

- The site is adjacent to Annapolis Road (450) which is a master planned arterial roadway.

Annapolis Road (MD 450) is not directly adjacent to the subject site. However, as the project involves the addition of a fitness center/leasing office and no additional residential development, the approval is not the subject of a review of noise or its regulation. In any case, one of the two multifamily buildings is located between the subject building and 85th Avenue, the closest noise generator, which will partially provide attenuation of the noise generated by that roadway.

- During the demolition/construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

A condition of this approval has been included to address the above.

- During the demolition/construction phases of this project, no noise should be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.

A condition of this approval addresses the noise issue. However, note that the reference to the authority regarding noise has been corrected to refer to the Code of Maryland Regulations (COMAR), which is state law, instead of Subtitle 19 of the Prince George's County Code.

- This property is located near an area (approximately one-half a mile away) of the county considered a "food desert", where healthy food is difficult to obtain. Within a one-half mile radius of the proposed site, there are ten carry-out/convenience store food facilities, and two markets/grocery stores.

The subject approval, which involves the replacement of an abandoned swimming pool and facilities building with a leasing office/exercise center, does not have the ability to affect the type of food establishments that chose to locate proximate to the subject site.

- Research has found that people who live near an abundance of fast-food restaurants and convenience stores compared to grocery stores and fresh produce vendors, have a significantly higher prevalence of obesity and diabetes. There is increasing body of scientific research suggesting that community gardens enhance nutrition and physical activity and promote the role of public health in improving quality of life.

This information has been passed on to the applicant.

14. Based on the foregoing analysis and as required by Section 27-285(b)(1) of the Zoning Ordinance, the DSP 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.
15. Section 27-285(b)(4) of the Zoning Ordinance requires a DSP to demonstrate that regulated environmental features have been preserved and/or restored to the fullest extent possible. Based on the review by the Environmental Planning Section, as stated in Finding 13(e), this DSP is in full conformance.

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 Type 2 Tree Conservation Plan (TCP2-002-2016) and further APPROVED Detailed Site Plan DSP-15042 for the above-described land, subject to the following conditions:

1. Prior to certificate approval of this detailed site plan (DSP), the applicant shall provide the required information or make the following revisions to the plans:
 - a. The applicant shall indicate that stone is the architectural material to be utilized across the entire watertable of the left side/east façade.
 - b. All lengths of bearings and distances included on the DSP, including the curve in the boundary of Parcel 9, shall be revised to match that shown on the record plat.
 - c. Type 2 Tree Conservation TCP2-002-2016 shall be revised as follows:
 - (1) Revise the approval block to include the TCP2-002-2016.
 - (2) Add a signed property owner certification block on each sheet.
 - (3) Revise General Note 1 to add DSP-15042 in both blank areas.
 - (4) Have the revised plans signed and dated by the qualified professional who prepared it.
 - d. An extension to the proposed sidewalk along the entire edge of the parking lot shall be shown on the plan.
 - e. A curb ramp that meets Americans with Disabilities Act (ADA) guidelines and is accessible at all times shall be provided for the two handicapped parking spaces shown near the northwest corner of the proposed building.
 - f. Two u-shaped bicycle parking racks shall be located near the entrance of the proposed building.
 - g. The applicant shall remove the Section 4.1-4 schedule, Residential Requirements for Multifamily Development, from Sheet 2 of the landscape plan.
 - h. The landscape plan shall be revised to remove the Section 4.3-2 schedule and its attendant note regarding alternative compliance, as the project is exempt from the requirements of Section 4.3 of the 2010 *Prince George's Landscape Manual* and alternative compliance is not required.

- i. The landscape plan shall be revised to include a Section 4.2-1 schedule, Requirements for Landscape Strips Along Streets, demonstrating conformance to the requirements of Section 4.2 of the 2010 *Prince George's County Landscape Manual* where the parking lot is adjoining the right-of-way of 85th Avenue.
- j. The applicant shall add a general note to the plans stating the intention to conform to the requirements of construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control during the demolition/construction phases of the project.
- k. The applicant shall add a general note to the plans stating the intention to conform to the noise requirements of the Code of Maryland Regulations (COMAR) during construction of the project.

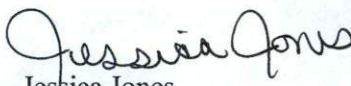
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

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 Bailey, seconded by Commissioner Geraldo, with Commissioners Bailey, Geraldo, Shoaff, and Hewlett voting in favor of the motion, with Commissioner Washington absent at its regular meeting held on Thursday, March 24, 2016, in Upper Marlboro, Maryland.

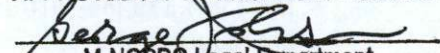
Adopted by the Prince George's County Planning Board this 7th day of April 2016.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:RG:rpg

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC Legal Department

Date 3/29/16