

R E S O L U T I O N

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 October 30, 2008 regarding Detailed Site Plan DSP-94052/02 for Brighton Hills Condominiums, the Planning Board finds:

1. **Request:** The subject application proposes one multifamily building containing a total of 24 two-bedroom condominium units and associated parking.
2. **Development Data Summary**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	R-30C	R-30C
Use(s)	Vacant	24 Multifamily Units
Net tract area	2.00	2.00
Density permitted	24	24
Maximum lot coverage allowed	20%	9.4%

**Parking Data**

	<b>REQUIRED</b>	<b>PROPOSED</b>
Parking Spaces:		
2.5 spaces per 2-bedroom unit	60	61
Total parking spaces	60	61
Handicap spaces (included in the above)	3	3
Loading spaces	0	0

3. **Location:** The site is located in Planning Area 76A, Council District 8. It is located at the east end of Marcy Avenue, approximately 2,800 feet east of its intersection with Livingston Road.
4. **Surrounding Uses:** The property to the north is zoned R-18 and is developed with multifamily apartment units. The property to the south is zoned R-T and is developed with townhouses. To the west of the site is the Oxon Hill Volunteer Fire Company and Rescue Facility, and to the east is undeveloped land zoned R-80. Access to the development is provided via Marcy Avenue, a 60-foot right-of-way.
5. **Previous Approvals:** The property was the subject of Preliminary Plan 4-94019 and Type I Tree

Conservation Plan TCPI/011/94 for the subject site, as stated in Prince George's County Planning Board Resolution No. 94-218. Detailed Site Plan DSP-94052 was approved by the Planning Board on April 6, 1995 for 21 units. A revision was approved on November 14, 1996 by the Planning Board for the purpose of adding three additional units. The site has been cleared in accordance with the approved TCPII under grading permit 10125-97-CGU.

6. **Design Features:** The site is served by a single access point from Marcy Avenue, a 60-foot public right-of-way. Marcy Avenue dead ends at the property. Parking is located in a surface parking compound at the front of the project. A retaining wall separates the parking compound from the building, and two short bridges provide access from the parking area into the building's second level. The topography falls off around the rear of the building where a substantial woodland and stream valley exists.

The condominium building is proposed to be four stories tall and of frame construction. The architectural elevations indicate that a combination of brick and vinyl siding will be utilized on the building façades. Brick is used on the base of the building up to the second floor on all four façades of the building. The front building façade is well articulated utilizing a combination of four-story projecting bays, recessed entrances, private patio areas, cross gables, decorative moldings, brick window sills and window shutters.

#### **COMPLIANCE WITH EVALUATION CRITERIA:**

7. **Zoning Ordinance:** The subject application has been reviewed for compliance and found to be in conformance with the requirements in the R-30C Zone and the site plan design guidelines of the Zoning Ordinance.
8. **Preliminary Plan of Subdivision 4-94019:** The proposed site plans are in conformance with approved Preliminary Plan of Subdivision 4-94019 in terms of layout. Mandatory dedication is being met by the provision of a fee-in-lieu.
9. **Landscape Manual:** The application is subject to Sections 4.1, Residential Requirements; 4.3, Parking Lot Requirements; 4.4, Screening; and 4.7, Buffering Incompatible Uses. The submitted plans adequately address all of the above.

The Planning Board previously approved an application for Alternative Compliance, AC-95023, for relief from Section 4.7, Buffering Incompatible Uses. The western property line is adjacent to the Oxon Hill Volunteer Fire Department. As the plans have not changed since the approval in 1995, staff believes that the alternative compliance should be re-approved. The following was taken from the explanation and justification statement of the Alternative Compliance Committee recommendation:

“Alternative compliance is requested for section 4.7 of the *Landscape Manual* for the western property line of this site. The proposed condominiums abut the Oxon Hill Volunteer Fire Department, a medium impact use, along the western property line. A “B” bufferyard is required along this property line.

“The applicant can not provide the full landscaped yard without either moving the parking lot closer to the building, which would be aesthetically undesirable and would eliminate the possibility of any landscaping in front of the building, or moving the building closer to the eastern property line which would be environmentally undesirable, due to the presence of existing woodlands and steep slopes behind the proposed structure.

“The applicant is proposing a six foot high opaque wooden fence along the entire western property line in addition to providing landscaping in the proposed 10 foot landscape strip. The committee believes that this proposal would be equal or better than normal compliance with the *Landscape Manual* if additional trees were planted in the parking island and in front of the building. This would provide another layer of buffering between the condominiums and the fire station and would lessen the impact of the fire station on the residents of the condominium development.”

The Planning Board agreed that the alternative compliance application should be re-approved for the reasons in the Alternative Compliance Committee’s recommendation.

10. **Woodland Conservation Ordinance:** This site is subject to the provisions of the Woodland Conservation Ordinance because it has previously approved tree conservation plans. A Type I Tree Conservation Plan, TCPI/011/94, was approved by PGCPB Resolution No. 94-218. A Type II Tree Conservation Plan, TCPII/112/94, was approved with DSP-94052 prior to the issuance of a grading permit and the site was subsequently graded. This application proposes no additional clearing of woodland.

The area to be preserved includes priority woodland contiguous with woodland that buffers the main stream in Oxon Run. The currently approved TCPII meets the requirements of the Woodland Conservation Ordinance.

11. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

**Community Planning:** In a memorandum dated October 17, 2007, the Community Planning section offered the following:

This application is not inconsistent with the 2002 General Plan Development Pattern policies for Developed Tier centers. This application is in general conformance with the urban land use recommendation of the 2000 *Approved Master Plan and Sectional Map Amendment for the Heights and Vicinity (Planning Area 76A)*

**Transportation:** In a memorandum dated May 6, 2008, Masog to Lareuse, the Transportation Planning Section offered the following:

The Transportation Planning Section has reviewed the application referenced above. The subject property consists of approximately 1.98 acres of land in the R-30C Zone. The property is located

on the north side of Marcy Avenue, approximately 2,950 feet east-northeast of the intersection of MD 210 and Livingston Road inside of the Capital Beltway. The applicant proposes a 24-unit residential condominium building. These findings supersede those made on September 26, 2007, and address additional information supplied by the applicant.

Prior applications 4-94052, DSP-94052, and DSP-94052/01 are relevant to the review of this case. There are no transportation-related conditions on any of the prior applications. However, Preliminary Plan of Subdivision 4-94019 was reviewed for one parcel with 21 condominium units. This level of development led to Finding 9 of the resolution approving the subdivision case. The preliminary plan approval did not include a condition establishing a development or trip cap. DSP-94052 proposed 21 condominium units. It was reviewed by the Transportation Planning Section and no issue was raised. Subsequently, DSP-94052/01 increased the proposal to 24 condominium units. Both site plans were approved by the Planning Board.

On February 11, 2008, the applicant submitted new traffic counts taken at the critical intersection of MD 210 and Livingston Road/Seneca Drive Spur. These counts were analyzed, and it was determined that the critical intersection operates at Level-of-Service (LOS) C, with a critical lane volume (CLV) of 1,209 during the AM peak hour. During the PM peak hour, the critical intersection operates at LOS A with CLV of 819. With the addition of growth plus approved development, plus the site with 24 units, the critical intersection operates at LOS D with a CLV of 1,306 during the AM peak hour, and LOS A with a CLV of 880 during the PM peak hour. Additionally, the applicant indicates that the development proposed in 1994 was not determined based on available capacity, but was merely the proposal at that time. Finally, it is noted that since 1994, the LOS standard has been relaxed from LOS D to LOS E by virtue of this site being within the Developed Tier, as defined by the 2002 Prince George's County General Plan. The current traffic analysis makes evident that the subject site with 24 units would be accommodated from the current LOS standards, and nothing in any record indicates that any proposal for this site was ever limited by the capacity of the transportation network.

The subject property was the subject of a 1994 traffic analysis conducted by the Transportation Planning staff, and was given subdivision approval pursuant to a finding of adequate transportation facilities made in 1994 for Preliminary Plan of Subdivision 4-94019. This finding was based upon 21 condominium units within the parcel created by the subdivision, and no condition was included to cap development or trip generation. A current traffic analysis makes evident that the subject site with 24 units would be accommodated today given the current LOS standards, and nothing in any record indicates that any proposal for this site was ever limited by the capacity of the transportation network.

The site is not within or adjacent to any master plan transportation facilities. Access and circulation is acceptable, and it is consistent with the preliminary plan.

In a memorandum dated January 18, 2008, Shaffer to Lareuse, the Transportation Planning Section offered the following additional information regarding trail issues:

There are no master plan trails issues identified in the adopted and approved Heights master plan that impact the subject site. An existing path running from Marcy Avenue to the multifamily units to the north is reflected on the submitted plan just off the subject site. Staff supports the provision of a standard sidewalk along the site's frontage of Marcy Avenue as well as the internal sidewalk leading to the proposed building. Glassmanor Elementary School is to the west of the subject site on the south side of Marcy Avenue. Glassmanor Community Center is to the south of the subject site along Marcy Avenue.

Recommendation: Construct a standard sidewalk along the subject site's entire frontage of Marcy Avenue, unless modified by DPW&T.

The Planning Board agreed with the Transportation Planning Section and adopted the recommended condition above.

**Permits:** In a memorandum dated October 3, 2007, Chaney to Lareuse, the Permit Review Section offered numerous comments that have either been addressed by revisions to the plans or in the recommended conditions below.

**Environmental Planning:** The Environmental Planning Section has reviewed the Detailed Site Plan for Brighton Hills, DSP-94052/02, and revised Type II Tree Conservation Plan, TCPII/112/94-01, stamped as received by the Environmental Planning Section on September 13, 2007. The current approved Type II tree conservation plan is in conformance with the detailed site plan submitted with this application. The Environmental Planning Section recommends approval of DSP-94052/02 and TCPII/112/94-01.

The Environmental Planning Section has previously reviewed applications 4-94019, TCPI/011/94, DSP-94052, TCPII/112/94, and DSP-94052/01. The site has been cleared in accordance with the approved TCPII under grading permit 10125-97-CGU. The proposal is for a 24-unit multifamily residential building in the R-30C Zone.

The 2.04-acre property in the R-30C Zone is on the north side of Marcy Avenue where the street dead ends. There are no streams, wetlands or 100-year floodplain on the property. The property drains into Oxon Run in the Potomac River Basin. The site has been cleared under an approved grading permit in conformance with an approved TCPII. No designated scenic or historic roads are affected by this proposal. There are no nearby sources of traffic-generated noise. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. The *Prince George's County Soil Survey* indicates that the principal soils on the site are in the Beltsville soils series. Marlboro Clay does not occur in this area. The site is in the Developing Tier according to the adopted General Plan.

Conformance with the Heights approved Master Plan: There are no specific environmental recommendations or design standards that require review for conformance. The environmental requirements for woodland conservation and stormwater management are addressed in the Environmental Review Section below.

**Countywide Green Infrastructure Plan:** The entire site is encumbered with regulated areas and network gaps within the *Approved Countywide Green Infrastructure Plan*. The approved Type II tree conservation plan shows preservation of the woodland in this area, which is contiguous with woodland adjacent to Oxon Run on the east side of the site. According to 2005 color aerial photos from pгатlas.com, the site has been partially cleared and the proposed woodland conservation area is preserved in accordance with the TCPII. The site has been found to address the Countywide Green Infrastructure Plan.

**Environmental Review:** The soils information included in the review package indicates that the principal soils on the site are in Beltsville soils series. This information is provided for the applicant's benefit. No further action is needed as it relates to this detailed site plan review. A soils report may be required by the Prince George's County Department of Environmental Resources or the Department of Public Works and Transportation during the permit review process.

**Fire/EMS Department:** The Fire/EMS Department has responded to the referral request stating that all drive aisles must be 22 feet wide, which is shown in the plans.

**Town of Forest Heights:** A referral request was sent to the Town of Forest Heights, which is within one mile of the subject site. At the time of the writing of this report, no comment had been received.

**Urban Design Section:** The Urban Design Section had a number of concerns relating to the exterior finish materials of the structure and the design of retaining walls on-site. First, the building is entirely clad in brick at the base and in most areas up to the second floor. The building is sited lower than the parking lot by eight to twelve feet. This difference in grade conceals the lower portion of the building from view, so the building appears to have less brick on its façade than it really does. In order to enhance the building with the appearance of additional brick, it is suggested that the three main front reverse gables that extend from grade to the roof-line should be entirely brick. This will provide additional brick features at the entrance into the structure, and will increase the visibility of brick on the structure without causing undo hardship to the applicant in regard to cost. The Planning Board shared the staff's concerns and asked the applicant about alternative exterior finish materials for the structure. The applicant asked the Planning Board for a continuance of the hearing to prepare a materials board to demonstrate the quality of the proposed exterior siding. On October 30, 2008, at the Planning Board hearing, the applicant provided a materials board that demonstrated that the proposed siding, the proposed brick, shutter and shingles were high quality. The Planning Board was satisfied with the additional conditions proffered by the applicant in regard to the exterior finish materials.

The revised exhibits presented by the applicant at the October 30, 2008 Planning Board hearing, provided a view of the lower level, where the building is sited 8–12 feet below the grade of the surface parking compound. The exhibit showed a two-tiered retaining wall structure that is planted with flowing shrubs and with decorative paving at the lowest level. The Planning Board

agreed with the applicant's proffered conditions and the re-design of the area outside of the lower level.

Conditions have been included in the recommendation section of this report to address the two issues above.

12. As required by Section 27-285(b) of the Zoning Ordinance, the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9 of the Prince George's County Code without requiring unreasonable cost, and without detracting substantially from the utility of the proposed development for its intended use.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan (TCPII/12/94-01) and APPROVED Alternative Compliance No. AC-95023, and further APPROVED Detailed Site Plan DSP-94052/02 for the above-described land, subject to the following conditions:

1. Prior to certificate approval, the following modifications or revisions shall be made to the detailed site plan, or the following information shall be provided:
  - a. An entrance feature shall be shown and dimensioned on the plans and shall demonstrate conformance to Section 27-624.
  - b. A north arrow shall be added to the site plan.
  - c. The details and specifications of the retaining walls and safety barriers shall be provided on the plans, and reviewed and approved by the Urban Design Section as designee of the Planning Board.
  - d. Provide top-of-wall and bottom-of-wall elevations for all retaining walls on-site at regular intervals.
  - e. The exterior finish of the front of the architectural elevations shall be revised to provide brick on the six main reverse gables from grade to roof-line.
  - f. The site and landscape plan shall be revised to indicate a tiered retaining wall system with two tiers as shown on the revised exhibit of the lower level of the site in front of the building and below the parking compound. Additional shade tolerant planting and low voltage lighting shall be provided along the length of the retaining wall. Individual patios, as shown on the revised view of the lower wall will be provided for each of the three units with access to the lower level.
  - g. The front and rear elevations will be revised to provide cedar shake siding in the peaks similar to that shown on the materials board. In addition the beaded siding shall be a

gauge of .044 and similar to that shown on the materials board.

- h. In order to provide the proper amount of illumination, three building mounted lights will be provided on both side elevations on the second floor elevation. In addition, building mounted lighting will be provided under each pedestrian bridge.
2. Construct a standard sidewalk along the subject site's entire frontage of Marcy Avenue, unless modified by DPW&T.

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 Clark, seconded by Commissioner Cavitt, with Commissioners Clark, Cavitt, Squire and Parker voting in favor of the motion, and with Commissioner Vaughns absent at its regular meeting held on Thursday, October 30, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 13<sup>th</sup> day of November 2008.

Oscar S. Rodriguez  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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