

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 September 11, 2003 regarding Detailed Site Plan DSP-02037 for Marlton at Eagle Crest, the Planning Board finds:

1. **Request:** The subject application is for approval of a detailed site plan for a 172-unit apartment development for the elderly in the R-18 (Multifamily Medium-Density Residential) Zone.

The initial request included two variance applications, one variance from the required maximum lot coverage and the other variance from the minimum percentage of green area, and a departure from parking and loading standards (DPLS) application to reduce the number of required parking spaces. During the review process, the applicant found an error in the calculation of the required parking spaces. According to Section 27-568, multifamily housing for the elderly requires only 0.66 parking space per dwelling unit; the applicant reduced the originally proposed number of parking spaces and therefore withdrew the DPLS application and the variance request from the minimum percentage of green area for the subject site.

2. **Development Data Summary**

	EXISTING	PROPOSED
Zone(s)	R-18	R-18
Use(s)	Vacant	Multifamily residential (Age and income restricted)
Acreage	8.95	8.95
Number of dwelling units	N/A	172
Of which 1 BR		86
Of which 2 BR		86

OTHER DEVELOPMENT DATA

	REQUIRED	PROPOSED
Total Parking Spaces	115 (0.66/Unit)*	178
Of which Standard (9.5' x 19.0')	N/A	116
Compact (8.0' x 16.5')	N/A	52
Handicapped Spaces	6	10

Note: * Parking has been provided by using the rate for multifamily housing for the elderly or physically handicapped per Section 27-568(a).

3. **Location:** The site is in Planning Area 82A, Council District 9. More specifically, it is located in the southeast quadrant of the intersection of Grandhaven Avenue and Heathermore Boulevard.
4. **Surroundings and Use:** The subject property is bounded to the north and west by the public rights-of-way of Heathermore Boulevard and Grandhaven Avenue. To the north, across Heathermore Boulevard, are two pieces of residentially zoned but vacant property. To the west, across Grandhaven Avenue, is Parcel A of the Woods at Marlton Subdivision that has been developed with apartments in the R-18 Zone. To the south of the site is an R-T-zoned residential property developed with townhouses. To the east is a 250-foot-wide Potomac Electric Company right-of-way.
5. **Previous Approvals:** The site is known as Parcel B, Plat Two of the Woods at Marlton Subdivision and is recorded among the land records of Prince George's County in Liber 9989 at Folio 302. The site is located in that part of the Marlton Official Plan that was approved in 1968. The official plan for that part of Marlton consists of the official plan map, the detailed plan of development, and the text entitled, "A Report on the Marlton Plan," (August 1, 1968). The site is also part of the Marlton R-P-C with an R-18 zoning subcategory.

The preliminary plan for the Woods at Marlton, which includes both Parcels A and B, 4-86036, was approved by the Planning Board on July 24, 1986 (Resolution PGCPB No. 86-294). The property was recorded as NLP 147@84 on June 30, 1989. The detailed site plan for Parcels A and B, DSP-87086, was first approved by the Planning Board on November 6, 1987 (PGCPB Resolution 87-444) for no more than 382 units. A re-approval of SP-87086 was granted by the Planning Board on July 29, 1993 (resulting in another resolution, PGCPB No. 93-167), which allowed 462 units, of which Parcel B was approved for 172 units. On September 28, 1987, a Special Exception, SE-3763, was approved for changing the bedroom percentage in the R-18 Zone from 30 percent one bedrooms, 40 percent two bedrooms, and 10 percent three or more bedrooms, to 25 percent, 67 percent and 8 percent, respectively. Since this application does not change the bedroom percentage, Special Exception SE-3763 is no longer relevant. The site also has a valid Stormwater Management Concept Approval #21707-2001-00.

6. **Design Features:** The application proposes construction of 172 apartment units in one four-story, H-shaped building complex surrounded on four sides by surface parking lots. Two access points from Heathermore Boulevard are proposed to serve the site. The building and surrounding parking lots are located close to Heathermore Boulevard to the north. A bio-retention area and a woodland conservation area are located at the south end of the site.

The proposed four-story building complex has the main elevation (north elevation) facing Heathermore Boulevard. The main elevation has a clear, three-part composition of base, middle and top and consists of three sections, the lower main entrance flanked symmetrically by two identical higher wings. The main entrance area is defined by the pedimented entry portico with Doric columns and a center-located cupola on the top of the gable roof. Three pedimented dormer

roof windows above the portico and pedimented entrance door with Doric columns further strengthen the image of the entrance. The two identical wings have a rich roofline due to a mixture of hip and gable roof patterns and setbacks of the façade portions. Two cupolas with a similar style to the one on top of the entrance roof mark the two ends of the main elevation. A pediment is used repeatedly in the two wings to form various vertical pavilions and on top of roof dormer windows. Sash windows are crowned with either a cast stone arch or flat EIFS head. Other sides of the building have a similar treatment to the main elevations. The exterior of the building is finished with a combination of EIFS and brick veneer.

The apartment building design is acceptable, but the bulk, massing and volume of the building are substantially bigger than those of the adjacent buildings. The building design stresses the vertical division of the elevations in order to downplay the large building scale.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the R-18 Zone, Sections 27-419, 27-436, 27-441(b), 27-442 and Site Design Guidelines, Section 27-274 (a) (11) of the Zoning Ordinance.
 - a. The subject application is in conformance with the requirements of Section 27- 441(b), which governs permitted uses in residential zones. The proposed multifamily apartment is a permitted use in the R-T Zone.
 - b. The proposed bedroom percentages are in accordance with the requirements of Section 27-419, bedroom percentages. The application does not have any three-bedroom units and only has one-bedroom and two-bedroom units. The unused percentages for three-bedroom units has been added to the maximum allowed percentages for two-bedroom units. The proposed bedroom percentages in this application are 50 percent for two-bedroom and 50 percent for one-bedroom units.
 - c. The detailed site plan is in general compliance with the requirements of Section 27-442, Regulations, for development in the R-18 Zone, with the exception of lot coverage for which the applicant has filed a variance application. Section 27-442(c) requires that maximum lot coverage shall not be more than 30 percent. The proposed site plan shows lot coverage of 33.35 percent. A variance of 3.35 percent from the required lot coverage is requested.
 - d. Per Section 27-230 of the Zoning Ordinance, a variance may only be granted when the Planning Board finds that:
 - (1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;

Comment: The subject site is a trapezoid-shaped property. The site has an extremely

uneven topography. The average slope ranges from 8 percent to approximately 12 percent, with some small areas as steep as 33 percent. The topographic condition significantly reduces the buildable area of this site. The exceptional on-site topographic conditions coupled with a large building footprint result in extraordinary conditions for this application.

- (2) The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and

Comment: The strict application of the maximum lot coverage requirement would make the construction of this age-restricted affordable apartment complex very difficult to accomplish. According to the applicant, 60 percent of the units will be income-restricted units designated specially for those senior citizens with a fixed income. In order to make the project economically feasible, the applicant has to develop the maximum allowed number of units for the site, which is 172 units in this case.

The strict application of this requirement would also force the applicant to decrease the first floor building footprint that will result in a severe reduction of the amenities and common areas provided and compromise the quality of the development.

- (3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.

Comment: The variance will not substantially impair the intent, purpose or integrity of the General Plan or master plan as confirmed by the Community Planning Division's memorandum (Irminger to Zhang, January 31, 2003). The 1994 *Subregion VI Study Area Sectional Map Amendment* retained the subject site in R-18 (R-P-C) Zone. The R-18 Zone is typically developed as garden apartments. The proposed use will implement the intent and purposes of the area master plan. The 172-unit apartment project will fill a growing need for affordable senior housing in the county to serve a currently underserved demographic group with limited income. Keeping these active elderly citizens close to their families and friends in the county will strengthen neighborhoods and communities.

The proposed apartment project has unique topographic conditions and design circumstances that justify approval of the aforementioned variance, which will allow a very small increase in lot coverage over the normal maximum. Due to the property being located in the R-18 Zone with extremely uneven topography, and the applicant's desire to provide more amenities and common areas to serve the residents to achieve a high quality development, granting the relief requested would not substantially impair the intent, purpose or integrity of the General Plan or master plan, while denying the variance request would result in a practical difficulty and undue hardship upon the owner of the property. The staff therefore recommends approval of the variance of 3.35 percent from the required maximum allowed lot coverage as discussed above.

8. **Preliminary Plan 4-86036 and Final Plat NLP 147@84:** Preliminary Plan 4-86036 was approved by the Planning Board on July 24, 1986, subject to eight conditions. The property was recorded as NLP 147 @84 on June 30, 1989. As the Subdivision Section staff noted in his memorandum, preliminary plan conditions were satisfied at the final plat stage. Final plat Note 3 requires:

Development of Parcel "B" must conform to the Site Development Plan which was approved by the Prince George's County Planning Board on 11/6/87; SP-87-86, or as amended by any subsequent revisions thereto.

Comment: The detailed site plan for Parcels A and B, DSP-87086, was first approved by the Planning Board on November 6, 1987 (PGCPB Resolution 87-444) for no more than 382 units. Only Condition 7 is still applicable to this application, which requires a six-foot concrete hiker/biker trail along Fairhaven Avenue, Grandhaven Avenue and Heathermore Boulevard in the public rights-of-way according to the standards of the Department of Public Works and Transportation. This condition has also been recommended by the trails planner and has been incorporated in the Recommendation section of this report as a condition of approval.

A re-approval of SP-87096 was granted by the Planning Board on July 29, 1993 (resulting in another Resolution, PGCPB No. 93-167), which allowed 462 units, of which 172 units were approved on Parcel B. Condition 1 of this approval reads as follows:

Prior to the issuance of any building permit, the applicant, his heirs, successors and/or assigns, shall pay to Prince George's County the following pro-rata share of costs for the construction of the Heathermore Boulevard Extension:

- a. **\$705.00 per dwelling unit X Engineering News-Record Highway Construction Cost Index (at time of payment)/Engineering News-Record Highway Construction Cost Index (2nd quarter 1993).**
- b. **The total fee shall not exceed the amount calculated as \$56,400.00 X Engineering News-Record Highway Construction Cost Index (at time of payment)/Engineering News-Record Highway Construction Cost Index (2nd quarter 1993).**

The Planning Board in its consideration of DSP-02037 for Eagle Crest at Marlton determined that the condition above is still applicable to the extent that the subject site remains responsible for an appropriate share of the costs for the construction of the Heathermore Boulevard Extension.

However, the Planning Board also determined that the formula for the pro-rata share established in Condition 1 of PGCPB No. 93-167 should be adjusted in light of the fact that the subject proposal is for 172 senior housing units, which generate approximately 22 percent of trips normally generated by market-rate apartments. Therefore the cost for each dwelling unit (\$705.00) and the total fee amount (\$56,400.00) as contained in Condition 1 of PGCPB No. 93-167 would be multiplied by 22 percent respectively in order to establish an appropriate pro-rata share

for Eagle Crest at Marlton, without changing any other factors in the two equations. The revised formula should be employed as follows:

- $\$705.00 \times 0.22$ (\$155.10) per dwelling unit X Engineering News-Record Highway Construction Cost Index (at time of payment)/Engineering News-Record Highway Construction Cost Index (2nd quarter 1993).
- The total fee shall not exceed the amount calculated as $\$56,400.00 \times 0.22$ (\$12,408.00) X Engineering News-Record Highway Construction Cost Index (at time of payment)/Engineering News-Record Highway Construction Cost Index (2nd quarter 1993).

9. ***Landscape Manual:*** The proposed development is subject to the requirements of Section 4.1 Residential Requirements; Section 4.3 Parking Lot Requirements and Section 4.7 Buffering Incompatible Uses of the Landscape Manual.

- a. Section 4.1(g) requires a minimum of one major shade tree per 1,600 square feet or fraction of green area provided. The site plan shows a green area of 92,437 square feet. Fifty-eight shade trees are required. The landscape plan provides 36 shade trees, 14 evergreen trees and 14 ornamental trees and is in compliance with Section 4.1, Residential Requirements.
- b. The site is designed to have the proposed building surrounded by the surface-parking compound. This site layout results in parking spaces fronting on the public rights-of-way of both Heathermore Boulevard and Grandhaven Avenue. Section 4.3(a), Landscape Strip Requirements, requires a landscape strip to be provided with a minimum of one shade tree and 10 shrubs per 35 linear feet of frontage, excluding driveway openings. The landscape plan provides a 10-foot-wide landscape strip with the required number of plant units and is in conformance with Section 4.3(a).

The Landscape Plan applies incorrectly Section 4.3(b), Perimeter Landscape Requirements, to the eastern boundary of the site where it is adjacent to a PEPCO property. Since the PEPCO property is not compatible with the proposed multifamily residential use, Section 4.7 will be applied on this portion of the property boundary. A condition of approval has been proposed in the Recommendation section of this report to correct this error.

Section 4.3 (c), Interior Planting, requires eight percent of the total area of the parking lot to be the interior planting area if the parking area is between 50,000 and 149,999 square feet. The site plan shows a parking area of 69,186 square feet, which falls into the above-noted range. The landscape plan provides eight percent of lot area as interior planting area and thus complies with the *Landscape Manual*.

- c. The site is adjacent to a PEPCO property to its east, which is defined as a medium impact use per the *Landscape Manual*. Section 4.7 requires a Type B bufferyard between the site and the adjacent public utility use, which is a 20-foot-wide landscaped strip to be planted

with 80 plant units per 100 linear feet of property line. The landscape plan complies with the *Landscape Manual*.

The site is also adjacent to an R-T-zoned townhouse development to its south. Section 4.7 requires a Type A bufferyard between the site and the adjacent townhouse, which is a 10-foot-wide landscape strip to be planted with 40 plant units per 100 linear feet of property line. The landscape plan complies with the *Landscape Manual* by a combination of the existing woodland and the proposed plant units

10. **Woodland Conservation Ordinance:** The property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in area, contains more than 10,000 square feet of woodland, and has a previously approved Tree Conservation Plan.
 - a. No revised Forest Stand Delineation was submitted with the revised application. A condition of approval has been proposed in the Recommendation section of this report.
 - b. The revised Type II Tree Conservation Plan, TCPII/113/02, submitted with this application has been reviewed by the Environmental Planning Section. The Environmental Planner in her memorandum (Finch to Zhang) indicates that the revised TCPII is in general conformance with the requirements of the Woodland Conservation Ordinance subject to several conditions.
11. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
 - a. In a memorandum dated August 26, 2003, the Community Planning Division found that the proposal is consistent with the 2002 General Plan and raises no master plan issues..
 - b. In a memorandum dated July 15, 2003, the Office of Engineering, Department of Public Works and Transportation (DPW&T), of Prince George's County provided standard conditions on issues such as frontage improvement, sidewalks, street trees and lighting, storm drainage systems and facilities, as well as soils investigation in order to be in accordance with both the requirements of DPW&T and the Department of Environmental Resources (DER).
 - c. The Transportation Planning Section in a memorandum dated September 18, 2002, offered no comment on the subject detailed site plan.

In a separate memorandum on detailed site plan review for master plan trail compliance dated October 30, 2002, the staff indicated that the Adopted and Approved Subregion VI Master Plan and the approved resolution for DSP-87086 require several master plan trails and sidewalk facilities along the perimeter of the subject property. The trails planner recommends two trail-related conditions that have been incorporated into the Recommendation section of this report.

- d. In a memorandum dated November 18, 2002, the Subdivision Section staff noted that Final Plat Note 3 is applicable to this detailed site plan review. See Finding 8 for further discussion. The Subdivision staff concludes that the proposal raises no significant subdivision issues.
- e. The Environmental Planning Section generated three memoranda for this application. In two memoranda dated January 16 and April 16, 2003, respectively, the Environmental Planning Section required revised plans and additional information before a complete review of the proposal could be conducted.

In the third memorandum dated August 26, 2003, the environmental planner concluded, after review of the revised plans, that the application is in general conformance with the Woodland Conservation Ordinance. The Environmental Planning Section recommends approval of DSP-02037 subject to conditions that have been incorporated in the Recommendation section of this report.

- f. The Permit Review Section provided several questions concerning compliance with the requirements of both the Zoning Ordinance and the *Landscape Manual* in a memorandum dated October 14, 2002. Since the applicant revised the proposal later on, comments on variance from the minimum percentage of green area are no longer relevant. The questions have either been answered during the review process or will be addressed by the conditions of approval in the Recommendation section of this report.
 - g. The State Highway Administration (SHA), in a memorandum dated September 24, 2002, had no objection to the approval of this application.
 - h. The subject application was referred to the Special Hazards Section, Bureau of Fire Prevention, Prince George's County Fire Department. In a memorandum dated July 15, 2003, the staff identified regulations, Subtitle 11-276, Required Access for Fire Apparatus, Subtitle 11-277, Fire Lanes, and Subtitle 4-186, Section 1015.2, Location and Performance of Fire Hydrant, that are applicable to the project concerning the fire prevention on the site.
12. 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/113/02), and APPROVED Variance Application No. VD-02037 and further APPROVED Detailed Site Plan DSP-02037 for the above-described land, subject to the following

conditions:

1. Prior to certificate approval of this detailed site plan and TCPII, the applicant shall make the following revisions:
 - a. Revise FSD to identify all severe slopes and all steep slopes on erodible soils.
 - b. Identify the location of the proposed off-site woodland mitigation.
 - c. Delete any reference to Section 4.3 (b), Perimeter Landscape Requirements.
 - d. Increase the width of the emergency lane to 20 feet. The lane shall also be painted and with a “no parking at any time” sign(s) per the requirements of the Fire Department.
2. The applicant and the applicant’s heirs, successors and/or assignees shall provide the following:
 - a. Construct six-foot-wide, concrete hiker/biker trails along the subject property’s entire frontages of Grandhaven Avenue and Heathermore Boulevard, in conformance with Condition 7 of approved SP-87086.
 - b. Construct eight-foot-wide, asphalt hiker/biker trails across the southern edge of the property, as shown on the Subregion VI master plan. This trail can be located in the woodland reforestation area just south of the proposed parking lot. This trail shall be within a public use easement on HOA land. If site topography allows, the eastern end of this trail shall connect to the southeast corner of the parking lot.
3. Prior to the issuance of any building permits:
 - a. The applicant shall satisfy the Prince George’s County Fire Department in regard to compliance with the applicable fire prevention regulations and treatment of the emergency vehicle lane. The detailed site plan shall also be revised to reflect any change that may be required by the Fire Department’s approval.
 - c. An off-site woodland conservation easement shall be recorded and submitted to the Environmental Planning Section for review.
4. The owner of Parcel B shall construct the extension of Heathermore Boulevard (or any portion required by the Department of Public works and Transportation) from Grandhaven Avenue to the middle of PEPCO right-of way when:
 - a. Any grading or building permits are approved for developments of parcels abutting the proposed north side of Heathermore Boulevard, east of Grandhaven Avenue, or
 - b. Construction of Heathermore Boulevard beyond the PEPCO right-of-way or across the Conrail

right-of-way is undertaken.

5. Prior to the issuance of any building permit, the applicant, his heirs, successors and/or assignees, shall pay to Prince George's County the following pro-rata share of costs for the construction of the Heathermore Boulevard Extension:
 - a. $\$155.10 \text{ per dwelling unit} \times \frac{\text{Engineering News-Record Highway Construction Cost Index (at time of payment)}}{\text{Engineering News-Record Highway Construction Cost Index (2nd quarter 1993)}}$
 - b. The total fee shall not exceed the amount calculated as $\$12,408.00 \times \frac{\text{Engineering News-Record Highway Construction Cost Index (at time of payment)}}{\text{Engineering News-Record Highway Construction Cost Index (2nd quarter 1993)}}$.

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.

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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 Lowe, seconded by Commissioner Harley, with Commissioners Lowe, Harley, Eley, and Hewlett voting in favor of the motion, and with Commissioner Vaughns absent at its regular meeting held on Thursday, September 11, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 9th day of October 2003.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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