



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 15-113

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File No. DSP-05114-02

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 October 15, 2015, regarding Detailed Site Plan DSP-05114-02 for Avondale Overlook, Metropolitan at Hyattsville, the Planning Board finds:

1. **Request:** The subject application is for approval of a detailed site plan (DSP) to add 71 fee-simple single-family attached units to an existing multifamily development.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	R-10	R-10
Use(s)	Multifamily Residential	Multifamily and Single-Family Attached
Acreage	10.33	10.23*
Lots	71	71
Parcels	5	5
Number of Townhouse Units	0	71
Number of Multifamily Dwellings	244	0

OTHER DEVELOPMENT DATA

PARKING	REQUIRED	APPROVED
Total Spaces	421**	463
71 Townhouse (2.04 spaces per unit)	145	142
On-Street Parking for Townhouses	-	42
Of which Parking Spaces for the physically-handicapped	2 spaces†	2 spaces
Existing Multifamily Parking Spaces	274	279 (via restriping)

Notes: *Total acreage after frontage dedication.

**Section 27-445.10(b)(5) of the Zoning Ordinance allows up to a 30 percent reduction in the regular parking requirements in accordance with Section 27-568. The required parking space number shown above is calculated without any reduction.

The applicant provides approximately 110 percent of the required number of parking spaces to help with the existing parking shortage in the area and is not utilizing the reduction allowed.

†Section 27-566 of the Zoning Ordinance requires two spaces to be designated for the physically-handicapped if the number of public on-street parking spaces is 26–50. The application proposes 42 on-street parking spaces within the confines of the subject property. Thus, a minimum of two parking spaces for the physically-handicapped is required. A condition has been included in this resolution to require the applicant to mark a minimum of two parking spaces for the physically-handicapped, prior to certification of the DSP.

Architectural Data	Base Finished Area (sq. ft.)
16-foot townhouse (1-car garage)	1,280
20-foot townhouse (1-car garage)	1,680

3. **Location:** The subject property is located on the north side of Queens Chapel Road (MD 500), approximately 175 feet east of its intersection with Russell Avenue, and approximately 1,450 feet east of the boundary line of the District of Columbia, in Planning Area 68 and Council District 2.
4. **Surrounding Uses:** The subject site is part of a larger property (10.33 acres) known as Avondale Overlook at Queens Chapel Road that is currently developed with a 247-unit multifamily building. The subject site of 6.38 acres remains undeveloped. The site is bounded to the south by the right-of-way of Queens Chapel Road (MD 500) and across Queens Chapel Road further south are existing single-family houses in the One-Family Detached Residential (R-55) Zone; to the west by existing single-family houses in the R-55 Zone; to the east by the other developed lot of Avondale Overlook at Queens Chapel Road; and to the south by a public park in the R-55 Zone.
5. **Previous Approvals:** The subject site was originally zoned Multifamily High Density Residential (R-10) and has been retained in the R-10 Zone ever since. The eastern part of the site was developed as a multifamily apartment project. The portion of the larger site known as Beech Tree Apartments (approximately 3.85 acres) was the subject of Special Exception SE-1353, which was approved by the Prince George's County District Council on June 17, 1966 for the purpose of operating a beauty shop. The portion of the site where the proposed development is located has never been developed. The subject property was designated as one of the County's revitalization tax credit districts in 2005 via County Council Bill CB-43-2005. On September 23, 2004, the Prince George's County Planning Board approved Preliminary Plan of Subdivision 4-04071 to subdivide the larger site into two lots. The Planning Board approved Detailed Site Plan DSP-05114 (via PGCPB Resolution No. 09-81) for this site for the addition of 244 multifamily dwelling units to the existing multifamily development, with associated parking and site improvements, on May 21, 2009. On July 20, 2009, the District Council elected to review the case. On November 16, 2009, the District Council voted to remand the case to the Planning Board in accordance with Section 27-290 of the Zoning Ordinance to consider additional issues, such as the architectural design of the western elevation and noise issues related to the operation of the

proposed parking garage. The Planning Board reapproved DSP-05114 (via PGCPB Resolution No. 09-81(A)) with two conditions on June 17, 2010. The District Council affirmed the Planning Board's decisions on October 26, 2010, with four conditions. On September 10, 2015, the Planning Board approved Preliminary Plan of Subdivision 4-14039 (via PGCPB Resolution No. 15-92) with 18 conditions to subdivide the portion of the undeveloped site (6.38 acres) into 71 lots and five parcels. Based on this new preliminary plan, the applicant filed the subject DSP. The site also has an updated Stormwater Management Concept Approval, 8618-2014-00, that reflects the new subdivision and is valid through April 27, 2018.

6. **Design Features:** The property consists of two parcels. The parcels are more particularly described as Lots 1A and 2A depicted on a plat of subdivision entitled "Avondale Overlook at Queens Chapel," which plat is recorded among the Land Records of Prince George's County at Plat Book 234, Plat No. 49. The subject site is a trapezoid shape with a short side fronting Queens Chapel Road (MD 500), which provides access to the site. The access point off of MD 500 is also shared with Lot 2A, which is an existing site with 247 multifamily apartment units. There is another access point off of MD 500 to Lot 2A. The two access points are connected via a parking lot parallel to MD 500. Additional pedestrian connections has also been provided between the existing multifamily site and the proposed townhouse site.

Road 'A,' which is a private roadway, divides the site between the existing multifamily section and the proposed townhouse section. Fourteen building sticks of townhouses are proposed with this DSP. Two building sticks are oriented toward MD 500 and four building sticks are oriented toward Road 'A.' Three pairs of building sticks form a common mews between each pair. The mews are planned to perform the dual functions of access to the units and stormwater management. When viewed from the existing single-family detached neighborhood to the west, there are eight side elevations of the townhouse building sticks that are finished with 100 percent brick, along with architectural features such as windows and lower brick walls.

Two townhouse models (16 feet and 20 feet) are proposed with this DSP. The base finished gross floor area of the models is 1,920 and 2,520 square feet, respectively. The townhouse models are designed in a traditional townhouse style with pitched roof and strategically located cross-gable. The front and side elevations are finished with 100 percent brick. Only the rear elevation of the models are finished with standard siding. The rear elevations of the townhouse sticks also have uniformly designed balconies at the second floor. The balcony is finished with white vinyl. However, the images submitted electronically do not match the paper prints in terms of finish materials on the front and end elevations. Two site plan notes that have been required to be placed on the plan require 100 percent brick finish for both the front and highly visible end elevations.

The applicant will not seek any green building certification. However, green building techniques will be utilized in this development. Specific green building techniques include insulated R-10 slabs, Low-E windows, air seal, R-15 insulated walls, R-49 insulated attics, tankless water heaters, passive attic ventilation system, GREEN (a brand name of American Woodmark Corporation which is committed to conducting business in a manner that both protects the environment and safeguards public health and safety) manufactured cabinets, post-consumer

recycled carpet padding materials, panelized framing to minimize waster generation, 92 percent more efficient furnace, and SEER (Seasonal Energy Efficiency Ratio)14 HVAC (heating, ventilation, and air conditioning) system, along with Energy Star appliances.

The exterior lighting fixture used in this DSP is energy-efficient and fully cut-off luminaire. A site plan note should be provided on the plan to that effect. A photometric study has been submitted with this DSP to demonstrate adequate lighting for the project and, at the same time, foot-candle reading along the property boundary lines, especially along the western boundary adjacent to the existing single-family subdivision, is at 0.01. No lighting spill over will be on the adjacent neighborhoods.

No signage of any kind has been included in this DSP.

7. **Recreational Facilities:** The most recently approved Preliminary Plan 4-13039 for this project recommends on-site private recreational facilities in lieu of mandatory dedication of parkland. The recreational needs of the future residents of this community will also be served by the adjacent park, Avondale Neighborhood Park, which is owned by The Maryland-National Park and Planning Commission.

As discussed at the time of PPS 4-13039, this DSP includes a tot-lot that is located at the end of Road 'A' and three community mews with arbors and sitting areas for passive recreation. However, the plan does not clearly indicate the building materials. Low maintenance and durable materials should be provided. A condition has been included in this resolution to require details and materials to be provided prior to certification. The tot lot has a multipurpose play station, spring animals, and a swing set. Even though park land is located to the north of the subject site, deep slopes prohibit any connections including a pedestrian connection to the area. However, the future residents of this development can still access the Avondale Neighborhood Park via the sidewalks on both sides of Queens Chapel Road (MD 500) and Russell Avenue in the adjacent R-55-zoned neighborhood. The residents can also access the West Haysville Metro Station and the Mount Rainier Nature/Recreation Center to the east and south of the project site via the same sidewalks.

In addition to the proposed amenities and facilities to be installed on the three mews and tot lot, the applicant should also provide a trash receptacle on the tot-lot. A condition to that effect has been included in this resolution to reflect trash receptacle on the plans. In order to ensure timely provision of on-site amenities and recreational facilities for use by the residents of this project, a condition has been included in this resolution to require the applicant to complete the proposed sitting areas within the three mews and tot-lot prior to issuance of the 67th building permit.

8. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements regarding residential revitalization and the site plan design guidelines of the Prince George's County Zoning Ordinance.

- a. The subject application is in conformance with the requirements of Section 27-441, Uses Permitted, which governs permitted uses in residential zones. The proposed revitalization project includes the addition of 71 townhouses, as shown on the subject DSP, is a permitted use in the R-10 Zone.
- b. Under the residential revitalization provision, regulations concerning the height of structures, lot size and coverage, frontage, setbacks, density, bedroom percentages, and other requirements of the specific zone, in this case the R-10 Zone, do not apply to uses and structures in a residential revitalization project. The dimensions and percentages shown on the approved DSP constitute the development regulations.

Per Section 27-445.10(c), Residential Revitalization, in approving a residential revitalization project, the Planning Board shall find that the project:

- (1) **Improves a deteriorated or obsolete multifamily or attached one-family dwelling unit development by replacing or rehabilitating dwellings, improving structures, or renovating and improving other facilities;**

The applicant proposes to add 71 townhouses to the existing multifamily development, creating a more desirable transition of housing type from the apartment building to the east to the existing neighborhood of single-family dwellings to the west. Furthermore, new townhouse units that are built with the most up to date building techniques and meet today's sustainable standards and design goals will improve the quality of the overall housing stock in the surrounding neighborhood. The physical quality of the site will be greatly improved, upon completion of the revitalization project.

- (2) **Maintains or improves the architectural character of the buildings so that they are compatible with surrounding properties;**

The proposed townhouse units, creates a building mass transition from the apartment building to the east and is more compatible with the existing residential single-family detached houses, to the west of the site. Special attention has been paid to the treatment of the western boundary that improves the contextual relationship between the subject property and the surrounding neighborhood through visually-attractive residential architectural design and the proposed landscaping. Many architectural details, such as 100 percent brick finish and keystone window on the side elevations facing the existing single-family neighborhood will provide a compatible view from the surrounding properties.

- (3) **Serves a need for housing in the neighborhood or community;**

The proposed revitalization project will add 71 townhouses to the existing housing mix consisting mainly of single-family detached and multifamily dwellings.

The fee-simple townhouses will complement the existing housing stock and provide additional home ownership options to the community and, therefore, the project will improve the housing stock of the community.

(4) Benefits project residents and property owners in the neighborhood;

As discussed above, the addition of 71 fee-simple townhouses creates additional home ownership opportunities. The development also provides additional access to the larger site and improves access to the existing multifamily building. The proposed development also includes restriping of the existing parking lot to create five additional parking spaces, provides 41 on-street parking spaces, and thus will benefit project residents, existing residents, and property owners in the neighborhood.

(5) Conforms with the housing goals and priorities as described in the current Housing and Community Development Consolidated Plan for Prince George's County; and

Community building and revitalization are keys to quality development in Prince George's County. At the time of review of Detailed Site Plan DSP-05114 and the subsequent revision, the Planning Board found that the proposed revitalization project conformed to the housing goals and priorities of the then Housing and Community Development Consolidated Plan, according to a memorandum from the Prince George's County Department of Housing and Community Development (DHCD). Among the six goals and priorities of the consolidated plan, the previously proposed project met four of the goals and priorities. The same is true with this new application, as follows: (1) the revitalization will be a special housing reinvestment in an inner-Beltway community; (2) it will develop a range of housing for residents including, but not limited to, families and persons with disabilities; (3) it will build and restore a vibrant community by creating safe neighborhoods where people want to live; and (4) it will improve the quality of life for all residents by reducing the concentration of inferior low-value housing units in the community.

In addition, the proposed addition of townhouses is consistent with several priorities as listed in the FY 2014 Housing and Community Development Annual Action Plan. Specifically, one goal is to improve the safety and livability of neighborhoods and support employment opportunities. The proposed development will increase the safety and livability of the nearby neighborhoods and increase housing opportunities in the neighborhood.

(6) Conforms to either specific land use recommendations or principles and guidelines for residential development within the applicable master plan.

According to a review by the Community Planning Division (Delorenzo to Zhang, September 10, 2015), the subject application is consistent with the *Plan Prince George's*

2035 Approved General Plan (General Plan), which designates this area as an Existing Communities policy area. This application is also in conformance with the recommended residential land uses for this site by the 1994 *Approved Master Plan and Sectional Map Amendment for Planning Area 68*. The subject application meets this requirement.

9. **Preliminary Plan of Subdivision 4-13039:** Preliminary Plan of Subdivision 4-13039 was an application for 71 lots and five parcels, including Variations from Sections 24-121(a)(4) and 24-128(b)(12) of the Subdivision Regulations, and a Variance from Section 25-122(b)(1)(G) of the Prince George's County Code. The Planning Board approved 4-13039 on September 10, 2015 with 18 conditions. The following conditions are applicable to the review of this DSP:

2. **Development of this site shall be in conformance with Stormwater Management Concept Plan 8186-2014-00 and any subsequent revisions.**

The subject DSP is consistent with Stormwater Management Concept Plan 8186-2014-00, which is valid through April 27, 2018.

4. **Prior to certification of the detailed site plan (DSP), the applicant shall provide documentation of concurrence to the public utility easement (PUE) layout shown on the DSP from the applicable utility providers, or provide a PUE in conformance with Section 24-128(b)(12) of the Subdivision Regulations, and reflect that adjustment on the DSP.**

This condition will be carried forward as a condition in this resolution.

9. **The applicant and the applicant's heirs, successors, and/or assignees shall provide private on-site recreational facilities in accordance with the *Park and Recreation Facilities Guidelines*.**

The subject DSP has a recreational package consisting of one tot-lot and three sitting areas and meets this requirement.

14. **Total development shall be limited to uses that would generate no more than 50 AM and 57 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**

This DSP includes the addition of 71 fee-simple townhouses, as approved in Preliminary Plan 4-13039 and, therefore, meets this condition.

16. **Approval of this preliminary plan of subdivision shall supersede Preliminary Plan of Subdivision 4-04071 for the development of the site.**

This site has a previously approved Detailed Site Plan (DSP-05114) and one revision (DSP-05114-01) that were both based on previously approved Preliminary Plan 4-04071. Given that 4-04071 is no longer valid and that the subject Detailed Site Plan, DSP-05114-02, is based on the new Preliminary Plan (4-13039), any conditions attached to the previous approved DSPs are no longer governing the proposed development in this DSP.

18. Any nonresidential development of the subject property shall require approval of a new preliminary plan of subdivision prior to approval of any building permits.

This DSP contains the addition of 71 fee-simple townhouses to the existing multifamily development site. The proposed development is a residential development project based on recently approved Preliminary Plan 4-13039.

10. **2010 Prince George's County Landscape Manual:** Section 27-445.10(b)(6) of the Zoning Ordinance requires that the project, under the residential revitalization provision, comply with the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) *to the extent that is practical (emphasis added)*. Under the residential revitalization provisions, no alternative compliance is needed. Any reference to alternative compliance should be removed from the landscape plan. This DSP has been reviewed by reference to the applicable requirements of the Landscape Manual in accordance with Section 27-445.10(b)(6), as discussed below:

- a. **Section 4.1, Residential Requirements**—Section 4.1(2) requires a minimum one and one-half major shade trees and one ornamental tree per townhouse dwelling unit located on individual lots and/or common open space. This DSP has 71 townhouse units, and the landscape plan provides 49 shade trees (approximately 46 percent of the required) and 36 ornamental/evergreen trees (approximately 50.1 percent of the required), which is acceptable.
- b. **Section 4.7, Buffering Incompatible Uses**—The subject site, where the 71 townhouses are located, is adjacent to single-family detached houses to the west and to the existing multifamily building to the east. In accordance with Section 4.7, when townhouses are adjacent to single-family detached houses, a Type A bufferyard is required; when townhouses are adjacent to multifamily dwellings, a Type A bufferyard is also required. A Type A bufferyard includes a minimum 20-foot building setback and a 10-foot landscape yard to be planted with 40 plant units for each 100 linear feet of property line. The landscape plan shows that enough space has been preserved for a full Section 4.7 bufferyard along the western property line (adjacent to the existing single-family detached houses). A bufferyard between the existing apartment building and the proposed townhomes is not recommend due to CPTED concern. The landscape plan shows three bufferyards without clearly identifying their locations. The landscape plan should be revised to show and label the correct landscape bufferyard and provide information about the number of planting units. A condition has been included in this resolution to require that the applicant revise the landscape plan prior to certification of this DSP.

- c. **Section 4.9, Sustainable Landscaping Requirements**—Requires that a certain percentage of plants within each plant type (including shade trees, ornamental trees, evergreen trees, and shrubs) be native species (or the cultivars of native species). The minimum percentage of plants of each plant type required to be native species and/or native species cultivars is specified below:

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

The landscape plan provides 100 percent native shade trees, 100 percent native ornamental trees, 41 percent native evergreen trees, and 48 percent native shrubs, therefore, meeting the above requirements.

- d. **Section 4.10, Street Trees along Private Streets**—This section prescribes ten requirements that govern the planting of street trees along private streets. Since the development proposed in this DSP consists of 71 townhouses, all streets within the site are privately-owned streets. All street trees planted should be in conformance with the requirements of Section 4.10, to the extent practical. The landscape plan shows five schedules for five segments of private streets. The trees provided along the private streets are acceptable.

11. **The Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property has previous tree conservation plan approvals (TCP1-061-03, TCP1-061-03-01, and TCP2-124-06). An -01 revision to Type 2 Tree Conservation Plan TCP2-124-06-01 was submitted with the subject application.

- a. An approved Natural Resources Inventory, NRI-197-13, was submitted with the application. The NRI indicates that there are steep slopes and wetland buffer located on-site, which is associated with a wetland, floodplain, and stream system located to the north of the site. The wetland buffer and steep slopes comprise the primary management area. The TCP2 and DSP are in conformance with the NRI. The forest stand delineation indicates that two forest stands totaling 6.28 acres and seven specimen trees are located on-site. No additional information is required.
- b. The woodland conservation threshold is 20 percent of the net tract area or 2.07 acres. The total woodland conservation requirement based on the amount of clearing shown on the plan is 3.25 acres. The woodland conservation requirement is proposed to be satisfied with 1.91 acres of on-site preservation, 0.09 acre of on-site reforestation, and 1.25 acres of off-site woodland conservation credits.

The Environmental Planning Section has reviewed the subject application along with the submitted TCP2 and found that the application satisfies the provisions of the WCO.

12. **Prince George's County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3: Tree Canopy Coverage Ordinance, requires a minimum 15 percent of the gross tract area to be covered under tree canopy for properties in the R-10 Zone. The gross tract area is 10.33 acres, resulting in a requirement for tree canopy coverage (TCC) of 1.55 acres. The landscape plan provides approximately 109,886 square feet (2.52 acres) of tree canopy area, which is approximately 162 percent of the required TCC area.
13. **Specimen Trees Variance:** Development applications are required to meet all of the requirements of Subtitle 25, Division 2 which includes the preservation of specimen trees as stated in Section 25-122(b)(1)(G). At time of Preliminary Plan of Subdivision 4-13039 approval, the Planning Board approved a variance from the requirements of Section 25-122(b)(1)(G) to allow the applicant to remove one specimen tree. The applicant found that an additional specimen tree needed to be removed as well. As such, a justification statement along with the variance application has submitted with this DSP. In accordance with the Environmental Planning Section's review (Reiser to Zhang dated September 24, 2015), the six finding of Section 25-119(d) have been adequately addressed by the applicant and recommended approval of the variance application to allow the applicant to remove two specimen trees.
14. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

- a. **Community Planning**—This application is consistent with Plan Prince George's 2035, which designates this area as an Existing Communities policy area. The application is also consistent with the 1994 *Approved Master Plan and Sectional Map Amendment for Planning Area 68*, which recommends residential land uses for this site. The Community Planning Division has concerns about the lack of transit accessibility and neighborhood connectivity for the proposed development.

The site is in a trapezoid shape with a short side fronting Queens Chapel Road (MD 500) on the south side and another short side adjoining parkland owned by M-NCPPC on the north side. Given the presence of steep slopes in the parkland, it is not feasible to establish any connection from the north side. The only pedestrian connection to the Metro station, neighborhood park, and community center is from the existing sidewalks on both sides of MD 500 and Russell Avenue. There is bus service along MD 500.

There is a substantial difference in topography between the existing multifamily site and the townhouse site, especially in the northern portion of the site. The grade difference begins to equalize when moving toward MD 500. The site plan provides two at-grade connections: one pedestrian crossing in front of townhouse Lot 8 and the other driveway connection in front of townhouse Lot 2. Another pedestrian connection via more than 20

stairs has been provided between two sections at the northernmost end of the site where the tot lot is located. The connections between the proposed townhouse section and the existing multifamily section are acceptable.

- b. **Subdivision Review**—The subject property is located on Tax Map 49 in Grid D-1 and is known as Lots 1A and 2A – Avondale Overlook at Queens Chapel, recorded in Plat MMB 234-49 on July 5, 2011, in the Prince George's County Land Records. The Planning Board reviewed the conditions attached to the approval of Preliminary Plan of Subdivision 4-13039 for this project. The subject application's conformance with the applicable conditions attached to 4-13031 has been discussed in Finding 9 of this report. The Planning Board concluded that the subject DSP is in substantial conformance with approved Preliminary Plan 4-13031, and recommends approval with two conditions that have been included in this resolution.
- c. **Transportation Planning**—The applicant meets all transportation related requirements and conditions.
- d. **Trails**—The Planning Board reviewed the DSP for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the Planning Area 68 Master Plan and SMA requirements for trails, bicycle, and pedestrian access. The Planning Board concluded that this plan is acceptable, fulfills the intent of the applicable master plans and functional plans, and the proposal does not conflict with the area or functional master plans for bicycle and pedestrian facilities. Adequate sidewalks exist on Queens Chapel Road (MD 500) to provide access to transit, surrounding uses, and parks.
- e. **Environmental Planning Section**—The Planning Board reviewed the approval history of this application, pertinent conditions attached to recently approved Preliminary Plan 4-13039. Conformance with applicable regulations of the County Codes is discussed as follows:

Grandfathering

The project is subject to the environmental regulations contained in Subtitles 24, 25, and 27 that came into effect on September 1, 2010.

Natural Resources Inventory

An approved Natural Resources Inventory, NRI-197-13, was submitted with the application. The NRI indicates there are steep slopes and wetland buffer located on-site which is associated with a wetland, floodplain, and stream system located to the north of the site. The wetland buffer and steep slopes comprise the PMA. The Type 2 tree conservation plan (TCP2) and the detailed site plan are in conformance with the NRI.

The FSD indicates two forest stands totaling 6.28 acres and seven (7) specimen trees are located on-site. No revisions are required for conformance to the NRI.

Woodland Conservation

This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property has previous Tree Conservation Plan approvals (TCP1-061-03, TCP1-061-03-01, and TCP2-124-06). An – '01' revision to Type 2 Tree Conservation Plan (TCP2-124-06-01) was submitted with the application. The gross tract area of the current application is 10.23 acres; however, previous applications were approved which included dedication. Because the TCP was previously approved based on a larger land area, the TCP is required to be based on the original land area. The TCP as submitted has appropriately been based on the gross tract area of 10.33 acres.

The Woodland Conservation Threshold (WCT) is 20 percent of the net tract area or 2.07 acres. The total woodland conservation requirement based on the amount of clearing shown on the plan is 3.25 acres. The woodland conservation requirement is proposed to be satisfied with 1.91 acres of on-site preservation, 0.09 acres of on-site reforestation and 1.25 acres of off-site woodland conservation credits.

The plan requires technical revisions to be in conformance with the Woodland and Wildlife Habitat Conservation Ordinance. The woodland conservation worksheet as shown on the plan shows 1.91 acres of preservation; however the label on the plan for this area indicates that it is 1.94 acres.

The unmitigated 65 dBA Ldn noise contour has been shown on the plan in accordance with the noise report prepared by Wyle, Inc. dated April 17, 2015; however, the symbol must be added to the legend.

The Development Review Division standard QR code approval block must be added to the plan.

Under the specimen tree variance evaluation section of this memorandum, staff is recommending approval of the removal of specimen tree 2 (ST-2). The TCP1 must be revised to show the removal of specimen tree 2 both on the plan and in the specimen tree table.

A 0.09-acre area of reforestation is proposed behind Lots 29 to 38. This reforestation, associated signage, and permanent fencing must be installed prior to the issuance of the first building permit. A certification prepared by a qualified professional must provide verification that the reforestation has been completed. At a minimum, photos of the reforestation area and the associated fencing in relation to the abutting lot, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken should be provided.

After all revisions have been made, the qualified professional who prepared the plan should sign and date it.

Section 25-122(d)(1)(B) of the County Code requires that woodlands preserved, planted or regenerated in fulfillment of woodland conservation requirements on-site be placed in a woodland conservation easement recorded in the land records. This is in conformance with the requirements of the state Forest Conservation Act which requires that woodland conservation areas have long-term protection measures in effect at all times. The recordation of a woodland conservation easement is required prior to the signature approval of a Type 2 tree conservation plan (TCP2) that includes on-site woodland conservation areas.

Specimen Trees

Tree Conservation Plan (TCP) applications are required to meet all of the requirements of Subtitle 25, Division 2 which includes the preservation of specimen trees, Section 25-122(b)(1)(G). Every effort should be made to preserve the trees in place, considering the different species' ability to withstand construction disturbance (refer to the Construction Tolerance Chart in the Environmental Technical Manual for guidance on each species' ability to tolerate root zone disturbances).

If, after careful consideration has been given to the preservation of the specimen trees, there remains a need to remove any of the specimen trees, a variance from Section 25-122(b)(1)(G) is required. Applicants can request a variance to the provisions of Division 2 of Subtitle 25 (the Woodland and Wildlife Habitat Conservation Ordinance or WCO) provided all of the required findings in Section 25-119(d) can be met. An application for a variance must be accompanied by a Letter of Justification stating the reasons for the request and how the request meets each of the required findings.

The Planning Board has reviewed the Subtitle 25 Variance Application and the statement of justification in support of the variance that was received on September 18, 2015.

The TCP shows the proposed removal of one specimen tree and impacts to the critical root zones of two specimen trees. Tree number 1 is a 33-inch diameter at breast height (DBH) Southern red oak in good condition; it is proposed to be removed because it is located within the development envelope. Tree number 2 is a 54-inch DBH Chestnut oak in poor condition and is not shown on the plan to be removed; however, the statement of justification includes a request for its removal because a significant portion of the critical root zone will be impacted, it is in poor health, and would likely pose a hazard post-construction.

Although not part of the request for removal, the statement of justification includes an evaluation of specimen tree 3 which will have less than twenty five percent of the critical root zone impacted by the proposed limits of disturbance. Specimen tree 3 is a 35-inch DBH American Beech in good condition. Based on the species, health, and the relatively small percent of critical root zone proposed to be impacted, staff concurs with the statement of justification that specimen tree 3 should remain.

Staff supports the removal of specimen trees 1 and 2. With appropriate, root pruning, aeration, and fertilization as needed and as proposed by the applicant, staff is in support of preservation specimen tree 3.

Section 25-119(d) of the WCO contains six required findings [**text in bold**] to be made before a variance can be granted. The Letter of Justification submitted seeks to address the required findings for the specimen trees.

(A) Special conditions peculiar to the property have caused the unwarranted hardship

Specimen Tree 1 is located beyond the top of the steep slopes which delineate the limits of the PMA on this site. This is the most developable area on the site. Specimen Tree 2, is in poor condition because it has a significant cavity in the trunk and top damage.

(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas

Because Specimen Tree 1 is located within the most developable area of the site, avoidance of the tree would not allow the grading of the site necessary to support reasonable development. And because of the poor condition and location of Specimen Tree 2, the removal of the tree will avoid liability issues in the future should the tree remain. If other constrained properties encounter trees in similar locations on a site, the same considerations would be provided during the review of the required variance application.

(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants

Because Specimen Tree 1 is located within the most developable area of the site, avoidance of the tree would not allow the grading of the site necessary to support reasonable development. And because of the poor condition and location of Specimen Tree 2, the removal of the tree will avoid liability issues in the future should the tree remain. If other constrained properties encounter trees in similar locations on a site, the same considerations would be provided during the review of the required variance application.

(D) The request is not based on conditions or circumstances which are the result of actions by the applicant

The existing conditions or circumstances are not the result of actions by the applicant.

(E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property

The request to remove the tree does not arise from any condition on a neighboring property.

(F) Granting of the variance will not adversely affect water quality

All proposed land development activities will require sediment control and stormwater management measures to be reviewed and approved by the County.

Recommended Finding: The required findings of Section 25-119(d) have been adequately addressed for the removal of Specimen Trees 1 and 2.

The project proposes to meet water quality and quantity requirements in accordance with an approved stormwater management concept plan.

The one condition recommended by the Environmental Planning Section has been included in this resolution.

Noise

The site has frontage on Queens Chapel Road which is a designated Arterial roadway regulated for noise. A noise report prepared by Wyle, Inc. dated April 17, 2015, and a second noise report dated July 15, 2015, were submitted. The April report was based on on-site measurements and on SHA's projected traffic counts and established the location of the ground level unmitigated 65 dBA Ldn noise contour. The July report demonstrates that no modifications to the standard building materials are necessary for the Hepburn townhouse model on Lots 63 to 71, located along Queens Chapel Road. However, if a different model is proposed on Lots 63 to 71 at time of building permit, then a certification prepared by professional engineer with competency in acoustical analysis must be submitted with the permit to demonstrate that the building materials will mitigate the interior noise to 45 dBA Ldn or less. This was a condition approved with Preliminary Plan of Subdivision, 4-13039. No outdoor activity areas will be negatively impacted.

Regulated Environmental Features

Section 27-285(b)(4) of the Zoning Ordinance requires the following finding: "The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130 (b)(5)."

Impacts to regulated environmental features must first be avoided and then minimized. If impacts to the regulated environmental features are proposed, a statement of justification must be submitted in accordance with Section 24-130 of the Subdivision Regulations. The justification must address how each impact has been avoided and/ or minimized. No statement of justification was submitted because no impacts to regulated environmental features have been proposed.

Erosion and Sediment Control

The county requires the approval of an Erosion and Sediment Control Plan. The Tree Conservation Plan must reflect the ultimate limits of disturbance not only for installation of permanent site infrastructure, but also for the installation of all temporary infrastructure including Erosion and Sediment Control measures. A copy of the Erosion and Sediment Control Technical Plan must be submitted so that the ultimate limits of disturbance for the project can be verified and shown on the TCP.

The Planning Board approved this DSP and TCP2 tree conservation plan with four conditions that have been included in this resolution.

- f. **Permit Review**—The Planning Board found that the required information regarding the number of garages, the retaining wall, the dimensions of the townhouses, the number of the proposed townhouses, conformance with final plats, etc., has been provided and properly labeled on the revised plans in the review process.
- g. **Prince George's County Department of Permitting, Inspections and Enforcement (DPiE)**—In a memorandum dated May 20, 2015, DPiE provided comments regarding soil investigation, conformance with Environmental Site Design, stormdrain, utilities, and stormwater management landscape requirements. DPiE will enforce all permit-related requirements at the time of issuance of respective permits. DPiE concluded that the proposed DSP is consistent with approved Stormwater Management Concept Plan 8618-2004-00.
- h. **Prince George's County Department of Parks and Recreation (DPR)**—In a memorandum dated May 20, 2015, DPR provided no comments on this application. All park-related comments were properly addressed at the time of preliminary plan of approval.
- i. **Prince George's County Fire/EMS Department**—The Fire/EMS Department, in a memorandum dated May 26, 2015, provided standard comments listing the applicable regulations regarding access for fire apparatus, fire lane, and location and performance of fire hydrants. The Fire/EMS Department also requires a 43-foot turning radius cul-de-sac for any dead-end street that is longer than 150 feet, except for private alleys.

This DSP includes a cul-de-sac type of turning circle at the end of Road 'A' which is also connected to a narrow Roadway E and loops back to Road 'A,' and exists out to Queens

Chapel Road (MD 500). A fire engine turning radius study has been provided to the Fire Department and found to be acceptable for on-site circulation.

- j. **Prince George's County Police Department**—The Police Department, in a memorandum dated June 8, 2015, commented on the placement of trees near lighting fixtures.

A condition has been included in this resolution to require that a note be placed on the plans to indicate that a minimum of ten feet is maintained between the lighting fixtures and the trees to prevent shadowed and dark areas resulting from future tree canopy blocking the lighting.

- k. **Maryland State Highway Administration (SHA)**—At the time of the writing of this resolution, SHA had not offered comments on this application.

- l. **Prince George's County Health Department**—At the time of the writing of this resolution, the Health Department had not offered comments on this application. However, two standard notes regarding noise and dust pollution control during the construction process have been included in this resolution.

- m. **Prince George's County Department of Housing and Community Development (DHCD)**—At the time of the writing of this resolution, DHCD had not offered comments on this application.

- 14. At the time of public hearing for this DSP on October 15, 2015, Ms. Imani Kazanna, President of Avonridge Community Development Corporation, expressed concern regarding the existing sidewalk in front of the subject property, which at five feet is too narrow to provide a safe passage for pedestrians. The Transportation Planning Section staff also provided information regarding the State Highway Administration's (SHA) reconstruction plan for MD 500-Queens Chapel Road. The realigned roadway will be improved with a median, but still have a five-foot-sidewalk. In response to this concern, the Planning Board found that provision of an interim five-foot-wide new sidewalk adjacent to the existing one within the SHA right-of-way should be required subject to SHA approval. A new condition was proffered by the applicant and is included in this resolution as Condition 6:

“6. Prior to certificate approval of this DSP, the applicant shall revise the plans to show an interim five-foot-wide sidewalk adjacent to the existing sidewalk, located within the right-of-way along the frontage of the property (Townhouse section only) west of the new Road 'A', subject to final approval of SHA.”

- 15. Based on the foregoing analysis and as required by Section 27-285(b) 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.

16. Section 27-285(b)(b) of the Zoning Ordinance requires that a DSP 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 14(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 (TCP2-124-06-01) and further APPROVED Detailed Site Plan DSP-05114-02 for the above-described land, subject to the following conditions:

- A. APPROVE a Variance from Section 25-122(b)(1)(G), Specimen Tree requirements, of the Prince George's County Code for the removal of two specimen trees, and
- B. APPROVE Detailed Site Plan DSP-05114-02 and Type 2 Tree Conservation Plan TCP2-124-06-01 for Avondale Overlook, Metropolitan at Hyattsville, 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. Provide documentation of concurrence to the public utility easement (PUE) layout shown on the DSP from the applicable utility providers, or provide a PUE in conformance with Section 24-128(b)(12) of the Subdivision Regulations, and reflect that adjustment on the DSP.
 - b. Remove any reference to alternative compliance on the landscape plan.
 - c. Add site plan notes as follows:
 - (1) "All exterior lighting fixtures are full cut-off luminaires.
 - (2) "During the grading/construction phases, this project shall conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.
 - (3) "During the grading/construction phases, this project shall conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code."
 - (4) For sticks of townhouses with 5 or more units (including those sticks facing the existing multifamily building), no more than two units within a

stick may have less than a full brick or stone front façade (excluding gables, bay windows, trim and doors). All nine (9) units which face Queens Chapel Road shall have front brick or stone front façades (excluding gables, bay windows, trim and doors). In no event shall fewer than 60 percent of the total proposed units have full brick or stone façades (excluding gables, bay windows, trim and doors).

- (5) All highly-visible end unit elevations shall be finished with a 100 percent brick and four window features.
- d. Revise the landscape plan to clearly label the Section 4.7 bufferyard along the western boundary line and provide the Section 4.7 landscape schedule with information on the number of planting units.
- e. Provide one trash receptacle at the proposed on-site tot-lot.
- f. Revise TCP2 as follows:
 - (1) Revise the preservation area label on the plan to match the worksheet.
 - (2) Show the unmitigated 65 dBA Ldn noise contour line in the legend.
 - (3) Add the standard Development Review Division QR code approval block.
 - (4) Show the removal of specimen tree 2 on the plan and in the specimen tree table.
- g. Provide the liber and folio of the recorded woodland and wildlife habitat conservation easement on the standard Type 2 Tree Conservation Plan approval block on the plan as follows:

“Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded in the Prince George’s County Land Records at Liber ____ Folio _____. Revisions to this TCP2 may require a revision to the recorded easement.”
- h. Provide the stormwater management concept plan approval date in General Note 17.
- i. Clearly delineate the proposed PUE to serve the townhouse lots on the plan.
- j. Remove “Ex.” from the ten-foot PUE along MD 500.

- k. Revise the label for Rhode Island Avenue to state "US 1" instead of "RTE. 1."
 - l. Clearly delineate the shared vehicular access easement and the conservation easement with bearings and distances, and acreage.
 - m. Clearly delineate the proposed lot line adjustment on Sheet 4, with bearings and distances, and acreages. The resulting acreage for Lot 2A should be shown on the plan.
 - n. Reflect Parcels A-E with bearings, distances, and acreage.
 - o. Revise Land Use and Zoning Information Note 4 to reference the 5 proposed parcels.
 - p. Revise the "Proposed Development Standards" table provided on the coversheet to reflect minimum standards established by the DSP, rather than typical standards.
 - q. General Note 7 should only reference Lot 1A as existing square footage, not proposed, as the development proposes to subdivide Lot 1A.
 - r. Show bearing and distances, and lot sizes, for all lots and parcels on Sheet 4 of the DSP, instead of line table references.
 - s. Label all HOA open space parcels as "To Be Conveyed to the HOA."
 - t. Revise the landscape plan to include the light pole location. Trees shall not be located within 10 feet of the light pole.
 - u. Provide details and specifications indicating durable materials for the decking and sitting areas proposed on three mews to be reviewed and approved by the Urban Design Section as the designee of the Planning Board.
 - v. Obtain signature approval of Preliminary Plan of Subdivision 4-13039.
 - w. A tracking chart shall be added to the plan to identify the highly visible end units and front façades which will be constructed will full brick or stone.
2. Prior to the issuance of the grading permit, the Final Erosion and Sediment Control Plan shall be submitted. The limits of disturbance shall be consistent between the plans.
3. Prior to the issuance of a building permit for lots abutting reforestation areas, all reforestation and associated fencing and signs shall be installed. A certification prepared by a qualified professional shall be used to provide verification that the reforestation has

been completed including photos of the reforestation area and the associated fencing in relation to the abutting lot, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.

4. The tot-lot shall be in conformance with the *Park and Recreation Facilities Guidelines*.
5. Prior to issuance of the 67th building permit, tot-lot shall be completed and be available for use by the residents.
6. Prior to certificate approval of this DSP, the applicant shall revise the plans to show an interim five-foot-wide sidewalk adjacent to the existing sidewalk, located within the right-of-way along the frontage of the property (Townhouse section only) west of the new Road 'A,' subject to final approval of SHA.

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 Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, and Hewlett voting in favor of the motion, and with Commissioner Shoaff absent at its regular meeting held on Thursday, October 15, 2015 in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 5thth day of November 2015.

Patricia Colihan Barney
Executive Director

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department
Date 10/21/15


By Jessica Jones
Planning Board Administrator

PCB:JJ:HZ:ydw