

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 January 23, 2014, regarding Detailed Site Plan DSP-13002 for Patriots Landing, the Planning Board finds:

1. **Request:** The subject approval is for a detailed site plan (DSP) for a 63-unit townhouse residential revitalization development in the Multifamily Medium Density Residential (R-18) Zone.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	R-18	R-18
Use(s)	Vacant	Residential
Acreage	5.04	5.04
Parcels	4	4
Lots	63	63

3. **Location:** The site is in the Developing Tier, Planning Area 76A, and Council District 8. More specifically, it is located on the eastern and western sides of Devitt Place between its intersections with Irvington Street to the south and Maury Avenue to the north, and on the northern and southern sides of Maury Avenue east and west of its intersection with Devitt Place.
4. **Surrounding Uses:** The subject property is bounded to the north by undeveloped land and multifamily residential land use in the R-80 (One-Family Detached Residential) Zone; to the east and south by attached and detached single-family dwelling units in the R-20 (One-Family Triple-Attached Residential) and R-35 (One-Family Semidetached, and Two-Family Detached, Residential) Zones; and to the west by single-family attached dwelling units in the R-20 Zone.
5. **Previous Approvals:** The approval is subject to the requirements of approved Stormwater Management Concept Plan 4777-2012-01, approved on May 29, 2012 and valid until May 29, 2015; and those of Preliminary Plan of Subdivision 4-12005, approved by the Prince George's County Planning Board on December 20, 2012, which approval was formalized in PGCPB Resolution No. 12-116 adopted by the Planning Board on January 17, 2013.
6. **Design Features:** The townhouse development shall provide infill development between triplexes in the R-20 Zone to the east and west, single-family detached units in the R-20 and R-35 Zones to the south, and undeveloped land and existing multifamily residential units in the R-20 Zone to the north. The approved townhouses shall be located along existing streets on the eastern and western sides of Devitt Place between its intersections with Irvington Street to the south and Maury

Avenue to the north, and on the northern and southern sides of Maury Avenue east and west of its intersection with Devitt Place. Units shall be arranged consistent with the prevailing pattern of townhouse development in the area of compact front-loaded lots. This issue was thoroughly reviewed by the Planning Board at the time of approval of the preliminary plan of subdivision for the project. See Finding 12e for further discussion of the subdivision layout. Two bioretention ponds located in the northwestern portion of the site and an existing concrete swale provide stormwater management for the development. A site for a community garden is shown adjacent to the small parking lot in the northwest corner of the site. A condition of this approval, however, allows the homeowners association (HOA) to convert the community garden into an area of enhanced landscaping upon a majority vote of the homeowners.

The 63 townhouses that comprise the development shall be organized in the various size sticks in the quantities indicated below:

Size of Townhouse Stick	Number of Sticks of this Size/ Subtotal of Units
3 units	1/3
4 units	2/8
5 units	2/10
6 units	2/12
7 units	2/14
8 units	2/16

The Planning Board hereby approves four models that will be arranged by the applicant so as to create visually-interesting sticks. Each model to be included in the development is listed by name below, together with information as to the number of exterior stories and the total base finished area.

Model Name	Number of Exterior Stories	Total Base Above Grade Finished Area
A	Two	1,360 Square Feet
B	Two	1,360 Square Feet
C	Three	2,160 Square Feet
D	Three	1,432 Square Feet

The appropriate bearings and distances were not included on the plan set. Therefore, a condition of this approval requires that the applicant revise the plans prior to signature approval to include all of the correct bearings and distances throughout the plan set and that those bearings and distances be coincident with the relevant approved plat(s) for the subject project.

Parking for the project shall be provided in a combination of driveway, garage, and parking lot spaces. More specifically, 127 parking spaces shall be provided as follows:

Type of Parking Spaces	Number of Parking Spaces
Driveway Parking Spaces	63
Garage Parking Spaces	59
Surface Parking adjacent to Lots 60–63	5 (including 2 handicapped accessible spaces)

7. **Zoning Ordinance:** The subject approval has been reviewed for compliance with the requirements in the R-18 Zone and the site plan design guidelines of the Zoning Ordinance.
- a. The subject application conforms to the requirements of Section 27-441, which governs permitted uses in residential zones. The townhouse development hereby approved is a permitted use in the R-18 Zone.
 - b. The approval also conforms to the requirements of Section 27-442, Regulations, regarding additional regulations for development in residential zones, except as modified in Finding 7(c) below. Modifications to the Section 27-442 regulations are permitted in accordance with Section 27-445.10(b)(4), Residential Revitalization Requirements.
 - c. The approval also conforms to the requirements of Section 27-445.10, Residential Revitalization. Each requirement of that section is included in **boldface** type below followed by Planning Board comment:

(a) **Applicability**

- (1) **Residential Revitalization, as defined in this Subtitle and permitted in the Table of Uses in Part 5, shall be limited to any form of existing multifamily or attached one-family dwelling units or unimproved property on which multifamily dwelling units existed on January 1, 2001, but were subsequently razed as a result of condemnation proceedings initiated by the County that are located in a Revitalization Tax Credit District.**

- (2) **This section is not applicable to any other property.**

This required finding may be made for the subject residential revitalization project, as a multifamily development known as “Georgian Gardens” existed on the site on January 1, 2001 and was subsequently razed pursuant to condemnation proceedings. Additionally, the project is located in a revitalization tax credit district.

(b) **Requirements.**

- (1) **Dwelling units, or property on which they formerly existed, as described in (a)(1) of this Section may be replaced by proposed**

multifamily, attached one-family or detached one-family dwelling units in a Residential Revitalization project.

The subject approval includes 63 attached one-family dwellings in accordance with this requirement.

- (2) **The dwelling units, or property as described in (b) (1) above, shall have or have had a minimum density of twelve (12) units per acre of the net lot or tract area.**

Sixty-three townhouses placed on this 4.13 net acre site results in a density in excess of 15 units per acre, meeting and exceeding this requirement.

- (3) **The number, location, and design of compact and standard parking spaces shown on the approved Detailed Site Plan shall constitute the parking design regulations for the development.**

The following distribution of standard and handicapped-accessible parking spaces is offered in the subject DSP.

Type of Parking Spaces	Number of Parking Spaces
Driveway Parking Spaces	63
Garage Parking Spaces	59
Surface Parking adjacent to Lots 60–63	5 (including 2 handicapped accessible spaces)

As the subject DSP is hereby being approved for the project pursuant to Section 445.10 of the Zoning Ordinance, the number, location, and design of parking spaces shown on the DSP shall constitute the parking design regulations for the development. A parking schedule, however, was originally absent from the plans for the project. Therefore, a condition of this approval that requires that, prior to signature approval, a parking schedule shall be added to the general notes of the site plan.

- (4) **Regulations concerning the height of structures, lot size and coverage, frontage, setbacks, density, bedroom percentages and other requirements of the specific zone do not apply to uses and structures in a Residential Revitalization project. The dimensions and percentages shown on the approved Detailed Site Plan shall constitute the development regulations.**

Information concerning the height of structures, lot size, coverage, frontage, setbacks, density, bedroom percentages, and other requirements of the R-18 Zone, though set by the project, were not originally particularized in the general notes

included in the plan set. Therefore, a condition of this approval requires that, prior to signature approval, the applicant revise the plans for the project to include such information in the general notes included on Sheet 4 of 10 of the plan set.

(5) The normal parking requirement shall be reduced by thirty percent (30%). An additional reduction may be allowed upon a determination that:

(A) An additional reduction is necessary to alleviate conditions that are particular to the proposed use, given its nature at this location, or to alleviate conditions which are prevalent in older areas of the County which were predominately developed prior to November 29, 1949; and

(B) The additional reduction will not infringe upon the parking and loading needs of adjacent residential areas.

The normal parking requirement for townhouses per Section 27-568 of the Zoning Ordinance is 2.04 spaces per dwelling unit, or 129 parking spaces. A 30 percent reduction in that amount would result in a minimum parking requirement of 94 spaces. As the subject approval provides 129 parking spaces, it meets and exceeds this requirement.

(6) The project shall comply with the requirements of the Landscape Manual to the extent that is practical.

Landscape schedules from the applicable 2010 *Prince George's County Landscape Manual* (Landscape Manual) have been included on Sheet 6 of 9 of the plan set regarding the requirements of Section 4.1-2, Residential Requirements for Townhouses; Section 4.7, Buffering Incompatible Uses; and Section 4.9-1, Sustainable Landscaping. The schedules provided for Sections 4.1 and 4.9 of the Landscape Manual demonstrate conformance to the relevant requirements, and the schedule for Section 4.7 demonstrated partial conformance. More particularly, the Landscape Manual requires a Type "A" bufferyard between one-family detached houses and adjacent townhouses as occurs along the southeasterly boundary of the project. A Type "A" bufferyard is defined as having a minimum 20-foot building setback, a 10-foot-wide minimum landscaped yard, and the inclusion of 40 plant units (as defined in the Landscape Manual) per 100 linear feet of property line. While the approval includes the requisite number of plant units in the buffer, a 12-foot building setback has been provided, where the Landscape Manual normally specifies a 20-foot-wide setback. In order to provide better separation between the subject project and the single-family detached units to the southeast, a condition of this approval requires that, prior to signature approval, the plans be revised to include a six-foot-tall, non-white, non-wood

durable fence along its southeastern boundary where it abuts lots improved with single-family detached homes. By provision of part of the width of the buffer and the addition of the fence, the Planning Board hereby finds that the approval complies with this requirement to comply with the requirements of the Landscape Manual to the extent that it is practical in accordance with this subpart of the Residential Revitalization Zoning Ordinance requirements.

(c) Findings.

In approving a Residential Revitalization project, the Planning Board shall find that the project:

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

The subject project replaces condemned and demolished housing stock with new townhouses. The 121-unit multifamily complex, Georgian Gardens, previously on the site was condemned in 2002 by the County and razed in 2004. Therefore, the Planning Board hereby makes this required finding regarding the subject project.

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

The models herein approved for the subject project are attractively detailed mainly on the front façades. In recognition of the nature of the site as infill development and its proximity to surrounding residential dwellings, many of which feature complete or partial brick on their exterior façades, a condition of this approval requires that the applicant revise the architectural plans so that the sides of most of the units include additional brick on at least part of the first floor. With modifications as required by this condition, the Planning Board hereby finds that the proposed project maintains or improves the architectural character of the buildings so that they are compatible with the surrounding properties in accordance with this requirement.

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

The new townhouses approved herein shall serve a need for housing in the neighborhood or community in conformance to this required finding.

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

The subject project benefits project residents by providing an attractive landscaped community and a community garden. It shall also benefit property owners in the immediate surrounding area by providing a safer environment with more "eyes on the street" and an attractive built environment instead of vacant land which sometimes becomes the site of illegal dumping and/or criminal activity. By bringing new housing stock into the area, it may also benefit property owners in the neighborhood by raising market sales prices of single-family attached dwellings, which are predominant in the vicinity of the subject site.

- (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**

The Prince George's County Department of Housing and Community Development Plan FY2011-2015 states that the subject project is an appropriate site for a Residential Revitalization development as it is in an area where there is a high rate of residential vacancies bordering the District of Columbia. Therefore, the Planning Board hereby finds that the subject project conforms to the housing goals and priorities described in the current "Housing and Community Development Consolidated Plan" for Prince George's County in accordance with this requirement.

- (6) Conforms to either specific land use recommendations or principles and guidelines for residential development within the applicable Master Plan.**

The Planning Board hereby finds that the application generally conforms to the land use recommendations of the 2000 *Approved Master Plan and Sectional Map Amendment for the Heights and Vicinity (Planning Area 76A)* in accordance with this requirement.

(d) Site Plans.

- (1) A Detailed Site Plan shall be approved for all Residential Revitalization, in accordance with Part 3, Division 9, of this Subtitle.**
- (2) Site plan review shall include the approval of architectural elements including but not limited to building materials, typical building elevations, signs and outdoor lighting.**

As the subject site plan is hereby approved by the Planning Board, the applicant is in conformance with Subpart (1) of this requirement. The subject approval includes the architectural elements of building materials, typical building elevations, signs, and outdoor lighting in conformance to Subpart (2) of this requirement.

(e) **Mandatory Referrals.**

After the Planning Department accepts an application for processing, copies shall be referred for review and comment to the County's Department of Housing and Community Development, any municipality whose boundaries are located within one-half mile of the project and any other agencies determined by the Planning Director.

A copy of the subject application was circulated to the Department of Housing and Community Development and the Town of Forest Heights in accordance with this requirement on October 21, 2013.

8. **Preliminary Plan of Subdivision 4-12005:** Preliminary Plan of Subdivision 4-12005, approved by the Planning Board on December 20, 2012, was formalized in PGCPB Resolution No. 12-116 adopted by the Planning Board on January 17, 2013. The following conditions of approval apply to the subject DSP. Each relevant condition is included in **boldface** type below followed by Planning Board comment:

4. **In conformance with the 2009 Approved Countywide Master Plan of Transportation (MPOT), the applicant and the applicant's heirs, successors, and/or assignees shall provide the following, unless modified by DPW&T:**

- a. **A standard sidewalk along both sides of all streets.**
- b. **Off-site improvements with a standard sidewalk along Maury Avenue from the property line of Lot 35 east to the intersection of Maury Avenue and Irvington Street.**
- c. **Stripe and repaint all crosswalks at the intersections of Irvington Street with Audrey Lane, Audrey Lane with Maury Avenue, and Maury Avenue with Maury Place.**

Standard sidewalks are provided along both sides of all streets and sidewalk is shown along Maury Avenue from Lot 35 to Maury Avenue's intersection with Irvington Street in accordance with Subparts (a) and (b) of this requirement. As the requirements called for by Subpart (c) of this requirement were not shown on the plans and as the Department of Public Works and Transportation's (DPW&T) referral memorandum regarding the subject project dated November 26, 2013 does not suggest a modification of this requirement, a condition of this approval requires that, prior to issuance of the first building permit for the project, the applicant provide evidence to the Planning Board or its designee that the specified off-site improvement has been completed.

- h. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.**

The applicant shall by condition of this approval provide HOA documents to the Planning Board or its designee prior to certification of the plans, indicating that a HOA has been set up to, among other things, assure retention and future maintenance of the property to be so conveyed.

- 8. At the time of detailed site plan, the following additional specific site issues shall be evaluated:**

- a. Adequate turn-around area for the proposed private street serving Lots 1-11.**

This condition requires that the site plan provide an adequate turnaround area for the proposed private street to serve Lots 1-11. Observing that the subject street is 22 feet wide, the condition had not originally been addressed satisfactorily. A vehicular turnaround area shall by condition of this approval be provided at the end of this roadway to reduce the need for vehicles, regardless of size, to back out of the roadway. A condition of this approval requires that, prior to signature approval, a hammerhead or other turnaround be provided for the street serving Lots 1-11, with the possibility of losing a lot and with final design being approved by the Planning Board or its designee.

- b. Adequate sight distance and turning radii, per Department of Public Works and Transportation (DPW&T) standards, for all proposed access and exit points.**

This condition requires that sight distance studies for access points be provided to DPW&T so that it may be determined if the subject approval conforms to this requirement. DPW&T was made aware of this concern and comment was requested on the sight distance studies for access points. See Finding 12j for discussion of DPW&T's finding regarding the subject preliminary plan requirement.

- c. Disposition of the retaining wall on the northern property line of proposed Lots 48 and 49.**

The DSP labels the metal retaining wall on the northern property line of proposed Lots 48 and 49 as "to remain." As the retaining wall will be on the individual townhouse lots, its maintenance will become the responsibility of the homeowners. A condition of this approval requires confirmation of the structural stability of this wall prior to issuance of the first building permit for the project.

9. **Total development within the proposed site shall be limited to the approved uses that would generate no more than 44 AM and 50 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**

The DSP is consistent with the number of units approved in the preliminary plan and, therefore, the number of trips to be generated from the site will be within the overall maximum trip cap established by this requirement of the approved preliminary plan.

11. **Development of this site shall be in conformance with Stormwater Management Concept Plan 4777-2012-00 and any subsequent revisions.**

In a memorandum dated October 29, 2013, the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) stated that the proposed DSP is in conformance with approved Stormwater Management Concept Plan 4777-2012 dated May 2012. In the stormwater concept approval letter provided by DPIE, it more particularly specified that the approved Stormwater Management Concept Plan is 4777-2012-01. As this latter number is a revision of Stormwater Management Concept 4777-2012-00, the Planning Board hereby finds that the subject approval conforms to this requirement.

12. **Non-Residential development shall require approval of a new preliminary plan of subdivision prior to approval of any building permits.**

As the proposed development is residential, this requirement is not applicable to the subject project.

9. **2010 Prince George's County Landscape Manual:** The proposed development is subject to the requirements of Section 4.1, Section 4.7, and Section 4.9 of the 2010 *Prince George's County Landscape Manual* (Landscape Manual).

See Finding 7c for a full discussion of Landscape Manual conformance.

10. **1993 Prince George's County Woodland Conservation and Tree Preservation Ordinance:** The subject property is exempt from the provisions of the Woodland Conservation and Tree Preservation Ordinance because the site contains less than 10,000 square feet of woodland and no tree conservation plans have been approved for the site. A Natural Resources Inventory, NRI-006-12, has been approved for the site and, on that basis, Woodland Conservation Ordinance Exemption Letter S-40-12 had been issued formalizing that exemption.
11. **Prince George's County Tree Canopy Coverage Ordinance:** The application is subject to the requirements of the Tree Canopy Coverage Ordinance because it involves more than 5,000 square feet of ground disturbance. The approved plans include the correct tree canopy coverage (TCC) schedule on Sheet 5 of the plan set demonstrating conformance to its requirements. More

particularly, due to the site's location in the R-18 Zone, 15 percent TCC, or 32,931 square feet of tree canopy is required. The schedule indicates that this requirement has been met by the installation of landscape trees (ornamental landscape trees, deciduous major shade trees, small evergreens, medium evergreens, and large evergreens) totaling 35,845 square feet meeting and exceeding the square feet of tree canopy required. Therefore, the Planning Board hereby finds that the subject approval meets the requirements of the Tree Canopy Coverage Ordinance.

12. **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. **Historic Preservation**—The Planning Board's review of DSP-13002, Patriots Landing, found that it would have no effect on identified historic sites, resources, or districts.
 - b. **Archeological Review**—The subject site is not a property already documented for the presence of archeological resources. Further, a Phase I archeological survey was not required for the subject site as a search of current and historic photographs, topographic and historic maps, the locations of currently known archeological sites, and the fact that the site was previously graded and developed indicate the probability of archeological sites within the subject property is low.
 - c. **Community Planning**—The subject project is consistent with the 2002 *Prince George's County Approved General Plan* (General Plan) Development Pattern policies for the Developed Tier and that it generally conforms to the land use recommendations of the 2000 *Approved Master Plan and Sectional Map Amendment for the Heights and Vicinity (Planning Area 76A)* (Heights Master Plan and SMA). With respect to aviation the subject property is located within the Joint Base Andrews (JBA) Interim Land Use Control (ILUC) area. Further, the subject property is located within Imaginary Surface F, establishing a height limit of 500 feet above the runway surface, but outside of the 65 and above dBA Ldn noise contours, so noise attenuation is not required, and outside an accident potential zone, so no controls on use or density are required. The above categories do not prevent any of the proposed development. The location in JBA ILUC, Imaginary Surface F, outside a noise contour and an accident potential zone shall however be noted on the DSP by condition of this approval prior to signature approval.

The following are planning issues connected with the approval:

- The property is located in the Heights Master Plan and SMA area. The master plan recommends a maximum of 12 dwelling units per acre for garden apartments. The approval generally conforms to the plan per the proposal of a townhouse development of this density. Prince George's County Council Bill CB-13-2011, an ordinance concerning residential revitalization for this site, states: "Regulations concerning the height of structures, lot size and coverage, frontage, setbacks, density, bedroom percentages and other requirements of the specific

zone do not apply to uses and structures in a Residential Revitalization project. The dimensions and percentages shown on the approved Detailed Site Plan shall constitute the development regulations.”

- Council Bill CB-13-2011 states that new development “Maintains or improves the architectural character of the buildings so that they are compatible with surrounding properties.” By condition of this approval the applicant to provide urban design standards that do not merely replicate the architectural style of nearby development built in the 1940’s, but provides high-quality architectural style that supports urban residential standards as well as pedestrian and stormwater management facilities. Urban residential design should create a relationship between buildings and the street, adhere to crime prevention through environmental design (CPTED) principles, and should provide enough vegetation and open space to create desirable living conditions in higher-density neighborhoods. The townhouse architecture and approved site design support an active urban streetscape and do not create a visual or physical barrier between the public and private realm. The Planning Board requires by condition of this approval that the applicant ensure continuous handicap-accessible sidewalks along all existing and new streets within the Patriots Landing development.
- Open space to support stormwater management facilities and overflow parking close to the street that will discourage loitering and behaviors that currently create neighborhood nuisances are also provided. The Planning Board requires by condition of this approval that the applicant provide sidewalks along all roadways and making connections to existing sidewalks beyond the project boundaries where needed.

Plans are underway to update a portion of the current master plan area. The Eastover/Forest Heights/Glassmanor Sector Plan and Sectional Map Amendment was adopted by the Planning Board on November 14, 2013 and has been reviewed by the Prince George’s County District Council for approval.

- This site is also located within the Glassmanor/Oxon Hill Transforming Neighborhoods Initiative (TNI) area. Prince George’s County Executive, Rushern L. Baker III, announced a plan to improve the quality of life in vulnerable communities through this initiative. The overarching goal of the TNI is to achieve a thriving economy, great schools, safe neighborhoods, and high-quality healthcare by utilizing cross-governmental resources in target neighborhoods that have specific and unique needs.

- d. **Transportation Planning**—Though there are no specific transportation-related requirements imposed by the Zoning Ordinance, the site is subject to the general requirements of site plan review, which include attention to the transportation-related issues of parking, loading, and on-site circulation.

An evaluation of the provision of the applicable Residential Revitalization requirements of the Zoning Ordinance that allow a reduction in the usual parking requirement by 30 percent was made difficult by a failure to provide a parking schedule on the plans. Therefore, by condition of this approval, one must be provided prior to signature approval of the plans including both the normal requirement and the 30 percent reduction permitted by the Residential Revitalization provisions.

An analysis of Condition 8(a), (b), and 9 of Preliminary Plan of Subdivision 4-12005 is provided in Finding 8 of this approval.

The following transportation-related plan review comments relate to the subject approval:

- Five-foot-wide sidewalks are shown serving the proposed townhouses.
- Adequate circulation will be provided for the site by the existing 60-foot-wide residential street (Maury Avenue) and the proposed 60-foot-wide residential street (Devitt Place), both to access Irvington Street.
- There is one master plan collector roadway to the north (Owens Road), but not immediately adjacent to the site.

The site plan is acceptable with the addition of a turnaround at the end of the private street serving Lots 1–11, and with the inclusion of a parking schedule and parking spaces as appropriate on the DSP. Conditions of this approval require both a turnaround at the end of the private street serving Lots 1–11 and the inclusion of a parking schedule and parking spaces as appropriate on the DSP.

- e. **Subdivision Review**—The site is subject to the requirements of the approval of Preliminary Plan of Subdivision 4-12005, the resolution for which was adopted on January 17, 2013 by the Planning Board (PGCPB Resolution No. 12-116). The preliminary plan is valid until January 17, 2015. A final plat for the subject property must be accepted by The Maryland-National Capital Park and Planning Commission (M-NCPPC) before the preliminary plan expires or a new preliminary plan would be required. An extension of the validity period for the preliminary plan may be requested beyond January 17, 2015 in accordance with Section 24-119 of the Subdivision Regulations.

For a discussion of the relevant preliminary plan of subdivision requirements, see Finding 8 of this approval.

Further, the DSP provides 63 townhouse lots, three parcels for open space, and one parcel for a private street which is in conformance with approved Preliminary Plan 4-12005. The DSP proposes steep grading at the rear of Lots 12 through 26, and a condition of this

approval requires enhanced landscaping to the rear of the lots can help reduce the visibility of steep grading and the visibility of the new units from the surrounding area.

Regarding the preliminary plan of subdivision process, the Planning Board stated:

The applicant has worked with the Planning Board and made significant modifications to their original proposal which includes lot layout, street alignment, and the location of stormwater management facilities. The modifications included a reduction of the area of the private street/easement and open space/stormwater facilities to lessen the maintenance burden to the future HOA, in keeping with the layout of the surrounding community and to provide a more compact development provided for in a Residential Revitalization subdivision. In the review of the preliminary plan, the Planning Board, in the resolution of approval (PGCPB No. 12-116), addressed the issue of balancing the urban design issues with the overarching issue of creating sustainable communities that are economically viable:

The original proposal consisted of 61 townhouse lots, the proposal for Devitt Place as a private street, and several large parcels for stormwater facilities all to be conveyed to the HOA. The applicant is proposing workforce housing in an urban inner-beltway community that is within the Revitalization Tax Credit District. The provision of Devitt Place as a private street could be a burden on the future HOA of this small 63 townhouse lot subdivision to maintain the street and have private services such as trash pick-up and snow removal, while the surrounding community has public streets with public services. Large parcels for stormwater facilities can also be a burden for maintenance and can be an attractive nuisance. Through extensive discussion and coordination between the applicant, planning staff, and the Department of Public Works and Transportation (DPW&T), a modification of the layout has resulted in a more desirable lot layout. Incorporating these changes will reduce the maintenance burden to the future HOA and provide a more compact development provided for in a residential revitalization subdivision. The overall modifications have resulted in a superior project in keeping with the vision of the Revitalization Tax Credit District.

This site is also located within the Glassmanor/Oxon Hill Transforming Neighborhoods Initiative (TNI) area. Prince George's County Executive, Rushern L. Baker III, recently announced a plan to improve the quality of life in vulnerable communities through this initiative. Focusing on six areas throughout the county, the overarching goal of the TNI is to achieve a thriving economy, great schools, safe neighborhoods, and high quality healthcare by utilizing cross-governmental resources in target neighborhoods that have specific and unique needs.

Open space has been consolidated to support stormwater management facilities close to the street that will discourage loitering and behaviors that currently create neighborhood nuisances.

In addition, compared to the Washington Metropolitan area, the county has an older housing stock with only 22 percent of housing units in the county built after 1990. Compared to neighboring jurisdictions, the county has the highest number of cost-burdened households. As of 2008, there were a total of 136,366 households in Prince George's County that were cost-burdened. Sixty-four percent of cost-burdened households were owner households. This project is proposing 63 new workforce townhouses, which will be a great housing reinvestment in an inner-beltway community.

The vision of the consolidated plan is to create economically-viable, cohesive, safe, healthy, and sustainable communities and neighborhoods. The consolidated plan's initiatives are intended to be a catalyst for neighborhood stabilization and growth. The proposed revitalization project conforms to the housing goals and priorities of the consolidated plan, and the proposed project meets specifically two of the goals as following.

In 2007, Prince George's County established the office of Common Ownership Communities in the Counties Office of Community Relations to address the issues facing smaller common ownership communities which were struggling to maintain the private infrastructure which was established as a part of the planning process. As a result there has been a heightened awareness of the long term implications of private infrastructure on a HOA. The financial burden can sometimes undermine the viability and strength of smaller workforce housing communities.

Through the review of this preliminary plan of subdivision staff has worked with the DPW&T, and the applicant to carefully consider the amount of private infrastructure that would be the responsibility of the HOA. Specifically, the provision of private recreational facilities was considered and it was ultimately determined that because of the highly walkable nature of the existing community in which this development would be located that the need for a separate small facility was not warranted. Not only is there an additional liability and maintenance responsibility for the HOA, but these facilities must be monitored and can become an attractive nuisance depending on the existing community and the location of the facilities within the subdivision.

The Planning Board then noted the following technical corrections, required to be made as conditions of this approval:

- (1) Provide the bearings and distances for all of the lots and parcels.
- (2) Provide the lot sizes and widths for all of the lots and parcels.
- (3) Add a note regarding approved Preliminary Plan of Subdivision 4-12005.
- (4) Enhance the landscape to the rear of the Lots 12 through 26.

The Planning Board hereby finds that the DSP conforms to the approved preliminary plan and that the record plats need to reflect the DSP layout.

f. **Trails**—The subject DSP approval was reviewed for conformance with the 2009 Approved Countywide Master Plan of Transportation (MPOT) and the 2000 Approved Master Plan and Sectional Map Amendment for the Heights and Vicinity (area master plan) in order to implement planned trails, bikeways, and pedestrian improvements as follows:

- (1) There are no master plan trails issues identified in either the MPOT or the area master plan that impacts the subject site. The plans indicate that there is an existing trail along the tributary of Barnaby Run, where there is none planned. Aerial photography indicates, and a site visit confirmed, that there is a concrete swale on both sides of the tributary. For these reasons, a condition of this approval requires that the plans be revised to eliminate reference to the existing trail.
- (2) The MPOT includes several policies related to pedestrian access and the provision of sidewalks within designated centers and corridors, as well as other areas in the Developed and Developing Tiers. The Complete Streets section includes the following policies regarding sidewalk construction and the accommodation of pedestrians.

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

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

Sidewalks currently exist along the subject site's frontage of Maury Avenue, Maury Place, and Irvington Street. These sidewalks are narrow, but are buffered from the road with a landscape strip and appear to meet the needs of pedestrians in the area. If any frontage improvements are required by DPW&T, the sidewalks would need to be widened to current DPW&T standards. Standard sidewalks are

also required by condition of this approval along both sides of all internal roads, unless modified by DPW&T.

For a discussion of the trails-related conditions of Preliminary Plan 4-12005 (PGCPB Resolution No. 12-116), see Finding 8.

Prior to signature approval, the plans shall by condition of this approval be revised to reflect the required crosswalks at the intersections of Irvington Street with Audrey Lane, Audrey lane with Maury Avenue, and Maury Avenue with Maury Place.

- g. **Permit Review**—The numerous permit review comments have either been addressed by revisions to the plans or by conditions of this approval.
- h. **Environmental Planning**—The Planning Board has reviewed the environmental planning aspects of the subject project and hereby finds:
 - The site is exempt from the requirements of the Woodland Conservation Ordinance because the site contains less than 10,000 square feet of woodland and no tree conservation plans have been approved for the site. Natural Resources Inventory NRI-006-12 had been approved and that Woodland Conservation Ordinance Exemption Letter S-40-12 had been issued for the site.
 - As the site is exempt from the requirements of the Woodland Conservation Ordinance, specimen trees on-site are not required to be identified, nor a special process required to authorize their removal.
 - Though no wetlands or streams are found on the site, a concrete flume on-site conveys an intermittent stream/stormwater occasionally. No buffer is required adjacent to the flume that would be required from wetlands or a stream.
 - There is 100-year floodplain on-site adjacent to the concrete flume.
 - There is no primary management area on-site and, therefore, no primary management area impacts to assess.
 - Stormwater Management Concept Plan 4777-2012-01 has been approved for the subject site requiring a fee of \$15,750 for on-site attenuation. The two bioretention ponds required by the approval are shown on the approved stormwater concept plan and the DSP. Stormwater on-site will be directed to an existing stormdrain system and outfalls that flow into a concrete stormwater channel located adjacent to the site.
 - There is no Chesapeake Bay Critical Area on-site.

- No green infrastructure plan areas are shown on the subject property.
- The classification of adjacent Maury Avenue as a collector does not require noise analysis and, therefore, does not require the inclusion of noise contours on the subject site.
- There are no historic or scenic roads adjacent to the site.
- Marlboro Clay soils are not found on the site.
- The site is not located within a transportation development or a design district overlay zone, so further environmental analysis in this request is not required.

As a result of this review, it was unnecessary to include any environmentally-related conditions of this approval.

- i. **Prince George's County Fire/EMS Department**—In a memorandum dated December 4, 2013, the Prince George's Fire/EMS Department offered comment regarding needed accessibility, private road design, and the location and performance of fire hydrants.
- j. **Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated October 29, 2013, DPIE offered comment on the subject project including that frontage improvements would be required along Maury Avenue, including full-width, two-inch overlay. Additionally, they indicated that all storm drainage systems and facilities are to be designed in accordance with DPW&T's specification and standards, that the applicant would have to comply with DPW&T's utility policy, street tree and street lighting standards, that sidewalks are required along all roadways, and that all roadways within the townhouse development would have to be private and privately maintained. Further, they stated that on-street parking would not be permitted on public streets, that adequate sight distance and turning radii are necessary for all access/exit points off the site in accordance with AASHTO (American Association of State Highway and Transportation Officials) standards, and that a soils investigation report may be required.

With respect to stormwater management, DPIE stated that the proposed site plan is consistent with approved Stormwater Management Concept Plan 4777-2013 dated May 29, 2012. Proposed Lot 59 is to be included as part of the stormwater management easement to create the necessary landscape buffer from the proposed houses.

DPIE's requirements will be met through their separate permitting process.

- k. **Prince George's County Police Department**—In a memorandum dated November 13, 2013, the Prince George's County Police Department stated that, after reviewing the plans for the project and visiting the subject site, they had no crime prevention through environmental design (CPTED) recommendations for the project.

They noted that no lighting plans had been submitted, so they were unable to make a judgment on its adequacy.

A condition of this approval requires that a photometric plan be provided prior to certificate approval of the plans that would ensure that adequate lighting would be provided throughout the site in accordance with CPTED principles.

- l. **Prince George's County Health Department**—In a memorandum dated November 7, 2013, the Prince George's County Health Department stated that they completed a desktop health impact assessment review of the submission for DSP-13002, Patriot's Landing, and offered the following comments:

- (1) The property is located in the recharge area for the Patapsco aquifer, a groundwater supply that serves the southeastern portions of Prince George's County and the northern portions of Charles and Calvert Counties. Conversion of green space to impervious surface in this recharge area could have long-term impacts on the sustainability of this important groundwater resource.

Stormwater management on the site, approved by the Department of Permits, Inspections and Enforcement (DPIE), includes two bioretention areas which will assist in the handling and treatment of both the quantity and quality of stormwater run-off from the subject site.

- (2) There is an increasing body of scientific research suggesting that community gardens enhance nutrition and physical activity and promote the role of public health in improving quality of life. The applicant should consider setting aside space for a community garden.

A community garden has been required as part of the project in response to Comment 2.

- m. **State Highway Administration (SHA)**—In a letter dated November 20, 2013, SHA stated that they had completed their review of the subject project and have no objection to the approval of the plan by the Planning Board as the site is accessed from a road owned and maintained by Prince George's County. They stated, however, that should Prince George's County require any off-site improvements to a state road, an access permit would be required from their office.
- n. **Washington Suburban Sanitary Commission (WSSC)**—In emailed comments received November 5, 2013, a WSSC representative offered comments on the subject plans which included WSSC's standard comments, design review comments, hydraulic review comments, comments regarding the sanitary sewer and water main extensions, and needed easements to implement service. WSSC's requirements will be implemented through its separate permitting and connection process.

- o. **Verizon**—At the time of this writing, staff has not received comment from Verizon regarding the subject project.
 - p. **Potomac Electric Power Company (PEPCO)**—In an email dated October 28, 2013, a representative of PEPCO stated that they concur with the provision of a ten-foot-wide public utility easement as shown on the subject plans. They asked that the applicant take note that additional easements may be required to accommodate transformers, switches, or fuse enclosures as necessary based on projected loads.
 - q. **Prince George's County Department of Housing and Community Development**—At the time of this writing, staff has not received comment from the Department of Housing and Community Development regarding the subject project.
 - r. **Town of Forest Heights**—At the time of this writing, staff has not received comment from the Town of Forest Heights regarding the subject project.
13. Based upon the foregoing analysis and as required by Section 27-285(b)(1) of the Zoning Ordinance, the subject detailed site plan satisfies the site design guidelines as contained in Section 27-274 (cross-referenced in Section 27-283) and represents a reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use. In addition, as required by Section 27-285(b)(4) of the Zoning Ordinance, the Planning Board must also find that the regulated environmental features on a site have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirements of Subtitle 24-130(b)(5). However, as there are no regulated environmental features on site, this otherwise required finding need not be made in this case.

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 Detailed Site Plan DSP-13002, subject to the following conditions:

- 1. Prior to signature approval of the detailed site plan (DSP), the applicant shall provide the additional specified materials or revise the plans as follows:
 - a. The applicant shall include in the general notes of the DSP the following:
 - (1) The subject project is located in the Joint Base Andrew (JBA) Interim Land Use Control (ILUC) area and within Imaginary Surface F, establishing a height limit of 500 feet above the runway surface.
 - (2) The subject project is located outside of the 65 and higher dBA Ldn noise contour, making noise attenuation unnecessary.

- (3) The subject project is located outside the accident potential zone as defined in the JBA ILUC requirements.
- b. The plans shall be revised to provide a hammerhead, or other turnaround, for the street serving Lots 1–11, with the possibility of loss of one lot to accommodate the turnaround, and with final design of the turnaround to be approved by the Transportation Planning Section and the Urban Design Section as designee of the Planning Board.
- c. Reference to an existing or proposed trail along the tributary of Barnaby Run shall be removed from the plans.
- d. The plans for the project shall be revised to include a parking schedule in the general notes of the plan including the number, location, and design of compact and standard parking spaces to be provided for the project, including both the normal requirement calculated under Section 27-568 of the Zoning Ordinance and the 30 percent reduction permitted by Section 27-445.10(b)(5) of the Zoning Ordinance.
- e. The plans for the project shall be revised to include in the general notes on Sheet 4 of the plan set information regarding the height of structures, lot size and coverage, frontage, setbacks, density, bedroom percentages, and all other requirements of the Multifamily Medium Density Residential (R-18) Zone. The provided information shall then replace the R-18 Zone requirements for this residential revitalization project.
- f. The plans for the project shall be revised to provide a template sheet demonstrating the dimensions of any and all bump-outs and the number of parking spaces, if any, to be provided in each garage and the height of each proposed house model.
- g. The plans for the project shall be revised to ensure that the bearings and distances thereon are in accord with those on the record plat for the project and to include all block and lot numbers and the total area of each lot, block and parcel dimensions, the green area required and provided for the project, the materials to be utilized on the driveways, and the dimensions and number of parking spaces to be provided thereon.
- h. A detail shall be included on the plans for the proposed sign, with the lettering area on the sign not to exceed 12 square feet, and landscaping that will provide year-round visual interest indicated at the base of the plan.
- i. The applicant shall revise the proposed architecture of the sides of the units to include brick as a material on at least the first floor of all side walls, with final approval of the revised architecture to be approved by the Planning Board or its designee.
- j. The plans for the project shall be revised to indicate a six-foot-tall, non-white, non-wood, low-sheen durable fence along the southeastern property line of the project, where it abuts single-family detached residential units.

- k. The applicant shall provide the homeowners association documents to the Planning Board or its designee indicating that one has been set up to, among other things, assure retention and future maintenance of the property to be so conveyed.
 - l. A note shall be added to the general notes of the plans stating that the homeowners association may decide at any time, in accordance with their bylaws, whether to implement the community garden or replace it with enhanced landscaping to include trees, shrubs, and flowers. This modification shall not require a formal revision to the plans.
 - m. The applicant shall revise the plans for the project to add the following general note:

“Preliminary Plan of Subdivision 4-12005 was approved by the Planning Board, subject to 12 conditions, on December 20, 2012 with its approval formalized by the adoption of PGCPB Resolution No. 12-116 by the Planning Board on January 17, 2013.”
 - n. The applicant shall remove the label “Parcel A, Block A” from the land also labeled “Lot 54,” located along the shared property line with the subject site in its northwestern corner.
 - o. The applicant shall revise the plans to provide enhanced landscaping along the rear property lines of Lots 12-26, with final design of said landscaping to be approved by the Urban Design Section as designee of the Planning Board.
 - p. The applicant shall revise the plans to indicate which units provide garages.
 - q. The applicant shall provide a lighting plan, deemed sufficient by the Prince George’s Police Department on the basis of crime prevention through environmental design (CPTED) principles and approved by the Planning Board or its designee.
2. Prior to issuance of each building permit for the subject project, the actual setbacks to be provided on each individual building lot shall be dimensioned on the site plan. Also, at that time, the green area provided shall be updated if necessary.
3. Prior to issuance of the first building permit for the subject project, the applicant shall provide evidence that:
- a. The off-site improvement of striping and repainting all crosswalks at the intersections of Irvington Street with Audrey Lane, Audrey Lane with Maury Avenue, and Maury Avenue with Maury Place are complete.
 - b. The metal retaining wall is structurally sound, or that it has been removed and its previous location has been graded out.

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.

* * * * *

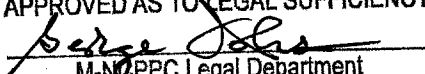
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Shoaff, with Commissioners Washington, Shoaff, Bailey, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, January 23, 2014, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 6th day of February 2014.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:RG:arj

APPROVED AS TO LEGAL SUFFICIENCY

M-NPPC Legal Department
Date 1/30/14