

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 public hearings on November 13 and 20, 2003, regarding Detailed Site Plan DSP-93024/01 for Forest Run II, the Planning Board finds:

1. The subject property is located on the southwest corner of the intersection of Marlboro Pike and Forest Run Drive.
2. Development Data Summary

| | EXISTING | PROPOSED |
|--------------------|-----------------|--------------------------|
| Zone(s) | R18-C | R18-C |
| Use(s) | Vacant | Multi-family Residential |
| Acreage | 5.2044 | 5.2044 |
| Lots | 0 | 0 |
| Parcels | C & D | C & D |
| Square Footage/GFA | 0 | 0 |
| Dwelling Units: | 0 | 72 |

3. On August 18, 1992, the District Council rezoned the subject property from C-O to R-18C subject to the condition that any multifamily housing built on the property would be garden-style apartments and a maximum of four stories in height. On January 6, 1994, the Planning Board approved a detailed site plan for 84 residential condominium units on the subject property. The approved detailed site plan expired three years later, before the project was built.
4. The applicant proposes to construct three 4-story condominium buildings, each with 24 dwelling units (a total of 72 units) and 168 parking spaces. Lot coverage for the project is projected to be 32.65 percent, necessitating the variance application for relief from the requirement that lot coverage for multifamily dwellings not exceed 30 percent.
5. The architecture of the buildings will include the use of brick on the first story of all four sides of the buildings, with vertical accents. The door and window openings of buildings are well detailed, with Victorian and Palladian elements, and are varied to provide visual interest. Where the buildings are not brick faced, a variety of siding products have been utilized. The roofline is varied with flat roof areas and some peaked at a 12/12 pitch.

Signage for the development includes both an entrance feature at Forest Run Drive for Forest Run II or "The Avenues at Forest Run" and an entrance feature for Forest Run at Marlboro Pike. The general design type quality and materials of the two signs are similar and compatible. All signs are

wood and oval, placed on a brick wall with capped piers. The entrance feature at Marlboro Pike is flanked on the westerly side by a picket-style fence with brick piers approximately 24 feet on center. The applicant has assumed responsibility for perpetual maintenance of all signage included in this submission.

6. The Woodland Conservation Ordinance—The Environmental Planning Section noted that the property is subject to the requirements of the Prince George’s County Woodland Conservation Ordinance because the gross tract area is over 40,000 square feet, there are more than 10,000 square feet of existing woodland, and Tree Conservation Plans TCPII/89/93 and TCPII/89/93-01 were previously approved for the subject property. The revised DSP-93024/01 as submitted has been found to conform to the approved Type II Tree Conservation Plan (TCPII/89/93-01).
7. The Zoning Ordinance—Review of the subject plan with respect to the requirements of the Zoning Ordinance indicates a lack of compliance with respect to lot coverage.
8. The *Landscape Manual*—The proposed site plan meets the requirements of the *Landscape Manual*.
9. Referrals:
 - a. Community Planning—The Community Planning Division stated that the detailed site plan is consistent with the 2002 General Plan Development Pattern policies for the Developed Tier and the Suitland-District Heights master plan.
 - b. Transportation—The Transportation Planning Section stated that the adequacy of transportation was addressed in Planning Board Resolution 89-474 for the Preliminary Plan of Subdivision approved for the subject property. Further, they stated that transportation aspects were found acceptable when the Planning Board approved Detailed Site Plan SP-93024 for 84 units on the property on January 6, 1994, and noted that the current plan, offering 12 fewer units, should be a lower traffic generator. They were, however, somewhat concerned with the proximity of the single access point to Marlboro Pike, but on closer examination recommended that the driveway remain in its proposed location. Finally, they found all other aspects of the proposed plan acceptable.
 - c. Subdivision—The Subdivision Section mentioned that Parcel C is subject to PGCPB Resolution 89-474, 4-89097 and final plat VJ 157@6. Condition 4 of Resolution 89-474 establishes a trip cap for transportation adequacy. Conformance should be determined by the Public Facilities Planning Section. Condition 10 requires evaluation of the view of this property from Marlboro Pike at the time of detailed site plan approval. In addition, they noted that the condominium structures should not be taller than four stories.
 - d. Trails—The Transportation Planning Section has stated that there are no trail requirements for this project.
 - e. Permits—The Permit Review Section suggested that Schedule 4.1 must list the type of shade

trees and show their location and also list the minimum caliper per Section 4.1k. Plans for signage and entrance features for the proposed development were received with the revised submission. However, at the time of this writing, staff has not received comment from the Permit Review Section with regard to the proposed signage and entrance features.

- f. Environmental Planning—The Environmental Planning Section noted that the property is subject to the requirements of the Prince George's County Woodland Conservation Ordinance because the gross tract area is over 40,000 square feet, there are more than 10,000 square feet of existing woodland, and there are previously approved Tree Conservation Plans, TCPII/89/93 and TCPII/89/93-01, respectively, for the subject property. The revised DSP-93024/01 as submitted has been found to conform to the approved Type II Tree Conservation Plan (TCPII/89/93-01). In addition, they noted that a stormwater management concept approval letter dated February 5, 2003, was submitted, indicating that no stormwater management ponds are required or proposed on the site and that conditions of approval indicate that the site's stormwater management quantity control will be provided by the existing pond built under permit #8008350-1989.
- g. Department of Environmental Resources—The Department of Environmental Resources stated that the site plan is consistent with approved stormwater plan #3906-2003.
- h. Prince George's Fire Department—The Prince George's County Fire Department, stating their requirements regarding access to the premises in case of fire, design of private roads, signage, hydrants and designation of fire lanes, suggested that compliance with such requirements be made a condition of obtaining a use and occupancy permit for the project.
- i. Department of Public Works and Transportation (DPW&T)—The Department of Public Works and Transportation stated that frontage improvements would be required including street trees, lighting and sidewalks. In addition, resurfacing of Marlboro Pike and Forest Run Drive along the frontage of the subject property would be required. Lastly, they noted that all improvements within the public right-of-way and dedicated to the county must be in accordance with the county's Road Ordinance, DPW&T's specifications and standards, and the Americans with Disabilities Act.
- j. Maryland State Highway Administration—The State Highway Administration stated that they have no objection to the proposed project.
- k. Washington Suburban Sanitary Commission—The Washington Suburban Sanitary Commission stated that the engineer should send an on-site review package to Permit Services.
- l. District Heights—District Heights has informed staff that they have no problems with the plans as submitted.

10. **VARIANCE REQUEST**

The applicant is requesting a variance in accordance with Section 27-239.04 from Table 27-442(c) of the Prince George's County Zoning Ordinance. Table 27-442(c) stipulates a 30 percent lot coverage whereas the subject proposal creates a lot coverage of 32.65 percent.

Section 27-230 sets forth the following criteria for approval of variances:

1. **A specific parcel of land has exceptional narrowness, shallowness or shape, exceptional topographic conditions or other extraordinary situations or conditions.**

The parcel is not unusually narrow or shallow, nor does it have an exceptional shape, topographic conditions or other extraordinary situations or conditions.

2. **The strict application of the Subtitle will result in peculiar and unusual practical difficulties to or exceptional or undue hardship upon the owner of the property.**

The strict application of the lot coverage requirement of the Zoning Ordinance would not result in peculiar and unusual practical difficulties to or exceptional or undue hardship upon the owner of the property.

3. **The variance will not substantially impair the intent, purpose or integrity of the general plan or Master Plan.**

The Comprehensive Planning Section has indicated that the proposed project is not inconsistent with the 2002 General Plan Development Pattern policies for the Developed Tier and that it will not impair the integrity of the Suitland-District Heights master plan.

11. The Planning Board finds that the request for a variance from the lot coverage requirements of the Zoning Ordinance is not justified. The lot coverage proposed exceeds the maximum allowed by the Zoning Ordinance and, therefore, the green area proposed is not sufficient to insure the welfare of the residents of the project. Because proposed green area is insufficient, the proposed project is not in keeping with Section 27-274-45(a)(5), Design guidelines, which require that on-site green area should be, among other things, appropriate in size. Therefore, the plan will not represent 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.

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 DISAPPROVED the Detailed Site Plan DSP-93024/01 and further disapproved Variance Application No. VD-93024/01.

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

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Vaughns, seconded by Commissioner Squire, with Commissioners Vaughns, Squire, Harley voting in favor of the motion, and with Commissioner Eley and Chairman Hewlett opposed to the motion at its regular meeting held on Thursday, November 20, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 11th day of December 2003.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:RG:rmk