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Detailed Site Plan **Departure from Design Standards** **Variance**

DSP-07010
DDS-589
VD-07010

Application	General Data
Project Name: Willow Condominiums Location: Northeast quadrant of the intersection of MD 450 and Seabrook Road Applicant/Address: Enterprise Office Park, Inc. 2200 Defense Highway, Ste. 101 Crofton, MD 21114	Date Accepted: 6/9/08
	Planning Board Action Limit: 9/18/08
	Plan Acreage: 11.05
	Zone: C-O
	Dwelling Units: 156
	Gross Floor Area: N/A
	Planning Area: 70
	Tier: Developing
	Council District: 3
	Municipality: N/A
	200-Scale Base Map: 207NE08

Purpose of Application	Notice Dates
156 multifamily units	Informational Mailing: 5/9/08
	Acceptance Mailing: 6/5/08
	Sign Posting Deadline: 8/19/08

Staff Recommendation		Staff Reviewer: Chris Lindsay	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Detailed Site Plan DSP-07010
Departure from Design Standards DDS-589
Variance VD-07010
TCPII/045/08
Willow Condominiums

Urban Design staff has reviewed the detailed site plan for the subject property and presents the following evaluation and findings leading to a recommendation of approval with conditions, as described in the recommendation section of this report.

EVALUATION

The detailed site plan was reviewed and evaluated for conformance with the following criteria:

- a. The requirements of the Zoning Ordinance for the C-O Zone.
- b. The requirements of previously-approved Preliminary Plan of Subdivision 4-06091.
- c. The requirements of the *Prince George's Landscape Manual*.
- d. Referral comments.

FINDINGS

Based upon the analysis of the subject application, Urban Design staff recommends the following findings:

1. **Request:** This application proposes to construct 156 multifamily dwelling units.

2. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	C-O	C-O
Use(s)	Vacant	Multifamily dwellings
Acreage	11.05	11.05
Dwelling units	0	156

Parking Data:

	REQUIRED	PROVIDED
Standard spaces	429	232
Garage parking spaces		156
Surface parking spaces		76
Driveway parking spaces		*(156)

*As discussed below, the applicant has applied for a Departure from Design Standards to permit the counting of parking spaces in driveways as part of the required parking numbers.

3. **Location:** The site is located on the east side of Seabrook Road, approximately 250 feet north of the intersection of Seabrook Road and Annapolis Road (MD 450). The property has a small frontage along Annapolis Road at its southeast corner.
4. **Surrounding Uses:** To the north the property borders Seabrook Elementary School. To the east of the site is an existing neighborhood of single-family houses in the R-80 Zone. To the south of the site is an office park in the C-O Zone. Similar office buildings in the C-O Zone are located across Seabrook Road to the west.
5. **Previous Approvals:** The site has an approved Preliminary Plan of Subdivision, 4-06091, which was approved by the Planning Board on December 21, 2006.
6. **Design Features:** The applicant proposes to develop the site with multifamily buildings in condominium ownership. The proposed multifamily buildings are modified two-family buildings, commonly known as stacked townhouses or two-over-two's. These consist of attached dwelling units, with two-story dwelling units stacked one above another. The applicant has modified the typical two-family dwelling unit arrangement by adding vestibules to the front of the buildings, each of which provides common access to four units. This allows the buildings to meet the Zoning Ordinance's definition of multifamily buildings.

The proposed plan includes four buildings containing 16 dwelling units, seven containing 12 dwelling units, and one containing eight dwelling units. Each unit has a front door in one of the common vestibules, accessed from a sidewalk along the front of the building. Each unit also has a single-car rear-loaded garage on the ground floor, accessed from a driveway behind the building.

The buildings are arranged along private streets on the property. The fronts of two 16-unit buildings face west onto Seabrook Road on either side of the proposed vehicular entrance to the site. The remaining ten buildings are oriented in back-to-back pairs around a central island roughly in the center of the development.

Proposed recreational facilities on the site include a tot lot and a small ball field near the southeastern corner of the property.

The plan also proposes a new stormwater management pond at the southeastern corner of the property, and a system of underground stormwater management facilities on the central island. There are also two proposed bioretention facilities, one on the central island and the other located on the northeastern portion of the property adjacent to the end of existing Linwood Avenue.

The plan proposes fencing along the northern and eastern property lines. Along the northern property line adjoining the school property, the applicant has proposed a six-foot-tall black vinyl-coated chain link fence. The chain link fence does not present an attractive face to the development adjacent to the school, and it also runs in front of Buildings 3 and 4. Staff recommends that this fence should be replaced by a six-foot-tall ornamental estate-style fence, which will still permit visibility through the fence and serve as an effective barrier while providing a better appearance.

The plan also proposes a six-foot tall sight-tight fence along the eastern and northern property lines facing towards the existing neighborhood on Emack Avenue and Linwood Avenue. This is appropriate as a screening measure between the multifamily development and the adjacent single-

family neighborhood. However, it may not be the most appropriate choice along the portion of Emack Avenue and Linwood Avenue where the applicant has proposed woodland conservation. Views from the existing roads into the tree preservation area should be preserved by replacing the fence in that section with ornamental estate-style fencing.

The proposed sight-tight fence is labeled on the plans as a vinyl fence, but the fence detail provided actually identifies it as being constructed from Trex, a composite material of wood and plastic. The labels on the plan should be corrected to identify the fence as a composite fence.

The applicant has indicated that they have also agreed in discussions with the community to fund off-site sidewalk improvements along Buena Vista Avenue and Washington Avenue in order to improve pedestrian safety and accessibility in the neighborhood.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** Residential multifamily uses are typically not permitted in the C-O Zone but are permitted in this case under CB-75-2003 and CB-69-2004, which permits multifamily units in the C-O Zone under the following circumstances:

- (A) **The use is located on one or more lots of less than twelve (12) acres in size;**
- (B) **The property is located within a Center or a Corridor designated by the General Plan;**
- (C) **The adjoining properties are developed with institutional, commercial office, and residential uses;**
- (D) **Development of the site is subject to the regulations of the R-18 Zone for this use; and**
- (E) **A Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle. The site plan shall include architectural review in order to ensure compatibility with the existing neighborhood.**

The property is less than twelve acres and is located within the Annapolis Road corridor. Surrounding properties include the school (institutional), the adjacent single-family development (residential), and the office park to the south (commercial office). The applicant has filed for this detailed site plan in accordance with (E) above, and the site has been evaluated using the regulations of the R-18 Zone for multifamily.

The R-18 Zone includes requirements for setback, lot size, lot width, lot coverage, building height, spacing between buildings, and multifamily bedroom percentages. The proposed plan meets the required setbacks, lot coverage, building height, lot size, and lot width.

In regard to the R-18 requirement of bedroom percentages, Section 27-436 (d) of the Zoning Ordinance states the following:

- (1) **The bedroom percentages for multifamily dwellings in the R-18 Zone shall be in accordance with Section 27-419, provided that this paragraph shall not apply where rehabilitation of an existing multifamily development, financed through Mortgage Revenue Bonds issued by the Housing Authority of Prince George's County, results in a reduction of the total number of existing dwelling units, where a condominium plat is recorded, in accordance with the provisions of the Maryland Condominium Act, setting out each dwelling unit as a separate unit, or where a housing cooperative is established to own the multi-family dwellings.**

The development is intended to be a condominium project, and the applicant has affirmed that they will record a condominium plat. Therefore the bedroom percentage requirement does not apply to the development. Staff recommends a condition that the condominium plat should be recorded concurrently with the final plat.

The plan does not meet the required spacing between buildings. The applicant has applied for a variance to allow the buildings to be placed closer together than would normally be permitted in the R-18 Zone.

The Zoning Ordinance requires each multifamily unit to provide two parking spaces, as well as an additional half parking space for every additional bedroom beyond one. The applicant proposes 78 two-bedroom units which require two and a half parking spaces each and 78 three-bedroom units which require three parking spaces each. Thus, the total number of required spaces for the site is 429 parking spaces.

Each dwelling unit in the proposed multifamily buildings includes a rear-loaded single-car garage on the ground floor of the building. In addition, there are 76 parking spaces provided in surface parking compounds. These parking spaces are concentrated in the center of the development around the central bioretention island, with some spaces located at the edges of the development. The driveways providing access to the garages have been designed to accommodate parked cars, but the Zoning Ordinance does not normally permit the driveways in these spaces to be counted as parking spaces. The applicant has applied for a departure from design standards to allow parking spaces in the driveways to be counted towards the parking requirements. Staff is recommending approval of this departure, but if the departure is approved, the site plan will demonstrate only 388 parking spaces, or 41 fewer spaces than required.

Unfortunately, neither staff nor the applicant was aware of this parking deficiency until late in the review process because the parking calculations on the plan had been made according to a different parking standard. Therefore, the applicant has not had an opportunity to submit revised plans to address the issue. The applicant is aware of the parking problem and believes that the additional parking spaces can be provided with a slightly altered design to the parking arrangements utilizing compact spaces and parallel parking spaces and slightly expanding the parking compounds in certain areas. The applicant also believes that the proposed redesign can be done in a sensitive fashion that does not exceed the site's allowable lot coverage or prevent the provision of the required on-site landscaping.

Staff recommends that prior to certification of the detailed site plan, the applicant should either redesign the parking areas to provide the required number of parking spaces (without exceeding the site's allowable lot coverage or removing required landscaping), or else reduce the number of dwelling units in order to reduce the number of required parking spaces, or some combination of these.

8. **Prior Approvals:** The site has an approved Preliminary Plan of Subdivision, 4-06091. This plan was approved by the Planning Board on December 21, 2006, subject to nine conditions of approval. The following conditions relating to recreational facilities warrant discussion at this time; other conditions related to environmental planning and transportation are discussed in the appropriate sections below.

2. **The applicant, his successors, and/or assignees, shall provide adequate, private recreational facilities in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*, subject to the following:**
 - a. **Submission of three original, executed Recreational Facilities Agreements (RFA) to DRD for their approval three weeks prior to a submission of a final plat. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.**
 - b. **Submission to DRD of a performance bond, letter of credit, other suitable financial guarantee, or other guarantee in an amount to be determined by DRD within at least two weeks prior to applying for building permits.**
3. **The developer, his successor and/or assignees shall satisfy the Planning Board that there are adequate provisions to ensure retention and future maintenance of the proposed recreational facilities.**
4. **The private recreational facilities shall be reviewed by the Urban Design Review Section of DRD for adequacy and property siting, prior to approval of the detailed site plan.**

The applicant has proposed to provide on-site private recreational facilities including a tot lot, picnic area, and a small ball field in the southeast corner of the site. These facilities are adequately designed and sited. However, the value of the facilities is considerably less than the value of facilities required on the site.

According to the formula utilized by the Planning Department to calculate required recreational facilities value, the project has an estimated build-out population of 409 residents, requiring recreational facilities valued at \$154,570. The estimated cost shown on the plans to construct the proposed tot lot, play field, picnic area, and trail is \$51,618. Staff believes that the figure for the construction of the play field may be understated by approximately \$7,000. The applicant's plans also include other items such as off-site sidewalk improvements and an inflation factor into their recreational facilities calculations, but it is not appropriate to include these items. Therefore, the applicant must provide an additional \$95,952 in recreational facilities.

The applicant has proposed that the remaining facilities value should be donated to the Seabrook Elementary School, earmarked for the school's use in improving and maintaining its recreational facilities. The school is directly adjoining this development on the north side, and its facilities will be accessible to residents outside of school hours. Although this arrangement is unusual, staff agrees that improving the school's recreational facilities would address the recreational needs of the property while also making a positive contribution to the wider community. Therefore, staff supports the proposal for the applicant to make a contribution of at least \$95,952 to the school. An agreement for the contribution should be demonstrated prior to approval of the final plat for the property, and the contribution itself should be made prior to the issuance of building permits.

8. **Architecture:** The proposed multifamily buildings are four-story structures with pedestrian access from the fronts of the buildings and garages on the rears of the buildings. They are two-family buildings (commonly referred to as two-over-two's) that have been modified in order to fit the zoning ordinance's definition of multifamily dwellings by the addition of entrance vestibules along the fronts of the buildings that each provide common access to four dwelling units.

The fronts of the buildings are attractively designed, with brick veneer facing on the ground floor and an alternating mix of brick veneers and vinyl siding on the upper floors. The front elevations are well-fenestrated with a regular spacing of windows. The windows on the first three stories include decorative lintels and palladian arches. Roofs over the entrance vestibules and a portion of the ground floor are proposed to be constructed of standing-seam metal, while the main building roof is a hipped roof constructed of asphalt-based shingles. The main roofline of the building also features a small row of decorative corbels.

The sides of the buildings are plainer than the fronts. Each endwall includes at least ten windows, but the windows are of varying size and are distributed irregularly across the wall due to the interior layout of the dwelling units. The windows on the first three stories feature decorative lintels, but no palladian windows are included. The decorative corbels below the roofline continue around the side elevations. The basic endwall design is faced entirely with vinyl siding. The applicant has proffered to construct certain higher-visibility endwalls using brick veneer along the ground floor level, with siding on the upper three stories.

The rears of the buildings are plain and functional. The rear of the ground floor is dominated by the garage doors of the single-car garages. The upper levels feature numerous windows and two levels of small enclosed porches. As with the front and side elevations, windows on the first three floors include decorative lintels. The line of corbels below the roofline does not continue on the rear elevation. The rear walls of the buildings are proposed to be entirely faced with vinyl siding.

Staff believes that the front elevations are attractive, and that the plainer side elevations are acceptable in the lower-visibility sides (for instance, where two buildings face each other with only a small gap between the sides of the buildings). However, the development features several higher-visibility endwalls, such as the sides of the buildings fronting on Seabrook Road and the dead end of Linwood Avenue, which will be regularly viewed by everyone entering and exiting the development, as well as the residents of Linwood Avenue and passersby along Seabrook Road. These walls should receive a more attractive treatment than has currently been proposed by the applicant. Staff recommends that the higher-visibility endwalls should extend the brick veneer at least halfway up the side of the building.

10. ***Prince George's Landscape Manual:*** The site is subject to Section 4.1, 4.3, and 4.7 of the *Prince George's Landscape Manual*.

Section 4.1 (Residential Requirements) requires the provision of adequate plantings throughout the green areas of a multifamily development. The landscape plans demonstrate an adequate mix of evergreen, ornamental, and shade trees to meet this requirement.

Section 4.3 (Parking Lot Requirements) requires the provision of internal green areas within parking lots. Because of the size of the parking lots on site, the development is required to provide eight percent of the total parking area in planting area with an adequate number of trees within the green area. The landscape plans demonstrate adequate internal green area and tree plantings to meet his requirement.

Section 4.7 (Buffering Incompatible Uses) requires the provision of bufferyards between incompatible uses. In the case of this development, the applicant must provide a Type B bufferyard consisting of a 30-foot minimum building setback and a 20-foot-wide landscaped yard along the adjacent property lines (adjacent to the school, office park, and single-family detached dwellings). The landscape plans correctly demonstrate the required bufferyard and plantings adjacent to the office park, the school, and the single-family detached dwellings.

11. **Variance:** Under Section 27-442 (g) of the Zoning Ordinance, the R-18 regulations require that unattached multifamily buildings should be spaced 50 feet apart plus two feet for each additional foot of building height above 36 feet. As the proposed multifamily buildings are 43 feet tall at the midpoint of their roofs, the buildings should be spaced 64 feet apart. The regulations also state that two buildings which are situated so that neither building is visible from a window or entrance of the other building or so that no lines perpendicular to either building intersect any wall of the other building may be spaced 20 feet apart plus two feet for each additional foot of building height above 36 feet. Thus, buildings in this situation should be spaced 34 feet apart.

Some of the spaces between the proposed buildings meet the requirements. However, there are five spaces that do not meet the minimum requirements. The applicant's statement of justification identifies these spaces as follows:

"The requested variance applies to the side to side distance between Buildings 3 and 4 and Buildings 11 and 12 (shown as 30 feet, thus requiring a variance of 34 feet) and the front to side distance between Buildings 6 and 7 (shown as 47 feet requiring a variance of 17 feet) and Buildings 9 and 12 (shown as 42 feet requiring a variance of 22 feet). Because the buildings are situated so that no line perpendicular to any wall of either building intersects any wall of the other building, the corner to corner distance between Buildings 1 and 11 (shown as 29 feet at its closest point) is required to be 34 feet, thus requiring a variance of five feet."

The applicant has applied for variance VD-07010 to allow these buildings to be spaced closer than permitted by the zoning ordinance. To grant a variance, the Planning Board must make the following findings under Section 27-230 of the Zoning Ordinance.

- (1) **A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;**

The applicant's statement of justification puts forth the following argument regarding this finding:

"The Site is irregularly shaped and possesses other extraordinary conditions which necessitate the need for the requested variance. While the Site has road frontage onto Seabrook Road to the east, Emack Avenue to the west, and Linwood Avenue to the north, the adjoining residential neighbors to the north and east have requested and the applicant has agreed to restrict vehicular [access] to a single ingress-egress access drive which connects to Seabrook Road. Additionally the adjacent neighbors have requested and the Applicant is providing the maximum building setbacks from the eastern property lines and the northern property line contiguous to Linwood Avenue and is preserving over a half acre of existing mature trees in this area of the site.

"To the south the site wraps around an existing commercial office building [park] which fronts onto Annapolis Road creating a narrow panhandle between the offices and the Emack Avenue right of way which is not wide enough for the placement of dwelling units. And the existing single-family development north of Linwood Avenue cuts into the northeastern corner of the site, limiting the possible options for building layouts.

"As a result of the location of the site's vehicular entrance, the provision of onsite tree preservation and the maximum possible setbacks from the adjoining residential

development to the east and north and the irregular shape of the property, the possible locations and orientations of the multifamily buildings and associated parking are limited. The buildings must run roughly parallel to the adjoining property lines in the central portion of the site in order to create the level parking courts between the rears of the buildings.

“The uniqueness and peculiarity of the Site and the Applicant’s desire to accommodate the expressed desires of the adjoining property owners causes Section 27-442(g) to impact the Site in a disproportionate manner.”

The applicant has stated that the adjoining residential property owners have expressed a preference for larger setbacks adjacent to their properties than would normally be required by the zoning ordinance. This consideration may have affected the design of the site, in that the buildings are set back from the eastern property line more than the required 37 feet, and the applicant’s desire to accommodate the neighboring residents is commendable, while the Planning Board may want to acknowledge the applicant’s undertaking to accommodate the preference of the adjoining property owners, it seems likely that this would constitute a self-imposed constraint.

However, staff does concur with the applicant that the site is odd-shaped. Specifically, the southern panhandle of the property adjacent to Annapolis Road, while suitable for its proposed use for a ball field and a stormwater management pond, could not easily accommodate any buildings and thus does not help the applicant to provide greater spacing between the multifamily buildings. Furthermore, although the site has frontage on four adjacent streets (Annapolis Road, Seabrook Road, Linwood Avenue, and Emack Avenue), the site has only been approved for access onto Seabrook Road, which limits the development configurations available.

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

The applicant’s statement of justification presents the following argument in regard to this finding:

“In light of the uniqueness and physical characteristics of the Site, as described above, strict compliance with the requirements of 27-442(g) would result in an unreasonable hardship and undue burden on the Applicant. Were the Applicant to strictly comply with the regulations set forth in 27-442 (g), either the lot yield would have to be reduced or another variance would have to be applied for and granted resulting [in] an increase in lot coverage above the 40% maximum allowable. Currently the Applicant is proposing the 39.5% lot coverage with 60.5% open space. In order to get the side to side, front to side and corner to corner separations required by the Ordinance, the existing drive aisles would have to be lengthened, thus increasing the lot coverage over the 40% allowable...

“Additionally, if the proposed distance between buildings on-site is increased the building setbacks from the adjacent residentially-zoned properties would be reduced and the dwelling units would be located closer to the existing residences to the north and east. This relocation would allow the applicant to strictly conform to the 64 foot setbacks from all sides of all buildings; however the result would be an overall greater impact on the existing neighborhood as well as the need for the aforementioned variance for additional lot coverage.

“The other possible solution to satisfy the strict setback requirements between buildings would be to reduce the number of units. Due to the design of the units any reduction must be by [section of four units] (two side by side stacked townhouses which equals four dwelling units for each [section] removed). If a [section] was eliminated between Buildings 3 and 4 and Buildings 11 and 12 and a [section] was eliminated between Buildings 6 and 7 and Buildings 8 and 9 the exceptional hardship would be the loss of 16 dwelling units. Keeping in mind that the approved density of development is 200 dwelling units, as established by Preliminary Plan 4-06091, the current proposal of 156 dwelling units already represents a 22% reduction in density. A further reduction of 16 dwelling units (over 10% of the proposed units) to satisfy the rigid application of the distance between buildings would constitute an exceptional and undue hardship.”

Although the preliminary plan approved development of up to 200 dwelling units, the preliminary plan did not limit the type of multifamily development on the property to the converted stacked townhouses proposed on this plan. Therefore it should be noted that the applicant could accommodate the same or even greater density of proposed units by utilizing an alternative multifamily product.

Staff agrees that increasing the spaces between the proposed buildings would result in longer internal streets and an increase in impervious surface on the site. As the plan proposes a lot coverage near the maximum permitted under the development regulations, an increase in lot coverage would be undesirable and would probably force the applicant to apply for an additional variance.

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

“The applicant’s statement of justification argues that “the instant variance is not inconsistent with the General Plan Development Pattern policies for the Developing Tier,” and that “the proposed multifamily two-over-two units, with structured and surface parking, meet the intent and purpose of the Master Plan and preserve its integrity.”

Staff notes that the site is located along the Annapolis Road Corridor of the Developing Tier as designated by the 2002 General Plan, and that the General Plan calls for higher intensity residential and nonresidential uses at designated nodes along the corridors. Although the intersection of Annapolis Road and Seabrook Road has not been designated as a node (which have not yet been designated along this Corridor - see discussion in Community Planning referral below), the addition of the proposed multifamily development to the cluster of office, residential, and institutional uses in close proximity to this intersection can be seen as contributing to a future node at the nearby Enterprise Shopping Center.

The proposed multifamily buildings are basically modified two-family dwellings that are technically subject to the Zoning Ordinance’s regulations for conventional multifamily buildings (i.e., garden apartments and elevator apartments). The site will operate and be perceived on the ground as a stacked-townhouse development, and the requested setbacks are quite typical of normal stacked-townhouse developments. Staff believes that the applicant’s request for a variance is justified and allows the development of a superior site design.

12. **Departure:** Each multifamily unit must provide two parking spaces plus an additional half of one parking space for every bedroom in excess of one. The applicant proposes 78 two-bedroom units

and 78 three-bedroom units, so that a total of 429 parking spaces are required.

Each multifamily unit provides one parking space in the individual unit's parking garage on the ground floor. Additional surface parking spaces have been provided within the development. Finally, the driveway for each unit's individual garage has been designed to accommodate a full-size parking space. The garage parking space would effectively be provided behind the driveway parking space. However, the zoning ordinance only permits this arrangement of parking spaces (with one space serving as the access to another space) for one-family dwellings. As the proposed units are multifamily dwellings, the applicant has applied for a departure from design standards (DDS-589) to allow the unit driveways to be counted as parking spaces.

As set forth in Section 27-239.03 of the Zoning Ordinance, the Planning Board may grant a departure if it makes the following findings:

- (i) **The purposes of this Subtitle will be equally well or better served by the applicant's proposal;**

The purposes of the Zoning Ordinance are laid out in Section 27-102. These include the following purposes which are relevant to the subject application:

- (6) **To promote the most beneficial relationship between the uses of land and buildings and protect landowners from adverse impacts of adjoining development;**

If the proposed departure were not granted, the applicant would be forced to provide a large number of additional parking spaces on the site. Although the driveways could be reduced in size if they were not sized to accommodate parking, this reduction in size would not be as large as the entire parking space because of the need for some driveway length to accommodate turning movements into the garages. Therefore, providing the same number of spaces elsewhere would be an inefficient use of land. Furthermore, the individual homeowners would not have the convenience of a second dedicated parking space behind their unit, as the additional parking spaces provided might be located in a central parking area.

- (11) **To lessen the danger and congestion of traffic on the streets, and to insure the continued usefulness of all elements of the transportation system for their planned functions;**

Providing parking spaces within the driveways will ensure that cars can park within the driveways without impeding the traffic flow along the internal streets of the development. Although the parking spaces within the garages will not be accessible when the driveway spaces are occupied, the arrangement is in practice no different from that of a single family house with both a garage and a driveway parking space.

- (ii) **The departure is the minimum necessary, given the specific circumstances of the request;**

The applicant's statement of justification provides the following argument regarding this finding:

"This request is not to reduce the number of parking spaces, but rather to locate the required parking spaces in an alternative arrangement. The proposed tandem arrangement of one standard space and one interior garage will allow for the provision of adequate on-site parking for residents and guests. This arrangement is the most efficient and

functional design, given the unique physical constraints of the site. The requested parking arrangement is the most practical solution. No additional departures are necessary or requested.”

(iii) The departure is necessary in order to alleviate circumstances which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949;

The site is located in the Developing Tier and is not particularly restricted by circumstances prevalent in older areas of the County. The site is oddly-shaped and limited by its sole approved access onto Seabrook Road. If the departure is not granted, additional surface parking areas would have to be provided which would probably result in greater impacts to adjoining properties and constitute a substantial burden on the applicant. In a typical arrangement of multifamily dwellings, parking is often provided in surface parking lots located along the fronts of the buildings. However, the proposed site plan has been designed so that the fronts of the buildings around the edges of the property face directly towards adjoining properties and streets. This is an appropriate design because the fronts are the most visually attractive sides of the buildings.

(iv) The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.

The departure will not impact the quality or integrity of the site or the surrounding neighborhood. Granting the departure will preserve the functional quality of the site by providing homeowners with the convenience of a dedicated parking space directly behind their residence, instead of a space in a parking lot which might be less accessible to their residence. Furthermore, providing the parking spaces within the driveways behind the buildings will lessen the overall proportion of paving on the site and allow the proposed buildings to be located slightly further from the adjoining residential properties than they otherwise could, thereby reducing the visual impact on the surrounding neighborhood.

Staff believes that the Planning Board may make the required findings for the Departure from Design Standards, and that the departure is justified and warranted.

REFERRALS

13. **Environmental Planning Section:** In a memorandum dated September 3, 2008 (Reiser to Lindsay), the Environmental Planning Section recommended approval of Detailed Site Plan DSP-07010 and Type II Tree Conservation Plan TCPII/045/08 subject to conditions.

The Environmental Planning Section previously reviewed this site as Special Exception SE-3178, approved in the 1980's and Preliminary Plans 4-99056, 4-05018, 4-05106, and 4-06091. A Type I Tree Conservation Plan, TCPI/37/99, was approved with Preliminary Plan 4-99056, with conditions of approval contained in PGCPB Resolution No. 99-242. Preliminary Plan 4-99056 was for 2.39 acres located in the northwest portion of the current application. Preliminary Plans 4-05018 and 4-05106 were for the entire 11.70-acre site, and were withdrawn prior to public hearing. Preliminary Plan 4-06091 and TCPI/37/99-01 were also for the entire 11.70-acre site, and conditions of approval are contained in PGCPB Resolution No. 06-290. Several conditions of PGCPB Resolution No. 06-290 pertain to the review of a detailed site plan and the associated Type II tree conservation plan as discussed below.

There is an existing single-family detached dwelling unit on the site that is proposed to be demolished. The proposal is for the creation of 156 multifamily dwellings in the C-O Zone.

This 11.70-acre site in the C-O Zone is located on the north side of MD 450, between Seabrook Road and Emack Avenue, and south of Linwood Avenue. Based on a review of 2005 air photos, the site is approximately 97 percent wooded; however, there are no significant environmental features associated with the site such as a stream, wetlands, 100-year floodplain or steep and severe slopes. Four soil types are associated with the site: Bibb silt loam, Christiana silt loam, Keyport silt loam and two types within the Sunnyside fine sandy loam series. Development constraints are associated with three of these soils. Bibb soils are prone to a high water table, flood hazard and poor drainage when associated with house foundations, streets and parking lots. Christiana soils have a high shrink-swell potential in relation to house foundations, streets and parking lots. Keyport soils have slow permeability and high erosion potential in relation to drainage systems. Based on available information, Marlboro clays are not found to occur at this location. MD 450 is classified as an arterial road and as such is a traffic noise generator. Noise impacts from MD 450 are anticipated. There are no designated scenic or historic roads in the vicinity of the site. According to the Maryland Department of Natural Resources Wildlife and Heritage Program staff, rare, threatened and endangered species are not found in the vicinity of this site. According to the *Approved Countywide Green Infrastructure Plan*, the site is not within the designated network. The site is in the Folly Branch watershed of the Patuxent River basin, the Glenn Dale-Seabrook and Vicinity Planning Area and the Developing Tier of the General Plan.

The following text addresses previously approved environmental conditions related to the subject applications. The text in **BOLD** is the actual text from the previous cases or plans. The plain text provides the comments on the plan's conformance with the conditions.

PGCPB No. 06-290, File No. 4-06091

- 1. A Type II Tree Conservation Plan shall be approved in conjunction with the detailed site plan.**

A Type II tree conservation plan has been submitted in conjunction with the detailed site plan.

- 6. At the time of Detailed Site Plan review, the DSP and TCPII shall graphically show the unmitigated 65 dBA Ldn noise contours at ground level and upper levels as measured from the centerline of MD 450 based on the Phase I Noise Study. No residential structures or outdoor activity areas shall be placed within the ground level 65 dBA Ldn contour.**

The DSP and TCPII show the unmitigated 65 and 70 dBA Ldn noise contours for the ground and upper levels as required and demonstrate that no residential buildings are proposed within the noise contours in relation to MD 450.

Environmental Review

As revisions are made to the plans submitted the revision boxes on each plan sheet shall be used to describe what revisions were made, when, and by whom.

The site has an approved Natural Resources Inventory, NRI/140/05, that shows no regulated environmental features on this site. The site contains two forest stands and 15 specimen trees. Forest Stand 1 is a mid to late successional forest dominated by white oak and northern red oak. Forest Stand 2 is dominated by Virginia pine and contains an abundance of non-native English ivy, an invasive plant.

The DSP and the TCPII show all the required information correctly as reflected in the approved NRI.

No additional information is required with respect to the NRI.

This property is subject to the provisions of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the site has a previously approved A Type II Tree Conservation Plan (TCPI/37/99). A Type II Tree Conservation Plan (TCPII) has been submitted and reviewed.

According to the TCPII worksheet shown on the plan submitted with this application, existing woodland on the site totals 10.70 acres. This is consistent with the approved TCPI. The site has a woodland conservation threshold of 1.66 acres, or 15% of the net tract, and a woodland conservation requirement shown of 5.59 acres. The TCPII proposes to clear 10.18 acres on-site and 0.53 acres off-site. The area proposed for preservation is associated with Forest Stand 1 and has a "priority" rating with regard to forest retention potential.

The previously approved TCPI proposed to meet the entire woodland conservation requirement with off-site mitigation. This TCPII proposes to meet the requirement with 0.52 acres of on-site preservation, 0.12 acres of on-site reforestation, and 4.95 acres off-site mitigation for a total of 5.59 acres. The proposed 0.52 acres of on-site preservation is a substantial block of woodland that will provide screening. The proposed 0.12-acre reforestation is shown a minimum of 20 feet from the proposed sidewalk in order to provide a mowed and maintained area. For clarity, a dimension line and label need to be added to the plan to show the minimum distance of the reforestation planting area from the sidewalk.

Minor revisions are needed to the TCPII to bring it into full compliance with the Woodland Conservation Technical Manual. All existing structures need to be shown on the plan, with their disposition labeled, regardless of any permits that have been issued for their removal. Should the smaller scale treeline that is shown on the plan be meant to represent a shrub area, then the line type should be added to the legend; however, if it is meant to represent the treeline, then the line type scale of the entire treeline needs to be revised to be consistent with the line type shown in the legend. The standard TCPII notes need to be revised to include optional note five. The standard afforestation/ reforestation management plan notes need to be added to the plan. The reforestation area plant list references an incorrect planting area. The list needs to be revised to account for the area of reforestation shown on the plan. The current plan does not have an updated revision block. All plan revisions need to be documented with a note in the revision block. Update the revision block to include a description of the changes made to the plan. The current plan is not signed by a qualified professional. All tree conservation plans that are submitted for review need to be signed by a qualified professional. The plan must be signed by a qualified professional. The TCPII approval block on sheet two references an incorrect TCP plan number. All sheets need to be revised to include the correct TCPII plan number (TCPII/045/08). After all these revisions have been made, the qualified professional who prepared the plan should sign and date it and update the revision box with a summary of the revision.

Annapolis Road (MD 450) is an existing arterial road, and as such is regulated for noise impacts to residential uses. A Phase I Noise Study was prepared on January 14, 2005, by Phoenix Noise and Vibration, LLC, of Frederick, Maryland, to determine locations of the unmitigated 65 and 70 dBA Ldn contours on the plans. The DSP and TCPII show the unmitigated 65 and 70 dBA Ldn noise contours for the ground and upper levels as required and demonstrate that no residential

buildings or outdoor recreation areas are proposed within the noise contours in relation to MD 450. No additional information is required with respect to noise.

A copy of stormwater management concept plan and approval letter, issued on July 14, 2008, with an expiration date of July 14, 2011, has been submitted. The concept plan and approval letter indicate one underground facility, one pond facility and a bioretention area proposed. No further information pertaining to stormwater management is required.

14. **Community Planning North Division:** In a memorandum dated July 2, 2008 (Hodgson to Lindsay), the Community Planning North Division offered the following findings:

This application is not inconsistent with the 2002 Approved Prince George's County General Plan Development Pattern Policies for a Developing Tier Corridor.

This detailed site plan does not conform with the office commercial land use recommendation shown on the plan map and the plan text of the 1993 *Approved Master Plan and Sectional Map Amendment for Glenn Dale-Seabrook-Lanham and Vicinity (Planning Area 70)*.

The C-O zoned portion of the site is subject to CB-75-2003, which permits multifamily dwellings under certain conditions. One of the requirements is that the property be less than eight acres in size. CB-69-2004 was enacted to change the eight acres to 12 acres.

Corridor Nodes have yet to be identified for Annapolis Road through the ongoing Glenn Dale-Seabrook-Lanham Sector Plan; however the subject site is located just outside of a one-quarter mile distance from the intersection of Annapolis Road and Carter Avenue, which is the main entrance to Enterprise Shopping Center. Enterprise Shopping Center is a higher intensity commercial use and should be considered for future Corridor Node designation. Thus, the proposed multifamily development on this site would enhance the formation of a Corridor Node at Enterprise Shopping Center.

15. **Subdivision Section:** In a memorandum dated July 14, 2008 (Chellis to Lindsay), the Subdivision section made a number of comments and requested changes to the plans. Most of the requested changes have been made on revised plans submitted by the applicant. However, the plans do not show ten-foot Public Utility Easements (PUEs) along the private rights-of-way within the development. Prior to certificate approval, the DSP should show the required PUEs along all public and private rights-of-way.

16. **Transportation Planning Section:** In a memorandum dated July 15, 2008 (Burton to Lindsay), the Transportation Planning Section offered the following comments:

On December 21, 2006, the Planning Board approved Preliminary Plan of Subdivision 4-06091 for the subject property. Based on information outlined in PGCPB 06-290, the preliminary plan was approved with the following transportation conditions:

7. **Prior to the issuance of the permit for the 100th dwelling unit, the applicant shall conduct signal warrant studies at the MD 450/ Seabrook Road intersection, and install said signal if deemed to be warranted, or provide an alternate improvement as deemed necessary by SHA.**

8. **In conformance with the Adopted and Approved Glenn Dale-Seabrook-Lanham and Vicinity Master Plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:**
 - a. **The Adopted and Approved Glenn Dale-Seabrook-Lanham and Vicinity Master Plan recommends that Seabrook Road be designated as a Class III bikeway with appropriate signage. Because Seabrook Road is a county right-of-way, the applicant, and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of this signage. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit.**
 - b. **A six-foot-wide, asphalt trail connection from the subject site to the existing master plan trail along MD 450. A portion of this trail can coincide with the stormwater management access road.**
 - c. **Standard sidewalks along both sides of all internal roads, unless determined not to be appropriate at the time of detailed site plan.**
9. **Total development of the subject property shall be limited to uses that would generate no more than 140 AM and 160 PM peak hour trips. Any development generating and 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.**

All of the aforementioned conditions are still applicable and fully enforceable based on the preliminary plan approval. Therefore, they will not be carried forward as conditions of approval for the subject application. Regarding the site layout, staff finds the plan to be acceptable. However, the proposed "Vang Drive" is being proposed as a dead-end street without a cul de sac or a hammerhead turn-around. Without an appropriate turn around feature, if large vehicles like garbage trucks or other delivery trucks (UPS etc.) have to make a delivery at the end of the street, those vehicles would be forced to back up to the nearest intersection, approximately 200 feet away.

While a reversing truck is not an inherently dangerous operation, the poor visibility associated with reversing trucks compared to passenger cars, increases the possibility of accidents, particularly involving small children walking across the path of a reversing truck.

The Transportation Section concludes that the proposed site plan is deemed acceptable as required by Section 27-285 of the Prince George's County Code, if it is approved with conditions.

Urban Design Comment: The original transportation-related conditions of the preliminary plan remain in effect and are fully enforceable, so Urban Design staff is not recommending their inclusion with the DSP in order to avoid duplication of conditions.

17. **Permit Review Section:** In a memorandum dated June 24, 2008 (Linkins to Lindsay), the Permit Review Section offered six comments, which have been addressed in the revised plans submitted

by the applicant. The Permit reviewer requested the establishment of a completion trigger for the construction of the recreational facilities on the site. The applicant has proposed that the facilities should be completed prior to issuance of a permit for the 110th dwelling unit on the site. Staff believes that this is too late in the process, and recommends that the facilities should be completed prior to the issuance of a permit for the 90th dwelling unit on the site.

18. **Trails Coordinator:** In a memorandum dated July 31, 2008 (Shaffer to Lindsay), the Trails Coordinator offered the following comments:

The adopted and approved Glenn Dale-Seabrook-Lanham and vicinity master plan recommends master plan trail/bike facilities along MD 450 and Seabrook Road. A paved trail is recommended along MD 450, and this facility has been completed by State Highway Administration (SHA) through a prior road improvement project. Seabrook Road is designated as a master plan bikeway, and the provision of bikeway signage is recommended.

The Seabrook Elementary School is immediately to the north of the subject site. The existing sidewalk along Seabrook Road will provide pedestrian access to the school from the subject site.

A sidewalk exists along the subject property's entire frontage of Seabrook Road. The master plan trail exists along the subject site's frontage of MD 450. Staff recommends the provision of a six-foot-wide, asphalt trail connection from the internal subdivision to the master plan trail along MD 450. This was also recommended at the time of preliminary plan and included as Condition 8 b of PBCPB 06-290. Staff supports the location shown on the submitted site plan, but recommends that the connection be widened from five to six-feet wide to better accommodate bicycle movement to the master plan trail.

The proposed sidewalk network is comprehensive and provides access throughout the subject site, to Seabrook Road and MD 450. Frontages that do not include sidewalks involve roads that run behind units and that serve primarily as alleys. Sidewalks provided along unit fronts appear to make most of the necessary connections. Staff noted that the center of the property is comprised of bioretention facility No. 1. Discussions with the applicant have indicated that a gazebo and landscaping may be provided in this area. Staff also recommends that pedestrian or trail connections be incorporated into this area as well. More specifically, staff recommends that a trail connection be provided through the area from Staysail Land to Lanteen Street. This trail will provide more direct access from Buildings 7 and 8 to Seabrook Road. In addition, staff recommends that a trail or sidewalk be provided along bioretention facility #1's frontage of Lanteen Street, which will complete the sidewalk along this road. Staff believes that these connections will enhance access to the gazebo and small open space area as well as complement and complete the proposed sidewalk network.

Urban Design Comment: The trail and sidewalk recommendations issued by the Trails Coordinator have been reflected on the revised plans submitted by the applicant.

19. **State Highway Administration (SHA):** In a memorandum dated July 8, 2008 (Foster to Lindsay), SHA offered the following comments:

The applicant has proposed a stormwater management facility at the southeast corner of the site. It appears that the facility will drain to the SHA right-of-way. Furthermore, it appears that the outfall from that facility, as shown, has potentially erosive characteristics to the immediate area of outfall, and to the SHA-owned roadside ditch where the water ultimately enters.

Because of the questions about the outfall, SHA will require plans and computations for that facility to be submitted to this office for a detailed review as soon as possible. The outfall of this pond to SHA right-of-way will require a District Permit from the District 3 office.

While SHA does not object to a planning board date being set for this project, we do point out that the design of the stormwater management facility referenced may change at an appreciable level upon detailed review by our Highway Hydraulics Division.

20. **Department of Public Works and Transportation (DPW&T):** In a memorandum dated July 28, 2008 (Abraham to Lindsay), DPW&T provided the following comments:

The property is located on the east side of Seabrook Road and the north side of Annapolis Road (MD 450). Frontages are on Linwood Avenue and Emack Avenue. MD 450 is under the jurisdiction of the Maryland State Highway Administration. Right-of-way dedication and frontage improvements in accordance with DPW&T's urban primary residential road standards are required for Seabrook Road. Right-of-way dedication and frontage improvements in accordance with DPW&T's urban secondary residential road standards are required for both Linwood Avenue and Emack Avenue. Additionally, right-of-way dedication and frontage improvements in accordance with DPW&T's Specifications and Standards are required for the proposed internal subdivision streets.

There are no frontage improvements along Linwood Avenue and Emack Avenue. Therefore, curb and gutter, sidewalk, street trees and street lights are required.

Street construction permits are required for improvements within private roadway rights-of-way serving townhouse developments and private roads that serve more than four single-family dwellings. Maintenance of private streets is not the responsibility of Prince George's County.

Any proposed master planned roadways that are within the property limits must be addressed through coordination between The Maryland-National Capital Park and Planning Commission and DPW&T and may involve right-of-way reservation, dedication and/or road construction in accordance with DPW&T's Specifications and Standards.

Full-width, 2-inch mill and overlay for all County roadway frontages is required.

Conformance with DPW&T's street tree and street lighting standards is required.

Sidewalks are required along all roadways within the property limits in accordance with Sections 23-105 and 23-135 of the County Road Ordinance.

The detailed site plan is consistent with the Stormwater Management Concept No. 8382-2005-00.

All storm drainage systems and facilities are to be in accordance with DPW&T's Specifications and Standards.

An access study shall be conducted by the applicant and reviewed to determine the adequacy of access point(s) and the need for acceleration/deceleration and turning lanes.

All improvements within the public rights-of-way, as dedicated for public use to the County, are to be in accordance with the County's Road Ordinance, DPW&T's Specifications and Standards, and the Americans with Disabilities Act (ADA).

A soils investigation report which includes subsurface exploration and geotechnical engineering evaluation for public streets is required.

Urban Design Comment: It should be noted that DPW&T usually enforces its conditions through its own permitting process.

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

RECOMMENDATION for Detailed Site Plan

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE DSP-07010, VD-07010, and TCPII/045/08 with the following conditions:

1. Prior to certification, the detailed site plan should be revised as follows:
 - a. Show the required 10-foot-wide Public Utility Easement along the internal private streets.
 - b. Provide a hammerhead turn-around area at the end of Vang Drive.
 - c. Provide a listing of the high-visibility sides on the site, including both sides of Building 1 and Building 2, the east sides of Buildings 4, 6, 9, and 12, the north sides of Buildings 7 and 8, and the west side of Building 11.
 - d. Replace the proposed chain link fence along the property line adjacent to the school with a six-foot tall ornamental estate-style fence.
 - e. Correct the fence labels to show that the proposed sight-tight fence is a composite fence.
 - f. Remove the calculations for off-site sidewalk improvements and inflation from the recreational calculations.
 - g. Replace the proposed sight-tight fence along the woodland preservation area next to the Linwood Avenue and Emack Avenue with a six-foot-tall ornamental estate-style fence.
2. Prior to the certification of the DSP, the Type II Tree Conservation Plan shall be revised as follows:
 - a. Provide a dimension line and label to shown a minimum distance of 20 feet from the reforestation planting area to the sidewalk.
 - b. Show all existing structures and provide labels for their disposition.
 - c. Revise all tree lines shown on the plan view to match the line type scale shown in the legend.
 - d. Revise the Standard TCPII notes to add optional note 5 and replace all references to the "DER Inspector" with "County Inspector."
 - e. Add the standard afforestation/ reforestation management plan notes.
 - f. Revise the reforestation area plant list to account for the area of reforestation shown on the plan.
 - g. Update the revision block to include a description of the changes made to the plan.
 - h. Revise the approval block on all sheets to include the correct TCPII plan number (TCPII/045/08).
 - i. After all these revisions have been made, have the qualified professional who prepared the plan sign and date it and update the revision box with a summary of the revision.

3. Prior to certification, the DSP shall be revised to demonstrate the total required number of parking spaces through a revised design of the surface parking areas and/or by removing proposed dwelling units. All plan sheets shall be updated to reflect the revised design. Revisions to the design shall not cause the site to exceed its allowable lot coverage or interfere with amenities such as pedestrian access routes, required landscaping, recreational facilities, or stormwater management facilities.
4. Prior to certification of the DSP, the architectural elevations shall be revised to demonstrate the following:
 - a. The high-visibility endwalls shall include brick façades up to the halfway point of the wall.
 - b. The line of decorative corbels below the roofline shall be extended around all sides of the building.
 - c. The end units on the front elevations shall in all cases utilize full brick façades.
 - d. At least 50 percent of each building's units shall have a full brick front façade.
5. Prior to approval of a final plat, the applicant shall provide evidence demonstrating that an agreement has been reached between the school and the applicant and the applicant's heirs, successors, and/or assignees, to make a contribution to Seabrook Elementary School earmarked for the improvement and upkeep of the school's recreational facilities.
6. Prior to issuance of any building permits, the applicant and the applicant's heirs, successors, and/or assignees, shall provide evidence demonstrating that a contribution of at least \$95,952 has been made to and accepted by the Seabrook Elementary School, earmarked for the improvement and upkeep of the school's recreational facilities.
7. The applicant shall demonstrate that a condominium plat for all of the dwelling units proposed on the property has been recorded prior to the issuance of the first building permit.
8. The proposed recreational facilities shall be completed prior to issuance of a permit for the 90th dwelling unit on the site.

RECOMMENDATION for Departure From Design Standards

Based on the foregoing evaluation and analysis, the Urban Design Section recommends that the Planning Board adopt the findings of this report and APPROVE DDS-589 subject to the following condition:

1. Prior to certification of the DDS, the DSP and DDS plans shall be revised to demonstrate the total required number of parking spaces through a revised design of the surface parking areas and/or by removing proposed dwelling units. All plan sheets shall be updated to reflect the revised design. Revisions to the design shall not cause the site to exceed its allowable lot coverage or interfere with amenities such as required landscaping, recreational facilities, pedestrian access routes, or stormwater management facilities.