The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Development Review Division
301-952-3530

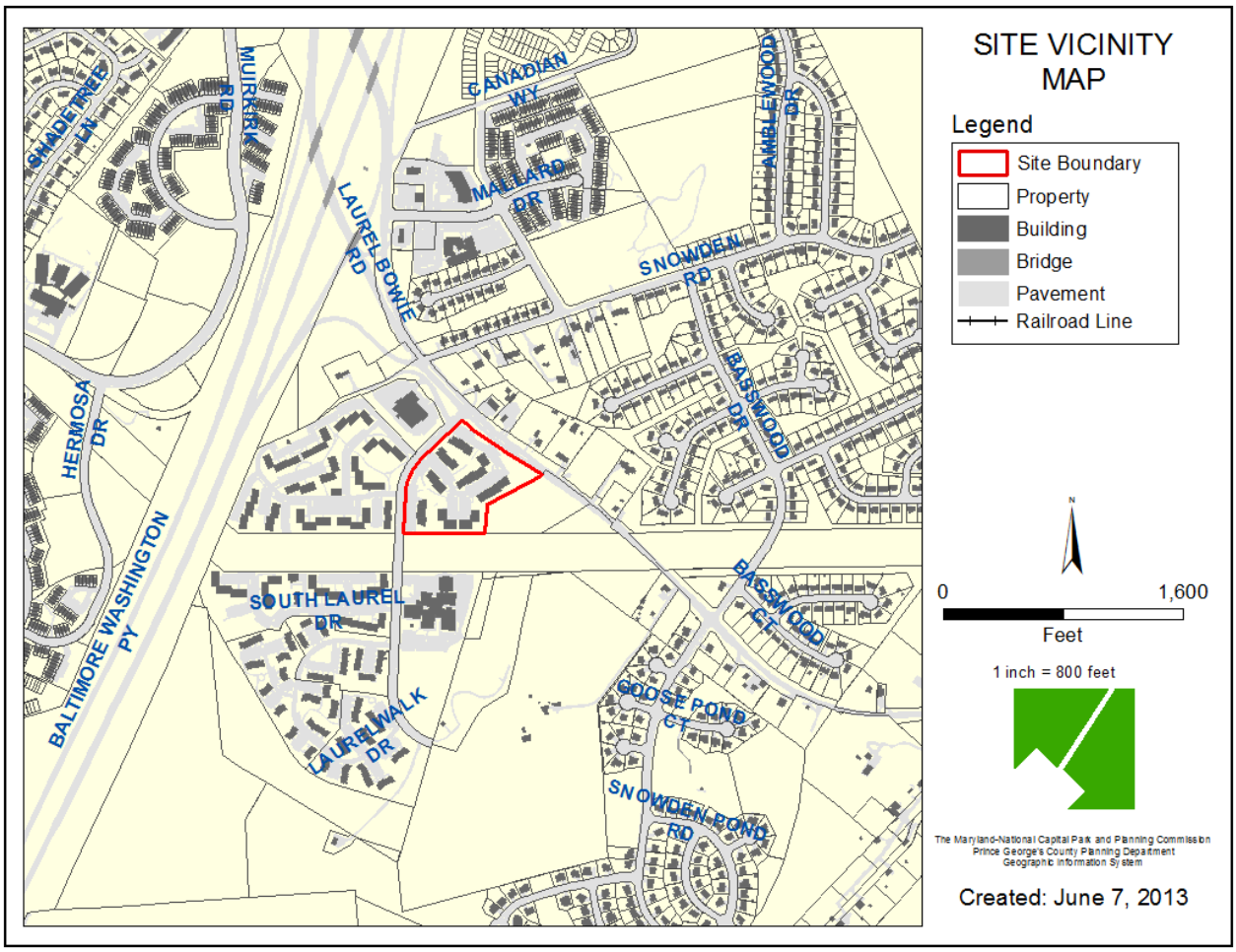
Note: *Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.*

Revision of Site Plan ROSP-4699-01

Application	**General Data**	
Project Name: The Evergreens at Laurel	Planning Board Hearing Date:	02/06/14
	Staff Report Date:	01/22/14
Location: On the southern corner at the intersection of South Laurel Drive and Laurel-Bowie Road (MD 197).	Date Accepted:	10/29/13
	Planning Board Action Limit:	N/A
	Plan Acreage:	9.10
Applicant/Address: Rock Engineering Company 1960 Gallows Road, Suite 300 Vienna, VA 22182	Zone:	R-18
	Gross Floor Area:	65,900 sq. ft.
	Lots:	N/A
	Parcels:	1
Property Owner: Fourth B-W Parkway Ltd. Partnership 1960 Gallows Road, Suite 300 Vienna, VA 22182	Planning Area:	62
	Tier:	Developing
	Council District:	01
	Election District	10
	Municipality:	N/A
	200-Scale Base Map:	215NE09

Purpose of Application	**Notice Dates**	
Revision of site plan to modify landscaping, for placement of HVAC units, and to revise the private walkways.	Informational Mailing	06/12/13
	Acceptance Mailing:	10/28/13
	Sign Posting Deadline:	01/06/14

Staff Recommendation			**Staff Reviewer:** Ivy R. Thompson **Phone Number:** 301-952-4326 **E-mail:** Ivy.Thompson@ppd.mncppc.org
APPROVAL	**APPROVAL WITH CONDITIONS**	**DISAPPROVAL**	**DISCUSSION**
	X		


SITE VICINITY MAP
Legend
Site Boundary
Property
Building
Bridge
Pavement
Railroad Line
SHADETREE LN
MUIRKIRK RD
CANADIAN WY
MALLARD DR
AMBLEWOOD DR
LAUREL BOWIE RD
SNOWDEN RD
BASSWOOD DR
HERMOSA DR
BALTIMORE WASHINGTON PY
SOUTH LAUREL DR
BASSWOOD CT
GOOSE POND CT
LAUREL WALK DR
SNOWDEN POND RD
N
0
1,600
Feet
1 inch = 800 feet
The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Geographic Information System
Created: June 7, 2013

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

TECHNICAL STAFF REPORT

TO: The Prince George's County Planning Board

VIA: Jimi Jones, Supervisor, Zoning Review Section, Development Review Division

FROM: Ivy Thompson, Senior Planner, Zoning Review Section, Development Review Division

SUBJECT: **Minor Revision of Site Plan Application No. ROSP-4699-01**
The Evergreens at Laurel

REQUEST: **Revision of site plan to modify landscaping, for placement of HVAC units, and to revise the private walkways.**

RECOMMENDATION: **APPROVAL with conditions**

NOTE:

The Planning Board has scheduled this application for a public hearing on the agenda date of February 6, 2014. The Planning Board also encourages all interested persons to request to become a person of record for this application.

Requests to become a person of record should be made in writing and addressed to The Maryland-National Capital Park and Planning Commission, Development Review Division, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. Please call 301-952-3530 for additional information.

FINDINGS

A. **Location and Field Inspection:** The subject property is located on the southern corner at the intersection of South Laurel Drive and Laurel-Bowie Road (MD 197). The subject property consists of approximately 9.10 acres of land in the Multifamily Medium Density Residential (R-18) Zone. Direct vehicular access is provided via South Laurel Drive to Laurel-Bowie Road. It is in Planning area 62, Council District 1.

B. **Development Data Summary:**

	EXISTING	**PROPOSED**
Zone(s)	R-18	Unchanged
Use(s)	Multifamily Medium Density Residential	Unchanged
Acreage	9.09	Unchanged
Parcels	1	Unchanged
Square Footage/GFA	65,900	Unchanged.
Dwelling Units:	202	Unchanged

C. **History:** The subject property is a certified nonconforming use (NCU). The site was constructed between 1970 and 1972. In 1998, it was certified as a nonconforming use (NCU-8496-98-4) as it no longer conformed to the bedroom percentages prescribed in the Zoning Ordinance. In 2000, Permit 9361-2000-CG was issued to add parking on the northern end of the site near Laurel-Bowie Road (MD 197). This permit was issued in error, as a special exception was required to modify the approved NCU and expand the parking. The parking lot expansion did not conform to the requirements of the 1990 Prince George's County Landscape Manual. The Planning Board approved Detailed Site Plan DSP -09026 (PGCPB Resolution No. 10-65) for a single, 5,403-square-foot, community building and the addition of four one-bedroom units. The original Special Exception, SE-4699, and Alternative Compliance AC-10013 were approved on April 2, 2012.

D. **Master Plan Recommendation:** The subject property is located in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employments areas that are increasingly transit serviceable. This application is consistent with the 2002 *Prince George's County Approved General Plan* Development Pattern policies for the Developing Tier.

This application is in conformance with the residential medium-high land use recommendations of the 2010 *Approved Subregion 1 Master Plan and Sectional Map Amendment* (Subregion 1 Master Plan and SMA). The Subregion 1 Master Plan recommends a residential medium-high density land use for the subject property.

E. **Request:** The applicant is requesting a minor revision to the approved Special Exception (SE-4699) for The Evergreens at Laurel to modify the landscaping plan, for placement of heating, ventilation, and air conditioning (HVAC) units, and to revise the private walkways.

F. **Neighborhood and Surrounding Uses:** Single-family zoned and developed properties exist north of The Evergreens on the opposite side of Laurel-Bowie Road (MD 197), and C-O-zoned (Commercial Office) property that is wooded and undeveloped is situated along the eastern boundary. A motorcycle sales and service center is on the west side of South Laurel Drive.

Properties south and west of The Evergreens are zoned for multifamily uses and are developed with apartment communities. Undeveloped land lies to the immediate east. The expansive utility right-of-way along The Evergreens' rear southern boundary separates it from the adjacent apartment community. The neighborhood boundaries in this case are identified as follows:

Northeast— Laurel-Bowie Road (MD 197)

West— South Laurel Drive

South— Potomac Electric Power Company (PEPCO) right-of-way

The uses immediately surrounding the proposed special exception are as follows:

North— Retail development zoned Ancillary Commercial (C-A) and single-family residences zoned Rural Residential (R-R)

South— Potomac Electric Power Company (PEPCO), zoned R-R

East— Hayloft Dinner Theater zoned C-O

West— South Laurel Dive, a multifamily complex zoned R-18, and a motorcycle dealership zoned Commercial Shopping Center (C-S-C)

G. **Signage:** The approved special exception for Evergreens at Laurel (SE-4699) did include the replacement of existing signage. No new signage is proposed at this time. Any future signage proposed on this property will require approval of a revised special exception site plan prior to approval of a sign permit. The proposed site plan identifies the location of a monument sign and a leasing office sign in conformance with the required setbacks for such signs.

H. **Prince George's County Landscape Manual Requirements:** The site has a previously approved Alternative Compliance application, AC-10013, granting relief from Section 4.3, Parking Lot Requirements, of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) along the northeastern property boundary adjacent to the right-of-way of Laurel-Bowie Road (MD 197). A full ten-foot-wide Section 4.3(a) planting strip could not be provided in one location due to an existing parking lot adjacent to the right-of-way. The AC application was approved with 104 plant units in this location. Per revised site plans submitted January 13, 2014, the subject revision generally conforms to the requirements of AC-10013.

Tree Canopy Coverage

The originally approved special exception was subject to the requirements of the Tree Canopy Coverage Ordinance in effect at the time of the approval of the special exception because it required a grading permit for more than 1,500 square feet of land disturbance. As the subject 9.10-acre site is zoned R-18, the applicant was required to provide 15 percent, or 59,440 square feet, of tree canopy coverage on the subject property. Whereas the previously approved special exception provided the full amount of tree canopy required, the subject application is short 2,564 square feet in this respect. The revised site plans submitted January 13, 2014 demonstrate conformance to the Tree Canopy Coverage Ordinance.

I. **Zone Standards:** The subject application has been reviewed for compliance with the requirements of the R-18 Zone and the guidelines of the Zoning Ordinance. The Evergreens at Laurel is an existing, certified nonconforming, multifamily, residential development that was built in conformance with the regulations in place at the time of construction, and with the conforming use permits regarding lot coverage, green area, building height, density, and other regulations permitted in the R-18 Zone. The proposed signage is updated replacements to existing signage and meets the standard requirements for signage per Section 27-618(c)(1) of the Zoning Ordinance.

J. **Specific Special Exception Requirements:** Pursuant to Section 27-384 of the Zoning Ordinance, nonconforming buildings, structures, and uses may be altered, enlarged, extended, or reconstructed under certain circumstances. The applicant proposes to alter an approved landscape plan and pathways. No building alterations are proposed. These alterations are permissible provided:

(a) The alteration, enlargement, extension, or reconstruction of any nonconforming building or structure, or certified nonconforming use (except those certified nonconforming uses not involving buildings, those within the Chesapeake Bay Critical Area Overlay Zones as specified in paragraph 7, below, unless otherwise provided, and except for outdoor advertising signs), may be permitted subject to the following:

(1) A nonconforming building or structure, or a building or structure utilized in connection with a certified nonconforming use, may be enlarged in height or bulk, provided that the requirements of Part 11 are met with respect to the area of the enlargement.

Comment: There is no proposed enlargement of the buildings' height or bulk.

(2) A certified nonconforming use may be extended throughout a building in which the use lawfully exists, or to the lot lines of the lot on which it is located, provided that:

(A) The lot is as it existed as a single lot under single ownership at the time the use became nonconforming; and

(B) The requirements of Part 11 are met with regard to the extended area.

Comment: The Evergreens at Laurel, Parcel A, was recorded in Plat Book WWW 58@ 93 on December 22, 1965. It is a single parcel that existed under single ownership since 1972 when it became a nonconforming use. The parcel remains as it did in 1972, less the portion of land acquired for right-of-way by the Maryland State Highway Administration (SHA).

(3) A certified nonconforming use may be reconstructed, provided that:

(A) The lot on which it is reconstructed is as it existed as a single lot under single ownership at the time the use became nonconforming;

(B) Either the nonconforming use is in continuous existence from the time the Special Exception application has been filed through final action on the application, or the building was destroyed by fire or other calamity more than one (1) calendar year prior to the filing date;

(C) The requirements of Part 11 are met with respect to the entire use; and

(D) The Special Exception shall terminate unless a building permit for the reconstruction is issued within one (1) calendar year from the date of Special Exception approval, construction in accordance with the building permit begins within six (6) months from the date of permit issuance (or lawful extension), and the construction proceeds to completion in a timely manner.

Comment: The applicant's proposal does not require reconstruction of the existing structures.

(4) When not otherwise allowed, a certified nonconforming use may be otherwise altered by the addition or relocation of improvements, such as fencing, landscaping, off-street parking and loading areas, and outdoor trash enclosures, or the relocation of buildings or other improvements within the boundary lines of the lot as it existed as a single lot under single ownership at the time the use became nonconforming.

Comment: As previously noted, landscaping was approved as part of the original special exception. However, due to manufacturing requirements, the HVAC units were relocated which resulted in the relocation of the landscaping and private walkways.

(5) Any new, or any addition to, or alteration or relocation of an existing building or other improvement (which is either nonconforming or utilized in connection with a certified nonconforming use), shall conform to the building line, setback, yard, and height regulations of the zone in which the certified nonconforming use is located. The District Council may further restrict the location and bulk of the building or structure where the evidence so warrants. If the use is presently permitted by Special Exception in the zone, the new building, improvement, or addition shall conform to all of the physical requirements of the specific Special Exception use.

Comment: The subject application is in conformance with the applicable building line, setback, yard, and height regulations of the zone.

(6) The District Council may grant this Special Exception for property within a one hundred (100) year floodplain only after it has determined that the proposed enlargement, extension, reconstruction, or alteration will:

(A) Not require additional filling in the floodplain;

(B) Not result in an increase in elevation of the one hundred (100) year flood; and

(C) Conform with all other applicable requirements of this Subtitle and of Division 2 of Subtitle 4, "Building," of this Code, entitled "Construction or Changes in Floodplain Areas."

Comment: The Evergreens at Laurel is not within a 100-year floodplain.

(7) In a Chesapeake Bay Critical Area Overlay Zone, a Special Exception shall not be granted where the existing lot coverage in the CBCA exceeds that allowed by Section 27-548.17, and which would result in a net increase in the existing lot coverage in the CBCA. In addition, a Special Exception shall not be granted which would result in converting a property which currently meets the lot coverage in the CBCA requirements of Section 27-548.17 to a nonconforming status regarding lot coverage in the CBCA, except if a finding of extenuating circumstances is made, such as the necessity to comply with other laws and regulations.

Comment: The Evergreens at Laurel is not within the Chesapeake Bay Critical Area (CBCA).

K. **Section 27-325, Minor Revisions, of the Zoning Ordinance:**

(a) Minor changes, in general.

(1) The Planning Board and Planning Director are authorized to approve minor changes to site plans for approved Special Exceptions, as provided in this Section. The Director may authorize staff to take any action the Director may take under this Section.

(2) The Planning Board is authorized to grant the minor changes listed in this Section, and any variance requested in conjunction with the minor change. The minor change request shall be in the form of an application filed with the Planning Board. The contents of the application shall be determined by the Planning Board. Along with filing the application, the applicant shall submit a revised site plan, and shall pay the required fee. The Planning Board shall hold a hearing on the request in accordance with the Rules of Procedure established by the Planning Board. The Planning Board's decision shall be in the form of a resolution. A copy of the resolution shall be sent to all persons of record and the Clerk of the Council.

(3) If the change is approved, the revised site plan shall be made a part of the record of the original application.

(4) The revised site plan shall comply with all applicable requirements of this Subtitle, and with any conditions, relating to the use, imposed in the approval of the Special Exception or of any applicable Zoning Map Amendment, subdivision plat, or variance.

(b) Minor changes, Planning Board.

(1) The Planning Board is authorized to approve the following minor changes:

(A) An increase of no more than fifteen percent (15%) in the gross floor area of a building;

(B) An increase of no more than fifteen percent (15%) in the land area covered by a structure other than a building;

(C) The redesign of parking or loading areas; or

(D) The redesign of a landscape plan.

(2) The Planning Board is further authorized to approve the minor changes described in (d) and later subsections below.

(3) In reviewing proposed minor changes, the Board shall follow the procedures in (a) above.

Comment: Pursuant to the above-cited Zoning Ordinance provision, the subject revision to a landscape plan requires approval by the Planning Board. The proposed revisions do include the redesign of the landscape plan. The proposed revisions do not increase the gross floor area of the building, or the area of land covered by a structure other than a building. The revisions do not redesign any parking or loading area.

L. **Required Findings:** Section 27-317(a) of the Zoning Ordinance provides that a special exception may be approved if:

(1) The proposed use and site plan are in harmony with the purposes of this Subtitle;

Comment: The subject property has been used for multifamily residential purposes for many decades. This is an existing development and the alteration to the landscaping, private walkways, and HVAC systems do not change the use which has been previously found to be in harmony with the purposes of this Subtitle. The applicant's proposed expansion of the use of the subject property for residential purposes is consistent with the land use recommendations within the Subregion 1 Master Plan and SMA, which maintained the medium-high residential land use for the subject property. The proposed use and site plan are, therefore, in harmony with the purposes of this Subtitle.

(2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle;

Comment: The proposed use is in conformance with all of the applicable requirements and regulations of this Subtitle.

(3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or, in the absence of a Master Plan or Functional Master Plan, the General Plan;

Comment: The applicant's use of the subject property for multifamily residential purposes is in conformance with the land use recommendations within the Subregion 1 Master Plan and SMA, which retained this property in the R-18 Zone. The application was also found to be consistent with the General Plan Development Pattern policies for the Developing Tier. Therefore, the proposed use will not substantially impair the integrity of any validly approved master plan.

(4) The proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area;

Comment: The proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area.

(5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood; and

Comment: Multifamily residential uses have operated on the subject property for several decades and have had no detrimental effects on the use or development of adjacent properties, or the general neighborhood throughout that time period. The surrounding properties have existing multifamily apartment development adjacent to its southern and western border, and there is also existing commercial service development that abuts the community. The minor alterations and prior existence of this apartment community has not impeded development that has come to the area within, or proximate to the neighborhood since the original construction in 1971.

(6) The proposed site plan is in conformance with an approved Type 2Tree Conservation Plan; and

Comment: No woodland currently exists on the property. A standard letter of exemption from the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance was issued by the Environmental Planning Section because the property is less than 40,000 square feet in size and has no previously approved tree conservation plans.

(7) The proposed site plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible.

Comment: There is no new grading or construction proposed; therefore, the proposed site plan demonstrates the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible.

M. **Parking Regulations:** Nonconforming Use Permit NCU-8496-98-4 required 248 parking spaces. Special Exception SE-4699 required 289 parking spaces; 290 parking spaces are designated within the residential development, which includes 258 existing spaces, 21 compact spaces, 1 standard, and 10 van-accessible parking spaces for the physically-handicapped. The construction of the development was completed in approximately 1972; the applicant's site plan correctly demonstrates parking and loading spaces and driveway aisle widths that are sized in accordance with the 1970 Zoning Ordinance standards. Two loading spaces are required to serve the development. The site plan submitted by the applicant correctly demonstrates both of the required loading spaces.

N. **Referrals:** The following comments were received for the special exception application.

1. **Subdivision Review Section**—The subject property is composed of Parcel A, Pumpkin Hill, recorded on July 1, 1998 in Plat Book WWW 58-93 in the Land Records of Prince George's County. The property is located on Tax Map 14 in Grid F-3, and is 9.10 acres. The current configuration of the property is the result of a fee-simple conveyance to the State of Maryland along the northern property boundary that abuts Laurel-Bowie Road (MD 197), recorded in Liber 10425 at Folio 124. This public right-of-way dedication was a legal division of land pursuant to Section 24-107(c)(5) of the Subdivision Regulations. Pursuant to Section 24-111(c)(3) of the Subdivision Regulations, this site is exempt from the requirement of filing a preliminary plan of subdivision because the development proposed is in addition to a development in existence prior to January 1, 1990, and does not exceed 5,000 square feet of gross floor area. Failure of the site plan and record plat to match will result in building permits being placed on hold until the plans are corrected. There are no other subdivision issues at this time.

2. **Permit Review Section—**Permit 9361-2000-CG was approved in error for the parking lot expansion, as well as, the building permit for the community building that was approved by Detailed Site Plan DSP-09026. Both were completed prior to changes in the 1990 Prince George's County Landscape Manual; therefore, a new landscape plan or alternative compliance should not be necessary for this application.

3. **Urban Design Section—**The original special exception appears to show the locations of a tot lot and other outdoor amenities on the site. The ROSP should be revised to indicate the locations of, and label, these features consistent with those shown on SE-4699. Per the recommendation of Urban Design staff, the applicant has provided 104 plant units to demonstrate general conformance to Alternative Compliance AC-10013. The applicant has revised the landscape plan and added a note indicating that the site is subject to the requirements of AC-10013. The applicant has revised the plan demonstrating conformance to the tree canopy requirements.

4. **Transportation Planning Section—**The proposed changes to the special exception site plan are acceptable and have no transportation impacts on the approved special exception, or the surrounding area.

5. **Environmental Planning Section**—The subject site qualified for an exemption and there were no other environmental issues. If, however, a permit is required for additional work, the updated exemption can be obtained prior to issuance of the permit. The landscape plan contains a tree canopy cover schedule that adequately addresses Section 25-128 of the Prince George's County Code. No other environmental requirements relate to this application.

6. **Special Projects Section—**The Countywide Planning Division, Special Projects Section, has reviewed the proposed ROSP application for public facility adequacy, and has no comment to revise SE-4699 to modify landscaping and private walkways.

7. **Historic Preservation Section—**The proposed ROSP application will have no effect on identified historic sites, resources, or districts.

8. **Community Planning Division—**The proposed modifications to landscaping material locations, species and quantities, locations of air-conditioning units, and layout of private internal walkways, as well as, the proposed signage do not generate any master plan issues.

CONCLUSION

The applicant has met their burden of proof in this instance. Based on the preceding analysis and findings, Zoning staff recommends APPROVAL of Revision of Site Plan ROSP-4699-01, subject to the following conditions:

1. Prior to certification of the revision of site plan (ROSP) the following corrections are required:

   a. Revise General Note 20 to state, "This application (ROSP-4699/01) is exempt from filing a preliminary plan of subdivision pursuant to Section 24-111(c)(3) of the Subdivision Regulations, being Subtitle 24 of the Prince George's County Code."

   b. The general notes do not reflect the approved Detailed Site Plan, DSP-09026, application number. Add a note that states, "An associated DSP-09026 was approved (PGCPB Resolution No. 10-65) by the Prince George's County Planning Board on June 10, 2010."

   c. Revise the plan drawing on Sheet 2 to show the breaks between lines and curves on the western property boundary abutting South Laurel Drive, in accordance with Record Plat WWW 58-93.

   d. Remove all of the bearings and distances based on the survey from the plan drawing, except the bearings and distances for the property lines created as a result of the public right-of-way dedication to Laurel-Bowie Road (MD 197).

2. Prior to certification of the revision of site plan, the applicant shall locate two playgrounds for the youth of the apartment community in the locations previously shown on the special exception, or one larger playground at another appropriate centralized location on the site. Prior to certification of the plans, a 1:10 or 1:20 scale detail of the play area shall be provided that shows resilient surfacing for the playground(s), play equipment to support a range of activities and ages, and adequate fall distances around all proposed play equipment.