



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 <http://mncppc.iqm2.com/Citizens/Default.aspx>

Special Exception Westgate Apartments

SE-4852

REQUEST	STAFF RECOMMENDATION
Special exception to permit the enlargement of a certified nonconforming apartment building with an additional seven dwelling units.	With the conditions recommended herein: <ul style="list-style-type: none"> • Approval of Special Exception SE-4852

Location: On the north side of MD 198 (Gorman Avenue), approximately 600 feet east of its intersection with Van Dusen Road.	
Gross Acreage:	9.22
Zone:	RMF-20
Prior Zone:	R-18
Dwelling Units:	225
Gross Floor Area:	95,502 sq. ft.
Lots:	0
Parcels:	1
Planning Area:	60
Council District:	01
Municipality:	None
Applicant/Address: Westgate at Laurel, LLC 3200 W. County Line Road Jackson, NJ 08527	
Staff Reviewer: Dominique Lockhart Phone Number: 301-952-3411 Email: Dominique.Lockhart@ppd.mncppc.org	



Planning Board Date:	10/20/2022
Planning Board Action Limit:	N/A
Staff Report Date:	10/04/2022
Date Accepted:	07/14/2022
Informational Mailing:	10/11/2021
Acceptance Mailing:	07/13/2022
Sign Posting Deadline:	N/A

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at http://www.mncppcapps.org/planning/Person_of_Record/. Please call 301-952-3530 for additional information.

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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
The Prince George's County District Council

VIA: Jeremy Hurlbutt, Supervisor, Zoning Review Section,
Development Review Division

FROM: Dominique Lockhart, Planner III, Zoning Review Section
Development Review Division

SUBJECT: Special Exception SE-4852
Westgate Apartments

REQUEST: Special exception to permit the enlargement of a certified nonconforming apartment
building with an additional seven dwelling units.

RECOMMENDATION: **APPROVAL with conditions**

NOTE:

The Planning Board has scheduled this application on the consent agenda for transmittal to the Zoning Hearing Examiner on the agenda date of October 20, 2022.

You are encouraged to become a person of record in this application. Requests to become Persons of Record should be submitted electronically by email to: ZHE@co.pg.md.us. Questions about becoming a person of record should be directed to the Hearing Examiner at 301-952-3644. All other questions should be directed to the Development Review Division at 301-952-3530.

SUMMARY:

A special exception is subject to the general findings for approval of all special exceptions contained in Section 27-317(a) of the prior Prince George's County Zoning Ordinance. Part 4 of the Zoning Ordinance also includes additional required findings for specific uses. Nonconforming buildings, structures, and uses are subject to the additional findings of Section 27-384 of the prior Zoning Ordinance. In support of the application, the applicant filed a statement of justification submitted July 13, 2022, incorporated by reference herein.

FINDINGS:

1. **Location and Site Description:** The subject property is located on the north side of MD 198 (Gorman Avenue), approximately 600 feet east of its intersection with Van Dusen Road. The property consists of 4 existing buildings, containing 218 dwelling units and a leasing office. The site is currently improved with a swimming pool and parking. The applicant is requesting to add 7 additional one-bedroom units for a total of 225 dwelling units. No changes to the exterior of the structure are proposed.
2. **History and Previous Approvals:** This application, to amend a certified nonconforming use through a special exception, was accepted by the Prince George's County Planning Department on July 14, 2022 and is being reviewed in accordance with the prior Zoning Ordinance, pursuant to Section 27-1900 of the Zoning Ordinance.

The subject property is located on Tax Map 6 in Grid B-1, consisting of Parcel A, and contains a total of 9.22 acres of land in the Residential, Multifamily-20 Zone. A final plat is recorded in Plat Book WWW 54, page number 82, and approved on December 2, 1964. Additional history of the subject property is noted below:

1965: The site plan is approved for construction of an apartment building. At the time of site plan approval, the Multifamily Medium Density Residential (R-18) Zone permitted 21.78 units per acre or 206 dwelling units.

1975: The R-18 Zone density decreased to 12 units per acre (Prince George's County Council Bill CB-114-1989), which would allow 213 dwelling units on the property.

1981: Portions of the subject property along MD 198 were conveyed to the Maryland State Highway Administration for road improvements. The gross acreage for the subject property decreased from 9.46 acres to 9.22 acres.

2000: A Certified Nonconforming Use Permit (41302-2000-U) is approved to allow 206 dwelling units and identifies additional development regulations.

2001: The Prince George's County District Council and the Zoning Hearing Examiner approves application ERR-180 (permit issued in error) for the validation of a rental license issued in error, to allow the 218 dwelling units that existed on the subject property.

3. **Neighborhood and Surrounding Uses:** The general neighborhood is bounded to the north by Sandy Spring Road and West Street, Tenth Street to the east, MD 198 to the south, and Van Dusen Road to the west. The immediate properties surrounding the site are located within the City of Laurel’s jurisdiction. The surrounding zoning below is from the City of Laurel and are as follows:

North— Commercial/business and single-family residential uses in the Office Building (OB) and One-Family Detached Residential (R-55) Zones.

East— Single-family residential uses in the R-55 Zone.

South— MD 198 and beyond by single-family residential uses in the R-55 Zone.

West— Commercial/business uses in the Office Building (OB) Zones.

4. **Request:** The applicant requests approval of a special exception to permit the enlargement of a certified nonconforming apartment building with an additional seven units. The total number of dwelling units will increase from 218 to 225.

5. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	R-18	R-18
Use(s)	Multifamily	Multifamily
Acreage	9.22	9.22
Parcels	1	1
Gross Floor Area	95,502 sq. ft.	95,502 sq. ft.
Dwellings	218	225

6. **Required Findings:** This application, to amend a certified nonconforming use through a special exception, was accepted by the Planning Department on July 14, 2022, and is being reviewed in accordance with the prior Zoning Ordinance, pursuant to Section 27-1900 of the Zoning Ordinance.

The analysis of all required findings for approval are provided below.

General Special Exception Findings—Section 27-317(a) provides the following:

(a) **A Special Exception may be approved if:**

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

The purposes of Subtitle 27 of the Prince George’s County Code, as set forth in Section 27-102(a)(1–15) of the prior Zoning Ordinance, are generally to protect the health, safety, and welfare of the public, to promote compatible relationships between various land uses, to guide orderly development, and to ensure adequate public facilities and services.

Staff finds that the proposed development will not negatively impact the public. The additional seven dwelling units will be contained within the existing buildings. No exterior changes are proposed. The surrounding neighborhood that is within the City of Laurel's jurisdiction will not be impacted. The existing multifamily building will continue to be compatible with the surrounding residential, commercial, and business uses. The additional dwelling units will provide another housing option that is available for County residents.

The site is located within the Developing Tier, as designated by the 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and the Established Communities area of the General Plan Growth Policy. Developing Tier growth policies emphasize obtaining a balance between the pace of development and the demand for adequate roads and public facilities. Current and future residents of this development will have access to sufficient parking and public facilities. The special exception site plan shows a total of 289 parking spaces being provided compared to the 258 parking spaces required by the approved nonconforming use permit. In addition, conditions have been added to provide bicycle racks and crosswalks to safely facilitate circulation of bicycles and pedestrians throughout the site and surrounding neighborhoods.

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

The proposed use is in conformance with the requirements and regulations set forth in Subtitle 27. A multifamily dwelling is a permitted use within the R-18 Zone. Regarding the development regulations, the subject property was certified as a nonconforming use through Permits 41032-2000-U and ERR-180. The application proposes to add seven dwelling units, increasing the total number of dwelling units from 218 to 225. The density will increase from 23.7 dwelling units per acre to 24.4 dwelling units per acre. The R-18 Zone development regulations that are not met are covered under the approved nonconforming use permit. Those regulations included the maximum percentage of two-bedroom units, maximum lot coverage, front yard setback, density, nonparallel parking space dimensions, number of parking spaces, and number of loading spaces. No changes to the building or site are proposed, as the additional seven dwelling units will be created within the existing building footprint. The proposed layout and floorplans have been provided by the applicant.

(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 Map Plan, the General Plan.

Special Exception SE-4852, as requested, conforms to this finding. The increase in density for the apartment buildings will not substantially impair the 2010 *Approved Master Plan and Sectional Map Amendment for Subregion I (Planning Areas 60, 61, 62, and 64)*. The subject property is located within the Established Communities growth policy area. The master plan recommends medium- to high-density residential land uses on the subject property. Plan 2035 describes Established Communities as areas appropriate for context-sensitive infill and low- to medium-density development and recommends maintaining and enhancing existing public services, facilities, and infrastructure to ensure that the needs of residents are met. The proposed increase in density by seven dwelling units will not substantially impair the integrity of the master plan because the proposed density is consistent with the master plan's recommendation of medium- to high-density residential land uses.

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

The proposed use will not have adverse effects on the health, safety, or welfare of residents, as the additional seven dwelling units will be within the existing building. No changes to the site or exterior of the building are proposed.

The development will continue to provide adequate parking and safe traffic circulation for current and future residents. The site was designated as a certified nonconforming use with Permit 41302-2000-U for 206 dwelling units and a requirement of 258 parking spaces. In addition, ERR-180, an application approved by the Zoning Hearing Examiner for validation of a permit issued in error, approved the expansion of the number of dwelling units approved for the site from 206 to 218 and maintained that the 258 parking spaces were sufficient. The special exception site plan shows a total of 289 parking spaces being provided. In addition, conditions have been added to provide bicycle racks and crosswalks to ensure the site provides safe and adequate bicycle and pedestrian movement. The site will also maintain its 4 points of vehicular access along MD 198.

Considering the seven additional units proposed with the subject application, transportation staff assumes that the new units will generate an additional four AM peak-hour trips and four PM peak-hour trips. Given the nominal number of new trips associated with the subject application, the proposal will not have an adverse impact on the surrounding multimodal transportation network.

Staff finds that 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.

The immediate properties surrounding the site are located within the City of Laurel's jurisdiction. The uses include offices and commercial buildings to the north, single-family residences to the east and south, and a bank to the west.

Due to no changes being proposed for the site or exterior of the building, the harmony of the community and neighborhood will not be impacted. Ultimately, the additional seven dwelling units will not be detrimental to the use or development of adjacent properties or the general neighborhood. Staff finds that the proposed use is compatible with the surrounding existing commercial and residential development.

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

The site is eligible for an exemption from the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property contains less than 10,000 square feet of woodland and has no previous tree conservation plan (TCP) approvals. Aerial imagery from PGAtlas shows that the site has been developed since 1965 with buildings, parking lots, and existing paving covering. The site was cleared, graded, and developed, prior to the enactment of the WCO.

(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 in accordance with the requirement of Subtitle 24-130(b)(5).

Based on the plans submitted, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible.

No regulated environmental features or primary management areas are located on the subject property. In addition, no unsafe soils containing Marlboro clay or Christiana complexes have been identified on or within the immediate vicinity of this property. The proposed development is for interior alternations to existing buildings only.

Specific Special Exception Requirements—Section 27-384(a-c) provides the following:

Section 27-384—Nonconforming buildings, structures, and uses; alteration, enlargement, extension, or reconstruction.

(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;

In accordance with the parking and loading regulations contained in Section 27-568 of the prior Zoning Ordinance, for multifamily dwellings, there are two spaces required for every dwelling unit. The total number of required parking spaces with the proposed 218 dwelling units would be 436 parking spaces. This requirement will not be met as only 289 parking spaces will be provided. The applicant provided a parking tabulation, which applies the parking regulation of two parking spaces per dwelling unit, to the proposed seven units only and not the entire development. The number of parking spaces on the site were evaluated under the approved nonconforming use permit.

The site was designated as a certified nonconforming use with permit 41302-2000-U for 206 dwelling units and a requirement of 258 parking spaces. In addition, the applicant has submitted documentation outlining ERR-180, which approved the expansion of the number of dwelling units approved for the site from 206 to 218 and maintained that the 258 parking spaces were sufficient. The application proposes an increase in dwelling units from 218 to 225. Transportation staff believes the number of parking spaces provided will remain sufficient for the proposed development. The additional seven dwelling units will be created within the existing building footprints. No changes to the site are proposed that would affect the parking regulations approved with the nonconforming use permit.

(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;

Staff found no records to indicate that the subject property, as it existed at the time of the approval of nonconforming use permit 41302-2000-U, was not under single ownership. Only one owner was listed on the nonconforming use permit application, which at the time was Westgate DNB Associates LLC. The applicant has submitted the previously recorded deeds in the case file.

Staff also finds that the requirements of Part 11 have been met. The proposed development will add 7 additional one-bedroom units for a total of 225 dwelling units on the subject property. The existing structure will remain, and no changes to the structure or exterior are proposed.

- (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;**

No plans are proposed to reconstruct the certified nonconforming use. The existing structure will remain, and no changes to the structure or exterior are proposed. The additional seven dwelling units will be created within the existing buildings. The applicant has provided the proposed floorplans in the case file. The units are also outlined in the submitted special exception site plan.

- (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;**

No changes to the site or exterior of the buildings are proposed. The existing fencing, landscaping, parking areas, and trash enclosures will remain the same and not be disturbed. Staff has included conditions for the applicant to provide bicycle racks and crosswalks,

which may include new landscaping areas on the subject property. The building layout of the site will remain the same as on the approved nonconforming use permit. All proposed construction will be interior.

- (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;**

The proposed interior improvements will not alter the building line, setback yard, and height regulations of the R-18 Zone, which were stated on the approved nonconforming use permit. No changes to the site are proposed that affects the parking regulations approved with the nonconforming use permit.

- (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."**

The subject property is not located 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.**

The subject property is not located within the Chesapeake Bay Critical Area Overlay Zone.

- (b) **Applications for this Special Exception shall be accompanied by a copy of the Use and Occupancy Permit for the certified nonconforming use, as provided for in Section 27-241(b):**

The applicant has provided a copy of the nonconforming use permit site plan in the case file.

- (c) **In a Chesapeake Bay Critical Area Overlay Zone, in order to permit the alteration, enlargement, extension, or reconstruction of any nonconforming building or structure or nonconforming use, the District Council shall find that: (1) Special conditions or circumstances exist that are peculiar to the subject land or structure and that a literal enforcement of the Overlay Zone provisions would result in unwarranted hardship; (2) A literal interpretation of the County's Critical Area Program regulations would deprive the Applicant of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Area Overlay Zones; (3) The granting of a Special Exception would not confer upon an Applicant any special privilege that would be denied by this Subtitle to other lands or structures within the Chesapeake Bay Critical Area Overlay Zones; (4) The request for a Special Exception is not based upon conditions or circumstances which are the result of actions by the Applicant, nor does the request arise from any condition relating to land or building use, either permitted or nonconforming, on any neighboring property; (5) The granting of a Special Exception would not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the Chesapeake Bay Critical Area, and that the granting of the variance would be in harmony with the general spirit and intent of the applicable laws within the Chesapeake Bay Critical Area; and (6) The application for a Special Exception has been made in writing to the District Council or Zoning Hearing Examiner, if applicable, with a copy provided to the Chesapeake Bay Critical Area Commission.**

The subject property is not located within the Chesapeake Bay Critical Area Overlay Zone.

7. **Parking Regulations:** In accordance with the parking and loading regulations contained in Section 27-568, for a multifamily dwelling, there are two spaces required per dwelling unit. The applicant has proposed seven dwelling units, which would require an additional 14 parking spaces. The required number of parking spaces per the approved nonconforming use permit was 258 parking spaces. The applicant has provided a parking tabulation, which adds two additional parking spaces for each dwelling unit being sought with the subject application. The special exception site plan shows a total of 289 parking spaces will be provided.
8. **2010 Prince George's County Landscape Manual Requirements:** The special exception qualifies for an exemption from the 2010 *Prince George's County Landscape Manual*, pursuant to Section 1.1(d), as no site changes are proposed with this application.

9. **Tree Canopy Coverage:** Staff finds that due to the limited scope of this special exception, and that there will be no site disturbance, the proposed plan is exempt and not subject to tree canopy coverage requirements.
10. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The site is exempt from the provisions of the WCO because the property contains less than 10,000 square feet of woodland and has no previous TCP approvals.
11. **Signage:** The signage chart, sign details, and sign location key map are shown on Sheet 5 of the special exception site plan. A sign package was not submitted with this application. The proposed improvements are limited to the interior of the buildings. Therefore, this application does not require review of the sign regulations.
12. **Referral Comments:** The following referrals were received and are incorporated herein by reference. All the comments are addressed on the site plan, or as part of this technical staff report:
 - a. Community Planning Division, dated August 15, 2022 (Green to Lockhart)
 - b. Environmental Planning Section, dated September 19, 2022 (Juba to Lockhart)
 - c. Historic Preservation Section, dated July 19, 2022 (Stabler and Smith to Lockhart)
 - d. Permit Review, dated August 16, 2022 (Hughes to Lockhart)
 - e. Subdivision Section, dated August 15, 2022 (Kaur to Lockhart)
 - f. Transportation Planning Section, dated September 20, 2022 (Ryan to Lockhart)

RECOMMENDATION

A special exception must be approved if the applicant satisfies the required criteria which are intended to address any distinctive adverse impacts associated with the use.

Based on the applicant's statement of justification, the analysis contained in the technical staff report, associated referrals, and materials in the record, the applicant has demonstrated conformance with the required special exception findings, as set forth in Section 27-317 (in general) and Section 27-384 (nonconforming buildings, structures, and uses) of the prior Prince George's County Zoning Ordinance. Staff finds the proposed application satisfies the requirements for approval and finds the application will be in conformance with the Zoning Ordinance requirements.

Therefore, staff recommends APPROVAL of Special Exception SE-4852, for Westgate Apartments, subject to the following condition:

1. Prior to the certification of the special exception:
 - a. Provide a general note indicating the gross floor area which existed on the property prior to January 1, 1990.

- b. Provide two bicycle racks and an associated detail sheet (inverted U-style or a similar bicycle rack model that provides two points of contact for a parked bicycle) at each apartment building, at a location convenient to the building entrances.
- c. Provide crosswalks for all four points of vehicle entry along MD 198 (Gorman Avenue).

STAFF RECOMMENDS:

- Approval of Special Exception SE-4852

WESTGATE APARTMENTS

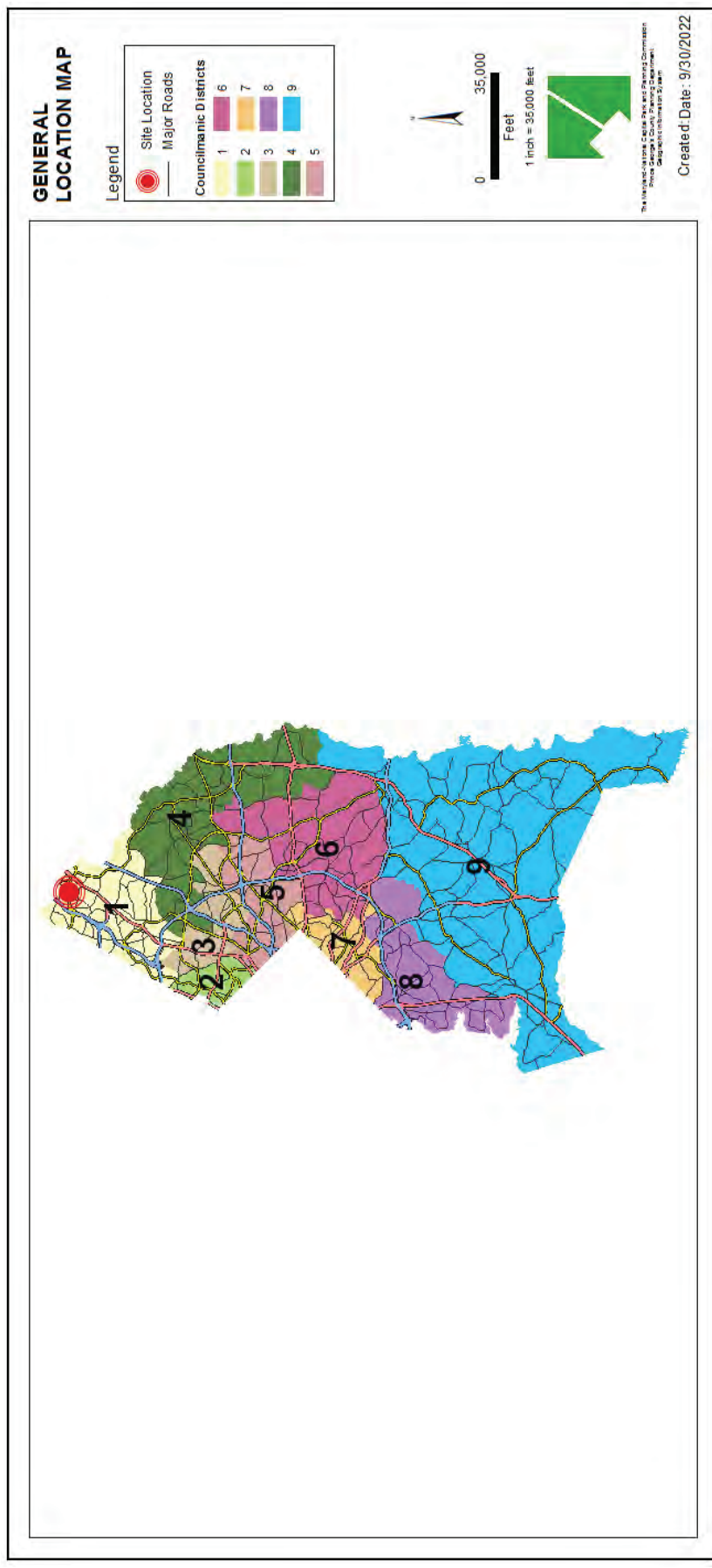
Special Exception

Staff Recommendation: APPROVAL with conditions

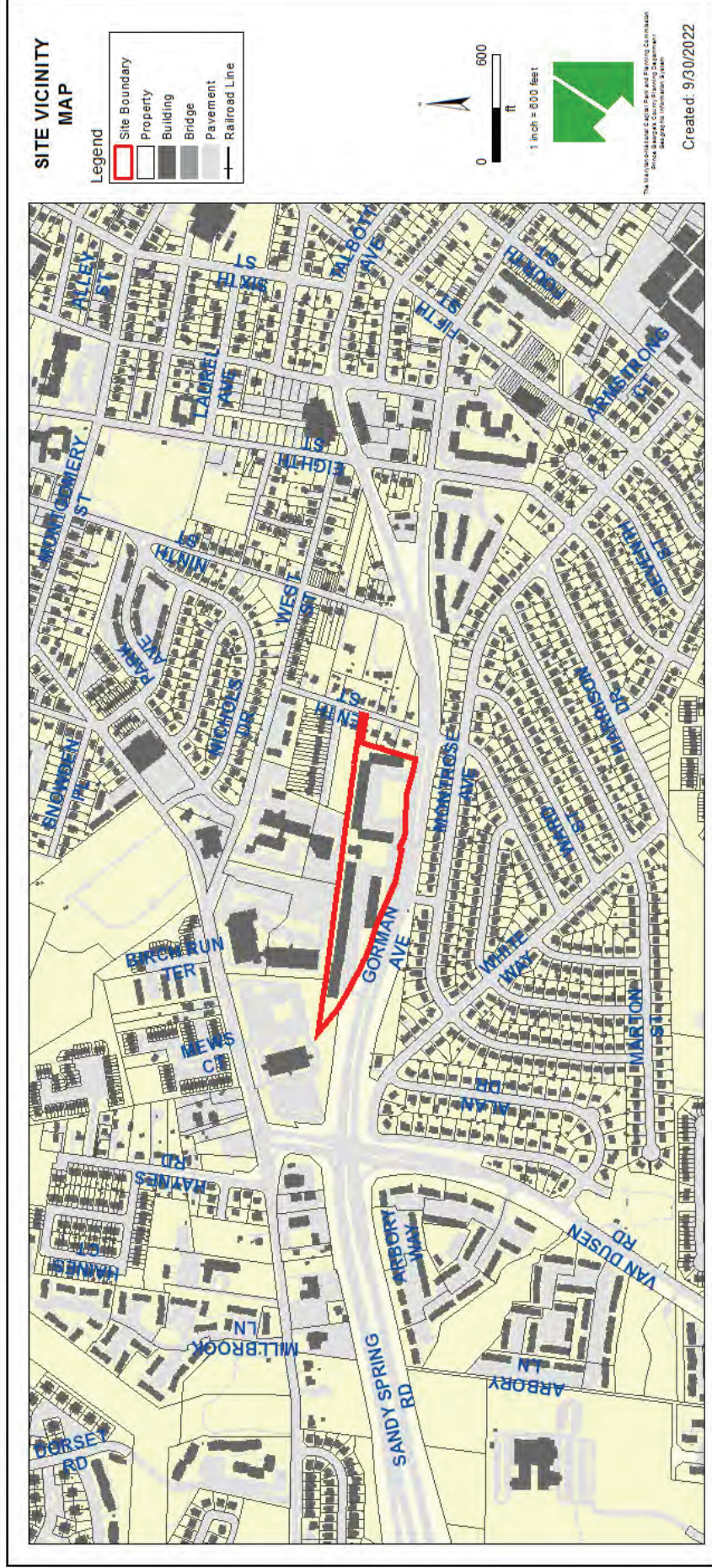


GENERAL LOCATION MAP

Council District: 01
Planning Area: 60



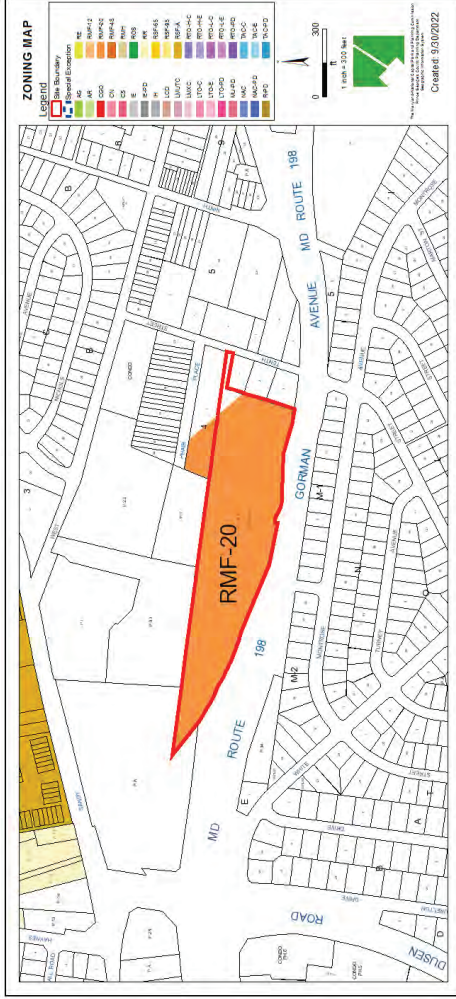
SITE VICINITY MAP



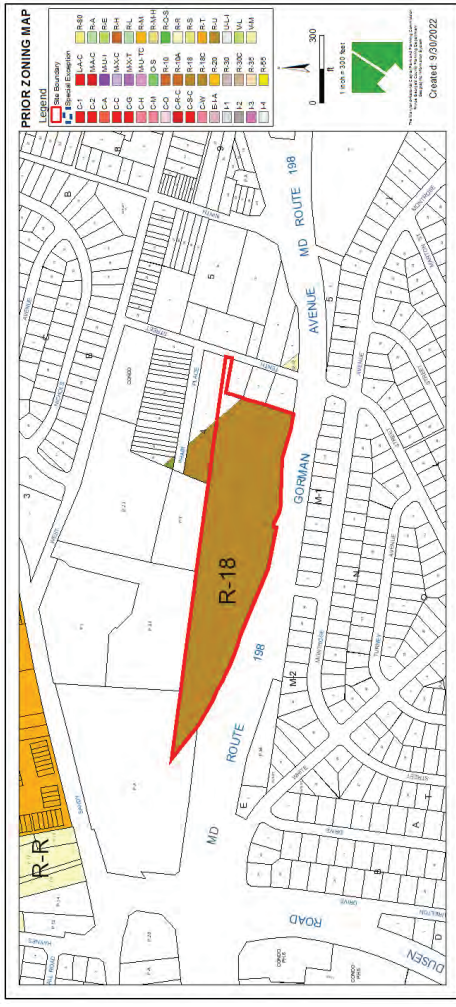
ZONING MAP (CURRENT AND PRIOR)

Current Property Zone: RMF-20
 Prior Property Zone: R-18

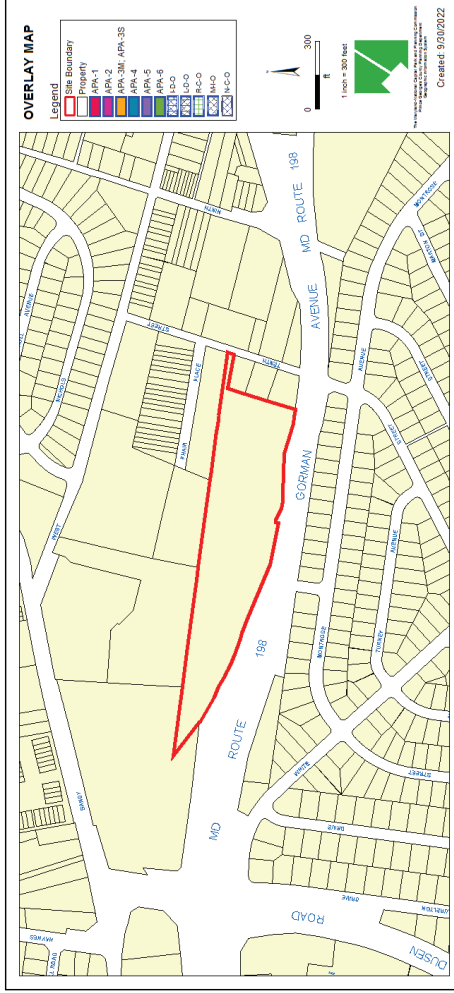
Current Property Zone



Prior Property Zone



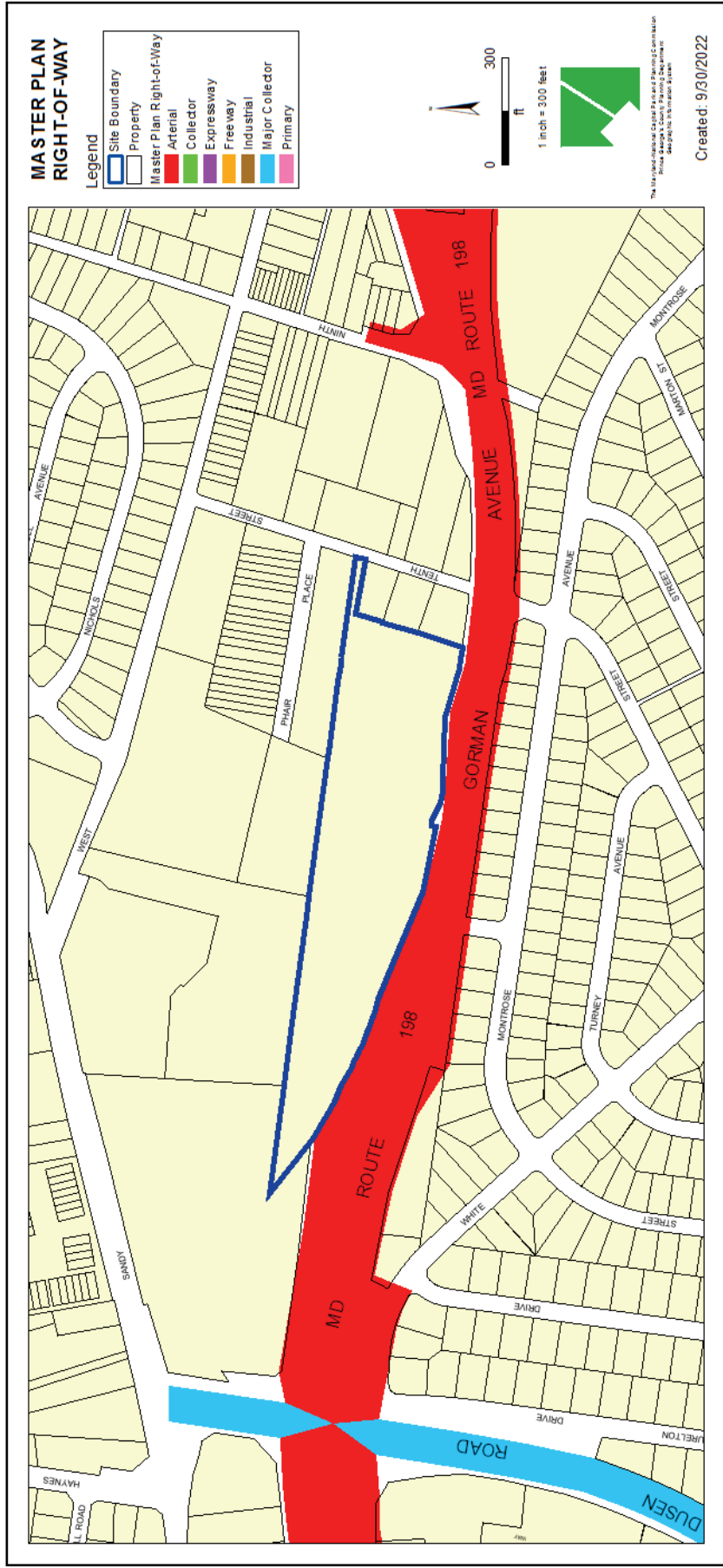
OVERLAY MAP (CURRENT & PRIOR)



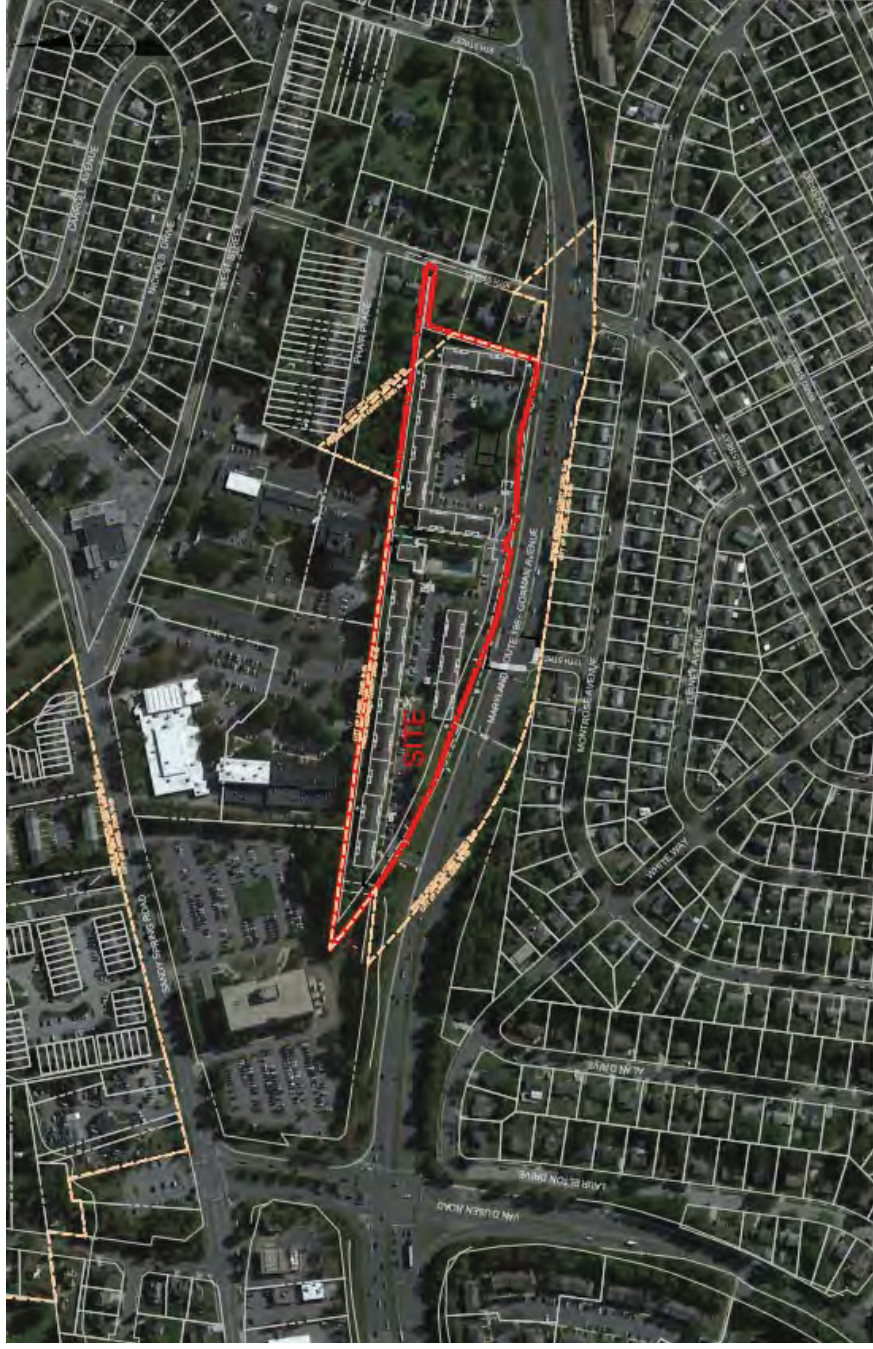
SITE MAP



MASTER PLAN RIGHT-OF-WAY MAP



BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



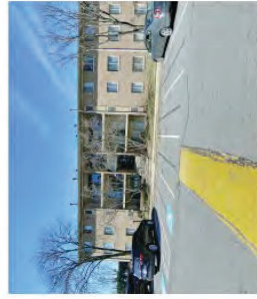
SPECIAL EXCEPTION SITE PLAN

NOTES: 1. ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE NOTED. 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED. 4. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED. 5. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED. 6. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED. 7. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED. 8. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED. 9. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED. 10. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.

SECTION	AREA	PERCENTAGE	DATE	BY	FOR
SECTION 1	10000 SQ FT	100%	10/20/2022	J. J. JONES	PLANNING DEPARTMENT
SECTION 2	20000 SQ FT	100%	10/20/2022	J. J. JONES	PLANNING DEPARTMENT
SECTION 3	30000 SQ FT	100%	10/20/2022	J. J. JONES	PLANNING DEPARTMENT
SECTION 4	40000 SQ FT	100%	10/20/2022	J. J. JONES	PLANNING DEPARTMENT
SECTION 5	50000 SQ FT	100%	10/20/2022	J. J. JONES	PLANNING DEPARTMENT
SECTION 6	60000 SQ FT	100%	10/20/2022	J. J. JONES	PLANNING DEPARTMENT
SECTION 7	70000 SQ FT	100%	10/20/2022	J. J. JONES	PLANNING DEPARTMENT
SECTION 8	80000 SQ FT	100%	10/20/2022	J. J. JONES	PLANNING DEPARTMENT
SECTION 9	90000 SQ FT	100%	10/20/2022	J. J. JONES	PLANNING DEPARTMENT
SECTION 10	100000 SQ FT	100%	10/20/2022	J. J. JONES	PLANNING DEPARTMENT



EXTERIOR ELEVATIONS AND PROPOSED FLOORPLAN



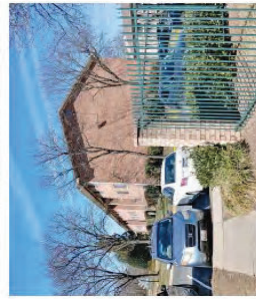
BUILDING #3
 FROM VIEW FROM SOUTH



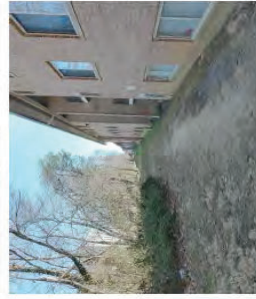
BUILDING #1
 FROM VIEW FROM SOUTH



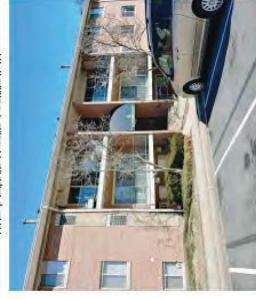
BUILDING #3
 FROM VIEW FROM SOUTH



END OF BUILDING #2
 FROM VIEW FROM SOUTH



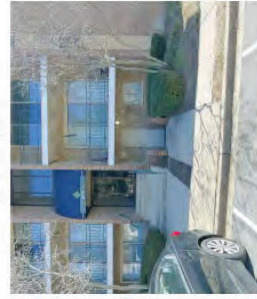
REAR OF BUILDING #1
 FROM VIEW FROM SOUTH



BUILDING #1
 FROM VIEW FROM SOUTH



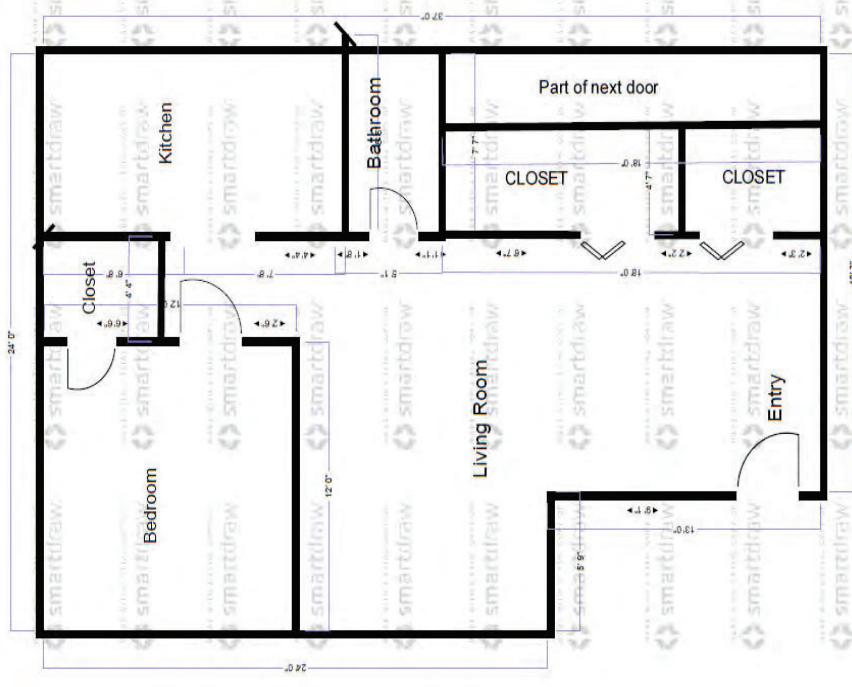
BUILDING #3



BUILDING #3



BUILDING #4



STAFF RECOMMENDATION

APPROVAL with conditions

- 3 Conditions

Major/Minor Issues:

- No Major Issues

Applicant Required Mailings:

- Information Mailings: 10/11/2021
- Acceptance Mailings: 07/13/2022

**STATEMENT OF JUSTIFICATION
SPECIAL EXCEPTION APPLICATION
NUMBER # SE-4852**

APPLICANT: Westgate at Laurel, LLC
2110 W. County Line Road
Jackson, NJ 08527

CORRESPONDENT: Nathaniel Forman, Esq.
O'Malley, Miles, Nylen & Gilmore, P.A.
7850 Walker Drive, Suite 310
Greenbelt, MD 20770
(P): 301-572-3237
(F): 301-572-6655
nforman@omng.com

REQUEST: Special Exception to enlarge a certified nonconforming apartment building for an additional seven (7) one-bedroom units in accordance with §§ 27-384 and 27-317 of the Zoning Ordinance. No external construction is required.

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I. DESCRIPTION AND LOCATION

Westgate at Laurel Apartments is located at 8100-8216 Gorman Avenue, being 9.22 acres of land on the north side of Gorman Avenue, approximately 600' feet east of the intersection of Van Dusen Road and Gorman Avenue (MD 198) in an unincorporated area of Prince George's County; it is also described as Parcel A of Gorman Manor Subdivision recorded in Plat Book 54

at Plat 82 among the Land Records of Prince George’s County (“Subject Property”)¹. The Subject Property is zoned RMF-20 through the current Zoning Ordinance; however, it was retained in the R-18 zone pursuant the prior Zoning Ordinance through the 2010 *Approved Subregion 1 Master Plan and Sectional Map Amendment* and within that plan it was designated for “medium-high density residential” land uses. Despite being part of this plan, however, the Subject Property is not depicted within, nor discussed as part of, any of the eight (8) living areas discussed.

The Subject Property is improved with three (3) 3-story garden style apartment complexes, a separate 1.5-story leasing office, swimming pool and open space. Each garden style building is comprised of multiple component blocks that are approximately 94’ x 49.5’ in size, with each individual block having a separate address. In total, the Subject Property is improved with nineteen (19) blocks throughout the three (3) buildings. Building 1, which is the westernmost complex, is comprised of eight (8) blocks; Building 2, which backs up to MD 198, is comprised of three (3) blocks; and finally Building 3, which forms an inverted “U”, is comprised of eight (8) blocks. The site provides a total of 289 parking spaces, comprising 279 standard spaces, seven (7) handicapped spaces with 5’ drive aisles, and two (2) van-accessible handicapped spaces. No loading spaces are provided or proposed. Images of the Subject Property when viewed from Gorman Avenue (MD 198) are shown on Attachment 1, while images of the apartment complex when viewed from within are shown on Attachment 2.

The Subject Property is generally encircled by land within the corporate limits of the City of Laurel. According to the City of Laurel’s Zoning Map (attached hereto as Attachment 3) to the south and west beyond Gorman Avenue (MD 198)—a six lane (6) divided arterial roadway—lie single-family detached homes in the R-55 Zone; to the east are three (3) single-family homes in the R-55 Zone; to the northeast is unimproved land in the R-55 Zone; and to the north and

¹Although, approximately 0.242 acres is located within the corporate limits of the City of Laurel, all improvements are located in Prince George’s County, and jurisdiction over this application remains with Prince George’s County. In a communication from Robert Love, City of Laurel Director of Economic and Community Development, to Nathaniel Forman dated June 1, 2021, Mr. Love asserted the City of Laurel had no records or permits issued for any property at these addresses.

northwest are office buildings in the O-B (Office Building) Zone. The boundaries of the Subject Property and limits of the City of Laurel are clearly shown on Attachment 4.

II. BACKGROUND AND NONCONFORMITY

Per County and State records, the Subject Property was subdivided in 1964 through the recording of Plat 54-82 among the Land Records of Prince George's County, which created Parcel A consisting of 9.46 acres (attached hereto as Attachment 5). In 1965, Maryland-National Capital Park and Planning Commission approved a site plan for the construction of the apartment buildings in the same configuration as they exist today (attached hereto as Attachment 6). When the Subject Property was constructed, the R-18 Zone permitted a maximum of 21.78 units per acre, which would have permitted a maximum of 206 dwelling units. In 1975, the maximum permitted density in the R-18 Zone was decreased to twelve (12) dwelling units an acre.

While subdivision and site plans were being approved for the Subject Property, the Maryland State Highway Administration ("SHA") was in the midst of expanding the MD 198 right-of-way between I-95 and US Route 1 in Laurel. A portion of this expanded MD 198 (Gorman Avenue) was to run contiguous with the Subject Property's frontage. Upon final construction of the expanded MD 198 project, the roadway was increased from a two-lane road to a six-lane divided highway. For reasons that are unclear from SHA records, the final right-of-way line for MD 198 does not consist of a standard 60' distance from the centerline along the Subject Property's frontage. Instead, as shown on SHA Plats No: 35115 and 35117 (attached hereto as Attachments 7 and 8), the distance from the right-of-way line to the center line varies from as little as 60' to as great as 143' along the far western portion of the Subject Property frontage. This variable right-of-way line resulted in SHA taking a portion of the Subject Property, such that by the time of a 1981 survey (attached hereto as Attachment 9), the total acreage was decreased to 9.22 acres.

As a result of subsequent changes in the Zoning Ordinance, as well as the SHA taking, by 2000 the Subject Property was nonconforming in regard to bedroom percentages, maximum lot coverage, minimum green area, front yard setback, density and parking and loading regulations. In May 2000, through Permit No.: 41302-2000-U (approved administratively, and attached

hereto as Attachment 10), the Subject Property became a certified nonconforming use for 206 multifamily dwelling units—the maximum number of dwelling units permitted in the R-18 Zone at the time of construction. Furthermore, as shown on the permit plan for Permit No.: 41302-2000, the parking calculations remained at the 1965 level for the R-18 Zone—meaning the required parking remained at the rate of 1 parking space per 1.25 dwelling units when this use was certified. Thus, with 206 dwelling units permitted in the R-18 Zone at the time of construction, the Subject Property was required to provide a total of 258 parking spaces. Currently, the Property provides 289 parking spaces.

The following year, a prior owner submitted a Validation of a Permit Issued in Error application (Case No.: ERR-180) to expand the number of dwelling units from 206 to 218 based on the bi-annual issuance of multifamily licenses beginning in 1971—the year multifamily rental licenses were first issued by Prince George’s County. The Zoning Hearing Examiner (“ZHE”) recommended approval of ERR-180 in a written decision (attached hereto as Attachment 11). The District Council adopted the ZHE’s recommendation through Zoning Ordinance No. # 2 – 2001 (attached hereto as Attachment 12). The ZHE, in her decision, determined that: (a) the additional twelve (12) units would not be against the public interest; and (b) that with the exception of density, the Subject Property was constructed in accordance with all other bulk regulations in effect at the time of construction. The ZHE did not find additional parking spaces were necessary for the twelve (12) units. Thus, the Applicant submits that through Permit No.: 41302-2000-U and ERR-180, the Subject Property was certified for, and required to provide 258 parking spaces for the 218 dwelling units. As mentioned previously, the Subject Property provides a total of 289 parking spaces—an excess of thirty (30) parking spaces.

In January 2020, the current owner purchased the Subject Property as evidenced by deed recorded in Liber 43054 at Folio 494 (Attachment 13) among the Land Records of Prince George’s County. When the Applicant purchased the Subject Property, the Applicant learned that the previous owner had converted a former storage space into an additional leasable unit with an address of 8104 #A. This unit was occupied by a tenant; thereby, increasing the number of dwelling units to 219. After further review of the Property, the Applicant determined that six (6)

former laundry rooms/storage space could be converted into dwelling units. These new units would be dispersed throughout the Property, and upon approval of the subject request would have the following addresses: 8100 #A, 8110 #A, 8116 #A, 8204 #A, 8208 #A and 8216 #A. Upon approval of the subject request, the number of dwelling units would be increased to a final total of 225 dwellings units.

III. REQUEST

This request is to permit up to seven (7) additional 1-bedroom units for a total of 225 dwelling units upon the Subject Property. No changes to the exterior are required or proposed. Because this is a certified nonconforming use, a special exception is required to increase the number of dwelling units.

IV. CONFORMANCE WITH THE ZONING ORDINANCE

1. § 27-384. Nonconforming, buildings, structures, and uses; alteration, enlargement, extension or reconstruction.

The Prince George's County Zoning Ordinance requires the Zoning Hearing Examiner to make specific findings for the alteration, enlargement or extension or reconstruction of a certified nonconforming use. The Applicant believes that the proposed use complies with the criteria set forth in §27-384 as demonstrated below:

- (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.

On July 1, 2021, the Subject Property received Use and Occupancy Permit No.: 8339-2020 (Attached hereto as Attachment 14) denoting the apartments as a nonconforming use. The applicant is seeking to expand or

enlarge a certified nonconforming use by increasing the total number of dwelling units from 218 to 225. No external construction is required to accommodate these dwelling units. This request will have no impact on the existing buildings in terms of conformance with bulk regulations.

(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

Based on all information available, the Applicant has reason to believe that the lot existed as a single lot under single ownership at the time the use became nonconforming. The Subject Property was purchased by Harry Kay and Max Kay on October 9, 1964 through deed recorded in Liber 3052 at Folio 194 and sold by same on November 21, 1985 through deed recorded in Liber 6221 at 333 to Gate Laurel Associates, a previous owner of the Subject Property (these deeds are attached hereto as Attachments 15 and 16). Moreover, in 1965, Maryland-National Capital Park and Planning Commission approved a site plan (previous Attachment 6) for the construction of the apartment buildings that exist today, and on the site plan Harry and Max Kay are listed as the owners.

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

The requirements of Part 11 will be satisfied through this request with respect to the area of enlargement. As mentioned previously, the Subject Property was administratively certified as a nonconforming use through Permit No.: 41302-2000. When the Subject Property was improved, required parking was calculated at a rate of 1.25 spaces per dwelling unit, and with 206 certified units, the Subject Property was required to provide 258 parking space. The Applicant proposes seven (7) additional 1-bedroom dwelling units. Per the current parking requirements under § 27-569, the site must provide two (2) parking spaces per dwelling unit for a total of fourteen (14) additional parking spaces. The Property is currently improved with 289 parking spaces in accordance with the 1963 Zoning Ordinance requirements for parking spaces (excepting proposed handicapped spaces in compliance with current ADA standards). With 289 parking spaces and only 258 parking spaces required, the Subject Property provides can accommodate the additional fourteen (14) parking spaces.

2. Section 27-317. Required Findings.

In addition to the aforementioned criteria specific, the Zoning Hearing Examiner must also make the following required findings for all Special Exceptions.

(a) A Special Exception may be approved if:

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

This proposal is in harmony with the purposes of the Zoning Ordinance as posited in § 27-102(a), and described in greater detail below:

(a) The purposes of the Zoning Ordinance are:

- (1) To protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County;
- (2) To Implement the General Plan, Area Master Plans, and Functional Master Plans;
- (3) To promote the conservation, creation, and expansion of communities that will be developed with adequate public facilities and services;
- (4) To guide the orderly growth and development of the County, while recognizing the needs of agriculture, housing, industry and business;
- (5) To provide adequate light, air, and privacy;
- (6) To promote the beneficial relationship between the uses of land and buildings and protect landowners from adverse impacts of adjoining development;
- (7) To protect the County from fire, flood, panic, and other dangers;
- (8) To provide sound, sanitary housing in a suitable and healthy living environment within economic reach of all County residents;
- (9) To encourage economic development activities that provide desirable employment and a broad, protected tax base;
- (10) To prevent the overcrowding of land;

- (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;”
- (12) To insure the social and economic stability of all parts of the County;
- (13) To protect against undue noise, and air and water pollution, and to encourage the preservation of stream valleys, steep slopes, and lands of natural beauty, dense forests, scenic vistas, and other similar features;
- (14) To provide open space to protect scenic beauty and natural features of the County, as well as to provide recreational space; and
- (15) To protect and conserve the agricultural industry and natural resources.

The subject application is a request to expand a certified nonconforming multifamily apartment building from 218 dwelling units to 225 dwelling units, a mere increase of seven (7) dwelling units. No exterior construction or changes are necessary since the existing buildings have space within to accommodate the additional units. The anticipated floor plan for all seven (7) additional units is shown on Attachment 17. The Westgate at Laurel Apartments have been in continuous existence since its construction in 1965, and with approval of this application, the site will remain “as is”. Nothing will change or disrupt the relationship between this Property and adjoining properties since all proposed dwelling units are internal to the building. The Subject Property will remain in conformance with all bulk regulations excepting density, which served as the previous grounds for its certification as a nonconforming use. The approval of this application will not substantially impair the applicable Master Plan for this area, nor hinder the orderly growth and development of this area. The Subject Property was retained in the R-18 zone through the 2010 Approved Subregion 1 Master Plan and Sectional Map Amendment and within that plan it was designated for “medium-high density residential” land uses. The mere addition of seven (7) dwelling units will not impede light, air or privacy nor overcrowd the land. The Property is located in a developed portion of the County surrounded by developed land within the City of Laurel.

The Subject Property is improved with sufficient parking to satisfy the needs of the current and future residents that occupy the existing dwelling units, and the proposed seven (7) additional dwelling units. Moreover, alternative

transportation options are also available for these residents. The Subject Property is within a 5-minute walking distance of a bus stop with two (2) bus services that run that run between the City of Laurel and Greenbelt Metro Station. One line is served by the Regional Transportation Agency of Central Maryland (“RTA”) route 302 and the other is Washington Metropolitan Area Transit Authority (“WMATA”) route 89M. Additionally, a second RTA bus stop is approximately ten-minute walk with service operating between the City of Laurel and Columbia Mall.

Vehicular access to, from, and around the Subject Property is sufficient to serve the existing and future residents of the Subject Property. The Subject Property has frontage onto Gorman Avenue, which is maintained by the State Highway Administration. It is served by four (4) points of ingress/egress—a signalized intersection at 11th street, and three (3) right-in, right-out points from, and onto, westbound MD 198 towards Interstate I-95. The Subject Property is conveniently located since it is practically equidistance from both Interstate I-95 and US Route 1 (Baltimore Avenue). With approximately 95-97% of the existing units occupied, the additional seven (7) dwelling units will not only increase the market value of the Subject Property, but it will provide additional living space for new or relocated residents of Prince George’s County without disturbing any additional land.

For all of the above-referenced reasons, the Applicant respectfully submits that this application will protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County.

3. Section 27-317. Required Findings (cont.)

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

As previously mentioned, the Subject Property was previously certified as a nonconforming use through administrative approval of Permit No.: 41032-2000 and ERR-180 with regards development regulations. With regard to density, the site was previously certified as a nonconforming use with density at 23.7 dwelling units per acre. The additional seven (7) units will slightly increase the density to 24.3 dwelling units per acre, an increase below one (1) dwelling unit an acre. There is no basis to find that the slight increase in density will have anything, but a de minimis impact on the Subject Property or adjoining development. Finally, except for density, the Subject Property was previously determined to be in conformance with all bulk regulations in the R-18 Zone, and nothing about the Property has changed since it was certified.

- (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;

The Subject Property was retained in the R-18 zone through the 2010 Approved Subregion 1 Master Plan and Sectional Map Amendment and within that plan it was designated for “medium-high density residential” land uses. Approval of this will retain the Subject Property as medium-high density residential property.

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

This application will not adversely affect the health, safety and welfare of workers in the area. The Subject Property was constructed in 1965 and has remained in continuous operation since that time without incident. The subject application will provide additional living spaces for future residents of Prince George’s County.

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

The adjacent properties are fully developed and there is nothing to suggest the additional dwelling units will have any impact, let alone negative, on them or the general neighborhood.

- (6) The proposed site plan is in conformance with an approved Tree Conservation Plan.

There is no TCP required for this property.

- (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.

There are no regulated environmental features on the Subject Property.

- (b) In addition to the above required findings, in a Chesapeake Bay Critical Area Overlay Zone, a Special Exception shall not be granted:

- (1) Where the existing lot coverage in the CBCA exceeds that allowed by this Subtitle, or
- (2) Where granting the Special Exception would result in a net increase in the existing lot coverage in the CBCA.”

The Subject Property is not within the boundaries of any 100-year floodplain, nor is it within the Chesapeake Bay Critical Area (“CBCA”).

V. CONCLUSION

For all of the above-described reasons, we respectfully submit that the subject special exception application for a to enlarge a certified nonconforming apartment building for an additional seven (7) 1-bedroom units meets all requirements of the Ordinance, and request that it be approved.

Respectfully submitted,

O’MALLEY, MILES, NYLEN & GILMORE, P.A.



Nathaniel Forman
7850 Walker Drive, Suite 310
Greenbelt, MD 20770

Attorney for the Applicant

Countywide Planning Division
Historic Preservation Section

301-952-3680

July 19, 2022

MEMORANDUM

TO: Dominique Lockhart, Urban Design Section, Development Review Division

VIA: Howard Berger, Historic Preservation Section, Countywide Planning Division **HSB**

FROM: Jennifer Stabler, Historic Preservation Section, Countywide Planning Division **JAS**
Tyler Smith, Historic Preservation Section, Countywide Planning Division **TAS**

SUBJECT: SE-4852 Westgate Apartments

The subject property comprises 9.22 acres and is located on the north side of MD-198 (Gorman Ave) approximately 600 feet east of its intersection with Van Dusen Road. The subject property is Zoned RMF-20 and is located within the 2010 *Approved Subregion 1 Master Plan* area. The subject application proposes a special exception to permit the enlargement of a certified nonconforming apartment building with an additional seven units.

The 2010 *Approved Subregion 1 Master Plan* contains goals and policies related to community heritage and culture (101-104). However, these are not specific to the subject site or applicable to the proposed development. The proposed project will have no impact on any Prince George's County Historic Sites or Resources. There are no known archeological resources that will be affected by the proposed work. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. Historic Preservation Section staff recommends approval of SE-4852 Westgate Apartments with no conditions.

August 15, 2022

MEMORANDUM

TO: Dominique Lockhart, Planner II, Zoning Section
VIA: Mridula Gupta, Planner III, Subdivision Section *MG*
FROM: Jaspuneet Kaur, Planner II, Subdivision Section *JK*
SUBJECT: SE-4852; Westgate Apartments

The property considered in this special exception (SE) is located on Tax Map 6 in Grid B-1 and consists of Parcel A which is recorded in Plat Book WWW 54 page 82 dated 1964. Parcel A is 9.22 acres and is currently zoned Residential, Multifamily-20 (RMF-20). However, this application is being reviewed pursuant to the prior Multifamily, Medium Density Residential (R-18) zoning of the subject property, and pursuant to the prior Zoning Ordinance and Subdivision Regulations as allowed in accordance with Section 27-1900 of the Zoning Ordinance. The SE application has been submitted to permit seven additional one-bedroom units for a total of 225 dwelling units on the subject property. The existing structure will remain, and no changes to the structure or exterior are proposed.

Parcel A is subject to a Preliminary Plan of Subdivision (PPS) 12-2773 titled Gorman Manor. No records are available for the PPS. A final plat is recorded in Plat Book WWW 54 page number 82 approved on December 2, 1964. Portions of Parcel A along MD 198 were conveyed to the State for road improvements; this conveyance being exempt from the requirement of filing a preliminary plan and final plat of subdivision pursuant to Section 24-107(c)(5) of the prior Subdivision Regulations. Parcel A is currently improved with 218 multifamily dwelling units and a leasing office, a swimming pool, and parking. The use within the existing building is proposed to remain residential. The final plat of subdivision for the property was approved prior to October 27, 1970 and the existing development was constructed prior to January 1, 1990. Since the proposed development does not exceed 5,000 square feet, in accordance with Section 24-111(c)(3) of the prior Subdivision Regulations, the proposed development is exempt from filing a preliminary plan of subdivision and a final plat.

The record plat 54-82 depicts an easement along the property frontage with MD 198 for the benefit of State Highway Administration. This easement is correctly shown on the special exception site plan.

Additional Comments

1. The special exception site plan provides information regarding the existing building coverage on Parcel A, but not the gross floor area (GFA) constructed on the property.. the site plan should be revised to clearly indicate the GFA which existed on the property prior to January 1, 1990.

Recommended Conditions


1. Prior to signature approval, the special exception site plan shall be revised as follows:
 - a. Add a general note indicating the gross floor area which existed on the property prior to January 1, 1990.

This referral is provided for the purposes of determining conformance with any underlying subdivision approvals on the subject property and Subtitle 24. All bearings and distances must be correctly labelled on the special exception site plan and must be consistent with the record plat, or permits will be placed on hold until the plans are corrected. There are no other subdivision issues at this time.

August 15, 2022

MEMORANDUM

TO: Dominique Lockhart, Planner II, Zoning Section, Development Review Division.

VIA: David A. Green, MBA, Planner IV, Long-Range Planning Section, Community Planning Division 

SUBJECT: **SE-4852, WESTGATE APARTMENTS (PB)**

FINDINGS:

The Community Planning Division finds that pursuant to Section 27-317(a)(3), this application will not substantially impair the integrity of the *2010 Approve Subregion 1 Master Plan and Sectional Map Amendment*

BACKGROUND

Application Type: Special Exception

Location: 8100-8216 Gorman Avenue,

Size: 9.22 Acres

Existing Uses:

Proposal: SPECIAL EXCEPTION TO PERMIT THE ENLARGEMENT OF A CERTIFIED NONCONFORMING APARTMENT BUILDING WITH AN ADDITIONAL SEVEN UNITS.

GENERAL PLAN, MASTER PLAN, AND SMA

General Plan: This application is located within the Established Communities policy area. Plan 2035 describes Established Communities as areas appropriate for context-sensitive infill and low-to medium-density development and recommends maintaining and enhancing existing public services, facilities, and infrastructure to ensure that the needs of residents are met.

Master Plan: The 2010 Approve Subregion 1 Master Plan and Sectional Map Amendment recommends medium-high density residential land uses on the subject property.

Planning: Area: 60

Community: Northwestern Area

SE-4852, WESTGATE APARTMENTS (PB)

Aviation/MIOZ: This application is not located within an Aviation Policy Area or the Military Installation Overlay Zone

SMA/Zoning: The 2010 Approve Subregion 1 Master Plan and Sectional Map Amendment retained the R-18 Zone on the subject property. And On November 29, 2021, the District Council approved CR-136-2021, the Countywide Sectional Map Amendment (“CMA”) which reclassified the subject property from R-18_to RMF -20 zone effective April 1, 2022

MASTER PLAN SUBSTANTIAL IMPAIRMENT ISSUES:

The Community Planning Division finds that pursuant to Section 27-317(a)(3), this application will not substantially impair the integrity of the 2010 Approve Subregion 1 Master Plan and Sectional Map Amendment because the proposed density is consistent with the recommended Master Plan recommended medium-high density residential land uses.

c: Long-range Agenda Notebook

August 16, 2022

MEMORANDUM

TO: Dominique Lockhart

FROM: Michelle Hughes

SUBJECT: Referral Comments for Westgate Apartments, SE-4852

1. This submittal appears to be in compliance with all relevant site plan requirements.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco

Countywide Planning Division
Environmental Planning Section

301-952-3650

September 19, 2022

MEMORANDUM

TO: Dominique Lockhart, Planner III, Zoning Section, DRD
VIA: Thomas Burke, Supervisor, Environmental Planning Section, CWPD *TB*
FROM: Marc Juba, Planner III, Environmental Planning Section, CWPD *MJ*
SUBJECT: **SE-4852, Westgate Apartments**

The Environmental Planning Section (EPS) has reviewed the Special Exception (SE-4852) submitted for Westgate Apartments, electronically stamped as received on July 14, 2022. The EPS recommends approval with no conditions.

BACKGROUND

The following applications and associated plans were previously reviewed for the subject site:

Development Review Case #	Associated Tree Conservation Plan or Natural Resources Inventory #	Authority	Status	Action Date	Resolution Number
SE-4852	N/A	Planning Board	Pending	Pending	Pending

PROPOSED ACTIVITY

The current application is a special exception (SE) to permit the enlargement of a certified nonconforming apartment building with an additional seven units. All proposed development will be within the existing building, with no additional parking or grading proposed.

GRANDFATHERING

The project is subject to the environmental regulations of Subtitle 25 and prior Subtitle 27 because there are no previous development application approvals, and this application is for a new SE.

SITE DESCRIPTION

The subject application area is for 9.22 acres. The current zoning for the site is Residential, Multifamily-20 (RMF-20); however, the applicant has opted to apply the zoning standards to this application that were in effect prior to April 1, 2022, for the Multifamily Medium Density Residential (R-18) Zone, located in the northwest quadrant of the intersection of MD 198 (Gorman

Road) and Van Dusen Road. The site has frontage on both roads. Gorman Road is designated as a master planned arterial road. The roads are not identified as scenic or historic roadways.

MASTER PLAN CONFORMANCE

Prince Georges Plan 2035

The site is located within the Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map, as designated by *Plan Prince George's 2035 Approved General Plan* and the Established Communities of the General Plan Growth Policy (2035).

2010 Approved Subregion 1 Master Plan and Sectional Map Amendment

The site is in the *2010 Approved Subregion 1 Master Plan and Section Map Amendment*. The Master Plan does not indicate any environmental issues associated with this property and its proposed use.

Countywide Green Infrastructure Plan

The majority of this property is located outside of the designated network of the *Countywide Green Infrastructure Plan* of the *Approved Prince George's County Resource Conservation Plan* (May 2017). A small strip of property located along the western corner of the site (approximately 190 feet in width at its widest) is mapped within the evaluation area portion of the network. This area of the site is wooded and will remain preserved with this application. Aerial imagery from PGAtlas shows that the rest of the site has been developed since 1977 with buildings, parking lots, and existing paving covering.

The site was cleared, graded, and developed prior to the enactment of the Woodland and Wildlife Habitat Conservation Ordinance (WCO).

ENVIRONMENTAL REVIEW

Natural Resources Inventory/Existing Conditions

The site does not have an approved natural resources inventory (NRI) or equivalency letter (NRI-EL). Since the application is for internal modifications to existing buildings only, and not associated with any proposed grading permits, an NRI or NRI-EL is not required for review of this SE. No further information is required with this SE application regarding the existing site conditions.

Woodland Conservation

The site is eligible for an exemption from the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property contains less than 10,000 square-feet of woodland and has no previous tree conservation plan (TCP) approvals. However, since no grading permits will be required with this SE application, no exemption letter is required.

Preservation of Regulated Environmental Features/Primary Management Area

Section 24-130(b)(5) of the prior Subdivision Ordinance states: "Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible consistent with the guidance provided by the Environmental Technical Manual established by Subtitle 25. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required pursuant to

Subtitle 27, for the reasonable development of the lot outside the regulated feature. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat.”

No regulated environmental features (REF) or primary management area (PMA) are located on this property according to PGAtlas. This project is for interior alternations only to existing buildings. No further information is required.

Soils

The predominant soils found to occur, according to the U.S. Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), include Beltsville-Urban land complex (5-15 percent slopes), Aquasco-Urban land complex (0-5 percent slopes), Beltsville-Urban land complex (0-5 percent slopes), Urban land, Russett-Christiana-Urban land complex, (0-5 percent slopes), and Udorthents, highway (0-65 percent slopes).

No unsafe soils containing Marlboro clay or Christiana complexes have been identified on or within the immediate vicinity of this property. The Department of Permitting, Inspections and Enforcement (DPIE) may require a geotechnical report at later stages of review prior to permit.

Stormwater Management

No stormwater management plan was submitted with this application as this project will not be associated with a grading permit and therefore not subject to stormwater review.

SUMMARY OF RECOMMENDED FINDINGS

The EPS has completed the review of SE-4852, and recommends approval, subject to the following finding:

Required Finding

1. The regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible, based on the plans submitted.

MN
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION



Countywide Planning Division
Transportation Planning Section


14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco


301-952-3680

September 20, 2022

MEMORANDUM

TO: Dominique Lockhart, Subdivision Section, Development Review Division

FROM: Benjamin Ryan, Transportation Planning Section, Countywide Planning Division


VIA:  William Capers III, PTP, Transportation Planning Section, Countywide Planning Division

SUBJECT: SE-4852: Westgate Apartments

Proposal:

The subject Special Exception (SE) application is to allow seven additional dwelling units to an existing multi-family apartment complex. The existing multi-family apartment complex currently consists of a total of 218 dwelling units which will bring the total number of units to 225 with the approval of the subject application. The site is located along the north side of Gorman Avenue (MD-198) directly west of its intersection with Tenth Street in Laurel. The property is a certified nonconforming use and is within the R-18 zoning district. The Transportation Planning Section's review of the SE application was evaluated using the standards of Section 27 of the prior Zoning Ordinance.

Prior Conditions of Approval:

There are no prior conditions of approval on the subject property. However, the site was designated as a certified nonconforming use with permit #41302-2000-U for 206 dwelling units and a requirement of 258 parking spaces. Additionally, the applicant has submitted documentation outlining ERR-180, an application approved by the Zoning Hearing Examiner (ZHE) for the validation of a permit issued in error. Specifically, ERR-180 approved the expansion of the number of dwelling units approved for the site from 206 to 218 and maintained that the 258 parking spaces were sufficient. The applicant has provided documentation citing District Council approval of ERR-180, which was transmitted to the District Council by the ZHE.

Master Plan Compliance

This application is subject to 2009 *Approved Countywide Master Plan of Transportation* (MPOT).

Master Plan Roads

The subject property fronts Gorman Avenue (MD-198; MPOT Route ID #A-1) along its southern border. The MPOT recommends Gorman Avenue as a 4-lane arterial roadway constructed within 120-150 feet of right-of-way. The roadway also falls within the *2010 Subregion 1 Approved Master Plan and Sectional Map Amendment* which recommends similar improvements. No additional right-

of-way dedication is sought along either of these roads.

Master Plan Pedestrian and Bike Facilities

The 2009 Approved Countywide Master Plan of Transportation (MPOT) recommends the following facilities:

Planned Shared Roadway: Sandy Spring Road

The MPOT provides policy guidance regarding multimodal transportation and the Complete Streets element of the MPOT recommends how to accommodate infrastructure for people walking and bicycling.

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

Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.

Policy 5: Evaluate new development proposals in the Developed and Developing Tiers for conformance with the complete streets principles.

Comment: The subject application conforms to MPOT and Sector Plan policies and goals by providing a sidewalk and landscaping within the right of way along the frontage of Gorman Avenue. Staff finds that the limited scope of the subject application does not warrant the need for additional off-site improvements as recommended in the MPOT. However, staff requests the applicant update plans to provide bicycle racks at locations convenient to the entrance of each apartment building. Additionally, staff requests the applicant update plans to provide crosswalks crossing all four points of vehicle entry along Gorman Avenue.

Transportation Planning Review

Zoning Ordinance Compliance

Section 27-317 of the Prince George's County Zoning Ordinance (Ordinance) details the required findings for a special exception. For the purposes of transportation review, Section 27-317 (a)(3) is copied and analyzed below:

(a) A special exception may be permitted if:

(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 Transportation Review Guidelines (TRG) – Part 1(2012), offers guidance on assessing traffic impacts associated with a SE application. Considering the seven additional units proposed with the subject application, the TRG assumes that the new units will generate an

additional 4 AM peak hour trips and 4 PM peak hour trips. The TRG considers a development that generates five or fewer peak-hour trips to be a de minimus development and therefore does not require the applicant to submit a Traffic Impact Study (TIS) or other supporting materials related to transportation adequacy. Given the nominal number of new trips associated with the subject application, staff finds that the proposal will not have an adverse impact on the surrounding multi-modal transportation network.

The subject property falls within the *2010 Subregion 1 Approved Master Plan and Sectional Map Amendment*. Page 45 contains a series of goals related to bicycle, pedestrian, and equestrian facilities and are copied below:

- A safe, affordable, multimodal transportation system.
- A comprehensive and accessible trail network designed to meet the recreational needs of all trail groups, including equestrians, mountain bikers, pedestrians, and bicyclists.
- Sidewalks, neighborhood trail connections, and bicycle-friendly roadways to accommodate nonmotorized transportation (bicycling and walking) for some trips, particularly to mass transit, schools, and activity centers.

Staff finds that the proposed use to add seven new dwelling units to an existing apartment complex does not impair the ability to make transportation related recommendations that are supported by an approved Master Plan or Functional Master Plan. In this case, staff has requested the installation of bicycle racks at each apartment building as well as crosswalks crossing all points of vehicle entry. These improvements are consistent with the Sector Plan goals as listed above and will assist in providing bicycle and pedestrian improvements.

As discussed above, the current configuration of the site allows for four points of vehicle access, all along Gorman Avenue. The western point of vehicle access in front of Building 1 and the two eastern points of vehicle access in front of Building 3 are all right-in/right-out access points. The remaining point of vehicle access located directly in front of Building 2 is a four-legged intersection with a traffic signal and is the only point of vehicle access that allows for left turns onto Gorman Avenue. Staff finds access to the site as well as internal site circulation to be acceptable.

The prior approval of a certified nonconforming use (Permit #41302-2000-U) as well as District Council approval of ERR-180 has resulted in a certification of 218 total dwelling units with a required 258 parking spaces. The applicant has provided a parking tabulation, which adds two additional parking spaces for each dwelling unit being sought with the subject application, which increases the total number of required parking spaces to 272 per the zoning ordinance. The latest site plan displays a total of 289 standard parking spaces which staff finds to be suitable to support the additional seven units proposed with the subject application.

Lastly, regarding pedestrian circulation and facilities, a sidewalk is located along the frontage of Gorman Avenue. Additional sidewalks are located along the frontage of each apartment building which provide sufficient on-site pedestrian movement. Staff's previous request that bicycle parking be added to the plans at each apartment building and that crosswalks be displayed at all points of vehicle access will further aid in safe and adequate bicycle and pedestrian movement.

Conclusion:

Overall, from the standpoint of The Transportation Planning Section it is determined that this plan is acceptable if the following conditions are met:

1. Prior to the certification of the special exception, the applicant and the applicant's heirs, successors and/or assigns shall:
 - a. Provide bicycle racks and associated detail sheet (Inverted-U style or a similar bicycle rack model that provides two points of contact for a parked bicycle) at each apartment building at a location convenient to the entrance.
 - b. Provide crosswalks crossing for all four points of vehicle entry along Gorman Avenue.

A B -

F

SE-4852
Westgate Apartments



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

October 18, 2022

MEMORANDUM

TO: The Prince George's County Planning Board

VIA: James Hunt, Chief, Development Review Division *JRH*
Jeremy Hurlbutt, Supervisor, Zoning Section, Development Review Division *JDH*

FROM: Dominique Lockhart, Planner III, Zoning Section, Development Review Division *DAL*

SUBJECT: **SE-4852 Westgate Apartments**
Planning Board Agenda October 20, 2022 – Applicant's Proposed Revision

Staff received an email dated October 14, 2022, from the applicant's representative, Nathaniel Forman, proposing a revision to Condition 1b. The condition language is contained herein and has been made part of the record. Staff is in agreement with the proposed revised condition, as follows (added text underlined, deleted text [~~strikethrough~~]):

Revised Condition

1. Prior to certification of the special exception:
 - b. [~~Provide two bicycle racks and an associated detail sheet (inverted U-style or a similar bicycle rack model that provides two points of contact for a parked bicycle) at each apartment building, at a location convenient to the building entrances.~~]

Provide ten bicycle racks and an associated detail sheet (inverted U-style or a similar bicycle rack model that provides two points of contact for a parked bicycle). One bicycle rack should be located outside every other address, at a location convenient to the building entrances.

OFFICE OF ZONING HEARING EXAMINER
FOR PRINCE GEORGE'S COUNTY, MARYLAND
NOTICE OF DECISION

Councilmanic District: 1

ERR-180 – Westgate Apts. Investors, LLC
Case Number

On the 6th day of February, 2001, the attached Decision of the Zoning Hearing Examiner in Case No. ERR 180 was filed with the District Council. This is not the final decision, only the recommendation of the Hearing Examiner to the District Council.

Within 30 calendar days after the above date, any person of record may file exceptions with the Clerk of the Council to any portion of this Decision, and may request oral argument thereon before the District Council.* If oral argument is requested, all persons of record will be notified of the date scheduled for oral argument before the District Council. In the event no exception or request for oral argument is filed with the Clerk of the Council within 30 calendar days from the above date, the District Council may act upon the application and must decide within 120 days or the case will be considered denied. Persons of record will be notified in writing of the action of the District Council.

Zoning Hearing Examiner
County Administration Building
Upper Marlboro, MD 20772
952-3644

*Instructions regarding exceptions and requests for oral argument are found on the reverse side of this notice.

cc: Kathryn Turner May, Esq., Gibbs and Haller, 4640 Forbes Boulevard, Lanham, MD 20706
Edward Gibbs, Esq. Gibbs and Haller, 4640 Forbes Boulevard, Lanham, MD 20706
John R. Connelly, Jr., Director, UBS Realty Investors LLC, 242 Trumbull Street,
Hartford, CT 06103-1212
Stan Brown, Esq., People's Zoning Counsel, 9500 Arena Drive, #104, Largo, MD 20774

INSTRUCTIONS FOR FILING

I. Exception(s) Taken to the Examiner's Decision Shall Be:

- a) In writing;
- b) Numbered in sequence;
- c) Specific as to the error(s) which are claimed to have been committed by the Examiner;

(The page and paragraph numbers of the Examiner's Decision should be identified.)

- d) Specific as to those portions of the record, including the Hearing Examiner's Decision, relied upon to support your allegation of error(s) committed by the Examiner.

(The exhibit number, transcript page number, and/or the page and paragraph numbers of the Examiner's Decision should be identified.)

II. Requests for Oral Argument:

If you desire oral argument before the District Council, request must be made, in writing, at the time of filing your exception(s).

III. Notification to All Persons of Record:

Your request for oral argument and/or exception(s) must contain a certificate of service to the effect that a copy thereof was sent by you to all persons of record by regular mail.

(A list of these persons and their addresses is included in this notice of Examiner's decision sent to you herewith or is available from the Clerk to the Council.)

IV. When to File:

Your request for oral argument and/or exception(s) must be filed within 30 calendar days after the Examiner's Decision has been filed with the District Council.

V. Where to File:

Clerk of the County Council
County Administration Building
Upper Marlboro, Maryland 20772
Phone: 952-3600

INSTRUCTIONS FOR REPLY TO A REQUEST FILED FOR ORAL ARGUMENT

If you are notified that another person of record has requested oral argument, you may:

- 1) Participate in the hearing if there is oral argument, and/or
- 2) Reply, in writing, to the District Council, opposition. Copies of any written material to be submitted in support of this opposition position shall be filed with the Clerk and all other persons of record no later than five (5) business days before the date of oral argument.

**DISTRICT COUNCIL FOR PRINCE GEORGE'S COUNTY, MARYLAND
OFFICE OF THE ZONING HEARING EXAMINER**

**ERROR
180
DECISION**

Application: Validation of Apartment License No. M-0611
Applicant: Westgate Apartments Investors, L.L.C.
Opposition: None
Hearing Date: November 15, 2000
Hearing Examiner: Maureen Epps Webb
Recommendation: Approval

NATURE OF PROCEEDINGS

- (1) ERR 180 is a request for the validation of Prince George's County Multifamily Rental License No. M-0611, issued in error on July 15, 1971, for three (3) 3-story multifamily dwellings and accessory buildings on 9.187 acres of R-18 and R-55 zoned land¹ located on the north side of Gorman Avenue (Route 198), approximately 30 feet west of 10th street, and identified as 8100-8216 Gorman Avenue, Laurel, Maryland.
- (2) No one appeared in opposition to the instant request.

FINDINGS

Subject Property

- (1) The apartment complex presently known as Westgate at Laurel, and formerly known as the Gorman Manor Apartments, was constructed in accordance with a site plan approved for development by the Maryland-National Capital Park and Planning Commission in 1964. (Exhibit 8) The property is improved with three (3) three-story, rectangularly shaped brick buildings that house a total of 218 dwelling units.
- (2) On June 17, 1970, a prior owner of the property applied for an apartment license and indicated that the total number of dwellings would be 218. (Exhibit 11) The maximum number of units permitted by the Zoning Ordinance at that time was 206. License renewal applications were approved in 1973, 1975, 1977, 1979, 1981, 1983, 1984, 1985, 1986, 1988, 1990, 1992, 1994, 1996 and 1998. (Exhibit 11) A new license

¹ The property lies partially within the corporate limits of the City of Laurel. The approximately 4,500 square foot portion within the City limits is zoned R-55 and the remainder is zoned R-18. (Exhibit 7)

was issued to the Applicant in August, 2000, as a result of the change in ownership. (Exhibit 12; T. 32)

(3) The Applicant purchased the subject property in March 2000. (T. 25-26) After researching the public record it found that the Use and Occupancy permits issued for the apartments never contained a recitation of the number of dwelling units, although they did set forth addresses for the entire premises. (Exhibits 9 and 10) Building permits for the apartments have not been located. Thus, the only permit that sets forth the number of dwelling units is the apartment license issued in 1971 and reissued biannually since that time. Additionally, there is a site plan approved by M-NCPPC in conjunction with the approval of building permits for the swimming pool and fence which indicates that there may have been a total of 219 dwelling units on site. (Exhibit 8)

(4) The subject property is well maintained. (Exhibits 26-33) It is improved with landscaping and a fenced swimming pool. As noted by Applicant's land planner, the subject property "conforms with the regulations that were required . . . and . . . provides all of the open space and setbacks and parking that would have been required had 218 units been permitted." (Exhibit 23; T. 19)

(5) There does not appear to have been any fraud or misrepresentation practiced in obtaining the 1971 license. The Applicant has expended over \$500,000 on the property and undergone renovations since the purchase. (T. 27, 31) It has operated under the assumption that the apartment license issued was valid. The units are almost fully occupied and the Applicant believes it has an obligation to continue to house all residents.

(6) The Department of Environmental Resources noted that its files indicate there were no appeals or controversies concerning the issuance of the apartment license. (Exhibit 16) The Applicant's search of Board of Appeals records similarly revealed that there were no appeals pending before that body concerning the apartment license. (Exhibits 20 and 21; T. 13-14)

LAW APPLICABLE

(1) An apartment license may be validated in accordance with Section 27-258. Section 27-258(g) and (h)(1) provides as follows:

(g) **Criteria for approval.**

- (1) The District Council shall only approve the application if:
- (A) No fraud or misrepresentation had been practiced in obtaining the permit;
 - (B) If, at the time of the permit's issuance, no appeal or controversy regarding its issuance was pending before any body;
 - (C) The applicant has acted in good faith, expending funds or incurring obligations in reliance on the permit; and
 - (D) The validation will not be against the public interest.

(h) **Status as a nonconforming use.**

(1) Any building, structure, or use for which a permit issued in error has been validated by the Council shall be deemed a nonconforming building or structure, or a certified nonconforming use, unless otherwise specified by the Council when it validates the permit. The nonconforming building or structure, or certified nonconforming use, shall be subject to all of the provisions of Division 6 of this Part.

CONCLUSIONS

(1) The subject property was constructed in the mid 1960s and has had 218 dwelling units since that time although the Zoning Ordinance did not permit that number of dwelling units. It has been well maintained and the Applicant has made many renovations. Apartment licenses have been issued by the Department of Environmental Resources for the apartments since 1971.

(2) No fraud or misrepresentation had been practiced in obtaining Permit No. M-0611 in 1970 or in subsequent renewal years.

(3) A review of pertinent official files reveals there was no known appeal or controversy regarding the issuance of Permit No. M-0611.

(4) The Applicant acted in good faith in purchasing the property in reliance on the permit.

(5) Finally, the validation will not be against the public interest since the Zoning Ordinance permits 206 apartment units on the site – a mere twelve less than the number currently in existence. With the exception of density, every other code requirement for the subject property is satisfied.

RECOMMENDATION

It is recommended that the District Council validate Multifamily License No. M-0611, in accordance with the site plan filed herein. (Exhibit 8) However, a note should be added to the Exhibit to indicate the number and size of each unit, in order to preclude any future expansion.

APR 20 2001



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of the Clerk of the Council
(301) 952-3600

April 19, 2001


RE: ERR 180 (Westgate Apartments Investors, LLC)

NOTICE OF FINAL DECISION OF THE DISTRICT COUNCIL

Pursuant to the provisions of Section 27-134 of the Zoning Ordinance of Prince George's County, Maryland requiring notice of decision of the District Council, you will find enclosed herewith a copy of the Council Order setting forth the action taken by the District Council in this case on April 9, 2001.

CERTIFICATE OF SERVICE

This is to certify that on April 19, 2001, this notice and attached Council Order were mailed, postage prepaid, to all persons of record.



joyce t. sweeney
Clerk of the Council

(10/97)

Case No.: ERR-180
Applicant: Westgate Apartments
Investors, LLC

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

ZONING ORDINANCE NO. #2 - 2001

AN ORDINANCE to validate a permit issued in error.

WHEREAS, the owner of property described as 9.187 acres of land in the R-18 and R-55 Zones, on the north side of Gorman Avenue (Route 198), approximately 30 feet west of 10th Street, identified as 8100 - 8216 Gorman Avenue, Laurel, Maryland, has filed a request to validate Multifamily Rental License No. M-0611; and

WHEREAS, the application was given public notice, in accordance with all requirements of law, and a public hearing was held before the Zoning Hearing Examiner, who has filed with the District Council a decision with a recommended disposition; and

WHEREAS, having reviewed the record, the District Council has determined that the request should be approved; and

WHEREAS, as the basis for the approval, the District Council adopts as its own the findings of fact and conclusions of law of the Zoning Hearing Examiner.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

Section 1. Multifamily Rental license No. M-0611, showing 218 dwelling units on the subject property, is hereby validated. This validation is approved subject to the site plan in the record, Exhibit 8, which must be amended before the license is next reissued to show the size and number of each type of dwelling unit and the total residential square footage on the property.

Section 2. This Ordinance shall take effect on the date of its enactment.

Enacted this 9th day of April, 2001, by the following vote:

In Favor: Council Members Russell, Bailey, Estepp, Gourdine, Hendershot
Maloney, Scott, Shapiro, and Wilson

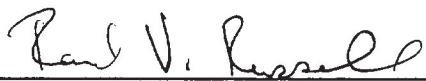
Opposed:

Abstained:

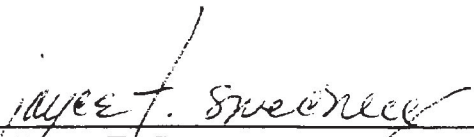
Absent:

Vote: 9-0

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

By: 
Ronald V. Russell, Chairman

ATTEST:


Joyce T. Sweeney
Clerk of the Council

24

761735

Special Warranty Deed

MD Tax Parcel Identifiers: District 10 1060680

After recording, please return to:

Commerce Title Company, Inc.
1777 Reisterstown Road
Suite 200
West Baltimore, MD 21208

PRINCE GEORGE'S COUNTY, MD
APPROVED BY: # KLB
DATE: 1/13/2020
\$ 184,250.00 RECORDATION TAX PAID
\$ 469,000.00 TRANSFER TAX PAID
469,000.00

THIS SPECIAL WARRANTY DEED is made as of January 7, 2020, by and between **WESTGATE DNB ASSOCIATES LLC**, and **ROCKFORD ARMS LLC and GREEN WESTGATE, LLC**, each a Maryland limited liability (collectively, the "**Grantor**"), having an address at c/o Geller Associates, Inc., 101 Eisenhower Parkway, Suite 304, Roseland, New Jersey 07068 and **WESTGATE AT LAUREL LLC**, a Delaware limited liability company (the "**Grantee**"), having an address at 2110 W. County Line Road, Jackson, New Jersey 08527.

LR Deed (w Taxes) 20.00
Recording only 20.00
AT
LUPP
RETS
LR Deed (with Taxes) 40.00
LR Deed State 167,500.00
Transfer Tax 167,500.00
LR - NR Tax - 1kd 0.00

In consideration of the aggregate sum of THIRTY THREE MILLION, FIVE HUNDRED THOUSAND and No/100 Dollars (\$33,500,000.00), including assumption of indebtedness in the approximate amount of ZERO and No/100 (\$0.00) and cash in hand paid in the approximate amount of ZERO and No/100 (\$0.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby bargain, sell, convey, transfer and confirm, with Special Warranty of Title, unto the Grantee, its successors and assigns, fee simple absolute title to all of those parcels of land situate, lying and being in Prince George's County, State of Maryland, being more particularly described on the attached **Exhibit A** (the "**Property**");

Total 167,500.00
187,832.24
13.04
CC16-CT
#13246552 CC0703 -
PRINCE GEORGE'S
Register 02

TOGETHER WITH all the buildings and improvements thereon and all and singular the tenements, hereditaments, rights, ways, waters, easements, privileges and appurtenances to the same belonging or in anywise appertaining to the Property; and

TOGETHER WITH all right, title and interest of Grantor in and to the land lying in and above the bed of any public street, alley, road or avenue, opened or closed, within, in front of, abutting or adjoining the above described real property.

This conveyance is made and accepted subject to covenants, easements and restrictions of record on the date hereof.

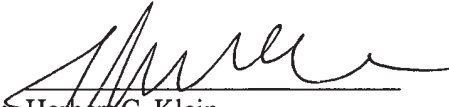
TO HAVE AND TO HOLD the said described land and premises unto and to the use of Grantee, its successors and assigns forever, and Grantor hereby warrants specially title to the land and premises hereby conveyed, and Grantor further covenants that it will execute such further assurances of the said land and premises as may be requisite.

[signature page follows]

PRINCE GEORGE'S COUNTY CIRCUIT COURT (Land Records) MEA 43054, p. 0494, MSA_CE64_43363. Date available 01/29/2020. Printed 12/07/2021.

IN WITNESS WHEREOF, Grantor has caused this Special Warranty Deed to be executed and delivered, all as of the date first above written.


WESTGATE DNB ASSOCIATES LLC,
a Maryland limited liability company

By: 
Name: Herbert C. Klein
Title: Manager

~~By: _____
Name: Michael Geller
Title: Manager~~

~~By: _____
Name: Adam Geller
Title: Manager~~

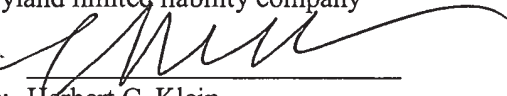
ROCKFORD ARMS LLC,
a Maryland limited liability company

By: 
Name: Herbert C. Klein
Title: Manager

~~By: _____
Name: Michael Geller
Title: Manager~~

~~By: _____
Name: Adam Geller
Title: Manager~~

KLEIN WESTGATE, LLC,
a Maryland limited liability company

By: 
Name: Herbert C. Klein
Title: Manager

PRINCE GEORGE'S COUNTY CIRCUIT COURT (Land Records) MEA 43054, p. 0495, MSA_CE64_43363. Date available 01/29/2020. Printed 12/07/2021.

STATE OF NEW JERSEY)

COUNTY OF ESSEX)

The foregoing instrument was acknowledged before me on behalf of such entity on January 7, 2020, by Herbert C. Klein, who is the Manager of **WESTGATE DNB, LLC** a Maryland limited liability company, and in my presence signed and sealed the same

Olga R Caldwell

[Notarial Seal]

My commission expires: OLGA R. CALDWELL
Registration Number: NOTARY PUBLIC OF NEW JERSEY 50030871
My Commission Expires 1/22/2021

STATE OF NEW JERSEY)

COUNTY OF ESSEX)

The foregoing instrument was acknowledged before me on behalf of such entity on January 7, 2020, by Herbert C. Klein, who is the Manager of **ROCKFORD ARMS LLC** a Maryland limited liability company, and in my presence signed and sealed the same.

Olga R Caldwell

[Notarial Seal]

My commission expires: OLGA R. CALDWELL
Registration number: NOTARY PUBLIC OF NEW JERSEY 50030871
My Commission Expires 1/22/2021

STATE OF NEW JERSEY)

COUNTY OF ESSEX)

The foregoing instrument was acknowledged before me on behalf of such entity on January 7, 2020, by Herbert C. Klein, who is the Manager of **KLEIN WESTGATE, LLC** a Maryland limited liability company, and in my presence signed and sealed the same.


Olga R Caldwell

[Notarial Seal]

Notary Public

My Commission Expires: OLGA R. CALDWELL
Notarial Registration Number: NOTARY PUBLIC OF NEW JERSEY 50030871
My Commission Expires 1/22/2021

This is to certify that the written instrument has been prepared by, or under the supervision of the undersigned Maryland Attorney, or by a party to this instrument.



Eli J. Newman, Esq.

Address of Grantee:

2110 W. County Line Road
Jackson, New Jersey 08527.

EXHIBIT "A" LEGAL DESCRIPTION

ALL THAT CERTAIN piece or parcel of land, together with the improvements thereon, lying, situate and being in Laurel Election District No. 10, Prince George's County, Maryland, said piece or parcel of land being part of "Parcel A, Gorman Manor", as recorded among the Land Records of Prince George's County, Maryland, in Plat Book WWW 54 at Plat No. 82, being more particularly described as follows:

Beginning for the same at a pipe found at the easternmost corner of said Parcel A, as shown on the aforesaid record plat, said point being also the intersection of the northerly boundary of said Parcel A and property owned past or present by the Prince George's County Board of Education, as recorded in Liber 1458 at Folio 233 and with the westerly limits of 10th Street; referring all courses of this description to the Maryland State Coordinate System (NAD83/91), as now surveyed by KCI Technologies, Inc. dated October 2004; thence running with said 10th Street:

South 17 degrees 56 minutes 23 seconds West 24.36 feet to a point, thence leaving said 10th Street and running with the outline of said Parcel A the following two courses and distances:

North 81 degrees 54 minutes 39 seconds West 152.24 feet to a point, thence

South 17 degrees 56 minutes 23 seconds West 305.26 feet to a point on the northerly right of way line of Maryland Route 198 as shown on Plat 35117 and Plat 35115 of the State Roads Commission of Maryland; thence running with the said northerly right of way line the following nineteen courses and distances:

North 81 degrees 53 minutes 31 seconds West 58.13 feet to a point; thence
 North 73 degrees 27 minutes 54 seconds West 27.29 feet to a point; thence
 North 74 degrees 11 minutes 45 seconds West 37.34 feet to a point; thence
 North 74 degrees 36 minutes 10 seconds West 86.70 feet to a point; thence
 North 87 degrees 13 minutes 26 seconds West 150.65 feet to a point; thence
 North 86 degrees 56 minutes 04 seconds West 34.13 feet to a point; thence
 North 88 degrees 01 minutes 37 seconds West 28.07 feet to a point; thence
 North 81 degrees 42 minutes 39 seconds West 17.72 feet to a point; thence
 North 63 degrees 18 minutes 12 seconds West 49.21 feet to a point; thence
 North 80 degrees 22 minutes 47 seconds West 18.50 feet to a point; thence
 South 09 degrees 48 minutes 37 seconds West 15.00 feet to a point; thence along the arc of a curve to the right 195.81 feet having a radius of 2804.79 feet and a chord bearing of 195.77 feet and

North 78 degrees 11 minutes 23 seconds West to a point; thence
 North 67 degrees 44 minutes 56 seconds West 35.57 feet to a point; thence
 North 62 degrees 57 minutes 25 seconds West 14.00 feet to a point; thence
 North 68 degrees 50 minutes 11 seconds West 49.02 feet to a point; thence
 North 67 degrees 41 minutes 30 seconds West 188.30 feet to a point; thence
 North 71 degrees 03 minutes 26 seconds West 156.85 feet to a point; thence
 North 64 degrees 15 minutes 49 seconds West 175.98 feet to a point; thence along the arc of a curve to

DEED OF TRUST
(Continued)

Payment. Grantor shall pay when due (and in all events prior to delinquency) all taxes, special taxes, assessments, charges (including water and sewer), fines and impositions levied against or on account of the Property, and shall pay when due all claims for work done on or for services rendered or material furnished to the Property. Grantor shall maintain the Property free of all liens having priority over or equal to the interest of Lender under this Deed of Trust, except for the lien of taxes and assessments not due, except for the Existing Indebtedness referred to below, and except as otherwise provided in this Deed of Trust.

PROPERTY DAMAGE INSURANCE. The following provisions relating to insuring the Property are a part of this Deed of Trust.

Maintenance of Insurance. Grantor shall procure and maintain policies of fire insurance with standard extended coverage endorsements on a replacement basis for the full insurable value covering all improvements on the Real Property in an amount sufficient to avoid application of any coinsurance clause, and with a standard mortgagee clause in favor of Lender, together with such other hazard and liability insurance as Lender may require. Policies shall be written in form, amounts, coverages and basis acceptable to Lender and issued by a company or companies acceptable to Lender. Grantor, upon request of Lender, will deliver to Lender from time to time the policies or certificates of insurance in form satisfactory to Lender, including stipulations that coverages will not be cancelled or diminished without at least ten (10) days prior written notice to Lender. Each insurance policy also shall include an endorsement providing that coverage in favor of Lender will not be impaired in any way by any act, omission or default of Grantor or any other person. Should the Real Property be located in an area designated by the Administrator of the Federal Emergency Management Agency as a special flood hazard area, Grantor agrees to obtain and maintain flood insurance, if available, for the maximum amount of Grantor's credit line and the full unpaid principal balance of any prior liens on the property securing the loan, up to the maximum policy limits set under the National Flood Insurance Program, or as otherwise required by Lender, and to maintain such insurance for the term of the loan. Flood insurance may be purchased under the National Flood Insurance Program, from private insurers providing "private flood insurance" as defined by applicable federal flood insurance statutes and regulations, or from another flood insurance provider that is both acceptable to Lender in its sole discretion and permitted by applicable federal flood insurance statutes and regulations.

LENDER'S EXPENDITURES. If Grantor fails (A) to keep the Property free of all taxes, liens, security interests, encumbrances, and other claims, (B) to provide any required insurance on the Property, (C) to make repairs to the Property or to comply with any obligation to maintain Existing Indebtedness in good standing as required below, then Lender may do so. If any action or proceeding is commenced that would materially affect Lender's interests in the Property, then Lender on Grantor's behalf may, but is not required to, take any action that Lender believes to be appropriate to protect Lender's interests. All expenses incurred or paid by Lender for such purposes will then bear interest at the rate charged under the Credit Agreement from the date incurred or paid by Lender to the date of repayment by Grantor. All such expenses will become a part of the Indebtedness and, at Lender's option, will (A) be payable on demand, or (B) be added to the balance of the Credit Agreement and be apportioned among and be payable with any installment payments to become due during either (1) the term of any applicable insurance policy; or (2) the remaining term of the Credit Agreement.

WARRANTY; DEFENSE OF TITLE. The following provisions relating to ownership of the Property are a part of this Deed of Trust:

Title. Grantor warrants specially that: (a) Grantor holds good and marketable title to the Property in fee simple, free and clear of all liens and encumbrances other than those set forth in the Real Property description or in the Existing Indebtedness section below or in any title insurance policy, title report, or final title opinion issued in favor of, and accepted by, Lender in connection with this Deed of Trust, and (b) Grantor has the full right, power, and authority to execute and deliver this Deed of Trust to Lender.

Defense of Title Subject to the exception in the paragraph above, Grantor warrants and will forever defend the title to the Property against the lawful claims of all persons.

EXISTING INDEBTEDNESS. The following provisions concerning Existing Indebtedness are a part of this Deed of Trust:

Existing Lien. The lien of this Deed of Trust securing the Indebtedness may be secondary and inferior to an existing lien. Grantor expressly covenants and agrees to pay, or see to the payment of, the Existing Indebtedness and to prevent any default on such indebtedness, any default under the instruments evidencing such indebtedness, or any default under any security documents for such indebtedness.

EVENTS OF DEFAULT. Grantor will be in default under this Deed of Trust if any of the following happen: (A) Grantor commits fraud or makes a material misrepresentation at any time in connection with the Credit Agreement. This can include, for example, a false statement about Grantor's income, assets, liabilities, or any other aspects of Grantor's financial condition. (B) Grantor does not meet the repayment terms of the Credit Agreement. (C) Grantor's action or inaction adversely affects the collateral or Lender's rights in the collateral. This can include, for example, failure to maintain required insurance, waste or destructive use of the dwelling, failure to pay taxes, death of all persons liable on the account, transfer of title or sale of the dwelling, creation of a senior lien on the dwelling without Lender's permission, foreclosure by the holder of another lien, or the use of funds or the dwelling for prohibited purposes.

RIGHTS AND REMEDIES ON DEFAULT. Upon the occurrence of any Event of Default under any indebtedness, or should Grantor fail to comply with any of Grantor's obligations under this Deed of Trust, Trustee or Lender may exercise any one or more of the following rights and remedies:

Election of Remedies. All of Lender's rights and remedies will be cumulative and may be exercised alone or together. An election by Lender to choose any one remedy will not bar Lender from using any other remedy. If Lender decides to spend money or to perform any of Grantor's obligations under this Deed of Trust, after Grantor's failure to do so, that decision by Lender will not affect Lender's right to declare Grantor in default and to exercise Lender's remedies.

Accelerate Indebtedness. Lender shall have the right at its option without notice to Grantor to declare the entire Indebtedness immediately due and payable.

Foreclosure. With respect to all or any part of the Real Property, (a) the Trustee shall have the right to invoke the power of sale and Grantor hereby assents to the passage of a decree for the sale of the Real Property, and (b) Lender shall have the right to foreclose by judicial foreclosure, in either case in accordance with and to the full extent provided by applicable law.

Application of Proceeds. Trustee shall apply the proceeds of any sale of Real Property as follows: (a) to all costs and expenses of the sale, including but not limited to (i) Trustee's fees of five percent (5%) of the gross sale price, or such other amount as may be approved by a court of equity, (ii) reasonable attorneys' fees and (iii) costs of title evidence, and (b) to all sums secured by this Deed of Trust, and (c) the excess, if any, to the person or persons legally entitled thereto.

Other Remedies. Trustee or Lender shall have any other right or remedy provided in this Deed of Trust or the Credit Agreement or available at law or in equity.

MARYLAND FORM WH-AR

Certification of Exemption from Withholding Upon Disposition of Maryland Real Estate Affidavit of Residence or Principal Residence

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change

in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1. Transferor Information

Name of Transferor Westgate DNB Associates LLC

2. Description of Property (Street address. If no address is available, include county, district, subdistrict and lot numbers).

8200 Gorman Ave., Laurel, Maryland 20707

3. Reasons for Exemption

Resident Status

As of the date this form is signed, I, Transferor, am a resident of the State of Maryland.

Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR)03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.

Principal Residence

Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC 121 (principal residence for 2 (two) of the last 5 (five) years) and is currently recorded as such with the State Department of Assessments and Taxation.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

3a. Individual Transferors

Witness

Name

**Date

Signature

3b. Entity Transferors

Witness/Attest

Handwritten signature

Westgate DNB LLC

Name of Entity

By

Name

**Date

Title

Handwritten signature

Herbert C. Klein

1/7/2020

Manager

** Form must be dated to be valid.

Note: Form is only valid if it was executed on the date the Property was transferred and is properly recorded with the Clerk of the Court.

To the Clerk of the Court: Only an un-altered Form WH-AR should be considered a valid certification for purposes of Section 10-912.

MARYLAND FORM WH-AR

Certification of Exemption from Withholding Upon Disposition of Maryland Real Estate Affidavit of Residence or Principal Residence

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change

in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1. Transferor Information

Name of Transferor Rockford Arms LLC

2. Description of Property (Street address. If no address is available, include county, district, subdistrict and lot numbers).

8200 Gorman Ave., Laurel, Maryland 20707

3. Reasons for Exemption

Resident Status

As of the date this form is signed, I, Transferor, am a resident of the State of Maryland.

Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR)03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.

Principal Residence

Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC 121 (principal residence for 2 (two) of the last 5 (five) years) and is currently recorded as such with the State Department of Assessments and Taxation.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

3a. Individual Transferors

Witness

Name

**Date

Signature

3b. Entity Transferors

Witness/Attest

Rockford Arms LLC

Name of Entity

By

Name

**Date

Title

Herbert C. Klein

1/7/2020

Manager

** Form must be dated to be valid.

Note: Form is only valid if it was executed on the date the Property was transferred and is properly recorded with the Clerk of the Court.

To the Clerk of the Court: Only an un-altered Form WH-AR should be considered a valid certification for purposes of Section 10-912.

MARYLAND FORM WH-AR

Certification of Exemption from Withholding Upon Disposition of Maryland Real Estate Affidavit of Residence or Principal Residence

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change

in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1. Transferor Information

Name of Transferor Klein Westgate, LLC

2. Description of Property (Street address. If no address is available, include county, district, subdistrict and lot numbers).

8200 Gorman Ave., Laurel, Maryland 20707

3. Reasons for Exemption

Resident Status

As of the date this form is signed, I, Transferor, am a resident of the State of Maryland.

Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR)03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.

Principal Residence

Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC 121 (principal residence for 2 (two) of the last 5 (five) years) and is currently recorded as such with the State Department of Assessments and Taxation.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

3a. Individual Transferors

Witness

Name

**Date

Signature

3b. Entity Transferors

Witness/Attest

[Handwritten Signature]

Klein Westgate, LLC

Name of Entity

By

[Handwritten Signature]

Herbert C. Klein

1/7/2020

Name

**Date

Title

Manager

** Form must be dated to be valid.

Note: Form is only valid if it was executed on the date the Property was transferred and is properly recorded with the Clerk of the Court.

To the Clerk of the Court: Only an un-altered Form WH-AR should be considered a valid certification for purposes of Section 10-912.

PRINCE GEORGE'S COUNTY CIRCUIT COURT (Land Records) MEA 43054, p. 0503, MSA_CE64_43363. Date available 01/29/2020. Printed 12/07/2021.

State of Maryland Land Instrument Intake Sheet								
<input type="checkbox"/> Baltimore City <input checked="" type="checkbox"/> County: Prince George's <small>Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only. (Type or Print in Black Ink Only-All Copies Must Be Legible)</small>								
1	Type(s) of Instruments	<input checked="" type="checkbox"/> Check Box if addendum Intake Form is Attached. <input checked="" type="checkbox"/> Deed <input type="checkbox"/> Mortgage <input type="checkbox"/> Other _____ <input type="checkbox"/> Other _____ <input checked="" type="checkbox"/> Deed of Trust <input type="checkbox"/> Lease <input checked="" type="checkbox"/> ASSG ON SI <input type="checkbox"/> _____						
2	Conveyance Type Checkbox	<input checked="" type="checkbox"/> Improved Sale Arms-Length [1] <input type="checkbox"/> Unimproved Sale Arms-Length [2] <input type="checkbox"/> Multiple Accounts Arms-Length [3] <input type="checkbox"/> Not an Arms-Length Sale [9]						
3	Tax Exemptions (if applicable) Cite or Explain Authority	Recordation _____ State Transfer _____ County Transfer _____						
4	Consideration and Tax Calculations	Consideration Amount			Finance Office Use Only Transfer and Recordation Tax Consideration			
		Purchase Price/Consideration	\$33,500,000.00	Transfer Tax Consideration	\$ _____			
		Any New Mortgage	\$25,650,000.00	X (_____)%	= \$ _____			
		Balance of Existing Mortgage	\$ _____	Less Exemption Amount	- \$ _____			
		Other:	\$ _____	Total Transfer Tax	= \$ _____			
	Other:	\$ _____	Recordation Tax Consideration	\$ _____				
	Full Cash Value:	\$ _____	X (_____)% per \$500	= \$ _____				
			TOTAL DUE	\$ _____				
5	Fees	Amount of Fees		Doc. 1	Doc. 2	Agent:		
		Recording Charge	\$20.00	\$75.00		Tax Bill:		
		Surcharge	\$40.00	\$40.00		C.B. Credit		
		State Recordation Tax	\$184,250.00	\$ _____		Ag. Tax/Other		
		State Transfer Tax	\$167,500.00	\$ _____				
		County Transfer Tax	\$469,000.00	\$ _____				
		Other	\$ _____	\$ _____				
		Other	\$ _____	\$ _____				
6		Description of Property SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).	District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG
				10-1060680				
	Subdivision Name		Lot (3a)	Block(3b)	Sect/AR (3c)	Plat Ref.	SqFt/Acreage (4)	
	Location/Address of Property Being Conveyed (2)							
	8200 Gorman Ave., Laurel, MD 20707							
	Other Property Identifiers (if applicable)				Water Meter Account No.			
	Residential <input type="checkbox"/> or Non-Residential <input checked="" type="checkbox"/>		Fee Simple <input checked="" type="checkbox"/> or Ground Rent <input type="checkbox"/>		Amount:			
	Partial Conveyance? <input type="checkbox"/> Yes <input type="checkbox"/> No		Description/Amt. of SqFt/Acreage Transferred:					
	If Partial Conveyance, List Improvements Conveyed:							
7	Transferred From		Doc. 1 - Grantor(s) Name(s)			Doc. 2 - Grantor(s) Name(s)		
		Westgate DNB Associate LLC, Rockford Arms LLC, Klein Westgate, LLC			Westgate at Laurel LLC, a Delaware limited liability company			
		Doc. 1 - Owner(s) of Record, if Different from Grantor(s)			Doc. 2 - Owner(s) of Record, if Different from Grantor(s)			
8	Transferred To	Doc. 1 - Grantee(s) Name(s)			Doc. 2 - Grantee(s) Name(s)			
		Westgate at Laurel LLC, a Delaware limited liability company			CAPITAL ONE NA			
		New Owner's (Grantee) Mailing Address						
		C,						
9	Other Names to Be Indexed	Doc. 1 - Additional Names to be Indexed (Optional)			Doc. 2 - Additional Names to be Indexed (Optional)			
10	Contact/Mail Information	Instrument Submitted By or Contact Person					<input checked="" type="checkbox"/> Return to Contact Person	
		Name: Menucha Prince					<input type="checkbox"/> Hold for Pickup	
		Firm: Commerce Title Company, Inc.						
		Address: 1777 Reisterstown Road, Suite 200 West, Baltimore, MD 21208 Phone: (410) 653-4004					<input checked="" type="checkbox"/> Return Address Provided	
11	IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER							
	Assessment Information	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Will the property being conveyed be the grantee's principal residence? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Does transfer include personal property? If yes, identify: _____ <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).						
		Assessment Use Only - Do Not Write Below This Line						
		Terminal Verification	Agricultural Verification	Whole	Part	Tran. Process Verification		
	Transfer Number	Date Received:	Deed Reference:		Assigned Property No.:			
	Year	20	20	Geo.	Map	Sub	Block	
	Land			Zoning	Grid	Plat	Lot	
	Buildings			Use	Parcel	Section	Occ. Cd.	
	Total			Town Cd.	Ex. St.	Ex. Cd.		
	REMARKS:							

PRINCE GEORGE'S COUNTY

DEPARTMENT OF PERMITTING, INSPECTIONS AND ENFORCEMENT
PERMITTING CENTER

CERTIFICATE OF OCCUPANCY

EFFECTIVE DATE: July 01, 2021

CASE NUMBER : 8339-2020-00

PERMISSION IS HEREBY GRANTED TO OCCUPY :

8200 GORMAN AVE LAUREL, MD 20707

CASETYPE : D PIE UOW

OWNERSHIP : PARKING SPACES : 0

USE GROUP : SPECIAL EXCEPTION :

CONST. TYPE : LOT :

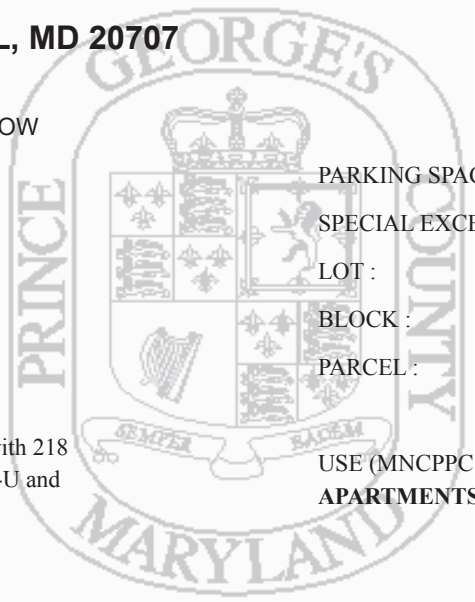
TAX MAP : 006 BLOCK :

ZONE : R18 PARCEL :

LIMITATIONS (UP TO) :

Ok for certified nonconforming apartments with 218 dwelling units per 1385-2002-U, 2512-2013-U and ERR-180. Parking ok per Sec. 27-584.

USE (MNCPPC ZONING) : APARTMENTS, NONCONFORMING USE



PROPERTY OWNER
Westgate at Laurel LLC
2110 W Countyline RD #
Jackson, NJ 08527

OCCUPANT
Westgate at Laurel LLC
8200 GORMAN AVE #
LAUREL, MD 20707
TRADE NAME : Westgate at Laurel

CERTIFICATE IS TO BE CONSPICUOUSLY DISPLAYED AND NOT REMOVED FROM THE PREMISE FOR WHICH IT WAS ISSUED. IT IS NOT TRANSFERABLE.

Melinda Bolling

Melinda Bolling
BUILDING CODE OFFICIAL

YOU MUST COMPLY WITH MUNICIPAL, HOMEOWNER/CIVIC ASSOCIATION AND LOCAL COVENANTS. A FINE MAY BE IMPOSED IF CONSTRUCTION IS BEGUN WITHOUT REQUIRED APPROVALS.

Route Harry Kay, 4925 Fairmount Ave., Bethesda, Md. Oct. 27, 1964

DEED IN FEE

LIBER 3052 PAGE 134

23522

This Deed

Made this 9th day of October by and between

in the year 1964

ROScoe D. STEVENS, unmarried

party of the first part, and

HARRY KAY and MAX KAY

parties of the second part:

OCT-15-64 PAID 377 CLK.GT.P.G.C. ACKOED

OCT-15-64 PAID 378 CLK.GT.P.G.C. ACK-TAS 237.60

Witnesseth, that for and in consideration of the sum of Ten Dollars (\$10.00), receipt whereof is hereby acknowledged, the said party of the first part does grant unto the said parties of the second part, in fee simple, as Tenants in Common the following described land and premises, situate in the County of Prince George's

of the state of Maryland and known and distinguished as: Being all of that piece or parcel of land situate, lying and being in Prince George's County, Maryland, being a part of that land conveyed by Charles E. Pritchard (C. Elmer Pritchard) and Helen E. Pritchard, his wife, to Roscoe D. Stevens by Deed dated September 11, 1925 and recorded among the Land Records of Prince George's County, Maryland in Liber 244 at Folio 57, and being more particularly described in accordance with a plat of survey prepared in September, 1964 by Matz, Childs and Associates, Civil Engineers and Land Surveyors, Rockville, Maryland, as follows: BEGINNING for the same at an iron pipe set in the northeasternmost corner of the aforesaid conveyance recorded in Liber 244 at Folio 57 (as more fully described in J. W. B. 1, Folio 614) said pipe also being on the westernmost side of Tenth Street, thence leaving said northeasternmost corner and binding on the west side of Tenth Street and with a part of the easternmost outline of the above mentioned conveyance recorded in Liber 244 at Folio 57; (1) South 17° 59' 28" West 24.37 feet to an iron pipe set; thence leaving said easternmost outline and leaving Tenth Street and running for lines of division as now established; (2) North 81° 59' 32" West 152.31 feet to an iron pipe set; thence (3) South 17° 59' 28" West 305.15 feet to an iron pipe set on the northeasternmost right of way line of Maryland Route No. 198 (relocated), said pipe being situate Sixty (60) feet measured at right angles from Station 47+ 41.55 base line of right of way, as shown on Maryland state Roads Commission Plat No. 19795; thence binding on said northeasternmost right of way line as shown on State Roads Commission Plats numbered 19795 and 19796, the two (2) following courses and distances; (4) North 81° 53' 57" West 457.37 feet to an iron pipe set sixty (60) feet measured at right angles from Station P. C. 51 + 98.92 base line of right of way as shown on said Plat No. 19795; (5) 1205.62 feet along the arc of a curve deflecting to the right having a radius of 2201.68 feet, and a long chord bearing and distance of North 66° 12' 42" West 1190.62 feet to an iron pipe set in the northernmost outline of the aforesaid conveyance recorded in Liber 244 at Folio 57; thence binding on a part of said northernmost outline; (6) South 81° 59' 32" East 1812.54 feet to the point of BEGINNING: CONTAINING 9.4585 acres.

Together with all and singular the ways, easements, rights, privileges and appurtenances to the same belonging or in anywise appertaining, and all the estate, right, title, interest, and claim, either at law or in equity, or otherwise however, of the said party of the first part, of, in, to, or out of the said land and premises.

And the said party of the first part covenants that he will warrant specially the property hereby conveyed; and that he will execute such further assurances of said land as may be requisite.

Witness his hand and seal the day and year first hereinbefore written.

TRANSFER TAX PAID
131
131
TREASURER

Witness:
Richard L. Sugarman
Richard L. Sugarman

Roscoe D. Stevens [SEAL]
Roscoe D. Stevens [SEAL]

DISTRICT OF COLUMBIA to wit:

I, RICHARD L. SUGARMAN a Notary Public in and for the District of Columbia DO HEREBY CERTIFY that

ROSCOE D. STEVENS party to a certain Deed bearing date on the 9th day of October 1964 and hereto annexed, personally appeared before me in said District, the said

ROSCOE D. STEVENS

being personally well known to me as the person who executed the said Deed, and acknowledged the same to be his act and deed.

Given under my hand and seal this 9th day of October 1964

Richard L. Sugarman Notary Public



SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made as of the 21st day of November, 1985, by HARRY KAY and MAX KAY, tenants in common (collectively, "Grantor"), to GATE LAUREL ASSOCIATES, a California general partnership ("Grantee") [the terms "Grantor" and Grantee" to include their respective heirs, successors and assigns where the context thereof requires or permits];

W I T N E S S E T H:

FOR AND IN CONSIDERATION OF the sum of SIX MILLION SIX HUNDRED SIXTY THOUSAND AND NO/100 DOLLARS (\$6,660,000.00), and other good and valuable consideration in hand paid at and before the sealing and delivery of these presents, the receipt, adequacy and sufficiency of which are hereby acknowledged by Grantor, Grantor does hereby grant and convey unto Grantee, its successors and assigns in fee simple certain real property lying and being situate in the Tenth (10th) Election District of Prince George's County, Maryland, which real property is described in Exhibit A attached hereto and incorporated herein by this reference (the "Property"). The Property conveyed hereby includes without limitation all improvements and fixtures located on, under or above the Property.

Together with all the ways, easements, rights, privileges and appurtenances to the same belonging or in any way appertaining; all rights of the Grantor in and to any and all adjoining public and private streets, roadways, and rights-of-way, any privately-owned water and sewer lines servicing the Property and any and all easements, rights-of-way, covenants, benefits, agreements, rights and appurtenances enjoyed by and/or benefitting the Property; and all the estate, right, title, interest and claim, either at law or in equity, or otherwise however, of the Grantor of, in, to or out of the Property.

This conveyance is made subject only to those liens, leases, easements, rights-of-way, covenants, restrictions, conditions and matters as are listed on Exhibit B attached hereto and incorporated herein by this reference.

Grantor covenants that it will warrant specially the Property hereby conveyed and that it will execute such further assurances thereof as may be requisite.

IN WITNESS WHEREOF, and intending to be legally bound, HARRY KAY and MAX KAY, tenants in common, sole general partners of GORMAN MANOR APARTMENTS, LIMITED PARTNERSHIP, a Maryland limited partnership, have executed this Special Warranty Deed under seal as of the day and year hereinabove first written.

WITNESS:

GRANTOR:

Thomas R. Petty
THOMAS R. PETTY

Harry Kay (SEAL)
HARRY KAY

Thomas R. Petty
THOMAS R. PETTY

Max Kay (SEAL)
MAX KAY

Nov 22 3 17 PM '85

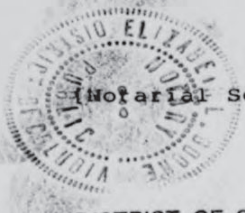
22 A M 15969 ***2750
11/22 A M 15970 ***37300.00
6221 333 2750

6221 334

DISTRICT OF COLUMBIA)
) ss:
)

Before me, a Notary Public in and for the jurisdiction aforesaid, personally appeared this date HARRY KAY, who is personally well known (or satisfactorily proven) to me to be a Grantor in the foregoing and annexed Special Warranty Deed dated November 21, 1985, and acknowledged said Special Warranty Deed to be his act and deed, and that he delivered the same as such for the uses and purposes therein contained.

WITNESS my hand and official seal this 21st day of November, 1985.



[Notarial Seal]

Elizabeth L. Boone
Notary Public

Print Name: ELIZABETH L. BOONE

My Commission Expires: 9/14/89

DISTRICT OF COLUMBIA)
) ss:
)

Before me, a Notary Public in and for the jurisdiction aforesaid, personally appeared this date MAX KAY, who is personally well known (or satisfactorily proven) to me to be a Grantor in the foregoing and annexed Special Warranty Deed dated November 21, 1985, and acknowledged said Special Warranty Deed to be his act and deed, and that he delivered the same as such for the uses and purposes therein contained.

WITNESS my hand and official seal this 21st day of November, 1985.



[Notarial Seal]

Elizabeth L. Boone
Notary Public

Print Name: ELIZABETH L. BOONE

My Commission Expires: 9/14/89

MARYLAND ATTORNEY'S CERTIFICATE

I hereby certify that the foregoing Special Warranty Deed was prepared by or under the supervision of the undersigned, a member of the Bar of the Court of Appeals of Maryland.

William M. Harvey
William M. Harvey, Esquire

0254p
5955/39
11/20/85

EXHIBIT A

METES AND BOUNDS DESCRIPTION

GORMAN MANOR

LAUREL ELECTION DISTRICT NO. 10

PRINCE GEORGE'S COUNTY, MARYLAND

Being part of Parcel A as shown on a record plat entitled "PARCEL A, GORMAN MANOR" as recorded in Plat Book WW54 and Plat 82 among the Land Records of Prince George's County, Maryland, and being more particularly described as follows:

Beginning for the same at the easternmost corner of said Parcel A as shown on the aforementioned record plat, said point being also the intersection of the northerly boundary of said Parcel A and property owned past or present by the Prince George's County Board of Education, as recorded in Liber 1458 at Folio 233 and with the westerly limits of 10th Street; thence running with the said westerly limits

1. South 17°59'28" West, 24.37 feet to a point; thence leaving said westerly limits
2. North 81°59'32" West, 152.31 feet to a point; thence
3. South 17°59'28" West, 305.15 feet to a point on the northly right of way line of Maryland Route 198 as shown on Plat 35117 and Plat 35115 of the State Roads Commission of Maryland; thence running with the said northerly right of way line the following nineteen courses
4. North 81°53'57" West, 58.45 feet to a point; thence
5. North 73°28'20" West, 27.29 feet to a point; thence
6. North 74°12'11" West, 37.34 feet to a point; thence

7. North 74°36'37" West, 86.70 feet to a point; thence
8. North 87° 13'53" West, 150.65 feet to a point; thence
9. North 86°56'30" West, 34.13 feet to a point; thence
10. North 88°02'03" West, 28.07 feet to a point; thence
11. North 81°43'06" West, 17.72 feet to a point; thence
12. North 63°18'39" West, 49.21 feet to a point; thence
13. North 80°23'14" West, 18.50 feet to a point; thence
14. South 09°48'10" West, 15.75 feet to a point; thence
along the arc of a curve to the right
15. 195.88 feet having a radius of 2201.68 feet and a chord
and chord bearing of 195.82 feet and
North 78°08'41" West to a point; thence
16. North 66°50'59" West, 35.66 feet to a point; thence
17. North 62°57'51" West, 14.00 feet to a point; thence
18. North 68°50'39" West, 49.02 feet to a point; thence
19. North 67°41'59" West, 188.29 feet to a point; thence
20. North 71°03'55" West, 156.85 feet to a point; thence
21. North 64°16'18" West, 175.98 feet to a point; thence
along the arc of a curve to the right
22. 342.18 feet having a radius of 2201.68 feet and a chord
and chord bearing of 341.84 feet and
North 54°58'37" West to a point on the
intersection of the northerly boundary
of the said Parcel A
northerly right of way line of the
said Route 198; thence leaving said
northerly right of way line and running
with the southerly boundary of the land
owned past or present by M. Lankford as
recorded in Liber 1412 at Folio 402
among the aforementioned Land Record,
and the southerly boundary of the
aforementioned Board of Education property

6221

337

Kidde Consultants, Inc.
Rockville, Maryland
Our Job No.: 11-81-102A
November 21, 1985
Page No. 3.

23. South 81°59'32" East, 1812.54 feet to the point of
beginning containing 400215.7 square feet
or 9.1877 acres of land.

SUBJECT to any and all easements, rights of way, or covenants
of record or imposed by law.

PRINCE GEORGES COUNTY CIRCUIT COURT (Land Records) NLP-6221, p. 0337, MSA_CE64_6302. Date available 10/29/2007. Printed 10/27/2021.

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REPRODUCTION TAX AND
TRANSFER TAX PAID
DEFENSE OF REVENUE
PRINCE GEORGE'S COUNTY, MD

R#17 TREASURY DIVISION
0001 NOV.22'85 01:42PM
6312 TRANS TX 99900.00

see tax 29304.00

19 Taxes on assessments certified to the
collector of taxes for Prince George's
County, Md. by W. J. [Signature] have been paid
in full by Prince George's County,
Md. in full payment of the assessment and in full
of the taxes thereon. The collector of taxes
for Prince George's County, Md. has the honor
to certify that the above is a true and correct
statement of the taxes on assessments for taxes.

TRANSFERRED
NOV 22 1985
BY [Signature] CLERK
TRANSFER OFFICE

6221 340

Mail to:
COMMERCIAL SETTLEMENTS, INC.
1413 K Street, N.W.
11th Floor
Washington, D.C. 20005

