

November 22, 2022

La Lomita, LLC
8451 Hilltop Road, Suite D
Fairfax, VA 22031



Re: Notification of Planning Board Action on
Detailed Site Plan DSP-94052-03
Brighton Hills Condominiums

Dear Applicant:

This is to advise you that, on **November 17, 2022**, the above-referenced Detailed Site Plan was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to Section 27-3605 of the Prince George's County Zoning Ordinance, the Planning Board's decision will become final 30 calendar days after the date of this final notice **November 22, 2022** of the Planning Board's decision, unless:

1. Within the 30 days, a written appeal has been filed with the District Council by the applicant or by an aggrieved person that appeared at the hearing before the Planning Board in person, by an attorney, or in writing and the review is expressly authorized in accordance with Section 25-212 of the Land Use Article of the Annotated Code of Maryland; or
2. Within the 30 days (or other period specified by Section 27-3301(c) of the Zoning Ordinance), the District Council decides, on its own motion, to review the action of the Planning Board.

(You should be aware that you will have to reactivate any permits pending the outcome of this case. If the approved plans differ from the ones originally submitted with your permit, you are required to amend the permit by submitting copies of the approved plans. For information regarding reactivating permits, you should call the County's Permit Office at 301-636-2050.)

Please direct any future communication or inquiries regarding this matter to Ms. Donna J. Brown, Clerk of the County Council, at 301-952-3600.

Sincerely,
James R. Hunt, Chief
Development Review Division

By: Jill Kosack
Reviewer

Attachment: PGCPB Resolution No. **2022-112**

cc: Donna J. Brown, Clerk of the County Council
Persons of Record

RESOLUTION

WHEREAS, the Prince George’s County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George’s County Code; and

WHEREAS, a new Zoning Ordinance, Subtitle 27, Prince George’s County Code went into effect on April 1, 2022; and

WHEREAS, the subject property is within the Residential, Multifamily-12 (RMF-12) Zone; and

WHEREAS, pursuant to Section 27-1903(c) of the Zoning Ordinance, certain development applications, may be reviewed and decided in accordance with the prior Zoning Ordinance; and

WHEREAS, therefore, the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed this application under the Zoning Ordinance in existence prior to April 1, 2022; and

WHEREAS, in consideration of evidence presented at a public hearing on October 27, 2022, regarding Detailed Site Plan DSP-94052-03 for Brighton Hills Condominiums, the Planning Board finds:

1. **Request:** This detailed site plan (DSP) is for development of 24 multifamily dwelling units in a four-story building on Parcel 10. There was a previous approval for the subject site (DSP-94052-02), but it has expired. This application is similar to the approved DSP, but minor modifications are proposed, including the cul-de-sac at the terminus of Marcy Avenue and technical adjustments for building placement and parking.
2. **Development Data Summary**

	PREVIOUSLY APPROVED	APPROVED
Zone(s)	R-30C	R-30C
Use	Multifamily dwelling units	Multifamily dwelling units
Total Gross Acreage	1.99	1.99
Floodplain	0.002	0.002
Right-of-way Dedication	0.00	0.07
Total Net Acreage	1.97	1.92
Parcels	1	1
Multifamily Dwelling Units	24	24

Note: *The DSP application does not include the gross floor area of the proposed multifamily building and this information should be shown. Therefore, a condition is included herein, requiring the application be revised to provide this information.

Parking Requirements

	PROVIDED
Total Parking Provided	59
Proposed surface spaces	37
Parking garage Spaces	22
Standard (9 x 18 feet) – 90-degree parking spaces	36
Compact (8.5 x 18 feet)- 90-degree compact parking spaces	20
Handicap Van-accessible (3 required)	3

3. **Location:** The property is located at 1160 Marcy Avenue in Oxon Hill, which is at the terminus of Marcy Avenue, approximately 2,800 feet east of its intersection with Livingston Road, in Planning Area 76A and Council District 8.
4. **Surrounding Uses:** The property to the north is zoned RMF-20 and is developed with multifamily apartment units; to the south is the public right of way of Marcy Avenue, and beyond that is property zoned Residential, Single-Family-Attached (RSF-A) and developed with townhouses. There is vacant property to the east zoned Residential, Single-Family-95 (RSF-95), and to the west there is undeveloped land in the Residential, Multifamily-12 (RMF-12) Zone, which is proposed to be the future location of the Oxon Hill Volunteer Fire Station. Access to the development is provided by the 60-foot right-of-way of Marcy Avenue.
5. **Previous Approvals:** The property is subject to Preliminary Plan of Subdivision (PPS) 4-94019 (PGCPB Resolution No. 94-218), which was approved by the Prince George’s County Planning Board on June 23, 1994, for 21 multifamily residential dwellings, subject to four conditions.

Multiple DSP amendments have been approved by the Planning Board for this property. DSP-94052 (PGCPB Resolution No. 95-79) was approved by the Planning Board on April 6, 1995, for the construction of 21 multifamily dwelling units, subject to two conditions. Final Plat of Subdivision 5-95205 was subsequently approved and recorded in Plat Book VJ 173 plat number 99.

DSP-94052-01 (PGCPB Resolution No. 96-309) was approved by the Planning Board on October 24, 1996, for the addition of three units to the multifamily building for a total of 24 dwelling units, subject to two conditions. The increase was approved based upon allowed density in the underlying zone.

DSP-94052-02 (PGCPB Resolution No. 08-3158) was approved by the Planning Board on October 30, 2008, for the construction of a multifamily building containing dwelling units, subject to two conditions.

There was no construction of any development pursuant to these prior approvals.

The property has a Stormwater Management (SWM) Concept Plan, 6411-2019-01, which was approved on November 1, 2021, and will expire on October 28, 2022.

6. **Design Features:** The subject site is approximately 1.99 acres and is accessed from Marcy Avenue on the southwest side of the property. A drive aisle and surface parking are located on the south and east sides of the building and lead to 22 garage parking spaces that are located below the residential building. The Planning Board finds that a minimum of two electric vehicle charging stations should be added to the site for residents of the building, and a condition has been included herein.

Architecture

The four-story multifamily residential building includes open breezeways, stairs, and an elevator to access the units. The building is contemporary with a varied roofline and is approximately 40 feet tall. The building has been designed to incorporate a variety of materials including fiber cement siding, cement panels, metal, and glass. Interest has been incorporated into the façades through the application of different building colors, volumes, and mass. The overall design of the building creates a clean and contemporary design, which will complement the surrounding development. The main entrance to the building faces south towards Marcy Avenue and the parking area. The façades are well articulated using a combination of projecting bays, private patios, and vertical accent panels to provide visual interest.

Lighting

A photometric plan was submitted with this application and proposes a combination of building-mounted lights and streetlights to illuminate the site. The photometric plan demonstrates that there is adequate lighting for pedestrians and vehicles within the parking areas and pedestrian walkways on-site, with minimum spillover at property lines. However, details of the building-mounted lighting and the pole have not been provided. Therefore, a condition has been included herein, requiring the applicant to provide details of the building-mounted lights and the pole for the streetlights on-site.

Signage

One building-mounted sign is proposed. The aluminum channel letter sign is illuminated and is approximately 8 inches high by 6 feet long. The submitted elevations show the sign on the southern building elevation, but details to fully evaluate the sign have not been provided. A condition has been included herein, requiring the applicant to provide scaled details of the signs and elevation drawings showing its design.

Loading and Trash Facilities

Loading is not required for the multifamily building, due to the number of units, and trash is located on the east side of the building and is adequately screened by an enclosure. Photographs of the enclosure have been provided, but construction details of this enclosure are still needed. Therefore, a condition has been included herein, requiring the applicant to provide this detail.

Green Building Techniques

Green building techniques are not proposed with this application, but are encouraged through the use of native plantings, installation of green building materials, electric charging stations, and environmental site design stormwater techniques, to mitigate the facility's environmental impact and enhance the property.

Recreational Facilities

At the time of PPS 4-94019, it was determined that the mandatory parkland dedication requirement would be met for the development through a fee-in-lieu. This was satisfied prior to record plat. While no recreational facilities are required for this application, the Planning Board finds that a seating area, gazebo, grilling area, or other amenities should be installed on-site for the enjoyment of the residents. A condition requiring the additional amenities is included herein.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance and found to be in conformance with the requirements of the R-30C Zone and the site plan design guidelines of the prior Zoning Ordinance.
 - a. The subject application is in conformance with the requirements of Section 27-441, Uses Permitted, of the prior Zoning Ordinance, that governs permitted uses in the R30-C Zone. The multifamily residential condominium building proposed is permitted, subject to Footnote 6, which requires recordation of a condominium plat.
 - b. The DSP shows a site layout that is consistent with the requirements of Section 27-442 of the prior Zoning Ordinance and meets the specific regulations for development in residential zones relating to setbacks.
 - c. This DSP is in conformance with the applicable site design guidelines, as referenced in Section 27-283, and contained in Section 27-274 of the prior Zoning Ordinance. The proposed plan meets all of the site design guidelines by providing vehicular and pedestrian access to the site from the public right-of-way; architecture that is high-quality and employs a variety of architectural features and designs, such as window and door treatments, projections, colors, and materials. The approval of the proposed multifamily building will contribute to an attractive, coordinated development that is designed to be safe, efficient, and convenient for both pedestrians and drivers. Adequate parking, circulation, lighting, and amenities are provided on-site, as conditioned.
8. **Preliminary Plan of Subdivision 4-94109:** PPS 4-94109 was approved by the Planning Board on June 23, 1994 (PGCPB Resolution No. 94-218). This PPS approved one parcel for the development of 21 multifamily dwellings, subject to four conditions. The conditions relevant to the subject application are as follows:

1. **Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCPI/11/94). The following note shall be placed on the Final Plat:**

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/11/94), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy and Subtitle 25.”

General Note 1 on Record Plat 173-99 provides the note, as required by this condition.

2. **A Type II Tree Conservation Plan shall be approved for this site by the Planning Director or her designee prior to the issuance of any grading permits.**

A Type II tree conservation plan (TCPII) was submitted with this DSP application, in accordance with this condition. Conditions regarding its revision are included herein.

3. **Approval of a Conceptual Stormwater Management Plan prior to submission of a Final Plat of Subdivision.**

This condition was satisfied prior to submission of Record Plat 173-99. An approved SWM Concept Plan (6411-2019-01) was submitted with the subject application.

4. **With submission of the Final plat of Subdivision, the applicant, his heirs, successors and/or assigns, shall make payment of a fee-in-lieu of park dedication.**

This condition was satisfied prior to submission of Record Plat 173-99. The DSP should include a general note stating that, in accordance with Section 24-135(a) of the prior Prince George’s County Subdivision Regulations, mandatory dedication of parkland requirements was met by payment of a fee-in-lieu, at the time of final plat of subdivision.

9. **Detailed Site Plan DSP-94052 and its amendments:** DSP-95042 was approved by the Planning Board on June 15, 2017 (PGCPB Resolution No. 17-79), and was subject to two conditions, with multiple subconditions. Those conditions are related to building permits and will be enforced at that time. The other conditions of approval were required at the time of certification, which was already completed.
10. **2010 Prince George’s County Landscape Manual:** The property is subject to the requirements of the 2010 *Prince George’s County Landscape Manual* (Landscape Manual). The proposed development is subject to Section 4.1, Residential Requirements; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping

Requirements. The required plantings and schedules are provided, in conformance with the Landscape Manual, with the exception of Section 4.3, Parking Lot Requirements and Section 4.7, Buffering Incompatible Uses. These buffers require additional schedules or plantings as outlined below.

The site is adjacent to multifamily dwellings, which is a compatible use on the north, and a perimeter landscape strip is needed where the parking lot is adjacent to the property to meet Section 4.3. This has not been shown and is required to be provided.

In addition, schedules have not been provided for the following boundaries on the property for Section 4.7.

An existing townhouse development and vacant parcel are located along the southern boundary of the site. A Type "A" bufferyard is required, but a schedule has not been provided for this area. The Planning Board finds that the landscape plan should be revised to add labels on the landscape plan showing conformance to this requirement.

The eastern boundary is adjacent to a vacant single-family zone, and the required buffer can be met by existing woodland. This bufferyard can be accommodated by existing woodland both on this site and the adjacent vacant property. It is recommended that 50 percent of this bufferyard be provided on-site, and 50 percent be provided on the adjacent vacant property when it is developed.

The Oxon Hill Volunteer Fire Station Company 42, located to the west is designated as a high-impact use, in accordance with Section 4.7 of the Landscape Manual. The applicant is seeking relief on this western boundary from the requirements of Section 4.7, Buffering Incompatible Uses, for a reduced landscaped yard and building setback. A Type "D" buffer, with a minimum 40-foot-wide landscaped yard and a minimum 50-foot-wide building setback, is required for high-impact adjoining uses via Alternative Compliance AC-95023-01. However, since the property is located within the Developed Tier, those requirements may be reduced by 50 percent, if a 6-foot-high, sight-tight fence or wall is provided within the bufferyard. The applicant has proposed a 6-foot-high, sight-tight fence along the property line, reducing the minimum required landscaped yard to 20 feet and the minimum building setback to 25 feet.

The applicant is seeking relief from these requirements, as follows:

Section 4.7 Buffering Incompatible Uses

REQUIRED: Section 4.7, Buffering Incompatible Uses, along the western property line adjacent to a high-impact use

Minimum width of landscape buffer	20 feet*
Minimum building setback	25 feet *
Linear feet of bufferyard	213 feet
Plant units (160 per 100 linear feet)	171*

Note: *The minimum requirement is reduced by proposing a board-on-board fence.

PROVIDED: 4.7 Buffering Incompatible Uses, multifamily residential adjacent to warehouse use

Landscaped Yard	13 feet
Building Setback	18 feet
Fence	Yes, 6-foot-high, sight-tight
Plant units	170

The proposed multifamily building and parking are situated on the western portion of the property. The applicant indicates that the proposed layout is designed to avoid the woodland conservation area, specimen trees, and steep slopes on the eastern portion of the site, and states that moving the building footprint further east to meet the required 20-foot-wide landscaped yard and 25-foot-wide building setback would impact the woodland conservation area on-site established by TCPII-11-94.

The applicant also indicates that the 2014 *Approved Eastover/Forest Heights/Glassmanor Sector Plan and Sectional Map Amendment* (Eastover/Forest Heights/Glassmanor Sector Plan and SMA) states that the abutting fire station will be relocated and replaced with multifamily housing, which would eliminate the need for an incompatible use bufferyard in the future. However, at the time of the writing of this memorandum, there is no correspondence from the Prince George’s County Fire/EMS Department indicating if or when that will take place.

Where alternative compliance is being requested for the width of the landscaped yard and building setback, a mixture of shade trees, ornamentals trees, and shrubs provide a buffer between the abutting property and the multifamily development. The planting materials proposed are native species or are part of the approved lists in the Landscape Manual, thus ensuring quality, durability, and hardiness. The applicant has provided the required amount of planting units, with a total of 170 along the western property boundary. However, the selection of trees does not provide a year-round buffer from the fire station, since no evergreens are proposed to be provided. The applicant has also provided an additional nine planting units to bolster the bufferyard. However, these are provided along the northern property boundary, which abuts a

multifamily use and will not contribute to buffering the multifamily development from the fire station to the west.

The Planning Board is aware of the space constraints created by the woodland conservation area and specimen trees on-site and is appreciative of the attempt to preserve those environmental features, as well as provide additional plantings along the northern boundary of the site. However, the Planning Board finds that the applicant's proposal does not meet the standard of "equally effective as normal compliance" and conditions that the applicant provide additional noise mitigation through the use of architectural and/or structural techniques, as well as evergreen plantings along the western boundary of the property, prior to certification of the DSP. With these additions, the Planning Board finds that the proposed alternative design will be equally effective as normal compliance with Section 4.7 façade(2)(A) of the Landscape Manual.

The Planning Board **APPROVES** of Alternative Compliance AC-95023-01, for Brighton Hills Condominiums, from the requirements of Section 4.7, Buffering Incompatible Uses, of the 2010 *Prince George's County Landscape Manual*, along the western property line, subject to conditions that have been included herein.

11. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet and is part of a previously approved TCPII. TCPII-112-94-02 was submitted with this application.

The overall site contains a total of 1.90 acres of net tract woodlands, with a woodland conservation threshold of 0.40 acre (20 percent). This site proposes to clear 1.49 acres of woodland, resulting in a woodland conservation requirement of 0.78 acre. Currently, the TCPII proposes to meet the woodland requirement with 0.41 acre of on-site preservation, 0.19 acre of off-site woodland credits, and 0.18-acre of fee-in-lieu. As part of the previous TCPII-112-94-01 approval, the 0.18 acre of fee-in-lieu was collected, as part of Permit 6999-96.

The TCPII shows the proposed development of a 24-unit condominium building, surface parking, maintenance road, stormwater structures, woodland preservation, and to finish the construction of an adjacent cul-de-sac. The revised DSP and TCPII show a maintenance road following the existing stormdrain line is in an easterly direction. A portion of this stormdrain line was previously constructed as part of the previous approval.

The TCPII requires minor changes to the tree conservation plan approval block and woodland conservation worksheet, and conditions have been included herein.

12. **Prince George's County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading or building permit for more than 5,000 square feet of disturbance. Properties zoned R-30C are required to provide a minimum of 15 percent of the gross tract area to be covered in tree canopy. The subject application appears to provide enough tree canopy area to

satisfy the requirement. However, the application does not provide the required TCC schedule, showing the amount of TCC. Therefore, a condition is included herein, requiring the schedule to be provided showing the correct amount of TCC, in conformance with Section 25-128 of the Prince George's County Code.

13. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments and major findings are summarized, and incorporated herein by reference as follows:
 - a. **Historic Preservation and Archeological Review**—The Planning Board has reviewed and adopts the memorandum dated June 27, 2022 (Stabler and Smith to Bishop, which noted that the property is within the Eastover/Forest Heights/Glassmanor Sector Plan area. The sector plan contains goals and policies generally related to historic preservation. However, these are not specific to the subject site nor applicable to the proposed development. 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. It was determined that the proposed development will have little or no impact on the historic site and will not affect any known archeological resources.
 - b. **Community Planning**—The Planning Board has reviewed and adopts the memorandum dated August 11, 2022 (Tariq to Butler), which noted that, pursuant to Section 27-548.26(b)(2)(A) and (b)(5) of the prior Zoning Ordinance, the proposed construction conforms with the recommended land use, as stated in the Eastover/Forest Heights/Glassmanor Sector Plan and SMA.
 - c. **Transportation Planning**—The Planning Board has reviewed and adopts the memorandum dated September 9, 2022 (Patrick to Bishop), which provided an analysis of the prior approval as included in the findings above, and noted that the subject application proposes a single access point to the site via the Marcy Avenue extension at the site's terminus. Surface parking is provided to the east and south of the proposed building. Sidewalks are provided along the building, adjacent to the proposed surface parking lots. The internal vehicle circulation and sidewalk connections allow for adequate pedestrian and vehicular movements on-site. From the standpoint of transportation, and in consideration of the findings contained herein, it is determined that this plan is acceptable, as conditioned.
 - d. **Subdivision**—The Planning Board has reviewed and adopts the memorandum dated July 25, 2022 (Gupta to Bishop), which provided an analysis of the subject DSP's conformance with the prior approvals, as included in Finding 8 above. It was determined that the DSP does not propose a substantial revision to the use or number of the units previously approved on the site. Technical revisions to the site plan and general notes have been conditioned herein.

- e. **Prince George’s County Department of Parks and Recreation (DPR)**—DPR did not provide comments on the subject application.
- f. **Environmental**—The Planning Board has reviewed and adopts the memorandum dated September 26, 2022 (Schneider to Bishop), which stated the following:

Natural Resources Inventory/Existing Conditions

The site has an approved natural resources inventory (NRI-087-2019) equivalence letter, approved on July 15, 2019, that was provided with this application. The previously approved development plan and tree conservation plans for the application area show no regulated environmental features. A revised floodplain study was requested by the Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE). There is a stream located on the adjacent property. The previous plans showed no on-site floodplain, but this newly approved floodplain delineation locates a small floodplain area between the existing stormdrain line and the property line. The TCPII shows all the required information correctly, in conformance with the previously approved plans and the floodplain study.

Specimen Trees

Section 25-122(b)(1)(G) of the County Code requires that “Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree’s condition and the species’ ability to survive construction as provided in the Technical Manual.”

The site contains three specimen trees (36-inch DBH Shagbark Hickory, 30-inch DBH Tulip Polar, and 35-inch DBH Tulip Polar) in good condition, and are all proposed to be retained within the on-site preservation area.

Soils

The soils found to occur on this site, according to the United States Department of Agriculture Natural Resource Conservation Service Web Soil Survey, are Beltsville-Urban land complexes, Sassafras and Croom soil, and Zekiah and Issue soils. Marlboro clays or Christiana complexes are not identified on or in the vicinity of this property.

This application proposes tall retaining walls just north and east of the proposed parking lot. At the time of fine grading and retaining wall permit applications, a submission of the retaining wall design including the wall plan, drawing, structural calculations, and a global stability analysis shall be reviewed and approved by DPIE. The retaining wall design shall be performed in conformance with the Prince George’s County requirements, Techno-Gram 002-2021.

Stormwater Management

The site has an approved SWM Concept Plan (6411-2019-01) that was submitted with the subject application. The SWM design is required to be reviewed and approved by DPIE to address surface water runoff issues, in accordance with Subtitle 32, Water Quality Resources and Grading Code. This application proposes permeable pavement and three micro-bioretenion facilities with an underdrain. A SWM fee-in-lieu of on-site attenuation/quality control measures is not required. No further action regarding SWM is required with this DSP review.

The on-site development was previously started and stopped. As part of this construction, a portion of the on-site stormdrain and outfall structure were installed. The outfall structure was located off-site between the property line and adjacent stream. This existing stormdrain and outfall system are private and must be maintained. As part of this application, DPIE has approved an on-site maintenance road, off the proposed parking area and along the proposed on-site woodland preservation area to the existing stormdrain pipeline. This maintenance road ends at the stormdrain outfall and to the last existing utility access hole adjacent to the property line. No floodplain area will be impacted due to this new road impact.

- g. **Permit Review**—The Planning Board has reviewed and adopts the memorandum dated August 19, 2022 (Chaney to Bishop), which offered comments that have been addressed by revisions to the plans, or have been included as conditions of approval herein, as appropriate.
- h. **Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE)**—DPIE did not offer comments on the subject application.
- i. **Prince George’s County Fire/EMS Department**—The Fire/EMS Department did not offer comments on the subject application.
- j. **Prince George’s County Police Department**—The Police Department did not offer comments on the subject application.
- k. **Prince George’s County Health Department**—The Planning Board has reviewed and adopts the memorandum dated June 8, 2022 (Adepoju to Butler), in which the Health Department provided health-related recommendations on the property. These comments have been provided to the applicant and are included as conditions of approval herein, as appropriate.
- l. **Maryland State Highway Administration (SHA)**—Comments regarding the subject project have not been received from SHA.
- m. **Washington Suburban Sanitary Commission (WSSC)**—WSSC did not offer comments on the subject application.

16. Based on the foregoing analysis and as required by Section 27-285(b)(1) of the prior Zoning Ordinance, the DSP, if revised as conditioned, represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the County Code, without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.
17. In accordance with Section 27-285(b)(4) of the prior Zoning Ordinance, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the TCPII. Existing stormdrain line impacts were approved under DSP-94052.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED Type 2 Tree Conservation Plan TCPII-112-94-02 and APPROVED Alternative Compliance AC-95023-01, and further APPROVED Detailed Site Plan 94052-03 for the above-described land, subject to the following conditions:

1. Prior to certificate approval of the detailed site plan, the applicant shall:
 - a. Label the property boundary bearings and distances, in accordance with the record plat.
 - b. Revise the "Development Program and Notes" to provide the correct recording reference for Parcel A.
 - c. Add a general note referencing Preliminary Plan of Subdivision 4-94019 as a prior applicable approval.
 - d. Add a general note stating that, in accordance with Section 24-135(a) of the prior Prince George's County Subdivision Regulations, mandatory dedication of parkland requirements was met by payment of a fee-in-lieu, at the time of final plat of subdivision.
 - e. Show the 10-foot-wide public utility easement along Marcy Avenue, in accordance with the record plat.
 - f. Provide a tree canopy coverage schedule demonstrating that the requirements of the Prince George's County Tree Canopy Coverage Ordinance are met in conformance with Section 25-128 of the Prince George's County Code.
 - g. Add the following general note:

"During the construction phase, the applicant shall adhere to all applicable Prince George's County or State of Maryland regulations and laws regarding particulate matter, pollution, and noise."

- h. Provide a minimum of two electric vehicle charging stations on-site or in the parking garage for residents.
 - i. Provide on-site recreational facilities for the enjoyment of the residents, such as a seating area, gazebo, grilling area, or other similar feature.
 - j. Provide details of the trash enclosure and the building mounted sign, in accordance with prior Section 27-618 of the prior Prince George's County Zoning Ordinance.
 - k. Provide the total gross floor area of the multifamily building in the general notes.
 - l. Provide details of the building-mounted lights and the pole for the site lighting.
 - m. Provide four bicycle parking spaces at a location convenient to the entrance to the building. Include bike rack details showing an inverted-U, or a similar style bicycle rack that permit two points of connection to support and secure a bicycle.
 - n. Demonstrate the actual setbacks from the building to each property line on the site plan.
 - o. Provide a note demonstrating the property meets the density requirements of the Multifamily Low Density Residential-Condominium (R-30C) Zone.
 - p. Correct the compact space dimension in the parking requirement notes to match the dimensions shown on the compact space template so they are consistent.
 - q. Revise Record Plat 173-26 referenced on the site plan under Parcel A, Brighton Hill, and correct the plat reference in the notes section.
 - r. Revise the landscape plan to provide the additional plantings and schedules for Sections 4.3 and 4.7, in conformance with the 2010 Prince George's County Landscape Manual.
 - s. Revise the landscape plan and schedule to include an additional minimum of five evergreen trees along the western property line.
 - t. Provide details of interior noise mitigation through the use of architectural and/or structural techniques along the western building facade.
2. Revise the Type II tree conservation plan (TCPII) as follows:
- a. Add to the approval block on the "001B" approval line: "J Stasz, 10/1/2020, DSP-94052-02."
 - b. Update the TCPII to show the floodplain on the property.

- c. Revise the woodland conservation worksheet to show the subject TCPII as the "02" revision.
- d. Revise the Environmental Planning Section approval block to have an "02" approval signature line.


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

* * * * *


This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, Doerner, and Shapiro voting in favor of the motion at its regular meeting held on Thursday, October 27, 2022, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 17th day of November 2022.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:ABH:jah


Approved for Legal Sufficiency
M-NCPPC Office of General
Counsel

Dated 11/10/22