



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

## Detailed Site Plan

**DSP-09013-01**

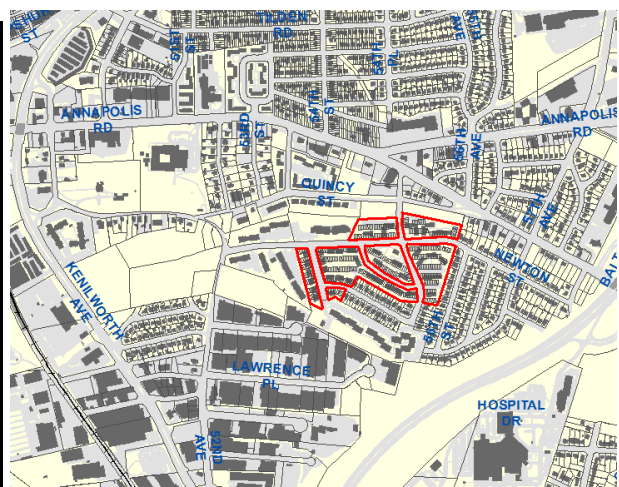
## Departure from Parking and Loading Standards

**DPLS-473**

## Quincy Manor

REQUEST	STAFF RECOMMENDATION
<b>DSP:</b> An amendment to the approved DSP to reflect the existing multifamily development.	APPROVAL with Conditions
Variance from Section 27-442(d), (e), (g) and (h).	APPROVAL
<b>DPLS:</b> A departure from parking and loading standards for 647 off-street parking spaces.	APPROVAL

<b>Location:</b> On the northern and southern sides of Newton Street and Madison Way, and on the eastern and western sides of 54th and 55th Avenues, approximately 200 feet from the intersection of Quincy Street and 55th Avenue.	
Gross Acreage:	17.03
Zones:	R-18/R-35/D-D-O
Dwelling Units:	371
Gross Floor Area:	N/A
Planning Area:	69
Council District:	05
Election District:	02
Municipality:	N/A
200-Scale Base Map:	205NE05
<b>Applicant/Address:</b> Portfolio Owner, LLC 4400 Old Court Road, Suite B Baltimore, MD 21208	
<b>Staff Reviewer:</b> Henry Zhang, AICP, LEED AP <b>Phone Number:</b> 301-952-4151 <b>Email:</b> Henry.Zhang@ppd.mncppc.org	



Planning Board Date:	09/26/19
Planning Board Action Limit:	10/01/19
Staff Report Date:	09/11/19
Date Accepted:	05/07/19
Informational Mailing:	05/01/19
Acceptance Mailing:	05/03/19
Sign Posting Deadline:	08/13/19

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THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Detailed Site Plan DSP-09013-01  
Departure from Parking and Loading Standards DPLS-473  
Quincy Manor

The Urban Design staff has completed the review of the subject application and appropriate referrals. The following evaluation and findings leading to a recommendation of APPROVAL with conditions as described in the Recommendation section of this staff report.

**EVALUATION**

The detailed site plan and departure from parking and loading standards were reviewed and evaluated for conformance with the following criteria:

- a. The Development District Overlay (D-D-O) Zone standards of the *2009 Approved Port Towns Sector Plan and Sectional Map Amendment*;
- b. The requirements of the Zoning Ordinance regarding development in the R-18 (Multifamily Medium Density Residential), R-35 (One-Family Semidetached, and Two-Family Detached, Residential) Zones, and site design guidelines;
- c. The requirements of Preliminary Plan of Subdivision 4-08022;
- d. The requirements of Detailed Site Plan DSP-09013;
- e. The requirements of the 2010 *Prince George's County Landscape Manual*;
- f. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance;
- g. The requirements of the Prince George's County Tree Canopy Coverage Ordinance; and
- h. Referral comments.

## FINDINGS

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

- 1. Request:** The subject application requests to amend the previously approved residential revitalization detailed site plan (DSP) for townhouses and validate the existing multifamily development that was built in the early 1950s on the subject site. No development is proposed with this application.

This application also includes variance requests to the following sections of the Zoning Ordinance:

- Section 27-442(d), lot frontage at the front building line on Parcel M; 2.2 feet from the 125 feet requirement;
- Section 27-442(e), front yards on proposed Parcels L, M, and N; 4.7 feet, 4.9 feet, and 4.4 feet, respectively from the 30-foot requirement;
- Section 27-442(g), distance between unattached multifamily dwellings on proposed Parcels L, M, and N; 31.7 feet, 26.6 feet, and 26.3 feet, respectively from the 50 feet requirement;
- Section 27-442(h), for overall density in the Multifamily Medium Density Residential (R-18) Zone; 9.96 dwelling units per acre above the maximum of 12.

In addition, this application includes a Departure from Parking and Loading Standards, DPLS-473, for a reduction of 647 off-street parking spaces from the requirements of Section 27-568 of the Zoning Ordinance, for the entire development.

### 2. Development Data Summary:

	Existing	Proposed
Zone(s)	R-18/R-35/D-D-O	R-18/R-35/D-D-O
Use(s)	Platted single-family attached residential and a community building, including a police substation	Semi-detached residential, multifamily residential*
Lots	404	-
Parcels	7	7
Units	404	371*



**Parking Data**

<b>Required</b>	
371 units @ 2 spaces per unit	742
291 units with bedrooms in excess of one per unit @ 0.5 space	146
Total	888
<b>Provided</b>	
Standard spaces (Pre-1970 standards 9'x 20')	224
Compact spaces (8' x 16.5')	17
Total	241**
On-street parking spaces	180***

Notes: \* A total of 371 dwelling units have been constructed on the site since the 1950s in various building types.

\*\* DPLS-473 is being requested with this DSP. See Finding 8 below for a detailed discussion.

\*\*\* There are 180 existing on-street parking spaces that have been used by the residents in the subject development. These on-street parking spaces were allowed to count towards the parking requirements when the existing buildings were constructed.

3. **Location:** The property is located in Planning Area 69 and Council District 5. More particularly, the subject property is located on the north and south sides of Newton Street, Madison Way, and on the east and west sides of 54th and 55th Avenues, approximately 200 feet from the intersection of Quincy Street and 55th Avenue.
4. **Surrounding Uses:** The subject property is bounded to the west by multifamily residential units in the R-18 Zone in the Town of Bladensburg; to the east by single-family detached houses in the One-Family Detached Residential Zone in the Town of Cheverly; to the north by the Newton Green senior multifamily project in the R-18 Zone; and to the south by multifamily residential units (Monroe South Parke Cheverly Apartments) in the R-18 Zone, and several semidetached residential units in the One-Family Semidetached, and Two-Family Detached, Residential (R-35) Zone.
5. **Previous Approvals:** The subject site is known as Quincy Manor and Monroe Gardens, currently also known as Cheverly Gardens for marketing purposes, and is recorded in Plat Book MMB 236, 14-22. The 2009 *Approved Port Towns Sector Plan and Sectional Map Amendment* (Port Towns Sector Plan and SMA) retained the property in the R-18 and R-35 Zones and superimposed a Development District Overlay (D-D-O) Zone on the northeast portion of the property.

The site has a Preliminary Plan of Subdivision 4-08022, which was originally approved by the Prince George’s County Planning Board on December 4, 2008, then reconsidered and

approved on April 9, 2009 with the amended resolution of approval (PGCPB Resolution No. 08-178(A)) adopted by the Planning Board on the same day. This PPS approved 411 lots and 7 parcels for the construction of single-family attached (townhouse) dwelling units, which were platted.

Subsequently, DSP-09013 was approved on January 21, 2010 for 404 single-family attached (townhouses) dwelling units and a 1,680-square-foot community building, including a 197-square-foot police substation. None of the townhouses have been constructed. Only the community building approved with that DSP has been constructed on the site.

The site has a previously approved Stormwater Management Concept Plan No. 33617-2007-00. Since there are no improvements proposed with this DSP and no disturbance of any part of the site, no new concept plan is needed.

6. **Design Features:** This DSP application seeks to remove the recorded townhouse lots and revert the entire site to a larger parcel layout to reflect the existing on-site brick multifamily residential buildings. No development is proposed with this application.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. **Development District Overlay (D-D-O) Zone Standards of the 2009 Approved Port Towns Sector Plan and Sectional Map Amendment:** The northeast portion of the property is located within the D-D-O Zone of the Port Towns Sector Plan and SMA. However, since there are no improvements proposed with this DSP, in accordance with Exemption 3 (page 151) of the sector plan, the multifamily development is exempt from the D-D-O Zone standards.
8. **Zoning Ordinance:** The subject application has been reviewed for compliance with the applicable requirements of the Zoning Ordinance, as follows:
  - a. The subject application is in conformance with the requirements of Section 27-441(b) of the Zoning Ordinance, which governs permitted uses in all residential zones. The existing semi-detached and multifamily buildings were built as permitted uses in the R-18 and R-35 Zones.
  - b. The proposal to validate the existing residential buildings on the site that were built in the 1950s but do not possess valid use and occupancy (U&O) permits, does not meet several requirements of Section 27-442, regarding regulations in residential zones. The applicant has requested variances to Section 27-442, as discussed below.
  - c. **Variances:** The existing development consists of semi-detached and multifamily garden apartment buildings that cannot meet the specific requirements of Section 27-442.

Proposed Parcel M cannot meet Section 27-442(d)'s requirement of 125 feet of lot frontage at the front building line. The existing buildings only provide 122.8 feet and, therefore, a variance of 2.2 feet is requested.

Proposed Parcels L, M, and N cannot meet Section 27-442(e)'s requirement for 30-foot front yards. The existing buildings have setbacks of 25.3 feet for Parcel L, 25.1 feet for Parcel M, and 25.6 feet for Parcel N. The applicant requests a variance of 4.7 feet, 4.9 feet, and 4.4 feet for Parcels L, M, and N, respectively.

Proposed Parcels L, M, and N cannot meet Section 27-442(g)'s requirement for distance between unattached multifamily dwellings. Technically, the semi-detached buildings in Parcels M and L are not subject to these requirements. The existing buildings have distances between each, varying from 18.3 feet to 23.4 feet. Variances of 26.3 feet to 31.7 feet are requested.

In addition, Section 27-442(h) sets the density at 12 dwelling units per acre in the R-18 Zone. The existing R-18 zoned portion has an overall density at 21.96 dwelling units per acre. Therefore, a variance of 9.96 dwelling units per acre is requested.

Section 27-230(a) of the Zoning Ordinance establishes three specific criteria for granting variances, as follows:

**(a) A variance may only be granted when the District Council, Zoning Hearing Examiner, Board of Appeals, or the Planning Board as applicable, finds that:**

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

In this instance, the extraordinary situation arose as a result of amendments to the zoning regulations after construction of the affected buildings. For example, in 1955 the Zoning Ordinance required only 100 feet of lot frontage width, which the subject lots meet. Since the property cannot be certified as a nonconforming use and has a previously approved DSP, the applicant is seeking validation of existing conditions to obtain approval of a U&O permit through an amendment to the previously approved DSP. No development is proposed in this application and the buildings in question have existed since the 1950s.

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

Without the requested variances, the applicant will not be able to seek approval of a valid U&O permit for the existing residential units. As a result, continuous use of the existing buildings will be an illegal operation for the property owner, which would be an exceptional hardship.

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

Allowing reduction, for example, in the minimum lot width at the front building line will have no effect on the overall project's conformance with the intent, purpose, and integrity of the Plan Prince George's 2035 Approved General Plan or master plan. The subject site is in conformance with the regulations that were in place at the time of construction in the 1950s. No development is proposed with this application and the applicant is simply seeking validation of the existing site conditions to obtain a valid U&O permit.

In summary, for all proposed variances as discussed above, the three required findings have been made and the Urban Design Section recommends approval of the listed variances for this site.

- d. DPLS-473: A Departure from Parking and Loading Standards, DPLS-473, for 647 parking spaces has been requested with this DSP. In accordance with the current parking ratio as stated in Section 27-568, the site needs to provide 888 off-street parking spaces. The subject development has 241 on-site parking spaces and therefore a departure of 647 spaces has been requested. There are an additional 180 on-street parking spaces found on the public streets serving the subject site that have been traditionally used by the occupants of the existing buildings. If the 180 on-street parking spaces were included in the parking calculation, the departure would be only for 467 spaces. The on-street parking was allowed to fulfill parking requirements at the time the development was constructed in the 1950s.

Section 27-588(b)(7) of the Zoning Ordinance sets forth the required findings for approval of a departure from the number of parking and loading spaces required, as follows:

- (A) In order for the Planning Board to grant the departure, it shall make the following findings:**
  - (i) The purposes of this Part (Section 27-550) will be served by the applicant's request;**

Section 27-550 of the Zoning Ordinance sets forth the following purposes:

    - (a) The purposes of this Part are:**
      - (1) To require (in connection with each building constructed and each new use established) off-street automobile parking lots and loading areas sufficient to serve the parking and loading needs of all persons associated with the buildings and uses;**

- (2) To aid in relieving traffic congestion on streets by reducing the use of public streets for parking and loading and reducing the number of access points;**
- (3) To protect the residential character of residential areas; and**
- (4) To provide parking and loading areas which are convenient and increase the amenities in the Regional District.**

The parking areas demonstrated on the plans have existed since the buildings were constructed in the early 1950s and consist of on-street parking on both sides of most streets (only one side on Madison Way), as well as several, small, conveniently located, on-site surface parking lots. The existing parking has proven to be sufficient to serve the parking needs of all persons associated with the buildings and uses through decades of operational experience. At the time of construction, the number of parking spaces required was calculated at a rate of one space per multifamily unit and on-street parking spaces could be counted toward that total. Therefore, a total of 371 spaces would have been required. Current parking calculation rates result in a total requirement of 888 spaces. When considering both on-street and on-site spaces, a total of 421 spaces are existing, which exceeds the parking requirement at the time of construction.

The public streets surrounding and within the subject site were clearly designed with the intent of on-street parking as many include extended curbing at intersections to protect parked vehicles. As these are neighborhood streets, there is no conflict between traffic and on-street parking. As previously noted, the existing parking areas have existed since the multifamily complex was constructed and have not been a detriment to the residential character of the area. Both on-street and off-site spaces are conveniently and appropriately located.

In addition, the site is located within established neighborhoods. There are several Washington Metropolitan Area Transit Authority (WMATA) and TheBus stops along Newton Street and at MD 202 and 55th Avenue, just north of the site. The convenient public transportation service existing in the area will provide additional transportation options for the residents, other than rely solely on automobiles that may result in less parking. The above-stated purposes will be well served by the requested DPLS.

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

As previously discussed, the existing parking has served the multifamily development since the early 1950s. No site improvements are proposed with this application, so no new parking needs are created. The applicant is simply seeking approval of the subject DPLS application to validate existing conditions for the purpose of seeking a U&O permit. Given the existing situation and the specific circumstance of the subject site, the departure is the minimum necessary.

**(iii) The departure is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location, or alleviate circumstances which are prevalent in older areas of the County which were predominantly developed prior to November 29, 1949;**

As noted above, the parking areas demonstrated on the plans have been in existence since the buildings were constructed in the early 1950s, in conformance with the then-applicable parking regulations. At the time of construction, the number of parking spaces required was calculated at a rate of one space per multifamily unit and on-street parking spaces could be counted toward that total. Therefore, a total of 371 spaces would have been required. When considering both on-street and on-site spaces, a total of 421 spaces are existing, which well exceeds the requirement at the time of construction. This DSP seeks to validate the site as it is without creating any new dwelling units.

The development team has not been able to locate any record of an initial U&O permit for the project, which has resulted in the inability to obtain certification of a nonconforming use for the portion of the property outside of the D-D-O Zone. The subject applications seek to validate the existing conditions on-site so that the owner/applicant may obtain a valid U&O permit. This is a condition very specific to the subject use, given its nature and history at this specific location. While the exact date of construction is uncertain, it has been pinpointed to the early 1950s when the number of parking spaces required were considerably less and on-street parking could be counted toward those requirements. This request seeks to alleviate these circumstances, which are unique to this developed area of the County.

**(iv) All methods for calculating the number of spaces required (Division 2, Subdivision 3, and Division 3, Subdivision 3, of this Part) have either been used or found to be impractical; and**

All methods for calculating the number of parking spaces required have been used. The number of parking spaces that were needed at

time of the construction was 371. At that time, on-street parking could be included in the parking calculation. When considering both on-street and on-site spaces, a total of 421 spaces existed, which exceeds the then-required 371 spaces. In accordance with current parking ratios, a total of 888 spaces is required. Since this application does not create any new dwelling units, no additional parking need is created.

**(v) Parking and loading needs of adjacent residential areas will not be infringed upon if the departure is granted.**

Single-family detached residences to the east and duplexes to the south are served by individual driveways, as well as on-street parking. Multifamily uses in the surrounding vicinity are all served by substantial surface parking lots, which are not conveniently located to the subject development. The departure seeks to validate the on-site conditions, which have existed since the early 1950s and will not result in the infringement upon the parking or loading needs of adjacent residential areas.

**(B) In making its findings, the Planning Board shall give consideration to the following:**

**(i) The parking and loading conditions within the general vicinity of the subject property, including numbers and locations of available on- and off-street spaces within five hundred (500) feet of the subject property;**

Adjacent uses will be adequately served by the existing parking. As noted above, the existing on-street and off-site parking spaces were sufficient to meet the requirement when the project was constructed. On-street parking is provided on both sides of most streets (only one side of Madison Way).

**(ii) The recommendations of an Area Master Plan, or County or local revitalization plan, regarding the subject property and its general vicinity;**

The Port Towns Sector Plan and SMA placed only a portion of the overall site within the D-D-O Zone and included an exemption which qualified the D-D-O Zone portion of the site for certification as a nonconforming use. No record of an initial U&O permit for the project can be found, which has resulted in the inability to obtain certification of a nonconforming use for the portion of the property outside of the D-D-O Zone. The subject applications seek to validate the existing conditions on site so that the owner/applicant may obtain a valid permit. If the entirety of the property had been placed within the D-D-O Zone, the subject application would not be necessary. Given the D-D-O Zone granted an exemption for a portion

of the development, it is logical that the same policy should be applied to the remainder of the development.

**(iii) The recommendations of a municipality (within which the property lies) regarding the departure; and**

This site is not within a municipality. This consideration is therefore not applicable.

**(iv) Public parking facilities which are proposed in the County's Capital Improvement Program within the general vicinity of the property.**

This requirement is not applicable. There are no known public parking facilities which are proposed in the County's Capital Improvement Program within the general vicinity of the property.

**(C) In making its findings, the Planning Board may give consideration to the following:**

**(i) Public transportation available in the area;**

There are several bus stops served by both TheBus and WMATA Metrobus less than 0.25-mile of the site. Operational experience indicates that those public transportation facilities have been well utilized.

In conclusion, the Urban Design Section finds that all the required findings have been met and recommends approval of DPLS-473.

- e. Since no improvements are proposed in this DSP, no site design guidelines have been used to review this application.

**9. Preliminary Plan of Subdivision 4-08022:** Preliminary Plan of Subdivision (PPS) 4-08022 was approved by the Planning Board and the amended resolution of approval (PGCPB Resolution No. 08-178(A)) was adopted on April 9, 2009 for 411 lots and 7 parcels, for the construction of single-family attached dwelling units, with 13 conditions. The conditions of the PPS are relevant to the townhouse development only. The applicant has filed a Vacation Petition, V-18007, in accordance with Section 24-112 of the Subdivision Regulations, concurrent with this application, to vacate the subdivision approval. If the vacation petition is approved, the conditions of PPS 4-08022 will no longer be applicable to this site.

**10. Detailed Site Plan DSP-09013:** DSP-09013 was approved by the Planning Board on January 21, 2010, for 404 single-family attached dwelling (townhouse) units and a 1,680-square-foot community building, including a 197-square-foot police substation, with 5 conditions. After the approval of DSP-09013, the community building was constructed, in conformance with that approval. Subsequently, the ownership of this development changed. The current owner does not want to proceed with the townhouse development and instead wants to return the site to its pre-DSP conditions. Since this amendment to the previously



approved DSP seeks to rescind the approved townhouse development, none of the conditions are applicable to the review of this DSP.

11. **2010 Prince George’s County Landscape Manual:** The subject DSP proposes no improvements and is to validate the existing site conditions only. In accordance with Section 1.1, Applicability, this DSP is not subject to the requirements of the Landscape Manual.
12. **Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance:** The site is not subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance because it contains less than 10,000 square feet of woodland and has no previously approved tree conservation plans. Therefore, no further action regarding woodland conservation is required.
13. **Prince George’s County Tree Canopy Coverage Ordinance:** Since this application does not include improvements or disturbances, it is exempt from the requirements of the Tree Canopy Coverage Ordinance.
14. **Referral Comments:** The subject application was referred to concerned agencies and divisions. The referral comments are summarized, as follows:
  - a. **Transportation**—In a memorandum dated June 17, 2019, incorporated herein by reference, the Transportation Planning Section stated that they have no comment on either the site plan or any accompanying variances given the limits of the DSP.

The plan raises no active transportation (bicycle and pedestrian) issues by virtue of the site reverting from previously approved and planned development to the existing site conditions. Any issues were written into conditions on the PPS.

The Transportation Planning Section provided a detailed discussion on DPLS-473 and concurred with the applicant that all findings for approval have been met. The Transportation Planning Section further concluded that from the standpoint of transportation, it is determined that this plan is acceptable and meets the findings required for a DSP as described in the Zoning Ordinance.
  - b. **Subdivision**—In a memorandum dated June 27, 2019, incorporated herein by reference, the Subdivision Section stated that the site is the subject of PPS 4-08022, which is relevant to the townhouse development only and the applicant has filed a Vacation Petition V-18007, in accordance with Section 24-112, concurrent with this application, in order to vacate the subdivision approval. If the vacation petition is approved, the conditions of PPS 4-08022 will no longer be applicable and a new final plat reflecting the vacated land area will be required to be consistent with the DSP.
  - c. **Environmental Planning**—In a memorandum dated May 17, 2019, incorporated herein by reference, the Environmental Planning Section stated that the site is currently developed with multifamily residential units that are apartments and contains no regulated woodlands; however, the site contains dozens of large trees that are in extremely good condition for this urban setting. These trees were evaluated as part of the previous applications for approval of townhouses.

The Environmental Planning Section recommends approval of the application with no conditions.

- d. **Department of Permitting, Inspections and Enforcement (DPIE)**—As of the writing of this report, DPIE did not offer any comment regarding the subject project.
  - e. **Town of Bladensburg**—As of the writing of this report, the Town of Bladensburg did not offer any comment regarding the subject project.
  - f. **Town of Colmar Manor**—As of the writing of this report, the Town of Colmar Manor did not offer any comment regarding the subject project.
  - g. **Town of Edmonston**—As of the writing of this report, the Town of Edmonston did not offer any comment regarding the subject project.
  - h. **City of Hyattsville**—As of the writing of this report, the City of Hyattsville did not offer any comment regarding the subject project.
  - i. **Town of Cheverly**—As of the writing of this report, the Town of Cheverly did not offer any comment regarding the subject project.
15. Based on the foregoing analysis and as required by Section 27-285(b)(1) of the Zoning Ordinance, the DSP 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.
16. As there are not any regulated environmental features located on the subject project and no improvements proposed in this DSP, the required finding of Section 27-285(b)(4) that regulated environmental features are preserved and/or restored to the fullest extent possible need not be made for the subject project.

## RECOMMENDATION

Based upon the foregoing evaluation, analysis, and findings, the Urban Design Section recommends that the Planning Board adopt the findings of this report and APPROVE this application, as follows:

- A. APPROVE Departure from Parking and Loading Standards DPLS-473, for a reduction of 647 parking spaces from the requirements of Section 27-568 of the Zoning Ordinance for the existing multifamily development.

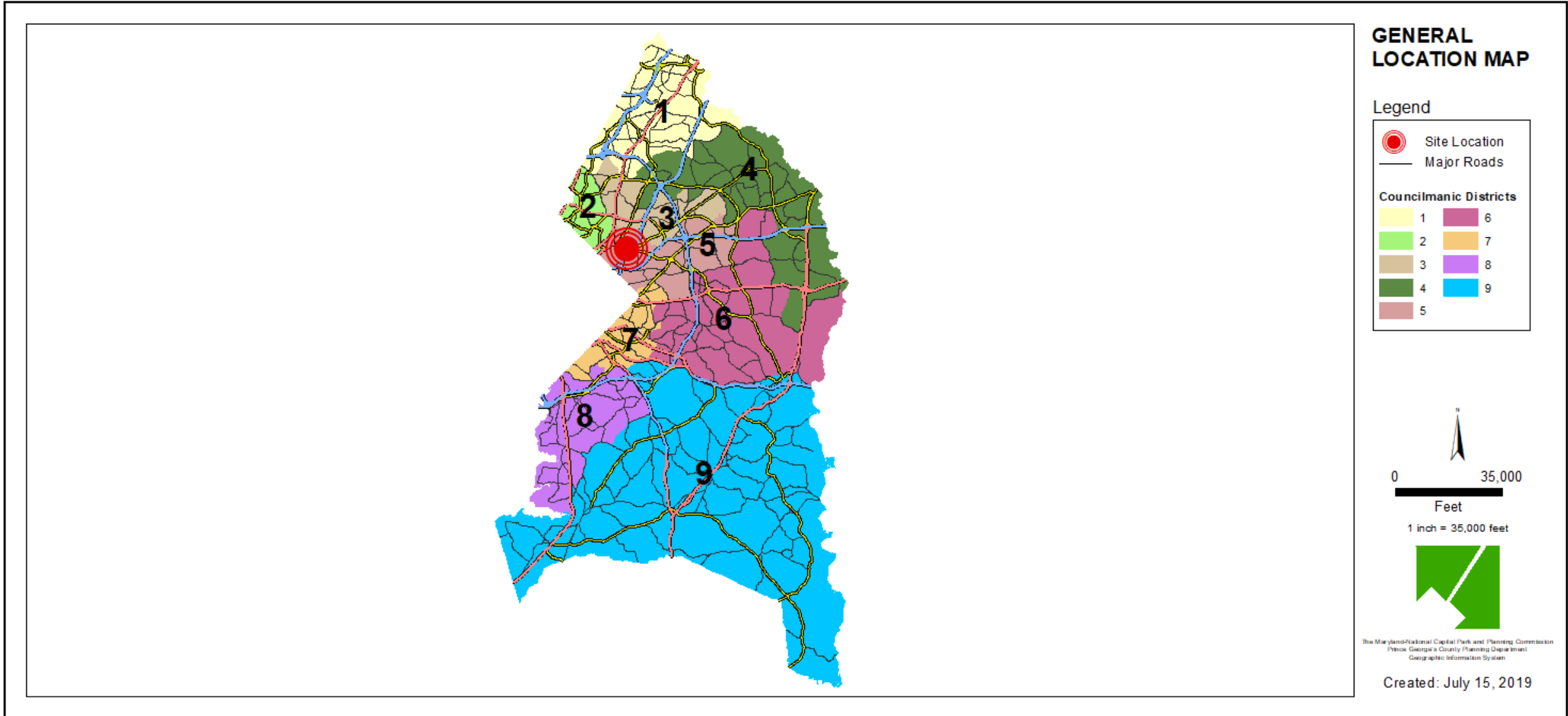
- B. APPROVE Detailed Site Plan DSP-09013-01, Quincy Manor, with variances from Section 27-442 (d), (e), (g) for Parcels L, M, and N and from Section 27-442 (h) for overall density of 21.75 dwelling units per acre, subject to the following conditions:
1. Prior to certification of this detailed site plan, the following revisions shall be made, or the following information shall be provided:
    - a. Revise the site plan to provide accurate plat recording references for the areas included in the site.
    - b. Obtain the approval of the Vacation Petition V-18007.

ITEM: 9 & 10

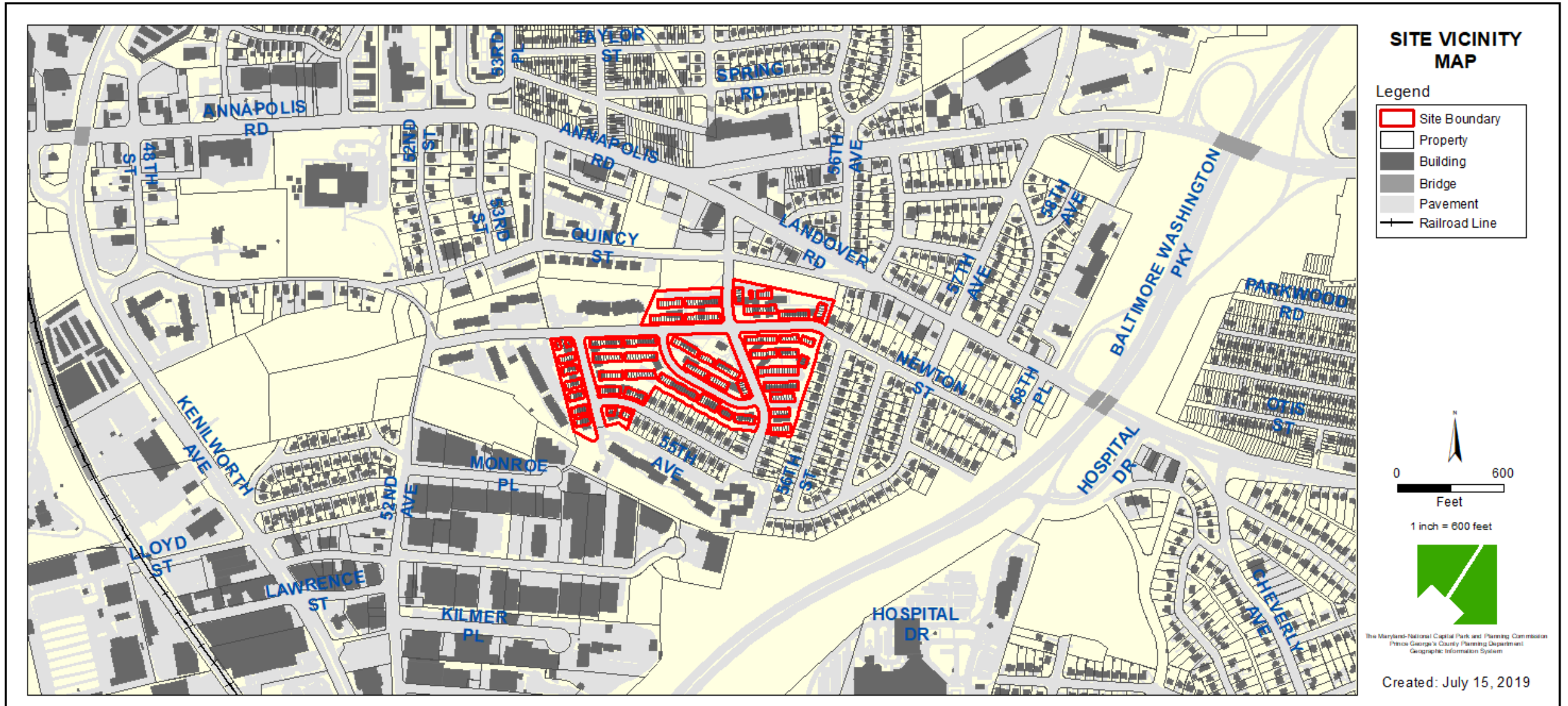
CASE: DSP-09013-01 & DPLS-473

# QUINCY MANOR

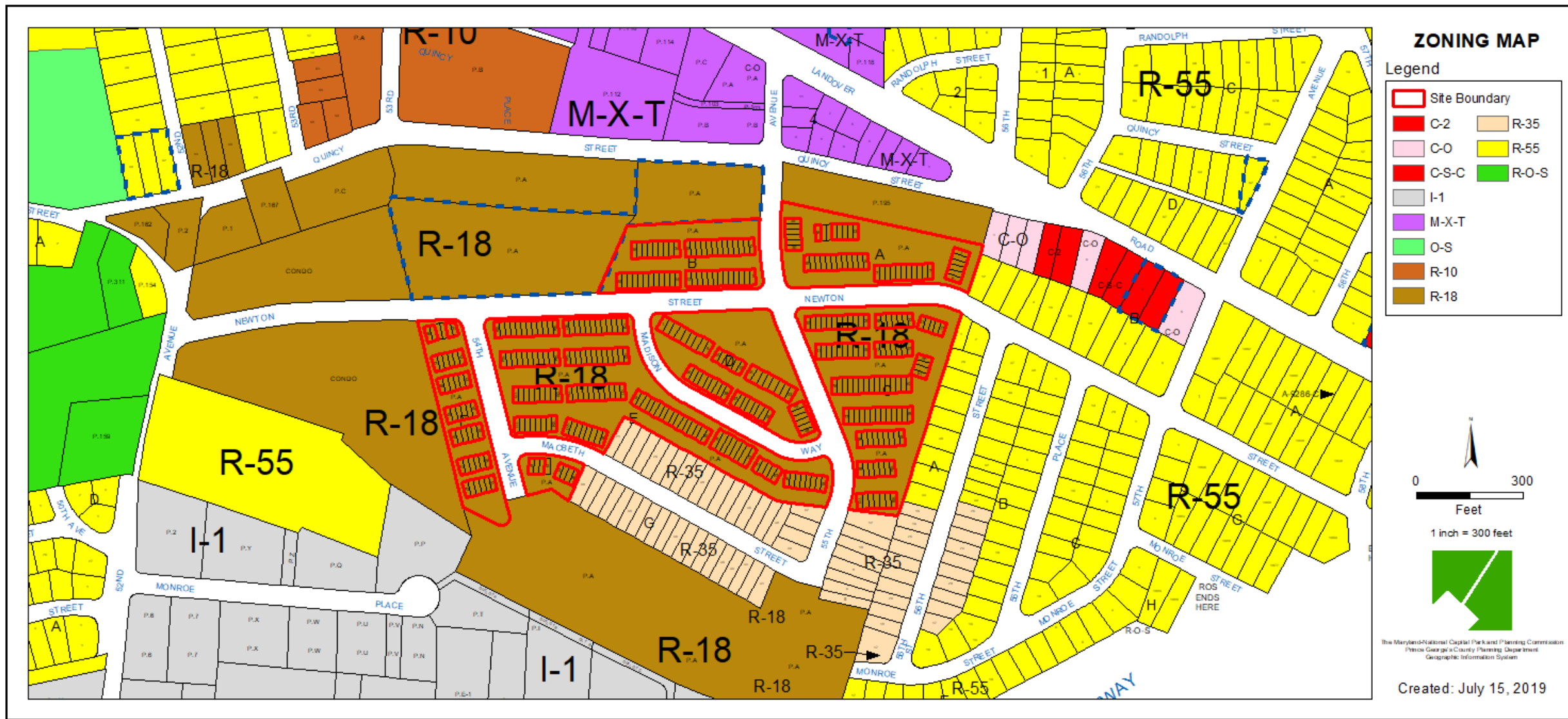
# GENERAL LOCATION MAP



# SITE VICINITY

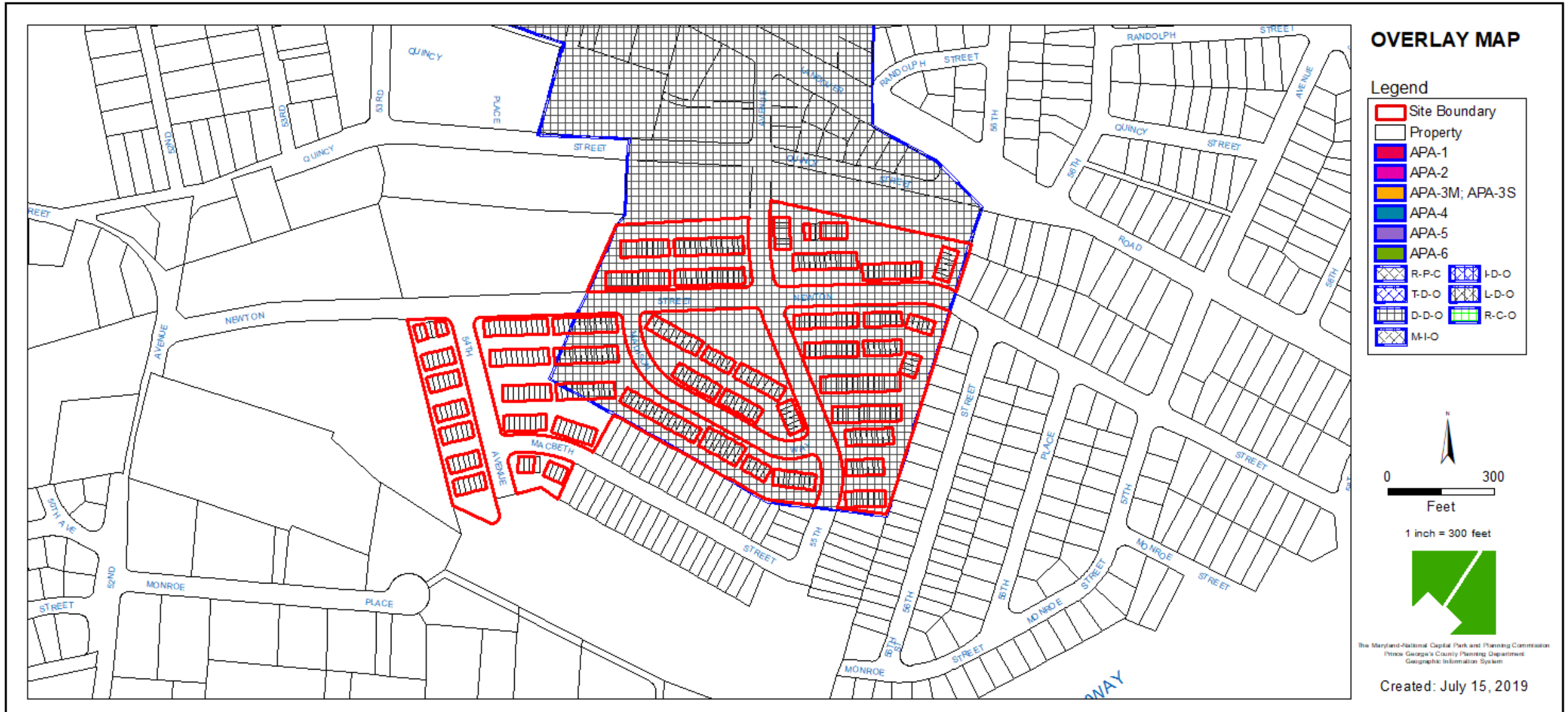


# ZONING MAP





# OVERLAY MAP



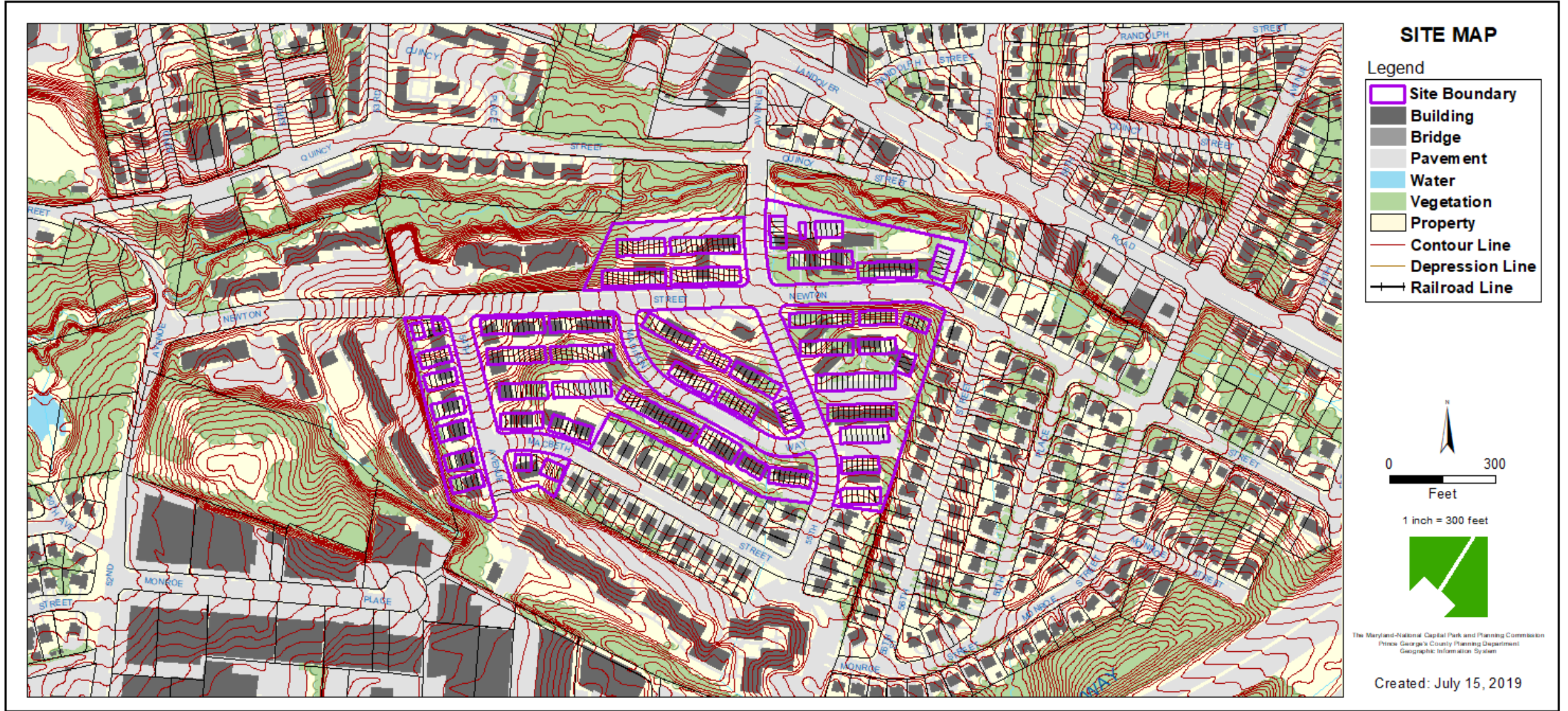


# AERIAL MAP

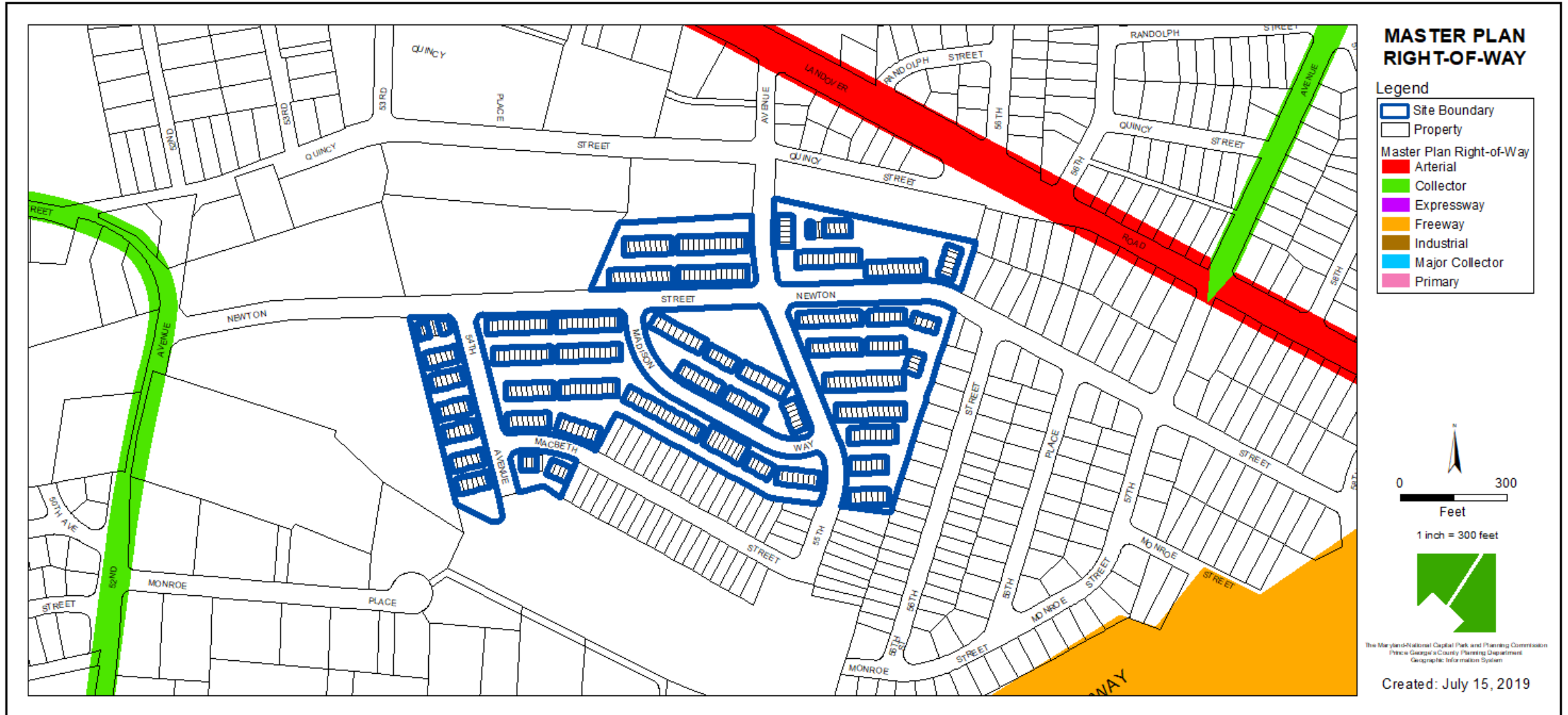




# SITE MAP



# MASTER PLAN RIGHT-OF-WAY MAP









# EXISTING SITE CONDITIONS





# EXISTING SITE CONDITIONS





# EXISTING SITE CONDITIONS





# EXISTING SITE CONDITIONS







June 27, 2019

**MEMORANDUM**

**TO:** Henry Zhang, Master Planner, Urban Design Section  
**VIA:** Sherri Conner, Supervisor, Subdivision and Zoning Section *SC*  
**FROM:** Amber Turnquest, Planner Coordinator, Subdivision and Zoning Section *AT*  
**SUBJECT:** DSP-09013-01, Quincy Manor

The subject property is located on Tax Map 50 in Grid E-4, is 17.04 acres, and is zoned Multifamily Medium Density Residential (R-18) and One-Family Semidetached, and Two-Family Detached, Residential (R-35). The portion of the site in the R-18 Zone is within the Port Towns Sector Plan area and Endorsed Sectional Map Amendment Development District Overlay (D-D-O) Zone. The site includes Quincy Manor, Block A, Lots 1-43 and Parcel A; Quincy Manor Block B, Lots 1-47 and Parcel A; Quincy Manor, Block C, Lots 17-76 and part of Parcel A; Quincy Manor, Block C, Lots 77-112 and part of Parcel A; Quincy Manor, Block D, Lots 1-46 and Parcel A; Quincy Manor Block E, Lots 59-95 and part of Parcel A; Quincy Manor, Block E, Lots 96-131 and part of Parcel A; Quincy Manor, Block E, Lots 132-178 and part of Parcel A; Quincy Manor, Block F, Lots 31-72 and Parcel A; and Quincy Manor, Block G, Lots 79-86 and Parcel A, all recorded in Plat Book MMB 236, 14-22.

The original DSP approval, DSP-09013, proposed to raze the existing multifamily buildings and develop the site with townhouses. The townhouse lots were recorded as referenced above and a community building was constructed as part of that proposal vesting the detailed site plan on the property, however, the multifamily development was never razed. The applicant has submitted the subject DSP revision, with companion DPLS, and variance applications, to remove the townhouse development and proposes to vacate the townhouse preliminary plan of subdivision in order to retain the existing multifamily buildings and divest the property of any conditions, rights or responsibilities associated with the PPS approval.

As indicated, the site is the subject of preliminary plan of subdivision (PPS) 4-08022, approved by the Planning Board on January 8, 2009 and amended on April 9, 2009, for the creation of 411 lots and 7 parcels, subject to 13 conditions for the development of 411 townhouses (PGCPB Resolution No. 08-178(A)). The conditions of the PPS are relevant to the townhouse development and the applicant has filed a Vacation Petition V-18007 in accordance with Section 24-112 of the Subdivision Regulations, concurrent with this application, in order to vacate the subdivision approval. If the Vacation is approved, the conditions of PPS 4-08022 will no longer be applicable and a new final plat reflecting the vacated land area will be required consistent with the DSP.

**Plan Comments**

1. A petition to vacate 4-08022 has been submitted and is pending acceptance (V-18007), the vacation and a final plat incorporating the vacated area will be required prior to certification of the DSP.
2. Existing recording references must be shown on all plans.

**Recommended Conditions**

1. Prior to certificate of approval of the DSP, the plans shall be revised to provide accurate plat recording references for the areas included in the site.
2. Prior to certificate of approval of the DSP, the vacation process shall be complete and a final plat incorporating the vacated area shall be approved.

This referral is provided for the purposes of determining conformance with any underlying subdivision approvals on the subject property and Subtitle 24. The DSP has been found to be in substantial conformance with the subdivision requirements, subject to the recommended conditions for this DSP. All bearings and distances must be clearly shown on the DSP and be consistent with the record plat. There are no other subdivision issues at this time.

May 17, 2019

**MEMORANDUM**

**TO:** Henry Zhang, Master Planner, Subdivision & Zoning Review Section

**VIA:** Katina Shoulars, Acting Division Chief, Countywide Planning *OK*

**FROM:** Megan Reiser, Acting Supervisor, Environmental Planning Section *OK for misc*

**SUBJECT: Quincy Manor; DSP-09013-01**

The Environmental Planning Section (EPS) has reviewed Detailed Site Plan (DSP-09013-01), received by the Countywide Planning Division on May 7, 2019. The Environmental Planning Section recommends approval of the application with no conditions.

The site is currently developed with multi-family residential units that are apartments and contains no regulated woodlands; however, the site contains dozens of large trees that are in extremely good condition for this urban setting. These trees were evaluated as part of the previous applications for the approval of town houses.

The current application is for the removal of the prior townhouse approvals for lots. The community center that was constructed under those approvals will remain.

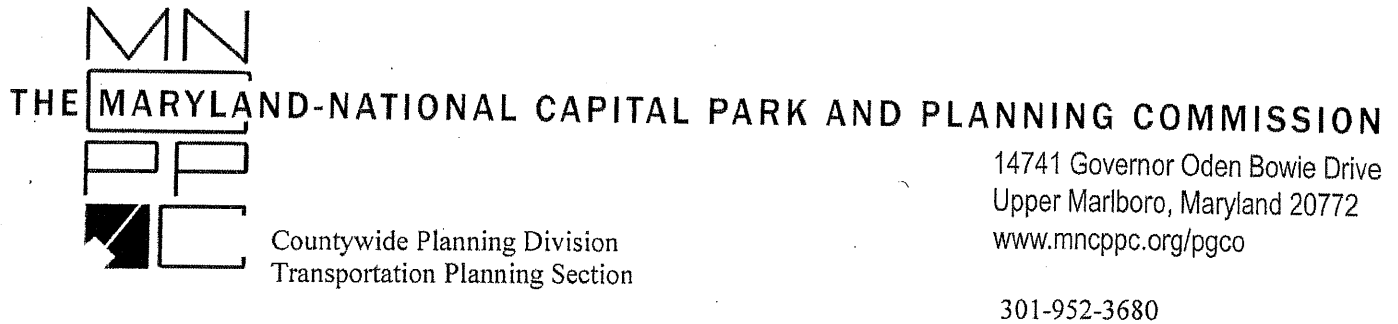
The site has a Natural Resource Inventory Equivalency Letter (NRI-024-08-01) and Standard Woodland Conservation Exemption Letter (S-059-2019). These letters need to be submitted as part of the record for this case.

According to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), the site contains Christiana-Downer-Urban land complex, and Russett-Christiana-Urban land complex. While a Christiana complex soil is mapped on-site, there is no proposed development at this time. No Marlboro clays are associated with this site. No additional information regarding soils is needed at this time. This site is not located within a Sensitive Species Protection Review Area (SSPRA) based on a review of the SSPRA GIS layer prepared by the Maryland Department of Natural Resources Natural Heritage Program (DNR NHP). The site is located within the Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan* (2014). A review of available information indicates there are no streams or wetlands on the property; however, the site does contain a 100-year floodplain and a stream buffer associated with the adjacent off-site stream. Stormwater runoff from the site eventually reaches the Upper Anacostia watershed in the Potomac River Basin. An area of Regulated Area is mapped on-site the *Approved Prince George's Resource Conservation Plan* (May 2017). No designated historic or scenic roads will be affected by this development.

The Environmental Planning Section finds this application to be in conformance with the environmental requirements of Subtitle 25 Woodland and Wildlife Habitat Conservation Ordinance (WCO) and Subtitle 27 Zoning Ordinance (ZO).

No Stormwater Management (SWM) information was submitted with the application; however, the application is for removal of townhouse approvals. Since no work is being proposed, no SWM information is needed at this time.

No additional Information is required. The Environmental Planning Section Recommends approval of DSP-09013-01.



June 17, 2019

**MEMORANDUM**

**TO:** Henry Zhang, Urban Design Section, Development Review Division

**FROM:** Tom Masog, Transportation Planning Section, Countywide Planning Division

**SUBJECT:** DSP-09013-01 & DPLS-457: Quincy Manor

**Proposal**

The applicant is seeking detailed site plan approval to remove all townhouses from the plan so that the underlying townhouse lots can be vacated. The site is currently developed with apartments; the departure will allow the existing situation to be validated.

**Background**

The detailed site plan (DSP) is required pursuant to Sections 27-431 and 27-436 which generally requires a detailed site plan for all attached and multifamily development within the R-35 and R-18 Zones; that section makes no specific requirements that are transportation-related or otherwise. The site plan is required to address issues related to architecture, building siting, and relationships between the development and any open space. The site plan is also required to address general detailed site plan requirements such as access and circulation. The DSP is also required for the residential revitalization use in accordance with Section 27-445.10; again, that section makes no specific requirements that are transportation related. There are no transportation-related findings related to traffic or adequacy associated with a detailed site plan.

The previous DSP approved the replacement of the existing apartments on the site with townhouses and a club house. The club house has been constructed, thereby vesting the existing site plan. The current property owner wishes to maintain the existing apartments and vacate the townhouse plats. This necessitates the current revision, and the departure and several variances are needed to validate existing conditions. No development is proposed by the site plan or any accompanying requests.

**Review Comments**

The current proposal seeks to remove all townhouses from the plan for the purpose of vacating the underlying platted townhouse lots. No development is proposed by this plan. Several variances are required to validate existing conditions; the Transportation Planning Section has no comment on either the site plan or any accompanying variances. The departure will be more formally addressed below.

The plan raises no active transportation (bicycle and pedestrian) issues by virtue of the site reverting from planned development to existing development. Any issues were written into conditions on the Preliminary Plan of Subdivision (PPS).

There are several transportation-related conditions on the underlying PPS 4-08022. The status of these conditions is as follows:

3. Requires five-foot sidewalks along both sides of Newton Street. It appears that wider sidewalks have been installed adjacent to the club house, and the wider sidewalks would be installed at the time that other areas of the site are redeveloped.
5. Requires restriping at MD 202 and 55<sup>th</sup> Avenue. The modifications have not been done, and would be required prior to future building permits.
12. Requires several layout issues to be addressed by the site plan, including adequate turn-around space to accommodate emergency vehicles, trash removal services and snow removal operations. This was addressed during review of the townhouses on the original site plan and will need to be re-addressed on any future site plans.
- 13(f). Requires adequate turn-around space to accommodate emergency vehicles, trash removal services and snow removal operations to be addressed by the site plan. This was addressed during review of the townhouses on the original site plan and will need to be re-addressed on any future site plans.

The site is not within or adjacent to any master plan transportation facilities.

#### **Departure from Parking and Loading Standards**

Pursuant to Section 27-588 of the Zoning Ordinance, the applicant is proposing to reduce the total number of parking spaces. The proposed development includes 241 parking spaces. The current County standards would require 888 parking spaces in total. The departure request is for a reduction of 647 parking spaces. The applicant has submitted a statement of justification (SOJ) to address the required findings for a Departure from number of Parking and Loading Space (DPLS), indicated in Section 27-588:

(A) In order for the Planning Board to grant the departure, it shall make the following findings:

- i. The purposes of this Part (Section 27-550) will be served by the applicant's request;

**Comment:** The applicant asserts that existing parking has proven to be sufficient to serve the parking needs of all persons associated with the buildings and uses through decades of operational experience. The parking areas shown on the plans have existed since the buildings were constructed in the early 1950's and consist of on-street parking on both sides of most streets (only one side of Madison Way) as well as several conveniently-located on-site surface parking lots. At the time of construction, the number of parking spaces required was calculated at a rate of one space per multifamily unit and on-street parking spaces could be counted toward that total. When considering both on-street and on-site spaces, a total of 421 spaces are existing. The transportation planning staff has given significant consideration to the ongoing use of the site as an apartment complex and finds the applicant's arguments to be supportable.

- ii. The departure is the minimum necessary, given the specific circumstances of the request;

**Comment:** No new development is proposed with this application, so no new parking needs are created. The existing parking has served the multifamily development since the early 1950's. The applicant states that he is simply seeking approval of the subject DPLS application to validate existing conditions for the purpose of seeking future use and occupancy permits on the site. The staff notes that the applicant has not provided any concepts of how the departure could be reduced through the provision of more on-site parking. However, building more parking on-site is probably not realistic given that no construction is proposed by this applicant. Adding parking on-site could endanger some of the large trees on the property which would trigger additional environmental review. Therefore, staff believes that this finding is met.

- iii. The departure is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location, or alleviate circumstances which are prevalent in older areas of the County which were predominantly developed prior to November 29, 1949;

**Comment:** The parking on this site has existed since the buildings were constructed in the early 1950's. The applicant asserts many of the same facts as noted in (i) above. The applicant also notes that the development team has been unable to locate any record of an initial use and occupancy permit for the project, which has hampered the ability to obtain certification of a nonconforming use for the portion of the property outside of the development district. This departure seeks to validate the existing conditions on site so that the owner/applicant may obtain a valid use and occupancy permit. This is a condition very specific to the subject use, given its nature and history at this specific location. While the exact date of construction is uncertain, it has been pinpointed to the early 1950s when the number of parking spaces required were considerably less and on-street parking could be counted toward those requirements. This request seeks to alleviate these circumstances, which are unique to this "older area" of the County. The transportation planning staff believes that this is indeed a special case and finds the applicant's arguments to be supportable.

- iv. All methods for calculating the number of spaces required (Division 2, Subdivision 3, and Division 3, Subdivision 3, of this Part) have either been used or found to be impractical;

**Comment:** The applicant believes that all methods have been attempted and found to be impractical, and the transportation planning staff agrees with this assertion.

- v. Parking and loading needs of adjacent residential areas will not be infringed upon if the departure is granted.

**Comment:** The applicant states that single-family detached residences to the east and duplexes to the south are served by individual driveways as well as on-street parking. Multifamily uses in the surrounding vicinity are all served by substantial surface parking lots, which are not conveniently located to the subject development. The applicant further states that the departure seeks to validate conditions, which have existed since the early 1950s and will not result in the infringement upon the parking or loading needs of adjacent residential areas. While this initially appears to be a difficult finding to make, the fact that the existing apartments on this site have coexisted with other housing in this community is compelling. For this reason, the transportation planning staff believes that this finding is met.

In considering a departure, among the considerations that may be given is the availability of transit in the area. The areas near the subject site are among the best-served by transit in the County. Five different transit stops near the site have busses serving five routes to five different Metrorail stations plus the Takoma-Langley Transit Center. Therefore, the transportation planning staff believes that the availability of transit should be given strong consideration in the granting of the departure.

In summary, the Transportation Planning Section staff concur with the findings addressed by the applicant and recommend approval of the Departure from Parking and Loading Standards to permit a total of 367 parking spaces (a reduction of 28 spaces). Approval of this departure would help to validate the existing development on the subject property.

**Conclusion**

From the standpoint of transportation, it is determined that this plan is acceptable and meets the finding required for a detailed site plan as described in the Zoning Ordinance.



SUPPLEMENTAL STATEMENT OF JUSTIFICATION  
DEPARTURE FROM THE NUMBER OF PARKING SPACES REQUIRED - DPLS-457  
VARIANCES FROM R-18 REGULATIONS SECTIONS 27-442 (d), (e), (g), (h)  
COMPANIONS TO DSP-19013-01  
JUNE 6, 2019

APPLICANT: QM PORTFOLIO OWNER LLC,  
2012 LANE QUINCY LLC,  
FRIEDMAN QUINCY, LLC  
1700 Reisterstown Road, Suite 215  
Baltimore, MD 21208

ATTORNEY/AGENT: Law Offices of Norman D. Rivera, Esq. LLC  
17251 Melford Blvd., Suite 200  
Bowie, MD 20715  
301-352-4973

CIVIL ENGINEER: Site Design, Inc  
14603 Main Street  
Upper Marlboro, MD 20772  
301-952-8200

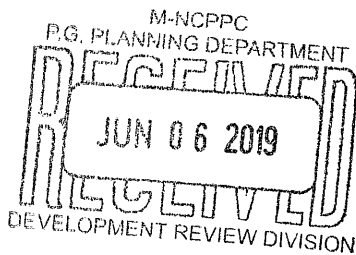
REQUEST: Departure of 647 spaces from the number of  
parking spaces required

Variance from Section 27-442(d) for frontage at the  
front building line less than 125 feet on proposed  
Parcels M

Variance from Section 27-442(e) for front yards  
less than 30 feet on proposed Parcels L, M, and N

Variance from Section 27-442(g) for distance  
between unattached multifamily dwellings less than  
50 feet on proposed Parcels L, M, and N

Variance from Section 27-442(h) for overall density  
exceeding 12 dwelling units per acre



**I. Description of Property & History:**

1. The subject site is located on the north and south sides of Newton Street at its intersection with 55th Avenue and along the north and south sides of Madison Way in Hyattsville. The site includes 371 existing multifamily dwelling units constructed in the early 1950s, which have historically been known as Quincy Manor and Monroe Gardens and are currently marketed

as Cheverly Gardens. The site has a previous Preliminary Plan (4-08022) and Detailed Site Plan (DSP-09013) and record plats for 404 townhouses and associated recreational facilities. A community building was constructed pursuant to those approvals at the southwest corner of the intersection of Newton Street and 55<sup>th</sup> Avenue which vested the DSP. The property has changed ownership subsequent to the original DSP approval and the new owners have no wish to move forward with the townhouse development. Therefore, this DSP and companion DPLS and Variance applications seek to remove the recorded townhouse lots and revert to a larger parcel layout to reflect the existing multifamily buildings. **No development is proposed with these applications.**

The Port Towns Sector Plan and Sectional Map Amendment placed a portion of the overall site within the DDOZ and included an exemption which qualified the DDOZ portion of the site for certification as a nonconforming use. Unfortunately, the development team has been unable to locate any record of an initial Use and Occupancy Permit (U&O) for the project due to its age, being constructed in the early 1950's, which has resulted in the inability to obtain certification of a nonconforming use for the portion of the property outside of the DDOZ. The subject applications seek to validate the existing conditions on site so that the owner/applicant may obtain a valid U&O.

2. Use—Retain existing multifamily and community buildings
3. Incorporated Area —None
4. Council District — 5
5. Total Area — 17.03
6. Tax Map/Grid — 050-E4
7. Zoned: R-18/DDOZ, R-18, R-35
8. WSSC Grid — 205NE04 & 205NE05

## **II. Request**

A Departure from the Number of Parking and Loading Spaces Required (DPLS) and several Variances from the Regulations of the R-18 Zone are requested in order to validate existing conditions on-site. Again, no development is proposed with these applications and the applicant only seeks to retain the existing uses.

Specifically, the following are requested:

## **DPLS**

DPLS of 647 parking spaces  
888 parking space required per current Zoning Ordinance  
241 parking spaces are provided on-site

Note—There are 180 additional parking spaces found on-street with many being “pull-off” type with a curb cut on public roads. While technically not permitted to be counted as provided, they are nonetheless present and are logically only used by residents and guests as the site covers many contiguous blocks.. This was noted in the record for the approved PPS and DSP.

## **VARIANCES FROM SECTION 27-442**

### **Variance #1 from 27-442(d)**

Variance of 2.2 feet from Section 27-442(d) for frontage at the front building line less than 125 feet on proposed Parcel M

### **Variance #2 from 27-442(e)**

Variance of 4.7 feet from Section 27-442(e) for front yards less than 30 feet on proposed Parcel L

Variance of 4.9 feet from Section 27-442(e) for front yards less than 30 feet on proposed Parcel M

Variance of 4.4 feet from Section 27-442(e) for front yards less than 30 feet on proposed Parcel N

### **Variance #3 from 27-442(g)**

Variance of 31.7 feet from Section 27-442(g) for distance between unattached multifamily dwellings less than 50 feet on proposed Parcel L

Variance of 26.6 feet from Section 27-442(g) for distance between unattached multifamily dwellings less than 50 feet on proposed Parcel M

Variance of 26.3 feet from Section 27-442(g) for distance between unattached multifamily dwellings less than 50 feet on proposed Parcel N

### **Variance # 4 from 27-442(h)**

Variance from Section 27-442(h) for overall density exceeding 12 dwelling units per acre – 21.96 dwelling units per acre proposed in the R-18 Zone overall

## **III. DPLS Justification**

Section 27-588(b)(7) of the Zoning Ordinance sets forth the required findings for approval of a departure from the number of parking and loading spaces required:

(7) **Required findings.**

(A) *In order for the Planning Board to grant the departure, it shall make the following findings:*

(i) *The purposes of this Part (Section 27-550) will be served by the applicant's request;*

**COMMENT:** Section 27-550 sets forth the following purposes:

*Sec. 27-550. - Purposes.*

(a) *The purposes of this Part are:*

(1) *To require (in connection with each building constructed and each new use established) off-street automobile parking lots and loading areas sufficient to serve the parking and loading needs of all persons associated with the buildings and uses;*

(2) *To aid in relieving traffic congestion on streets by reducing the use of public streets for parking and loading and reducing the number of access points;*

(3) *To protect the residential character of residential areas; and*

(4) *To provide parking and loading areas which are convenient and increase the amenities in the Regional District.*

The above-stated purposes will be served by the requested DPLS. Current parking calculation rates result in a total requirement of 888 spaces; however, existing parking has proven to be sufficient to serve the parking needs of all persons associated with the buildings and uses through decades of operational experience. The parking areas demonstrated on the plans have existed since the buildings were constructed in the early 1950's and consist of on-street parking on both sides of most streets (only one side of Madison Way) as well as several, small-scale, conveniently located on-site surface parking lots. At the time of construction, the number of parking spaces required was calculated at a rate of one space per multifamily unit and on-street parking spaces could be counted toward that total. Therefore a total of 371 spaces would have been required. When considering both on-street and on-site spaces, a total of 421 spaces are existing, which well exceeds the requirement at the time of construction. Streets were clearly designed with the intent of on-street parking as many include extended curbing at intersections to protect parked vehicles. As these are smaller-scale neighborhood streets, there is no conflict between traffic congestion and on-street parking. As noted, the existing parking areas have existed since the multifamily complex was constructed and have not been a detriment to the residential character. Both on-street and off-site spaces are conveniently and appropriately located.

In addition, there are several bus stops for WMATA and The Bus along Newton Street and at MD 202 and 55<sup>th</sup> Avenue just north of the site.

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

**COMMENT:** As noted, no site improvements are proposed with this application so no new parking needs are created. The parking existing has served the multifamily development since the early 1950's. The Applicant is simply seeking approval of the subject DPLS application to validate existing conditions for the purpose of seeking a U&O. Based on these constraints, the departure is the minimum necessary.

(iii) *The departure is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location, or alleviate circumstances which are prevalent in older areas of the County which were predominantly developed prior to November 29, 1949;*

**COMMENT:** As noted above, the parking areas demonstrated on the plans have existed since the buildings were constructed in the early 1950's and consist of on-street parking on both sides of most streets (only one side of Madison Way) as well as several, small-scale, conveniently located on-site surface parking lots. At the time of construction, the number of parking spaces required was calculated at a rate of one space per multifamily unit and on-street parking spaces could be counted toward that total. Therefore a total of 371 spaces would have been required. When considering both on-street and on-site spaces, a total of 421 spaces are existing, which well exceeds the requirement at the time of construction.

Unfortunately, the development team has been unable to locate any record of an initial Use and Occupancy Permit (U&O) for the project, which has resulted in the inability to obtain certification of a nonconforming use for the portion of the property outside of the DDOZ. The subject applications seek to validate the existing conditions on site so that the owner/applicant may obtain a valid U&O. This is a condition very specific to the subject use, given its nature and history at this specific location. While the exact date of construction is uncertain, it has been pinpointed to the early 1950s when the number of parking spaces required were considerably less and on-street parking could be counted toward those requirements. This request seeks to alleviate these circumstances, which are unique to this "older area" of the County.

- (iv) *All methods for calculating the number of spaces required (Division 2, Subdivision 3, and Division 3, Subdivision 3, of this Part) have either been used or found to be impractical; and*

**COMMENT:** All methods for calculating the number of spaces required have been used.

- (v) *Parking and loading needs of adjacent residential areas will not be infringed upon if the departure is granted.*

**COMMENT:** Single-family detached residences to the east and duplexes to the south are served by individual driveways as well as on-street parking. Multifamily uses in the surrounding vicinity are all served by substantial surface parking lots, which are not conveniently located to the subject development. The departure seeks to validate conditions, which have existed since the early 1950s and will not result in the infringement upon the parking or loading needs of adjacent residential areas.

- (B) *In making its findings, the Planning Board shall give consideration to the following:*

- (i) *The parking and loading conditions within the general vicinity of the subject property, including numbers and locations of available on- and off-street spaces within five hundred (500) feet of the subject property;*

**COMMENT:** Adjacent uses will be adequately served by existing and proposed parking. As noted above, the existing on-street and off-site parking spaces were sufficient to meet the requirement when the project was constructed. On-street parking is provided on both sides of most streets (provided on only one side on Madison Way).

- (ii) *The recommendations of an Area Master Plan, or County or local revitalization plan, regarding the subject property and its general vicinity;*

**COMMENT:** The Port Towns Sector Plan and Sectional Map Amendment placed only a portion of the overall site within the DDOZ and included an exemption which qualified the DDOZ portion of the site for certification as a nonconforming use. Unfortunately, the development team has been unable to locate any record of an initial Use and Occupancy Permit (U&O) for the

project, which has resulted in the inability to obtain certification of a nonconforming use for the portion of the property outside of the DDOZ. The subject applications seek to validate the existing conditions on site so that the owner/applicant may obtain a valid U&O. If the entirety of the property had been placed within the DDOZ, the subject application would not be necessary. Given the DDOZ granted an exemption for a portion of the development it is logical that the same apply to the remainder.

(iii) *The recommendations of a municipality (within which the property lies) regarding the departure; and*

**COMMENT:** Referral and recommendations from the City of Hyattsville, Cheverly and the Town of Bladensburg will be gathered through the Development Review process.

(iv) *Public parking facilities which are proposed in the County's Capital Improvement Program within the general vicinity of the property.*

**COMMENT:** Not applicable.

(C) *In making its findings, the Planning Board may give consideration to the following:*

(i) *Public transportation available in the area;*

**COMMENT:** There are several stops served by both TheBus and MetroBus within less than one-quarter mile of the site. Operational experience indicates some residents avail themselves of public transit and car-pooling.

#### **IV. VARIANCE #1 Justification**

The applicant requests a Variance of 2.2 feet on proposed Parcel M from Section 27-442(d) of the Zoning Ordinance, which requires a minimum 125-foot lot width at the front building line:

*Section 27-230. Sec. 27-230. - Criteria for granting appeals involving variances.*

(a) *A variance may only be granted when the District Council, Zoning Hearing Examiner, Board of Appeals, or the Planning Board as applicable, finds that:*

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

**COMMENT:** In this instance, the extraordinary situation arose as a result of amended zoning regulations after construction of the affected building. In 1955 the Zoning Ordinance required a minimum of only 100 feet, with which the subject building complies. Since the property can not be certified as a nonconforming use, the Applicant is seeking validation of existing conditions to obtain approval of a U&O. No development proposed and the building in question has existed since the 1950s.

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

**COMMENT:** Without the requested Variance, the applicant will not be able to seek approval of a valid U&O for a long-existing complex.

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

**COMMENT:** Allowing a 2.2-foot reduction in the minimum lot width at the front building line will have no affect on the overall project's conformance with the intent, purpose and integrity of the General Plan or Master Plan. The subject parcel is in conformance with the regulations that were in place at the time of construction. No development is proposed and the Applicant is simply seeking validation of existing conditions to obtain a valid U&O.

## **V. VARIANCE #2 Justification**

The applicant requests the following Variances from Section 27-442(e) of the Zoning Ordinance, which requires a 30-foot front yard setback:

- 4.7 feet on proposed Parcel L
- 4.9 feet on proposed Parcel M
- 4.4 feet on proposed Parcel N

*Section 27-230. Sec. 27-230. - Criteria for granting appeals involving variances.*

- (a) *A variance may only be granted when the District Council, Zoning Hearing Examiner, Board of Appeals, or the Planning Board as applicable, finds that:*



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

**COMMENT:** In this instance, the extraordinary situation arose as a result of amended zoning regulations after construction of the affected building. In 1955 the Zoning Ordinance required a minimum of only 25 feet, with which the subject buildings comply. Since the property can not be certified as a nonconforming use, the Applicant is seeking validation of existing conditions to obtain approval of a U&O. No development proposed and the buildings in question have existed since the 1950s.

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

**COMMENT:** Without the requested Variance, the applicant will not be able to seek approval of a valid U&O.

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

**COMMENT:** Allowing a 4.7-foot reduction on proposed Parcel L, a 4.9-foot reduction on proposed Parcel M, and a 4.4-foot reduction on proposed Parcel N of the minimum front yard setback will have no affect on the overall project's conformance with the intent, purpose and integrity of the General Plan or Master Plan. The subject parcel is in conformance with the regulations that were in place at the time of construction. No development is proposed and the Applicant is simply seeking validation of existing conditions to obtain a valid U&O.

## **VI. VARIANCE #3 Justification**

The applicant requests the following Variances from Section 27-442(g) of the Zoning Ordinance, which requires a minimum 50-foot separation between unattached multifamily dwellings:

Variance of 31.7 on proposed Parcel L

Variance of 26.6 on proposed Parcel M

Variance of 26.3 on proposed Parcel N

*Section 27-230. Sec. 27-230. - Criteria for granting appeals involving variances.*

- (a) *A variance may only be granted when the District Council, Zoning Hearing Examiner, Board of Appeals, or the Planning Board as applicable, finds that:*

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

**COMMENT:** In this instance, the extraordinary situation arose as a result of amended zoning regulations after construction of the affected building. At the time of construction of the subject multifamily development, the Zoning Ordinance did not include any regulations relating to separation between unattached multifamily dwellings. Since the property can not be certified as a nonconforming use, the Applicant is seeking validation of existing conditions to obtain approval of a U&O. No development proposed and the buildings in question have existed since the 1950s.

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

**COMMENT:** Without the requested Variance, the applicant will not be able to seek approval of a valid U&O. It is not practical or reasonable to request that the existing multifamily structures be demolished to adhere to a regulation that was not in place at the time of their construction, which would be required in order to comply.

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

**COMMENT:** Allowing a 31.7-foot reduction on proposed Parcel L, a 26.6-foot reduction on proposed Parcel M, and a 26.3-foot reduction on proposed Parcel N of the minimum front yard setback will have no affect on the overall project's conformance with the intent, purpose and integrity of the General Plan or Master Plan. The subject parcel is in conformance with the regulations that were in place at the time of construction. No development is proposed and the Applicant is simply seeking validation of existing conditions to obtain a valid U&O.

## **VII. VARIANCE #4 Justification**

The applicant requests a Variance from Section 27-442(h) of the Zoning Ordinance, for overall density exceeding 12 dwelling units per acre – 21.96 dwelling units per acre are existing in the R-18 Zone overall.

*Section 27-230. Sec. 27-230. - Criteria for granting appeals involving variances.*

- (a) *A variance may only be granted when the District Council, Zoning Hearing Examiner, Board of Appeals, or the Planning Board as applicable, finds that:*

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

**COMMENT:** In this instance, the extraordinary situation arose as a result of amended zoning regulations after construction of the affected buildings. When the subject multifamily development was constructed, the Zoning Ordinance required a minimum net lot area per dwelling unit of 1,800 square feet, with which the subject site complies. The current Zoning Ordinance now requires a maximum density in the R-18 Zone of 12 dwelling units per acre. Since the property can not be certified as a nonconforming use, the Applicant is seeking validation of existing conditions to obtain approval of a U&O. No development proposed and the buildings in question have existed at the current density since the 1950s.

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

**COMMENT:** Without the requested Variance, the applicant will not be able to seek approval of a valid U&O. It is not practical or reasonable to request that the existing multifamily structures be demolished to adhere to a regulation that was not in place at the time of their construction, which would be required in order to comply.

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

**COMMENT:** Allowing an overall density in the R-18 Zone of 21.96 dwelling units per acre will have no affect on the overall project's conformance with the intent, purpose and integrity of the General Plan or Master Plan. The subject parcel is in conformance with the regulations that were in place at the time of construction. No development is proposed and the Applicant is simply seeking validation of existing conditions to obtain a valid U&O.

### **VIII. Conclusion**

Based on the foregoing analysis, as well as the plans and supporting documentation filed in conjunction with these applications, the applicant respectfully requests approval of the subject DSP, DPLS and VARIANCE applications.



Norman D. Rivera, Esq.

STATEMENT OF JUSTIFICATION

Re: Quincy Manor and Monroe Gardens Properties (DSP-09013-01)

This is a Statement of Justification for a Detailed Site Plan revision in order to remove the townhouse approval that was approved with DSP-09013. The purpose of the justification is twofold: (1) to revise the DSP to eliminate the townhouse lots; and (2) revert the property back to the existing condition which is the existing apartments known as Quincy Manor and Monroe Gardens, now known as Cheverly Gardens for marketing purposes. The owner is now QM Portfolio Owner, LLC; 2012 Lane Quincy, LLC; and Friedman Quincy, LLC. The property is 13.03 gross acres and was approved for 404 townhouses and associated recreational facilities.

The existing community center which was approved with DSP-0913 will remain and will be the only facility left evidencing the prior approval. The current ownership wants to continue the apartment use in order to obtain a non-conforming use permit for only Monroe Gardens, as Quincy Manor is in a DDOZ and as such qualifies for non-conforming use permit by virtue of that zoning approval. I understand we will have to discuss how this situation is documented in terms of the recorded RFA for example.

Enclosed is the Detailed Site Plan cover sheet is enclosed for your review and reference showing the approved layout; a survey of the existing apartments; and finally the requested DSP to replace the prior DSP. Subsequent to the DSP approval, the applicant would then file a Plat of Consolidation to remove the existing lots and create larger newer lots based on the blocking patterns on the last enclosure entitled "Annexation Sketch". The parking and open space is shown and again, it is existing and was approved with the construction of the apartments. There is no construction associated with this approval.

Submitted by: \_\_\_\_\_

Norman D. Rivera

NDR:ndr

SUPPLEMENTAL STATEMENT OF JUSTIFICATION

Re: Quincy Manor and Monroe Gardens Properties (DSP-09013-01)

This is to supplement the prior Statement of Justification for a Detailed Site Plan revision in order to remove the townhouse approval that was approved with DSP-09013. Again, the purpose of the justification is twofold: (1) to revise the DSP to eliminate the townhouse lots; and (2) revert the property back to the existing condition, which is the existing apartments known as Quincy Manor and Monroe Gardens, now known as Cheverly Gardens for marketing purposes. The resulting revised approved DSP will then essentially be an as-built site plan.

Per the pre-acceptance comments received Monday March 25, 2019, we are hereby transmitting the following:

- A signed and sealed survey of the existing apartment project;
- The Resolution of Approval for DSP-09103 that includes conditions of approval, however, the purpose of this DSP is REMOVE the townhouse approval. Therefore, these conditions will be rendered moot. Any redevelopment of the existing site would then require a new DSP;
- The replacement DSP which is essentially an as-built DSP of the apartments;
- The signed application form; and
- A CD of all documents and plans

Pursuant to Section 27-286 of the Ordinance, which refers to Sec. 27-282; 27-283 and 27-274 (see below), we request relief of certain items requested as highlighted and detailed below:

Sec. 27-286. - Limiting the review.

- (a) In general, the required findings and site design guidelines and criteria are intended to apply to the review of all Detailed Site Plans, as they reasonably relate to the purposes of the zones and of this Division. ***However, a more limited review may be imposed by other parts of this Subtitle or by another authority requiring the review. In these cases, specific issues to be reviewed shall be stated. Only those submittal requirements (Section 27-282) and site design guidelines (Section 27-283) which apply to the issue shall be considered.***

\* \* \* \* \*

This section of the code allows for a limited review of a detailed site plan based on the purposes of the site plan. In this case, the property is going to be used as-is as existing apartments. We are simply removing the townhouse approval and then going to consolidate those into large blocks as shown in the exhibit entitled "Annexation Sketch."

Specifically we are requesting that the following items not be included in this submission on page 1 of the pre-application comments:

- Architectural elevations;
- Existing conditions plan, however the survey accomplishes the same goal. We will submit a signed and sealed copy;
- The standard letter of exemption should not apply as again this is not for the purposes of development. There was an approved TCP 2 and forest stand delineation with the prior detailed site plan, which documented the on-site trees as existing. There are no plans for redevelopment;
- We will provide the informational mailing affidavit with receipt and list of addresses;
- Again, there is an approved stormwater management concept plan for the townhouses that is not relevant for the purposes of this application; therefore we request this not be required;
- Match lines will be provided as requested;
- As to parking, the detailed site plan submittal shows exactly the parking that is provided at the current time. The apartments were constructed in the early 1950s and the parking provided has been deemed appropriate for the Quincy Manor portion of the site and the Monroe Gardens portion of the site. We had several meetings with permit staff and DRD staff to make this determination as shown on the DSP. The Quincy Manor portion of the site is in a D-D-O Zone, therefore it could be certified as not conforming use because it is within the Port Town Sector Plan (2009). The Monroe Gardens portion is standard R-18 and not in a DDOZ and therefore is required to be certified as a non-conforming use. We were requested to file the instant DSP to remove the site plan approval for townhouses to “daylight the existing units” then do the plat of consolidation. We respectfully request that all the parking requirements not be required except as provided on the survey and DSP.
- Lastly, this will be a Planning Board hearing request as it could not be done at staff level, however, we would be more than willing to undergo a staff level review as this is not for development.
- Subsequent to the DSP approval, the applicant would then file a Plat of Consolidation to remove the existing lots and create larger newer lots based on the blocking patterns on the last enclosure entitled “Annexation Sketch”. The parking and open space is shown and again, it is existing and was approved with the construction of the apartments. There is no construction associated with this approval.
- The only improvement pursuant to the DSP that was constructed is the community building at the corner of Newton and 55<sup>th</sup> Avenue (3550 55<sup>th</sup> Avenue, Block D, Quincy Manor). In this regard, we will incorporate the building and associated improvements into the future consolidated lot that will encompass all of the apartments (six structures) surrounded by Newton Street, 55<sup>th</sup> Avenue, and Madison Way.

### **Section 27-282**

Sec. 27-282. - Submittal requirements.

- (a) The Detailed Site Plan shall be submitted to the Planning Board by the owner of the property or his authorized representative.

- (b) The Detailed Site Plan shall be prepared by an engineer, architect, landscape architect, or urban planner.
- (c) Upon filing the Plan, the applicant shall pay to the Planning Board a fee to help defray the costs related to processing the Plan. The scale of fees shall be determined by the Planning Board, except that the filing fee for a day care center for children shall not exceed the Special Exception filing fee for a day care center for children as set forth in Section 27-297(b)(1.1). A fee may be reduced by the Planning Board if it finds that payment of the full amount will cause an undue hardship upon the applicant.
- (d) If more than one (1) drawing is used, all drawings shall be at the same scale (where feasible).
- (e) A Detailed Site Plan shall include the following:
  - (1) Location map, north arrow, and scale;
  - (2) Boundaries of the property, using bearings and distances (in feet); and either the subdivision lot and block, or liber and folio numbers;
  - (3) Zoning categories of the subject property and all adjacent properties;
  - (4) Locations and types of major improvements that are within fifty (50) feet of the subject property and all land uses on adjacent properties;
  - (5) An approved Natural Resource Inventory;
  - (6) Street names, right-of-way and pavement widths of existing streets and interchanges within and adjacent to the site;
  - (7) Existing rights-of-way and easements (such as railroad, utility, water, sewer, access, and storm drainage);
  - (8) Existing site and environmental features as shown on an approved NRI;
  - (9) A Type 2 Tree Conservation Plan prepared in conformance with Division 2 of Subtitle 25 and The Woodland and Wildlife Habitat Conservation Technical Manual or a Standard Letter of Exemption;
  - (10) A statement of justification describing how the proposed design preserves and restores the regulated environmental features to the fullest extent possible;
  - (11) An approved stormwater management concept plan;
  - (12) Proposed system of internal streets including right-of-way widths;
  - (13) Proposed lot lines and the dimensions (including bearings and distances, in feet) and the area of each lot;
  - (14) Exact location and size of all buildings, structures, sidewalks, paved areas, parking lots (including striping) and designation of waste collection storage areas and the use of all buildings, structures, and land;
  - (15) Proposed grading, using one (1) or two (2) foot contour intervals, and any spot elevations that are necessary to describe high and low points, steps, retaining wall heights, and swales;

- (16) A landscape plan prepared in accordance with the provisions of the Landscape Manual showing the exact location and description of all plants and other landscaping materials, including size (at time of planting), spacing, botanical and common names (including description of any plants that are not typical of the species), and planting method;
  - (17) Exact location, size, type, and layout of all recreation facilities;
  - (18) Exact location and type of such accessory facilities as paths, walks, walls, fences (including widths or height, as appropriate), entrance features, and gateway signs (in accordance with Section 27-626 of this Subtitle);
  - (19) A detailed statement indicating the manner in which any land intended for public use, but not proposed to be in public ownership, will be held, owned, and maintained for the indicated purpose (including any proposed covenants or other documents);
  - (20) Description of the physical appearance of proposed buildings (where specifically required), through the use of architectural elevations of facades (seen from public areas), or through other illustrative drawings, photographs, or renderings deemed appropriate by the Planning Board; and
  - (21) Any other pertinent information.
- (f) The submittal requirements in (e) may be modified in accordance with Section 27-286.
  - (g) A Detailed Site Plan application may amend an existing Conceptual Site Plan applicable to a proposal for development of the subject property.
  - (h) A Detailed Site Plan shall be considered submitted on the date the Planning Director determines that the applicant has filed a complete Plan in accordance with the requirements of this Section.

**Sec. 27-283. - Site design guidelines.**

- (a) The Detailed Site Plan shall be designed in accordance with the same guidelines as required for a Conceptual Site Plan (Section 27-274).

**Comment: Section 27-277 allows for a limited review of a Conceptual Site Plan as to applicable guidelines as does Section 27-286 for a DSP.**

- (b) The guidelines shall only be used in keeping with the character and purpose of the proposed type of development, and the specific zone in which it is to be located.

**Comment: There is no proposed development.**

- (b) These guidelines may be modified in accordance with Section 27-286.

**Comment: See above discussion under 27-286.**

**Sec. 27-274. - Design guidelines.**

- (a) The Conceptual Site Plan shall be designed in accordance with the following guidelines:
  - (1) **General.**



- (A) The Plan should promote the purposes of the Conceptual Site Plan.
  - (B) The applicant shall provide justification for, and demonstrate to the satisfaction of the Planning Board or District Council, as applicable, the reasons for noncompliance with any of the design guidelines for townhouses and three-family dwellings set forth in paragraph (11), below.
- (2) **Parking, loading, and circulation.**
- (A) Surface parking lots should be located and designed to provide safe and efficient vehicular and pedestrian circulation within the site, while minimizing the visual impact of cars. Parking spaces should be located to provide convenient access to major destination points on the site. As a means of achieving these objectives, the following guidelines should be observed:
    - (i) Parking lots should generally be provided to the rear or sides of structures;
    - (ii) Parking spaces should be located as near as possible to the uses they serve;
    - (iii) Parking aisles should be oriented to minimize the number of parking lanes crossed by pedestrians;
    - (iv) Large, uninterrupted expanses of pavement should be avoided or substantially mitigated by the location of green space and plant materials within the parking lot, in accordance with the Landscape Manual, particularly in parking areas serving townhouses; and
    - (v) Special areas for van pool, car pool, and visitor parking should be located with convenient pedestrian access to buildings.
  - (B) Loading areas should be visually unobtrusive and located to minimize conflicts with vehicles or pedestrians. To fulfill this goal, the following guidelines should be observed:
    - (i) Loading docks should be oriented toward service roads and away from major streets or public view; and
    - (ii) Loading areas should be clearly marked and should be separated from parking areas to the extent possible.
  - (C) Vehicular and pedestrian circulation on a site should be safe, efficient, and convenient for both pedestrians and drivers. To fulfill this goal, the following guidelines should be observed:
    - (i) The location, number and design of driveway entrances to the site should minimize conflict with off-site traffic, should provide a safe transition into the parking lot, and should provide adequate acceleration and deceleration lanes, if necessary;
    - (ii) Entrance drives should provide adequate space for queuing;
    - (iii) Circulation patterns should be designed so that vehicular traffic may flow freely through the parking lot without encouraging higher speeds than can be safely accommodated;

- (iv) Parking areas should be designed to discourage their use as through-access drives;
- (v) Internal signs such as directional arrows, lane markings, and other roadway commands should be used to facilitate safe driving through the parking lot;
- (vi) Drive-through establishments should be designed with adequate space for queuing lanes that do not conflict with circulation traffic patterns or pedestrian access;
- (vii) Parcel pick-up areas should be coordinated with other on-site traffic flows;
- (viii) Pedestrian access should be provided into the site and through parking lots to the major destinations on the site;
- (ix) Pedestrian and vehicular circulation routes should generally be separated and clearly marked;
- (x) Crosswalks for pedestrians that span vehicular lanes should be identified by the use of signs, stripes on the pavement, change of paving material, or similar techniques; and
- (xi) Barrier-free pathways to accommodate the handicapped should be provided.

**(3) Lighting.**

- (A) For uses permitting nighttime activities, adequate illumination should be provided. Light fixtures should enhance the site's design character. To fulfill this goal, the following guidelines should be observed:
  - (i) If the development is used at night, the luminosity, orientation, and location of exterior light fixtures should enhance user safety and minimize vehicular/pedestrian conflicts;
  - (ii) Lighting should be used to illuminate important on-site elements such as entrances, pedestrian pathways, public spaces, and property addresses. Significant natural or built features may also be illuminated if appropriate to the site;
  - (iii) The pattern of light pooling should be directed on-site;
  - (iv) Light fixtures fulfilling similar functions should provide a consistent quality of light;
  - (v) Light fixtures should be durable and compatible with the scale, architecture, and use of the site; and
  - (vi) If a variety of lighting fixtures is needed to serve different purposes on a site, related fixtures should be selected. The design and layout of the fixtures should provide visual continuity throughout the site.

**(4) Views.**

- (A) Site design techniques should be used to preserve, create, or emphasize scenic views from public areas.

**(5) Green area.**

- (A) On-site green area should be designed to complement other site activity areas and should be appropriate in size, shape, location, and design to fulfill its intended use. To fulfill this goal, the following guidelines should be observed:
    - (i) Green area should be easily accessible in order to maximize its utility and to simplify its maintenance;
    - (ii) Green area should link major site destinations such as buildings and parking areas;
    - (iii) Green area should be well-defined and appropriately scaled to meet its intended use;
    - (iv) Green area designed for the use and enjoyment of pedestrians should be visible and accessible, and the location of seating should be protected from excessive sun, shade, wind, and noise;
    - (v) Green area should be designed to define space, provide screening and privacy, and serve as a focal point;
    - (vi) Green area should incorporate significant on-site natural features and woodland conservation requirements that enhance the physical and visual character of the site; and
    - (vii) Green area should generally be accented by elements such as landscaping, pools, fountains, street furniture, and decorative paving.
  - (B) The application shall demonstrate 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).
- (6) **Site and streetscape amenities.**
- (A) Site and streetscape amenities should contribute to an attractive, coordinated development and should enhance the use and enjoyment of the site. To fulfill this goal, the following guidelines should be observed:
    - (i) The design of light fixtures, benches, trash receptacles, bicycle racks and other street furniture should be coordinated in order to enhance the visual unity of the site;
    - (ii) The design of amenities should take into consideration the color, pattern, texture, and scale of structures on the site, and when known, structures on adjacent sites, and pedestrian areas;
    - (iii) Amenities should be clearly visible and accessible, and should not obstruct pedestrian circulation;
    - (iv) Amenities should be functional and should be constructed of durable, low maintenance materials;
    - (v) Amenities should be protected from vehicular intrusion with design elements that are integrated into the overall streetscape design, such as landscaping, curbs, and bollards;

- (vi) Amenities such as kiosks, planters, fountains, and public art should be used as focal points on a site; and
- (vii) Amenities should be included which accommodate the handicapped and should be appropriately scaled for user comfort.

**(7) Grading.**

- (A) Grading should be performed to minimize disruption to existing topography and other natural and cultural resources on the site and on adjacent sites. To the extent practicable, grading should minimize environmental impacts. To fulfill this goal, the following guidelines should be observed:
  - (i) Slopes and berms visible from streets and other public areas should appear as naturalistic forms. Slope ratios and the length of slopes should be varied if necessary to increase visual interest and relate manmade landforms to the shape of the natural terrain;
  - (ii) Excessive grading of hilltops and slopes should be avoided where there are reasonable alternatives that will preserve a site's natural landforms;
  - (iii) Grading and other methods should be considered to buffer incompatible land uses from each other;
  - (iv) Where steep slopes cannot be avoided, plant materials of varying forms and densities should be arranged to soften the appearance of the slope; and
  - (v) Drainage devices should be located and designed so as to minimize the view from public areas.

**(8) Service areas.**

- (A) Service areas should be accessible, but unobtrusive. To fulfill this goal, the following guidelines should be observed:
  - (i) Service areas should be located away from primary roads, when possible;
  - (ii) Service areas should be located conveniently to all buildings served;
  - (iii) Service areas should be effectively screened or enclosed with materials compatible with the primary structure; and
  - (iv) Multiple building developments should be designed to form service courtyards which are devoted to parking and loading uses and are not visible from public view.

**(9) Public spaces.**

- (A) A public space system should be provided to enhance a large-scale commercial, mixed-use, or multifamily development. To fulfill this goal, the following guidelines should be observed:
  - (i) Buildings should be organized and designed to create public spaces such as plazas, squares, courtyards, pedestrian malls, or other defined spaces;
  - (ii) The scale, size, shape, and circulation patterns of the public spaces should be designed to accommodate various activities;

- (iii) Public spaces should generally incorporate sitting areas, landscaping, access to the sun, and protection from the wind;
- (iv) Public spaces should be readily accessible to potential users; and
- (v) Pedestrian pathways should be provided to connect major uses and public spaces within the development and should be scaled for anticipated circulation.

**(10) Architecture.**

- (A) When architectural considerations are referenced for review, the Conceptual Site Plan should include a statement as to how the architecture of the buildings will provide a variety of building forms, with a unified, harmonious use of materials and styles.
- (B) The guidelines shall only be used in keeping with the character and purpose of the proposed type of development and the specific zone in which it is to be located.
- (C) These guidelines may be modified in accordance with Section 27-277.

**(11) Townhouses and three-family dwellings.**

- (A) Open space areas, particularly areas separating the rears of buildings containing townhouses, should retain, to the extent possible, single or small groups of mature trees. In areas where trees are not proposed to be retained, the applicant shall demonstrate to the satisfaction of the Planning Board or the District Council, as applicable, that specific site conditions warrant the clearing of the area. Preservation of individual trees should take into account the viability of the trees after the development of the site.
- (B) Groups of townhouses should not be arranged on curving streets in long, linear strips. Where feasible, groups of townhouses should be at right angles to each other, and should facilitate a courtyard design. In a more urban environment, consideration should be given to fronting the units on roadways.
- (C) Recreational facilities should be separated from dwelling units through techniques such as buffering, differences in grade, or preservation of existing trees. The rears of buildings, in particular, should be buffered from recreational facilities.
- (D) To convey the individuality of each unit, the design of abutting units should avoid the use of repetitive architectural elements and should employ a variety of architectural features and designs such as roofline, window and door treatments, projections, colors, and materials. In lieu of this individuality guideline, creative or innovative product design may be utilized.
- (E) To the extent feasible, the rears of townhouses should be buffered from public rights-of-way and parking lots. Each application shall include a visual mitigation plan that identifies effective buffers between the rears of townhouses abutting public rights-of-way and parking lots. Where there are no existing trees, or the retention of existing vegetation is not practicable, landscaping, berming, fencing, or a combination of these techniques may be used. Alternatively, the applicant may consider designing the rears of townhouse buildings such that they have similar features to the fronts, such as reverse gables, bay windows, shutters, or trim.

(F) Attention should be given to the aesthetic appearance of the offsets of buildings.

**Comment: We request that the DSP as submitted and survey addresses the requirements of Section 274(a)(2)(A-F). Again there is no development proposed with this DSP.**

In the alternative, we could prepare and file a vacation of the lots with a typical vacation petition pursuant to Section 24-112:

Sec. 24-112. - Vacation of plats.

- (a) Any recorded plat of subdivision, or any part thereof, may be vacated upon petition by the owner of the premises at any time before the sale of any lot within such subdivision, by a written instrument, to which a copy of the plat shall be attached, accompanied by written evidence that all owners of abutting properties have been notified, declaring the same to be vacated.
  - (b) Such an instrument may be approved by the Planning Board, after posting notice on the property at least thirty (30) days prior to approval, in like manner as for approval of preliminary plans of subdivision or a vacation petition for an unimproved street or alley may be approved by the Planning Director if unopposed by an adjoining property owner to the vacation petition.
  - (c) Such an instrument shall be executed, acknowledged or approved, and recorded or filed, in like manner as record plats; and, being duly recorded or filed, shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.
  - (d) When lots have been sold, the plat, or part of the plat, may be vacated in the manner herein provided upon petition of all owners of lots joining in the execution of such writing.
  - (e) Generally, the Planning Board shall not vacate any subdivision, which has dedicated rights-of-way to public use or dedicated rights-of-way or easements for any public utility, storm drainage course, floodplain, public access roadway, or dedicated public facility, until:
    - (1) The petitioner, or the Planning Board, shall seek the consents of the Washington Suburban Sanitary Commission, the County Department of Public Works and Transportation, and the governing officials of any incorporated municipality within which the subdivision is located.
    - (2) The petitioner, or the Planning Board, shall have notified each public utility, in writing, which is franchised to provide services within the area of the subdivision, of the petition and provide thirty (30) calendar days to comment.
    - (3) If any of the agencies or utilities having rights in any area proposed to be vacated shall have attached conditions to its consent, said conditions shall have been incorporated into the instrument required by Subsections (a) through (d) of this Section.
    - (4) In the case of a right-of-way, which is in use by the general public at the time of the petition or within the preceding year, the procedures required by Subtitle 23, Division 5, of this Code shall have been carried out.
    - (5) In any case where any agency or utility having rights in any area proposed to be vacated objects to such petition, the Planning Board shall find that a specific public benefit will not be annulled if the petition is granted.
- (CB-48-1981; CB-100-1989; CB-104-2012; CB-88-2013)

Assuming the vacation is approved, then we could file a minor plat to consolidate the lots per Section 24-108:

**Sec. 24-108. - Preliminary plan exemptions.**

(a) **A final plat may be filed with the Planning Director and treated as a minor final plat for which no preliminary plan is required in the following instances:**

- (1) A resubdivision of land, which is the subject of a record plat in order to correct a drafting or engineering error;
- (2) The incorporation of an outlot on a record plat into an adjoining lot;
- (3) **The sale or exchange of land between adjoining property owners to adjust common boundary lines or consolidate lots, provided that in no case shall additional lots be created and that all properties are the subject of a record plat.**

\* \* \* \* \*  
It could be interpreted that once the lots are vacated, the DSP becomes moot. This would allow the lots to be consolidated to incorporate the existing apartments on a block-by-block basis. That would be the more efficient and timely manner to accomplish the goal to remove the DSP approval. Any new or re-development would require a DSP in any event in the R-18 or R-18/(DDOZ) by law.

My client has a serious deadline to pay the real property taxes July 1<sup>st</sup>. We have been asked by SDAT to vacate those lots for the townhouses in order to create large lots for the apartments in order to avoid a tax consequence of up to \$600,000.00. Given the timeframe for a DSP approval of 70 days plus the 30-day appeal period, which does not begin until the Resolution is adopted, we would have to process the vacation and/or lot consolidation concurrently.

We understand the DSP process was most agreeable to the staff, but the subdivision options that may be the only alternative to avoid the tax deadline. In the interim, we will seek for this DSP to be accepted and processed as soon as practically possible. We would also need to request a resolution the same day and concurrent review of the plat(s).

Thank you for your review of this matter.

Respectively submitted:

\_\_\_\_\_  
Norman D. Rivera, Esq.

Submitted by: \_\_\_\_\_

Norman D. Rivera

NDR:ndr

R E S O L U T I O N

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

WHEREAS, in consideration of evidence presented at a public hearing on January 21, 2010, regarding Detailed Site Plan DSP-09013 for Quincy Manor, the Planning Board finds:

1. **Request:** The subject application requests 404 single-family attached dwelling units and a 1,680-square-foot community building, including a 197-square-foot police substation.
2. **Development Data Summary:**

	<b>Existing</b>	<b>Approved</b>
Zone(s)	R-18/R-35	R-18/R-35
Use(s)	Multifamily Residential	Single-family attached residential units and a Community Building, including a Police Substation
Lots	0	404
Parcels	7	7
Square Footage	NA	NA
Units	382	404

Parking Data

**Required**

404 units @ 2.04 spaces per unit	825
Less 30% reduction per 27-445.10	578

**Provided**

176 two-car garage units	352 spaces
228 one-car garage units	228 spaces
8 surface spaces behind units 14-21, Block E	8 spaces
2 surface spaces in Block B	2 spaces
Subtotal	590 spaces
On street spaces	<u>158 spaces</u>
Total parking provided	748 spaces



3. **Location:** The property is located in Planning Area 69 and Council District 5. More particularly, the subject property is located on the northern and southern sides of Newton Street, Madison Way, and 54th Avenue, approximately 200 feet from the intersection of Quincy Street and 55th Avenue.
4. **Surrounding Uses:** The subject property is bounded to the west by multifamily residential units in the Town of Bladensburg; to the east by single-family detached units in the Town of Cheverly; to the north by the Newton Green senior multifamily project; and to the south by multifamily residential units (Monroe South Parke Cheverly Apartments) and several semidetached residential units.
5. **Previous Approvals:** The site is subject to the requirements of Preliminary Plan of Subdivision 4-08022, originally approved on December 4, 2008, then reconsidered and approved on April 9, 2009 with the amended resolution of approval PGCPB Resolution No. 08-178(A) adopted the same day. This preliminary plan approved 411 lots and seven parcels for the construction of single-family attached dwelling units. The site is also the subject of Stormwater Management Concept Plan 33617-2007-00, approved October 5, 2007 and valid until October 5, 2010. A condition below requires that the applicant provide written evidence from the Department of Public Works and Transportation (DPW&T) that the subject detailed site plan (DSP) is in conformance with the approved stormwater concept plan prior to signature approval of the plans.
6. **Design Features:** The development straddles 55th Avenue and extends to the east to the boundary of the Town of Cheverly; to the west to the boundary of the Town of Bladensburg; to the north toward Quincy Street; and past Macbeth Street to the south. Encompassing part or all of seven blocks, the development is organized in tightly-packed townhome sticks ranging in length from 4 to 16 units.

A 1,680-square-foot community building includes a 197-square-foot police substation. Of the 1,307 net square feet available for resident use, 190 square feet is devoted to restrooms with the remaining 1,117 square feet allotted to community assembly. The community building is proposed to be located in the southwestern quadrant of the intersection of Newton and 55th Street. No outdoor recreational facilities were initially proposed for the project. Conditions below require a full complement of recreational facilities for the development.

Using the standard formula for a residential developer's expenditure for recreational facilities, the applicant's expected contribution toward recreational facilities would be \$456,170. However, neither the required bonding amount (\$228,480) nor the applicant's stated "total value" (\$379,500) is sufficient to meet this requirement.

Item	Applicants Stated "Total Value"	M-NCPPC Bonding Amount
Community Center	\$379,500	\$136 per square foot (1,680) or \$228,480

Further, only a small percentage of the project’s population could be accommodated in the building at a single time. Building code requirements set maximum occupancy of this area at 215 for standing occupants, 153 if chairs are provided and 72 for occupants if tables and chairs are provided. Thus, the maximum number of occupants that would be legally permitted in the building at any given time would be approximately 17 percent of the project population for standing occupants, 12 percent of the project population for seated occupants, and 5 percent of the project application for occupants seated at tables in the community center.

Even if the population were generalized to two adults per unit, the percentage of the adult population that would be legally permitted in the building at one time would only increase to 26 percent of this population if standing, 18 if seated, and 8 percent if the community members were provided tables and chairs.

The architecture of the community building, however, includes a pleasing architectural design with red brick as the primary construction material and wood trim and wood brackets and an apparent clerestory providing a transition between the building’s façades and the green standing seam metal roof. Prefinished aluminum downspouts complement the roof. Precast medallions punctuate the upper portion of the wall, and the pleasing arrangement and details of the fenestration create a rhythm to the façades. On all but the left side elevation, precast arches form lintels on the windows and doors. This detail is echoed by the design of the windows under the arches and above the rectilinear forms of the windows and doors. The left elevation is of a more simple design, with four rectilinear windows provided on the façade.

The architecture for the residential units includes four architectural models: The Beall, The Stoddert, The Wirt, and The Decatur. While the Beall and the Stoddert are offered with three different front façades, the Wirt has one and the Decatur has two. The following are identified as “Unit Footprints” on the coversheet of the detailed site plan together with their base square footage:

<b>Name of Model/Type</b>	<b>Base Square Footage</b>
The Beall/B1	1,545
The Beall/B2	1,466
The Beall/B3	1,331
The Stoddert/S1	1,625
The Stoddert/S2	1,540
The Stoddert/S3	1,413
The Wirt/W	1,484
The Decatur/D1	1,725
The Decatur/D-2	1,455

The above information conflicts with the submitted elevation drawings for the project, which include:

<b>Elevation Drawings Submitted for the Various Model Types</b>	<b>Model Types Included as a template on the coversheet of the Detailed Site Plan</b>
<b>Beale</b>	
A-1	Not included
B-2	Included
A-2	Not Included
C	Not Included
B-1	Included
<b>Stoddert</b>	Only S-1, S-2 and S-3 indicated on cover sheet
A-1	Not included
B-2	Not included
A-2	Not included
C	Not included
B-1	Not included
<b>Wirt</b>	Only Model Type W indicated on cover sheet
A-1	Not included
B-2	Not included
A-2	Not included
C	Not included
B-1	Not included
<b>Decatur</b>	Only Type D-1 and D-2 indicated on cover sheet
A-1	Not included
B-2	Not included
A-2	Not included
C	Not included
B-1	Not included

A condition below requires the applicant, prior to signature approval, clarify this inconsistency by revising the template information to reflect all proposed models to be utilized in the subject project, and to submit front, rear, and side elevations for all such model types.

Further, a close examination of architecture proposed reveals little diversity. Below, the front architectural elevations for The Beall, The Stoddert, The Wirt, and The Decatur models proposed are discussed in detail.

- a. **The Beall**—The submitted elevation drawings for the Beall model are offered with five different front façades (A1, A2, B1, B2, and C). Type A1 indicates keystone lintels above the windows and door, a flat roofline with an unbracketed cornice, and a precast band between brick courses separating the first from the second story. Type A2 differs from Type A1 only in that a bay window with a standing seam metal roof replaces the far left and central window on the second story. Type B1 and B2 architectural models have brick

arched lintels. The B2 model, however, has a bay window replacing the standard windows on the left side of the second story and a standing seam metal roofed area. Type C has a sloping asphalt roof punctuated by three pedimented dormers with no decorative lintels above the rectilinear windows on the first and second story. The door on the Type C model, however, has a pediment over the doorway, echoing the pedimented dormers on the second story. The Beall offers an alternative to the standard end unit, varied only to offer the entrance on the side rather than the front.

- b. **The Stoddert**—The submitted elevation drawings for the Stoddert model are identical to the ones for the Beall unit described above, with the single exception that, on the Stoddert, the two first floor windows are to the right of the door whereas on the Beale, they are to the left. In every other respect, the two architectural front elevations are identical and it is questionable whether the minor difference would offer any genuine visual diversity to the development.
- c. **The Wirt**—The submitted elevation drawings for the Wirt model are again identical to the Beall, but for a single front-loaded garage. It would appear that the pediment intended for Type C was inadvertently omitted.
- d. **The Decatur**—The submitted elevation drawings for the Decatur model are again identical to the Beall unit described above, except that the first level, which is elevated a half story from the ground, is accessed by a half staircase.

The sides of the various models are similar for the less visible elevations. The architectural design includes a simple rhythm of vinyl, rectilinear, double-hung sash windows generally symmetrically placed. Likewise, the sides of the various models are similar for those deemed highly visible. These include use of brick as the primary construction material, brick lintels of a contrasting bond with precast concrete keystones on the Beall unit and a less elaborate brick arch over the windows of the other three units, inclusion of a single bay window, and on all models except the Beall, a bit of decorative brick work between the two central windows on the upper story.

A typical rear elevation treated with brick, due to high visibility from the roadway, has been provided by the applicant on Sheet A-7 “Miscellaneous Elevations and Details.” Additional brick rears for the project are shown on Sheet A-8. A condition below requires that the trim for the end unit with the enhanced treatment be consistent with the trim of the other units on the stick. Additionally, to provide some continuity of quality material and provide a visual base for such rear façades, a condition below requires the use of brick for the limited portions of wall visible on the first floor of the entire stick. These conditions accomplish the goal of creating better visual harmony for the collective rears of such sticks of townhouses to be included in the development.

The originally proposed architecture risks creating a monotonous visual landscape. By a condition below, we require that, prior to signature approval, the applicant shall submit no less than four additional front elevations to add diversity to the proposed mix of architectural units. This may be accomplished by more variety in the form and massing of the architecture, but is



more easily accomplished in the townhome prototype by inclusion of a variety of architectural details and assuring a mix of quality architectural materials.

The townhomes in the Quincy Manor development are organized in sticks of varying lengths. The distribution of these different lengths throughout the subdivision is indicated in the following chart. The townhomes are of varying widths so the actual length of a stick will vary depending on which units are included in a stick. In other words, one stick of four townhouses might vary slightly in total length from another comprised of the same number of units.

<b>Number of Units in Stick</b>	<b>Number of Sticks in Quincy Manor</b>
3 units	1
4 units	3
5 units	5
6 units	10
7 units	4
8 units	6
9 units	3
10 units	1
11 units	3
12 units	6
13 units	3
14 units	None
15 units	1
16 units	1
<b>Total</b>	<b>47</b>

The 404 units offered are of varying widths. The chart below identifies each proposed unit type, its width, and the number of that unit type to be included in the development:

<b>Unit Type</b>	<b>Width of Unit Type</b>	<b>Number of Unit Types Proposed</b>
The Beall	15	221
The Stoddert	15	158
The Wirt	16	7
The Decatur	18	18

The application also includes a gateway sign constructed primarily of brick with a sand-colored, painted wood sign, with black lettering attached to the brick surface. The sign is flanked on both sides by a brick pier and the central portion of the sign is arched and finished with a flat course of brick. The sign includes a brick water table which defines the base of the supporting piers. The

sides and rear of the gateway sign for the project should match the design and materials utilized for its front façade.

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the Zoning Ordinance, as follows:
  - a. The subject application is in conformance with the requirements of Section 27-441(b) which governs permitted uses in residential zones. The proposed single-family attached dwelling units are a permitted use in the R-18 and R-35 Zones. Specifically, the use allowed is under “Residential Revitalization: Comprising any form of proposed multifamily, attached one-family or detached one-family dwellings, in a Residential Revitalization project, as shown on a Detailed Site Plan approved in accordance with Section 27-445.09.”
  - b. The proposal is also in conformance with the requirements of Section 27-442, regarding regulations in the R-18 and R-35 Zones.
  - c. The subject application is in conformance with the requirements of Section 27- 445.10, Residential Revitalization. This section of the Zoning Ordinance applies to the subject project because it meets the requirements for applicability stated in Section 27-445.10(a)(1) because it is a form of existing multifamily or attached one-family dwelling units located in a Revitalization Tax Credit District. Further, the required findings for this type of project may be made, as explained in Finding 12 below.
8. **Preliminary Plan of Subdivision 4-08022:** Preliminary Plan of Subdivision 4-08022 was approved by the Planning Board and the amended resolution of approval PGCPB Resolution No. 08-178(A) was adopted on April 9, 2009 for 411 lots and 7 parcels, for the construction of single-family attached dwelling units. The following conditions of that approval, which are relevant to the subject case, are included in **bold** type below, followed by the Board’s findings:
  1. **Prior to signature approval of the preliminary plan of subdivision, the following revisions shall be made:**
    - a. **Conform to Staff Exhibit A, Areas 1–8 (9 lot reduction in total) resulting in a 411 lot subdivision and the purposes as set forth in the findings:**
      - (1) **Area 1 (4 lot reduction)**
      - (2) **Area 2 (2 lot reduction)**
      - (3) **Area 3**
      - (4) **Area 4 (1 lot reduction)**
      - (5) **Area 5 (1 lot reduction)**
      - (6) **Area 6**
      - (7) **Area 7**
      - (8) **Area 8 (1 lot reduction)**

The preliminary plan has signature approval and was revised in accordance with the Planning Board's decision and Staff Exhibit A. However, the following further adjustments to the detailed site plan are required to bring it into conformance with the specifics offered in the findings of PGCPB Resolution No. 08-178(A) regarding the Planning Board's vision for the Quincy Manor project. While these details may have been premature as conditions at the time of the approval of the preliminary plan of subdivision, they are appropriate and necessary at this juncture to implement that vision. Toward this end, the following is required.

In Area 2, the two lot reduction was required to provide an entrance drive from Block B directly onto Newton Street. This reduction was to provide a second access for this 47-lot pod of the development. The applicant has indicated that the access directly onto Newton Drive is not feasible; however, the applicant had originally proposed this second access with the first preliminary plan filed. The detailed site plan does not demonstrate this second access and should. The Preliminary Plan resolution contains following discussion regarding Area 2:

**Most of the pods of development provide multiple curb cuts to serve the rear alleys and private streets. There are two proposed exceptions to this. The first is the small pod south of MacBeth Street and east of 54th Avenue, where a dead-end alley from 54th Avenue serves two sticks of townhouses totaling only eight units. The second exception is the pod of development north of Newton Street and west of 55th Avenue, which on the sketch plan is served by only one curb cut on 55th Avenue for 49 proposed units. The Planning Board required that two lots be removed in order to allow a second curb cut providing access from the alley onto Newton Street.**

**In addition, the rows of attached units have been placed back-to-back so that the alleys are enclosed on both sides and the rears of the townhouses are rendered less visible as they are partially screened from oblique views along the public streets by the townhouses on the opposite side of the alley. However, at the edges of the development pods, some of these paired rows are offset as the row of one side of the alley extends beyond the row on the other side. This situation exposes the rear of these units to views along the streets. The Planning Board determined that the units with exposed rears visible along the streets be carefully evaluated with the DSP or deleted if the rears could not be adequately addressed.**

The Planning Board finds that the removal of two lots is not necessary because topographical conditions prevent the creation of an entrance at this location.

In Area 3, staff recommended the reduction of two lots. The Preliminary Plan resolution contains the following discussion regarding Area 3(also see Condition 12 below):

**Area 3 is located on the east side of 54th Avenue. This is another example where direct views in the rear of the units would occur of the garage when driving north on 54th Avenue. The Planning Board, again advised the applicant if this issue cannot be adequately addressed the lots would be deleted at the time of DSP.**

The applicant's proffered enhanced treatment of the rear façades, as modified by a condition below, makes removal of these lots no longer necessary.

In Area 4, the Planning Board deleted one dwelling unit in the southwest quadrant of the intersection of Newton Street and Madison Way. The Preliminary Plan resolution contains the following discussion regarding Area 4:

**The Planning Board approved the removal of three proposed detached units shown on the sketch plan. Although mixing unit types within the development is a desirable goal, the three isolated detached units are oddly placed at right angles within the development on corners between sticks of townhouses. It is unclear whether the detached units are intended to be front-loaded units with their fronts on the alleys or rear-loaded units that face away from the alleys towards the sides of the adjacent townhouses, but their placement in the leftover corners creates an awkward relationship within the townhouses in either case. The space occupied by the proposed unit in Area 4 (at the corner of Newton Street and Madison Way) could be turned into an attractive open corner within the development, while the spaces occupied by the proposed units in Areas 5 and 8, inside their respective pods of development, could be utilized to create small surface parking areas for visitors.**

Although the single-family units originally shown on the preliminary plan have been removed, due to the project's redesign, it would be infeasible to provide open space or parking at these locations.

In Area 5, the Preliminary Plan resolution refers to Area 4 comments above.

In Area 6, the Preliminary Plan resolution contains the following discussion regarding Area 6:

**The Planning Board determined that the units where direct views in the rear of the units would occur of the garage when driving north on 54th Avenue and east on Newton Street will be evaluated with the DSP or deleted (See Comments Area 2 above).**

**In addition, the two lots fronting on the community center green space may be deleted at the time of DSP in order to open a corridor of space from the community building westward along Newton Street. The green space will**

**continue to be defined by the other townhouses fronting on it, but the open corridor along Newton Street will add to the distinctiveness of the space by creating a contrast with the more rigidly defined streetscapes in the rest of the development. It will also create a diagonal edge in the northwest corner of the green space to match the proposed diagonal edge in the southeast corner of the space along 55th Avenue.**

The Planning Board accepts the applicant's proposed redesign in this area of the subject development in accordance with the Planning Board's concerns regarding this area at the time of the approval of the preliminary plan.

In Area 7, the Preliminary Plan resolution contains the following discussion regarding Area 7:

**The two lots where direct views in the rear of the units would occur of the garage when driving north on 54th Avenue will be evaluated with the DSP or deleted. See comments for Area 2 above.**

The applicant's proffered enhanced treatment of the rear façades, as modified by a condition below, makes removal of these lots no longer necessary.

In Area 8, the Preliminary Plan resolution refers to Area 4 comments above.

**b. Demonstrate utility easements for WSSC and PUE to provide for direct bury dry utilities.**

Subsequent to the Planning Board hearing for the preliminary plan, representatives from Washington Suburban Sanitary Commission (WSSC) met with the Subdivision Section and indicated that the standard requirement for their easement may not be able to be accommodated within the mews, which was not relayed to staff prior to the hearing. WSSC needs a 30-foot-wide easement in the mews and then an additional five-foot setback from the easement to the face of the dwelling for the private connections. At that time staff advised the applicant and WSSC that minor modifications to the layout may result in the applicant being able to maintain WSSC within the mews and continue to provide for direct bury utilities. As discussed at length with this application, direct bury utilities is a priority. Moreover, it was not required by any condition of approval at the time of the approval of the preliminary plan. A utility coordination meeting is required with the review of this DSP to ascertain if direct bury can be still be accommodated. A condition below requires that, prior to signature approval, the applicant present staff with written referral comments from all involved utilities, including WSSC, stating that the current configuration of the site plan and public utility easements will allow them to concurrently provide service to the development in a safe and efficient manner and provide information as to whether utilities will be installed in the direct bury format.



The Preliminary Plan resolution contains the following discussion regarding direct bury utilities:

7. **Public Utility Easement**—The applicant has stated that because of the dense nature of the site, the applicant is unable to provide the required ten-foot public utility easement (PUE) alongside and contiguous to the 22-foot-wide private streets. In some cases the dwellings are set one to two feet from the drive aisle precluding a ten-foot PUE. The PUE is utilized by the “dry utilities,” including BGE/PEPCO, Verizon, and Comcast. The dry utility easements, until recently, have been most often in the form of “direct bury” utility installation. Direct bury is located alongside the public or private street, on the private lot, and the utility easement agreement requires that the easement remain free [sic] and clear of obstructions such as sidewalks, roads, and other hard surfaces, except where crossed for driveways. This enables the utility companies to maintain and repair these facilities. In the case of direct bury, the utility companies own and maintain the infrastructure.

In the previous plan, the applicant indicated they did not have room to move the townhouses ten feet back from the 22-foot-wide alley and provide the PUE alongside the private street. The applicant proposed to locate the PUE under the 22-foot-wide private alleys. Therefore, instead of a direct bury utility installation, the applicant would be required to construct a “conduit system” for utility installation because the utilities were under the street.

On October 2, 2008, staff attended the first utility coordination meeting for this project. This meeting included representatives from Potomac Electric Power Company (PEPCO), Verizon, Comcast, Washington Suburban Sanitary Commission (WSSC), and the applicant. At that meeting staff was advised that if the applicant constructs a conduit system, the utility companies will not take ownership or maintenance responsibilities because of the cost of repair and maintenance. Generally, due to the fact that the utilities are under the streets, the utility companies do not want to be responsible for reconstruction and repair of the streets, as well as any maintenance of the system. Therefore, the ownership and maintenance of the utilities will be the responsibility of the homeowners and not the responsibility of the public utility companies, as opposed [sic] to a direct bury system where the utility company owns and maintains the system.

On October 24, 2008, a representative from PEPCO stated via e-mail:

**“PEPCO’s policy for residential construction is direct buried. This means we install our cable in grass and/or dirt which we own and maintain. We pay for any emergency or maintenance repairs because we own it. However, if the Developer or Builder, so chooses, he can request a conduit/manhole or splicebox system which he/she, by legal agreement, requests the legal right to build, own, and maintain the equipment. We will own the cable. In emergency or for maintenance situations, the HOA pays for it.”**

**“We (PEPCO) are completely and totally indemnified. This is a tough decision to make by the Planning Board. One must look to the future and try to see the results 40 to 50 years from now.”**

**It is important to note that of recent, the Planning Board has approved private streets and alleys with the PUE within the right-of-way, which include a number of high-density urban environments including the EYA, Westphalia Town Center, and Konterra. This phenomenon of placing the public utility easement in the street right-of-way is relatively new and has been driven by the spatial needs of an urban environment. It is only recently that the utility companies have found problems with their ownership and maintenance of these facilities and are requiring now that they are owned and maintained by the homeowners. This issue has only recently been brought to the attention of the Planning Department.**

**To ensure the viability and stability of a community, there should be a strong advocacy for the future homeowners. The public/private partnership must also ensure that the legacy and environment left to the residents will promote and encourage their success. In particular, a development which targets first time homebuyers in a distressed community should be served primarily by public services. The success of this community will depend not only on the up-front good intentions of public/private partnership, but on the choices made today for the residents’ future.**

**Revised Plan (November 24, 2008)**

**At the Planning Board hearing on November 13, 2008, the Planning Board voiced strong concerns that the applicant was proposing such significant private infrastructure and directed that the applicant evaluate other alternatives to the conduit system.**

**Subsequent to the hearing, staff contacted WSSC (wet utility) and BGE/Comcast (dry utilities) and discussed the possibility of reversing the location of what the applicant was proposing. In this case, the applicant would locate the 30-foot-wide WSSC easement in the alleys and private streets, and the dry utilities would be located in the “mews.” This would allow for a direct bury dry utility installation within a minimum five-foot-wide PUE around the perimeter of the mews and a minimum of ten-foot-wide (or greater) tree planting strip within the mews. The utility companies have stated that they could and would own and maintain this infrastructure. The Planning Board placed a condition of approval requiring direct bury utilities.**

**The 30-foot-wide WSSC easement within the alleys would require that the rear of dwelling units be located a minimum of 30 feet apart. The 30-foot easement could extend onto the private lots within the 22-foot-wide alleys, per WSSC representative. This could also result in additional driveway space for the units.**

**The preliminary plan should be revised to reflect direct bury dry utilities, by the relocation of the WSSC water and sewer lines.**

Condition 1.t requires that, prior to signature approval of the plans, the applicant present staff with written referral comments from WSSC, PEPCO, BGE, and Verizon stating that the current configuration of the site plan and public utility easements will allow them to concurrently provide service to the development in a safe and efficient manner and provide information as to whether utilities will be installed in the direct bury format. Further, the condition also states that, as suggested in the relevant preliminary plan of subdivision resolution and if necessary, a utility coordination meeting shall be held to try to ensure use of the “direct bury method.”

- 20. Public Utility Easement (PUE)—In accordance with Section 24-122(a) of the Subdivision Regulations, when utility easements are required by a public utility company, the subdivider shall include the following statement in the dedication documents recorded on the record plat:**

**“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.”**

**The preliminary plan of subdivision should be revised to ensure the provision of a direct bury utility plan.**

**The existing ten-foot public utility easement is correctly shown abutting and contiguous with the public rights-of-way.**

- c. Provide vehicular turnarounds at the end of the alleys located to the west of 54th Avenue (not on lots) extending west of the last units in the stick, or provide vehicular connections at the ends of the alleys in Block F to eliminate dead ends.**

The design of one of the turnarounds needs to be redesigned into a full hammerhead. In order to accommodate this redesign, the unit shown on Lot 42, Block F (Sheet 5) may have to be eliminated. The inclusion of a full hammerhead turnaround at this location is required.

- d. Delineate the 25-foot building restriction line from the 100-year floodplain.**

The expanded buffer was approved with the preliminary plan as intact with no impacts. Any impact to the expanded buffer would require a new preliminary plan to request a variation in accordance with Sections 24-113 and 24-130 of the Subdivision Regulations.

- e. Show no disturbance to the 50-foot-wide stream buffer.**

The expanded buffer was approved with the preliminary plan as intact with no impacts. Any impact to the expanded buffer would require a new preliminary plan to request a variation in accordance with Sections 24-113 and 24-130 of the Subdivision Regulations.

- 12. At the time of detailed site plan review, further evaluation of the proposed parking, circulation, grading, utility location, building locations, building setbacks, relationship between groups of dwelling units, and appearance shall occur in order to allow for an acceptable development that provides a high quality, functional and attractive living environment. Issues identified on Staff Exhibit A including: treatment of end units facing on to public streets, views of the rears of dwelling units from the public streets. Adequate turn around space to accommodate emergency vehicles, trash removal services and snow removal operations shall specifically be addressed.**

The proposed project, as conditioned below, is acceptable as a development that provides a high-quality, functional, and attractive living environment in accordance with the requirements of this condition.

The Preliminary Plan resolution contains the following finding:

- 8. Urban Design—The property is composed of parts of seven different blocks, with existing public roads running between the blocks. The property is currently the site of 41 existing multifamily buildings, which are proposed to be removed. The standards of the development are to be determined by an**

approved detailed site plan. However, there are important design considerations that must be observed at the time of the preliminary plan in order to create a functional and attractive development. The plan raises significant concerns about the character of the proposed development in regard to spatial density, layout of streets, lots and utilities, lot sizes, recreational facilities, parking, and compatibility of the project with the surrounding uses.

The Urban Design Section originally reviewed earlier versions of this plan and recommended that the plan be disapproved. Since that time, the applicant has developed a sketch plan of a revised layout (November 24, 2008) intended to address some of the spatial concerns that have been raised on this site.

**Conformance with the *Prince George's County Landscape Manual***  
The Residential Revitalization regulations require that the plan should conform to the requirements of the *Prince George's County Landscape Manual* to the extent feasible. The proposed single-family attached townhouses are considered incompatible, as defined by Section 4.7 of the Landscape Manual, with the single-family detached houses located to the east of the property and with the multifamily development located to the west of the property. A type "A" bufferyard is required along the property lines on the east and west sides of the property. This would require a 20-foot building setback and a ten-foot landscaped yard along the property line. The applicant should allow enough room on the preliminary plan to provide the entire bufferyard free and clear of utility easements, if possible.

#### **Recreational Facilities**

Due to the density of dwelling units proposed on the site (in excess of 24 units per acre), the recreational facilities required are significant. Illustrative plans submitted by the applicant show the location of a future community building at the southwest corner of Newton Street and 55th Avenue. Two open green areas between townhouse sticks have been identified in the eastern and western portions of the site. These areas will provide opportunities for the location of appropriate outdoor recreational facilities. Additional smaller open spaces may be created throughout the development along with coordinated breaks in the rows of attached units creating pedestrian and visual corridors throughout the site. There exists a unique opportunity to locate a passive recreation area along the northeast property line alongside the existing urban stream corridor. This would provide for additional identifiable recreation area while enhancing the stream buffer.

#### **Plan Comments**

**It should be noted that the significant grades on the property, between the existing public rights-of-way, pose a very difficult site planning problem. The closely-spaced development provides few opportunities to accommodate the change in grade and it would be difficult to integrate retaining walls into the design without completely disrupting the arrangement. Although previous versions of the preliminary plan and tree conservation plan provided estimated grades for the development, the proposed sketch plan does not include that information. Without knowing what grades are proposed, it is difficult to determine whether the applicant's layout is feasible as proposed or whether it would create unforeseen difficulties. If the grades can be accommodated in a relatively sensitive manner, as such incorporating the grade change into the house elevation and placing the front door and garage on different levels, the layout should be acceptable. However, the Urban Design Section will not recommend approval at the time of detailed site plan review of any arrangement where large retaining walls are placed between the fronts of houses and the public rights-of-way, or other similarly unjustified grade-driven situations.**

**The Urban Design Section has recommended that the detailed site plan should conform to a set of minimum standards as listed. Because the plan that is being reviewed at this time is a sketched layout of units rather than an actual preliminary plan and because many of the issues upon which the development's success will depend will require a fine-detailed analysis, not all issues of the layout can be finally approved at this time. The dense development on the site means that any adjustments to the layout that must be done at the time of detailed site plan review, based upon detailed grading, architecture, and functional analysis, and may result in a reduction of buildable units shown on the plan.**

**In general, the sketch plan shows more units fronting onto the public rights-of-way than the previous design. However, both designs also feature numerous situations where the sides of units face toward the public rights-of-way. In order to maintain the outward orientation of the townhouses and enliven the streetscape in those areas, the units whose side faces a public right-of-way will be side-entry units and as conditioned by the Planning Board.**

#### **Parking**

**The parking provisions assumed by the applicant's design do not appear to be adequate for the needs of the development. Although Section 27-445.10 of the Zoning Ordinance, Residential Redevelopment Regulations, grants a reduction of parking requirements from the normal standards of the Zoning Ordinance, the detailed site plan should still demonstrate that parking is adequate for the needs of the development subject to the requirements outlined in CB-58-01 which mandates a 30 percent reduction in required**



parking . The design proposed by the applicant may be liable to parking shortages. Dense townhouse developments elsewhere in the county that provide the Zoning Ordinance's minimum amount of parking (2.04 parking spaces per dwelling unit) have been the subject of frequent complaints due to parking shortages. The preliminary plan proposed by the applicant utilizes primarily 15-foot-wide and 18-foot-wide townhouse lots; the smaller lots could accommodate traditional one-car garages and the larger lots could possibly accommodate standard two-car garages. The applicant has submitted an exhibit showing how parking could be provided in these garages. The 15-foot-wide units, which constitute the majority of the units proposed on the site, are not wide enough to accommodate two cars side-by-side. Instead, the applicant has indicated that they may propose to create a tandem parking arrangement where one car would be parked behind another within the garage. The applicant should provide floor plans to demonstrate that there is adequate space within the garage to provide both parking spaces on the lot if determined appropriate at the time of DSP.

On-street parallel parking spaces will probably be provided along the public rights-of-way (subject to the approval of the Department of Public Works and Transportation), but there appears to be no space to provide any additional parking along the private rights-of-way. The sketch plan provides very few additional surface parking lots (a total of six for the entire development). Visitors to the site would find parking in the development very difficult. Particularly where the applicant has proposed rows of townhouses perpendicular to the public streets, the number of on-street parallel parking spaces on the public road will be very small in proportion to the number of units in the area. Non-residents may find it nearly impossible to find parking anywhere near the houses they intend to visit. Residents and non-residents alike might attempt to park illegally along the narrow private alleys, blocking garage entrances and circulation routes, or they might be forced into the surrounding community to find parking, resulting in an unacceptable impact to the neighboring areas. Additional areas for visitor parking should be identified in each area of the development, at the time of review of the DSP. Review of the DSP may include a recommendation, to provide one off-street surface parking space per ten townhouses if determined appropriate at that time.

The proposed project, as conditioned below, successfully addresses the above issues.

13. **The detailed site plan shall demonstrate the following standards:**
  - a. **All houses shall be set back at least 15 feet from the public rights-of-way to provide the required 10-foot-wide public utility easement and space for the stoop of the units.**

The submitted detailed site plan did not entirely comply with this requirement as the stoop of the units on Block C, Lots 25 and 83 extend into the required 15-foot setback. A condition below, however, requires the applicant to substitute a different model type on those two lots so that the stoop no longer violates the required 15-foot setback or eliminate that unit/those units from the plan.

- b. The attached sticks of units shall be spaced a minimum of 15 feet apart from each other when parallel to each other and a minimum of ten (10) feet apart at any single point when non-parallel.**

The detailed site plan meets this requirement.

- c. Where the sides of townhouses are oriented toward the public right-of-way, the end unit shall be a side-entry unit with a symmetrically balanced endwall elevation. The end elevation shall be constructed of material and detailing comparable to the fronts of the townhouses.**

The side elevations identified above would have enhanced treatment as “highly-visible” units.

- d. In general, fronts of units shall be oriented to public and private streets, and shall not front on alleyways or towards the rear of other units.**

The detailed site plan meets this requirement.

- e. Consideration shall be given to the use of units at least 18 feet wide at ends of attached sticks in highly visible locations.**

Since this condition only requires that the applicant consider the wider end units, the applicant has complied. However, only two sticks of townhomes in the proposed development meet this requirement.

- f. Dead end streets or alleys shall be designated to provide adequate turn around area for emergency vehicles, trash and services vehicles, and snow removal.**

The subject detailed site plan conforms with this requirement.

- g. Attached sticks of units greater than eight units in length may be utilized if the applicant can demonstrate, to the satisfaction of the Planning Board, that the proposed townhouse architecture will be sufficiently attractive and varied within each stick of units to create a pleasant streetscape.**

As shown in the chart above, the development contains a significant number of attached sticks with more than eight units. A condition below requires the applicant to submit additional attractive front elevations to provide more diversity in the architecture.

**h. Gaps between sticks of attached units should be coordinated between different rows to the fullest extent possible to create pedestrian and visual corridors throughout the development.**

The separations between the sticks of attached units are well coordinated so as to create continuous visual axes throughout the development.

The resolution for Preliminary Plan 4-08022 outlined issues to be considered by the Planning Board at the time of detailed site plan:

- A decrease in the density of the spatial relationships between sticks of townhomes, the street, and recreational areas (which may include loss of lots).
- Too little space between sticks of units and too few views of open space.
- Eliminate as many dead-end alleys as possible, providing adequate turn-around space (full hammerhead turnarounds at the end of the alley; not in front of the units) in the ones that remain. Orient as many units as possible toward the public street.
- Minimize long walls of townhouse units without breaks and/or include varied quality architecture to partially compensate. Use different styles in the same stick.
- Preserve trees and place utility easements so that they will not have negative impacts on the trees.
- Identify additional homeowner association land.
- Identify recreational amenities and open space.
- Try to minimize the expense to the homeowner's association with respect to the ongoing costs of utilities. It is preferable that they not be owned by the homeowners' association.
- Show the Planning Board alternative layouts that the applicant advised the Planning Board they have prepared during the planning process.
- Provide information to the Planning Board regarding parking adequacy.

- Provide information to the Planning Board regarding the long-term viability of the community.

The applicant has addressed some of the above through revisions to the plans. The remaining items have been addressed in the conditions of this approval. Additionally, the applicant satisfied the Planning Board as to the following at the public hearing:

- a. Show the Planning Board the alternative layouts that the applicant advised the Planning Board they have prepared during the planning process.
- b. Provide information to the Planning Board regarding parking adequacy.
- c. Provide information to the Planning Board regarding the long-term viability of the community.

9. ***Prince George's County Landscape Manual:*** As a residential revitalization project, the subject application is exempt from the requirements of the *Prince George's County Landscape Manual*. The requirements, however, should be adhered to, to the extent feasible. The proposed single-family attached townhouses are considered incompatible, as defined by Section 4.7 of the Landscape Manual, with the single-family detached houses located to the east of the property and with the multifamily development located to the west of the property. A Type "A" bufferyard would be required along the property lines on the east and west sides of the property. This would require a 20-foot building setback and a ten-foot landscaped yard along the property line, free and clear of utility easements, if possible. Although the applicant has not uniformly demonstrated conformance with this requirement, he has, in consultation with the Environmental Planning Section, agreed to save a number of mature trees currently existing on the site.
10. **Woodland Conservation and Tree Preservation Ordinance:** The site is not subject to the provisions of the Woodland Conservation Ordinance because it contains less than 10,000 square feet of woodland and has no previously approved tree conservation plan. No further action regarding woodland conservation is required.
11. **Referral Agencies and Departments:**
  - a. **Historic Preservation and Archeological Review**
    - A Phase I archeological survey is not recommended for the subject property because all indicators point to a low probability of archeological sites being found within the site;
    - There are nine county historic sites, three historic resources, and one archeological site in the vicinity of the subject site.

- Section 106 of the National Historic Preservation Act might require further review if state or federal monies and/or state or federal permits are required for the project.
  - The subject property was identified through a National Register of Historic Places Multiple Property Documentation project, *Apartment Buildings and Garden Apartment Complexes in Prince George's County, Maryland 1934–1955, completed in 2005*.
  - The property has been identified as a significant example of post-World War II multifamily housing in Prince George's County that is eligible for listing in the National Register of Historic Places.
  - The Planning Board, because of its determined eligibility above and because the project proposes demolition of the existing structures, recommends documentation of the subject property prior to its demolition including representative current interior and exterior photographs of the complex, representative floor plans, and historic photographs of the complex as available according to Maryland Historic Trust documentation standards.
  - The above documentation shall be submitted to and approved as adequate by Historic Preservation Planning Section staff prior to the demolition of the buildings.
- b. **Community Planning**—The subject application is not inconsistent with the 2002 *Prince George's County Approved General Plan Development Pattern* policies for the Developed Tier and conforms to the land use recommendations of the 1994 *Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity (Planning Area 69)*. Specifically, the specific guidelines and recommendations from the master plan apply to this application for dense urban residential land use.
- The applicant has taken measures to address some of the concerns regarding the preservation of mature trees and the need to apply crime prevention through environmental design (CPTED) techniques in the development of the site plan for the subdivision process. There are a number of references in the 1994 *Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity (Planning Area 69)* that apply to this application.

Guidelines (pp. 55–56)

- **Developers shall be encouraged to preserve natural amenities (streams, floodplains, wooded areas) and to incorporate these natural features into the environmental pattern of residential areas to serve as open space and to define and/or link together the living areas.**

- **Visual attractiveness and recreational amenities for residential areas should be increased through the provision of open space, public and private maintenance programs, and other private actions to ensure an interesting, varied and harmonious appearance.**

Recommendations (pp. 93–95)

- **Construct and maintain a system of concrete walks and lighting through neighborhoods to connect with nearby bus stops, Metro stations and walks/trails.**
- **Plant and maintain large, deciduous street trees along the streets which will provide a continuous canopy at maturity. Implement a street tree survey, planting and maintenance program.**
- **Require developers of new housing to build several house variations that will give variety but are compatible to each other to ensure visual cohesion.**

Guidelines—General (pp. 105–106)

*Street*

- **Locate crosswalks and pedestrian crossing signals at all traffic signals.**

*Utilities*

- **Place utility wires underground where possible. If not possible, relocate overhead wires to the rear of the buffer strips.**
- **Consolidate utility pole usage.**

*Streetlights*

- **Streetlights should light both streets and sidewalks.**
- **The poles, fixtures, light color and intensity should be consistent.**

Guidelines—Residential (pp. 108–111)

**Streetscape—*Street***

- **Sidewalks should be continuous through neighborhoods and multi-family complexes and connect to walks, bus stops, Metro stations and trails outside of the neighborhood or complex.**



- **Sidewalks of concrete or durable pavers should be a minimum of four feet wide, preferable separated from the street by a tree lawn six feet wide along residential streets and preferable seven feet wide along arterials (See Figure 7).**

**Site—*Layout***

- **People in parking areas should be visible from the dwelling units or the street.**
- **In multifamily complexes, avoid creating hidden areas that are accessible from more than one point to discourage loitering and other illegal activities.**
- **A coordinated landscaping plan should be designed for multifamily complexes to provide shade; to screen incompatible views and to highlight entryways; to define streets, walks and open spaces; to partially screen parking areas; and to integrate the development into the neighborhood.**

**Building—*Proportions, Materials and Details***

- **Building endwalls that can be seen from the street should incorporate windows, doors or other architectural details to eliminate blank walls along the street.**

The applicant is in general conformance with these guidelines by:

- actively pursuing the preservation of existing mature trees on the site;
- use of the natural stream as a setting for passive and recreational facilities;
- the provision of an attractive community building as a focal point for the development;
- the inclusion of additional recreational facilities throughout the subdivision;
- the inclusion of bus stops in the development;
- offering variation but general harmony in the proffered architecture;
- undergrounding utility wires where possible;
- the provision of adequate and attractive lighting;
- avoiding hidden areas that could become pockets of crime; and by
- providing additional detail on more highly visible architectural facades.

- c. **Transportation**— The plan is the subject of a transportation-related requirement stated as Condition 1.c. of PGCPB Resolution No. 08-178(A). More specifically, it requires the applicant to provide vehicular turnarounds at the ends of alleys located to the west of 54<sup>th</sup> Avenue (not on lots) extending west of the last units in the stick, or provide vehicular

connections at the ends of the alleys in Block F to eliminate dead ends. The Transportation Planning Section stated that while this was done on three of the alleys, the fourth must be redesigned into a full hammerhead, possibly requiring the elimination of Lot 42, Block F, as shown on Sheet 5 of the detailed site plan. They also noted that on Sheet 5, the alleys terminating into walls (one on Block G and one on Block E) need to be provided with turnarounds. The first, they noted, may eliminate Lot 8, Block G and the second one might eliminate Lot 38, Block E. They stated that these latter two changes were justified by Condition 12 of PGCPG Resolution No. 08-178(A) which states that at the time of detailed site plan review, further evaluation of the proposed parking and circulation would occur to assure adequate turnarounds for all vehicles, including emergency vehicles, and trash and snow removal operations.

- d. **Subdivision**—The property is the subject of Preliminary Plan of Subdivision 4-08022, approved by the Planning Board and the amended resolution of approval (PGCPB No. 08-178(A) was adopted on April 9, 2009 for 411 lots and 7 parcels for the construction of single-family attached dwelling units. See Finding 8 above for a detailed discussion of the requirements of that approval.
- e. **Trails**—The Preliminary Plan, 4-08022, for this application was approved and the amended resolution of approval PGCPB No. 08-178(A) was adopted on April 9, 2009. A condition of the preliminary plan approval requires that the applicant provide wide sidewalks, a minimum of five feet in width, along both sides of the subject site's entire frontage on Newton Street, unless modified by DPW&T. This property is contained in the area that is described in the 1994 *Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity (Planning Area 69)*. The master plan contains recommendations on pages 93–95 to develop a system of pedestrian walks and lighting through neighborhoods to connect to area transit, bikeways, and trails.

The streetscape guidelines on pages 108–109 of the Master Plan recommend that sidewalks should be continuous through residential neighborhoods, and that the sidewalks should be separated from the road by a green strip that is approximately six feet in width (Figure 7).

Quincy Run was originally (a master-planned trail corridor) during a 2006 planning charrette for the town center, however, it was discovered that steep and severe slopes would prevent construction of the trail.

The property is located in a residential neighborhood and the proposal indicates that a network of sidewalks will be constructed to make connections between buildings and different portions of the infill development and the greater area. The sidewalks proposed on the plan will be a minimum of five feet wide and they are located along Newton Street, 54th Avenue, and 55th Avenue. The applicant's plans provide space between the building units for pedestrian pathways. These pathways appear to be adequate for the proposed use.

The plan does not indicate where or how street crossing locations are going to be provided. Concrete sidewalk ramps at street intersections should be coordinated with DPW&T to comply with county standards.

Trails recommendations regarding sidewalks, curb ramps, and crosswalks have been conditioned as part of this approval.

- f. **Permits**—Permit Review concerns have been addressed either by revisions to the plans or in the conditions of this approval.
  
- g. **Environmental Planning**—The site is currently developed with multi-family residential units that are apartments and contains no regulated woodlands; however, the site contains dozens of large trees that are in extremely good condition for this urban setting. A review of available information indicates there are no streams or wetlands on the property; however, the site does contain 100-year floodplain and a stream buffer associated with the adjacent off-site stream. Stormwater runoff from the site eventually reaches the Upper Anacostia watershed in the Potomac River Basin. According to the “Prince George’s County Soil Survey” the principal soils on the site are in the Christiana and Sunnyside series. Marlboro clay is not found to occur in the vicinity of this site. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on this property or adjacent properties. No designated historic or scenic roads will be affected by this development. Landover Road (MD 202) is an arterial roadway and the Baltimore-Washington Parkway (MD 295) is a freeway, both generally regulated for noise impacts. Because of the distance from the subject site to these two roadways, and the existing surrounding development, noise impacts to this site are not anticipated. The property is in the Developed Tier of the 2002 General Plan.

#### **Review of Previously Approved Conditions**

- 9. **At the time of detailed site plan, the DSP shall show conformance with the sketch plan with regard to the preservation of trees. *The limits of disturbance shall be evaluated to ensure that critical root disturbance has been minimized. In order to protect the critical root zone, a reduction in lots may be required.***

**For all trees proposed for preservation within the existing public utility easement, the DSP shall show a design that ensures the preservation of those trees. If any trees cannot be preserved due to necessary utility installation, the applicant shall demonstrate that the preservation of the tree(s) is not feasible. Supporting documentation from the utility company shall be provided and reviewed by the Environmental Planning Section for concurrence. [emphasis added]**

On October 12, 2009, staff performed a site visit to evaluate each of the trees proposed for preservation. During the visit, it was determined that there are several trees that

should be removed due to their species and current condition. There were several ash trees that were proposed for preservation. These trees are a host for the emerald ash borer and should be removed prior to any development. This information was conveyed during previous reviews of this project.

On November 6, 2009, a field meeting was held with the applicant and their representatives that included the tree preservation professionals that were to prepare the revised plans. The revised plans received December 9, 2009 show the appropriate preservation of trees that are in good condition that will likely survive the proposed construction. The limits of disturbance have also been adjusted to maximize preservation of the critical root zones of these trees.

The DSP shows general conformance with Condition 9 of the preliminary plan approval. As detailed below, additional information is needed to ensure that the correct procedures are followed and that the trees survive the construction process and will thrive into the future, and be assets to the new community.

The preservation of the critical root zone of a tree (measured as one foot of radius out from the trunk for each inch of trunk diameter at 4.5 feet above the ground) is used as the minimum area necessary for a tree to tolerate and survive construction. Each tree species is different in its tolerance level for disturbance and each individual tree is different as well. The existing trees on-site were carefully evaluated to ensure that the correct species were selected and that the correct individuals, in good condition, were selected to receive special treatments necessary to survive construction. Staff concurs with the applicant's consultant's recommendations for trees to be preserved.

The tree preservation plan constitutes Sheets 12 through 17 of the detailed site plan. The information provided is a good start for laying out the methods, procedures, and processes to be followed to ensure that the selected trees survive the construction process. However, the plans are incomplete and need considerably more information to provide all necessary notes and details.

**Table 1. Environmental Planning Section's  
 Required Revisions to Sheets 12-17 of the DSP**

Sheet Number	Comment	Required Revisions
12	None of the existing trees on this sheet are shown "to be removed by an arborist". If the trees to be removed are not carefully removed and the stumps ground, damage could occur to the trees to be preserved.	Identify all trees shown on the plan "to be removed by arborist" and that the stumps will be ground and not pulled.
	No demolition access is shown.	Clearly delineate demolition access for each building.

Sheet Number	Comment	Required Revisions
	Locations of root pruning and air tool pruning have not been shown. If this process is not being done during demolition, remove these items from the legend.	Show locations of all root treatments. Show air tool treatments in all sensitive locations. Remove from legend if not done in this phase.
	"Special demolition procedures" are noted for some existing buildings and sidewalks. Notes say "see notes and details" – none are provided.	Provide "special demolition procedures" in details and appropriate notes.
	Trees that will require pruning prior to demolition have not been identified.	Identify all trees that will need to be pruned for demolition access and construction access.
13	Locations of root pruning and air tool pruning have not been shown.	Show locations of all root treatments. Show air tool treatments in all sensitive locations.
	"Special demolition procedures" are noted for some existing buildings and sidewalks. Notes say "see notes and details" – none are provided.	Provide "special demolition procedures" in details and appropriate notes.
	Trees that will require pruning prior to demolition have not been identified.	Identify all trees that will need to be pruned for demolition access and construction access.
14 and 15	For all proposed units that are adjacent to trees – revise the plans to show all construction traffic to enter the buildings from the opposite side (the side opposite the trees). Show the tree protection devices to extend to the buildings after the buildings have been constructed. If necessary, provide limited access gates or some other method to reduce foot traffic in these areas.	Revise the plans as noted.
	Welded wire fencing is not adequate protection during construction. Welded wire fencing is too easily moved, removed and damaged.	Change all tree protection devices to chain link fencing for the construction phase.

Sheet Number	Comment	Required Revisions
	The locations of the tree protection devices are significantly different in the demolition phase from the construction phase. There are no notations regarding when and how this transition takes place.	Revise the plans to clarify how and when the locations of the tree protection devices change. Clarify who is responsible for this transition and who is responsible for the proper installation of the new fencing. Revise the plans to show the provision of chain link fencing exclusively for the construction phase.
16	Details 1 and 2: Delete note #2: super silt fence cannot be substituted for the tree protection device.	Provide a detail that shows the combined installation of super silt fence and the tree protection fencing.
16	Details 1 and 2: Note #3 is in direct conflict with the preservation plans – the fencing will be moved between the demolition and construction phases.	Revise the notes as needed to address the relocation of fencing at time of construction.
	Details 1 and 2: A detail of the sign, its dimensions and verbiage was not provided.	Add a detail of the proposed signs.
	Detail 3: The use of a trencher for root pruning results in severe damage to tree roots.	Revise note #4 to eliminate the use of trenchers for root pruning.
	Detail 3: The location of the excavated soil has not been shown or noted. If the excavated soils is placed in the root zone this will cause additional damage to the trees.	Provide a note that states that the soil that results from root pruning will be placed away from the trees to be preserved.
	Detail 8: This detail shows the tree protection fence directly adjacent to the trunk of the trees to be preserved.	Revise this detail to show the proper placement of the tree protection fencing away from the trunk.
	Detail 4: Note #5 states that aggregate will be used in “heavy traffic areas” – these areas are not defined or shown on the plans.	Show the locations of the “heavy traffic areas” to receive aggregate or add to the note who makes this decision and when it is made.
	Detail 6: The plans do not show where/when this detail would be used and the notes do not explain it either. This seems like an extreme measure that provides no protection to the tree’s roots.	Describe where and when this detail would be used. Delete the signage from the trunk wrap – provide it on the fencing.
17	The “tree conservation plan principles” provide no commitment from the permittee with regard to their implementation.	Revise the “principles” into “tree preservation notes” and rewrite them into commitments of the permittee.

Sheet Number	Comment	Required Revisions
	The table provided does not have a title and references “recommended preservation methods”.	Add the title: “Required Tree Preservation Techniques” and delete the word “Recommended Preservation Methods”.
	Comments above and below affect the notes in the table.	Revise the notes in the table as needed to address other comments made herein.
	A Tree Preservation Treatment Plan is to be provided as noted below. It needs to be referenced on the DSP.	Add a note referencing the Tree Preservation Treatment Plan to be provided later in the process.

- 11. At the time of detailed site plan, detailed comments regarding any stream mitigation requirements to the adjacent stream valley shall be submitted. Comments must specify if mitigation is required, by whom, where the mitigation will occur, and what type of work is needed.**

This condition has been addressed. In an email dated October 16, 2009, a representative from the Department of Public Works and Transportation stated that stream mitigation work is not being proposed for the adjacent stream and that the required fee was in lieu of replacing an existing culvert.

No further information regarding stream mitigation is required.

- h. **Fire Department**—The Prince George’s County Fire/EMS Department did not offer comment on this project.
- i. **Department of Public Works and Transportation (DPW&T)**—DPW&T did not offer comment on this project.
- j. **Maryland State Highway Administration (SHA)**—SHA did not offer comment on the subject project.
- k. **Washington Suburban Sanitary Commission (WSSC)**—In a memorandum dated October 14, 2009, WSSC cited, as a major issue, that they would not be able to provide water and sewer service for the subject project as the plans were drawn because the minimum 30-foot easement width to accommodate water and sewer lines was not provided. Additionally, they noted that the required clearance of such lines from the proposed buildings was not indicated on the plans. Lastly, with respect to major issues with the project, they stated that the alleys would have to be redesigned at 45 feet wide to accommodate the above requirements. Additional WSSC comments include:
  - Applicant should submit a hydraulic planning analysis package for review.



- Applicant should follow the WSSC demolition/abandonment procedures to obtain a county raze permit, which is available on their website.
- Water and sewer extensions would be required to serve the site.
- A pressure reducing valve would be required.
- Existing WSSC Contract DA5085Z10 is an unapproved conceptual project on the site and the applicant should contact John Arrington at 301-206-8774 for more detailed information or status on the project.
- Some existing sewer may need to be abandoned within the right-of-way of Madison Way.

A condition below requires that, prior to signature approval, the applicant present staff with written referral comments from WSSC, among other utilities, stating that the current revised configuration of the site plan and public utility easements would allow them to provide service to the development in a safe and efficient manner. Information should also be provided regarding the feasibility of utilizing the direct bury format. Such condition ensures that WSSC's concerns are adequately addressed by the applicant prior to signature approval.

1. **Verizon**—In an email dated October 12, 2009, a representative of Verizon stated the following:
  - On Sheet 3 of the detailed site plan, there are no public utility easements for Lots 1 through 5 and 42 through 46. Also, there are numerous large trees, as well as concrete sidewalks, front stoops, and part of a bay filter obstructing the easement in front of Lots 1 through 5.
  - On Sheet 4 of the detailed site plan, there is no public utility easement for Lots 6 through 24. Also, there are numerous large trees, concrete sidewalks, and front stoops obstructing the easement where shown.
  - On Sheet 5 of the detailed site plan, there are concrete sidewalks and front stoops obstructing the public utility easement.

In closing, the representative of Verizon stated that they would like all of the obstructions removed from the public utility easements or an alternate solution proffered, together with proof that all parties to the public utility easement have agreed to such alternate solution.

A condition below requires that, prior to signature approval, the applicant present staff with written referral comments from Verizon stating that the current revised

configuration of the site plan and public utility easements would allow them to provide service to the development in a safe and efficient manner. Information should also be provided regarding the feasibility of utilizing the direct bury format. Such condition ensures that Verizon's concerns are adequately addressed by the applicant prior to signature approval.

- m. **Baltimore Gas and Electric (BG&E)**—BG&E did not comment on the subject application.

A condition requires that, prior to signature approval, the applicant present staff with written referral comments from BGE stating that the current revised configuration of the site plan and public utility easements would allow them to provide service to the development in a safe and efficient manner. Information should also be provided regarding the feasibility of utilizing the direct bury format. Such condition ensures that any concerns BGE may have will be adequately addressed by the applicant prior to signature approval.

- n. **Town of Bladensburg**—Pat McAuley, a representative of the Town of Bladensburg, stated in a telephone conversation on December 29, 2009, that they were in support of the Quincy Manor project.
- o. **Town of Colmar Manor**—Judy Myers, a representative of the Town of Colmar Manor, stated in a telephone conversation on December 29, 2009, that they were in support of the Quincy Manor project.
- p. **Town of Edmonston**—Guy Tiberio, a representative of the Town of Edmonston, stated the Town was not opposed to the application but did not take a position on it because it is not directly proximate to the Town's boundary.
- q. **City of Hyattsville**—Bill Gardiner, a representative of the City of Hyattsville, stated that the City would not be offering comment on the subject project.
- r. **Town of Cheverly**—At the time of this writing, the Town of Cheverly has not returned comment on the subject application.

12. As required by the Zoning Ordinance in Section 27-445.10(c), Residential Revitalization, Findings, the required findings may be made, i.e. that the project:

- (1) **Improves a deteriorated or obsolete multifamily or attached one-family dwelling unit development by replacing or rehabilitating dwellings, improving structures, or renovating and improving other facilities;**

The subject project would improve a deteriorated multifamily development by replacing all of the structures on the property and improving the grounds of the development.

**(2) Maintains or improves the architectural character of the buildings so that they are compatible with surrounding properties;**

The proposed architecture is an improvement over the existing buildings on-site. The new attached units have been sensitively designed so that they are compatible with the architecture in the surrounding area.

**(3) Serves a need for housing in the neighborhood or community:**

The development will provide over 400 single-family attached dwelling units which will serve a need for housing in the vicinity of the project site.

**(4) Benefits project residents and property owners in the neighborhood;**

The subject project would benefit project residents and property owners in the neighborhood by providing a more attractive living environment and raising real estate values. It is also hoped that these improvements in the neighborhood may make some contribution to a reduction in crime rates in the area. A police substation, to be included in the community building, may also contribute to that end.

**(5) Conforms with the housing goals and priorities as described in the current "Housing and Community Development Consolidated Plan," for Prince George's County; and**

According to the "Housing and Community Development Consolidated Plan: FY 2006–2010" and the applicable master plan, this property is an appropriate site for a residential revitalization development. The property is located within a Revitalization Tax Credit District. The consolidated plan generally describes this area as distressed, with one of the highest concentrations of multifamily housing (75 percent of the housing stock), and with a relatively low median home value (\$118,900). Over 87 percent of the housing stock in this area was constructed before 1980 and the existing development on the subject property was constructed in 1950.

The consolidated plan calls for redevelopment strategies which will encourage public/private partnerships to replace distressed properties with mixed income and mixed-use properties, and to create aggressive homeownership initiatives. The plan states that encouraging existing homeowners to invest in the housing stock is the key to maintaining healthy neighborhoods. To keep neighborhoods strong, the County has committed to continue to provide rehabilitation assistance to low and low-to-moderate income homebuyers. The plan states that the County will give priority for funding to those cities and neighborhoods inside the Capital Beltway or the Developed Tier, where the subject property is located.

The County's goals for community revitalization, as stated in the plan, include the need for safe and affordable housing which will contribute to the achievement of the County's goal for growth, development, community preservation, and revitalization. The consolidated plan's initiatives are intended to be a catalyst for neighborhood stabilization and growth. The plan (p. 108) notes that

the oversupply of low quality, multifamily housing built in the 1960s suffer from poor maintenance and are in deteriorating condition. They attract concentrations of low-income households who contribute to a sense of neighborhood blight and generational poverty. In the 1990's, the County embraced the goal of reducing the amount of distressed and low-quality housing. While some view this goal as a barrier to affordable housing, the County believes that reducing density will result in safer and more attractive neighborhoods for all residents, including low and moderate-income families. The applicant has proposed a very dense layout in the subject detailed site plan.

The consolidated plan acknowledges that the County's master plans stress the need to strengthen and preserve existing communities. The County's adopted growth management policies recommend that the existing neighborhoods, resources, and character must be conserved and enhanced. In general, households of low and moderate income reside in the communities in the Developed Tier (p. 108). The housing within these communities is older than that within the Developing Tier. The County's plan for the next five years is to strengthen the economic base and improve infrastructure and public facilities by providing public services that improve the health, welfare, and safety of low-income residents. "The aging public facilities and infrastructure in the low-income areas of the Developed Tier tend to deteriorate faster than those in higher income communities." (p. 108) Due to this observation in the plan, the private infrastructure on-site has been reduced to the extent possible. Where public streets and public utilities can be accommodated, they should be provided to reduce the cost to the homeowners association. The subject detailed site plan is consistent with the priorities for revitalization to replace multifamily rental apartments with an opportunity for home ownership in this targeted area. In fact, the applicant has indicated that they are currently working to forge public and private partnerships to assist and support first time home buyers, in furtherance of those priorities. In sum, the subject detailed site plan conforms to the required finding of Section 27-445.10(c), Residential Revitalization of the Zoning Ordinance.

**(6) Conforms to either specific land use recommendations or principles and guidelines for residential development within the applicable Master Plan.**

The application conforms to the land use recommendations of the *1994 Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity (Planning Area 69)* for high, urban residential uses. Specific guidelines and recommendations of that plan apply to this application. The application, approved subject to conditions, conforms to the specific guidelines and recommendations of that plan.

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 the Detailed Site Plan DSP-09013, subject to the following conditions:

1. Prior to signature approval, the following revisions shall be made to the detailed site plan or the following information shall be provided:

- a. Plans for the project shall be revised to provide sidewalks, a minimum of five feet in width, along both sides of the subject site's entire frontage on Newton Street, unless modified by the Department of Public Works and Transportation or to avoid the critical root zone of trees to be preserved as determined by the applicant's arborist and EPS.
- b. Plans for the project shall be revised to provide curb ramps at street crossing locations and to show crosswalk locations and treatments on the plan with details on County-maintained roads unless modified by the Department of Public Works and Transportation.
- c. Depressed curbing or ramping shall be shown on all private streets of the site plan, demonstrating an accessible route for the physically handicapped.
- d. Parking for the physically handicapped shall be identified with the universal Americans with Disabilities Act (ADA) symbol.
- e. If required, one of every four parking spaces for the physically handicapped shall be van accessible and be dimensioned to measure sixteen by nineteen feet.
- f. Ramps or depressed curbing shall be provided at all parking for the physically handicapped.
- g. Yard area calculations shall be provided and rear yard setbacks be established for the front-loaded-townhouse units.
- h. Garages shall be labeled as single or double.
- i. The height and number of stories of each dwelling shall be included on the site plan.
- j. The dimensions of each townhome model shall be included on the template sheet.
- k. The applicant shall submit a maintenance agreement pursuant to Section 27-624(a) of the Zoning Ordinance requiring that the homeowners' association or other entity or person, as so designated in the agreement, will be responsible for the maintenance of the gateway sign.
- l. Attractive year-round landscaping shall be provided at the base of the gateway sign. Such landscaping shall be approved by the Urban Design Section as designee of the Planning Board.
- m. The square footage of the lettering area for the gateway sign shall be provided.
- n. The parking schedule shall be revised to include notes to the effect that on-street parking is not legally included in the "provided" parking, but that on-street spaces do exist and

will be available for use by residents and guests. On-street parking spaces shall be dimensioned.

- o. The applicant shall submit writing from the Department of Public Works and Transportation stating that the subject detailed site plan is in conformance with Stormwater Management Concept Plan 33617-2007-00.
- p. The applicant shall include the following architectural proffer on each sheet of architectural elevations and on the cover sheet of the detailed site plan:
  - (1) that 60 percent of the total units shall have front brick façades; however, in no event shall the number of units in a given stick of units fall below the minimums set by the following chart:

<b>Number of Units in Stick</b>	<b>Sixty Percent of Stick</b>	<b>Minimum with Brick Fronts</b>
3	1.8	2
4	2.4	2
5	3	3
6	3.6	4
7	4.2	4
8	4.8	5
9	5.4	5
10	6	6
11	6.6	7
12	7.2	7
13	7.8	8
14	8.4	8
15	9	9
16	9.6	10

- (2) that identical façades shall not be placed next to one another or directly across the street or mews from one another; and
- (3) that a minimum of one townhouse per stick shall have dormer windows.
- r. The applicant shall provide a brick tracking chart on the coversheet of the detailed site plan, which will be kept updated in order to ensure compliance with conditions approved by the Planning Board regarding a brick front requirement.

- s. The applicant shall make the following modifications to the site plan and the final design shall be approved by the Urban Design Section as designee of the Planning Board:
- (1) The paved area directly north of Lots 24 and 25, Block B shall be designated signed as a hammerhead turnaround. The signage shall prohibit parking in the turnaround and the paving expanded to the degree feasible. (Reference Area 2 on Staff Exhibit A). Final design to be approved by the Transportation Planning Section as designee of the Planning Board.
  - (2) Lot 26, Block C shall have a brick rear elevation as indicated on Sheets A-7 and A-8 of the architectural elevations, as modified by condition.
  - (3) Adequate turn arounds shall be demonstrated prior to certificate approval for Lot 42, Block F, Lot 8, Block G, and Lot 38, Block E to redesign the plans for all vehicles, including emergency vehicles and trash and snow removal operations. Final design of said turnarounds shall be approved by the Transportation Planning Section as designed.
  - (4) The layout of Lots 1 through 10, Block D (two sticks of townhouses immediately adjacent to the community center to the west) shall be redesigned in order to provide additional open space in the development, to create a diagonal edge in the northwest corner of the green space to match the proposed diagonal edge in the southeast corner of the space along 55th Avenue, and so that their rears will not be visible (Reference Area 6 on Staff 's Exhibit A and Applicant's Exhibit A).
- t. The applicant shall present staff with written referral comments from WSSC, PEPCO, BGE, Comcast, and Verizon stating that the current configuration of the site plan and public utility easements will allow them to concurrently provide service to the development in a safe and efficient manner and provide information as to whether utilities will be installed in the direct bury format. If necessary, a utility coordination meeting shall be held to try to ensure use of the direct bury method.
- u. The applicant shall make cantilevered decks standard on all rear-loaded units and specify that such decks shall be constructed of a quality composite material such as "Trex" or equal.
- v. The applicant shall revise the plans to include:
- (1) A recreational facility including, but not limited to, a passive recreational area such as a sitting area and an active recreational facility such as a pre-teen play area, adjacent to the stream corridor.
  - (2) A recreational facility including, but not limited to, a passive recreational area



such as a sitting area and an active recreational facility such as a pre-teen play area, shall be located in the open area by the monument sign at the entrance to the development along the west side of 55th Avenue.

- (3) A sitting area and an active recreational facility such as a tot lot, shall be located in the open area along Newton Street by the community center.
  - (4) A kitchen in the community center including a standard size **microwave**, refrigerator, dishwasher and pantry space and a functional meeting space equipped with chairs and tables in the amount allowed by the building code and a picnic area on the patio adjacent to the community center including a grill and picnic tables.
  - (5) Seven additional passive recreational areas such as sitting areas to be located throughout the development, including two in each of the two open green areas identified by the applicant between townhouse sticks in the eastern and western portions of the site, by the bus stop by the community center, and by Specimen Trees #7 and #17 in Blocks A and D respectively.
- w. The applicant shall make a note on the plans that the units identified as “highly visible” on staff’s exhibit **as revised**, regarding the location of brick, shall have enhanced treatment on both the side and rear façades of the unit.
  - x. The applicant shall submit no less than four additional front elevations to add diversity to the proposed mix of architectural units, for approval by the Urban Design Section as designee of the Planning Board.
  - y. Revisions to the tree preservation plan, Sheets 12 through 17, shall be made as detailed in the table below.

**Required Revisions to Sheets 12-17 of the DSP**

Sheet Number	Comment	Required Revisions
12	None of the existing trees on this sheet are shown “to be removed by an arborist”. If the trees to be removed are not carefully removed and the stumps ground, damage could occur to the trees to be preserved.	Change the symbol on the plan to show all trees shown on the plan “to be removed by arborist” and that the stumps will be ground and not pulled. Revise the table on sheet 17 accordingly.
	No demolition access is shown.	Clearly delineate demolition access for each building by adding the symbol used on the other sheets.

Sheet Number	Comment	Required Revisions
	Locations of root pruning and air tool pruning have not been shown. If this process is not being done during demolition, remove these items from the legend.	Remove from legend if not done in this phase or cross off the symbol in the legend.
	"Special demolition procedures" are noted for some existing buildings and sidewalks. Notes say "see notes and details" – none are provided.	Revise the note to read: "See the Tree Preservation Plan for the details of the special demolition procedures".
	Trees that will require pruning prior to demolition have not been identified.	Add a note to sheets 12-15 that states: "See the Tree Preservation Plan for the required pre-demolition treatments for all trees to be preserved."
13	Locations of root pruning and air tool pruning have not been shown.	Add a note to sheets 12-15 that states: "See the Tree Preservation Plan for the required locations of root pruning and air tool root pruning techniques."
	"Special demolition procedures" are noted for some existing buildings and sidewalks. Notes say "see notes and details" – none are provided.	Add a note to sheets 12-15 that states: "See the Tree Preservation Plan for the required pre-demolition treatments for all trees to be preserved."
	Trees that will require pruning prior to demolition have not been identified.	Add a note to sheets 12-15 that states: "See the Tree Preservation Plan for the required pre-demolition treatments for all trees to be preserved."
14 and 15	For all proposed units that are adjacent to trees – ensure the tree preservation plans show all construction traffic to enter the buildings from the opposite side (the side opposite the trees). Show the tree protection devices to extend to the buildings after the buildings have been constructed. If necessary, provide limited access gates or some other method to reduce foot traffic in these areas.	Provide the following note on sheets 14-15: "The Tree Preservation Plan shall show the provision of construction traffic pathways on the opposite side of the new buildings from the trees to be preserved."

Sheet Number	Comment	Required Revisions
	Welded wire fencing is not adequate protection during construction. Welded wire fencing is too easily moved, removed and damaged.	Revise sheets 14 and 15 to show all tree protection devices as chain link fencing for the construction phase and eliminate the use of welded wire fencing.
	The locations of the tree protection devices are significantly different in the demolition phase from the construction phase. There are no notations regarding when and how this transition takes place.	Provide the following note on sheets 14-15: "The Tree Preservation Plan shall describe how, when and by whom tree protection devices are to be relocated between the demolition and construction phases."
16	Details 1 and 2: Delete note #2: super silt fence cannot be substituted for the tree protection device.	Strike out note 2 on Details 1 and 2. Provide a detail that shows the combined installation of super silt fence and the tree protection fencing.
	Details 1 and 2: Note #3 is in direct conflict with the preservation plans – the fencing will be moved between the demolition and construction phases.	Strike out note 2 on Details 1 and 2 and provide the following note: "The Tree Preservation Plan shall describe how, when and by whom tree protection devices are to be relocated between the demolition and construction phases."
	Details 1 and 2: A detail of the sign, its dimensions and verbiage was not provided.	Add the following note on sheet 16 and provide an arrow to the sign: "Tree preservation signage detail to be shown on the Tree Preservation Plan."
	Detail 3: The use of a trencher for root pruning results in severe damage to tree roots.	Strike out the word "trencher" for root pruning.
	Detail 3: The location of the excavated soil has not been shown or noted. If the excavated soils is placed in the root zone this will cause additional damage to the trees.	Provide a note that states that the soil that results from root pruning will be placed away from the trees to be preserved.
	Detail 8: This detail shows the tree protection fence directly adjacent to the trunk of the trees to be preserved.	Strike out the entire detail and add the following note: "Utility installation detail to be provided on the Tree Preservation Plan."
	Detail 4: Note #5 states that aggregate will be used in "heavy traffic areas" – these areas are not defined or shown on the plans.	Add the following note under Detail 4: "The heavy traffic areas will be designated on the Tree Preservation Plan."

Sheet Number	Comment	Required Revisions
	Detail 6: The plans do not show where/when this detail would be used and the notes do not explain it either. This seems like an extreme measure that provides no protection to the tree's roots.	Strike through this detail. If it is necessary on the Tree Preservation Plan, it can be added as part of that proposal.
17	The "tree conservation plan principles" provide no commitment from the permittee with regard to their implementation.	Revise the title of the "principles" to "Tree Preservation Notes".
	The table provided does not have a title and references "recommended preservation methods".	Add an asterisk to the "Recommended Preservation Methods" and provide the following note under the table: "* Refer to the Tree Preservation Plan for the final required treatments for all trees to be preserved."
	A Tree Preservation Treatment Plan is to be provided. It needs to be referenced on the DSP.	Add a note to the Tree Preservation Notes that states: "Prior to issuance of the first demolition permit for the subject property, a Tree Preservation Plan shall be submitted to the Planning Department and be approved by the Planning Director or the Planning Director's designee."

- z. The applicant shall include all models on the template sheet and shall submit front, side, and rear elevation drawings for all models including those to be utilized for the less-visible, medium tier, and highly-visible units as identified on staff's exhibit. The applicant shall also clarify on the architectural elevations which materials may be chosen for each individual elevation for each individual architectural model.
- aa. The applicant shall substitute a different model type on Lots 25 and 83, Block C, so as to remove the stairs to the unit from the public utility easement or shall remove the units from the development entirely.
- bb. The applicant shall execute a recreational facilities agreement containing reference to the community building proffered by the applicant and any additional Planning Board-required recreational facilities. Such agreement shall include reasonable and mutually agreed on triggers for the installation of recreational facilities between the applicant and staff as designee of the Planning Board. In no event, however, shall more than one-half of the building permits for the single-family attached units be issued prior to the issuance of a **building** permit for the community building. Other outdoor facilities

within a given block will be constructed prior to issuance of the building permits for the block, where phasing of construction allows. In other cases, outdoor facilities within a block will be constructed prior to the issuance of use and occupancy permits for the units in that block.

- cc. The applicant shall revise the rear architectural elevations for the project, which include brick as a material choice, to indicate that the trim for the brick unit shall be the same as that of the other units on the stick. Additionally, brick shall be indicated for the limited portions of wall visible on the first floor of the entire stick.
  - dd. Applicant shall revise the plans to correct the key map located on each page of the detailed site and landscaping plans to reflect the finally approved unit configuration and to include the sheet numbers.
2. Prior to certificate approval of the subject detailed site plan and any planned demolition, the applicant shall document the property to Maryland Historical Trust standards and floor plans. This documentation shall include representative current interior and exterior photographs of the complex, representative floor plans demonstrating the range and type of units in the complex, and historic photographs of the complex as available.
3. Prior to the issuance of the first raze/demolition permit for the subject property:
- a. A Detailed Tree Preservation Plan shall be submitted to the Planning Department and be approved by the Planning Director or the Director's designee. The plan shall include pre-development treatments for trees to be preserved including pruning, root treatments and other recommended methods to ensure optimum tree health; treatments to be provided during construction such as watering and integrated pest management inspections; post-construction recommendations to include recommendations to deal with soil compaction; and long-term care recommendations. This plan shall be prepared by a certified arborist with experience in urban tree preservation techniques.
  - b. The proposed erosion and sediment control plan shall be provided to the tree preservation plan preparers so that the plans can be coordinated. At time of permit review, both plans shall be submitted as part of the review package to ensure that they show the same phasing and limits of disturbance.
  - c. All of the physical elements shown on the approved Detailed Tree Preservation Plan that is submitted prior to raze/demolition permit issuance shall be included as part of the erosion and sediment control plan. The costs of installation and maintenance of these features shall be included in the development bond for the project and shall be listed as separate items. A copy of the bonding form shall be submitted as part of the review of the first raze/demolition permit.
4. Prior to raze/demolition permit issuance for each phase:

- a. A Conservation Agreement shall be prepared. The Agreement shall detail the permittee's commitment to the timely and proper implementation of the tree preservation elements of the detailed site plan and the Detailed Tree Preservation Plan that is part of the erosion and sediment control plan. The Agreement shall include a statement regarding the permittee's commitment to providing the education of the contractors and their subcontractors regarding the requirements of the erosion and sediment control plan. The Agreement shall be signed by the Director of the Department of Public Works and Transportation.
  - b. The Detailed Tree Preservation Plan shall be updated to show how and where utilities will be installed for that phase.
  - c. An inspection shall be performed by the county inspector and a representative of the Environmental Planning Section to ensure that all the required tree protection measures are in place and that the required pre-construction treatments have been implemented. No raze/demolition permits shall be issued for additional phases if there are outstanding violations in previous phases.
5. Prior to final bond release, if the trees shown on the Detailed Tree Preservation Plan die or are damaged to the point where they will not survive long-term, in the opinion of the permittee's project arborist, as a result of failures to fully implement preservation measures agreed to, the trees shall be removed, the stumps ground in place, and an equal amount of tree canopy shall be replaced on-site. This condition shall be placed on the approved DSP on the tree preservation plan sheets.

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 Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Cavitt, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, January 21, 2010, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 18<sup>th</sup> day of February 2010.

Patricia Colihan Barney  
Acting Executive Director

By Frances J. Guertin  
Planning Board Administrator

PCB:FJG:RG:arj



A M E N D E D R E S O L U T I O N

WHEREAS, Quincy Manor Company, Inc. is the owner of a 17.04-acre parcel of land known as Quincy Manor, said property being in the 2nd Election District of Prince George's County, Maryland, and being zoned R-18 and R-35; and

WHEREAS, on June 18, 2008, Quincy Manor Company, Inc. filed an application for approval of a Preliminary Plan of Subdivision (Staff Exhibit #1) for 411 lots and 7 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-08022 for Quincy Manor was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on December 4, 2008, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on December 4, 2008, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

\*WHEREAS, on February 19, 2009, the Planning Board heard a request by the applicant to reconsider the action of the Preliminary Plan of Subdivision 4-08022 based on mistake, in accordance with Section 10 of the Planning Board's Rule of Procedure, and

\*WHEREAS, the Planning Board found that two conditions of the preliminary plan were premature and

\*WHEREAS, on March 19, 2009, the Planning Board reconsidered the Preliminary Plan of Subdivision and approved the subject application as modified by the deletion of Conditions 12 and 14(g), and as supplemented by the modification to Finding 8.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Preliminary Plan of Subdivision 4-08022, Quincy Manor, including a Variation to Section 24-128 and a DISAPPROVAL of a Variation to Section 24-130 ~~with~~ with the following conditions:

\*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

1. Prior to signature approval of the preliminary plan of subdivision, the following revisions shall be made:
  - a. Conform to Staff Exhibit A, Areas 1–8 (9 lot reduction in total) resulting in a 411 lot subdivision and the purposes as set forth in the findings:
    - (1) Area 1 (4 lot reduction)
    - (2) Area 2 (2 lot reduction)
    - (3) Area 3
    - (4) Area 4 (1 lot reduction)
    - (5) Area 5 (1 lot reduction)
    - (6) Area 6
    - (7) Area 7
    - (8) Area 8 (1 lot reduction)
  - b. Demonstrate utility easements for WSSC and PUE to provide for direct bury dry utilities.
  - c. Provide vehicular turnarounds at the end of the alleys located to the west of 54<sup>th</sup> Avenue (not on lots) extending west of the last units in the stick, or provide vehicular connections at the ends of the alleys in Block F to eliminate dead ends.
  - d. Delineate the 25-foot building restriction line from the 100-year floodplain.
  - e. Show no disturbance to the 50-foot-wide stream buffer.
2. Development of this site shall be in conformance with Stormwater Management Concept Plan CSD 33617-2007-00 and any subsequent revisions.
3. The applicant and the applicant's heirs, successors and/or assignees shall provide wide sidewalks, a minimum of five feet in width, along the subject site's entire frontage on both sides of Newton Street, unless modified by DPW&T.
4. Prior to the approval of building permits, the applicant and the applicant's heirs, successors and/or assignees shall convey to the homeowners association a minimum 9.78± acres of open space land (Parcels A, in Blocks A–G). Land to be conveyed shall be subject the following:
  - a. Conveyance shall take place prior to the issuance of building permits.
  - b. A copy of the unrecorded special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Prince George's County Planning Department,

Development Review Division (DRD), Upper Marlboro, Maryland along with the final plat.

- c. All waste matter of any kind shall be removed from the property prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
  - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse, or similar waste matter.
  - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair, or improvements required by the approval process.
  - f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
  - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
  - h. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
5. Prior to the issuance any building permit, the applicant and the applicant's heirs, successors and/or assignees shall restripe the westbound approach of MD 202 at 55<sup>th</sup> Avenue to provide a separate left turn lane. Prohibit northbound left turns and through movements from 55<sup>th</sup> Avenue to MD 202 through signage or physical improvements. The applicant will be responsible for all improvements to the MD 202 and 55<sup>th</sup> Avenue intersection.
  6. Prior to the approval of building permits, the applicant and the applicant's heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
  7. The applicant and the applicant's heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFA) to DRD for construction of recreational facilities on homeowners association land for approval prior to the submission of final plats. Upon approval by the DRD, the RFAs shall be recorded among the County Land Records.

8. The applicant and the applicant's heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on homeowners association land, prior to the issuance of building permits.
9. At the time of detailed site plan, the DSP shall show conformance with the sketch plan with regard to the preservation of trees. The limits of disturbance shall be evaluated to ensure that critical root disturbance has been minimized. In order to protect the critical root zone, a reduction in lots may be required. For all trees proposed for preservation within the existing public utility easement, the DSP shall show a design that ensures the preservation of those trees. If any trees cannot be preserved due to necessary utility installation, the applicant shall demonstrate that the preservation of the tree(s) is not feasible. Supporting documentation from the utility company shall be provided and reviewed by the Environmental Planning Section for concurrence.
10. At the time of detailed site plan, all plans shall show no disturbance to the 50-foot-wide stream buffer.
11. At the time of detailed site plan, detailed comments regarding any stream mitigation requirements to the adjacent stream valley shall be submitted. Comments must specify if mitigation is required, by whom, where the mitigation will occur, and what type of work is needed.

~~\*[12.] The submission of the detailed site plan shall include floor plans of the proposed units to demonstrate that each parking space within a garage is a standard sized space (at least 9.5 feet wide by 19 feet long).]~~

\*~~12~~[13]. At the time of detailed site plan review, further evaluation of the proposed parking, circulation, grading, utility location, building locations, building setbacks, relationship between groups of dwelling units, and appearance shall occur in order to allow for an acceptable development that provides a high quality, functional and attractive living environment. Issues identified on Staff Exhibit A including: treatment of end units facing on to public streets, views of the rears of dwelling units from the public streets. Adequate turn around space to accommodate emergency vehicles, trash removal services and snow removal operations shall specifically be addressed.

\*~~13~~[14]. The detailed site plan shall demonstrate the following standards:

- a. All houses shall be set back at least 15 feet from the public rights-of-way to provide the required 10-foot-wide public utility easement and space for the stoop of the units.
- b. The attached sticks of units shall be spaced a minimum of 15 feet apart from each other when parallel to each other and a minimum of ten (10) feet apart at any single point when non-parallel.

\*Denotes Amendment  
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[Brackets] and ~~striketrough~~ indicate deleted language

- c. Where the sides of townhouses are oriented toward the public right-of-way, the end unit shall be a side-entry unit with a symmetrically balanced endwall elevation. The end elevation shall be constructed of material and detailing comparable to the fronts of the townhouses.
- d. In general, fronts of units shall be oriented to public and private streets, and shall not front on alleyways or towards the rear of other units.
- e. Consideration shall be given to the use of units at least 18 feet wide at ends of attached sticks in highly visible locations.
- f. Dead end streets or alleys shall be designated to provide adequate turn around area for emergency vehicles, trash and services vehicles, and snow removal.
- \*g. ~~In addition to on-street parking that may be permitted along public streets by DPW&T, the plan shall demonstrate that each pod of development provides a minimum of one independent surface parking space for each ten townhouse units within that pod (required parking spaces rounded up). The boundaries between the seven pods of development are defined by the public rights-of-way.~~
- \*g[h]. Attached sticks of units greater than eight units in length may be utilized if the applicant can demonstrate, to the satisfaction of the Planning Board, that the proposed townhouse architecture will be sufficiently attractive and varied within each stick of units to create a pleasant streetscape.
- \*h[i]. Gaps between sticks of attached units should be coordinated between different rows to the fullest extent possible to create pedestrian and visual corridors throughout the development.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.

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[Brackets] and ~~striketrough~~ indicate deleted language

2. The property is located on the north and south side of Newton Street at its intersection with 55<sup>th</sup> Avenue, and south of its intersection with 54<sup>th</sup> Avenue. The property is located within the MD 450 Corridor, south of its intersection with MD 202, south of the City of Bladensburg and north of the Town of Cheverly. The property is south of the Publick Playhouse which is owned by the Maryland-National Capital Park and Planning Commission (M-NCPPC).
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	R-18 (16.87 acres) R-35 (6,969 sq. ft.)	R-18 (16.87 acres) R-35 (6,969 sq. ft.)
Use(s)	Multifamily	Townhouses
Acreage	17.04	17.04
Lots	32	411
Parcels	5	7
Dwelling Units:		
Multifamily	382	
Townhouse		411
Public Safety Mitigation Fee		No

4. **Section 27-445.10(c)**—Section 27-445.10(c) establishes the following six findings for Planning Board approval of a residential revitalization development as follows:

**In approving a Residential Revitalization project, the Planning Board shall find that the project:**

- (1) **Improves a deteriorated or obsolete multifamily or attached one-family dwelling unit development by replacing or rehabilitating dwellings, improving structures, or renovating and improving other facilities;**

The proposed preliminary plan is for the replacement of a deteriorated multifamily apartment complex and is in a designated corridor.

- (2) **Maintains or improves the architectural character of the buildings so that they are compatible with surrounding properties;**

The architectural character of the buildings will be evaluated with the detailed site plan (DSP) for compatibility.

- (3) **Serves a need for housing in the neighborhood or community;**
- (4) **Benefits project residents and property owners in the neighborhood;**

- (5) **Conforms with the housing goals and priorities as described in the current “Housing and Community Development Consolidated Plan,” for Prince George’s County; and**
- (6) **Conforms to either specific land use recommendations or principles and guidelines for residential development within the applicable Master Plan.**

In accordance with 3–6 above, and the “Housing and Community Development Consolidated Plan” FY 2006–2010 and the applicable master plan, this property is an appropriate site for a residential revitalization development. The property is located within a Revitalization Tax Credit District in the Developed Tier in Planning Area 69. The “Housing and Community Development Consolidated Plan” generally described this area, which is located along the Annapolis Road (MD 450) corridor between the municipal boundaries of Bladensburg and Cheverly, as a distressed area with one of the highest concentrations of multifamily housing (75 percent of the housing stock) and with a relatively low medium home value (\$118,900). Over 87 percent of the housing stock in this area was constructed before 1980. The existing development on the subject property was generally constructed in 1950.

The consolidated plan calls for redevelopment strategies which will encourage public/private partnerships to replace distressed properties with mixed income and mixed-use properties, and to create aggressive homeownership initiatives. The plan states that encouraging existing homeowners to invest in the housing stock is the key to maintaining healthy neighborhoods. To keep neighborhoods strong, the County has committed to continue to provide rehabilitation assistance to low and low-to-moderate income homebuyers. The plan states that the County will give priority for funding to those cities and neighborhoods inside the Capital Beltway (Developed Tier). The subject property is located within the County’s Developed Tier.

The County’s goals for community revitalization as stated in the plan includes the need for safe and affordable housing which will contribute to the achievement of the County’s goals for growth, development, community preservation, and revitalization. The consolidated plan’s initiatives are intended to be a catalyst for neighborhood stabilization and growth. The plan (p. 104) notes “[t]he oversupply of low quality, multifamily housing built in the 1960’s suffer from poor maintenance and are in deteriorating condition. They attract concentrations of low-income households who contribute to a sense of neighborhood blight and generational poverty. In the 1990’s, the County embraced the goal of reducing the number of distressed and low quality housing. While some view this goal as a barrier to affordable housing, the County believes that reducing density will result in safer and more attractive neighborhoods for all residents, including low and moderate income families.” The applicant has proposed a very dense layout which will



have to be carefully evaluated at the time of detailed site plan to create a viable and attractive neighborhood.

The consolidated plan acknowledges that the County's master plans stress the need to strengthen and preserve existing communities. The County's adopted growth management policies recommend that the existing neighborhoods, resources and character must be conserved and enhanced. In general, households of low and moderate income reside in the communities in the Developed Tier (p. 108). The housing within these communities is older than that within the Developed Tier. The County's plan, as stated in the consolidated plan, for the next five years is to strengthen the economic base and improve infrastructure and public facilities by providing public services that improve the health, welfare, and safety of low-income residents. "The aging public facilities and infrastructure in the low-income areas of the Developed Tier tend to deteriorate faster than those in higher-income communities" (p. 108). Due to this observation in the plan, the private infrastructure on-site has been reduced to the extent possible. Where public streets and public utilities can be accommodated, they should be provided to reduce the cost to the homeowners association.

The proposal is consistent with the priorities for revitalization to replace multifamily rental apartments with an opportunity for homeownership in this targeted area. In fact, the applicant has indicated that they are currently working to forge public and private partnerships to assist and support first time home buyers, in furtherance of those priorities.

The towns of Bladensburg and Cheverly, Council Member Harrison, and residents of the community have indicated that the redevelopment of this site is desirable; and in keeping with the guidelines and principles of the *Prince George's County Approved General Plan* and master plan, and in conformance with the priorities of the "Housing and Community Development Consolidated Plan."

The dense layout proposed strains the livability of the neighborhood. The layout should be evaluated to create more open space, improve recreation opportunities, and assist in the viability of the natural resources on-site through the review of the detailed site plan. The applicable Strategic Plan Community Development Strategy Goals (p. 83) are:

- "(7) Improve the safety and livability of the neighborhoods; and
- (8) Improve the quality of life by providing needed public services."

Based on the findings contained within this resolution the Planning Board finds that the preliminary plan conforms to the required findings of Section 27-445.10(c) as appropriate, and subject to the further review of the required detailed site plan.

5. **Planning Board Hearing**—At the Planning Board hearing of November 13, 2008, this case was continued. The Planning Board provided a specific list of issues that should be addressed by the

applicant on a revised plan and at the next public hearing on December 4, 2008. The Planning Board specifically advised the applicant that the list of issues was not provided to the applicant as a list in order of priorities, but a list of issues that are to be considered equal in importance. The list of issues that were identified by the Planning Board is as follows:

1. **Less dense**, the Planning Board clarified that by less dense they did not necessarily mean less dwelling units. The issue was of the spatial relationship between dwellings and the street, stick of units, recreation areas, etc.

The revised preliminary plan is still very dense. The Planning Board advised the applicant to expect additional modifications to the plan which could include a loss of lots when more detailed grading plans are developed with the DSP, to continue to create a better living environment for future residents.

2. **Too little space between sticks of units.**

The original preliminary plan proposed three feet between sticks of townhouse units. The revised layout shows larger gaps, approximately 10 to 15 feet wide which are large enough to allow pedestrian paths and the placement of utilities between the units, and is generally acceptable. With the review of the DSP, there may be recommendations for strategically placed open space elements between sticks of units to create views of open space for units that may not front on those elements.

3. **Dead end alleys are of concern as it relates to trash pick up, turn-arounds, and snow removal.**

The previous layout created numerous dead-end alleys in between parallel groups of townhouses, particularly to the west of 54<sup>th</sup> Avenue and south of Madison Way, where short rows of attached houses were placed on dead-end alleys perpendicular to the public right-of-way. The revised sketch shows a similar arrangement of units west of 54<sup>th</sup> Avenue, but has revised the areas south of Madison Way to provide units facing onto the public street with a common access alley behind them that connect to 55<sup>th</sup> Avenue and to the internal alleys of the proposed townhouses in the western portion of the site. In general, this is a better arrangement because it orients units toward the public street and matches the proposed development on the north side of Madison Way, while eliminating the dead-end alleys in favor of a through connection.

The perpendicular rows of units west of 54<sup>th</sup> Avenue are less problematic than the rows that were formerly proposed along Madison Way because the units are located further from the property line and the grades in the western portion of the site are less severe. In the revised sketch, each alley provides access for no more than 12 units. The alleys are somewhat wider on the revised sketch than in the previous preliminary plan due to the proposed placement of water and sewer easements in the alleys, providing for more

maneuvering room. Staff does not object in principle to this arrangement west of 54<sup>th</sup> Avenue, but recommends that each alley should provide a full turnaround hammerhead arrangement at the end of the alley, past the townhouses, rather than locating the hammerhead in front of the end units' garages.

**4. Long walls of townhouse units without breaks.**

Like the original design, the proposed sketch (November 24, 2008) features long rows of townhouses with up to fourteen attached units in a stick and multiple sticks placed in a single line. The layout includes alleys behind the townhouse units that would be visually dominated on both sides by the rears of the long rows of townhouses and by the garage doors of these units. The original plan proposed functional difficulty, the inability of pedestrians to pass between the sides of the townhouses, and an aesthetic problem.

The aesthetic problem is slightly ameliorated by the gaps that have been created to break up the rows, but the new proposed rows are longer and will still dominate the rear alleys. The layout is very closely spaced and composed of many long groups of townhouse lots. The revised layout also shows unusually long groups of townhouses up to fourteen units long (the previously reviewed plan included groups up to nine units long). These groups are longer than would be permitted by the Zoning Ordinance's regulations for traditional townhouse development in most zones.

However, it is possible that the long rows could be justified if the architecture provides for a varied façade featuring different styles and designs of façades within the same attached stick. Therefore, the attached groups longer than eight units (the maximum allowable under the normal townhouse provisions of the Zoning Ordinance) should be contingent upon demonstrating visually attractive and varied architecture at the time of detailed site plan review.

**5. Tree preservation.**

The design, as proposed on the November 24, 2008 plan, is considered environmentally responsible with regard to ensuring the preservation of a significant portion of the existing tree canopy; however, it is still unclear how the existing utility easements for the site will effect the preservation of these trees. The submitted plan only shows a layout of the proposed lots and rights-of-way, along with trees to be preserved and trees to be planted. The associated site plan must ensure the preservation of the trees as proposed on the sketch plan, as discussed further in the environmental planning section, and appropriately conditioned.

6. **Identifiable HOA areas.**

Additional open space has been provided, however additional opportunities may be identified at the time of DSP review.

7. **Recreation areas identified.**

The revised layout dated November 24, 2008, increases the open space areas and reduces the amount of paving; however, the applicant has not clearly identified and provided sufficient recreation areas. Additional open space areas and recreation amenities will be reviewed with the detailed site plan which may result in revisions to the layout.

8. **HOA expenses, utility location (direct bury vs. conduit system).**

At the Planning Board hearing on November 13, 2008, the Planning Board voiced strong concerns that the applicant was proposing such significant private infrastructure and directed that the applicant evaluate other alternatives. Subsequent to the hearing, staff met with the several utility companies and has the agreement for an alternative which will not require a conduit system for dry utilities, which would have been owned and maintained by the HOA.

The other private infrastructure will include the private streets and alleys which will be maintained by the HOA. Ownership of the private streets will result in the trash and snow removal being the responsibility of the HOA as well as repair and maintenance. In general, the use of private streets is necessary to develop this property with townhouses and maintain a density which the applicant has determined feasible. The use of private streets in this instance is appropriate.

9. **Show the Planning Board the alternative layouts that the applicant advised the Planning Board they have prepared during their planning process.**

The applicant provided staff with several sketches after the November 13, 2008, hearing which were evaluated. Some of the elements of those plans were incorporated into the revised plan. The applicant has improved the layout of the plan which will be further evaluated with the DSP.

10. **Provide information to the Planning Board regarding the adequacy of the parking.**

The preliminary plan has been revised to provide for additional surface parking which will be further evaluated with the DSP.

11. **Provide information to the Planning Board regarding the long term viability of the community.**

The Planning Board voiced concerns that the design, layout, and cost to the HOA for the development could result in the creation of a development that would not be an asset to the community long term. The Planning Board requested that the applicant continue to address these issues to ensure a sustainable and safe community through the development process and beyond.

6. **Staff Exhibit A**—The Strategic Plan, Community Development Strategy Goals (p. 83), Goal 7 states that the plan should:

(7) Improve the safety and livability of the neighborhoods;

The Planning Board required revisions to the preliminary plan (Section 27-445.09(c)(5)) to ensure conformance to the goals of the Strategic Plan. The revisions resulted in a 411 lot subdivision from the revised preliminary plan filed by the applicant dated November 24, 2008.

The applicant filed a revised plan on November 24, 2008. The revised plan is a concept plan and provides little information, and does not adequately provide information required on a preliminary plan. The plan does not provide contours or proposed grades, lot numbers, lot sizes, street dimensions, utility locations, street names or any general notes. A revised preliminary plan will be necessary prior to signature approval.

While the plan provides little information, it is drawn to scale and is adequate to evaluate the spatial relationships between lots, streets, open areas, recreation areas, and the environmental features of the site. As discussed in the environmental and urban design sections of this report, and at the Planning Board hearing additional reductions in the number of lots proposed could occur with the review of the detailed site plan and should be expected by the applicant.

Because the plan does not provide lot numbers, staff describes “areas” of the site and has indicated on the revised plan (November 24, 2008) which lots should be removed to help address the issues identified by the Planning Board at the November 13, 2008 Planning Board hearing.

Staff Exhibit A identifies eight areas of the site where a reduction in lots would result in an improved layout that creates a more livable neighborhood with this preliminary plan (Community Development Strategy Goal 8).

**Area 1** results in a reduction of **4 lots**.

One of the goals of the master plan with respect to the environmental envelope is:

**To protect and enhance the environmental quality of the Planning Area by preserving natural environmental assets as an integral part of the community.**

Area 1 of the site is adjacent to an urbanized stream that is severely degraded due to the high density development that surrounds it. A minimum 50-foot-wide stream buffer is provided; however, additional setbacks for development would assist in the preservation of the stream and allow this degraded system to regenerate into an adequate riparian buffer. This would also provide a unique opportunity for the stream to be a part of the open space recreation amenities while preserving it as a natural asset.

**Area 2** results in a reduction of **2 lots**.

Most of the pods of development provide multiple curb cuts to serve the rear alleys and private streets. There are two proposed exceptions to this. The first is the small pod south of MacBeth Street and east of 54<sup>th</sup> Avenue, where a dead-end alley from 54<sup>th</sup> Avenue serves two sticks of townhouses totaling only eight units. The second exception is the pod of development north of Newton Street and west of 55<sup>th</sup> Avenue, which on the sketch plan is served by only one curb cut on 55<sup>th</sup> Avenue for 49 proposed units. The Planning Board required that two lots be removed in order to allow a second curb cut providing access from the alley onto Newton Street.

In addition, the rows of attached units have been placed back-to-back so that the alleys are enclosed on both sides and the rears of the townhouses are rendered less visible as they are partially screened from oblique views along the public streets by the townhouses on the opposite side of the alley. However, at the edges of the development pods, some of these paired rows are offset as the row of one side of the alley extends beyond the row on the other side. This situation exposes the rear of these units to views along the streets. The Planning Board determined that the units with exposed rears visible along the streets be carefully evaluated with the DSP or deleted if the rears could not be adequately addressed.

**Area 3**

Area 3 is located on the east side of 54<sup>th</sup> Avenue. This is another example where direct views in the rear of the units would occur of the garage when driving north on 54<sup>th</sup> Avenue. The Planning Board, again advised the applicant if this issue cannot be adequately addressed the lots would be deleted at the time of DSP.

**Area 4** results in a reduction of **1 lot**.

The Planning Board approved the removal of three proposed detached units shown on the sketch plan. Although mixing unit types within the development is a desirable goal, the three isolated detached units are oddly placed at right angles within the development on corners between sticks of townhouses. It is unclear whether the detached units are intended to be front-loaded units with their fronts on the alleys or rear-loaded units that face away from the alleys towards the sides of the

adjacent townhouses, but their placement in the leftover corners creates an awkward relationship within the townhouses in either case. The space occupied by the proposed unit in Area 4 (at the corner of Newton Street and Madison Way) could be turned into an attractive open corner within the development, while the spaces occupied by the proposed units in **Areas 5 and 8**, inside their respective pods of development, could be utilized to create small surface parking areas for visitors.

**Area 5** results in a reduction of **1 lot**.

See Area 4 comments above.

#### **Area 6**

The Planning Board determined that the units where direct views in the rear of the units would occur of the garage when driving north on 54<sup>th</sup> Avenue and east on Newton Street will be evaluated with the DSP or deleted (See Comments Area 2 above).

In addition, the two lots fronting on the community center green space may be deleted at the time of DSP in order to open a corridor of space from the community building westward along Newton Street. The green space will continue to be defined by the other townhouses fronting on it, but the open corridor along Newton Street will add to the distinctiveness of the space by creating a contrast with the more rigidly defined streetscapes in the rest of the development. It will also create a diagonal edge in the northwest corner of the green space to match the proposed diagonal edge in the southeast corner of the space along 55<sup>th</sup> Avenue.

#### **Area 7**

The two lots where direct views in the rear of the units would occur of the garage when driving north on 54<sup>th</sup> Avenue will be evaluated with the DSP or deleted. See comments for Area 2 above.

**Area 8** results in a reduction of **1 lot**.

See Area 4 comments above.

7. **Public Utility Easement**—The applicant has stated that because of the dense nature of the site, the applicant is unable to provide the required ten-foot public utility easement (PUE) alongside and contiguous to the 22-foot-wide private streets. In some cases the dwellings are set one to two feet from the drive aisle precluding a ten-foot PUE. The PUE is utilized by the “dry utilities,” including BGE/PEPCO, Verizon, and Comcast. The dry utility easements, until recently, have been most often in the form of “direct bury” utility installation. Direct bury is located alongside the public or private street, on the private lot, and the utility easement agreement requires that the easement remain free and clear of obstructions such as sidewalks, roads, and other hard surfaces, except where crossed for driveways. This enables the utility companies to maintain and repair these facilities. In the case of direct bury, the utility companies own and maintain the infrastructure.

In the previous plan, the applicant indicated they did not have room to move the townhouses ten feet back from the 22-foot-wide alley and provide the PUE alongside the private street. The applicant proposed to locate the PUE under the 22-foot-wide private alleys. Therefore, instead of a direct bury utility installation, the applicant would be required to construct a “conduit system” for utility installation because the utilities were under the street.

On October 2, 2008, staff attended the first utility coordination meeting for this project. This meeting included representatives from Potomac Electric Power Company (PEPCO), Verizon, Comcast, Washington Suburban Sanitary Commission (WSSC), and the applicant. At that meeting staff was advised that if the applicant constructs a conduit system, the utility companies will not take ownership or maintenance responsibilities because of the cost of repair and maintenance. Generally, due to the fact that the utilities are under the streets, the utility companies do not want to be responsible for reconstruction and repair of the streets, as well as any maintenance of the system. Therefore, the ownership and maintenance of the utilities will be the responsibility of the homeowners and not the responsibility of the public utility companies, as apposed to a direct bury system where the utility company owns and maintains the system.

On October 24, 2008, a representative from PEPCO stated via e-mail:

“PEPCO’s policy for residential construction is direct buried. This means we install our cable in grass and/or dirt which we own and maintain. We pay for any emergency or maintenance repairs because we own it. However, if the Developer or Builder, so chooses, he can request a conduit/manhole or splicebox system which he/she, by legal agreement, requests the legal right to build, own, and maintain the equipment. We will own the cable. In emergency or for maintenance situations, the HOA pays for it.”

“We (PEPCO) are completely and totally indemnified. This is a tough decision to make by the Planning Board. One must look to the future and try to see the results 40 to 50 years from now.”



It is important to note that of recent, the Planning Board has approved private streets and alleys with the PUE within the right-of-way, which include a number of high-density urban environments including the EYA, Westphalia Town Center, and Konterra. This phenomenon of placing the public utility easement in the street right-of-way is relatively new and has been driven by the spatial needs of an urban environment. It is only recently that the utility companies have found problems with their ownership and maintenance of these facilities and are requiring now that they are owned and maintained by the homeowners. This issue has only recently been brought to the attention of the Planning Department.

To ensure the viability and stability of a community, there should be a strong advocacy for the future homeowners. The public/private partnership must also ensure that the legacy and environment left to the residents will promote and encourage their success. In particular, a development which targets first time homebuyers in a distressed community should be served primarily by public services. The success of this community will depend not only on the up-front good intensions of public/private partnership, but on the choices made today for the residents' future.

**Revised Plan (November 24, 2008)**

At the Planning Board hearing on November 13, 2008, the Planning Board voiced strong concerns that the applicant was proposing such significant private infrastructure and directed that the applicant evaluate other alternatives to the conduit system.

Subsequent to the hearing, staff contacted WSSC (wet utility) and BGE/Comcast (dry utilities) and discussed the possibility of reversing the location of what the applicant was proposing. In this case, the applicant would locate the 30-foot-wide WSSC easement in the alleys and private streets, and the dry utilities would be located in the "mews." This would allow for a direct bury dry utility installation within a minimum five-foot-wide PUE around the perimeter of the mews and a minimum of ten-foot-wide (or greater) tree planting strip within the mews. The utility companies have stated that they could and would own and maintain this infrastructure. The Planning Board placed a condition of approval requiring direct bury utilities.

The 30-foot-wide WSSC easement within the alleys would require that the rear of dwelling units be located a minimum of 30 feet apart. The 30-foot easement could extend onto the private lots within the 22-foot-wide alleys, per WSSC representative. This could also result in additional driveway space for the units.

The preliminary plan should be revised to reflect direct bury dry utilities, by the relocation of the WSSC water and sewer lines.

8. **Urban Design**—The property is composed of parts of seven different blocks, with existing public roads running between the blocks. The property is currently the site of 41 existing multifamily buildings, which are proposed to be removed. The standards of the development are to be determined by an approved detailed site plan. However, there are important design considerations

that must be observed at the time of the preliminary plan in order to create a functional and attractive development. The plan raises significant concerns about the character of the proposed development in regard to spatial density, layout of streets, lots and utilities, lot sizes, recreational facilities, parking, and compatibility of the project with the surrounding uses.

The Urban Design Section originally reviewed earlier versions of this plan and recommended that the plan be disapproved. Since that time, the applicant has developed a sketch plan of a revised layout (November 24, 2008) intended to address some of the spatial concerns that have been raised on this site.

#### **Conformance with the *Prince George's County Landscape Manual***

The Residential Revitalization regulations require that the plan should conform to the requirements of the *Prince George's County Landscape Manual* to the extent feasible. The proposed single-family attached townhouses are considered incompatible, as defined by Section 4.7 of the Landscape Manual, with the single-family detached houses located to the east of the property and with the multifamily development located to the west of the property. A type "A" bufferyard is required along the property lines on the east and west sides of the property. This would require a 20-foot building setback and a ten-foot landscaped yard along the property line. The applicant should allow enough room on the preliminary plan to provide the entire bufferyard free and clear of utility easements, if possible.

#### **Recreational Facilities**

Due to the density of dwelling units proposed on the site (in excess of 24 units per acre), the recreational facilities required are significant. Illustrative plans submitted by the applicant show the location of a future community building at the southwest corner of Newton Street and 55<sup>th</sup> Avenue. Two open green areas between townhouse sticks have been identified in the eastern and western portions of the site. These areas will provide opportunities for the location of appropriate outdoor recreational facilities. Additional smaller open spaces may be created throughout the development along with coordinated breaks in the rows of attached units creating pedestrian and visual corridors throughout the site. There exists a unique opportunity to locate a passive recreation area along the northeast property line alongside the existing urban stream corridor. This would provide for additional identifiable recreation area while enhancing the stream buffer.

#### **Plan Comments**

It should be noted that the significant grades on the property, between the existing public rights-of-way, pose a very difficult site planning problem. The closely-spaced development provides few opportunities to accommodate the change in grade and it would be difficult to integrate retaining walls into the design without completely disrupting the arrangement. Although previous versions of the preliminary plan and tree conservation plan provided estimated grades for the development, the proposed sketch plan does not include that information. Without knowing what grades are proposed, it is difficult to determine whether the applicant's layout is feasible as proposed or whether it would create unforeseen difficulties. If the grades can be accommodated in

a relatively sensitive manner, as such incorporating the grade change into the house elevation and placing the front door and garage on different levels, the layout should be acceptable. However, the Urban Design Section will not recommend approval at the time of detailed site plan review of any arrangement where large retaining walls are placed between the fronts of houses and the public rights-of-way, or other similarly unjustified grade-driven situations.

The Urban Design Section has recommended that the detailed site plan should conform to a set of minimum standards as listed. Because the plan that is being reviewed at this time is a sketched layout of units rather than an actual preliminary plan and because many of the issues upon which the development's success will depend will require a fine-detailed analysis, not all issues of the layout can be finally approved at this time. The dense development on the site means that any adjustments to the layout that must be done at the time of detailed site plan review, based upon detailed grading, architecture, and functional analysis, and may result in a reduction of buildable units shown on the plan.

In general, the sketch plan shows more units fronting onto the public rights-of-way than the previous design. However, both designs also feature numerous situations where the sides of units face toward the public rights-of-way. In order to maintain the outward orientation of the townhouses and enliven the streetscape in those areas, the units whose side faces a public right-of-way will be side-entry units and as conditioned by the Planning Board.

#### **Parking**

The parking provisions assumed by the applicant's design do not appear to be adequate for the needs of the development. Although Section 27-445.10 of the Zoning Ordinance, Residential Redevelopment Regulations, \*grants a [allows for the] reduction of parking requirements from the normal standards of the Zoning Ordinance, the \*detailed site plan should still demonstrate that parking is adequate for the needs of the development \*subject to the requirements outlined in CB-58-01 which mandates a 30 percent reduction in required parking . The design proposed by the applicant \*may be ~~\*[appears to be particularly]~~ liable to parking shortages. Dense townhouse developments elsewhere in the county that provide the Zoning Ordinance's minimum amount of parking (2.04 parking spaces per dwelling unit) have been the subject of frequent complaints due to parking shortages. The preliminary plan proposed by the applicant utilizes primarily 15-foot-wide and 18-foot-wide townhouse lots; the smaller lots could accommodate traditional one-car garages and the larger lots could possibly accommodate standard two-car garages. The applicant has submitted an exhibit showing how parking could be provided in these garages. The 15-foot-wide units, which constitute the majority of the units proposed on the site, are not wide

\*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

enough to accommodate two cars side-by-side. Instead, the applicant \*has indicated that they may [is proposing] propose to create a tandem parking arrangement where one car would be parked behind another within the garage. The applicant should provide floor plans to demonstrate that there is adequate space within the garage to provide both parking spaces on the lot \*if determined appropriate at the time of DSP.

On-street parallel parking spaces will probably be provided along the public rights-of-way (subject to the approval of the Department of Public Works and Transportation), but there \*appears to be [is] no space to provide any additional parking along the private rights-of-way. The sketch plan provides very few additional surface parking lots (a total of six for the entire development). Visitors to the site would find parking in the development very difficult. Particularly where the applicant has proposed rows of townhouses perpendicular to the public streets, the number of on-street parallel parking spaces on the public road will be very small in proportion to the number of units in the area. Non-residents may find it nearly impossible to find parking anywhere near the houses they intend to visit. Residents and non-residents alike might attempt to park illegally along the narrow private alleys, blocking garage entrances and circulation routes, or they might be forced into the surrounding community to find parking, resulting in an unacceptable impact to the neighboring areas. Additional areas for visitor parking should be identified in each area of the development, \*at the time of review of the DSP. Review of the DSP may include a recommendation, to provide \*[a minimum of] one off-street surface parking space per ten townhouses \*if determined appropriate at that time.

9. **Environmental and Variation to Section 24-130**—The Environmental Planning Section has reviewed Preliminary Plan of Subdivision 4-08022 for Quincy Manor. Verbal comments were provided at the Subdivision Review Committee meeting on July 11, 2008, and written comments were provided on July 29, 2008. A revised variation request was stamped as received on August 21, 2008, and verbal comments were provided at the Subdivision Review Committee meeting on September 5, 2008, on the request and the case as a whole. A tree survey that addressed comments provided in the July 29, 2008, memo was stamped as received on September 5, 2008, and written comments were provided on September 15, 2008. A conceptual grading/site utilities plan and revised preliminary plan were stamped as received on October 2, 2008, verbal comments were provided at the utility coordination meeting on October 8, 2008, and written comments were provided in a memorandum dated October 20, 2008.

\*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~striketrough~~ indicate deleted language

Subsequent to the Planning Board hearing on November 13, 2008, staff met with the applicant to discuss issues raised at that hearing. The outstanding environmental issue raised was the preservation of individual trees as recommended by the *Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity (Planning Area 69)*. The site contains an impressive existing tree canopy that is significant to the character of the area. Although the site is exempt from the Woodland Conservation and Tree Preservation Ordinance because it contains less than 10,000 square feet of woodland, the associated Bladensburg-New Carrollton and vicinity approved master plan and sectional map amendment has specific recommendations with regard to evaluating and preserving existing individual trees where possible. The previously proposed layout did not address the preservation of the existing trees as recommended by the master plan.

A sketch plan dated November 24, 2008, has been submitted to address this issue. The proposed plan shows the preservation of more of the on-site trees as recommended by staff in a previous memorandum; however, it is still not clear how the infrastructure and grading will effect this proposal.

#### **Background**

A Natural Resources Inventory, NRI/024/08, was reviewed and approved as a submission requirement of this application.

The site is subject to CB-58-2001 which allows for “the renovation or redevelopment of any form of existing multi-family or attached one-family dwelling units, in a designated Revitalization Tax Credit District, where the renovation or redevelopment meets the standards and criteria in Section 27-445.09 (Residential Revitalization).”

#### **Site Description**

The site is currently developed with multifamily residential units that are apartments and no regulated woodlands; however, the site contains dozens of large trees that are in extremely good condition for this urban setting. A review of available information indicates that there are no streams or wetlands on the property; however, the site does contain 100-year floodplain and a stream buffer associated with the adjacent off-site stream. Stormwater runoff from the site eventually reaches the Upper Anacostia watershed in the Potomac River basin. According to the *Prince George's County Soil Survey*, the principal soils on the site are in the Christiana and Sunnyside series. Marlboro clay is not found to occur in the vicinity of this site. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on this property or adjacent properties. No designated historic or scenic roads will be affected by this development. Landover Road (MD 202) is an arterial roadway and the Baltimore-Washington Parkway (MD 295) is a freeway, both generally regulated for noise impacts. Because of the distance from the subject site to these two roadways and the existing surrounding development, noise impacts to this site are not anticipated. The property is in the Developed Tier of the 2002 General Plan.

**Environmental Issues Addressed in the Bladensburg-New Carrollton and Vicinity Approved Master Plan and Sectional Map Amendment**

The site is subject to the Bladensburg-New Carrollton and vicinity master plan. The environmental envelope section of the master plan contains goals, objectives and recommendations to preserve, enhance, and where appropriate, restore environmentally sensitive features. The environmental envelope section recognizes the interconnected system of public and private lands that contain significant areas of woodlands, wetlands, wildlife habitat, and other sensitive areas with minimal intrusions from land development, light, and noise pollution. The text in **BOLD** is the text from the sector plan and the plain text provides comments on plan conformance.

The goal of the master plan with respect to the environmental envelope is:

**To protect and enhance the environmental quality of the Planning Area by preserving natural environmental assets as an integral part of the community.**

The existing apartment community on the subject site contains valuable urban tree canopy consisting of many large individual trees, including specimen trees, which serve as natural environmental assets to the community, both aesthetically and biologically. These trees should be strongly considered for preservation as part of the design of the new community.

Because of the urban location, the existing tree cover on the site is extremely valuable. There are many large trees existing on-site that provide shade and reduce the urban heat island effect within the community. They serve to reduce overall energy costs by reducing the temperature of the micro-climate of the community. These trees reduce air pollution by absorbing carbon dioxide and releasing oxygen. Every reasonable effort should be expended to preserve the existing tree canopy through the preservation of trees that are of a size, species, condition, and location that will ensure their long-term survival. The identification of the trees to be preserved is addressed below.

Page 16 of the master plan provides comments regarding urban forests and individual trees:

**In addition to woodlands, there is a significant urban forest component within PA 69. The urban forest can be described as those areas with trees that do not include the multiple canopy layers associated with woodland, such as street trees, yard trees, landscape trees, specimen trees and champion trees. This area, although similar to woodland, must be evaluated separately since it consists of individual trees or small groups of trees in yards or along streets.**

The following is a recommendation of the master plan (p. 22) pertaining to this site:

**Develop detailed inventories for street trees, champion trees and yard trees. This information can then be used to establish maintenance programs for those trees in poor health or needing removal.**

A tree survey was submitted and reviewed for this site. Based on previous comments by staff, a revised layout in the form of a sketch plan has also been submitted and reviewed. The sketch plan, as proposed, shows the preservation of 31 of the 140 existing significant trees; however, only approximately ten would be preserved if utility conflicts cannot be resolved. A detailed discussion is provided in the Environmental Review section below.

The following are the development guidelines from the master plan (pp. 24 and 25) that pertain to this site:

- 1. Developers shall be encouraged to utilize the Comprehensive Design Zones, the cluster, and site plan review provisions of the Zoning Ordinance and other innovative techniques that ensure environmentally responsible development.**

The primary environmental assets of this application are the on-site expanded buffer, adjacent stream valley, specimen trees, and several other large individual trees that exist throughout the site. The site is 17.04 acres in size and is envisioned to have high density development. Given the acreage of the site, and the fact that the existing streets will remain, it is possible to create a design with a layout and housing type that allows for an open space network that preserves individual trees that are healthy enough to survive the construction process. In a memo dated September 15, 2008, Environmental Planning Section staff identified 17 trees that should be considered for preservation.

A sketch plan dated November 24, 2008, addressing the preservation of existing trees has been submitted. Comments and recommended revisions to the plan are provided under comment 3 of the Environmental Review section below.

- 2. Land dedicated in accordance with the Subdivision Regulations for the provision of needed recreational facilities should not consist solely of floodplains or other parts of the Natural Reserve Areas.**

Land dedication for recreational facilities should utilize the existing resources on the site to develop an open space network that allows for the preservation of existing trees where possible. The reduction of four lots (Area 1) adjacent to the stream corridor as an identifiable recreational area that also benefits the stream corridor by pulling back development.

- 3. The responsibility of environmentally sound development practices should apply equally to private and public interests; decisions concerning the selection and use of properties should be based on environmental considerations.**

**4. Developers shall be encouraged to capitalize on natural assets through the retention and protection of trees, streams, and other ecological features.**

In previous memoranda, staff provided a list of existing trees (17) to be considered for preservation based on their size, species, and condition. The plans were revised to show the preservation of some of the individual trees; however, because of the locations of some of the trees, their preservation is still questionable. In a meeting held with the applicant and various representatives of utility companies, including PEPCO, Comcast, WSSC, and Verizon, it was unclear if any of the trees could be saved due to the limited area available for utility installation. The dense development of the site has resulted in a significant loss of land area needed for the installation of necessary infrastructure. The layout should be designed in a manner that allows for the adequate placement of necessary infrastructure, and serves to retain the existing large trees, which will preserve the character of the existing neighborhoods as well as the adjacent communities.

The applicant could capitalize on the existing natural asset of the expanded buffer adjacent to the urban stream by creating a passive recreation area while reducing the impact of development on the stream.

The protection of regulated features of the site is discussed further in the Environmental Review section below.

**5. Woodland associated floodplains, wetlands, stream corridors and steep slopes shall be given priority for preservation.**

There are no regulated woodlands on this site; however, a stream corridor is located to the north of the subject property. It is not clear from the sketch plan if the buffer will be preserved based on the proposed design because it does not show the proposed grading. A previous grading plan did propose to grade into the minimum 50-foot stream buffer for utility installation and the creation of lots. These types of impacts can be avoided and the entire on-site expanded buffer can be preserved. Conservation efforts should also focus on preservation of the existing large trees as noted above. Impacts are discussed in the Environmental Review section below.

**6. The Natural Reserve Areas, containing floodplain and other areas unsuitable for development should be restricted from development except for recreational and other nonstructural uses. Grading and filling are discouraged.**

**7. Development proposals shall provide effective means for the preservation and protection of Natural Reserve Areas, and development plans for the**



**lands containing open space and conservation areas should specify how and by whom these area will be maintained.**

**8. Limited Development should be permitted in Conditional Reserve Areas, based on the significant physiographic constraints and natural processes of the land.**

The on-site expanded buffer is a designated natural reserve area in the plan. Natural reserve areas and conditional reserve areas as described in the master plan have been superseded by the designations in the *Approved Countywide Green Infrastructure Plan*. See Countywide Green Infrastructure Plan comments below.

### **Countywide Green Infrastructure Plan**

The site contains a regulated area, evaluation area, and network gaps within the designated network of the Countywide Green Infrastructure Plan. These features are associated with a stream valley on the adjacent property, to the north of the subject site. The stream buffer and 100-year floodplain associated with this stream valley extends onto the north portion of subject site. This urban stream is highly eroded, with banks higher than ten feet in some areas. It was the subject of a stream restoration project in recent years.

The conceptual grading and site utilities plan stamped as received on October 2, 2008, shows encroachment into the regulated area, evaluation area, and network gaps for proposed lots and utility lines. The submitted sketch plan does not provide enough information to evaluate proposed impacts. The valuable assets in the network gap areas are the existing large trees. Impacts to the expanded buffer are discussed in the Environmental Review section below. While it is not possible to fully implement the recommendations of the Green Infrastructure Plan because of the urban setting, the plan should provide effective protection to the stream valley through tree buffering within the on-site expanded buffer.

### **Environmental Review**

A signed Natural Resources Inventory, NRI/024/08, was submitted with the application. The site contains a stream buffer and 100-year floodplain associated with a stream valley on the adjacent properties to the north of the site. The NRI shows that the property does not contain any regulated woodlands. There are 23 specimen trees on the site. On May 27, 2008, a standard letter of exemption from the requirements of the Woodland Conservation Ordinance was issued for the subject site. No additional information is required with regard to the NRI.

This site is not subject to the provisions of the Woodland Conservation Ordinance because it contains less than 10,000 square feet of woodland and has no previously approved tree conservation plan. No further action regarding woodland conservation is required.

This site contains 23 specimen trees and many other large trees, which were planted as part of the landscaping when the existing apartment complex was constructed. Specimen trees are defined as trees that have a diameter of 30 inches or greater at breast height (4.5 feet), or trees having 75 percent or more of the diameter of the current county champion for that species. Specimen trees have a historical significance and are noted for their size, longevity, and unique presence among other trees. The original documents showed the locations of the specimen trees and showed none of the on-site specimen trees to be preserved. At the first Subdivision Review Committee meeting and in a subsequent memorandum, staff provided guidance on how to conduct a tree survey for the site to ensure that the best trees, in the healthiest condition, are shown to be preserved.

A tree survey in accordance with "A Guide to Plant Appraisal" was submitted as requested. The tree survey was well executed and accurately described the location, condition, and overall health of 140 trees on the property. Staff evaluated the survey and identified 17 trees consisting of Pin Oak, White Oak, Red Maple, and Sycamore that are potential candidates for on-site preservation. These trees received a rating of 70 percent or greater based on the structure and health of their roots, trunks, foliage, and branches. The identified trees are primarily located along the rights-of-way and within the existing public utility easement. Staff also identified trees located within the interior areas of the site that should be considered for relocation to other open areas on the site.

#### **Revised Plan Dated November 24, 2008**

A sketch plan dated November 24, 2008, was submitted to address Planning Board comments with regard to preservation of individual trees in accordance with the master plan. The submitted sketch plan proposes to preserve a total of 31 of the 140 existing trees, which includes 14 of 17 that were recommended by staff. Of those not recommended by staff, seven undesirable trees (No. 37–39, 87, 88, and 90, Ash; No. 86, Hawthorn) are shown to be preserved. Hawthorn trees are easily susceptible to a number of diseases and pests, while the Ash tree in Prince George's County has been part of a program to eradicate the emerald ash borer that has spread within the county.

Eighteen of the trees shown to be preserved appear to be within the existing PUE, which may make them difficult to preserve. In order to ensure the survivability of the trees during development, the critical root zones of all interior trees proposed for preservation should be avoided during the root pruning process. It is assumed that the essential roots of trees within the existing PUE right-of-way will remain undisturbed. The critical roots of these trees should be avoided to the extent possible to ensure their survival. It is not clear how grading will affect the existing trees because the proposed grading is not reflected on the submitted plan, and a TCPI was not submitted with this information.

The design, as proposed, is considered environmentally responsible with regard to ensuring the preservation of a significant portion of the existing tree canopy; however, it is still unclear how the existing utility easements for the site will effect the preservation of these trees. The submitted plan only shows a layout of the proposed lots and rights-of-way, along with trees to be preserved, and

trees to be planted. The associated site plan must ensure the preservation of the trees as proposed on the sketch plan.

The sketch plan did not include a legend. The plan shows some trees with shading around the edge and others without. A clarification of these two types of symbols should be provided. The site plan must provide clarification of all significant symbols used on the plan.

At the time of detailed site plan, the DSP should show conformance with the sketch plan with regard to the preservation of all trees outside the existing PUE. The limits of disturbance should be evaluated to ensure that critical root disturbance has been minimized. For all trees proposed for preservation within the existing public utility easement, the DSP should show a design that ensures the preservation of those trees. If any trees cannot be preserved due to necessary utilities, justification with supporting documentation will be required.

**Variation to Section 24-130 of the Subdivision Regulations**

Impacts to the expanded buffers are restricted by Section 24-130 of the Subdivision Regulations unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. Even if approved by the Planning Board, the applicant will need to obtain federal and state permits prior to the issuance of any grading permit.

A variation request, stamped as received August 21, 2008, has been reviewed. The request proposes the disturbance of 2,241 square feet of stream buffer primarily for a water line. A small area of this disturbance will also be for a sanitary sewer line. The exhibit shows these impacts parallel with the stream, and inside the minimum 50-foot-wide expanded stream buffer. However, the applicant has indicated that impacts to the expanded stream buffer can be avoided. Notwithstanding, staff has not seen a preliminary plan revised which demonstrates that the variation is not required and the Planning Board disapproved any impact to the expanded stream buffer in accordance with the findings below.

Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of variation requests as follows:

- (a) **Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:**

The approval of the applicant's request does have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-130 would not result in practical difficulties to the applicant and would not preclude the applicant from the reasonable development of this property.

**(1) The granting of the variation will not be detrimental to the public safety, health, or injurious to other property;**

If the variation were granted it would not be detrimental to the public safety and health, but could be injurious to other properties. The continued degradation of the stream buffer could cause further deterioration of the stream channel, affecting the velocity and course of the stream, which could impact other properties that abut the stream channel.

**(2) The Conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The design should avoid any impacts to streams, wetlands, or their associated buffers unless the impacts are essential for the development as a whole. Staff generally will not support impacts to sensitive environmental features that are not associated with essential development activities. The property is not unique to the surrounding properties, and in fact, the surrounding properties share the proximity to the expanded buffer.

**(3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation;**

There are no other regulations that regulate the expanded stream buffer (Section 24-130) and therefore, if the Planning Board were to approve the variation, it would not violate any other applicable law, ordinance, or regulation.

**(4) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if strict letter of these regulations is carried out;**

The site is adjacent to an urbanized stream that is severely degraded due to the high-density development that surrounds it. At a minimum, the 50-foot-wide stream buffer should be preserved in its natural state and allowed to regenerate into an adequate riparian buffer. It appears as though the impact is proposed in

this location only because of the placement of the proposed lots. Impacts such as this could be avoided by redesigning the layout to allow adequate area outside the buffer to accommodate the necessary utilities.

The Planning Board denies the variation to Section 24-130.

A Stormwater Management Concept Plan approval letter, CSD 33617-2007-00, approved by DPW&T was submitted with this application. The letter allows for the payment of a fee-in-lieu of on-site attenuation and also requires a filter system to address some quality control of on-site run-off. Neither the conceptual grading and utility plan nor the preliminary plan show the 25-foot-wide required building setback from the 100-year floodplain. One of the buildings is shown to be built within this required setback, and cannot without the approval of a variation to Section 24-129 of the Subdivision Regulations. No such variation has been filed by the applicant. The preliminary plan should demonstrate the required setback.

The stormwater management (SWM) approval letter contains the comment: "Stream valley mitigation work is to be permitted prior to issuance of grading permit." It is not clear from the information submitted if stream mitigation work will be done as part of this application. Detailed comments from DPW&T regarding this statement should be provided. It should state, if mitigation is required, by whom, where the mitigation will occur, and what type of work is needed. Impact for this work, if on-site, is not approved by the Planning Board.

#### **Water and Sewer Categories**

The water and sewer service categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003, and the site will therefore be served by public systems.

10. **Community Planning**—The 2002 General Plan locates this property within the Developed Tier. One of the visions for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium-to high-density neighborhoods. The site is located within the designated Annapolis Road Corridor. The vision for corridors is mixed residential and nonresidential uses at moderate to high densities, with a strong emphasis on transit-oriented development. This development should occur at local centers and other appropriate nodes within one-quarter mile of major intersections or transit stops along the corridor. The proposed preliminary plan is consistent with the vision for high-density residential neighborhoods that are transit serviceable within a designated corridor, considering the project calls for 411 lots for proposed townhouses, on about 17.04 acres of property, along the Annapolis Road corridor.

The property is located within the limits of the 1994 *Approved Master Plan and Sectional map Amendment for Bladensburg-New Carrollton and Vicinity (Planning Area 69)*. The master plan land use recommendation for the property is high urban residential development. The 1994 approved sectional map amendment retained this property in the R-18 and R-35 Zones.

In review of the master plan, staff has identified a number of planning issues and reviewed those issues with the applicant.

The applicant fails to preserve mature trees and applying crime prevention through environmental design (CPTED) techniques applicable to the preliminary plan. There are a number of references in the 1994 *Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity (Planning Area 69)* which apply to this application. Specifically:

Guidelines (pp. 55–56)

- **Developers shall be encouraged to preserve natural amenities (streams, floodplains, wooded areas) and to incorporate these natural features into the environmental pattern of residential areas to serve as open space and to define and/or link together the living areas.**
- **Visual attractiveness and recreational amenities for residential areas should be increased through the provision of open space, public and private maintenance programs, and other private actions to ensure an interesting, varied and harmonious appearance.**

Recommendations (pp. 93–95)

1. **Construct and maintain a system of concrete walks and lighting through neighborhoods to connect with nearby bus stops, Metro stations and walks/trails.**
2. **Plant and maintain large, deciduous street trees along the streets which will provide a continuous canopy at maturity. Implement a street tree survey, planting and maintenance program.**
3. **Require developers of new housing to build several house variations that will give variety, but are compatible to each other to ensure visual cohesion.**

Guidelines—General (pp. 105–106)

**Street**

- **Locate crosswalks and pedestrian crossing signals at all traffic signals.**

**Utilities**

- **Place utility wires underground where possible. If not possible, relocate overhead wires to the rear of the buffer strips.**
- **Consolidate utility pole usage.**

#### **Streetlights**

- **Streetlights should light both street and sidewalks.**
- **The poles, fixtures, light color and intensity should be consistent.**

Guidelines—Residential (pp. 108–111)

#### **Streetscape/ Street**

1. **Sidewalks should be continuous through neighborhoods and multi-family complexes and connect to walks, bus stops, Metro stations and trails outside of the neighborhood or complex.**
2. **Sidewalks of concrete or durable pavers should be a minimum of four feet wide, preferable separated from the street by a tree lawn six feet wide along residential streets and preferable seven feet wide along arterials (See Figure 7).**

#### **Site/ Layout**

1. **People in parking areas should be visible from the dwelling units or the street.**
2. **In multifamily complexes, avoid creating hidden areas that are accessible from more than one point to discourage loitering and other illegal activities.**
3. **A coordinated landscaping plan should be designed for multifamily complexes to provide shade; to screen incompatible views, to highlight entryways; to define streets, walks and open spaces; to partially screen parking areas; and to integrate the development into the neighborhood.**

#### **Building/ Proportions, Materials and Details**

- **Building endwalls that can be seen from the street should incorporate windows, doors or other architectural details to eliminate blank walls along the street.**

Based on the finding contained in this resolution of approval, the plan is in conformance with the master plan recommendations as it relates to the specific principles and guidelines for residential development, as required by Section 27-445.10(c)(6) for residential revitalization (CB-58-2001), and further reviewed with the DSP.

11. **Department of Parks and Recreation**—There are several tot lots currently on the site that are utilized by the residents. The Department of Parks and Recreation (DPR) analysis shows that there is a “high need” for both acreage and recreational facilities in this area. Using current occupancy

statistics for single-family dwelling units, the development will have approximately 1,299 residents.

There are several public facilities within a mile of this site. Directly to the north is the Publick Playhouse and to the west is Bladensburg Marina and Colmar Manor Community Park containing football, soccer and multiple softball fields, playgrounds, and basketball and tennis courts. The addition of private recreational facilities on-site, strategically located, will complement the nearby parkland and provide needed recreation opportunities for the new residents of this subdivision.

An important additional recreation area is required in the northeast quadrant of the intersection of Newton Street and 55<sup>th</sup> Avenue along the stream corridor. This area of the site does not provide for any meaningful active open space areas as currently proposed. This area (Area 1) provides a unique opportunity to locate an active or passive recreation area along an urban stream corridor while serving as an additional buffer for this already degraded stream system.

The applicant has proposed a community building in the southwest quadrant of the intersection of 55<sup>th</sup> Avenue and Newton Street. The applicant has indicated that they are considering the conversion of the existing multifamily building at this location. This would help to ensure the retention of the existing trees in this area. While staff acknowledges that these residents will be in high need for indoor recreational opportunities and meeting space for the HOA, the cost to own and maintain a community building, in addition to the other HOA costs discussed, could be a burden on the HOA. The applicant could consider creating a central park in this area that could help to establish a sense of place for the residents. Meeting spaces could be available in other public spaces and facilities in the general area. This issue will be reviewed with the DSP.

12. **Trails**—This site is outside of the Bladensburg Town Center sector plan area. The sector plan goal to create trail connections that join the Anacostia River trails, the neighborhoods to the east, and Annapolis Road can be implemented during the development process. The sector plan recommends that 55<sup>th</sup> Avenue become a pedestrian way that provides access to the town center.

North-south and east-west connectivity to the subject site is desired. Wide sidewalks and shared road bike facilities will join the site to the Anacostia River trails and area parks, the Bladensburg Town Center, the Bladensburg Waterfront Park, the Publick Playhouse, and Bladensburg High School. Quincy Run is no longer a suitable park-trail corridor since staff explored the feasibility of the plan during a 2006 planning charrette for the town center, discovering that the steep and severe slopes would prevent construction of the trail.

13. **Transportation**—Based on the size of the proposed redevelopment a traffic study was required. In response, the applicant submitted a traffic study dated July 2008. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the “Guidelines for the Analysis of the Traffic Impact of Development Proposals.”



**Growth Policy—Service Level Standards**

The subject property is located within the Developed Tier, as defined in the *Prince George's County Approved General Plan*. As such, the subject property is evaluated according to the following standards:

**Links and signalized intersections:** Level-of-service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better.

**Unsignalized intersections:** *The Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

**Planning Board Analysis of Traffic Impacts**

The traffic generated by the proposed preliminary plan would impact six intersections (four signalized and two unsignalized). The four signalized intersections include MD 450/MD 202, MD 202/SB MD 295 Ramps, MD 201/SB 52<sup>nd</sup> Avenue, and MD 201/NB 52<sup>nd</sup> Avenue. The two unsignalized intersections are MD 202/55<sup>th</sup> Avenue and Newton Street/52<sup>nd</sup> Avenue.

This is a redevelopment site. Currently there are 382 apartment units on the site. The applicant is proposing to replace the apartment units with 411 townhouse units. Because the townhouses generate more trips per unit than multifamily dwellings, discounting for the existing trips associated with the apartment units, the net increase from the proposed development would generate 146 AM (28 in, 118 out) and 166 PM (108 in, 58 out) peak-hour vehicle trips as determined using the guidelines.

The existing conditions at the critical intersections identified for review and study are summarized below:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 450 and MD 202	1,022	1,124	B	B
MD 202 and 55 <sup>th</sup> Avenue*	49.2	111.0	--	--
MD 202 and SB MD 295 Ramps	1,278	1,050	C	B
Newton Street and 52 <sup>nd</sup> Avenue*	15.6	11.2	--	--
MD 201 and SB 52 <sup>nd</sup> Avenue	935	830	A	A
MD 201 and NB 52 <sup>nd</sup> Avenue	975	825	A	A

\*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the *Guidelines*, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.

It is noted that the applicant’s traffic consultant adjusted the count at Newton Street and 52<sup>nd</sup> Avenue since it was taken a day after Labor Day. With this increase, the intersection is still far below approach delays exceeding 50.0 seconds. However, the intersection of MD 202 and 55<sup>th</sup> Avenue does exceed 50.0 seconds of delay during the PM peak hour.

Also in terms of existing conditions, the Maryland State Highway Administration (SHA) commented that the August 30, 2007, traffic count at MD 202 and MD 450 appeared to be low based on historical data. Based on staff review of SHA’s traffic count website, no recent traffic counts could be found. There were none during the last five years. The lane configuration also appears to have changed since 2001, based on an April 26, 2001 SHA traffic count. Today there are fewer opposing turns which results in the low critical lane volume and level of service.

The submitted traffic study provides an analysis for assessing the background traffic situation. This study considered the following:

- A 1.0 percent annual growth factor for through traffic along MD 450, MD 202, and MD 201 was used.
- Background development in the area, including 244 condominium units, 5,580 square feet of office space, 450,000 square feet of heavy industrial space, 78 senior housing units, and 30 vacant apartments at Quincy Manor. Trips from these developments were included in the analysis.

- It should be noted that at the time of the traffic counts in September 2007, approximately 30 apartment units were vacant; therefore, these 30 units were added back into background traffic to account for them.

Background conditions are summarized as follows:

<b>BACKGROUND TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
	MD 450 and MD 202	1,066	1,175	B
MD 202 and 55 <sup>th</sup> Avenue*	57.4	154.0	--	--
MD 202 and SB MD 295 Ramps	1,368	1,090	D	B
Newton Street and 52 <sup>nd</sup> Avenue*	16.7	11.5	--	--
MD 201 and SB 52 <sup>nd</sup> Avenue	997	891	A	A
MD 201 and NB 52 <sup>nd</sup> Avenue	1,257	1,034	C	B
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

As noted above under existing conditions, the intersection of MD 202 and 55<sup>th</sup> Avenue operates above 50.0 seconds of delay under background conditions as well, indicating inadequate traffic operations. In terms of total traffic conditions, the net increase from the proposed development would generate 146 AM (28 in, 118 out) and 166 PM (108 in, 58 out) peak-hour vehicle trips.

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
	MD 450 and MD 202	1,072	1,178	B
MD 202 and 55 <sup>th</sup> Avenue*	199.0	348.0	--	--
MD 202 and SB MD 295 Ramps	1,382	1,098	D	B
Newton Street and 52 <sup>nd</sup> Avenue*	20.0	12.1	--	--
MD 201 and SB 52 <sup>nd</sup> Avenue	1,028	905	B	A
MD 201 and NB 52 <sup>nd</sup> Avenue	1,286	1,049	C	B

\*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the *Guidelines*, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.

Under total traffic conditions without improvements, delays at the intersection of MD 202 and 55<sup>th</sup> Avenue exceed 50.0 seconds indicating inadequate traffic operations. All other critical lane volumes and levels of service are acceptable at the other critical intersections. In response to total traffic conditions, the applicant's traffic consultant concluded that a traffic signal would not be justified at the intersection of MD 202 and 55<sup>th</sup> Avenue.

**State Highway Administration (SHA) and Department of Public Works and Transportation (DPW&T) Comments**

The SHA recommended that the applicant design and construct a westbound MD 202 left turn lane at 55<sup>th</sup> Avenue and also widen the northbound approach of 55<sup>th</sup> Avenue at MD 202 to accommodate two lanes of traffic. Staff at DPW&T recommended that the applicant conduct a field gap study to determine the number of adequate gaps in traffic available for left and right-turning traffic on the northbound approach of 55<sup>th</sup> Avenue at MD 202.

Normally a traffic signal warrant study is recommended when delays exceed 50.0 during the AM or PM peak hour. In some instances physical improvements and geometric changes to an intersection will improve the intersection's operation and reduce delays. Minor changes at the intersection of MD 202 and 55<sup>th</sup> Avenue will reduce delays during the AM and PM peak hour to 10.7 seconds and 14.0 seconds respectively. These include restricting northbound left turns from 55<sup>th</sup> Avenue to MD 202, restriping the westbound approach of MD 202 at 55<sup>th</sup> Avenue to provide an exclusive left turn lane, and preventing through movements from northbound 55<sup>th</sup> Avenue across MD 202.

### **Transportation Comments**

The approved Bladensburg Town Center sector plan and sectional map amendment (June 2007) shows a possible roundabout at the intersection of MD 202 and MD 450, just to the west of 55<sup>th</sup> Avenue. In addition, there has been some discussion about constructing a new T-intersection and realigning MD 202 at MD 450. These changes would impact the intersection of MD 202 and 55<sup>th</sup> Avenue. However, they are part of a future study for the area and there is currently no timetable for their consideration. They would also have to be approved by SHA. Conditions for improvements to the MD 202 and 55<sup>th</sup> Avenue intersection are conditioned with this approval.

### **Variation to Section 24-128 Private Streets**

The applicant is proposing to serve the development by a combination of public and private streets and alleys. The public streets are existing and the private streets and alleys are proposed, which will be conveyed to the homeowners association. Section 24-128 of the Subdivision Regulations controls the use of private streets in the R-18 and R-35 Zones. For the development of townhouses in the R-18 Zone, private streets and alleys are only permitted when the land is developed in accordance with the requirements of the R-T Zone. In this case, the applicant is not developing in conformance to the R-T Zone, but as established by the proposed preliminary plan and detailed site plan, and is not consistent with the R-T standards. For the development of townhouses in the R-35 Zone, private streets and alleys are only permitted to serve one-family and two-family dwellings, not townhouses. Therefore, the applicant has filed a variation to Section 24-128 of the Subdivision Regulations for the use of 22-foot-wide private streets and alleys to serve townhouses (single-family attached) in the R-18 and R-35 Zones.

Section 24-128(a) of the Subdivision Regulations stipulates that “No subdivision plat or plan of development (however designated) shall be approved that provides for a private road, right-of-way, or easement as the means of vehicular access to any lot, and no building permit shall be issued for the construction of any building in a subdivision unless such building is to be located on a lot or parcel of land having frontage on and direct vehicular access to a public street, except as hereinafter provided.”

Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of variation requests as follows:

- (a) **Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:**

Practical difficulties would result from the strict application of Section 24-128 in this case. In general, private streets are utilized in townhouse developments.

**(1) The granting of the variation will not be detrimental to the public safety, health, or injurious to other property;**

The current configuration of the proposed private streets and alleys provide a safe, efficient, hierarchical street system for the development. However, the plan will be revised to increase circulation and provide turnaround capabilities at the time of DSP, to avoid the need motorists backing out of the alleys and parked vehicles creating blockages, etc.

**(2) The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The redevelopment of this site as a residential revitalization community is unique to other properties in the immediate vicinity, and is not shared by the surrounding properties. No abutting properties have been developed utilizing the residential revitalization provisions of the Zoning Ordinance.

**(3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation;**

The variation to Section 24-128 is not regulated by any other law, ordinance, or regulation and therefore, can not violate any other law ordinance or regulation.

**(4) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if strict letter of these regulations is carried out;**

The severe topography of the site is a restriction on the development layout. The applicant is also preserving the existing public street system. These two conditions of the site result in the need to develop the site utilizing private streets if the applicant desires to build townhouses. If private streets are not permitted, a reduction in the number of dwelling units could result which the applicant has indicated as a hardship.

Based on the findings, the Planning Board approves the variation to Section 24-128 for the use of private streets and alleys and finds that the proposed development meets the requirements of Section 24-124 of the Subdivision Regulations for adequate transportation facilities.

14. **Schools**—The Special Projects Section has reviewed this preliminary plan for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CR-23-2003 and concluded the following:

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 7	Middle School Cluster 4	High School Cluster 4
Dwelling Units	433 DU	433 DU	433 DU
Pupil Yield Factor	.24	.06	.12
Subdivision Enrollment	103.92	25.98	51.96
Actual Enrollment	40,283	12,185	16,243
Completion Enrollment	100.08	25.08	50.04
Cumulative Enrollment	.72	0	0
Total Enrollment	40,383.80	9,290.06	16,345.00
State Rated Capacity	39,187	11,256	16,332
Percent Capacity	103.05%	82.53%	100.08%

Source: Prince George's County Planning Department, M-NCPPC, January 2007

At the writing of the referral for this staff report, the applicant had proposed 433 dwelling units.

County Council Bill CB-31-2003 established a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between Interstate 495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority (WMATA); or \$12,000 per dwelling for all other buildings. CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,870 and \$13,493 to be paid at the time of issuance of each building permit.

The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

This project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-31-2003 and CR-23-2003.

15. **Fire and Rescue**—The Special Projects Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(a)(2), Section 24-122.01(d) and Section 24-122.01(e)(1)(B) thru (E) of the Subdivision Regulations.

Special Projects staff have determined that this preliminary plan is within the required seven-minute response time for the first due fire station, Bladensburg, Company 9, using the *Seven Minute Travel Times and Fire Station Locations Map* provided by the Prince George’s County Fire/EMS Department.

Pursuant to CR-69-2006, the Prince George’s County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A) and (B) regarding sworn fire and rescue personnel staffing levels.

The Fire/EMS Chief has reported that the Fire/EMS Department has adequate equipment to meet the standards stated in CB-56-2005.

16. **Police Facilities**—The subject property is located in Police District I, Hyattsville. The response time standard is ten minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on June 18, 2008.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Nonemergency Calls
Acceptance Date June 18, 2008	5/07–5/08	9 minutes	11 minutes
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met June 24, 2008. The Police Chief has reported that the Police Department has adequate equipment to meet the standards stated in CB-56-2005. Pursuant to CR-69-2006, the Prince George’s County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A) and (B) regarding sworn police personnel staffing levels.

17. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for Quincy Manor and notes that a raze permit must be obtained through the Department of Environmental Resources (DER) prior to the removal of any existing buildings. Any hazardous materials located in any structures on-site must be removed and properly stored or discarded prior to the structures being razed.
18. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that on-site stormwater management is required. A



Stormwater Management Concept Plan, CSD 33617-2007-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. However, the bioretention facility and outfall proposed along the northern property line shown on the approved stormwater management plan is not reflected on the preliminary plan or TCPI. In fact, the applicant has proposed dwellings where the facility is located on the approved SWM concept plan.

19. **Historic**—A Phase I archeological survey is not recommended on the above-referenced 17.04-acre property located along Quincy Manor Road and Newton Street at 55<sup>th</sup> and 56<sup>th</sup> Avenues in Hyattsville, Maryland. This plan proposes single-family attached dwelling units. 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. A 1950s apartment complex and parking lots cover the entire area. However, the applicant should be aware that there are nine County historic sites and three historic resources located within a one-mile radius of the subject property. In addition, there is one previously identified archeological site, 18PR96 Indian Queen Tavern (an early 18<sup>th</sup> to early 20<sup>th</sup> century inn/tavern), within a one-mile radius of the subject property.

Moreover, Section 106 review may require an archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act (NHPA) requires Federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when state or federal monies or state or federal permits are required for a project.

20. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a) of the Subdivision Regulations, when utility easements are required by a public utility company, the subdivider shall include the following statement in the dedication documents recorded on the record plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.”

The preliminary plan of subdivision should be revised to ensure the provision of a direct bury utility plan.

The existing ten-foot public utility easement is correctly shown abutting and contiguous with the public rights-of-way.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

\* \* \* \* \*

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 Squire, seconded by Commissioner Cavitt, with Commissioners Squire, Cavitt, Clark and Parker voting in favor of the motion, and with Commissioner Vaughns absent at its regular meeting held on Thursday, March 19, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 9th day of April 2009.

Oscar S. Rodriguez  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

OSR:FJG:WC:bjs