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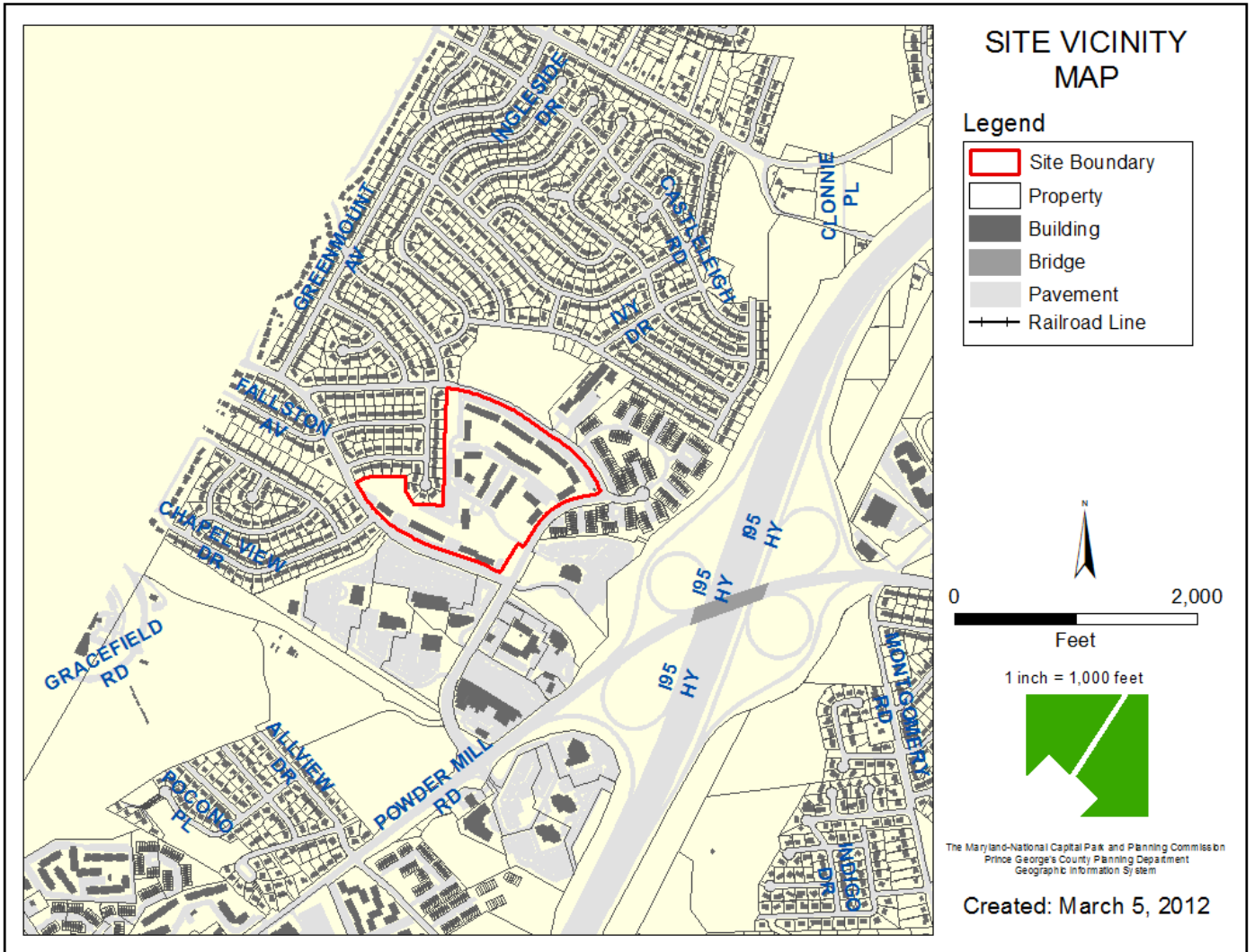
Special Exception

SE-4722

Application	General Data	
<p>Project Name: Lighthouse at Twin Lakes Apartments</p> <p>Location: North side of Calverton Boulevard, west side of Beltsville Road and south of the Capital Beltway (I-95/495).</p> <p>Applicant/Address: Lighthouse Holdings, LLC c/o Kettler Management 1751 Pinnacle Drive, Suite 700 McLean, VA 22102</p> <p>Property Owner: Same as above</p>	Planning Board Hearing Date:	11/29/12
	Staff Report Date:	11/06/12
	Date Accepted:	09/12/12
	Planning Board Action Limit:	N/A
	Plan Acreage:	32.89
	Zone:	R-18
	Gross Floor Area:	N/A
	Lots:	N/A
	Parcels:	1
	Planning Area:	61
	Tier:	Developing
	Council District:	01
	Election District:	01
Municipality:	N/A	
200-Scale Base Map:	215NE04	

Purpose of Application	Notice Dates	
The alteration, extension, or enlargement of a certified nonconforming use to convert existing spaces located within the apartment buildings to new dwelling units.	Informational Mailing	04/25/12
	Acceptance Mailing:	06/10/12
	Sign Posting Deadline:	N/A

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



November 6, 2012

TECHNICAL STAFF REPORT

TO: The Prince George's County Planning Board
The Prince George's County District Council

VIA: Jimi Jones, Zoning Supervisor, Development Review Division

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

SUBJECT: **Special Exception Application No. SE-4722**
The Lighthouse at Twin Lakes Apartments

REQUEST: The alteration, extension, or enlargement of a certified nonconforming use to add 16 additional units and requisite parking.

RECOMMENDATION: **APPROVAL with conditions**

NOTE:

The Planning Board has scheduled this application to be reviewed on the agenda date of November 29, 2012. If the Planning Board decides to hear the application, it will be placed on a future agenda.

Any person may request the Planning Board to schedule a public hearing. The request may be made in writing prior to the agenda date or in person on the agenda date. All requests must specify the reasons for the public hearing. All parties will be notified of the Planning Board's decision.

You are encouraged to become a person of record in this application. The request must be made in writing and addressed to the Prince George's County Office of the Zoning Hearing Examiner, County Administration Building, Room 2184, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. Questions about becoming a person of record should be directed to the Hearing Examiner at 301-952-3644. All other questions should be directed to the Development Review Division at 301-952-3530.

FINDINGS

A. **Location and Field Inspection:** The subject property is located west of the Capital Beltway (I-95/495), just north of Calverton Boulevard, on the west of Beltsville Road. The subject property consists of approximately 32.89 acres of land in the Multifamily Medium Density Residential (R-18) Zone. Direct vehicular access is provided via Colesville-Beltsville Road, Calverton Boulevard, and Beltsville Road. The subject site is developed with 26 garden-style apartment buildings, a swimming pool, a community center, and open green space.

B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	R-18	R-18
Use(s)	Residential Medium High	Residential Medium High
Acreage	32.89 acres	32.89 acres
Parcels	1	1
Dwelling Units	700	716

C. **History:** The subject property is a certified nonconforming use (CNU). The construction of Lighthouse Apartments (formerly the Calverton Apartments) began in approximately 1969 and continued in phases through the early 1970s. Building permits for the construction of four sections of the apartments were approved between 1972 and 1974. The site was certified as a nonconforming use (SE-1941) on October 1, 1969, as it no longer conformed to the bedroom percentages prescribed in the Zoning Ordinance. A Use and Occupancy Permit (731-74-U) was previously approved for a rental office in 1974. Additionally, the apartments feature a swimming pool which is centrally located within the community. A Special Exception (SE-2099) was previously approved for the swimming pool. The Lighthouse Apartments consist of a total of 700 dwelling units. Special Exceptions SE-1941, SE-2147, and SE-2428 were previously approved to allow use of the apartments in excess of applicable bedroom unit percentages. In 2011, a new use and occupancy permit was required due to a change in the ownership of the property. At that time, the apartments were also required to be certified as a nonconforming use.

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

This application is in conformance with the residential medium-high land use recommendations of the 2010 *Approved Subregion 1 Master Plan and Sectional Map Amendment* (Subregion 1 Master Plan and SMA), which retained this property in the R-18 Zone. The Subregion 1 Master Plan recommends a residential high-density land use for the subject property. As a result, the addition of four one-bedroom units within the existing footprints of the apartment complex does not generate any master plan issues.

E. **Request:** The application proposes a major modification to a certified nonconforming use. The applicant seeks approval of a special exception application for the construction of 16 new units (14 studio or efficiencies and 2 two-bedroom apartments) within existing building footprints, the conversion of trash areas into parking areas to the site plan, and new signage.

F. **Neighborhood and Surrounding Uses:** Single-family zoned properties exist north of the Lighthouse at Twin Lakes. There is developed property with office uses zoned Commercial Office (C-O) along the western boundary of Calverton Boulevard. Calverton Elementary School is on the east side of Beltsville Road. South and east of Lighthouse at Twin Lakes, on Beltsville Road, are single-family residential townhome communities. South and west is property developed with retail and office uses zoned C-O. The neighborhood boundaries in this case are identified as follows:

North side of Calverton Boulevard and the west side of Beltsville Road, being Parcel 1, Block Z, Calverton Subdivision, 1st Election District. These Boundaries were accepted by the Zoning Hearing Examiner in the previously approved special exception application (SE-2428).

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

- North—** Single-family residences zoned R-80 (One-Family Detached Residential)
- South—** Single-family residences zoned R-T (Townhouse) and C-O
- East—** Calverton Elementary School on property zoned R-80
- West—** Commercial property zoned C-O

G. **Specific Special Exception Requirements:** Pursuant to Section 27-384 of the Zoning Ordinance, nonconforming buildings, structures, and uses may be altered, enlarged, extended, or reconstructed under certain circumstances. The applicant proposes to add 16 dwelling units (14 efficiencies and 2 two-bedroom apartments) to existing buildings in two phases. These alterations are permissible provided:

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

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

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

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

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

Comment: The parking that currently exists would meet the requirements of the altered building for the completion of Phase I and no additional spaces beyond the existing spaces are being proposed for Phase I. Additional parking is being provided for subsequent renovation phases and the new parking will be added with each additional phase of construction.

- (3) **A certified nonconforming use may be reconstructed, provided that:**
- (A) **The lot on which it is reconstructed is as it existed as a single lot under single ownership at the time the use became nonconforming;**
 - (B) **Either the nonconforming use is in continuous existence from the time the Special Exception application has been filed through final action on the application, or the building was destroyed by fire or other calamity more than one (1) calendar year prior to the filing date;**
 - (C) **The requirements of Part 11 are met with respect to the entire use; and**
 - (D) **The Special Exception shall terminate unless a building permit for the reconstruction is issued within one (1) calendar year from the date of Special Exception approval, construction in accordance with the building permit begins within six (6) months from the date of permit issuance (or lawful extension), and the construction proceeds to completion in a timely manner.**

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

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

Comment: As previously noted, the parking lot expansion will occur with each phase of construction of units. It is not necessary to add the new parking until the new units are converted. The new parking is being created from existing dumpster areas that are located throughout the project site. In addition, the parking requirements of Part 11 of Section 27-384 of the Zoning Ordinance are met with the existing parking lot.

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

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

- (6) **The District Council may grant this Special Exception for property within a one hundred (100) year floodplain only after it has determined that the proposed enlargement, extension, reconstruction, or alteration will:**
- (A) **Not require additional filling in the floodplain;**

- (B) **Not result in an increase in elevation of the one hundred (100) year flood; and**
- (C) **Conform with all other applicable requirements of this Subtitle and of Division 2 of Subtitle 4, “Building,” of this Code, entitled “Construction or Changes in Floodplain Areas.”**

Comment: The Lighthouse at Twin Lakes is not within a 100-year floodplain.

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

Comment: The Lighthouse at Twin Lakes is not within the Chesapeake Bay Critical Area (CBCA).

- H. **Parking Regulations:** The construction of the development was completed in the early 1970s; the applicant’s site plan correctly demonstrates parking and loading spaces and driveway aisle widths that are sized in accordance with the 1970 Zoning Ordinance standards. The number of parking spaces required is 1,001. There are 983 existing spaces and 23 proposed for a total of 1,006 parking spaces provided. The site plan submitted by the applicant correctly demonstrates the required loading space.
- I. **Prince George’s County Landscape Manual Requirements:** The subject application to create additional multifamily residential units is exempt from the requirements of Sections 4.1, 4.2, 4.3, 4.6, 4.7, 4.8, 4.9, and 4.10 the 2009 *Prince George’s County Landscape Manual* (Landscape Manual), pursuant to Section 1.1(d). However, the application is subject to Section 4.4, as applicable, regarding screening of mechanical equipment, loading spaces, and dumpsters (if any), and would be subject to Section 4.5 if a stormwater management facility were included for the project.

Tree Canopy Coverage Ordinance: The application to expand a nonconforming use by adding multifamily units internally to existing apartment buildings is exempt from the requirements of the Tree Canopy Coverage Ordinance as it does not propose 1,500 or greater square feet of disturbance.
- J. **Zone Standards:** The subject application has been reviewed for compliance with the requirements of the R-18 Zone and the guidelines of the Zoning Ordinance. The Lighthouse at Twin Lakes is an existing, certified nonconforming use, multifamily residential development that was built in conformance with the regulations in place at the time of construction and with the conforming use permits regarding lot coverage, green area, building height, density, and other regulations permitted in the R-18 Zone. The proposed signage are updated replacements to existing signage and meet the standard requirements for signage per Section 27-618(c)(1) of the Zoning Ordinance.

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

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

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

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

Comment: The proposed use is in conformance with all of the applicable requirements and regulations of this Subtitle. The alteration to allow the additional 14 studios or efficiency and 2 two-bedroom dwelling units is within the allowable density permitted in the R-18 Zone. The parking conversions and signage are in conformance with the regulations of this Subtitle.

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

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

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

Comment: A finding of adequacy for transportation facilities is not a requirement for special exception applications. Based on the results of the submitted traffic analysis, the Transportation Planning Section has determined that the critical intersections will operate adequately in accordance with the "Guidelines for the Analysis of the Traffic Impact of Development Proposals" (Guidelines). Therefore, the proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area.

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

Comment: Multifamily residential uses have operated on the subject property for several decades and have had no detrimental effects on the use or development of adjacent properties or the general neighborhood throughout that time period. The surrounding properties have existing single-family residential development adjacent to its northern border and there is also existing residential and commercial development that abuts the community. Interior changes to the buildings and the prior existence of this apartment community has not impeded development that has come to the area within or proximate to the neighborhood since the original construction in

1969.

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

Comment: The property is not subject to the Woodland and Wildlife Habitat Conservation Ordinance because no grading or exterior work is proposed to be done on the site, and no grading permit will be required for the proposed work.

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

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

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

1. **Subdivision Review**—Per Section 24-111(c)(3) of the Subdivision Regulations, this application is exempt from the requirement of filing a preliminary plan of subdivision because there is no increase in the gross floor area proposed.
2. **Permit Review**—The number of each section of the apartments should be provided on each of the corresponding plan sheets as previously done per the certified site plan. The proposed parking spaces are not only subject to the current spaces sizes of Section 27-588 of the Zoning Ordinance, but also to the current driveway widths in Section 27-560 and Section 27-563 of the Zoning Ordinance. In those instances where the dumpster areas are being proposed for conversion, not all new spaces are required to be dimensioned at 9.5 feet by 19 feet with 22-foot drive aisles. The general notes should reflect this.
3. **Urban Design**—No exterior building renovations are proposed with this special exception; therefore no architecture was reviewed. No table is provided listing the existing and proposed number and types of residential units. Additionally, the buildings where and the number of units being added are not labeled on the actual plan. Details for two free-standing signs are provided; however, they are not clearly labeled as proposed and material and color labels are not provided to allow for a full review of their compatibility with the site and neighborhood. Details for three types of fencing are provided; however, the plan does not clearly label these as proposed, nor is it clear where they are to be located. This should be clarified to allow for full review of their compatibility with the site and neighborhood.
4. **Community Planning**—The proposed use is consistent with the 2010 *Approved Subregion 1 Master Plan and Sectional Map Amendment* recommendations.
5. **Transportation Planning**—The special exception use application poses no issue regarding the required special exception finding.
6. **Environmental Planning**—No other environmental requirements are related to this application.

7. **Special Projects**—The request for special exception for the alteration of a certified nonconforming use will have the following impacts on existing public facilities:

Police Facilities: The subject property is located in Police District VI, Beltsville. The response time standard is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The special exception plan was accepted for processing by the Planning Department on September 12, 2012. Based upon police response times, the response time standards of 10 minutes for emergency calls and the 25 minutes for nonemergency calls was met on September 25, 2012.

Fire and Rescue: The proposed development is within the seven-minute required response time for the first due fire station using the *Seven-Minute Travel Times and Fire Station Locations Map* provided by the Prince George’s County Fire/EMS Department. Pursuant to County Council Resolution CR-69-2006, the Prince George’s County Council and the County Executive temporarily 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 County Council Bill CB-56-2005.

Capital Improvement Program (CIP): The Prince George’s County Capital Improvement Program for Fiscal Years 2012–2017 provides funding for the replacement of Beltsville Fire/EMS Station 31 with a new fire/EMS station. The above findings are in conformance with the 2008 *Approved Public Safety Facilities Master Plan* and the “Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure.”

Schools: 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 the Capital Beltway (I-95/495) 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. County Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation, and the current amounts are \$8,762 and \$ 15,020 to be paid at the time of issuance of each building permit. The school facilities surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

Water and Sewerage: Section 24-122.01(b)(1) of the Subdivision Regulations states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.” The 2008 *Water and Sewer Plan* placed this property in water and sewer Category 3, Community System.

8. **Historic Preservation**—The proposed special exception for the alteration of a certified nonconforming use will have no effect on identified historic sites, resources, or districts.

CONCLUSION

The applicant has met their burden of proof in this instance. Based on the preceding analysis and findings, staff recommends APPROVAL with the following conditions of Special Exception Application No. SE-4722:

1. Provide a separate table listing the proposed number and types of residential units.
2. Indicate on the plan how many units are being added to which of the buildings.
3. Label the proposed materials and colors for the two freestanding sign details.
4. Clarify, through the use of additional labels, which fences are proposed and which exist.