

## APPLICATION FORM

## DO NOT WRITE IN THIS SPACE

Application No.(s): \_\_\_\_\_ Planning Board Review ☐ Planning Director Review ☐

Acceptance Date: \_\_\_\_\_ 70-day limit: \_\_\_\_\_ Limit waived-New limit: \_\_\_\_\_

Posting Waived ☐ Posting Date: \_\_\_\_\_ No. of Signs Posted: \_\_\_\_\_ Agenda Date: \_\_\_\_\_

Application Fee: \_\_\_\_\_ Posting Fee: \_\_\_\_\_ Case Reviewer: \_\_\_\_\_

Subdivision Development Review Committee Date: \_\_\_\_\_

Referral Mail-Out Date: \_\_\_\_\_ Referral Due Date: \_\_\_\_\_

Date of Informational Mailing: \_\_\_\_\_ Date of Acceptance Mailing: \_\_\_\_\_

APPLICATION TYPE: SE ☐ Revision of Case # \_\_\_\_\_ Companion Cases: \_\_\_\_\_

Payment option: ☐ Check (payable to M-NCPPC) ☐ Credit Card General Plan Growth Policy:

PROJECT NAME: Westgate Apartments

Complete address (if applicable) 8100-8216 Gorman Avenue, Laurel, Maryland 20707 Tax Account #: 1060680

Geographic Location (distance related to or near major intersection)

Police District #: VI

North side of Gorman Avenue (MD 198), approximately 600 feet east of the intersection of Van Dusen Road and MD 198

Total Acreage: 9.22	Aviation Policy Area: N/A	Election District: 10
Tax Map/Grid: 06B1	Current Zone(s): R-18	Council District: 1
WSSC Grid: 220NE07	Existing Lots/Blocks/Parcels: P.A.	Dev. Review District: N/A
Planning Area: 60	In Municipal Boundary: No	Is development exempt from grading permit pursuant to 32-127(a)(6)(A): <input checked="" type="checkbox"/> Y <input type="checkbox"/> N

(2002) General Plan Tier: ☒ Developed ☐ Developing ☐ Rural Area of proposed LOD:

Proposed Use of Property and Request of Proposal:  
Special Exception for certified nonconforming apartments to increase number of multifamily dwelling units from 218 to 225

Please list and provide copies of resolutions of previously approved applications affecting the subject property:

ERR-180

Applicant Name, Address & Phone:

Westgate at Laurel, LLC  
3200 W. County Line Road  
Jackson, NJ 08527

Consultant Name, Address & Phone:

O'Malley, Miles, Nylen and Gilmore  
7850 Walker Drive, Suite 310  
Greenbelt, MD 20770

Owner Name, Address & Phone:

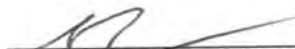
(if same as applicant indicate same/corporation see Disclosure)

Same

Contact Name, Phone & E-mail:


Nate Forman  
p: 301-572-3237; nforman@omng.com

**SIGNATURE** (Sign where appropriate; include Application Form Disclosure for additional owner's signatures)

  
Owner's Signature typed & signed

5/2/2022

Date

  
Applicant's Signature typed & signed

5/2/2022

Date

Contract Purchaser's Signature typed & signed

Date

Applicant's Signature typed & signed

Date

**SUBDIVISION CASES – PRELIMINARY PLAN/CONSERVATION SKETCH PLAN:****Type of Application (Check all that apply)**

Conventional <input type="checkbox"/>	Comprehensive Design <input type="checkbox"/>	Conservation Sketch Plan <input type="checkbox"/>	Pre-Preliminary Plan <input type="checkbox"/>
Variation, Variance or Alternative Compliance Request(s) Yes <input type="checkbox"/> No <input type="checkbox"/>		Applicable Zoning/Subdivision Regulation Section(s):	
Total Number of Proposed: Lots _____ Outlots _____ Parcels _____ Outparcels _____			
Number of Dwelling Units: Attached _____ Detached _____ Multifamily _____		Gross Floor Area (Nonresidential portion only):	

**SUBDIVISION CASES – FINAL PLAT:**

Water/Sewer: DER <input type="checkbox"/> Health Dept. <input type="checkbox"/>	Number of Plats:
CSP/DSP/SDP No.:	WSSC Authorization No.:
Preliminary Plan No.:	
Approval Date of Preliminary Plan:	

**URBAN DESIGN AND ZONING CASES:**

Details of Request: Special Exception for certified nonconforming apartments to increase number of multifamily dwelling units from 218 to 225	Zoning Ordinance Section(s): 27-317 and 27-384
Total Number of Proposed: Lots _____ Outlots _____ Parcels _____ Outparcels _____	
Number of Dwelling Units: Attached _____ Detached _____ Multifamily <u>225</u>	Gross Floor Area (Nonresidential portion only):
Variance Request Yes <input type="checkbox"/> No <input type="checkbox"/>	Applicable Zoning/Subdivision Regulation Section(s):
Departure Request Yes <input type="checkbox"/> No <input type="checkbox"/>	Application Filed Yes <input type="checkbox"/> No <input type="checkbox"/>
Alternative Compliance Request Yes <input type="checkbox"/> No <input type="checkbox"/>	Application Filed Yes <input type="checkbox"/> No <input type="checkbox"/>

### **APPLICATION FORM DISCLOSURE**

List all persons having at least five percent (5%) interest in the subject property **ONLY required for Special Exception and Zoning Map Amendment Applications.**

Owner(s) Name - printed	Signature and Date	Residence Address
Westgate at Laurel, LLC		3200 W. County Line Road Jackson, NJ 08527

**If the property is owned by a corporation, please fill in below.**

Officers	Date Assumed Duties	Residence Address	Business Address

Board of Directors	Date Assumed Duties	Date Term Expires	Residence Address	Business Address

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
14741 GOVERNOR ODEN BOWIE DRIVE  
UPPER MARLBORO, MD 20772  
DEVELOPMENT REVIEW DIVISION  
301-952-3530**

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

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

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

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

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**I. DESCRIPTION AND LOCATION**

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



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

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

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

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

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

## **II. BACKGROUND AND NONCONFORMITY**

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

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

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

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

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

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

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

### **III. REQUEST**

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

### **IV. CONFORMANCE WITH THE ZONING ORDINANCE**

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

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

- (a) The alteration, enlargement, extension, or reconstruction of any nonconforming building or structure, or certified nonconforming use (except those certified nonconforming uses not involving buildings, those within the Chesapeake Bay Critical Area Overlay Zones as specified in paragraph 7, below, unless otherwise provided, and except for outdoor advertising signs), may be permitted subject to the following:
  - (1) A nonconforming building or structure, or a building or structure utilized in connection with a certified nonconforming use, may be enlarged in height or bulk, provided that the requirements of Part 11 are met with respect to the area of the enlargement.

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



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

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

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

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

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

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

2. Section 27-317. Required Findings.

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

(a) A Special Exception may be approved if:

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

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

(a) The purposes of the Zoning Ordinance are:

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

- (11) To lessen the danger and congestion of traffic on the streets and to insure the continued usefulness of all elements of the transportation system for their planned functions;”
- (12) To insure the social and economic stability of all parts of the County;
- (13) To protect against undue noise, and air and water pollution, and to encourage the preservation of stream valleys, steep slopes, and lands of natural beauty, dense forests, scenic vistas, and other similar features;
- (14) To provide open space to protect scenic beauty and natural features of the County, as well as to provide recreational space; and
- (15) To protect and conserve the agricultural industry and natural resources.

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

*There is no TCP required for this property.*

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

*There are no regulated environmental features on the Subject Property.*

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

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

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

**V. CONCLUSION**

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

Respectfully submitted,

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

A handwritten signature in blue ink, appearing to read 'Nathaniel Forman', is written over a horizontal line.

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

*Attorney for the Applicant*

F:\Clients\S\Schweb Management - 008908\Westgate\Application Materials\A-SOJ-SE-4852.doc

**STATEMENT OF JUSTIFICATION  
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NUMBER # SE-4852**

APPLICANT: Westgate at Laurel, LLC  
2110 W. County Line Road  
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**I. DESCRIPTION AND LOCATION**

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## **II. BACKGROUND AND NONCONFORMITY**

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

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

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

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

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

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

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

### **III. REQUEST**

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

### **IV. CONFORMANCE WITH THE ZONING ORDINANCE**

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

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

- (a) The alteration, enlargement, extension, or reconstruction of any nonconforming building or structure, or certified nonconforming use (except those certified nonconforming uses not involving buildings, those within the Chesapeake Bay Critical Area Overlay Zones as specified in paragraph 7, below, unless otherwise provided, and except for outdoor advertising signs), may be permitted subject to the following:
  - (1) A nonconforming building or structure, or a building or structure utilized in connection with a certified nonconforming use, may be enlarged in height or bulk, provided that the requirements of Part 11 are met with respect to the area of the enlargement.

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



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

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

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

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

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

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

2. Section 27-317. Required Findings.

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

(a) A Special Exception may be approved if:

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

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

(a) The purposes of the Zoning Ordinance are:

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

- (11) To lessen the danger and congestion of traffic on the streets and to insure the continued usefulness of all elements of the transportation system for their planned functions;”
- (12) To insure the social and economic stability of all parts of the County;
- (13) To protect against undue noise, and air and water pollution, and to encourage the preservation of stream valleys, steep slopes, and lands of natural beauty, dense forests, scenic vistas, and other similar features;
- (14) To provide open space to protect scenic beauty and natural features of the County, as well as to provide recreational space; and
- (15) To protect and conserve the agricultural industry and natural resources.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*There is no TCP required for this property.*

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

*There are no regulated environmental features on the Subject Property.*

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

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

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

**V. CONCLUSION**

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

Respectfully submitted,

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



---

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

*Attorney for the Applicant*





① SANDY SPRING ROAD



② SANDY SPRING ROAD



③ SANDY SPRING ROAD



④ SANDY SPRING ROAD



⑤ SANDY SPRING ROAD



⑥ SANDY SPRING ROAD



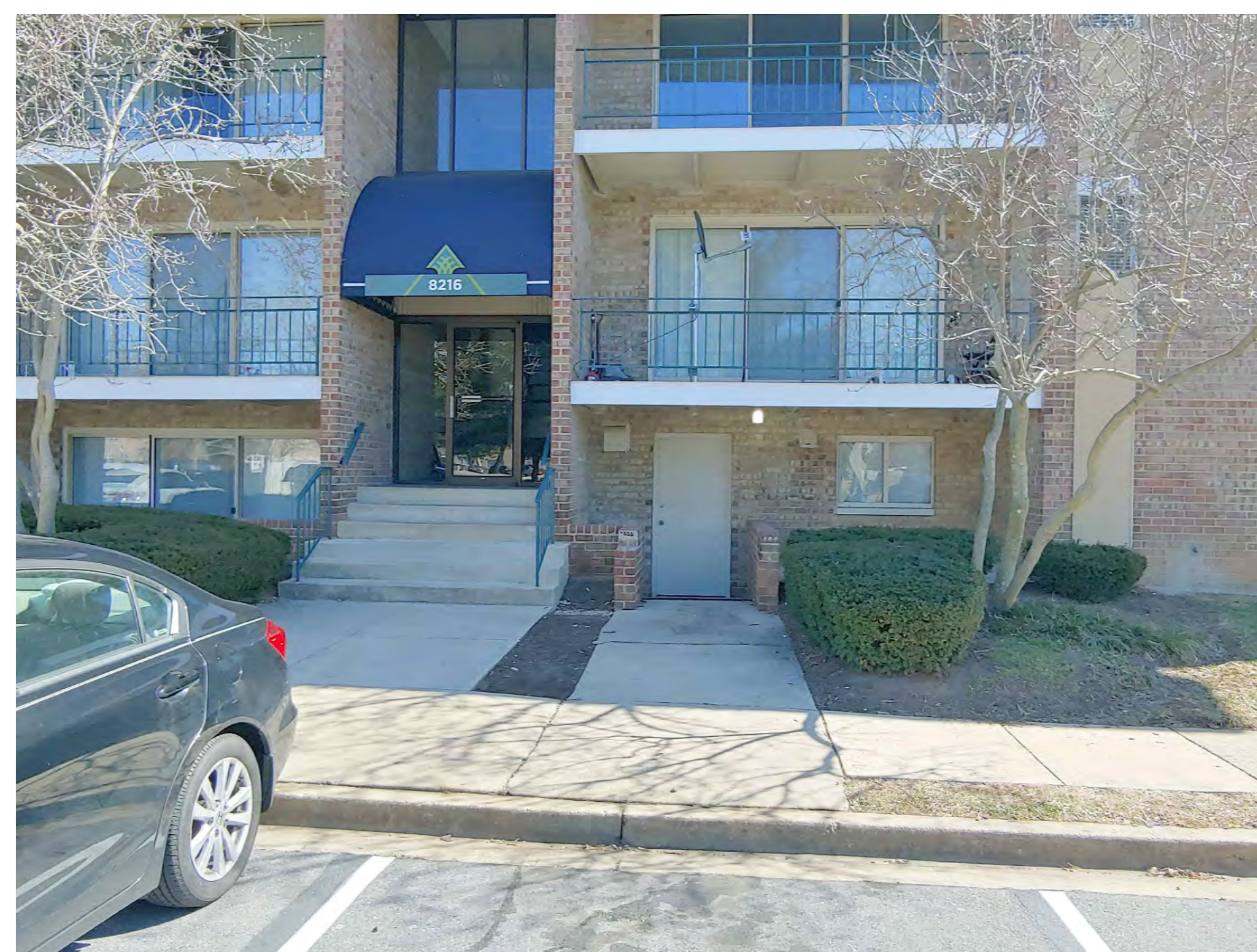
KEY MAP

Attachment 1

DESIGNED BY	TMS			
DRAWN BY	HKJ			
CHECKED BY	SCC			
DATE		REVISION	BY	APP'R.

PREPARED FOR: WESTGATE AT LAUREL LLC 8200 GORMAN AVENUE LAUREL, MD 20707 ATTN: SEAN RABINOWITZ 443-223-0198	SCALE NTS	ZONING R-18	STREET PHOTO EXHIBIT		G. L. W. FILE No. 21038
	DATE MAY 2022	TAX MAP - GRID 6 - B1	WESTGATE AT LAUREL APARTMENTS PARCEL A		SHEET 1 OF 1
			LAUREL ELECTION DISTRICT No. 10		PRINCE GEORGE'S COUNTY, MARYLAND









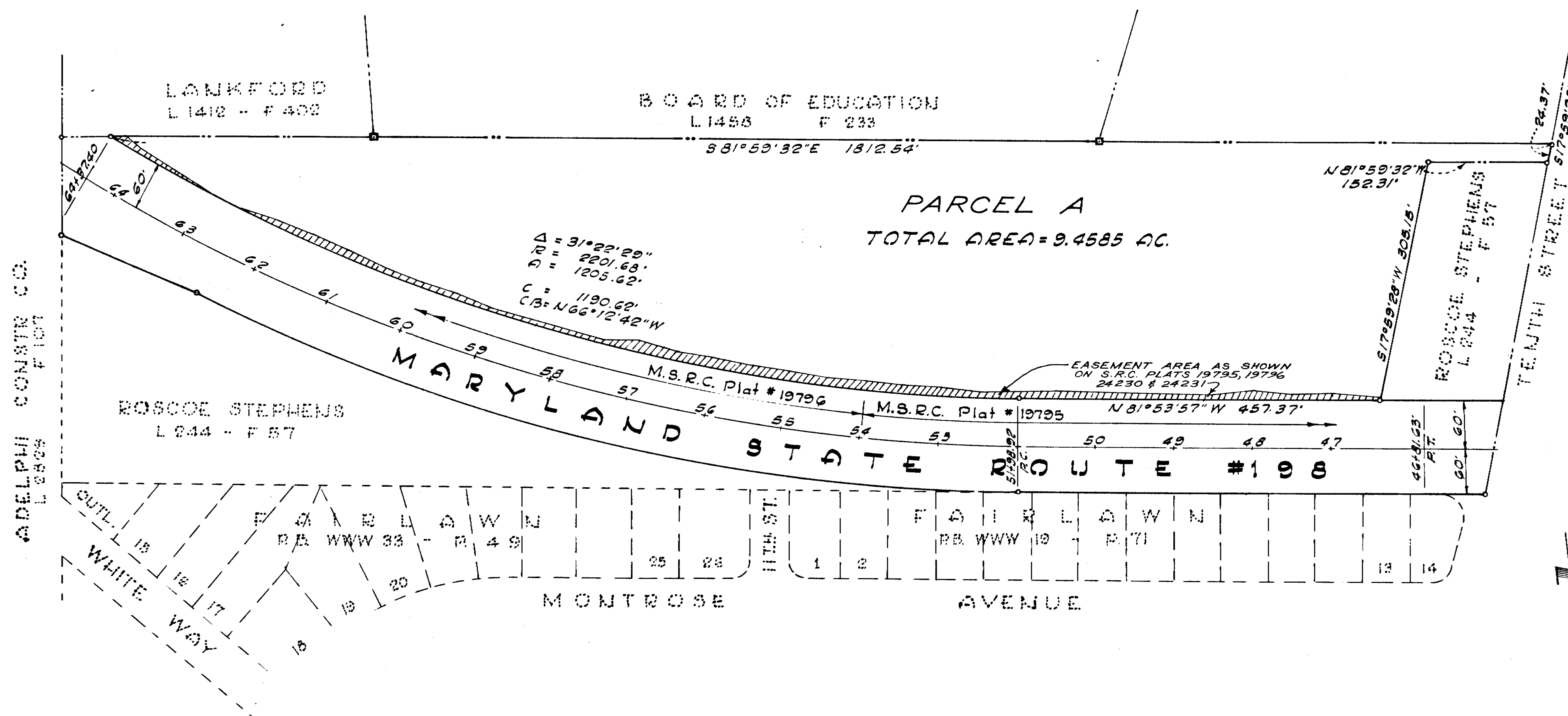
Attachment 3











MATZ, CHILDS & ASSOCIATES  
CIVIL ENGINEERS - LAND SURVEYORS  
322 NORTH STONE STREET AVE.  
ROCKVILLE, MARYLAND  
PO 2 - 5533



ZONING INFORMATION

ZONED - R-16  
AREA OF PROPERTY - 2.4775 ACRES OR 412,527 S.F.  
ALLOWABLE UNITS - 217-214-25 • 206 UNITS  
PLUS 3-4 dwelling units in building  
SECT. 17.0 - PARAGRAPH 17.1 - ONE  
OFFICE  
REQUIRED PARKING - 175 CARS/UNIT • 270 CARS  
PROVIDED PARKING - 233 CARS  
BUILDING AREAS:  
BLDG. NO. 1 - 476 S.F. • 3 • 12,528 S.F.  
BLDG. NO. 2 - 476 S.F. • 8 • 39,408 S.F.  
BLDG. NO. 3 - 476 S.F. • 8 • 39,408 S.F.  
REC. BLDG. - 2,000 S.F.  
TOTAL BUILDING AREA - 81,344 S.F.

PARKING AREA PLUS DRIVES - 22,900 S.F.  
REQUIRED GREEN AREA (59%) - 277,110 S.F.  
PROVIDED GREEN AREA - 238,683 S.F.  
BLDG. AREA - 81,344 S.F.  
PARKING DRIVES - 22,900 S.F.  
DIAL - 174,244 S.F.  
TOTAL AREA - 412,527 S.F.  
LESS - 238,683 S.F.  
273,844 S.F.

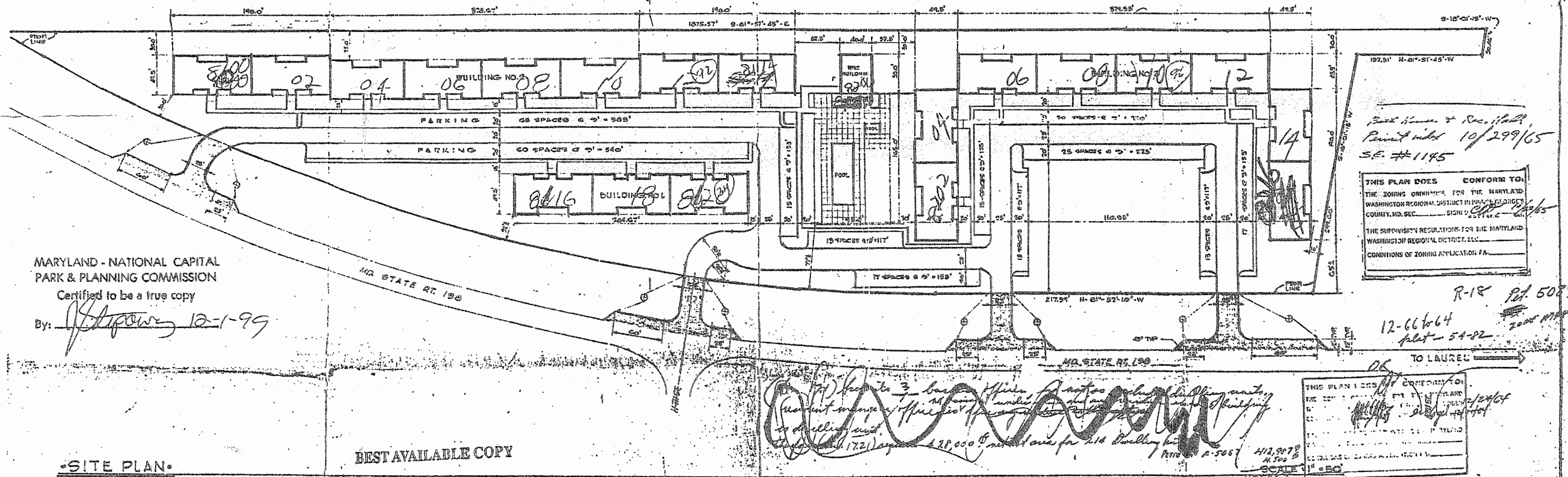
The Maryland-National Capital  
Park and Planning Commission

APPROVED 2/4/13  
PERMIT # 2512-2013-4

OK for certified nonconforming apartments with  
218 dwelling units per  
1385-2002-4 & ERP-180  
Parking OK per Sect 15B

APPROVED  
PERMIT #

M. Hampton  
4/16/04  
1385-2002-4  
Certified nonconforming apt's  
with 218 units  
per ERP-180



SCHEDULE OF DRAWINGS

DESCRIPTION	SHEET NO.	DESCRIPTION	SHEET NO.	DESCRIPTION	SHEET NO.	DESCRIPTION	SHEET NO.
1. PLAN	1	2. WALL SECTIONS - CONSTRUCTION DETAILS & SCHEDULES	17	3. GROUND FLOOR PLAN - TYPICAL FLOOR - BLDG. #1 - SECT. 'A'	25	4. FOUNDATION PLANS - BLDG. #1 - SECT. 'A'	26
2. DRAINAGE UTILITIES PLAN	2	3. STAIRWAY DETAIL - HEAT AND RASH DETAILS	18	5. GROUND FLOOR PLAN - TYPICAL FLOOR - BLDG. #2 - SECT. 'A'	27	6. ELEVATIONS - BLDG. #1 - SECT. 'A'	28
3. ELECTRICAL PLAN - ARCHITECTURAL & ELECTRICAL	3	4. FOUNDATION PLAN - BLDG. #1 - SECT. 'A'	19	7. GROUND FLOOR PLAN - TYPICAL FLOOR - BLDG. #3 - SECT. 'A'	28	7. ELEVATIONS - BLDG. #2 - SECT. 'A'	29
4. FLOOR PLAN - ARCHITECTURAL & ELECTRICAL	4	5. GROUND FLOOR PLAN - TYPICAL FLOOR - BLDG. #1 - SECT. 'A'	20	8. GROUND FLOOR PLAN - TYPICAL FLOOR - BLDG. #3 - SECT. 'A'	29	8. ELEVATIONS - BLDG. #3 - SECT. 'A'	30
5. FLOOR PLAN - CLOSED END - ARCHITECTURAL	5	6. ELEVATIONS - BLDG. #1 - SECT. 'A'	21	9. GROUND FLOOR PLAN - TYPICAL FLOOR - BLDG. #3 - SECT. 'A'	30	9. ELEVATIONS - BLDG. #3 - SECT. 'A'	31
6. FLOOR PLAN - OPEN END - ARCHITECTURAL	6	7. FOUNDATION PLANS - BLDG. #2 - SECT. 'A'	22	10. GROUND FLOOR PLAN - TYPICAL FLOOR - BLDG. #3 - SECT. 'A'	31	10. ELEVATIONS - BLDG. #3 - SECT. 'A'	32
7. FLOOR PLAN - ELECTRICAL	7	8. FOUNDATION PLANS - BLDG. #2 - SECT. 'A'	23	11. GROUND FLOOR PLAN - TYPICAL FLOOR - BLDG. #3 - SECT. 'A'	32	11. ELEVATIONS - BLDG. #3 - SECT. 'A'	33
8. FLOOR PLAN - 1ST & 2ND FLOORS & BMD CONNECTIONS	8	9. GROUND FLOOR PLAN - TYPICAL FLOOR - BLDG. #2 - SECT. 'A'	24	12. GROUND FLOOR PLAN - TYPICAL FLOOR - BLDG. #3 - SECT. 'A'	33	12. ELEVATIONS - BLDG. #3 - SECT. 'A'	34

USED GARDEN-TYPE APARTMENT PROJECT (GORMAN MANOR) RT #198 • LAUREL, PRINCE GEORGES CO., MARYLAND • OWNER: HARRY KAY and MAX KAY • ARCHITECT: LBYRON GATES, JR., AIA

17721 WOODMORE ROAD, MITCHELLVILLE, MD 20721  
BEN DYER ASSOCIATES, INC.  
ENGINEERS, SURVEYORS, PLANNERS  
TELEPHONE: (301) 435-2000  
DATE: February, 2002  
SCALE: J-99/156  
6.003-P

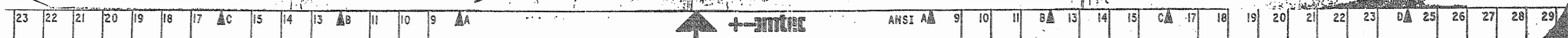
APPROVED  
HEARING EXAMINER  
3-25-02

RECEIVED  
MAR 22 2002

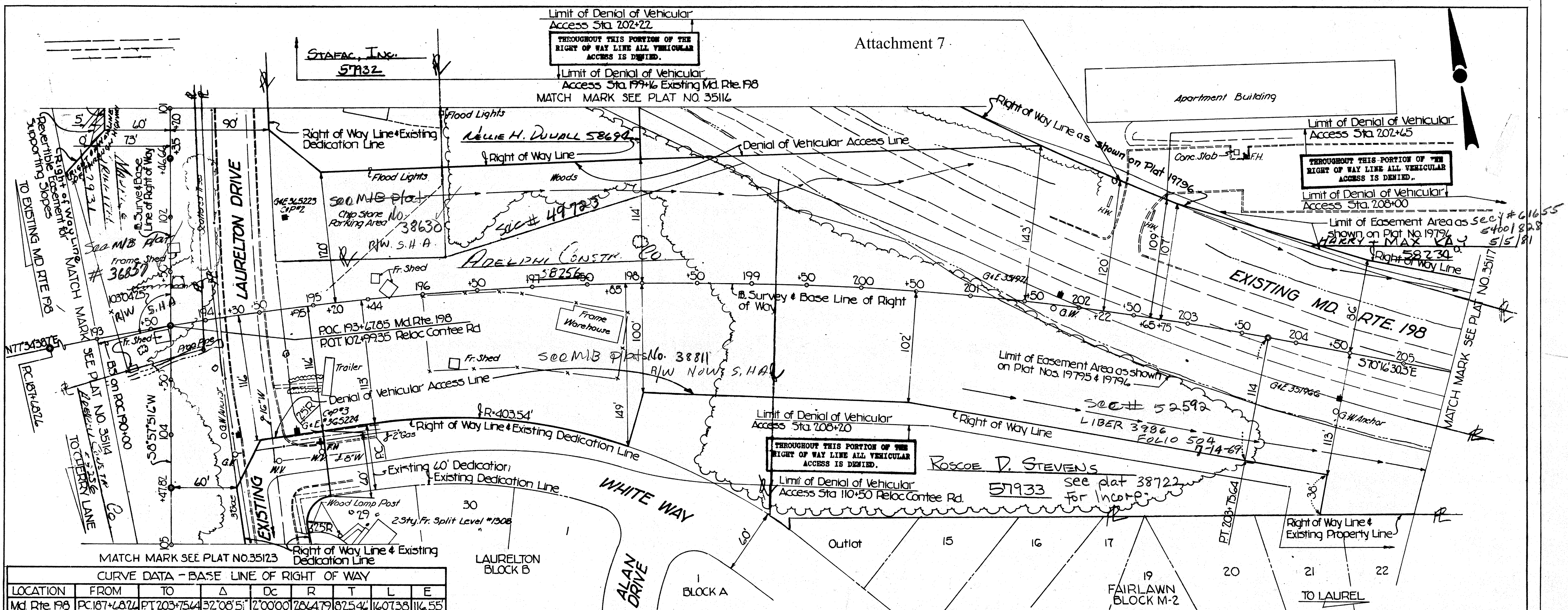
These notes are added to this copy of the plan prepared by H. Byron Gates, Jr., AIA, Architect, and dated November 12, 1964 because the original is not available.

Notes

1. Total Number and Type of dwelling units:	Quantity
One-bedroom	18 units
Two-bedrooms	2 units
Three-bedrooms	198 units
Total residential square footage:	265,800.25 sq. ft.







CURVE DATA - BASE LINE OF RIGHT OF WAY

LOCATION	FROM	TO	Δ	Dc	R	T	L	E
Md Rte 198	PC 187+68.24	PT 203+75.64	32°08'51"	2'00'00"	284.79	825.46	1607.38	116.55'

- LEGEND
- REVERTIBLE EASEMENT FOR SUPPORTING SLOPES.
  - REVERTIBLE EASEMENT OR RIGHT FOR SPECIAL PURPOSE AS INDICATED BY NOTATION ON THIS PLAT.
  - PERPETUAL EASEMENT FOR SPECIAL PURPOSE AS INDICATED BY NOTATION ON THIS PLAT.
  - PERPETUAL EASEMENT FOR DRAINAGE FACILITY AS INDICATED BY NOTATION ON THIS PLAT.
  - (ARROW INDICATES GENERAL DRAINAGE FLOW PATTERN)
  - PERPETUAL EASEMENT TO DISCHARGE FLOW OF WATER FROM OR INTO EXISTING WATERWAY OR NATURAL DRAINAGE COURSE.
  - PERPETUAL EASEMENT TO DISCHARGE FLOW OF WATER UPON EXISTING GROUND.
  - APPROXIMATE GENERAL DRAINAGE FLOW PATTERN (NOT TO SCALE-FOR EXPLANATORY PURPOSE ONLY)

A PORTION OF THIS RIGHT OF WAY IS FOR AN EXPRESSWAY AND NO ACCESS EITHER VEHICULAR PEDESTRIAN AND/OR ANIMAL WILL BE PERMITTED ACROSS THE LINES DESIGNATED RIGHT OF WAY LINE OF THROUGH HIGHWAY EXCEPT BY MEANS OF SUCH PUBLIC ROAD CONNECTIONS AS THE COMMISSION MAY CONSTRUCT OR PERMIT TO BE CONSTRUCTED.

NAMES OF REPORTED PROPERTY OWNERS AS SHOWN ON THIS PLAT ARE THOSE OF ORIGINAL GRANTORS TO THE COMMISSION. THE APPROXIMATE PROPERTY LINES SHOWN WERE NOT ESTABLISHED BY ACTUAL SURVEY, BUT ARE INTENDED FOR AN APPROXIMATE GUIDE ONLY.

SENT TO RECORD OFFICE APR 22 1968

FINALIZED BY CHAIRMAN AND DIRECTOR MAR 26 1968

REVISIONS

Revised 3-4-68  
Revised 3-22-68  
See Plat No. 39810 for Revision  
(Denial of Vehicular Access)  
under Sta. 205

LOCATED IN PRINCE GEORGE'S COUNTY

PREPARED BY THE WILSON T. BALLARD COMPANY  
Robert N. Bond  
PROJECT ENGINEER

CONSTRUCTION PROJECT: MARYLAND ROUTE 198  
(INTERSTATE ROUTE 95 TO 0.4 MILE WEST OF LAUREL)  
CONSTRUCTION PROJECT NO: P-913-1-371

STATE ROADS COMMISSION OF MARYLAND

RIGHT OF WAY PROJECT: MD. ROUTE 198  
195 TO 0.4 MI. WEST OF LAUREL  
P 913-2-341

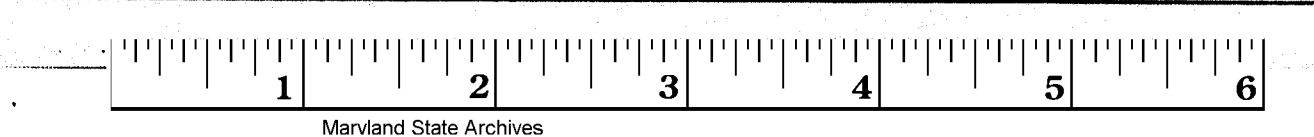
RIGHT OF WAY PROJECT NO.  
FEDERAL AID PROJECT NO.

ISSUED January 12 1968  
Le Roy C. Brown, Jr.  
CHIEF, RIGHT OF WAY DIVISION

SCALE 1" = 50'

PLAT No. 35115

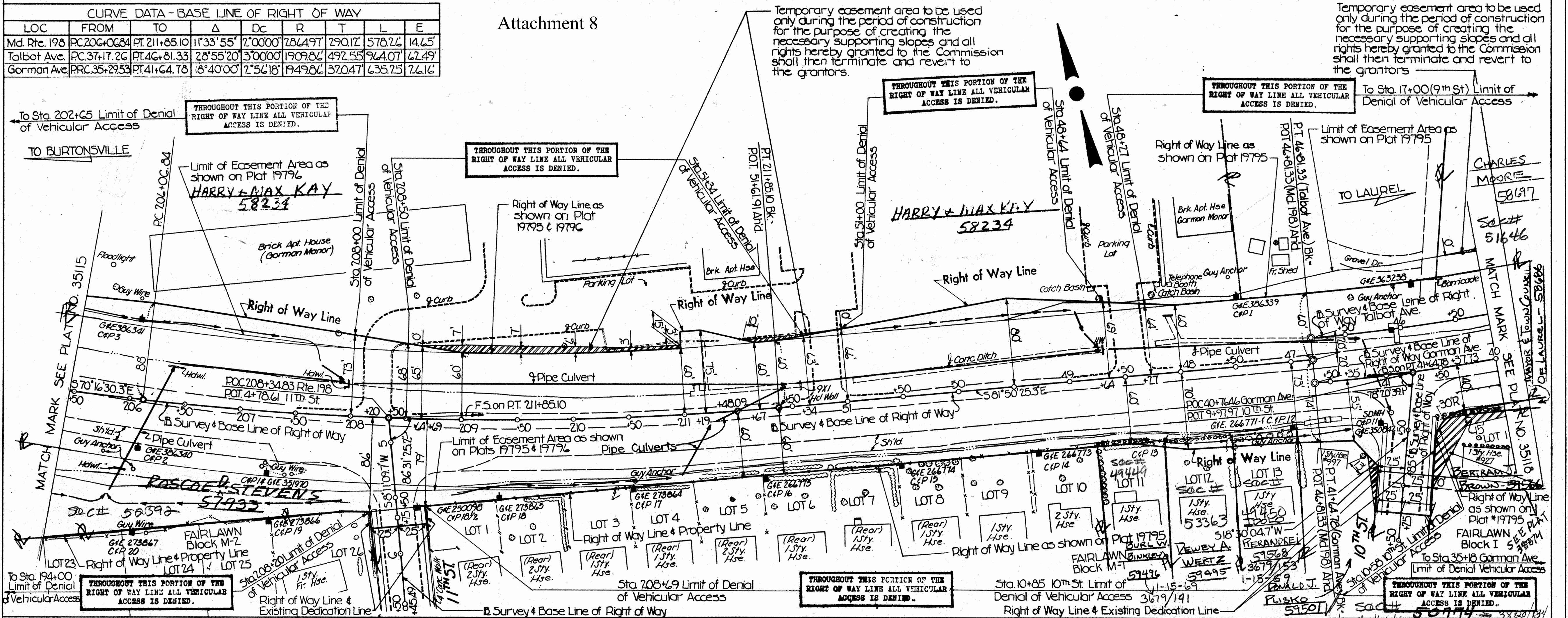
1182 862 35115





CURVE DATA - BASE LINE OF RIGHT OF WAY								
LOC	FROM	TO	Δ	Dc	R	T	L	E
Md. Rte. 198	PC 206+06.84	PT 211+85.10	11°33'55"	2'00'00"	2864.97'	290.12'	578.26'	14.65'
Talbot Ave.	PC 37+17.26	PT 46+81.33	28°55'20"	3'00'00"	1909.86'	492.55'	964.07'	62.49'
Gorman Ave.	PC 35+29.53	PT 41+64.78	18°40'00"	2'56'18"	1949.86'	320.47'	635.25'	26.16'

Attachment 8



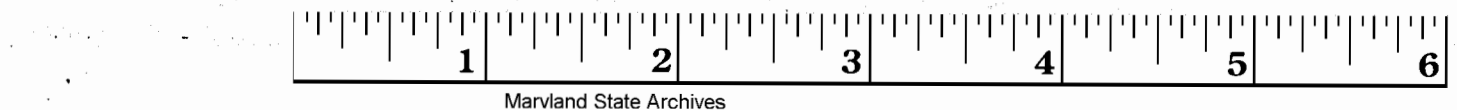
LEGEND	
	REVERTIBLE EASEMENT FOR SUPPORTING SLOPES.
	REVERTIBLE EASEMENT OR RIGHT FOR SPECIAL PURPOSE AS INDICATED BY NOTATION ON THIS PLAT.
	PERPETUAL EASEMENT FOR SPECIAL PURPOSE AS INDICATED BY NOTATION ON THIS PLAT.
	PERPETUAL EASEMENT FOR DRAINAGE FACILITY AS INDICATED BY NOTATION ON THIS PLAT. (ARROW INDICATES GENERAL DRAINAGE FLOW PATTERN)
	PERPETUAL EASEMENT TO DISCHARGE FLOW OF WATER FROM OR INTO EXISTING WATERWAY OR NATURAL DRAINAGE COURSE.
	PERPETUAL EASEMENT TO DISCHARGE FLOW OF WATER UPON EXISTING GROUND.
	APPROXIMATE GENERAL DRAINAGE FLOW PATTERN (NOT TO SCALE-FOR EXPLANATORY PURPOSE ONLY)

REVISIONS	
Revised 2/22/68	See Plat No. 39811 for Revision (Sta. 206)
NAMES OF REPORTED PROPERTY OWNERS AS SHOWN ON THIS PLAT ARE THOSE OF ORIGINAL GRANTORS TO THE COMMISSION. THE APPROXIMATE PROPERTY LINES SHOWN WERE NOT ESTABLISHED BY ACTUAL SURVEY, BUT ARE INTENDED FOR AN APPROXIMATE GUIDE ONLY.	
SENT TO RECORD OFFICE APR 22 1968	
FINALIZED BY CHAIRMAN AND DIRECTOR MAR 28 1968	

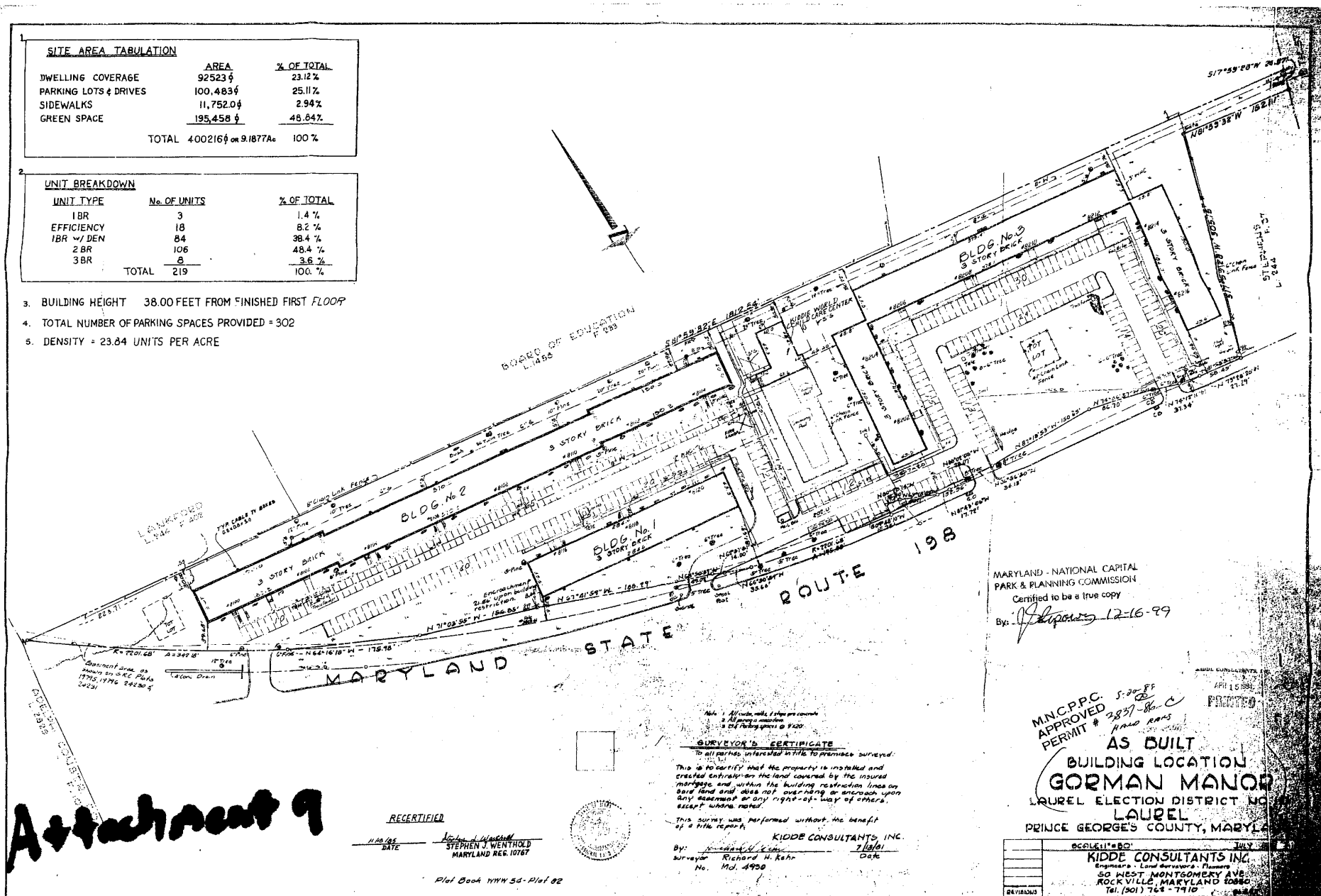
LOCATED IN	
PRINCE GEORGE'S COUNTY	
PREPARED BY	
THE WILSON T. BALLARD COMPANY	
CONSTRUCTION PROJECT	
MARYLAND ROUTE 198 (INTERSTATE ROUTE 95 TO 0.4 MILE WEST OF LAUREL)	
CONSTRUCTION PROJECT NO.	
P-913-1-371	

STATE ROADS COMMISSION OF MARYLAND	
RIGHT OF WAY PROJECT:	
RIGHT OF WAY PROJECT NO. 195 TO 0.4 MILE WEST OF LAUREL P 913-2-371	
FEDERAL AID PROJECT NO.	
ISSUED November 13 1967	
Le Roy C. Moore, Jr. CHIEF, RIGHT OF WAY DIVISION	

RIGHT OF WAY PROJECT	
RIGHT OF WAY PROJECT NO. 195 TO 0.4 MILE WEST OF LAUREL P 913-2-371	
FEDERAL AID PROJECT NO.	
ISSUED November 13 1967	
Le Roy C. Moore, Jr. CHIEF, RIGHT OF WAY DIVISION	



MSA 81624-35117



Attachment 9









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

Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

# Special Exception Westgate Apartments

**SE-4852**

REQUEST	STAFF RECOMMENDATION
Special exception to permit the enlargement of a certified nonconforming apartment building with an additional seven dwelling units.	With the conditions recommended herein:  • Approval of Special Exception SE-4852

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



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

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

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THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

**TECHNICAL STAFF REPORT:**

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

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

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

SUBJECT: Special Exception SE-4852  
Westgate Apartments

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

RECOMMENDATION: **APPROVAL with conditions**

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**NOTE:**

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

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

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## SUMMARY:

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

## FINDINGS:

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

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

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

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

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

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

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

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

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

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

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

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

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

5. **Development Data Summary:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Staff finds that the proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area.

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

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

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

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

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

**(7) The proposed site plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

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

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



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

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

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

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

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

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

(2) **A certified nonconforming use may be extended throughout a building in which the use lawfully exists, or to the lot lines of the lot on which it is located, provided that: (A) The lot is as it existed as a single lot under single ownership at the time the use became nonconforming; and (B) The requirements of Part 11 are met with regard to the extended area;**

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

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

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

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

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

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

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

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

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

- (6) The District Council may grant this Special Exception for property within a one hundred (100) year floodplain only after it has determined that the proposed enlargement, extension, reconstruction, or alteration will: (A) Not require additional filling in the floodplain; (B) Not result in an increase in elevation of the one hundred (100) year flood; and (C) Conform with all other applicable requirements of this Subtitle and of Division 2 of Subtitle 4, "Building," of this Code, entitled "Construction or Changes in Floodplain Areas."**

The subject property is not located within a 100-year floodplain.

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

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

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

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

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

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

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

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

## RECOMMENDATION

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

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

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

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

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

**STAFF RECOMMENDS:**

- Approval of Special Exception SE-4852



# WESTGATE APARTMENTS

Special Exception

Staff Recommendation: APPROVAL with conditions

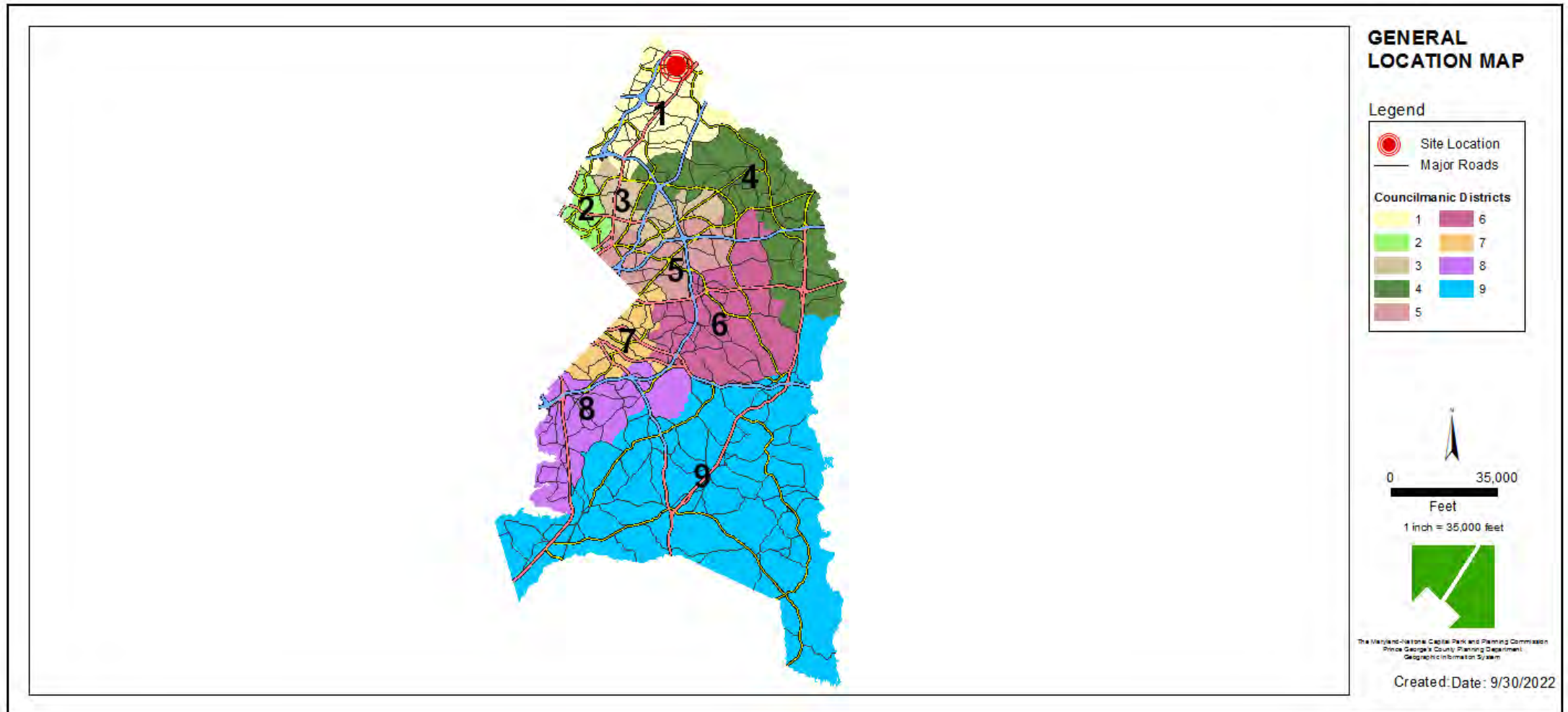




# GENERAL LOCATION MAP

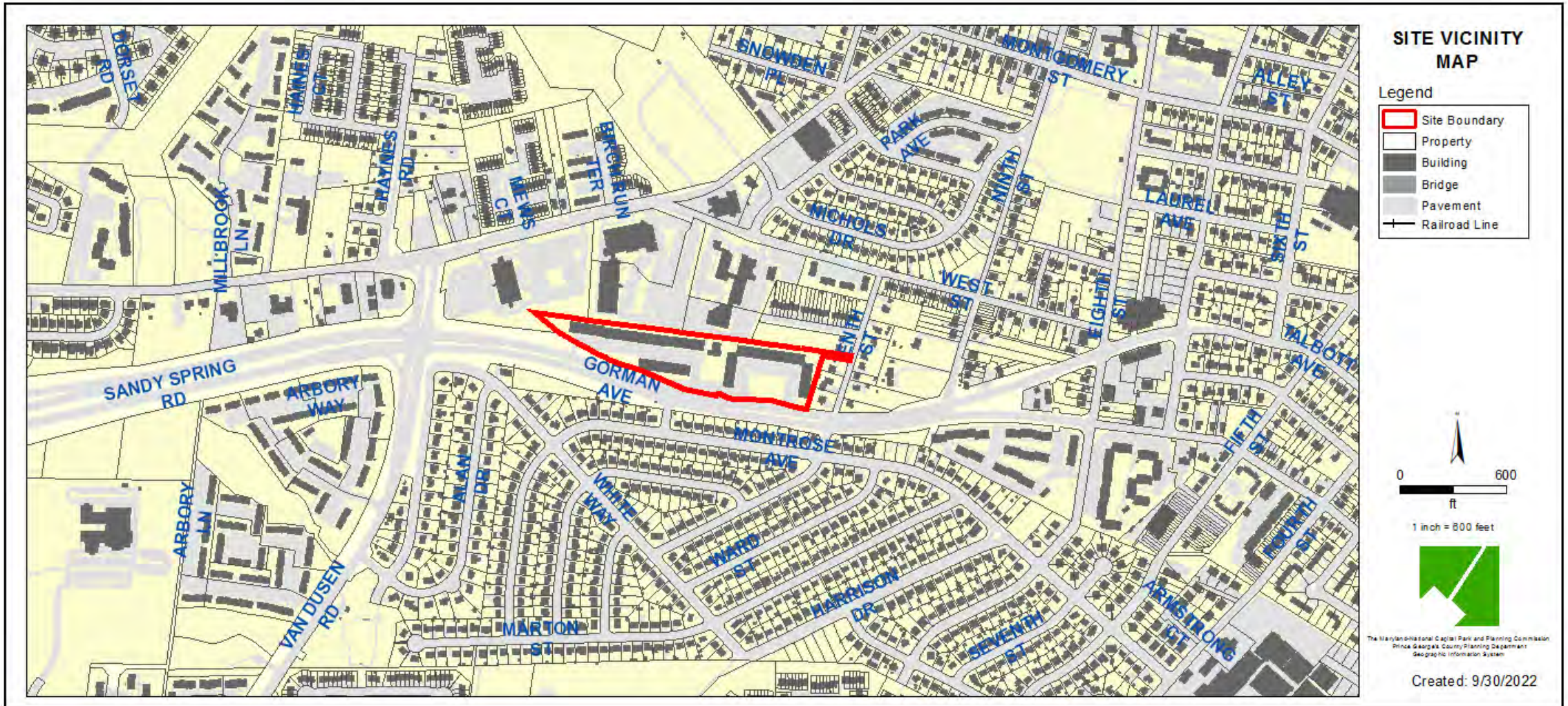
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Planning Area: 60





# SITE VICINITY MAP



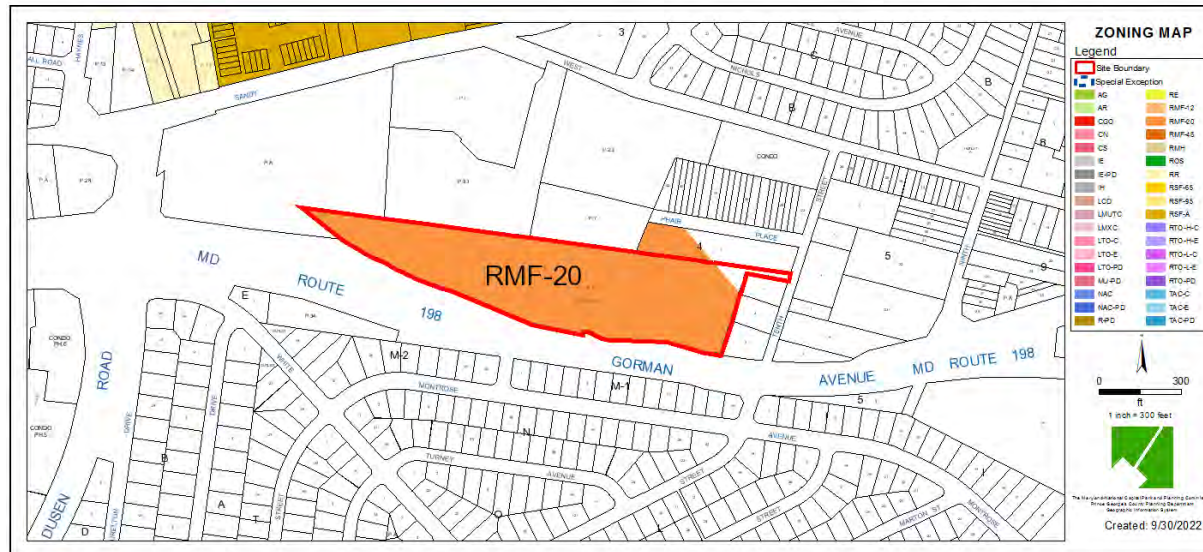


## ZONING MAP (CURRENT AND PRIOR)

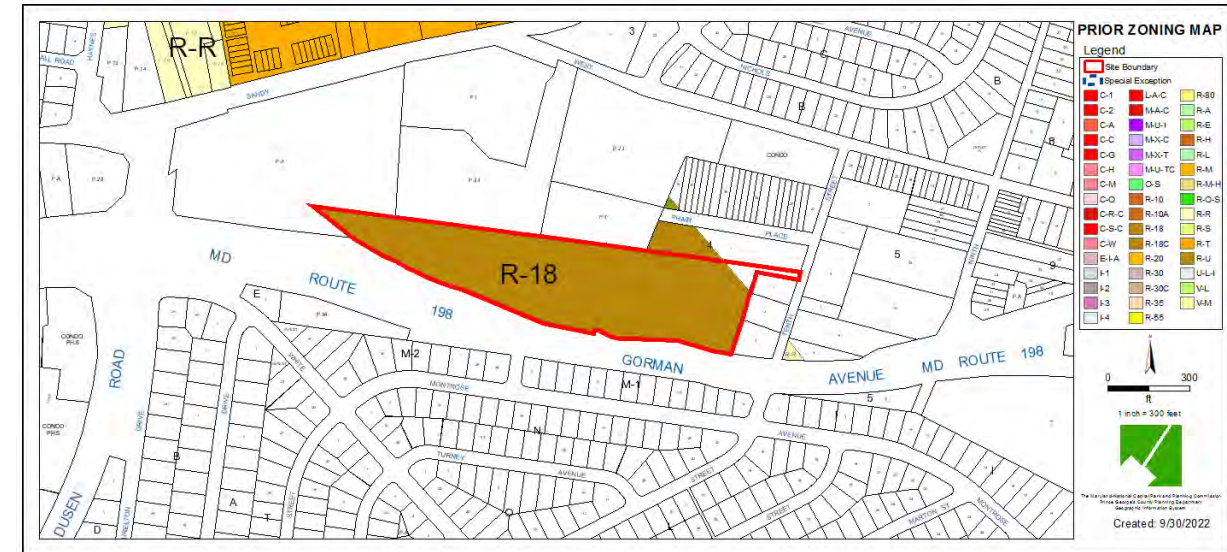
Current Property Zone: RMF-20

Prior Property Zone: R-18

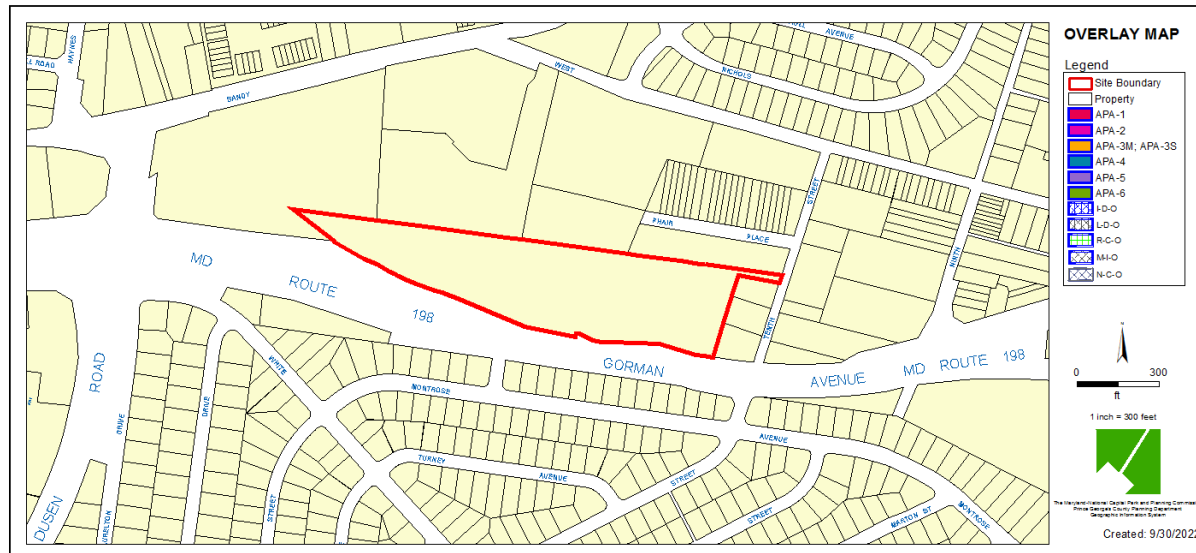
Current Property Zone



Prior Property Zone



# OVERLAY MAP (CURRENT & PRIOR)



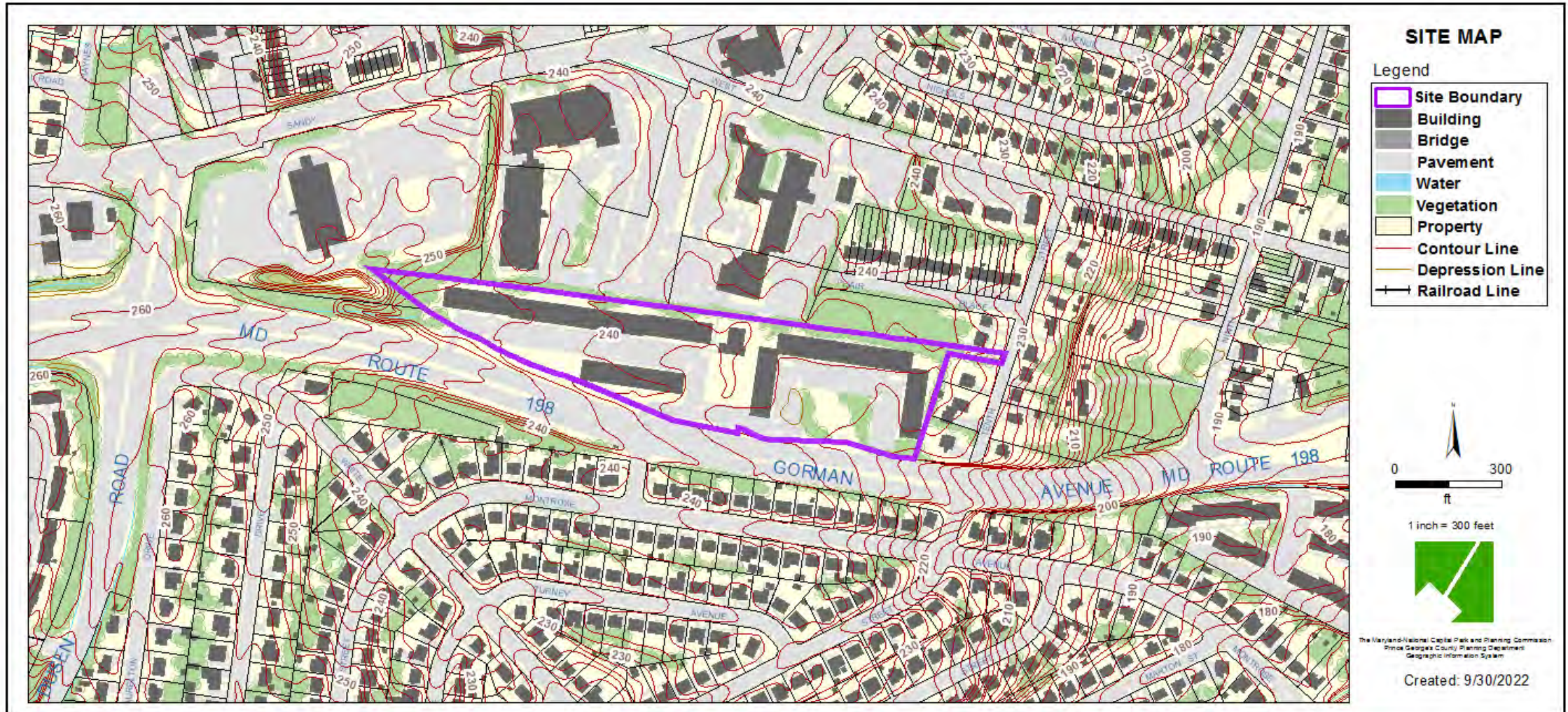


# AERIAL MAP



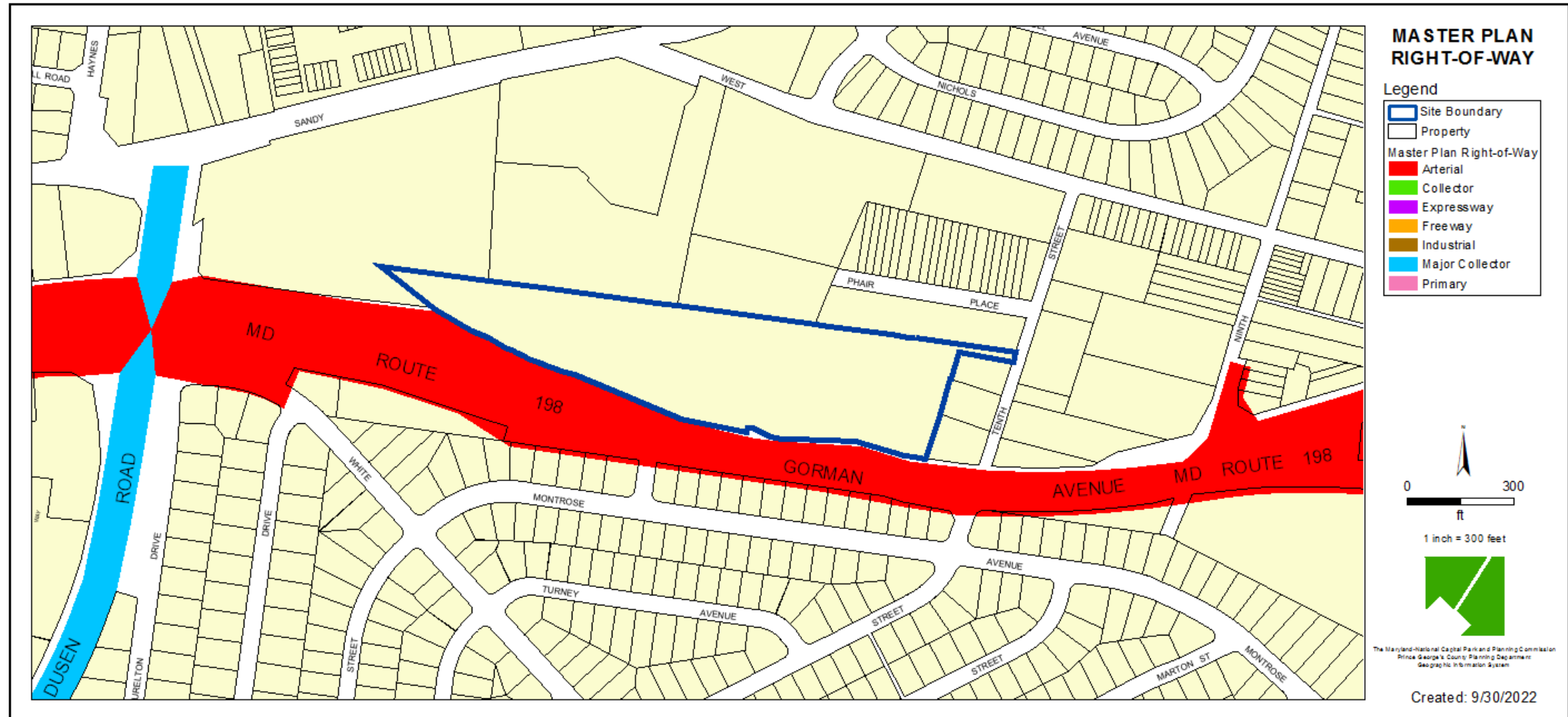


# SITE MAP

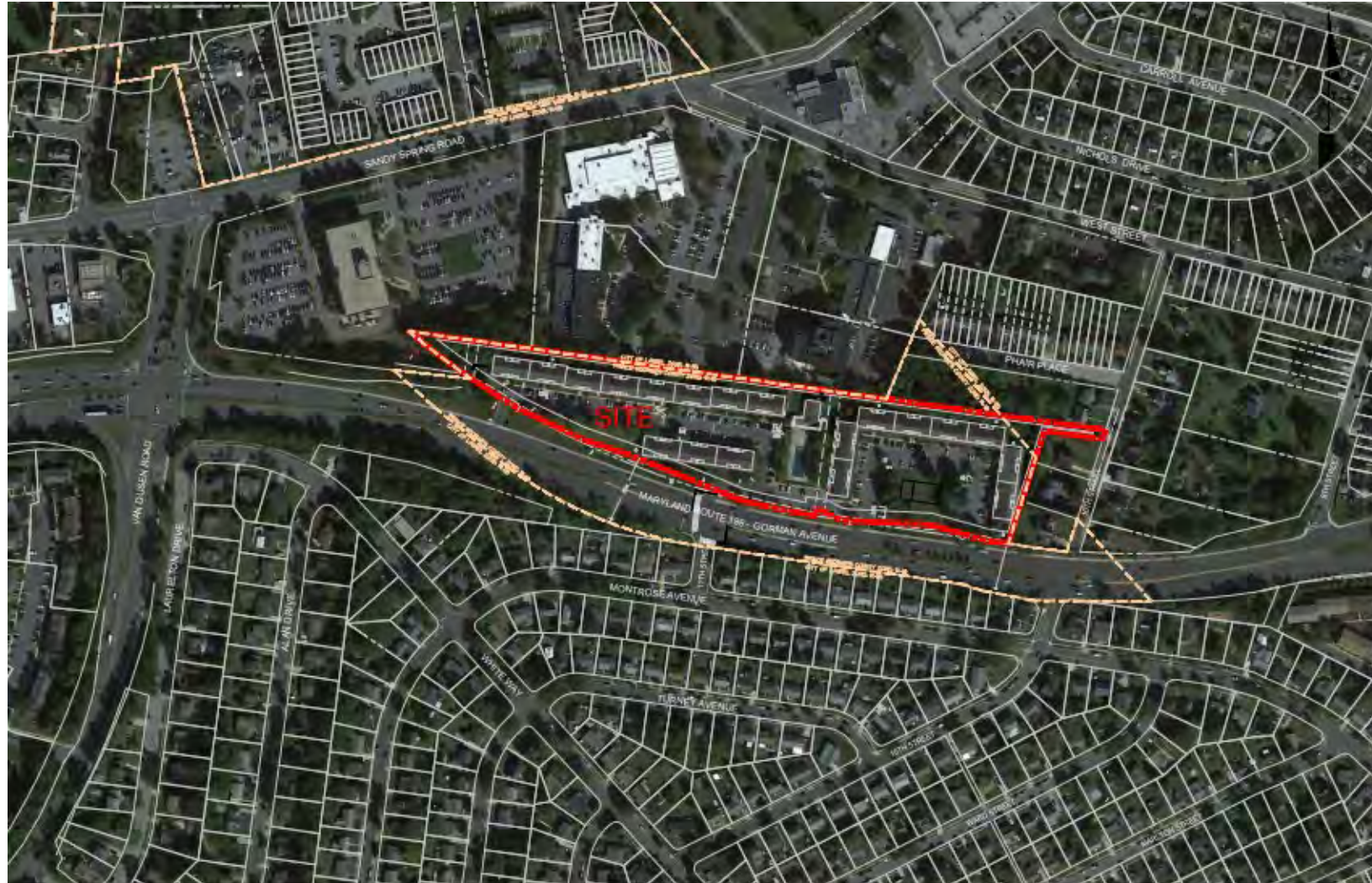




# MASTER PLAN RIGHT-OF-WAY MAP



## BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED









# EXTERIOR ELEVATIONS AND PROPOSED FLOORPLAN



BUILDING #3  
TYPICAL BUILDING ELEVATION



BUILDING #1  
TYPICAL 2-3 STORY BUILDING



BUILDING #3  
TYPICAL BUILDING ELEVATION



END OF BUILDING #2  
TYPICAL BUILDING STREETSCAPE



REAR OF BUILDING #1  
SERVING AND UTILITY AREA



BUILDING #1  
TYPICAL PROPOSED UNIT LOCATION



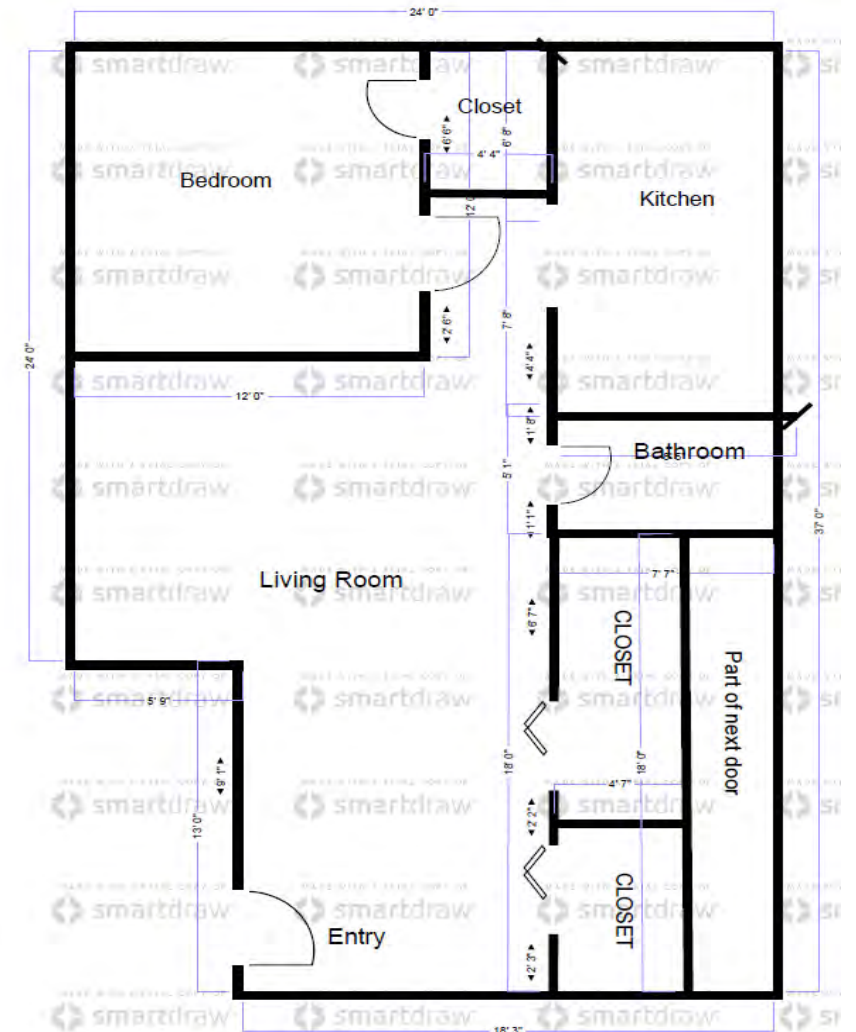
BUILDING #3



BUILDING #3



BUILDING #4



# STAFF RECOMMENDATION

## **APPROVAL** with conditions

- 3 Conditions

## **Major/Minor Issues:**

- No Major Issues

## **Applicant Required Mailings:**

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

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

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

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

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

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**I. DESCRIPTION AND LOCATION**

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

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

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

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

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

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

## **II. BACKGROUND AND NONCONFORMITY**

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

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

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

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

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

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

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

### **III. REQUEST**

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

### **IV. CONFORMANCE WITH THE ZONING ORDINANCE**

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

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

- (a) The alteration, enlargement, extension, or reconstruction of any nonconforming building or structure, or certified nonconforming use (except those certified nonconforming uses not involving buildings, those within the Chesapeake Bay Critical Area Overlay Zones as specified in paragraph 7, below, unless otherwise provided, and except for outdoor advertising signs), may be permitted subject to the following:
  - (1) A nonconforming building or structure, or a building or structure utilized in connection with a certified nonconforming use, may be enlarged in height or bulk, provided that the requirements of Part 11 are met with respect to the area of the enlargement.

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

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

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

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

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

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

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



2. Section 27-317. Required Findings.

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

(a) A Special Exception may be approved if:

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

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

(a) The purposes of the Zoning Ordinance are:

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

- (11) To lessen the danger and congestion of traffic on the streets and to insure the continued usefulness of all elements of the transportation system for their planned functions;”
- (12) To insure the social and economic stability of all parts of the County;
- (13) To protect against undue noise, and air and water pollution, and to encourage the preservation of stream valleys, steep slopes, and lands of natural beauty, dense forests, scenic vistas, and other similar features;
- (14) To provide open space to protect scenic beauty and natural features of the County, as well as to provide recreational space; and
- (15) To protect and conserve the agricultural industry and natural resources.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*There is no TCP required for this property.*

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

*There are no regulated environmental features on the Subject Property.*

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

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

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

**V. CONCLUSION**

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

Respectfully submitted,

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

A handwritten signature in blue ink, appearing to read 'Nathaniel Forman', is written over a horizontal line.

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

*Attorney for the Applicant*



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Countywide Planning Division  
Historic Preservation Section

301-952-3680

July 19, 2022

**MEMORANDUM**

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

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

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

**SUBJECT: SE-4852 Westgate Apartments**

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

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



# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
[www.pgplanning.org](http://www.pgplanning.org)

August 15, 2022

## **MEMORANDUM**

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

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

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

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

## **Additional Comments**

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

### **Recommended Conditions**

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


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



August 15, 2022

## MEMORANDUM

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

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

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

## FINDINGS:

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

## BACKGROUND

**Application Type:** Special Exception

**Location:** 8100-8216 Gorman Avenue,

**Size:** 9.22 Acres

**Existing Uses:**

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

## GENERAL PLAN, MASTER PLAN, AND SMA

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

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

**Planning:** Area: 60

**Community:** Northwestern Area

## **SE-4852, WESTGATE APARTMENTS (PB)**

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

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

### **MASTER PLAN SUBSTANTIAL IMPAIRMENT ISSUES:**

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

c: Long-range Agenda Notebook



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
[www.pgplanning.org](http://www.pgplanning.org)

August 16, 2022

MEMORANDUM

TO: Dominique Lockhart

FROM: Michelle Hughes

SUBJECT: Referral Comments for Westgate Apartments, SE-4852

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



# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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Countywide Planning Division  
Environmental Planning Section

301-952-3650

September 19, 2022

## **MEMORANDUM**

**TO:** Dominique Lockhart, Planner III, Zoning Section, DRD

**VIA:** Thomas Burke, Supervisor, Environmental Planning Section, CWPD *TB*

**FROM:** Marc Juba, Planner III, Environmental Planning Section, CWPD *MJ*

**SUBJECT:** **SE-4852, Westgate Apartments**

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

## **BACKGROUND**

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

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

## **PROPOSED ACTIVITY**

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

## **GRANDFATHERING**

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

## **SITE DESCRIPTION**

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

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

## **MASTER PLAN CONFORMANCE**

### ***Prince Georges Plan 2035***

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

### ***2010 Approved Subregion 1 Master Plan and Sectional Map Amendment***

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

### ***Countywide Green Infrastructure Plan***

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

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

## **ENVIRONMENTAL REVIEW**

### **Natural Resources Inventory/Existing Conditions**

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

### **Woodland Conservation**

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

### **Preservation of Regulated Environmental Features/Primary Management Area**

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

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

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

### **Soils**

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

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

### **Stormwater Management**

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

### **SUMMARY OF RECOMMENDED FINDINGS**

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

#### **Required Finding**

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



# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Countywide Planning Division  
Transportation Planning Section


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


301-952-3680

September 20, 2022

## **MEMORANDUM**

TO: Dominique Lockhart, Subdivision Section, Development Review Division

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


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

SUBJECT: **SE-4852: Westgate Apartments**

### **Proposal:**

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

### **Prior Conditions of Approval:**

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

### **Master Plan Compliance**

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

### **Master Plan Roads**

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

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

### **Master Plan Pedestrian and Bike Facilities**

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

Planned Shared Roadway: Sandy Spring Road

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

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

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

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

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

### **Transportation Planning Review**

#### **Zoning Ordinance Compliance**

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

(a) A special exception may be permitted if:

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

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



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

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

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

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

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

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

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

**Conclusion:**

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

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

**Additional Back-up**

**For**

**SE-4852**

**Westgate Apartments**



# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
[www.pgplanning.org](http://www.pgplanning.org)

October 18, 2022

## MEMORANDUM

TO: The Prince George's County Planning Board

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

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

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

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

### Revised Condition

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

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

Councilmanic District: 1

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

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

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

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

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

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



## INSTRUCTIONS FOR FILING

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

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

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

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

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

### II. Requests for Oral Argument:

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

### III. Notification to All Persons of Record:

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

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

### IV. When to File:

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

### V. Where to File:

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

## INSTRUCTIONS FOR REPLY TO A REQUEST FILED FOR ORAL ARGUMENT

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

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

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

**ERROR  
180  
DECISION**

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

**NATURE OF PROCEEDINGS**

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

**FINDINGS**

**Subject Property**

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

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

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

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

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

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

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

### **LAW APPLICABLE**

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

**(g) Criteria for approval.**

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

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

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

### **CONCLUSIONS**

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

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

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

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

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

### **RECOMMENDATION**

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

APR 20 2001



# THE PRINCE GEORGE'S COUNTY GOVERNMENT

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

April 19, 2001

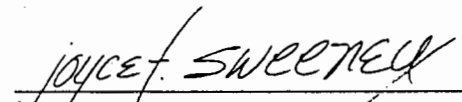
RE: ERR 180 (Westgate Apartments Investors, LLC)

## ***NOTICE OF FINAL DECISION OF THE DISTRICT COUNCIL***

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

## ***CERTIFICATE OF SERVICE***

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

  
\_\_\_\_\_  
joyce t. sweeney  
Clerk of the Council

(10/97)

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

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

ZONING ORDINANCE NO. #2 - 2001

AN ORDINANCE to validate a permit issued in error.

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

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

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

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

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

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



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

Enacted this 9<sup>th</sup> day of April, 2001, by the following vote:

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


Opposed:

Abstained:

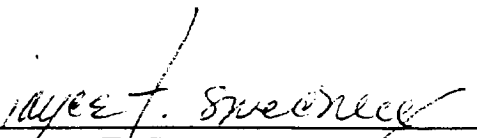
Absent:

Vote: 9-0

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

By:   
Ronald V. Russell, Chairman

ATTEST:

  
Joyce T. Sweeney  
Clerk of the Council

24

761735

Special Warranty Deed

MD Tax Parcel Identifiers: District 10 1060680

After recording, please return to:

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

PRINCE GEORGE'S COUNTY, MD  
 APPROVED BY: # KLB  
 DATE: 1/13/2020  
 \$ 184,250.00 RECORDATION TAX PAID  
 \$ 40,900.00 TRANSFER TAX PAID  
409,000.00

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

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

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

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

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

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

[signature page follows]

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

**WESTGATE DNB ASSOCIATES LLC,**  
a Maryland limited liability company

By: 

Name: Herbert C. Klein

Title: Manager

By: 

Name: Michael Geller

Title: Manager

By: 

Name: Adam Geller

Title: Manager

**ROCKFORD ARMS LLC,**  
a Maryland limited liability company

By: 

Name: Herbert C. Klein

Title: Manager

By: 

Name: Michael Geller

Title: Manager

By: 

Name: Adam Geller

Title: Manager

**KLEIN WESTGATE, LLC,**  
a Maryland limited liability company

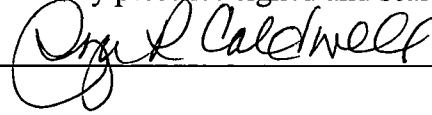
By: 

Name: Herbert C. Klein

Title: Manager

STATE OF NEW JERSEY )COUNTY OF ESSEX )

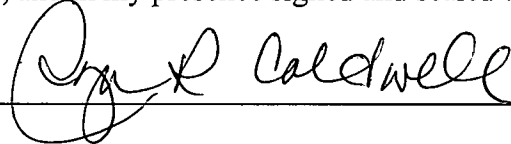
The foregoing instrument was acknowledged before me on behalf of such entity on January 7, 2020, by Herbert C. Klein, who is the Manager of **WESTGATE DNB, LLC** a Maryland limited liability company, and in my presence signed and sealed the same



[Notarial Seal]

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

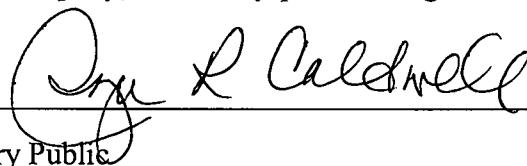
The foregoing instrument was acknowledged before me on behalf of such entity on January 7, 2020, by Herbert C. Klein, who is the Manager of **ROCKFORD ARMS LLC** a Maryland limited liability company, and in my presence signed and sealed the same.



[Notarial Seal]

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

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



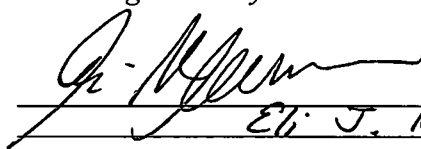
[Notarial Seal]

Notary Public

My Commission Expires:

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

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

  
\_\_\_\_\_  
Eli J. Newman, Esq.

Address of Grantee:

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

## EXHIBIT "A" LEGAL DESCRIPTION

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

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

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

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

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

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

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



DEED OF TRUST  
(Continued)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**MARYLAND  
FORM  
WH-AR**
**Certification of Exemption from Withholding Upon  
Disposition of Maryland Real Estate Affidavit of  
Residence or Principal Residence**
**2020**

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

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

**1. Transferor Information**

Name of Transferor Westgate DNB Associates LLC

**2. Description of Property** (Street address. If no address is available, include county, district, subdistrict and lot numbers).  
8200 Gorman Ave., Laurel, Maryland 20707
**3. Reasons for Exemption****Resident Status**☐

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

☒

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

**Principal Residence**☐

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

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

**3a. Individual Transferors**


\_\_\_\_\_  
Witness

\_\_\_\_\_  
Name

\_\_\_\_\_  
\*\*Date

\_\_\_\_\_  
Signature

**3b. Entity Transferors**

  
Witness/Attest

Westgate DNB LLC

\_\_\_\_\_  
Name of Entity

By 

Herbert C. Klein

1/7/2020

\_\_\_\_\_  
Name

\_\_\_\_\_  
\*\*Date

Manager  
Title

\*\* Form must be dated to be valid.

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

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

**MARYLAND  
FORM  
WH-AR**
**Certification of Exemption from Withholding Upon  
Disposition of Maryland Real Estate Affidavit of  
Residence or Principal Residence**
**2020**

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

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

**1. Transferor Information**

Name of Transferor Rockford Arms LLC

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

8200 Gorman Ave., Laurel, Maryland 20707

**3. Reasons for Exemption****Resident Status**☐

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

☒

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

**Principal Residence**☐

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

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

**3a. Individual Transferors**

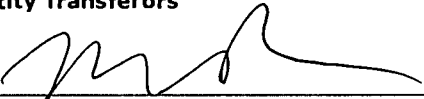
\_\_\_\_\_  
Witness

\_\_\_\_\_  
Name

\_\_\_\_\_  
\*\*Date

\_\_\_\_\_  
Signature

**3b. Entity Transferors**

  
Witness/Attest

Rockford Arms LLC

\_\_\_\_\_  
Name of Entity

  
By

Herbert C. Klein

\_\_\_\_\_  
Name

1/7/2020  
\*\*Date

Manager  
Title

\*\* Form must be dated to be valid.

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

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

MARYLAND  
FORM  
**WH-AR**

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

**2020**

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

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

**1. Transferor Information**

Name of Transferor Klein Westgate, LLC

**2. Description of Property** (Street address. If no address is available, include county, district, subdistrict and lot numbers).  
8200 Gorman Ave., Laurel, Maryland 20707

**3. Reasons for Exemption**

**Resident Status**

☐

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

☒

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

**Principal Residence**

☐

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

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

**3a. Individual Transferors**

Witness

Name

\*\*Date

Signature

**3b. Entity Transferors**

Witness/Attest

Klein Westgate, LLC

Name of Entity

By

Herbert C. Klein

1/7/2020

Name

\*\*Date

Title

manager

\*\* Form must be dated to be valid.

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

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

## State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☒ County: Prince George's

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only.

(Type or Print in Black Ink Only-All Copies Must Be Legible)

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

## PRINCE GEORGE'S COUNTY

DEPARTMENT OF PERMITTING, INSPECTIONS AND ENFORCEMENT  
PERMITTING CENTER

## CERTIFICATE OF OCCUPANCY

EFFECTIVE DATE: **July 01, 2021**CASE NUMBER : **8339-2020-00**

PERMISSION IS HEREBY GRANTED TO OCCUPY :

**8200 GORMAN AVE LAUREL, MD 20707**CASETYPE : **DPIE UOW**

OWNERSHIP :

PARKING SPACES : **0**

USE GROUP :

SPECIAL EXCEPTION :

CONST. TYPE :

LOT :

TAX MAP : **006**

BLOCK :

ZONE : **R18**

PARCEL :

LIMITATIONS (UP TO) :

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

USE (MNCPPC ZONING) :

**APARTMENTS, NONCONFORMING USE****PROPERTY OWNER**Westgate at Laurel LLC  
2110 W Countyline RD  
Jackson, NJ 08527

#

**OCCUPANT**Westgate at Laurel LLC  
8200 GORMAN AVE  
LAUREL, MD 20707

#

TRADE NAME : **Westgate at Laurel**CERTIFICATE IS TO BE CONSPICUOUSLY DISPLAYED AND NOT REMOVED FROM THE PREMISE FOR WHICH IT WAS ISSUED.  
IT IS NOT TRANSFERABLE.*Melinda Bolling*Melinda Bolling  
BUILDING CODE OFFICIAL**YOU MUST COMPLY WITH MUNICIPAL, HOMEOWNER/CIVIC ASSOCIATION AND LOCAL COVENANTS. A FINE MAY BE IMPOSED IF CONSTRUCTION IS BEGUN WITHOUT REQUIRED APPROVALS.**



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



DISTRICT OF COLUMBIA

to wit:

I, RICHARD L. SUGARMAN a Notary Public in and for  
the District of Columbia DO HEREBY CERTIFY that  
ROSCOE D. STEVENS  
date on the 9<sup>th</sup> day of October part to a certain Deed bearing  
personally appeared before me in said District 1964 and hereto annexed,  
the said

ROSCOE D. STEVENS

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

Given under my hand and seal this 9<sup>th</sup> day of October 1964

Richard L. Sugarman

Notary Public





SPECIAL WARRANTY DEED

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

W I T N E S S E T H:

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

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

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

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

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

WITNESS:

GRANTOR:

Thomas R. Petty  
THOMAS R. PETTY

Harry Kay (SEAL)  
HARRY KAY

Thomas R. Petty  
THOMAS R. PETTY

Max Kay (SEAL)  
MAX KAY

22 A M 15970 \*33,700.00

22 A M 15969 \*\*\*2750



6221 334

DISTRICT OF COLUMBIA )  
 ) ss:  
 )

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

WITNESS my hand and official seal this 21<sup>st</sup> day of November, 1985.



Elizabeth L. Boone  
Notary Public

Print Name: ELIZABETH L. BOONE

My Commission Expires: 9/14/89

DISTRICT OF COLUMBIA )  
 ) ss:  
 )

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

WITNESS my hand and official seal this 21<sup>st</sup> day of November, 1985.



Elizabeth L. Boone  
Notary Public

Print Name: ELIZABETH L. BOONE

My Commission Expires: 9/14/89

MARYLAND ATTORNEY'S CERTIFICATE

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

William M. Harvey  
William M. Harvey, Esquire

0254p  
5955/39  
11/20/85



EXHIBIT A

## METES AND BOUNDS DESCRIPTION

## GORMAN MANOR

## LAUREL ELECTION DISTRICT NO. 10

## PRINCE GEORGE'S COUNTY, MARYLAND

Being part of Parcel A as shown on a record plat entitled "PARCEL A, GORMAN MANOR" as recorded in Plat Book WWW54 and Plat 82 among the Land Records of Prince George's County, Maryland, and being more particularly described as follows:

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

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

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



6221

337

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

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

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

WILLIAM J. KIDDE  
KIDDE CONSULTANTS, INC.  
1000 HUNTERS LANE  
ROCKVILLE, MD 20850

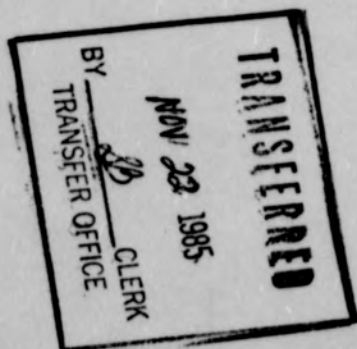
ALL RIGHTS RESERVED  
NO REPRODUCTION OR  
TRANSMISSION IN ANY  
FORM OR BY ANY MEANS  
ELECTRONIC OR MECHANICAL  
INCLUDING PHOTOCOPYING  
RECORDING OR BY ANY  
INFORMATION STORAGE  
RETRIEVAL SYSTEM  
WITHOUT PERMISSION IN  
WRITING FROM KIDDE  
CONSULTANTS, INC.



6221

338

1985



ALL taxes on assessments certified to the  
Director of Taxes for Prince George's County  
Specialty, Inc. by LL 22 have been paid  
Directly to Prince George's County.  
This statement is for recitation and is not  
to be used as evidence in any court.  
For more information, see also the provisions  
of the Prince George's County Code, Chapter  
20, Section 20-201.

AW17 TREASURY DIVISION  
0001 NOV.22'85 01:42PM  
6312 TRANS TX 99900.00

RECORDATION TAX AND  
TRANSFER TAX PAID  
OFFICE OF FINANCE  
PRINCE GEORGE'S COUNTY, MD.

see tax 29304.00



EXHIBIT B

### List of Permitted Exceptions

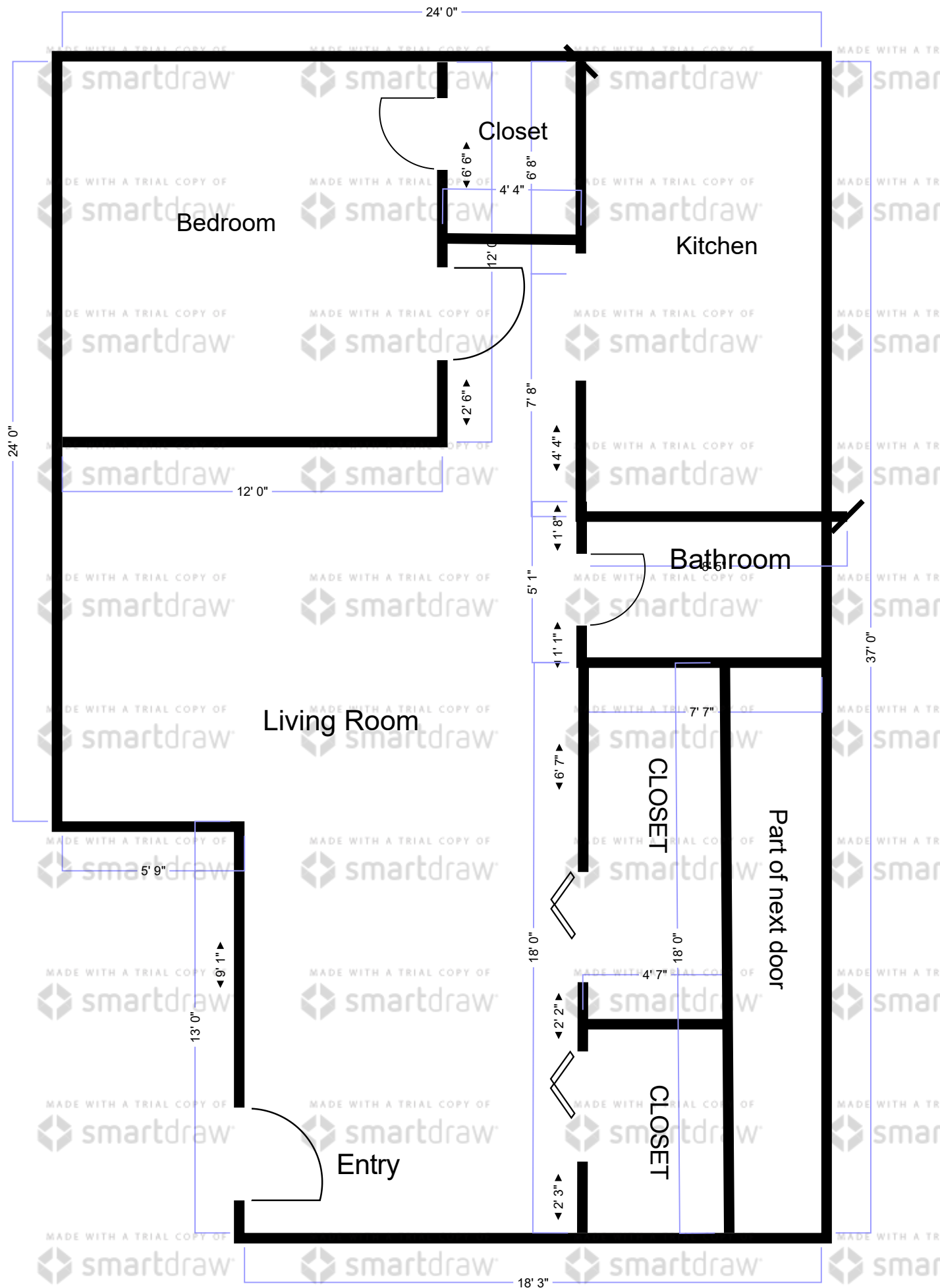
[illegible]

2. Taxes subsequent to June 30, 1986 not yet a lien.
3. Minimum building restriction lines established by owners dedication on recorded plat of subdivision recorded in WWW 54 at page 82. Said line has been violated by Building 1 as shown on plat of survey made by Kidde Consultants dated July, 1981 and recerified November 18, 1985. The Policy when issued will affirmatively insure that said violation will not result in a reversion or foreclosure of title.
4. Easements shown on recorded subdivision plat. Said easements have not been violated and a future vilation will not cause a reversion or forfeiture of title.
5. Easement to Baltimore Gas and Electric Company recorded in Liber 2559 at folio 25.
6. Agreement with W.S.S.C. recorded in Liber 3115 at folio 243.
7. Agreement with the State of Maryland recorded in Liber 4456 at folio 453.
8. Cable Television Easement recorded in Liber 5769 at folio 596.
9. Right of Way to W.S.S.C. recorded in Liber 6064 at folio 336. The improvements, as presently constructed do not encroach upon said easement area.
10. Right of Parties in possession under unrecorded leases as rights of parties in possession as tenants only.

6221 340

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





## **AFFIDAVIT OF MAILING**

The purpose of this affidavit is to certify that pursuant to The Process Guidelines for Development Review Applications, Formal Acceptance letters regarding Special Exception No. SE-4852, Westgate Apartments were mailed to all adjoining property owners, registered associations, parties of record and municipalities within a mile of the Subject Property, on July 13, 2022.

I solemnly affirm under the penalties of perjury that the contents of the foregoing paper are true to the best of my knowledge, information, and belief.



---

Nathaniel Forman



# O'Malley, Miles, Nylen & Gilmore, P.A.

## Attorneys & Counselors at Law

7850 Walker Drive, Suite 310  
Greenbelt, MD 20770  
[www.omng.com](http://www.omng.com)  
(301) 572-7900 • (301) 572-6655 (f)

Peter F. O'Malley  
(1939-2011)

John R. Miles  
(1935-2017)

Edward W. Nylen  
(1922-2010)

John D. Gilmore, Jr.  
(1921-1999)

William M. Shipp  
Nancy L. Slepicka  
Nathaniel A. Forman

Matthew D. Osnos  
Lynn Loughlin Skerpon

Lawrence N. Taub  
Kate P. Pruitt

Leonard L. Lucchi  
Stephanie P. Anderson

July 13, 2022

**Re: Special Exception No.: SE-4852**  
**Name of the Project: Westgate Apartments**

Dear Sir/Madam:


This letter is to inform you that The Maryland-National Capital Park and Planning Commission (M-NCPPC) is ready to accept the subject application. The Subject Property is located at 8100-8216 Gorman Avenue, Laurel, Maryland, which is located on the north side of Gorman Avenue (MD 198), approximately 600 feet east of its intersection with Van Dusen Road. This application requests approval for the addition of seven (7) 1-bedroom dwelling units via internal renovations at the existing apartment complex. No exterior construction or renovations are required to accommodate the units.

Once the application is formally accepted, it will be scheduled for a future Planning Board hearing. If you have not already registered to become a person of record, you are encouraged to do so at this time. As a person of record, you will receive a notice of the Planning Board hearing dates, the technical staff reports, and the Planning Board resolutions. You may register online at <http://www.pgplanning.org/1586/Become-a-Person-of-Record> or you may submit your name, address, and the above-referenced application numbers and name by mailing a written request to:

The Maryland-National Capital Park and Planning Commission  
Development Review Division  
14741 Governor Oden Bowie Drive  
County Administration Building, 4<sup>th</sup> Floor  
Upper Marlboro, MD 20772

If you have already registered to become a person of record from an earlier mailing for this application (SE-4852), you do not have to register again. Being a person of record on a separate application on the same property does not make you a person of record for the subject applications. You must request to become a person of record for each separate application (separate applications have different application numbers).

If you have any questions about this application, you may contact Nathaniel Forman at (301) 572-3237 or the M-NCPPC case reviewer, Dominique Lockhart at 301-952-3411.

Sincerely,  
  
Nathaniel Forman



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
Prince George's County Planning Department (301) 952-3530  
Development Review Division  
14741 Governor Oden Bowie Drive www.mncppc.org  
Upper Marlboro, MD 20772

Date: 9/16/21

# MAILING LIST - RECEIPT

- ☒ DRD application  
☐ County application

This receipt is to acknowledge that Nate Forman of (name  
of company, if applicable) O'Malley, Miles, Nylen and Gilmore  
received the following lists as described by the categories below:

<input checked="" type="checkbox"/> Registered community organization list	Total Record(s):	<u>16</u>
<input checked="" type="checkbox"/> Adjoining property owners list	Total Record(s):	<u>35</u>
<input checked="" type="checkbox"/> Municipalities within one mile list	Total Record(s):	<u>1</u>

This list is valid for 180 days from the date referenced above. Applicants shall obtain an updated mailing list if notifications are not sent within 180 days.

This property is located on WSSC Grid: 220NE07

Gregory E. McClain  
Development Review Division Staff

NOTE: Copy of this form must be included with Application submittal package.



# O'Malley, Miles, Nylan & Gilmore, P.A.

## Attorneys & Counselors at Law

7850 Walker Drive, Suite 310  
Greenbelt, MD 20770  
[www.omng.com](http://www.omng.com)  
(301) 572-7900 • (301) 572-6655 (f)

Peter F. O'Malley  
(1939-2011)

John R. Miles  
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Nathaniel A. Forman

Matthew D. Osnos  
Lynn Loughlin Skerpon

Lawrence N. Taub  
Kate P. Pruitt

Leonard L. Lucchi  
Stephanie P. Anderson

October 11, 2021

**Re: Special Exception No.: SE-4852**  
**Name of the Project: Westgate Apartments**

Dear Sir/Madam:

A special exception application for the above-referenced project will be submitted for review to the Development Review Division of the Maryland-National Capital Park and Planning Commission (M-NCPPC). The Subject Property is located at 8100-8216 Gorman Avenue, Laurel, Maryland, which is located on the north side of Gorman Avenue (MD 198), approximately 600 feet east of its intersection with Van Dusen Road. This application requests approval for the addition of seven (7) 1-bedroom dwelling units via internal renovations at the existing apartment complex. No exterior construction or renovations are required to accommodate the units.

If you wish to become a Person of Record to this application, you may submit your request online at <http://www.pgplanning.org/1586/Become-a-Person-of-Record> or by written request to the Development Review Division of the M-NCPPC, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. Please reference the Pre-Application Number and the Name of Project in your request. At this time no government agency has reviewed the application. **After** the application has been filed, you may contact the M-NCPPC at 301-952-3530.

**IMPORTANT: This notice is your opportunity to interact with the applicant prior to the acceptance of the subject application. Once an application is accepted, it may be subject to mandatory action time frames that are established by law. Contacting the applicant as soon as possible after receiving this notice will help facilitate your ability to receive information and/or establish a time when the applicant may meet with you or your civic group to provide information and answer questions about the development proposed. Any concerns regarding an applicant's failure to provide information or engage in dialogue about the proposed development should be directed in writing to the same mailing address listed for becoming a party of record. Please be sure to include the application number with any such correspondence.**

If you are interested in receiving more information about this application, reviewing a copy of a site plan, or meeting to discuss the project, you may call Nathaniel Forman at (301) 572-3237 or email at [nforman@omng.com](mailto:nforman@omng.com).

Sincerely,



Nathaniel Forman

## **AFFIDAVIT OF MAILING**

The purpose of this affidavit is to certify that pursuant to The Process Guidelines for Development Review Applications, Informational Mailing letters regarding the application for Special Exception No.: SE-4852, Westgate Apartments, were mailed to all adjoining property owners, registered associations and municipalities within a mile of the Subject Property, on October 11, 2021.

I solemnly affirm under the penalties of perjury that the contents of the foregoing paper are true to the best of my knowledge, information, and belief.

A handwritten signature in blue ink, appearing to read "Nathaniel Forman", written over a horizontal line.

Nathaniel Forman, Esq.



STATE ETHICS COMMISSION  
45 CALVERT STREET, 3<sup>RD</sup> FLOOR  
ANNAPOLIS, MD 21401  
410-260-7770  
1-877-669-6085

This Form Is To Be Filed With:  
CLERK OF THE COUNTY COUNCIL  
COUNTY ADMINISTRATION BUILDING  
ROOM 2198  
UPPER MARLBORO, MD 20772  
301-952-3600

## **Business Entity' Affidavit** (Form PG 2)

### General Information

The Prince George's County land use ethics law (General Provisions Article, §§ 5-833 to 5-839, Annotated Code of Maryland) ("Public Ethics Law") requires this affidavit to be filed where a business entity is deemed to be an applicant in an application filed with the District Council. This can occur, for example, when a business entity is a title owner or contract purchaser of land that is the subject of an application, a trustee having an interest in the land (except those described in a mortgage or deed of trust), or the holder of 5 percent or more interest in an entity having an interest in the land (provided that it has substantive involvement in the disposition of the land, or substantive activities pertaining specifically to land development in Prince George's County). Applicant can also include a business entity in which a 5 percent or greater interest is held by another applicant.

In completing this form, you should also review §§ 5-833 to 5-839 of the Public Ethics Law. These provisions include the affidavit requirement, define applicants and agents, set out District Council member disqualification requirements, and specify ex parte disclosure procedures. Please note that there may be situations where there is more than one applicant involved, requiring one or more submissions of this form (or Form PG 1 Individual Applicant Affidavit). You may direct questions about the affidavit or other requirements of the Law to the State Ethics Commission office by phone, at 410-260-7770, or in writing, at the above address. Copies of the Public Ethics Law may be obtained at the Commission's website <http://ethics.maryland.gov/public-ethics-law/>. Additionally, there is a Special Ethics Law Memo on the Prince George's County land use ethics law at <http://ethics.maryland.gov/download/local-gov/local-gov-forms/PG%20County%20Zoning%20Memo.pdf>, that contains additional filing information, including timing requirements.

If the applicant business entity is a corporation listed on a national stock exchange or regulated by the Securities Exchange Commission, then its officers, its directors, or its shareholders having a 5 percent or greater interest in the corporation are required to file an affidavit **only if** these persons have made a payment or have solicited a payment as outlined in the Public Ethics Law **and** if the corporation itself completes Part B of the affidavit. If required to file, these persons will file the Individual Applicant Affidavit, Form PG 1.

### Filing Deadline

You must file a signed original of this affidavit with the Clerk of the County Council no later than 30 days prior to the District Council's consideration of the application. You must file a supplemental affidavit as expeditiously as possible whenever a payment/contribution is made after the original affidavit was filed and prior to Council's consideration. Please note that under § 5-835(a) of the Public Ethics Law, payments/contributions during the pendency of an application are generally prohibited.

## **PART A. Business Entity Applicant**

### Identifying Information

Name of Applicant Westgate at Laurel, LLC Case No. (where applicable) SE-4852  
Address of Applicant 3200 W. County Line Road Jackson, NJ, 08527  
Identity of the Property/ 8100-8126 Gorman Avenue, Laurel, MD 20707  
Subject of Application \_\_\_\_\_ Type of Application SE  
(see § 5-833(d))

<sup>1</sup> Section 5-833 of the Public Ethics Law defines a business entity as a corporation, a general partnership, a joint venture, a limited liability company, a limited partnership or a sole proprietorship.

Applicant Payment/Contribution to Member Information (check or complete applicable blanks)

1. Was a payment/contribution made by the applicant to a treasurer or a continuing committee, either directly or through a political action committee (PAC), during the 36 months before the application was filed or during the pendency of the application? \_\_\_\_ Yes ☒ No

If the answer to #1 above is yes, list below the name of the member or members and the date or dates of the payment/contribution:

<u>Name of Member</u>	<u>Date</u>
_____	_____
_____	_____
_____	_____
_____	_____

If the payment/contribution was through a PAC, identify the PAC and the date of the transfer to the treasurer or continuing committee:

_____	_____
_____	_____

Solicitation and other Payment/Contribution Information

2. Did the applicant solicit a person or business entity to make a payment/contribution to a member during the 36 months before the application filing or during the pendency of the application?  
\_\_\_\_ Yes ☒ No

If the answer to #2 above is yes, and a contribution was made, list below the name of the member or members, the date or dates of the payment/contribution, and the name of the contributor:


<u>Name of Member</u>	<u>Date</u>	<u>Name of Contributor</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

**PART B. Directors, Officers and Stockholders (see § 5-838(b)) (For Corporations Only)**

**\*Note:** For a corporation's application to be processed, this section must be completed in full (place a check at the beginning of each question to indicate the action has been completed).

1. \_\_\_\_ All directors, officers, and stockholders with a 5 percent or greater interest have been notified of the disclosure requirement as provided in the Law and are identified as follows (list name and title – if the corporation has no directors, officers or stockholders with a 5 percent or greater interest, so state):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. \_\_\_\_ Affidavits (Form PG 1 Individual Applicant Affidavit) from those individuals identified in question #1 above, who have made or solicited contributions and are therefore required to disclose, are either attached or on file with the Clerk of the County Council **OR** there are no individuals required to file affidavits.

I hereby make oath or affirmation that the contents of this affidavit are true and correct to the best of my knowledge, information and belief.

  
Signature (original to be filed with the Clerk)

Shraga Rabinowitz  
Printed Name of Signer

Resident Agent

Title of Signer (Authorized to sign for the business entity)

5/2/2022

\_\_\_\_\_  
Date



# O'Malley, Miles, Nylan & Gilmore, P.A.

## Attorneys & Counselors at Law

7850 Walker Drive, Suite 310  
Greenbelt, MD 20770  
[www.omng.com](http://www.omng.com)  
(301) 572-7900 • (301) 572-6655 (f)

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Lynn Loughlin Skerpon  
Eddie L. Pounds

Lawrence N. Taub  
Kate P. Pruitt

Leonard L. Lucchi  
Stephanie P. Anderson

July 13, 2022

Cheryl Summerlin  
Applications Supervisor  
Maryland-National Capital Park and Planning Commission  
14741 Governor Oden Bowie Drive  
Upper Marlboro, MD 20772

Re: Westgate Apartments; SE-4852

Dear Ms. Summerlin:

Please find the following responses addressing comments dated 7/11/2022 received from MNCPPC Development Review Division:

### REVIEWER COMMENTS:

Comment 1:	Address transitional provisions in SOJ per code section 27-1904(b)	
	Response:	<i>The SOJ has been updated accordingly.</i>
Comment 2:	Provide existing and proposed floorplans highlighting areas that will be converted into dwelling units.	
	Response:	<i>The Applicant respectfully submits that it is unnecessary to show the existing or proposed floorplans for the entire apartment complex. However, to clearly show the location of the additional seven (7) dwelling units, their locations have been outlined in red on the special exception plan. Finally, a sample floorplan for the seven (7) additional dwelling units was included, not because it was required as part of the special exception application, but because the Zoning Hearing Examiner routinely requests it during the hearing. The Applicant simply wanted to ensure that it was provided at an early date.</i>

Westgate Apartments; SE-4852

July 13, 2022

Page 2

Thank you very much for your time and attention to this matter. Should you have any questions or comments, please do not hesitate to contact me at 301-602-1535. I remain

Very Truly Yours,

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



---

Nathaniel Forman  
7850 Walker Drive, Suite 310  
Greenbelt, MD 20770  
*Attorney for the Applicant*



**ZONING CASE INFORMATION**

**CASE NUMBER: SE-4852**

**TITLE: WESTGATE APARTMENTS**

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

**LOCATION: ON THE NORTH SIDE OF MD-198 (GORMAN AVE) APPROXIMATELY 600 FEET EAST OF ITS INTERSECTION WITH VAN DUSEN ROAD**

**DATE ACCEPTED:**

**COUNCILMANIC DISTRICTS: 01**

<b>ZONING:</b>		<b>FEE(S):</b>	
RMF-20	9.22acres	\$2,650.00	(Application Fee)
		<hr/>	
		\$2,650.00	

**GEOGRAPHIC INFORMATION**

**TAX MAP & GRID: 006 B-1**  
**PLANNING AREA: 60**  
**TIER: DEVELOPING**  
**MUNICIPALITY: No**

**ELECTION DISTRICT: 10**  
**AREA IN PLAN: 9.22**  
**POLICY ANALYSIS ZONE:**  
**200 SCALF MAP: 220NE07**

**POLICE DISTRICT: VI BELTSVILLE**  
**GROWTH POLICY ESTABLISHED**  
**AREA: COMMUNITIES**

**AVIATION POLICY AREA: N/A**

**APPLICANT / AGENT INFORMATION**

**APPLICANT: WESTGAGE AT LAUREL, LLC**  
**ADDRESS: 3200 W. COUNTY LINE ROAD**

**AGENT: O'MALLEY MILES NYLEN & GILMOUR**  
**ADDRESS: 7850 WALKER DRIVE, SUITE 310**

**ZIP CODE: 08527**  
**PHONE:**  
**FAX:**  
**EMAIL:**

**ZIP CODE: 20770**  
**PHONE:**  
**FAX:**  
**EMAIL:**



ITEMS CORRESPONDING TO SCHEDULE B-II

9. Setback lines, easements, rights of ways, reservations, notes and all other matters as shown on the Plat entitled, "PARCEL A, GORMAN MANOR", which Plat is recorded among the Land Records of Prince George's County, Maryland in Plat Book 54, folio 82.  
**THIS ITEM IS PLOTTED AND SHOWN HEREON.**

10. Deed of Easement dated November 30, 1959 and recorded among the aforesaid Land Records in Liber 2423, folio 488, State Roads Commission Plats 19795, 19796, and 14299A.  
**THIS ITEM IS PLOTTED AND SHOWN HEREON.**

11. Option Contract with the State Roads Commission of Maryland dated January 18, 1961 and recorded among the aforesaid Land Records in Liber 2583, folio 208, State Roads Commission Plats 24230 and 24231.  
**THIS ITEM IS PLOTTED AND SHOWN HEREON.**

12. Agreement by and between Harry Kay and Max Kay and the WSSC dated March 6, 1965 and recorded among the aforesaid Land Records in Liber 3115, folio 243.  
**THE DOCUMENT PROVIDED IS ILLEGIBLE.**

13. Waiver and Release granted to the State Highway Administration dated November 19, 1974 and recorded among the aforesaid Land Records in Liber 4456, folio 543.  
**THIS ITEM IS BLANKET IN NATURE.**

14. Agreement by and between the Kay Brothers and I-95 Laurel Limited Partnership dated October 10, 1974 and recorded among the aforesaid Land Records in Liber 4818, folio 922.  
**THIS ITEM IS BLANKET IN NATURE.**

15. Option Contract with the State Roads Commission of Maryland and recorded among the aforesaid Land Records in Liber 5400, folio 828, State Roads Commission Plats 35115 and 35117.  
**THIS ITEM IS BLANKET IN NATURE.**

16. Cable Television Easement and Installation Agreement by and between Storer Cable Communications of Maryland, Inc. and Harry Kay for the Gorman Manor Apartments dated September 15, 1983 and recorded among the aforesaid Land Records in Liber 5769, folio 596.  
**THIS ITEM IS BLANKET IN NATURE.**

17. Right of Way Agreement by and between Harry Kay and Max Kay and the WSSC dated March 1, 1985 and recorded among the aforesaid Land Records in Liber 6064, folio 336.  
**THIS ITEM IS PLOTTED AND SHOWN HEREON.**

18. Right of Way Agreement by and between Gate Laurel Associates and GDR V Limited Partnership dated October 31, 1986 and recorded among the aforesaid Land Records in Liber 6490, folio 553.  
**THIS ITEM IS PLOTTED AND SHOWN HEREON.**

ZONING INFORMATION

THE SURVEYED PROPERTY IS ZONED: R-18, Multifamily Medium Density Residential

FRONT SETBACK: 30'  
SIDE SETBACK: 10'  
REAR SETBACK: 30'

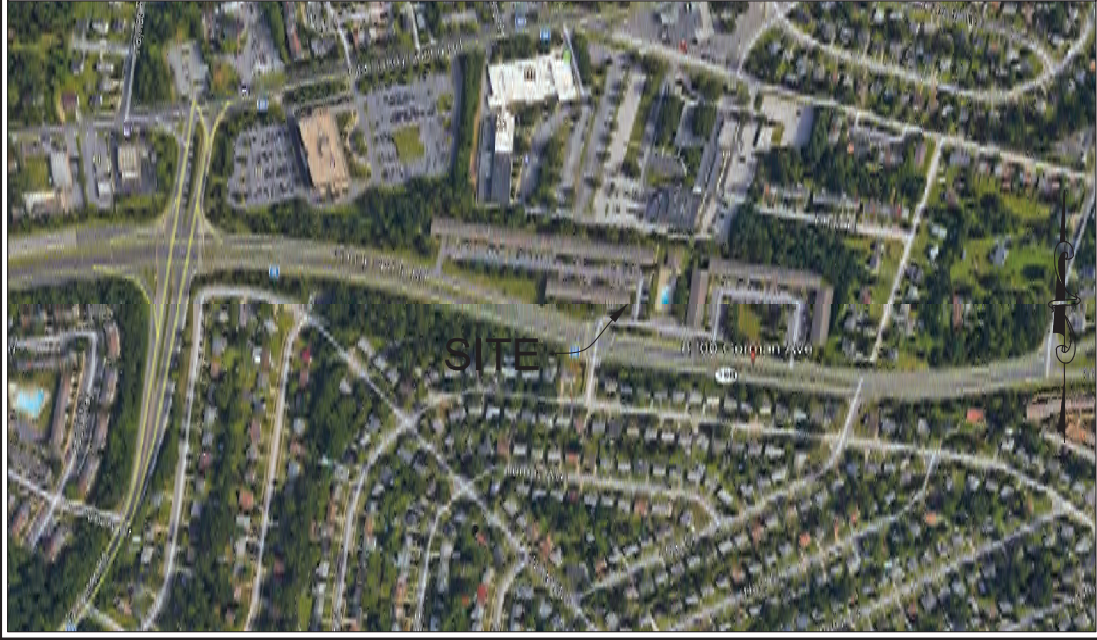
HEIGHT RESTRICTIONS: 80'

MAXIMUM LOT COVERAGE: 30%

PARKING REQUIREMENTS (FORMULA): 497

THE ZONING INFORMATION SHOWN ABOVE WAS OBTAINED FROM ARMADA ANALYTICS ZONING REPORT DATED OCTOBER 30, 2019, SITE NO. 18224, PURSUANT TO TABLE A 6A.

VICINITY MAP - NOT TO SCALE



MISCELLANEOUS NOTES

- MN1** SURVEY PERFORMED BY: BOCK AND CLARK CORPORATION, AN NV5 COMPANY, 501 THOMSON PARK DRIVE, CRANBERRY TOWNSHIP, PA 16066  
PHONE: (800) 787-8394 FAX: (724) 934-0062 BYRON.HOWELL@NV5.COM
- MN2** THIS SURVEY IS CERTIFIED TO DATE OF FIELD SURVEY, NOT DATE OF SIGNATURE, NOT VALID UNLESS SIGNED, DATED AND STAMPED WITH SURVEYOR'S SEAL.
- MN3** TABLE A 2: AN ADDRESS OF 8200 GORMAN AVENUE WAS POSTED ON THE SURVEYED PROPERTY.
- MN4** TABLE A 4: THE SURVEYED PROPERTY CONTAINS AN AREA OF 9.228± ACRES (401,973± SQUARE FEET), MORE OR LESS.
- MN5** TABLE A 6b: THE ZONING INFORMATION SHOWN HEREON WAS TAKEN FROM THE REFERENCED RECORDED PLANS AND ZONING REPORT. THE ZONING MAY NOT REFLECT THE ZONING REQUIREMENTS AT THE TIME OF CONSTRUCTION, IF ANY WERE REQUIRED AT THAT TIME.
- MN6** TABLE A 8: ONLY OBSERVABLE SURFACE AND ABOVE GROUND STRUCTURES WERE LOCATED. NO UNDERGROUND IMPROVEMENTS, SUCH AS FOUNDATION FOOTINGS, WERE LOCATED. SOME FEATURES SHOWN ON THIS PLAT MAY BE SHOWN OUT OF SCALE FOR CLARITY. ALL DIMENSIONS SHOWN ARE IN FEET AND DECIMALS THEREOF.
- MN7** TABLE A 9: THERE ARE 289 STRIPED REGULAR PARKING SPACES AND 15 STRIPED HANDICAPPED PARKING SPACES FOR A TOTAL OF 304 STRIPED PARKING SPACES ON THE SURVEYED PROPERTY.
- MN8** TABLE A 10A: NO DIVISION OR PARTY WALLS WERE DESIGNATED BY THE CLIENT OR LOCATED BY SURVEYOR WITH RESPECT TO ADJOINING PROPERTIES.
- MN9** TABLE A 16: AT THE TIME OF SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION, BUILDING ADDITIONS.
- MN10** TABLE A 17: AT THE TIME OF SURVEY, THE SURVEYOR WAS UNAWARE OF ANY PROPOSED CHANGES IN STREET RIGHT OF WAY LINES OR OBSERVABLE EVIDENCE OF STREET OR SIDEWALK REPAIRS.
- MN11** TABLE A 18: THE SURVEYOR WAS NOT PROVIDED ANY DOCUMENTATION, WAS NOT MADE AWARE AND DID NOT OBSERVE ANY GROUND MARKINGS ON THE SURVEYED PROPERTY WITH REGARDS TO WETLANDS ON THE SURVEYED PROPERTY. NO ENVIRONMENTAL ASSESSMENT OR AUDIT WAS PERFORMED ON THE SURVEYED PROPERTY BY THE SURVEYOR.
- MN12** TABLE A 19: THE PLOTTABLE OFFSITE EASEMENTS OR SERVITUDE'S THAT WERE DISCLOSED IN THE RECORD DOCUMENTS PROVIDED TO THE SURVEYOR OR WERE OBSERVED IN THE PROCESS OF CONDUCTING THE SURVEY ARE SHOWN HEREON, ONLY OBSERVABLE ABOVE GROUND IMPROVEMENTS WERE LOCATED WITHIN SAID EASEMENTS.
- MN13** THE SURVEYED PROPERTY HAS ACCESS TO GORMAN AVENUE (VARIABLE WIDTH) AND 10TH STREET (30' WIDE), BOTH BEING DEDICATED PUBLIC RIGHT-OF-WAYS, AS SHOWN HEREON.
- MN14** OWNERSHIP OF FENCES, IF ANY, WAS NOT DETERMINED UNDER THE SCOPE OF THIS SURVEY.
- MN15** THERE ARE NO GAPS, GORES, OVERLAPS OR STRIPS PER REFERENCED TITLE COMMITMENT INHERENT TO THE SURVEYED PROPERTY BASED ON THE FIELD SURVEY PERFORMED.
- MN16** BEARINGS SHOWN HEREON ARE BASED ON THE NORTHERLY RIGHT OF WAY LINE OF GORMAN AVENUE, PRINCE GEORGE'S COUNTY, MARYLAND TO BEAR N 67°41'30" W, AS SHOWN HEREON.
- MN17** THIS SURVEY IS NOT INTENDED FOR CONSTRUCTION OR CONSTRUCTION DESIGN PURPOSES.
- MN18** THIS SURVEY CONFORMS TO THE MARYLAND SOCIETY OF PROFESSIONAL SURVEYORS FOR A BOUNDARY SURVEY UNDER CLASS URBAN SURVEY.
- MN19** CALCULATED SQUARE FOOTAGE OF THE BUILDING DOES NOT ACCOUNT FOR THE THICKNESS OF WALLS AND INTERIOR FRAMING AND IS NOT TO BE USED FOR THE INTERIOR SQUARE FOOTAGE CALCULATION.
- MN20** SURVEYOR NOT LIABLE FOR UTILITIES OBSTRUCTED OR COVERED FROM VIEW.
- MN21** THIS SURVEY IS BASED UPON THE TITLE COMMITMENT REFERENCED HEREON, THE SURVEYOR IS NOT RESPONSIBLE FOR DOCUMENTS OF RECORD NOT INCLUDED IN THE COMMITMENT PROVIDED.
- MN22** ENTRY INTO SANITARY AND STORM STRUCTURES REQUIRES A CONFINED SPACE PERMIT WHICH IS NOT INCLUDED IN THE SCOPE OF WORK.
- MN23** AT THE TIME OF SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF SITE USE AS A BURIAL GROUND OR CEMETERY.
- MN24** BUILDING HEIGHT DOES NOT TAKE IN TO ACCOUNT HEIGHT OF PARAPET WALLS.
- MN25** ONLY VISIBLE ABOVE GROUND EVIDENCE OF IMPROVEMENTS AND UTILITIES WERE LOCATED BY SURVEYOR. UNDERGROUND UTILITIES SHOWN HEREON PER RECORD INFORMATION.

RECORD DESCRIPTION

Account Identifier: District-10 Account Number-1060680

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

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

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

North 81 degrees 54 minutes 39 seconds West 152.24 feet to a point, thence South 17 degrees 56 minutes 23 seconds West 305.26 feet to a point on the northerly right of way line of Maryland Route 198 as shown on Plat 35117 and Plat 35115 of the State Roads Commission of Maryland; thence running with the said northerly right of way line the following nineteen courses and distances:

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

North 78 degrees 11 minutes 23 seconds West to a point; thence North 67 degrees 44 minutes 56 seconds West 35.57 feet to a point; thence North 62 degrees 57 minutes 25 seconds West 14.00 feet to a point; thence North 68 degrees 50 minutes 11 seconds West 49.02 feet to a point; thence North 67 degrees 41 minutes 30 seconds West 188.30 feet to a point; thence North 71 degrees 03 minutes 26 seconds West 156.85 feet to a point; thence North 64 degrees 15 minutes 49 seconds West 175.98 feet to a point; thence along the arc of a curve to the right 347.19 feet having a radius of 2201.68 feet and a chord bearing of 346.83 feet and North 54 degrees 57 minutes 28 seconds West to a point on the intersection of the northerly boundary of the said Parcel A and the northerly right of way line of the said Route 198; thence leaving said northerly right of way line and running with the southerly boundary of the land owned past or present by Tower Federal Credit Union as recorded in Liber 6490 at Folio 563 among the aforesaid Land Records and the southerly boundary of the aforementioned Board of Education property and with the northerly line of said parcel A.

South 81 degrees 54 minutes 36 seconds East 1816.26 feet to the point of beginning.

Containing 401,981 square feet or 9.2282 acres of land, more or less.

The improvements thereon being known as: 8100 Gorman Avenue, Laurel MD

THE LANDS SURVEYED, SHOWN AND DESCRIBED HEREON ARE THE SAME LANDS AS DESCRIBED IN THE TITLE COMMITMENT PROVIDED BY STEWART TITLE GUARANTY COMPANY, COMMITMENT NO. 761735, DATED OCTOBER 28, 2019.

ALTA/NSPS LAND TITLE SURVEY

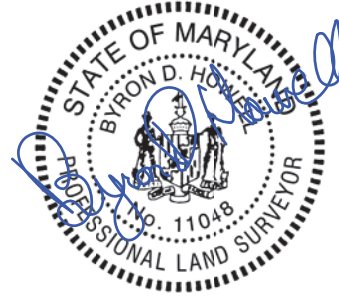
for  
**Westgate at Laurel**  
NV5 Project No. 201905290, 001  
8200 Gorman Ave  
Laurel, Maryland 20707

based upon Title Commitment No. 761735  
of Stewart Title Guaranty Company  
bearing an effective date of October 28, 2019

Surveyor's Certification

To: Federal Home Loan Mortgage Corporation and/or Capital One, National Association, a national banking association, their successors and/or assigns as their interests may appear; Westgate at Laurel LLC, a Delaware limited liability company; Commerce Title Company, Inc., as agent for Stewart Title Guaranty Company, and Bock & Clark Corporation, an NV5 Company.

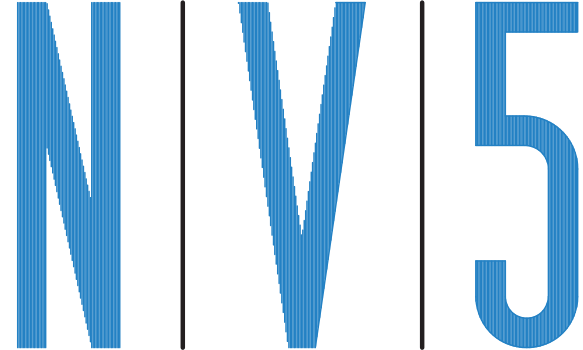
This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6(a), 6(b), 7(a), 7(b)(1), 7(c), 8, 9, 10(a), 13, 14, 16, 17, 18, 19, and 20 of Table A thereof. The field work was completed on November 6, 2019.



BYRON D. HOWELL  
REGISTRATION NO. 11048  
FIRM REGISTRATION NUMBER 21297  
IN THE STATE OF MARYLAND  
EXPIRATION DATE: 06-30-2021  
DATE OF FIELD SURVEY: NOVEMBER 6, 2019  
DATE OF LAST REVISION: DECEMBER 18, 2019  
NETWORK PROJECT NO. 201905290-001 CMP

SHEET 1 OF 2

Bock & Clark Corporation  
an NV5 Company



**Transaction Services** 1-800-SURVEYS (787-8397)  
3550 W. Market Street, Suite 200, Akron, Ohio 44333  
**www.BockandClark.com** maywheelpyou@bockandclark.com **www.NV5.com**

SURVEY • ZONING • ENVIRONMENTAL • ASSESSMENT

PITTSBURGH PROJECT NO. 5201901872

SIGNIFICANT OBSERVATIONS

- A** CONCRETE IS LOCATED OVER THE PROPERTY LINE BY 6.7' +/-.
- B** FENCE IS LOCATED OVER THE PROPERTY LINE BY 8.2' +/-.
- C** FENCE IS LOCATED OVER THE PROPERTY LINE BY 3.6' +/-.
- D** CONCRETE IS LOCATED OVER THE PROPERTY LINE BY 2.1' +/-.
- E** ASPHALT & PARKING ARE LOCATED OVER THE PROPERTY LINE BY 11.1' +/-.
- F** BUILDING IS OVER THE 30' ZONING SETBACK LINE BY 18.5' +/-.

LEGAL

THE USE OF THIS DOCUMENT'S FORMAT IS STRICTLY PROHIBITED AND CONTINGENT UPON THE WRITTEN CONSENT AND PERMISSION OF BOCK & CLARK CORPORATION, AN NV5 COMPANY.  
© 2019 BOCK AND CLARK CORPORATION, AN NV5 COMPANY

THIS SURVEY WAS PREPARED FOR THE PURPOSE OF THIS REAL ESTATE TRANSACTION ONLY AND NO FURTHER PARTIES OTHER THAN THOSE CERTIFIED ABOVE SHALL RELY ON IT FOR ANY OTHER PURPOSE OR TRANSACTION

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FLOOD NOTE

PURSUANT TO TABLE A 3, DEPICTED BY SCALED MAP LOCATION AND GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE X OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 24033C0051E, WHICH BEARS AN EFFECTIVE DATE OF SEPTEMBER 16, 2016 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA, AS SHOWN ON THE FEMA WEBSITE (HTTP://MSC.FEMA.GOV) BY FIRMETTE CREATED ON NOVEMBER 12, 2019 WE HAVE LEARNED THIS COMMUNITY DOES CURRENTLY PARTICIPATE IN THE PROGRAM. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE AND AN ELEVATION CERTIFICATE MAY BE NEEDED TO VERIFY THIS DETERMINATION OR APPLY FOR A VARIANCE FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

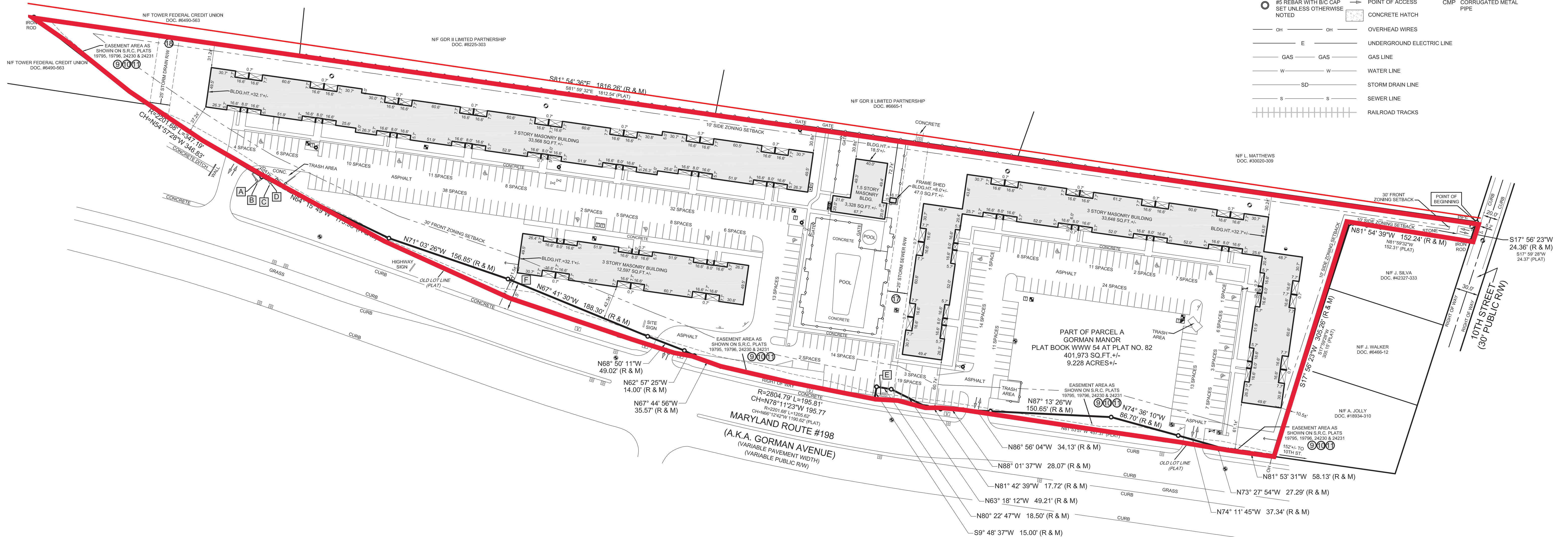
PROJECT REVISION RECORD

DATE	DESCRIPTION	DATE	DESCRIPTION
11/12/2019	FIRST DRAFT	12/11/2019	NETWORK COMMENTS
11/19/2019	NETWORK COMMENTS	12/18/2019	NETWORK COMMENTS
12/10/2019	NETWORK COMMENTS		
FIELD WORK: TS		DRAFTED: SH	CHECKED BY: BH
			FB & PG:

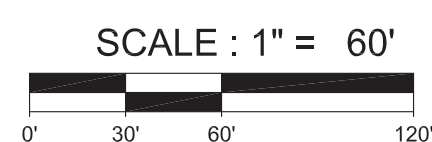


## LEGEND OF SYMBOLS & ABBREVIATIONS

	POWER POLE		TRAFFIC SIGNAL BOX		SANITARY MANHOLE
	LIGHT POLE		SIGNAL LIGHT POLE		CLEAN OUT
	GUY WIRE		SIGNAL LIGHT		GAS MANHOLE
	ELECTRIC MANHOLE		VAULT		GAS VALVE
	ELECTRIC METER		SIGN (AS NOTED)		GAS METER
	ELECTRIC VAULT		TOWER		HANDICAPPED PARKING
	TRANSFORMER		MONITORING WELL		MITERED END SECTION
	AIR CONDITIONER UNIT		FLAG POLE		BENCHMARK
	TELEPHONE MANHOLE		WATER VALVE		RECORD
	TELEPHONE PEDESTAL		FIRE HYDRANT		MEASURED
	CABLE BOX		SIAMESE FIRE HYDRANT		CALCULATED
	STORM DRAIN MANHOLE		WATER MANHOLE		VOLUME
	STORM DRAIN INLET		BACKFLOW PREVENTER		PAGE
	STORM PIPE		WATER METER		O.R. OFFICIAL RECORDS
	GREASE TRAP		WELL HEAD		P.B. PLAT BOOK
	#5 REBAR WITH B/C CAP SET UNLESS OTHERWISE NOTED		POINT OF ACCESS		CMP CORRUGATED METAL PIPE
	OVERHEAD WIRES		CONCRETE HATCH		
	UNDERGROUND ELECTRIC LINE				
	GAS LINE				
	WATER LINE				
	STORM DRAIN LINE				
	SEWER LINE				
	RAILROAD TRACKS				



SHEET 2 OF 2

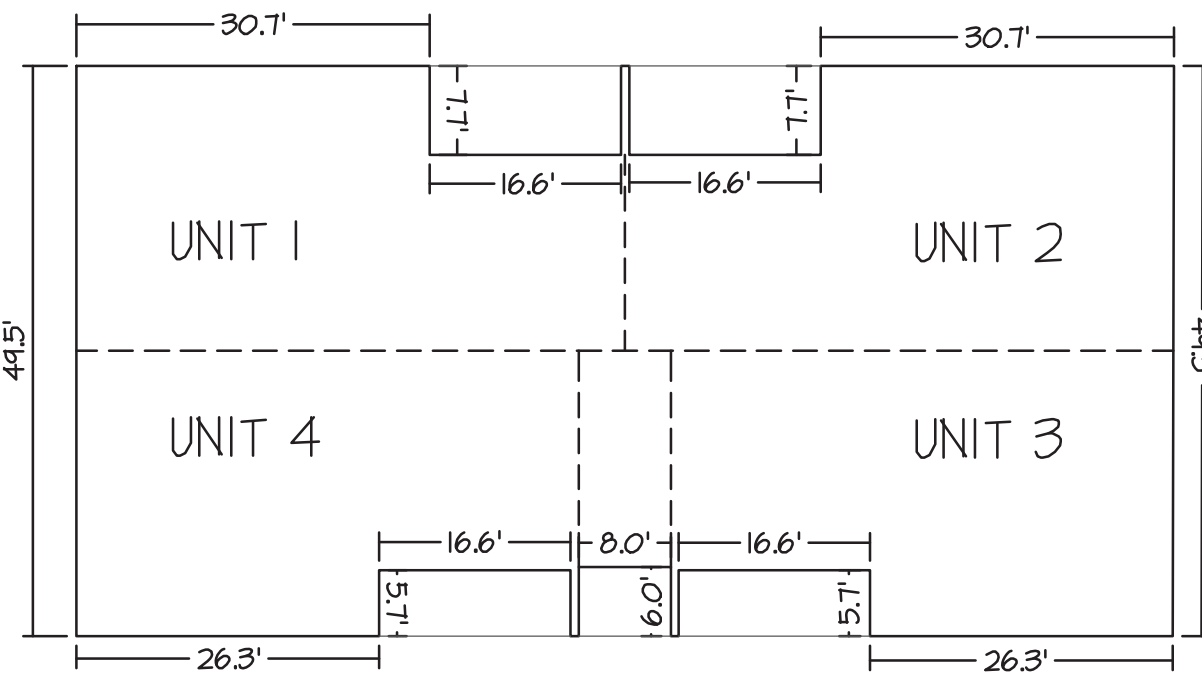


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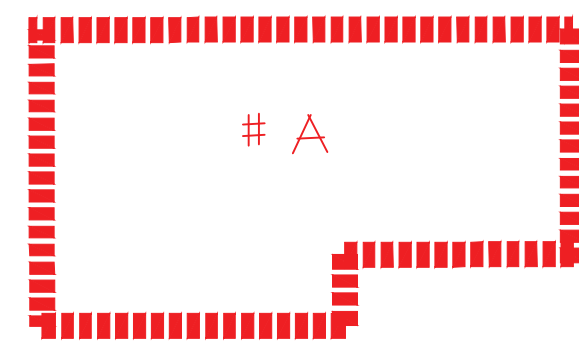


## GENERAL NOTES

1. APPLICANT: WESTGATE AT LAUREL, LLC  
ATTN: MR. SEAN RABINOWITZ  
8200 GORMAN AVENUE  
LAUREL, MD 20707  
TEL: 443-223-0198
2. OWNERS: WESTGATE AT LAUREL, LLC  
ATTN: MR. SEAN RABINOWITZ  
8200 GORMAN AVENUE  
LAUREL, MD 20707  
TEL: 443-223-0198
3. PROJECT NAME: WESTGATE AT LAUREL APARTMENTS  
LEGAL DESCRIPTION: PARCEL A, GORMAN MAJOR  
200 FOOT MAP REFERENCE: 220 NE 01  
TAX MAP: MAP 6/1 GRID B1  
FLAT REFERENCE: BOOK WPM 54, FLAT 82 (1964)  
DEED REFERENCE: L. 43054, F. 414  
PRELIMINARY PLAN REFERENCE: 12-2713 (NO RECORDS AVAILABLE)  
PLANNING AREA: SUBREGION I, #60, NORTHWESTERN AREA  
COUNCILMANIC AREA: I  
GENERAL PLAN 2002 TIER: DEVELOPING  
GENERAL PLAN GROWTH POLICY: ESTABLISHED COMMUNITIES
4. EXISTING USE: MULTIFAMILY RESIDENTIAL
5. PROPOSED USE: MULTIFAMILY RESIDENTIAL
6. DEVELOPMENT SUMMARY: CONVERTING UNUSED INTERIOR SPACES INTO SEVEN (7) ONE BEDROOM APARTMENTS. NO EXTERIOR CHANGES OR IMPERVIOUS SURFACES ARE PROPOSED.
7. THIS SITE IS EXEMPT FROM THE SUBDIVISION REGULATIONS PER 24-III (d)
8. THIS PROPERTY HAS BEEN PREVIOUSLY CERTIFIED NON CONFORMING PER CM41802-2000, ERR-180 AND 1385-2002-U. THE LAST APPROVED PERMIT, PERMIT #8334-2020-U WAS APPROVED ON JUNE 16, 2020 AND ISSUED JULY 1, 2021.
9. BOUNDARY AND PROPERTY SURVEY PER NV5 ALTA, DECEMBER, 2019, CONTOURS AND ADJACENT FEATURES PER COUNTY GIS DATA.



TYPICAL EX. DIMENSIONS



PROPOSED UNIT (APPROX.)

## SITE PLAN NOTES

1. THIS APPLICATION IS FOR A SPECIAL EXCEPTION TO ENLARGE A CERTIFIED NON-CONFORMING USE TO 225 MULTI-FAMILY DWELLING UNITS, 218 DU, EXISTING PER NCUS #1385-2002-U AND 2512-2013-U, 1 PROPOSED 1 BEDROOM DU.
2. TABLE OF DEVELOPMENT STATISTICS IN 1964 (SITE PLAN APPROVED)
  - a. ZONING CLASSIFICATION: R-18 WITHIN PRINCE GEORGE'S COUNTY AND R-55 WITHIN THE CITY OF LAUREL
  - b. NET TRACT AREA: 412,012 SQUARE FEET OR 9.4585 ACRES
  - c. TOTAL BUILDING COVERAGE: 18,004 SQUARE FEET
  - d. TOTAL VEHICULAR PAVEMENT COVERAGE: 101,828 SQUARE FEET
  - e. TOTAL LOT COVERAGE (SUM OF C. AND D. ABOVE): 119,831 SQUARE FEET
  - f. TOTAL GREEN AREA (NET TRACT AREA LESS LOT COVERAGE): 232,175 SQUARE FEET
  - g. TOTAL NUMBER OF DWELLING UNITS: 225
  - h. TOTAL NUMBER OF PARKING SPACES: 284
3. PRINCE GEORGE'S COUNTY ZONING ORDINANCE, EFFECTIVE AUGUST 16, 1963

SECTION OF ORDINANCE	REQUIREMENT	PROVIDED	CONFORMED
SECTION 17.21	2,000 SF LOT AREA/DU	2,000 SF	YES
SECTION 17.21	16,000 SF MIN NET LOT AREA	412,012 SF	YES
SECTION 17.31	125' MIN LOT WIDTH FRONT BUILDING LINE	326'	YES
SECTION 17.32	125' MIN LOT WIDTH FRONT STREET LINE 30' FRONT YARD	205'	YES
SECTION 17.42	MIN 30' BOTH SIDE YARDS/50' EA YARD	40' BOTH 10' ONE	YES
SECTION 17.45	MIN 50' BETWEEN MULTI FAMILY BLDG	96'	YES
SECTION 17.6(a)	MAX 36' BLDG HT MAIN BLDG	31.2'	YES
SECTION 17.7	1 PARKING SPACE/ 125 DUS OR 250	286	YES
SECTION 17.7	MIN 9'x20' PARKING SPACE	9'x20'	YES
SECTION 17.8	MIN 55% GREEN	56.5%	YES
4. PRINCE GEORGE'S COUNTY APPROVED CERTIFIED NONCONFORMING USE, MAY 2000, PERMIT NUMBER 41802-2000-U, 206 DWELLING UNITS, 250 REQUIRED PARKING SPACES, 288 PARKING SPACES PROVIDED.
5. PRINCE GEORGE'S COUNTY APPROVED VALIDATION OF A PERMIT ISSUED IN ERROR, 2001, CASE NO. ERR-180, 218 DWELLING UNITS, 258 REQUIRED PARKING SPACES, 288 PARKING SPACES.

## SITE DATA

TOTAL SITE AREA ..... 9.23 AC.  
EXISTING ZONING ..... R-18  
EXISTING DWELLING UNITS ..... 218 DU  
PROPOSED ADDITIONAL DWELLING UNITS ..... 1 DU  
TOTAL PROPOSED DWELLING UNITS ..... 225 DU

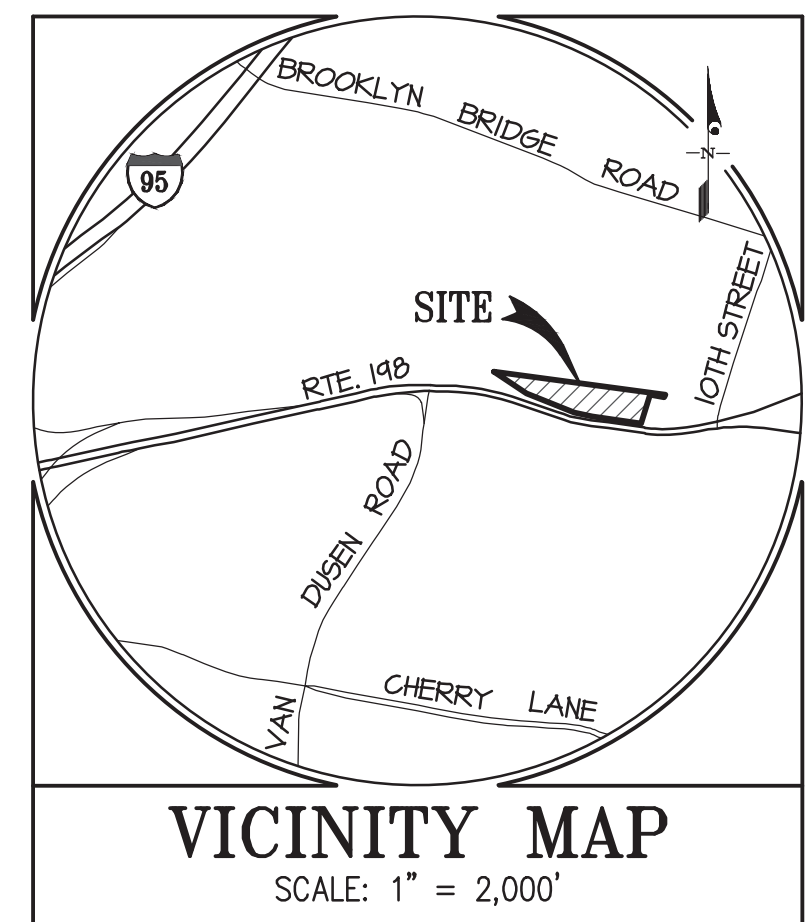
## PARKING TABULATION

1. PARKING REQUIRED = PARKING CERTIFIED = 250 PS  
PER PRIOR ZONING & NCU CASES\*, 218 UNITS  
\*PERMIT # 1385-2002-U APPROVED 04-06-2004  
\*PERMIT # 2512-2013-U APPROVED 02-04-2013
2. PROPOSING 7 NEW 1 BEDROOM APTS  
7 - 1 BEDROOM APTS AT 2 PS/DU = 14 PS
3. REQUIRED 9'x20' SPACES (TOTAL PS FROM 1 & 2) = 212 PS  
REQUIRED HANDICAP SPACES FOR LOT WITH 201 TO 300 PS = 7 PS  
REQUIRED HANDICAP VAN SPACES (1 FOR EVERY 4 HC SPACES) = 2 PS
4. PROVIDED 9'x20' SPACES = 284 PS  
HANDICAP SPACES PROVIDED WITH 8' AISLES = 7 PS  
HANDICAP VAN SPACES PROVIDED WITH 8' AISLES = 2 PS  
STANDARD SPACES PROVIDED = 280 PS

## PROFESSIONAL/ENGINEER'S CERTIFICATION

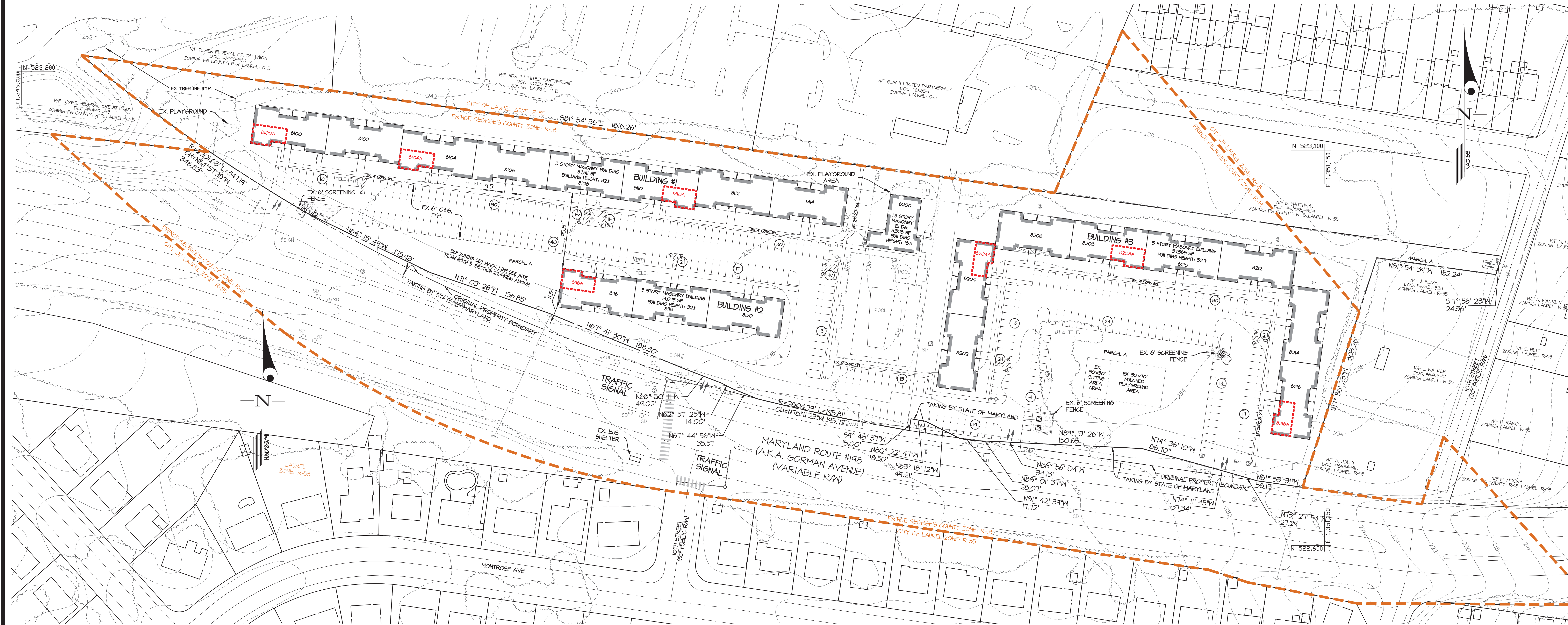
I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE, INFORMATION AND THE BELIEF THAT THE PLAN SHOWN HEREON IS TRUE AND CORRECT, HAS BEEN PREPARED IN ACCORDANCE WITH THE SUBTITLE 32, DIVISION 2 OF THE PRINCE GEORGE'S COUNTY CODE, AND I HAVE INSPECTED THIS SITE AND THE DRAINAGE ONTO THIS SITE FROM OTHER UPGRADE PROPERTIES AND FROM THIS SITE ONTO OTHER DOWNGRADE PROPERTIES HAS BEEN ADDRESSED IN SUBSTANTIAL ACCORDANCE WITH APPLICABLE CODES. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 21754, EXPIRATION DATE: 10-31-25.

7/11/22  
DATE  
SETH C. CHURCHILL, P.E.  
PROFESSIONAL ENGINEER  
STATE OF MARYLAND  
21754



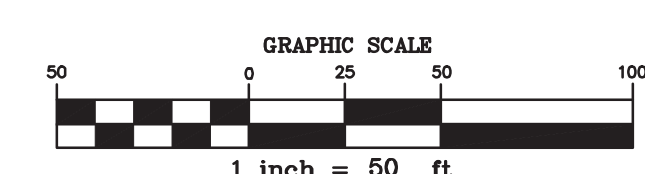
## LEGEND

- EX. CONTOURS
- EX. BUILDING
- EX. SIDEWALK/EOP
- EX. CHAIN LINK FENCE
- EX. SCREENING FENCE
- EX. FENCE
- EX. ELECTRIC
- EX. SEWER
- EX. WATER
- EX. STORM DRAIN
- EX. DUMPSTER
- PROPERTY LINE
- ZONING LINE
- EX. TREELINE
- NUMBER OF STANDARD PARKING SPACES
- NUMBER OF HANDICAP PARKING SPACES
- NUMBER OF HANDICAP VAN PARKING SPACES



SPECIAL EXCEPTION NUMBER: SE-4852

DESIGNED BY	TMS				
DRAWN BY	W&J				
CHECKED BY	SCC				
DATE		REVISION		BY	APP'R



PREPARED FOR:  
PREPARED FOR  
WESTGATE AT LAUREL LLC  
8200 GORMAN AVENUE  
LAUREL, MD 20707  
ATTN: SEAN RABINOWITZ  
443-223-0198

SCALE	1" = 50'
DATE	JULY 2022

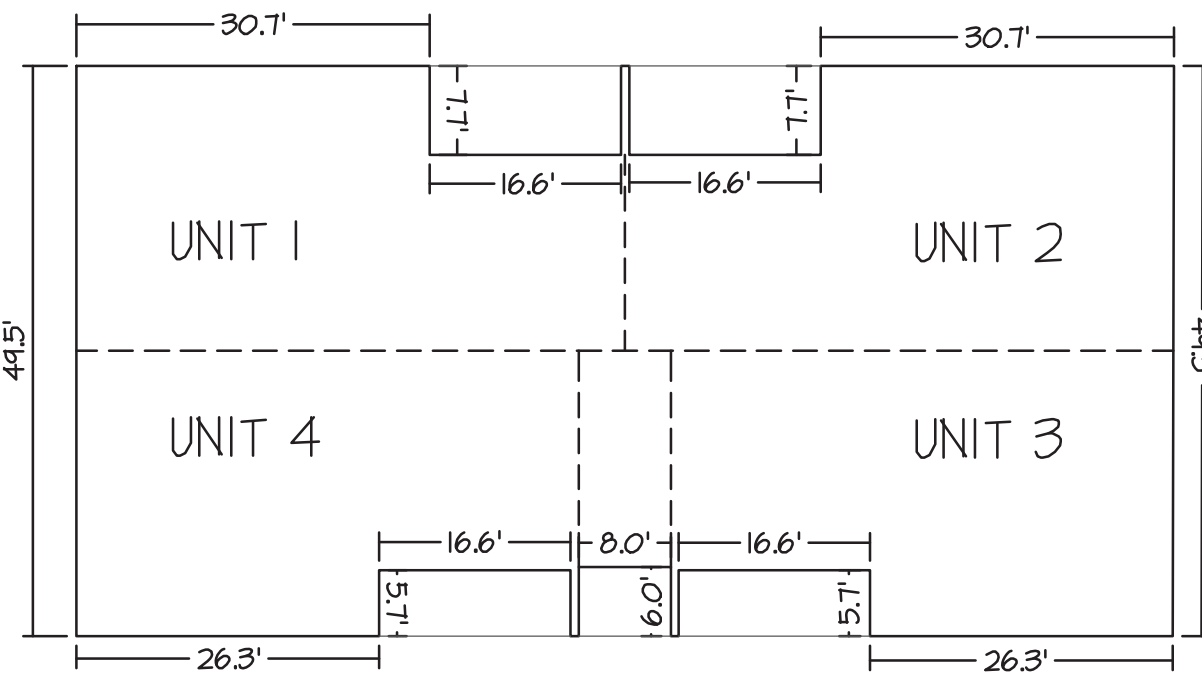
ZONING	R-18
TAX MAP - GRID	6 - B1

SPECIAL EXCEPTION SITE PLAN  
WESTGATE AT LAUREL APARTMENTS  
PARCEL A  
LAUREL ELECTION DISTRICT NO. 10  
PRINCE GEORGE'S COUNTY, MARYLAND

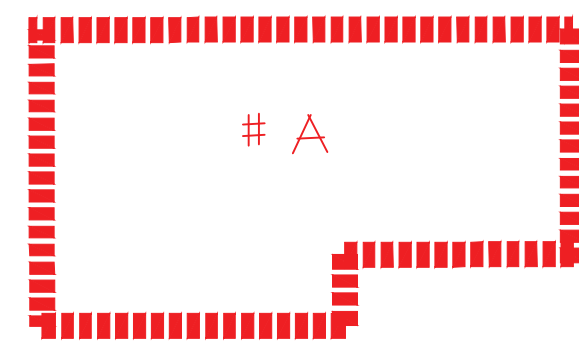


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TYPICAL EX. DIMENSIONS



PROPOSED UNIT (APPROX.)

10. NATURAL RESOURCES INVENTORY EQUIVALENCY LETTER, NOT REQUIRED PER EMAIL FROM PPD-ENVPLANNING@PPD.MD.GOV, PG. CO PLANNING DEPARTMENT ON AUGUST 24, 2021.
11. PER THE DPPE FLOODPLAIN INFORMATION REQUEST FORM, DATED SEP. 02, 2021, THERE IS NO 100-YEAR FLOODPLAIN ON THIS PROPERTY.
12. THIS PROPERTY IS IN SUSTAINABLE GRASS ON TIER I.
13. THIS PROPERTY IS NOT IN A MILITARY INSTALLATION OVERLAY ZONE.
14. THIS PROPERTY IS NOT LOCATED IN A CENTER OR CORRIDOR.
15. EXISTING WATER AND SEWER SERVICE CATEGORIES: 5-3 AND W-3.
16. THE PROPERTY IS NOT LOCATED WITHIN AN AVIATION POLICY AREA.
17. THERE ARE NO KNOWN HISTORIC RESOURCES OR CEMETERIES ON THIS PROPERTY.
18. THERE ARE NO WETLANDS ON THIS PROPERTY.
19. THERE ARE NO STREAMS ON THIS PROPERTY.
20. THIS PROPERTY IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA OVERLAY.
21. THIS PROPERTY IS NOT ADJACENT TO AN EASEMENT HELD BY ANY LAND MARYLAND ENVIRONMENTAL TRUST, MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION, OR ANY LAND TRUST OR ORGANIZATION.
22. NEAREST POLICE STATION: LAUREL POLICE DEPARTMENT.
23. NEAREST FIRE STATION: LAUREL VOLUNTEER FIRE DEPARTMENT STATION 10.
24. DISTURBED AREA: 0 SQUARE FEET
25. GIVEN THAT THERE IS NO DISTURBED AREA PROPOSED, NO INCREASE IN THE IMPERVIOUS AREA, AND NO INCREASE IN THE GROSS FLOOR AREA, THIS SPECIAL EXEMPTION IS EXEMPT FROM:  
A) STORMWATER MANAGEMENT (PG. CO SHM DESIGN MANUAL SECTION 5.1.4; CONFIRMED BY EMAIL FROM STEVEN SNYDER 10/07/21).  
B) SEDIMENT CONTROL (PG. CO SEC MANUAL SECTION III-K-2-a; CONFIRMED BY PGSCD WAIVER REQUESTED ON 10/7/2021).  
C) LANDSCAPE MANUAL (SECTION I(a)).  
D) PGSCD REVIEW GIVEN THAT THERE ARE NO PROPOSED SERVICE CONNECTIONS OR MAIN LINE ALTERATIONS.  
E) PLEASE NOTE THAT ITEMS A-D MAY BE REQUIRED AT A FUTURE DATE AS PROJECT CONDITIONS WARRANT.

## SITE PLAN NOTES

1. THIS APPLICATION IS FOR A SPECIAL EXCEPTION TO ENLARGE A CERTIFIED NON-CONFORMING USE TO 225 MULTI-FAMILY DWELLING UNITS, 218 DU, EXISTING PER NCUS #1385-2002-U AND 2512-2013-U, 1 PROPOSED 1 BEDROOM DU.
2. TABLE OF DEVELOPMENT STATISTICS IN 1964 (SITE PLAN APPROVED)  
a. ZONING CLASSIFICATION: R-18 WITHIN PRINCE GEORGE'S COUNTY AND R-55 WITHIN THE CITY OF LAUREL.  
b. NET TRACT AREA: 412,012 SQUARE FEET OR 9.4585 ACRES  
c. TOTAL BUILDING COVERAGE: 18,004 SQUARE FEET  
d. TOTAL VEHICULAR PAVEMENT COVERAGE: 101,828 SQUARE FEET  
e. TOTAL LOT COVERAGE (SUM OF C. AND D. ABOVE): 119,831 SQUARE FEET  
f. TOTAL GREEN AREA (NET TRACT AREA LESS LOT COVERAGE): 232,175 SQUARE FEET  
g. TOTAL NUMBER OF DWELLING UNITS: 206  
h. TOTAL NUMBER OF PARKING SPACES: 286
3. PRINCE GEORGE'S COUNTY ZONING ORDINANCE, EFFECTIVE AUGUST 16, 1963  

SECTION OF ORDINANCE	REQUIREMENT	PROVIDED	CONFORMED
SECTION 17.1.21	2,000 SF LOT AREA/DU	2,000 SF	YES
SECTION 17.1.21	16,000 SF MIN NET LOT AREA	412,012 SF	YES
SECTION 17.1.31	125' MIN LOT WIDTH FRONT BUILDING LINE	326'	YES
SECTION 17.1.32	125' MIN LOT WIDTH FRONT STREET LINE 30' FRONT YARD	205'	YES
SECTION 17.1.42	MIN 30' BOTH SIDE YARDS/50' EA YARD	40' BOTH 10' ONE	YES
SECTION 17.1.45	MIN 50' BETWEEN MULTI FAMILY BLDG	96'	YES
SECTION 17.1.6(a)	MAX 36' BLDG HT MAIN BLDG	31.2'	YES
SECTION 17.1.7	1 PARKING SPACE/ 125 DUS OR 250	286	YES
SECTION 17.1.7	MIN 9'x20' PARKING SPACE	9'x20'	YES
SECTION 17.1.8	MIN 55% GREEN	56.5%	YES
4. PRINCE GEORGE'S COUNTY APPROVED CERTIFIED NONCONFORMING USE, MAY 2000, PERMIT NUMBER 41802-2000-U, 206 DWELLING UNITS, 250 REQUIRED PARKING SPACES, 286 PARKING SPACES PROVIDED.
5. PRINCE GEORGE'S COUNTY APPROVED VALIDATION OF A PERMIT ISSUED IN ERROR, 2001, CASE NO. ERR-180, 218 DWELLING UNITS, 258 REQUIRED PARKING SPACES, 286 PARKING SPACES.

## SITE DATA

TOTAL SITE AREA ..... 9.23 AC.  
EXISTING ZONING ..... R-18  
EXISTING DWELLING UNITS ..... 218 DU  
PROPOSED ADDITIONAL DWELLING UNITS ..... 1 DU  
TOTAL PROPOSED DWELLING UNITS ..... 225 DU

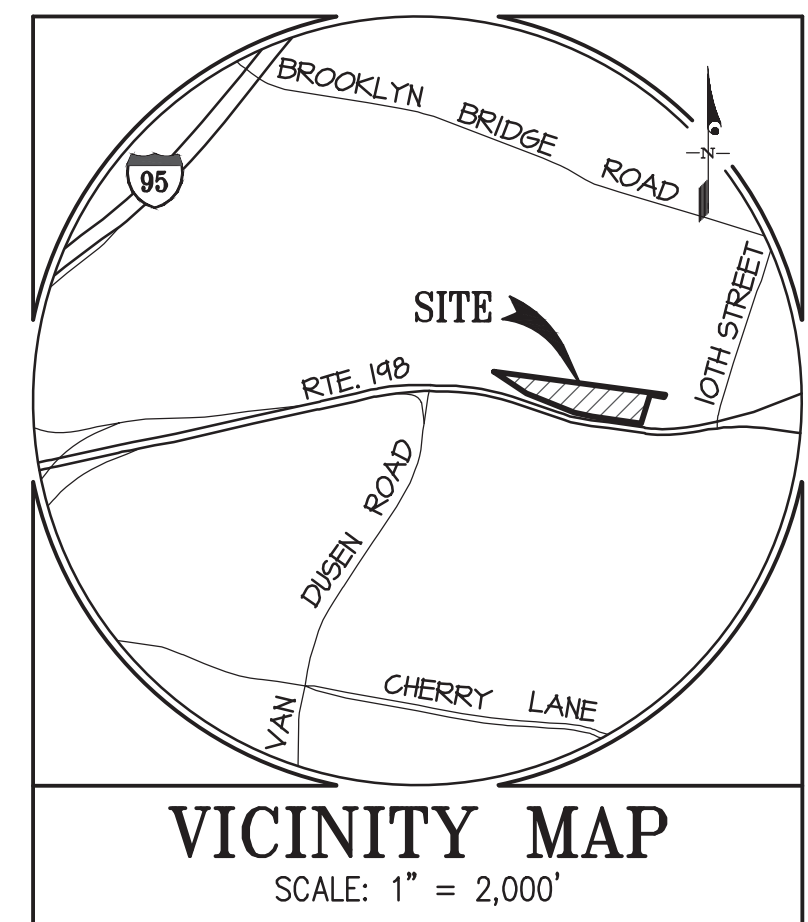
## PARKING TABULATION

1. PARKING REQUIRED = PARKING CERTIFIED = 250 PS  
PER PRIOR ZONING & NCU CASES\*, 218 UNITS  
\*PERMIT # 1385-2002-U APPROVED 04-06-2004  
\*PERMIT # 2512-2013-U APPROVED 02-04-2013
2. PROPOSING 7 NEW 1 BEDROOM APTS  
7 - 1 BEDROOM APTS AT 2 PS/DU = 14 PS
3. REQUIRED 9'x20' SPACES (TOTAL PS FROM 1 & 2) = 212 PS  
REQUIRED HANDICAP SPACES FOR LOT WITH 201 TO 300 PS = 7 PS  
REQUIRED HANDICAP VAN SPACES (1 FOR EVERY 4 HC SPACES) = 2 PS
4. PROVIDED 9'x20' SPACES = 284 PS  
HANDICAP SPACES PROVIDED WITH 7' AISLES = 7 PS  
HANDICAP VAN SPACES PROVIDED WITH 8' AISLES = 2 PS  
STANDARD SPACES PROVIDED = 280 PS

## PROFESSIONAL/ENGINEER'S CERTIFICATION

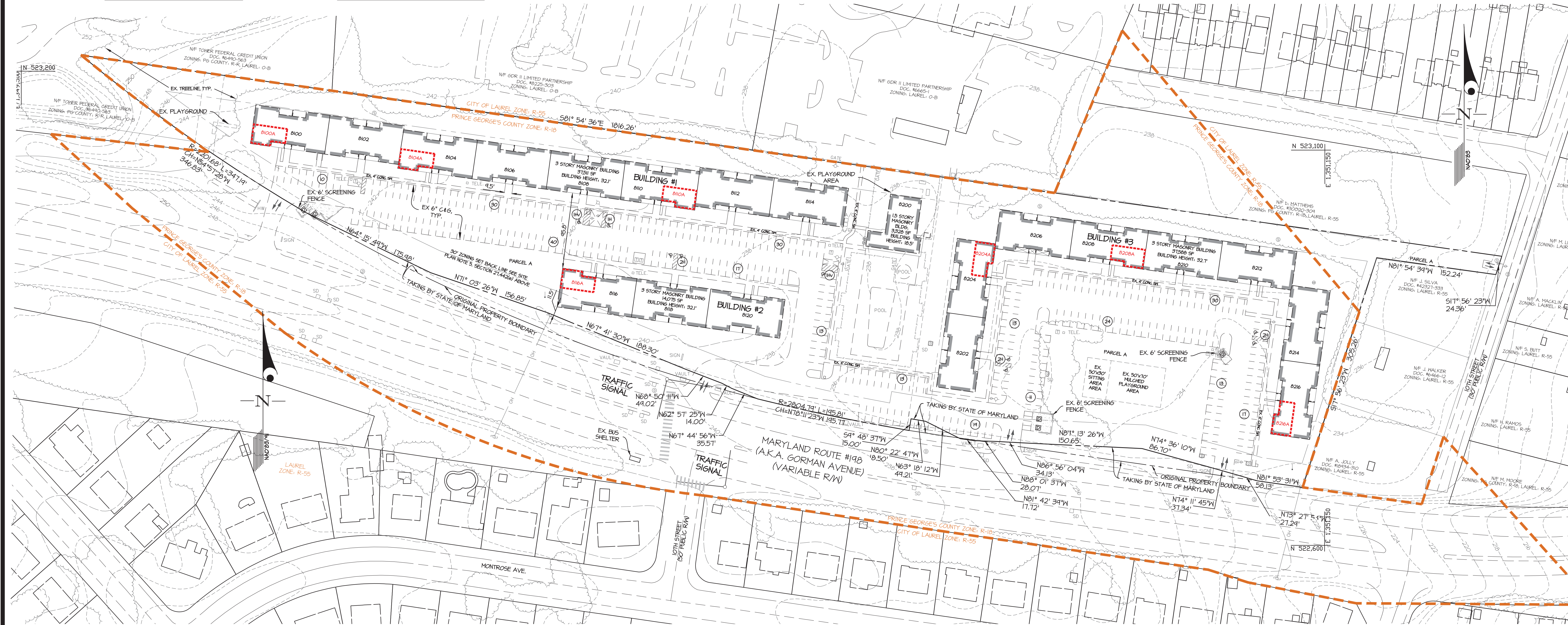
I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE, INFORMATION AND THE BELIEF THAT THE PLAN SHOWN HEREON IS TRUE AND CORRECT, HAS BEEN PREPARED IN ACCORDANCE WITH THE SUBTITLE 32, DIVISION 2 OF THE PRINCE GEORGE'S COUNTY CODE, AND I HAVE INSPECTED THIS SITE AND THE DRAINAGE ONTO THIS SITE FROM OTHER UPGRADE PROPERTIES AND FROM THIS SITE ONTO OTHER DOWNGRADE PROPERTIES HAS BEEN ADDRESSED IN SUBSTANTIAL ACCORDANCE WITH APPLICABLE CODES. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 21754, EXPIRATION DATE: 10-31-25.

7/11/22  
DATE  
SETH C. CHURCHILL, P.E.  
PROFESSIONAL ENGINEER  
STATE OF MARYLAND  
21754



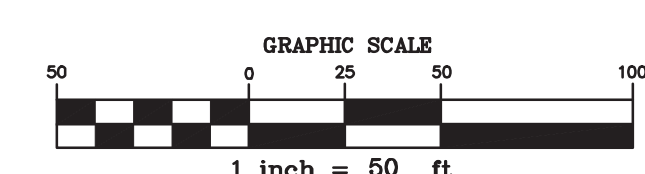
## LEGEND

- EX. CONTOURS
- EX. BUILDING
- EX. SIDEWALK/EOP
- EX. CHAIN LINK FENCE
- EX. SCREENING FENCE
- EX. FENCE
- EX. ELECTRIC
- EX. SEWER
- EX. WATER
- EX. STORM DRAIN
- EX. DUMPSTER
- PROPERTY LINE
- ZONING LINE
- EX. TREELINE
- NUMBER OF STANDARD PARKING SPACES
- NUMBER OF HANDICAP PARKING SPACES
- NUMBER OF HANDICAP VAN PARKING SPACES



SPECIAL EXCEPTION NUMBER: SE-4852

DESIGNED BY	TMS				
DRAWN BY	W&J				
CHECKED BY	SCC				
DATE		REVISION		BY	APP'R



PREPARED FOR:  
PREPARED FOR  
WESTGATE AT LAUREL LLC  
8200 GORMAN AVENUE  
LAUREL, MD 20707  
ATTN: SEAN RABINOWITZ  
443-223-0198

SCALE	1" = 50'
DATE	JULY 2022

ZONING	R-18
TAX MAP - GRID	6 - B1

SPECIAL EXCEPTION SITE PLAN  
WESTGATE AT LAUREL APARTMENTS  
PARCEL A  
LAUREL ELECTION DISTRICT NO. 10  
PRINCE GEORGE'S COUNTY, MARYLAND



# *STATE OF MARYLAND*

## *Department of Assessments and Taxation*

---

I, MICHAEL L. HIGGS OF THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION OF THE STATE OF MARYLAND, DO HEREBY CERTIFY THAT THE DEPARTMENT, BY LAWS OF THE STATE, IS THE CUSTODIAN OF THE RECORDS OF THIS STATE RELATING TO LIMITED LIABILITY COMPANIES , OR THE RIGHTS OF LIMITED LIABILITY COMPANIES TO TRANSACT BUSINESS IN THIS STATE, AND THAT I AM THE PROPER OFFICER TO EXECUTE THIS CERTIFICATE.

I FURTHER CERTIFY THAT WESTGATE AT LAUREL LLC (Z20065173) , REGISTERED NOVEMBER 04, 2019, IS A LIMITED LIABILITY COMPANY EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF DELAWARE, AND THAT THE LIMITED LIABILITY COMPANY IS AT THE TIME OF THIS CERTIFICATE IN GOOD STANDING TO TRANSACT BUSINESS.

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY SIGNATURE AND AFFIXED THE SEAL OF THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION OF MARYLAND AT BALTIMORE ON THIS JUNE 20, 2022.



Michael L. Higgs  
Director



*301 West Preston Street, Baltimore, Maryland 21201*  
*Telephone Baltimore Metro (410) 767-1340 / Outside Baltimore Metro (888) 246-5941*  
*MRS (Maryland Relay Service) (800) 735-2258 TT/Voice*

Online Certificate Authentication Code: VCD-pbO78UOpBUBKlqae-A  
To verify the Authentication Code, visit <http://dat.maryland.gov/verify>



## SIGN POSTING AND INSPECTION AFFIDAVIT

I, Seth C. Churchill, hereby certify that the subject property was posted with  
(print or type name)

Six (6) sign(s) on November 10, 2022  
specify number) (date)

I further certify that the signs were inspected no later than the 15th day of posting and were maintained in a reasonable manner.

Signature: 

Application Numbers: SE-4852 Name: Westgate at Laurel, LLC

Date: November 28, 2022

Gutschick, Little & Weber, P.A.  
Address: 3909 National Drive, Suite 250  
Burtonsville, MD 20866

Telephone: 301-421-4024

Capacity in which you are acting: Agent  
(Owner, Applicant, Agent)

**NOTE:** Attach **legible** photograph(s) showing sign(s) in place. Return this affidavit and photographs to the Zoning Hearing Examiner no later than 15 days prior to the scheduled Zoning Hearing Examiner meeting (see attached map for posting locations).

\* \* \* \* \*

**The affidavit must be received no later than 15 days prior to the Zoning Hearing Examiner hearing. Failure to deliver the affidavit may result in rescheduling your hearing date or a recommendation for denial of the application.**



21038.431 POST SIGNS

Photos 1-6

Photos 7-12

Photos 13-19

2

2

2

ROUTE

GORMAN

AVENUE







WESTGATE

8100  
LEADING OFFICE

ZONING HEARING EXAMINER

**HEARING**

FOR INFORMATION

**801-952-3644**

Email: [ZHE@co.pg.md.us](mailto:ZHE@co.pg.md.us)

APPLICATION# *SE-4852*

EXPANSION OF CERTIFIED  
NON CONFORMING USE

VIRTUAL HEARING

DATE:  
DECEMBER 14, 2022

TIME:  
9:30 AM

OFFICE OF THE ZONING HEARING EXAMINER  
Wayne K. Curry Administration Building  
1301 McCormick Drive  
Largo, Maryland 20774





Van Dusen Rd  
NEXT SIGNAL

**ZONING HEARING EXAMINER**  
**HEARING**

FOR INFORMATION

**301-952-3644**

Email: [ZHE@co.pg.md.us](mailto:ZHE@co.pg.md.us)

APPLICATION#

SE-4852

EXPANSION OF CERTIFIED NONCONFORMING USE

DATE:

December 14, 2022

TIME:

9:30 AM

OFFICE OF THE ZONING HEARING EXAMINER  
Wayne K. Curry Administration Building  
1301 McCormick Drive  
Largo, Maryland 20774























**ZONING HEARING EXAMINEE**  
**HEARING**  
**FOR INFORMATION**  
**801-952-3644**  
Email: ZHE@co.pg.md.us  
APPLICATION# SE-4852  
EXPANSION OF CERTIFIED NONCONFORMING  
DATE: VIRTUAL HEARING December 14, 2022 TIME: 9:30 AM  
OFFICE OF THE ZONING HEARING EXAMINEE  
Wayne K. Curry Administration Building  
1301 McCormick Drive  
Largo, Maryland 20774



ZONING HEARING EXAMINER  
**HEARING**

FOR INFORMATION

**301-952-3644**

Email: ZHE@co.pg.md.us

APPLICATION#

SE-4852

EXPANSION OF CERTIFIED NONCONFORMING USE

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TIME:

9:30 AM

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DECEMBER 14, 2022

OFFICE OF THE ZONING HEARING EXAMINER  
Wayne K. Curry Administration Building  
1301 McCormick Drive  
Largo, Maryland 20774



WESTGATE  
AT LAUREL  
LEASING OFFICE  
ENTRANCE



















ZONING HEARING EXAMINER

# HEARING

FOR INFORMATION

**301-952-3644**

Email: [ZHE@co.pg.md.us](mailto:ZHE@co.pg.md.us)

APPLICATION#

*SE-4852*

*EXPANSION OF CERTIFIED NONCONFORMING USE*

*VIRTUAL HEARING*

DATE:

TIME:

*DECEMBER 14, 2022*

*9:30 AM*

OFFICE OF THE ZONING HEARING EXAMINER

Wayne K. Curry Administration Building

1301 McCormick Drive

Largo, Maryland 20774



G HEARING EXAMINE  
**HEARING**

OR INFORMATION

**-952-3644**

ail: **ZHE@co.pg.md.us**

ON#

SE - 4852



ZONING HEARING EXAMINEE  
**HEARING**

FOR INFORMATION

**801-952-3644**

Email: ZHE@co.pg.md.us

APPLICATION#

SE-4852

EXPANSION OF CERTIFIED NONCONFORMING

DATE: VIRTUAL HEARING

DECEMBER 14, 2022

TIME:

9:30 AM

OFFICE OF THE ZONING HEARING EXAMINEE  
Wayne K. Curry Administration Building  
1301 McCormick Drive  
Largo, Maryland 20774

















**KEVIN A. FOSTER, AICP, RLA**  
**Certified Land Planner & Registered Landscape Architect**

**EDUCATION**

1982 - **B.S. Ornamental Horticulture**

Delaware Valley University, Doylestown, Pennsylvania

1985 - **M.L.A. Master of Landscape Architecture**

University of Virginia, Charlottesville, Virginia

**WORK EXPERIENCE**

Mr. Foster has performed Landscape Architecture and Land Planning design services as well as project management for a variety of projects in the Baltimore/Washington Metropolitan region including Montgomery, Prince George's and Howard Counties. These projects include single-family residential communities, multi-family apartment/condominium projects, commercial, office, warehouse, industrial developments, schools, retail shopping centers, senior housing, mixed-use residential/commercial projects, and equestrian training and show facilities.

He has testified as an expert witness (Landscape Architect and Land Planner) before the Prince George's County Zoning Hearing Examiner, the Montgomery County Board of Appeals, the Montgomery County Hearing Examiner, the City of Rockville Board of Appeals, and has made project presentations to the Maryland-National Capital Park and Planning Commission (MNCP&PC) (Montgomery and Prince George's Counties), City of Gaithersburg Planning Commission, City of Laurel Planning Commission, Howard County Board of Appeals, and the Howard County Planning Board.

**PROFESSIONAL REGISTRATION AND MEMBERSHIPS**

Registered Landscape Architect – Maryland  
American Society of Landscape Architects  
American Planning Association  
American Institute of Certified Planners

## **MONTGOMERY COUNTY**

Montgomery County Department of Transportation Hearing – 2021  
AB-774 Liberty Mill Road Right-of-Way Abandonment

Montgomery County Hearing Examiner – 2019/2020  
H – 131 Kingsview Station, Local Map Amendment, R-200/R-200-TDR to CRNF

Montgomery County Hearing Examiner – 2018/2019  
H – 134 Cheng Property, Local Map Amendment, CRN to CRTF

Montgomery County Board of Appeals/Hearing Examiner – 2016  
CU 17-04 Parkview at Aspen Hill, Senior Independent Living Conditional Use

Montgomery County Board of Appeals/Hearing Examiner – 2015  
S-2877 Mt. Jezreel Baptist Church, Senior Housing Special Exception

Montgomery County Hearing Examiner – 2009/2010  
G – 878 Germantown Park – Rezoning from C-1 to RT-12.5

Montgomery County Hearing Examiner – 2009  
G-882 Foundation for the Advanced Education in the Sciences  
Rezoning from R-60 to RT-8.0

Montgomery County Board of Appeals/Hearing Examiner - 2009  
S-2740 Woodmont House – Children’s Inn, Special Exception

Montgomery County Board of Appeals/Hearing Examiner - 2008  
S-2736 Wendy’s Fast Food Restaurant – Collesville, Special Exception

Montgomery County Hearing Examiner – 2004, & 2007  
G- 808, Woodmont View – Rezoning from CT to PD-75, DPA 06-1 Development Plan Amendment

Montgomery County Hearing Examiner – 2007  
G- 858, Montgomery College of Art & Design Property – Rezoning R-60 to RT 8.0

Montgomery County Board of Appeals/Hearing Examiner – 2007/2010  
S-2712 Sunrise Senior Living - Olney, Special Exception

## **PRINCE GEORGE'S COUNTY**

Prince George's County Zoning Hearing Examiner – 2011/2012 & 2014  
SE – 4669 Robin Dale G.C. Surface Mining Application - Special Exception

Prince George's County Zoning Hearing Examiner – 2009/2010  
SE – 4672 Fernwood Mobile Home Park – Special Exception



### **HOWARD COUNTY\***

Howard County Board of Appeals - 2000

BA – 99 – 39E Express Fuel Automobile Filling Station

\* Not as an expert witness

### **CITY OF ROCKVILLE**

City of Rockville, Board of Appeals - 2010

SPX 2010-00381 Brightview Rockville Assisted Living Facility

### **CITY OF LAUEL**

City of Laurel, Planning Commission & City Council - 2013

Map Amendment No. 829 & M-X-T Conceptual Site Plan

# O'Malley, Miles, Nylan & Gilmore, P.A.

## Attorneys & Counselors at Law

7850 Walker Drive, Suite 310  
Greenbelt, MD 20770  
[www.omng.com](http://www.omng.com)  
(301) 572-7900 • (301) 572-6655 (f)

Peter F. O'Malley  
(1939-2011)

John R. Miles  
(1935-2017)

Edward W. Nylan  
(1922-2010)

John D. Gilmore, Jr.  
(1921-1999)

William M. Shipp  
Nancy L. Slepicka  
Nathaniel A. Forman

Matthew D. Osnos  
Lynn Loughlin Skerpon  
Sheila C. McDonald

Lawrence N. Taub  
Kate P. Pruitt

Leonard L. Lucchi  
Stephanie P. Anderson

January 4, 2023

Maureen Epps McNeil, Esquire  
Chief Zoning Hearing Examiner for  
Prince George's County  
Wayne K. Curry County Administration Building  
Largo, MD 20774

Re: SE-4852, Westgate Apartments

Dear Madame Examiner:

At the end of the hearing in the above-referenced case, Madame Examiner requested certain additional information related to the habitability of the proposed additional dwelling units. At the hearing, I remarked that we would provide Madame Examiner with the requested sections of the Prince George's County Code ("Code"), as well as an analysis that demonstrates habitability. Unfortunately, I misrepresented Applicant's ability to provide said analysis at this time. This type of in-depth review is ordinarily performed at the time of building permit, and incurs considerable expense. I believe incurring the cost for such an analysis at this at this stage in the process—when it is still uncertain whether zoning would permit such additional dwelling units—would be premature.

For this reason, I respectfully request that the Applicant be excused from providing such an analysis; instead, I am submitting a listing of the Code sections (Subtitles 4 and 11) that must be reviewed at time of building permit—should this special exception be approved—to demonstrate habitability. As you can see from the attached listing, habitability will be thoroughly analyzed at the time of building permit at which point the cost of such a review is more understandable.

If this listing is not acceptable, please let me know what else you would like me to provide. If this submission is acceptable, I respectfully request that the record be closed. Please do not hesitate to contact me if you have any questions or concerns. Thank you and I remain

Very truly yours,



Nathaniel Forman

Enclosures:



- DIVISION 1. - BUILDING CODE.
- SUBDIVISION 1. - ADOPTION BY REFERENCE.
- Sec. 4-101. - Code - Adopted by Reference.
- Sec. 4-102. - Building, Mechanical, and Code Official.
- Sec. 4-103. - Public inspection.
- Sec. 4-104. - Application of Administrative Provisions.
- SUBDIVISION 2. - AMENDMENTS TO THE INTERNATIONAL BUILDING CODE.
- Sec. 4-105. - Amendments, additions, and deletions.
- Sec. 4-106. - Administration; Section 101, General.
- Sec. 4-107. - Administration; Section 102, Applicability.
- Sec. 4-108. - Administration; Section 103, Department of Building Safety.
- Sec. 4-109. - Administration; Section 104, Duties and Powers of Building Official.
- Sec. 4-110. - Conflicts of Interest.
- Sec. 4-111. - Administration; Section 105, Permits.
- Sec. 4-112. - Administration; Section 105, Permits.
- Sec. 4-113. - Administration; Section 107, Submittal Documents.
- Sec. 4-114. through Sec. 4-115. - Reserved.
- Sec. 4-116. - Administration; Section 114, Violations.
- Sec. 4-117. - Administration; Section 115, Stop Work Order.
- Sec. 4-118. - Administration; Section 111, Certificate of Use and Occupancy.
- Sec. 4-119. - Administration; Section 113, Board of Appeals.
- Sec. 4-120. - Administration; Section 116, Unsafe Structures and Equipment.
- Sec. 4-121. - Administration; Section 117, Emergency Measures.
- Sec. 4-122. - Reserved.
- Sec. 4-123. - Definitions; Section 202, General Definitions.
- Sec. 4-124. - Reserved.
- Sec. 4-125. - Use and Occupancy Classification; Section 302; Classification.
- Sec. 4-126. - Reserved.
- Sec. 4-127. - Use and Occupancy Classification; Section 313, Use Group U-PU, Public Utility Facilities.
- Sec. 4-128. through Sec. 4-129. - Reserved.
- Sec. 4-130. - Reserved.
- Sec. 4-131. - Special Detailed Requirements Based on Use and Occupancy; Section 403, High-Rise Buildings.
- Sec. 4-132. through Sec. 4-134. - Reserved.
- Sec. 4-135. - Special Detailed Requirements Based on Use and Occupancy; Section 406, Motor-Vehicle-Related Occupancies.
- Sec. 4-136. - Reserved.
- Sec. 4-137. - Special Detailed Requirements Based on Use and Occupancy; Section 410; Stages, Platforms and Technical Production Areas.
- Sec. 4-138. - Special Detailed Requirements Based on Use and Occupancy; Section 415, Use Groups H-1, H-2, H-3, H-4 and H-5.
- Sec. 4-139. through Sec. 4-140. - Reserved.
- Sec. 4-141. - General Building Heights and Areas; Section 506 Building Area Modifications.

- Sec. 4-142. - General Building Heights and Areas; Section 507, Unlimited Area Buildings.
- Sec. 4-143. - General Building Heights and Areas; Section 509, Incidental Uses.
- Sec. 4-144. - Fire and Smoke Protection Features; Section 704, Fire-Resistance Rating of Structural Members.
- Sec. 4-145. - Exterior Walls; Section 705, Combustible Materials on the Exterior Side of Exterior Walls.
- Sec. 4-146. through Sec. 4-148. - Reserved.
- Sec. 4-149. - Fire and Smoke Protection Features; Section 705, Exterior Walls.
- Sec. 4-150. - Reserved.
- Sec. 4-151. - Fire and Smoke Protection Features; Section 708, Fire Partitions.
- Sec. 4-152. - Floor and Roof Assemblies; Section 711, Dwelling Units and Sleeping Units.
- Sec. 4-153. - Reserved.
- Sec. 4-152. through Sec. 4-155. - Reserved.
- Sec. 4-156. - Reserved.
- Sec. 4-157. - Fire Protection Systems; Section 901, General.
- Sec. 4-158. - Fire Protection Systems; Section 903, Automatic Sprinkler Systems.
- Sec. 4-159. through Sec. 4-162. - Reserved.
- Sec. 4-163. - Fire Protection Systems; Section 903, Automatic Sprinkler Systems.
- Sec. 4-164. - Reserved.
- Sec. 4-165. - Fire Protection Systems; Section 907, Fire Alarm and Detection Systems.
- Sec. 4-166. - Fire Protection Systems; Section 909, Smoke Control Systems.
- Sec. 4-167. - Fire Protection Systems; Section 912, Fire Department Connections.
- Sec. 4-168. through Sec. 4-170. - Reserved.
- Sec. 4-171. - Reserved.
- Sec. 4-172. - Means of Egress; Section 1015, Guards.
- Sec. 4-173. - Means of Egress; Section 1027, Exterior Exit Stairways and Ramps.
- Sec. 4-174. through Sec. 4-179. - Reserved.
- Sec. 4-180. - Chapter 11 - Accessibility.
- Sec. 4-181. - Interior Environment; Section 1203, Ventilation.
- Sec. 4-182. through Sec. 4-184. - Reserved.
- Sec. 4-185. - Reserved.
- Sec. 4-186. - Roof Assemblies and Rooftop Structures; Section 1503, Weather Protection.
- Sec. 4-187. - Structural Design; Section 1608, Snow Loads.
- Sec. 4-188. - Soils and Foundations; Section 1805, Dampproofing and Waterproofing.
- Sec. 4-189. - Soils and Foundations; Section 1809, Shallow Foundation.
- Sec. 4-189.01. - Soils and Foundations; Section 1809.01, Ground Improvement Foundation.
- Sec. 4-190. - Special Inspections and Tests; Section 1705, Required Soils.
- Sec. 4-191. through Sec. 4-192. - Reserved.
- Sec. 4-193. - Masonry; Section 2109, Empirical Design of Masonry.
- Sec. 4-194. - Steel; Section 2204, Connections.
- Sec. 4-195. - Electrical; Section 2701, General.
- Sec. 4-196. - Electrical; Section 2702, Emergency and Standby Power Systems.
- Sec. 4-197. - Electrical; Section 2704, Parking Lots and Exterior Passageways.
- Sec. 4-198. through Sec. 4-199. - Reserved.



- Sec. 4-200. - Reserved.
- Sec. 4-201. - Mechanical Systems; Section 2803, Minimum Heating Standards.
- Sec. 4-202. - Plumbing Systems; Section 2901, General.
- Sec. 4-203. - Elevators and Conveying Systems; Section 3001, General.
- Sec. 4-204. - Special Construction; Section 3103, Temporary Structures.
- Sec. 4-205. - Special Construction; Section 3104, Pedestrian Walkways and Tunnels.
- Sec. 4-206. through Sec. 4-207. - Reserved.
- Sec. 4-208. - Special Construction; Section 3108, Telecommunications and Broadcast Towers.
- Sec. 4-209. - Special Construction; Swimming Pools, Spas and Hot Tubs (ISPSC).
- Sec. 4-210. - Section 3111 Photovoltaic Panels And Modules.
- Sec. 4-211. - Safeguards During Construction; Section 3314.2, Accessibility for Emergency Vehicles.
- Sec. 4-212. - Reserved.
- Sec. 4-213. through Sec. 4-215. - Reserved.
- Sec. 4-216. - Reserved.
- Sec. 4-217. - Reserved.
- Sec. 4-218. - Reserved.
- Sec. 4-219. - Reserved.
- Sec. 4-220. through Sec. 4-221. - Reserved.
- Sec. 4-222. - Reserved.
- Sec. 4-223. - Reserved.
- Sec. 4-224. - Reserved.
- Sec. 4-225. through Sec. 4-229. - Reserved.
- SUBDIVISION 3. - AMENDMENTS TO THE INTERNATIONAL MECHANICAL CODE.
- Sec. 4-230. - Amendments, Additions, and Deletions to International Mechanical Code.
- Sec. 4-231. - Mechanical Ventilation; Section 403.
- Sec. 4-232. through Sec. 4-239. - Reserved.
- SUBDIVISION 4. - AMENDMENTS TO THE INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS.
- Sec. 4-240. - Amendments to the International Residential Code for One- and Two-Family Dwellings.
- Sec. 4-240.01. - Building Planning; Section R-302, Fire Resistant Construction.
- Sec. 4-241. - Building Planning; Section R-303, Light, Ventilation, and Heating.
- Sec. 4-241.01. - Range Hoods; Section M1503.4, Make Up Air Required.
- Sec. 4-242. - Building Planning; Section R-309, Garages and Carports.
- Sec. 4-243. - Building Planning; Section R-311, Means of Egress.
- Sec. 4-244. - Reserved.
- Sec. 4-245. - Building Planning; Section R-313, Automatic Fire Sprinkler System.
- Sec. 4-246. - Building Planning; Section R-302, Fire Resistant Construction.
- Sec. 4-246.01. - Building Planning; Section R324.6 "Roof access and Pathways."
- Sec. 4-247. - Swimming Pools, Spas and Hot Tubs: Section R-327, Barrier Requirements.
- Sec. 4-248. - Building Planning; Section R-328, Fire Protection Systems.
- Sec. 4-249. - Foundations; Section R-403, Footings.
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- Sec. 4-258. - Electrical Power and Lighting Systems (Mandatory); C405.2.1 Occupant Sensor Controls.
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