

RESOLUTION

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

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

WHEREAS, the subject property is within the Residential, Multifamily-20 Zone (RMF-20); and

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

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

WHEREAS, in consideration of evidence presented at a public hearing on October 13, 2022, regarding Detailed Site Plan DSP-21023 for Fox Club Apartments, the Planning Board finds:

1. **Request:** This detailed site plan (DSP) requests the demolition of the existing pool and pool house and their replacement with an alternative recreational area.

2. **Development Data Summary:**

	<b>EXISTING</b>	<b>APPROVED</b>
<b>Zone</b>	RMF-20 (Prior R-18)	RMF-20 (Prior R-18)
<b>Use(s)</b>	Residential	Residential
<b>Acreage</b>	11.81	11.81
<b>Gross Floor Area (sq. ft.)</b>	3,181 sq. ft.	3,181 sq. ft.

3. **Location:** The subject site is located 1,400 feet east of Brooks Drive and Marlboro Pike, in Planning Area 76B and Council District 7. The property is located on Tax Map 73, Grid A4 and zoned Residential, Multifamily-20 (RMF-20), previously the Multifamily Medium Density Residential (R-18) Zone. The 11.81-acre site is identified with a current street address of 1935 Brooks Drive, Capitol Heights, Maryland.

4. **Surrounding Uses:** The site is adjacent to RMF-20 zoned properties to the west. Northeast of the site are properties zoned Residential, Single-Family-65 (RSF-65), and properties located southeast of the site are zoned Residential, Single-Family-Attached (RSF-A). To the north,

adjacent to the site, are properties zoned Reserved Open Space (ROS), and southwest of the site are properties located in the Commercial, General and Office (CGO) Zone.

5. **Previous Approvals:** The subject property consists of one parcel located on Tax Map 73, Grid A4, identified as Parcel B of the Oakcrest Terrace Subdivision, recorded in Plat Book WWW 55 page 10, which was approved on December 16, 1964. It consists of 11.81 acres, is zoned RMF-20, and is subject to the 2009 *Approved Marlboro Pike Sector Plan and Sectional Map Amendment*. The DSP proposes to demolish the existing pool and pool house and replace them with alternative on-site recreational amenities.

In May 1961, Preliminary Plan of Subdivision (PPS) 12-2779 Parcel B, titled Oakcrest Garden Apartments, was approved by the Prince George's County Planning Board. The proposed development does not intend to change the use or total number of dwelling units on the property. Pursuant to Section 24-111(c)(3) of the prior Prince George's County Subdivision Regulations, a final plat of subdivision approved prior to October 27, 1970, is exempt from resubdivision if "the development proposed is in addition to a development in existence prior to January 1, 1990 and does not exceed 5,000 square feet of gross floor area". Since this DSP proposes to reduce the existing gross floor area on the property by razing the pool house, this improvement is exempt from filing a new PPS and final plat per Section 24-111(c)(3).

6. **Design Features:** The site contains an existing development known as Fox Club Apartments, previously Oakcrest Garden Apartments, which consists of 258 units within 19 buildings. Fox Club Apartments is a certified nonconforming multifamily development which requires Planning Board approval, subject to Section 27-242(b)(5) of the prior Zoning Ordinance. This application proposes the demolition of the existing pool and pool house for the replacement of an alternative recreational area due to public health, safety, and welfare risk associated with the existing pool and pool house. The total limit of disturbance will be 24,965 square feet. The pool and pool house will be replaced with a 3,181-square-foot recreational area. The recreational area will have seven pieces of park gym equipment including a rower, lat pull down, leg press, dip station, chest press, triple chin-up bars, and a push-up bar. The area will contain an 8-inch concrete band around the edge of the recreational area for containment of the artificial turf. There will be a 6-foot-wide concrete Americans with Disabilities ramp and a 6-foot-wide walkway with steps to access the recreational area. The proposed hours of operation for the recreational area will be from dawn until dusk, and no lighting is requested with this application.

## COMPLIANCE WITH EVALUATION CRITERIA

7. **Prior Prince George's County Zoning Ordinance:** The DSP application has been reviewed for compliance with the requirements of the R-18 Zone of the prior Zoning Ordinance:
  - a. The subject application is in conformance with the requirements of Section 27-441(b) of the prior Zoning Ordinance, which governs uses in residential zones. The recreational area is an accessory use permitted in the R-18 Zone.

- b. The subject application is in conformance with the requirements of Section 27-442 of the prior Zoning Ordinance, which contains regulations for the R-18 Zone. The proposed recreation area is within the setbacks and height requirements for the proposed zone.
  - c. The subject application is in conformance with the requirements of Section 27-274, Design Guidelines, of the prior Zoning Ordinance by providing the required amount of green area on-site with parking located as near as possible to the recreational area.
8. **Preliminary Plan of Subdivision 12-2779:** The Planning Board approved PPS 12-2779 in May 1961, for Oakcrest Garden Apartments. There are no records for the PPS. The DSP proposes to reduce the existing gross floor area on the property by demolishing the existing pool and pool house and the improvements are exempt from filing a new PPS and final plat per Section 24-111(c)(3).
9. **2010 Prince George’s County Landscape Manual:** The proposed recreational area for an existing multifamily development in the R-18 Zone is subject to the 2010 *Prince George’s County Landscape Manual*, as follows:
- a. **Section 4.1, Residential Requirements**—The subject application is exempt from the requirements of this section as it does not propose any gross floor area expansion to a multifamily building.
  - b. **Section 4.3, Parking Lot Requirements**—The subject application is exempt from the requirements of this section because it does not propose an increase in impervious area for parking and/or loading spaces.
  - c. **Section 4.4, Screening Requirements**—Section 4.4 requires that all dumpsters, loading spaces, and mechanical areas be screened from adjoining existing residential uses, land in any residential zone, and constructed public streets. No such areas are being proposed with the subject application.
  - d. **Section 4.6, Buffering Development from Streets**—Section 4.6 provides guidance for scenic and historic road treatments and buffering residential development from streets. The subject application is not adjacent to a scenic or historic road and does not involve any change to the existing nonconforming residential development. Therefore, this section does not apply.
  - e. **Section 4.7, Buffering Incompatible Uses**—The subject application is exempt from the requirements of this section because it does not involve an increase of more than 10 percent of gross floor area of the existing buildings on the property. There are no parts of the recreational area that will extend closer to an adjacent incompatible use. The development does not involve a change in use from a lower to higher intensity use category, or from a residential to a nonresidential use.

- f. **Section 4.9, Sustainable Landscaping Requirements**—The subject application is exempt from the requirements of this section because it does not involve an increase of more than 10 percent of gross floor area of the existing buildings
10. **Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance:** This site is not subject to the provisions of the Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (WCO). Although the property is greater than 40,000 square feet in size and contains more than 10,000 square feet of existing woodland, the development pre-dates the WCO and has no previously approved tree conservation plans. A Letter of Exemption, S-166-2021, was approved on August 19, 2021.
11. **Prince George’s County Tree Canopy Coverage Ordinance:** The DSP is subject to the requirements of the Prince George’s County Tree Canopy Coverage Ordinance. Section 25-128 of the Prince George’s County Code requires a minimum percentage of tree canopy coverage on projects that propose more than 5,000 square feet of disturbance. The subject DSP provides the required schedule demonstrating conformance to these requirements through new plantings on the subject property.
12. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows, and are incorporated herein by reference:
  - a. **Subdivision**—The Planning Board has reviewed and adopts the memorandum dated August 31, 2022 (Kaur to Butler), in which it was noted that the DSP is in conformance with the approved PPS. Technical corrections have been added as conditions herein.
  - b. **Transportation**—The Planning Board has reviewed and adopts the memorandum dated September 12, 2022 (Patrick to Butler), in which it was noted that the plan is acceptable and meets the finding required for a DSP, as described in the prior Zoning Ordinance.
  - c. **Environmental Planning**—The Planning Board has reviewed and adopts the memorandum dated August 19, 2022 (Kirchhof to Butler), in which it was noted that the Woodland Conservation Letter of Exemption, S-166-2021, was approved on August 19, 2021.
  - d. **Community Planning**—The Planning Board has reviewed and adopts the memorandum dated July 19, 2022 (White to Butler), in which it was noted that the proposed DSP conforms to the recommendations of the 2009 *Approved Marlboro Pike Sector Plan and Sectional Map Amendment*.
  - e. **Historic Preservation**—The Planning Board has reviewed and adopts the memorandum dated July 14, 2022 (Smith to Butler), in which it was noted that the subject property does not contain and is not adjacent to any designated Prince George’s County historic site or resource.

- f. **Permits**—The Planning Board has reviewed and adopts the memorandum dated September 12, 2022 (Jacobs to Butler), which provided a technical comment that has been added as a condition herein.
13. Based on the foregoing, and as required by Section 27-285(b)(1) of the prior Zoning Ordinance, the DSP, if revised in accordance with the proposed condition below, represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George’s County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.
14. As there are no regulated environmental features on the subject site, the finding normally required by Section 27-285(b)(4) of the prior Zoning Ordinance, is not applicable to the subject property.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George’s County Code, the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED Detailed Site Plan DSP-21023 for the above-described land, subject to the following conditions:

1. Prior to certification, the detailed site plan (DSP) shall be revised as follows:
- a. Label all adjoining parcels with current and correct ownership, subdivision names, and plat or deed references.
  - b. Label or list the area of the existing pool house to be razed.
  - c. Show the existing easements located on the property, in accordance with the record plat.
  - d. Refer to Section 27-242(b)(5) of the prior Prince George’s County Zoning Ordinance and the certification of nonconforming use permit number in the general notes.
  - e. Provide dimensions on Sheet 3 of the DSP for the sidewalk and overall recreational area.
  - f. Provide a note referencing the current zone Residential, Multifamily-20 (RMF-20) and revise the existing note to state that Multifamily Medium Density Residential (R-18) is the prior zone.
  - g. Add a note stating that the application is being reviewed under the prior Prince George’s County Zoning Ordinance.
  - h. Provide a schedule for Section 4.9 of the 2010 *Prince George’s County Landscape Manual*.

- i. Provide dimensions for the park gym equipment details.
- j. Update the landscape plan to include a signature by a landscape architect.

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

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Bailey, seconded by Commissioner Geraldo, with Commissioners Bailey, Geraldo, and Shapiro voting in favor of the motion, and with Commissioners Doerner and Washington absent at its regular meeting held on Thursday, October 13, 2022, in Upper Marlboro, Maryland.


Adopted by the Prince George's County Planning Board this 20th day of October 2022.

Peter A. Shapiro  
Chairman

By   
Jessica Jones  
Planning Board Administrator

PAS:JJ:TB:jah

APPROVED AS TO LEGAL SUFFICIENCY

  
David S. Warner  
M-NCPPC Legal Department  
Date: October 17, 2022