

R E S O L U T I O N

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, Single-Family-95 (RSF-95) Zone; and

WHEREAS, pursuant to Section 27-1903(c) of the Zoning Ordinance, development proposals for properties in the RSF-95 Zone may also utilize the prior Zoning Ordinance for development of the property on which the development is proposed; and

WHEREAS, in addition, a Preliminary Plan of Subdivision, PPS 4-21022 (PGCPB Resolution No. 2022-30), was approved for the subject property under the prior Subdivision Regulations by the Planning Board on March 3, 2022; and

WHEREAS, pursuant to Section 27-1704(a) of the Zoning Ordinance, subdivision approvals approved under the Subdivision Regulations prior to April 1, 2022 remain valid for the period of time specified in the subdivision regulations under which the application was approved; and

WHEREAS, pursuant to Section 27-1704(b) of the Zoning Ordinance, until and unless the period of time under which the subdivision approval expires, the project may proceed to the next steps in the approval process and continue to be reviewed under the prior zoning ordinance; and

WHEREAS, the applicant, Community Housing Initiative Inc., submitted an application for approval of a detailed site plan under 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 July 6, 2023, regarding Detailed Site Plan DSP-91071-03 for Highland Park Senior Housing, the Planning Board finds:

1. **Request:** This detailed site plan (DSP) approves an amendment to DSP-91071-02 for development of an apartment building for the elderly, consisting of 137 dwelling units.

2. **Development Data Summary:**

| | EXISTING | APPROVED |
|---------------------|---------------------|--|
| Zone (s) | RSF-95 (prior R-80) | RSF-95 (prior R-80) |
| Use(s) | Institutional | Existing Institutional and proposed Residential |
| Gross Tract Acreage | 18.69 | 18.69 |
| Lots | 0 | 0 |
| Parcels | 1 | 1 |
| Dwelling Units | N/A | 137 |
| Gross Floor Area | 128,112 sq. ft. | 262,845 sf in total (Institutional: 128,112 sq. ft. and Residential: 134,733 sq. ft.) |

Parking Requirements (Per Section 27-568(a) of the prior Zoning Ordinance)

| | Number of Spaces Required | Number of Spaces Provided |
|------------------------------------|--|--|
| Church | 1 space per 4 seats (1,199 seats): 300 | Standard: 282 Compact: 2 Handicap-accessible: 14 Handicap van-accessible: 2 |
| Day Care Center and Private School | Day Care Center: 1 space per 8 children (117 Children): 15 Private School 1 space per 6 students (250 students): 42 | Standard: 59 Compact: 0 Handicap-accessible: 3 Handicap van-accessible: 2 |
| Apartment Housing for the Elderly | 0.66 per unit (137 units): 91 | Standard: 116 Compact: 0 Handicap-accessible: 4 Handicap van-accessible: 2 |
| Total | 448 parking spaces | 486 parking spaces |

Based on the number of parking spaces labeled in each parking bay on Sheet DSP-16, the total number of regular parking spaces in the parking area for the proposed apartment building is 130. A condition has been included herein for clarification.

Loading Spaces (Per Section 27-582(a) of the prior Zoning Ordinance)

| | Required | Provided |
|---|-----------------|--------------------------|
| Institutional (Church, Day Care Center, and Private School) | 2 | 2 (12 feet x 33 feet) |
| Apartment Housing for the Elderly | 1 | 1 (12 feet x 33 feet) |
| Total loading spaces required | 3 | 3 |

3. **Location:** The subject site is located on the south side of Sheriff Road, approximately 150 feet east of its intersection with MD 704 (Martin Luther King Jr. Highway). The property is 18.39 acres within Planning Area 72 and Council District 5. The site is currently occupied by the First Baptist Church of Highland Park, a day care center, and a private school. To the southwest of the existing church sanctuary, there is an area currently developed as a parking area. This area will be the location for the proposed apartment building of 137 units for the elderly. It will be set back over 200 feet from Sheriff Road and 14–18 feet from the property to the east.
4. **Surrounding Uses:** The abutting properties to the south and east are in the One-Family Detached Residential (R-80) Zone and are developed with cemetery and single-family residential uses. The properties flanking the site to the west are in the Mixed Use-Infill (M-U-I) and Development District Overlay (D-D-O) Zones, developed with an eating and drinking establishment with drive through service, a gas station, and a monopole. The properties beyond Sheriff Road to the north are in the M-U-I/D-D-O Zones and the Townhouse (R-T) Zone, and are developed with a gas station and single-family attached dwellings, respectively.
5. **Previous Approvals:** Preliminary Plan of Subdivision (PPS) 4-92017 was approved by the Prince George’s County Planning Board on April 23, 1992 (PGCPB Resolution No. 92-92). This PPS was approved for resubdivision of the site into two outlots and one parcel containing the existing church development. In addition, the site had an approved Stormwater Management (SWM) Concept Plan, CSD 910154.

DSP-91071 was approved by the Planning Board on September 10, 1992 (PGCPB Resolution No. 92-247), for an 800-seat church and a 100-student day care. The site had an approved SWM Concept Plan, CSD 910154 Branch 7034.

PPS 4-98052 was approved by the Planning Board on December 3, 1998 (PGCPB Resolution No. 98-310). This PPS was approved for resubdivision of the site into one parcel and one outlot containing the existing church development and associated uses. The site had an approved SWM Concept Plan, CSD 910154 Branch 7034. No development was proposed with this application. The outlot was conveyed to the adjoining National Harmony Memorial Park cemetery. This PPS was superseded by PPS 4-21022. None of the conditions associated with this previously approved PPS affect this proposal.

DSP-91071-01 was approved by the Planning Board on June 19, 2003 (PGCPB Resolution No. 03-139), for the addition of a 250-student private school, an increased enrollment (17 children) to the existing day care center, and a 1,064-square-foot accessory credit union/bank. The site had an approved SWM Concept Plan, 42858-2002.

DSP-91071-02 was approved on July 28, 2011 (PGCPB Resolution No. 11-76), for 81,896-square-foot additions to an existing 46,216-square-foot church, school, and day care building complex, with additional parking to serve a church of 1,199 seats. The site had an approved SWM Concept Plan, 16624-2009.

Vacation V-09005 was approved on October 22, 2009, to allow the vacation of part of Hunt Avenue and part of Park Avenue, with the reversion of ownership to the First Baptist Church of Highland Park.

PPS 4-21022 was approved by the Planning Board on March 3, 2022 (PGCPB Resolution No. 2022-30), for the purpose of creating one parcel for development of 138 multifamily dwelling units for the elderly, in addition to 128,112 square feet of the existing institutional uses. A variance from Section 25-122(b)(1)(G) was approved to allow removal of two specimen trees. The site had an approved SWM Concept Plan, 16624-2009-02.

6. **Design Features:** The subject property has an irregular, jagged, linear shape that runs for approximately 1,700 feet along the south side of Sheriff Road, just east and uphill from its intersection with MD 704. The site has many steep slopes that range from high elevations in the southeast, to a midpoint in the front of the site along Sheriff Road, to low elevations around the environmental features in the southwest. The property has been developed and expanded at various times over the years. It is currently developed with a church, a child day care, and a private school.

The applicant proposed to construct one apartment building of 134,733 square feet for the elderly. This building will provide 137 dwelling units, of which 89 units are one-bedroom and 48 units are two-bedroom. The building is in the rear portion of the subject site, away from Sheriff Road and facing the existing church on-site.

The site has three existing access driveways to Sheriff Road, one west of the church, one near the northeast corner of the church, and one further east. The applicant proposed to use the one further east, the third one counting from the intersection of MD 704 and Sheriff Road, as the entry point for the proposed apartment building. The east side of this driveway is paired with a sidewalk for pedestrian access from Sheriff Road to the building. This new driveway will serve two parking areas: one for the church and one for the proposed apartment building. The parking area for the apartment building is located to its west and north.

The proposed apartment building is approximately 60 feet in height, with a total of five stories. The main pedestrian entrance and lobby are located on the west elevation of the building. This entrance is accented by a canopy and glass windows.

In addition to the lobby, the terrace floor (the ground floor) of the apartment building is comprised of residential units, indoor recreational facilities (including a lounge, a game room, a fitness room, a yoga room, a community café, and a bike storage), and other spaces for building maintenance. Other than required maintenance and service spaces, the four floors above are solely comprised of residential units.

Architecture

The architectural design of the apartment building is contemporary and is finished with a mix of materials including clay masonry veneer, clay masonry accent band, vertical fiber cement panels, and vinyl horizontal lap siding. The materials are arranged in a geometric pattern and provide bands of color on the building. Emphasis has been given to the variety of materials of different color palettes used on the building elevations through different volumes, massing, and recessed building faces. The color tone for the apartment building also matches the existing buildings on-site.

The design of the building roof is flat, with certain sections of the parapets that are slightly higher than the others. The roof is designed with aluminum fascia and wood brackets. The rooftop height of two sections stands out as focal points of the building. One is where the main building entrance is located and the other is the northeast building corner, closest to Sheriff Road.

Access to the utility service room will be located around the north end of the building. However, the provided west elevation does not show this access. A condition is included herein requiring the applicant to revise this technical error on the certified DSP.

Recreational Facilities

The project provides both outdoor and indoor recreational facilities. An outdoor recreational area is located behind the proposed apartment building, which includes a dog run, a gazebo, a community garden, and an 8-foot-wide walking path, with seating. Indoor recreational facilities are located on the terrace floor (the ground floor) of the building, including a lounge, a game room, a fitness room, a yoga room, a community café, and a bike storage.

Detailed information regarding some amenities remains inadequate. The applicant labels the location of pathway benches provided on the plan but does not include their quantity and value in the recreational amenity list on the coversheet. A condition has been included herein, requiring more details.

On Sheet DSP-17, the 8-foot-wide walking path encloses three outdoor recreational facilities: a gazebo, a dog run and a community garden. However, the plan does not show the connection between these facilities and the walking path in order for future senior residents to access them. Some details regarding the dog run and the community garden are also missing, such as dimensions and size, gate details, the type of planting area that will be operated in the community garden (e.g., on the ground or in raised beds), and any structures located within. The applicant also does not indicate the type and quantity of seating in the gazebo. Conditions are included herein requiring the applicant to provide a large-scale plan of the outdoor recreational area with the required details.

Similarly, the applicant does not provide enough information regarding the size of, and amenities for, the indoor recreational facilities. More detailed information is needed for these indoor facilities. In addition, the construction cost of these indoor recreational facilities shall be removed from the amenity list. Conditions are included requiring the applicant to provide more details regarding each indoor recreational facility, such as its square footage, a list of amenities, and the value of each amenity.

The bike storage needs to be removed from the recreational amenity list because it does not provide any recreational value. A condition is included for the removal of such an item on the list.

Signage

The applicant proposed a freestanding sign of approximately 5 feet in height for the proposed apartment building. The face area of the sign is approximately 17 square feet. It will be located at the entry point to the north, on Sheriff Road. The freestanding sign will be an etched and painted PVC sign and is finished with masonry veneer.

There is a freestanding sign currently located on the Sheriff Road frontage for the existing church (Permit 466690-2016-0). The subject property is zoned R-80, and its principal land use is institutional. Signage requirements are subject to Section 27-617 (Institutional–Other than Temporary) of the prior Zoning Ordinance. The maximum number of signs for the subject property is one.

However, Section 27-441(b), Footnote 134, of the prior Zoning Ordinance allows the DSP to establish regulations for residential use, such as additional signage. The Planning Board finds that the sign the applicant proposed is of the size and design appropriate for the use of the subject site.

Lighting

The DSP application proposed to install two types of pole-mounted lighting throughout the site. Both lighting fixtures (Types A and B) are 16 feet in height and are clearly labeled on the lighting plan. Details of the proposed lighting have been included in the application.

The Planning Board finds that the submitted photometric plan shows adequate light for users on-site and is sufficient for illuminating drive aisles, building entries, and walking paths throughout the site. However, the location of a lighting fixture (A-1) will cause light spillover onto the adjoining residential property. A condition is included for the relocation of this lighting fixture.

In addition, the submitted photometric plan does not cover the sidewalk that will allow pedestrian access from Sheriff Road to the proposed apartment building. The applicant should expand the photometric plan to cover this portion of the driveway and sidewalk to ensure adequate lighting for site access. If supplemental lighting is needed, the applicant should label it, as well as the existing lighting, along this driveway on the plan. A condition has been included herein for revision.

Loading and Trash Facilities

The applicant plans to install one loading space for the proposed apartment building, which meets the required number of spaces. This loading space is located at the south end of the building and is not noticeable from Sheriff Road. Via a walking path, people have direct access to the main building entrance. An outdoor dumpster pad is proposed for the project and is located next to the loading space. Details for the enclosure of the dumpster have been included in the application and are sufficient.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prior Prince George's County Zoning Ordinance:** The DSP application was reviewed for compliance with the requirements of Division 3, regarding uses permitted in the residential zones of the prior Zoning Ordinance; Section 27-429, which governs development in the R-80 Zone; Section 27-285, regarding the Planning Board procedures with respect to DSPs, including required findings; and Section 27-274, regarding site design guidelines. The Prince George's County District Council approved Council Bill CB-9-2019, which allows the proposed apartments for the elderly in the R-80 Zone. In addition, CB-9-2019 exempts the proposed project from Section 27-337, of the prior Zoning Ordinance

- a. This application is subject to the requirements of Section 27-441(b), Uses Permitted, in the residential zones of the prior Zoning Ordinance.

Per Section 27-441(b), apartment housing for elderly or handicapped families in a building other than a surplus public-school building is subject to a special exception in the R-80 Zone, except under certain circumstances, as listed in Footnote 134. That footnote includes the following requirements (listed in **bold**, followed by the Planning Board's analysis):

Footnote 134

- (a) A Special Exception shall not be required, provided:**

(A) A Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle;

(B) The site includes lots or parcels totaling ten (10) acres in size or more owned by a nonprofit organization on or before July 1, 2019;

In conformance with this requirement, the subject site is comprised of 18.69 acres, located in the R-80 Zone. The property is owned by the First Baptist Church of Highland Park, a nonprofit organization. Deed records of the subject property show that the church acquired the site before July 1, 2019.

- (C) The site is adjacent to an historic resource as designated in accordance with Subtitle 29 of this Code and has frontage on a roadway with a functional transportation classification as collector or higher within the applicable Master Plan;**

In conformance with this requirement, the subject property is adjacent to Harmony Memorial Park (Historic Resource 72-045) and contains frontage along Sheriff Road, a collector roadway (C-405), in the 2009 *Approved Master Plan of Transportation* (MPOT).

- (D) Regulations concerning the height of the structure, lot size, lot coverage, frontage, and density shall be in accordance with the R-10 Zone for multifamily dwellings. All other regulations shall be established and shown on the Detailed Site Plan;**

The table below shows the requirements for the height of the structure, lot size, lot coverage, frontage, and density set forth in the Multifamily High Density Residential (R-10) Zone. The proposed apartment building for the elderly meets all of these requirements. However, some information listed on the coversheet is incorrect or missing. Conditions are included herein requiring the applicant to revise the development standards table on the coversheet to match, as follows:

| | Required (R-10) | Approved |
|--------------------------|---|---|
| Maximum structure Height | 110 feet (Section 27-442 (f)) | 60 feet +/- (5 stories) |
| Minimum Lot Size | 20,000 square feet (Section 27-442 (b)) | 18.692 acres or 814,224 square feet |
| Maximum Lot Coverage | 814,224*50%= 407,112 square feet (Section 27-442 (c)) | 384,824 square feet * (Existing buildings: 128,112 sq. ft.; approved apartment building: 28,547 sq. ft.; and paving coverage: 288,165) |
| Frontage | 150 feet (Section 27-442 (d)) | Information is missing on the coversheet (Sheet DSP-1), but the subject property will meet this requirement. |
| Maximum density | 48 dwelling units/acre (Section 27-442 (h)) | 7.33 dwelling units/acre |

Note: *PPS 4-21022 did not approve additional nonresidential gross floor area (GFA) beyond that already existing on the site. Prior to signature approval of this DSP amendment, the difference must be reconciled between the 128,112 square feet of existing GFA identified at the time of PPS, and the 67,254 square feet of existing GFA identified on the submitted site plans.

- (E) The owner of the property shall record among the Land Records of Prince George's County a Declaration of Covenants which establishes that the premises will be solely occupied by elderly or handicapped families for a fixed term of not less than twenty (20) years. The covenants shall run to the benefit of the Maryland-National Capital Park and Planning Commission; and**

The subject development is proposed for the elderly. Covenants regarding this will be required to be filed in land records at the time the final plat of subdivision is recorded.

- (b) For purposes of this Section, the terms “elderly family” and “physically handicapped family” shall have the same meanings as defined in Section 27-337(c).**

The introduction of CB-9-2019 permits the use of “Apartment housing for elderly and handicapped families” within the R-80 Zone. This amendment enables the proposed development of an apartment building for the elderly within the subject site. Section 27-337(c) notes that “‘elderly family’ means a family which is included within age restrictions in conformance with the Federal Fair Housing Act.” Therefore, this specific use, apartment housing for elderly or handicapped families in a building other than a surplus public school building, shall be noted on the coversheet (Sheet DSP-1) as the proposed use for this application. A condition is included herein to specify the correct use on the site plan.

- b. This application is subject to the requirements of Section 27-429(c), Regulations, of the prior Zoning Ordinance, as follows:

Section 27-429(c)

- (1) Additional regulations concerning the location, size, and other provisions for all buildings and structures in the R-80 Zone are as provided for in Divisions 1 and 5 of this Part, the Regulations Tables (Division 4 of this Part), General (Part 2), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.**

The subject DSP is in conformance with these regulations. Evaluations of off-street parking and loading, signs, and the 2010 *Prince George's County Landscape Manual* (Landscape Manual) have been discussed in Findings 2 and 6 above and Finding 10 below.

- c. Section 27-274(a) of the prior Zoning Ordinance provides site design guidelines for a DSP. The applicable design guidelines are described as the following:

Section 27-274(a)(2)

(2) Parking, loading, and circulation.

- (A) Surface parking lots should be located and designed to provide safe and efficient vehicular and pedestrian circulation within the site, while minimizing the visual impact of cars. Parking spaces should be located to provide convenient access to major destination points on the site...**
- (B) Loading areas should be visually unobtrusive and located to minimize conflicts with vehicles or pedestrians...**
- (C) Vehicular and pedestrian circulation on a site should be safe, efficient, and convenient for both pedestrians and drivers...**

The site is adjacent to the First Baptist Church of Highland Park, which is connected to Sheriff Road through multiple driveways. The primary access to the proposed apartment building will be the entry point to the far north. The site circulation allows vehicles, bicycles, and pedestrians to enter and exit the site, but a site circulation plan was not submitted. A condition is included herein for such information.

The proposed development also offers internal connections for pedestrian access to and from Sheriff Road, other buildings located on-site, and the proposed recreational area situated behind the apartment building.

The proposed parking spaces for the apartment building are located adjacent to it. Parking spaces for handicap-accessible and handicap van-accessible are located next to the walking path for accessibility. The number of required and provided parking spaces is discussed in Finding 2 above. Both long- and short-term parking areas are provided on-site. Information regarding loading areas is discussed in Finding 6 above.

(3) Lighting.

- (A) For uses permitting nighttime activities, adequate illumination should be provided. Light fixtures should enhance the site's design character.**

A detailed discussion about lighting has been addressed in Finding 6 above.

(4) Views.

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

The applicant proposed to locate the apartment building in an existing parking area, away from Sheriff Road, a public right-of-way (ROW). This intent would reduce the building's impact on views from Sheriff Road, which fronts the property, so that these views would be mostly preserved. A modification to the site, along the street frontage, is for construction of a SWM facility. The applicant proposed to maintain the Section 4.2 landscape strip along the Sheriff Road frontage and to comply with Section 4.3-2 for interior planting for the parking area. A detailed discussion regarding this has been addressed in Finding 10 below.

(5) Green area.

- (A) On-site green area should be designed to complement other site activity areas and should be appropriate in size, shape, location, and design to fulfill its intended use.**

Information about the green area provided on-site is discussed in Finding 10 below, which addresses the requirements set forth in the Landscape Manual.

(6) Site and streetscape amenities.

- (A) Site and streetscape amenities should contribute to an attractive, coordinated development and should enhance the use and enjoyment of the site.**

The applicant proposed to maintain the Section 4.2 landscape strip along the Sheriff Road frontage, which provides a landscape strip of at least 10 feet wide and has an average width of 15 feet. Planting within the strip is at the rate of one shade tree and five shrubs per 35 linear feet of frontage, excluding driveway openings. Details of the on-site indoor and outdoor recreational facilities have been discussed in Finding 6 above.

(7) Grading.

- (A) Grading should be performed to minimize disruption to existing topography and other natural and cultural resources on the site and on adjacent sites.**

The subject site is currently developed. The proposed apartment building will be developed and constructed in an existing parking area. This minimizes any

additional disruption to the existing topography. In addition, the applicant proposed to construct retaining walls in the western perimeter of the parking area to enhance stability.

(8) Service areas.

(A) Service areas should be accessible, but unobtrusive.

The one loading space provided for the apartment building is located at the south side of the apartment building and has direct access to the main building entrance, via a walking path. Given the location, the Planning Board finds the proposed service area to be unobtrusive and accessible.

(9) Public spaces.

(A) A public space system should be provided to enhance a large-scale commercial, mixed-use, or multifamily development.

The proposed development is to be an apartment building, solely for the elderly. Public spaces included in the development, such as the outdoor recreational area and various indoor recreational facilities, are for the use of senior residents who will live in the building. Detailed information regarding this is discussed in Finding 6 above.

(10) Architecture.

(A) When architectural considerations are referenced for review, the Conceptual Site Plan should include a statement as to how the architecture of the buildings will provide a variety of building forms, with a unified, harmonious use of materials and styles.

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

(C) These guidelines may be modified in accordance with Section 27-277.

A detailed discussion regarding architecture has been addressed in Finding 6 above.

8. **Preliminary Plan of Subdivision 4-21022:** The site is subject to PPS 4-21022, which was approved on March 3, 2022 (PGCPB Resolution No. 2022-30), subject to 16 conditions. Of the 16 conditions, those relevant to the review of this DSP are listed below, in **bold** text. The Planning Board's analysis of the project's conformance to the conditions follows each one, in plain text:

1. **Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be revised, as follows:**

- b. **Show a 10-foot-wide public utility easement along the property's frontage with Hunt Avenue.**

This DSP should show a 10-foot-wide public utility easement (PUE) along Hunt Avenue, in accordance with the signature approved PPS. The PUE is shown on Sheet DSP-5, but not on other sheets where it should be shown, including Sheets DSP-4, DSP-7, and DSP-10. A condition is included herein for revision.

2. **Development of the site shall be in conformance with the pending Stormwater Management Concept Plan, 16624-2009-02, and any subsequent revisions.**

The applicant submitted approved SWM Concept Plan 16624-2009-02 and approval Letter 16624-2009-03 with the subject DSP. It is noted that the purpose of the -03 revision was to change the engineer on record for the project.

3. **Prior to approval, the final plat shall include:**

- a. **Dedication of a 10-foot-wide public utility easement along the public rights-of-way, as delineated on the approved preliminary plan of subdivision.**

The DSP shows PUEs along the adjoining public ROWs (Sheriff Road and Hunt Avenue), in accordance with the approved PPS. However, as noted under Condition 1(b) above, consistency is needed between the plan sheets.

4. **Total development within the subject property shall be limited to uses which generate no more than 389 AM peak-hour trips and 232 PM peak-hour trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**

The subject DSP is consistent with the land use and development program approved in the PPS application and, therefore, is within the peak-hour trip cap.

7. **At the time of detailed site plan (DSP), the DSP shall show the location of the mitigated safety factor line and the 25-foot building restriction line from the 1.5 safety factor line.**

A revised geotechnical report provided information showing an improved retaining wall design and stability, which eliminates the need to show the 1.5 safety factor line and the associated 25-foot building restriction line on the DSP.

- 10. Prior to issuance of permits for this subdivision, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:**

“This plat is subject to the recordation of a Woodland Conservation Easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 Tree Conservation Plan, when approved.”

The applicant submitted a Type 2 Tree Conservation Plan (TCP2-016-2023), and it is recommended for approval herein.

- 12. Prior to acceptance of a detailed site plan (DSP), the applicant and the applicant’s heirs, successors, and/or assignees shall include as part of the DSP submission, the following:**
- a. A standard 5-foot-wide bicycle lane along the property frontage of Sheriff Road, consistent with the Guide for the Development of Bicycle Facilities (American of Association of State Highway and Transportation Officials) unless modified by the operating agency, with written correspondence.**
 - b. A minimum 6-foot-wide sidewalk along the entire frontage of Sheriff Road, unless modified by the operating agency, with written correspondence.**
 - c. A minimum 5-foot-wide sidewalk and associated crosswalks from Sheriff Road to the proposed building entrance.**
 - d. Short-term and long-term bicycle parking, consistent with the Guide for the Development of Bicycle Facilities American of Association of State Highway and Transportation Officials to accommodate residents and visitors.**

The DSP shows the location of the 5-foot-wide bicycle lane along Sheriff Road. The plan also shows an existing 6-foot-wide sidewalk along most of the frontage on Sheriff Road and associated sidewalks and crosswalks from Sherriff Road to the proposed building entrance. Subject to approval by Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE), the applicant needs to add sidewalks in those areas where they do not currently exist. In addition, both long- and short-term bicycle parking areas are proposed on-site and shown on Sheet DSP- 16.

- 13. In accordance with Section 24-135(b) of the Prince George’s County Subdivision Regulations, the applicant and the applicant’s heirs, successors, and/or assignees shall provide adequate on-site recreational facilities.**
- 14. The on-site recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division of the Prince George’s County Planning**

Department, for adequacy and proper siting, in accordance with the Prince George's County Park and Recreation Facilities Guidelines, with the review of the detailed site plan (DSP). Triggers for construction shall also be determined at the time of DSP.

A list of recreational facilities proposed for this development is shown on the coversheet (Sheet DSP-1). The provided facilities include both indoor and outdoor amenities which are appropriate for the elderly. Evaluation of the proposed facilities, in accordance with Conditions 13 and 14, has been discussed in Finding 6 above.

The facilities are proposed to be constructed, prior to issuance of the final certificate of occupancy for the residential development, which is appropriate given that a single multifamily building is proposed.

9. **2010 Prince George's County Landscape Manual:** Per Section 27-429(c)(1) of the prior Zoning Ordinance, the proposed development is subject to the provisions of the Landscape Manual. Conformance is required with the following sections: Section 4.1, Residential Requirements; Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.7, Buffering Incompatible Uses; and, Section 4.9, Sustainable Landscaping Requirements.

Sheet DSP-17, Schedule 4.1-4 Residential Requirements for Multifamily, shows the green space provided for the subject site is 175,000 square feet. The applicant should clarify how this square footage is determined since the coversheet (Sheet DSP-1) indicates that the green area provided for the entire parcel is 490,063 square feet. A condition is included herein requiring the applicant to confirm the green area provided.

Pursuant to Section 4.1 of the Landscape Manual, the green area needs to include the area on the entire record lot/parcel minus the areas listed in Section 4.1(c)(4)(C) on page 36. The requirement is to provide one shade tree per 1,000 square feet of green area provided. For this application, if the total green area is 490,063 square feet, the number of shade trees required is 491. Any on-site proposed woodland preservation areas can be credited as providing one shade tree per 1,000 square feet, as per the woodland definition they would meet this requirement.

Schedule 4.1-4 on Sheet DSP-17 indicates 265 existing shade trees, which is less than the required 287 trees. Conditions have been included herein requiring the applicant to revise the landscape plan with a certificate of landscape maintenance to determine the conformance of the previously approved landscape plan. This certificate can also show the condition of the existing woodlands for the 10-foot landscape buffer around the area for the outdoor recreational facilities on Sheet DSP-17 and determine if additional landscaping is required.

The other appropriate schedules have been provided for the relevant sections and the submitted plans are in conformance with the requirements, except for several technical errors. Revisions to the landscape plan are needed and have been conditioned herein.

10. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This project is subject to the Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the application was subject to a new PPS and is also subject to the requirements in the 2018 *Environmental Technical Manual*. A Type 2 Tree Conservation Plan (TCP2-016-2023) was submitted for review that covers the area of this DSP.

Based on the TCP2 submitted with this application, the site's gross area is 18.69 acres, contains 5.53 acres of woodland in the net tract, and 0.28 acre of woodlands in the floodplain resulting in a woodland conservation threshold of 3.68 acres (20 percent). The woodland conservation worksheet proposed the removal of 0.62 acre in the net tract area for a woodland conservation requirement of 3.83 acres. According to the worksheet, the requirement is proposed to be met with 4.68 acres of woodland preservation and 0.44 acre of reforestation. Conditions are included herein requiring the applicant to make several technical revisions to the TCP2.

11. **Prince George's County Tree Canopy Coverage Ordinance:** The subject site is located in the Residential, Single-Family-95 (RSF-95) Zone, and a 15 percent tree canopy coverage (TCC) requirement applies, per Section 25-128(b) of the Prince George's County Code. This amounts to approximately 2.8 acres, or 122,120 square feet, to be provided in TCC. However, the applicant did not include the TCC schedule in the submittal. A condition has been included requiring the applicant to provide an appropriate schedule demonstrating conformance with the requirements.

12. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are incorporated herein by reference and main points are summarized, as follows:

- a. **Historic Preservation and Archeological Review**—The Planning Board has reviewed and adopts the memorandum dated May 15, 2023 (Stabler, Smith, and Chisholm to Huang), in which the following comments were offered:
- (1) The 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* contains goals and policies related to Historic Preservation (pages 287–296). However, these are not specific to the subject site or applicable to the proposed development.
 - (2) 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.
 - (3) The subject property is adjacent to Harmony Memorial Park (72-045), a County designated historic resource. The size of the resource and the location of the parts of the cemetery associated with the Columbian Harmony Cemetery are located away from the developing property, which will not impact any of these historic sites and resources or known archeological sites.

- b. **Community Planning**—The Planning Board has reviewed and adopts the memorandum dated June 2, 2023 (Nair to Huang), in which an evaluation of the application was provided stating that, pursuant to Subtitle 27, Part 3, Division 9, Subdivision 3, of the Prior Zoning Ordinance, master plan conformance is not required for this application.
- c. **Transportation Planning**—The Planning Board has reviewed and adopts the memorandum dated June 7, 2023 (Yang to Huang), in which the following comments were offered:

Master Plan Right-of-Way

The subject site is near Sheriff Road (C-405), a four-lane, bi-directional roadway, which has a ROW of 80 feet, established with MPOT, but does not have frontage along Sheriff Road. Based on the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* (Subregion 4 Master Plan and SMA), this roadway is at its ultimate build out.

Master Plan Pedestrian and Bike Facilities

This application is subject to the MPOT, which provides policy guidance regarding multimodal transportation. In addition, the Complete Streets element of the MPOT provides recommendations on how to accommodate infrastructure for people walking and bicycling.

Policy 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers. (page 9).

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. (page 10)

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. (page 10)

This development is also subject to the Subregion 4 Master Plan, which has similar compatible policies.

The above policies support a multimodal community. The latest DSP submission adequately shows pedestrian and bicycle improvements, consistent with the MPOT and the Subregion 4 Master Plan policies and recommendations.

- d. **Subdivision**—The Planning Board has reviewed and adopts the memorandum dated June 2, 2023 (Diaz-Campbell to Huang), in which an evaluation of the application was provided and offered the following comments:

The site is subject to PPS 4-21022 and the applicable conditions that affect this DSP were evaluated and discussed in Finding 9. In addition, the following comments were provided:

- (1) Approval of a final plat will be required following approval of this DSP amendment, before any permits can be approved.
- (2) Existing Parcel D is subject to four general notes, which are listed on the plat recorded in Plat Book MMB 234 page 83. These general notes, however, are not relevant to the proposed development. The final plat recorded following approval of this DSP amendment may have similar notes.
- (3) Pursuant to Section 24-4503(a)(1) of the Subdivision Regulations, the site received an automatic certificate of adequacy, which is valid for 12 years, until April 1, 2034, and subject to the expiration provisions of Section 24-4503(c). PPS 4-21022 is currently valid until March 24, 2024.
- (4) The proposed parcel is labeled as Parcel E on the site plan. The proposed parcel should have a numbered designation, instead of an alphabetical designation, to denote that it is a development parcel, in keeping with standard nomenclature.

- e. **Environmental Planning**—The Planning Board has reviewed and adopts the memorandum dated June 5, 2023 (Rea to Huang), which recommended approval of DSP-91071-03 and TCP2-016-2023, with conditions relating to the TCP2, as well as the following summarized comments:

Natural Resource Inventory

An approved Natural Resource Inventory (NRI-037-2008-02) was submitted with the application. The site contains 100-year floodplain, wetlands, streams, and steep slopes that comprise the primary management area. The NRI indicates the presence of two forest stands, labeled as Stand A and B, and 19 specimen trees were identified, with 4 trees off-site and 15 on-site. The TCP2 and DSP show all required information correctly, in conformance with the NRI. No additional information is required regarding the NRI.

Specimen Trees

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

In accordance with the approved NRI, 15 specimen trees have been identified on the subject property, and 4 specimen trees are located off-site. At the time of PPS 4-21022 review, the Planning Board made the finding for approval of the removal

of Specimen Trees 1 and 5. No additional trees were requested for removal with DSP-91071-03.

Soils

The predominant soils found to occur on-site, according to the U.S. Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, include Russett-Christiana-Urban land complex (0–5 percent slopes), and Christiana-Downer complex (5–40 percent slopes). According to available information, no Marlboro clay exists on-site; however, Christiana complexes are mapped on this property. Christiana complexes are considered unsafe soils that exhibit shrink/swell characteristics during rain events, which make it unstable for structures. According to Section 24-131, Unsafe Land, of the Prince George’s County Subdivision Regulations, the Planning Board shall restrict or prohibit land found to be unsafe for development because of natural conditions, such as unstable soils and high-water table.

As part of the DSP review process, a geotechnical report, dated December 13, 2021, from Geotechnical Laboratories, Inc., was submitted with the application. This report was reviewed by the staff geotechnical engineer, along with other requested information. The geotechnical engineer has confirmed that the proposed retaining wall ensures global stability and a safety factor higher than 1.5.

Stormwater Management

An approved SWM Concept Plan (16624-2009-02) was submitted with this application. The approved SWM concept plan shows the use of six bioretention facilities to meet the current requirements of environmental site design, to the maximum extent practicable. No further information is required regarding SWM with this application.

- f. **Permit Review**—The Planning Board has reviewed and adopts the memorandum dated June 9, 2023 (Bartlett to Huang), in which comments were provided on the ways of documenting the number of proposed residential units, if the proposed apartment building would be constructed in different phases, and clarification of the proposed one-bedroom units from studios.
- g. **Prince George’s County Department of Parks and Recreation (DPR)**—In an email dated June 5, 2023 (Thompson to Huang), DPR stated that the proposed private recreational facilities are satisfied. DPR encourages the provision of programmed activities for seniors within the residential development.
- h. **Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE)**—The Planning Board has reviewed and adopts the memorandum dated June 1, 2023 (Giles to Huang), in which DPIE offered the following comments on this development:

- (1) The applicant is to provide frontage improvements along Sheriff Road frontage per its status as a Collector roadway in the Master Plan. This includes, but is not limited to, extension of sidewalk to eastern terminus of the site, street trees, and street lighting.
 - (2) The master plan calls for a bike lane along Sheriff Road. The applicant is to provide a bike lane facility along Sheriff Road frontage.
 - (3) The applicant is to provide an ADA ramp with detectable warning surface for east side of easternmost driveway (driveway number 3).
- i. **Prince George's County Police Department**—The Police Department did not offer comments on this application.
- j. **Prince George's County Fire/EMS Department**—The Fire/EMS Department did not offer comments on this application.
- k. **Prince George's County Health Department**—The Health Department did not offer comments on this application.
- l. **Washington Suburban Sanitary Commission (WSSC)**—WSSC offered comments dated May 24, 2023, for the subject DSP, which indicated that public water and sewer facilities are available to serve the development.
- m. **Public Utilities**—The subject DSP application was referred to Verizon, the Potomac Electric Power Company, AT&T, and Washington Gas for review and comments on May 9, 2023. No correspondence regarding the subject application was received from these public utility companies.
13. **Community Feedback:** The Planning Board received an inquiry from Ms. Lisa Brooks, regarding the subject DSP, on May 19, 2023. After clarifying the exact location for the subject development, Ms. Brook's initial concern was resolved, and she did not have other questions or comments.
14. Based on the foregoing analysis, and as required by Section 27-285(b)(1) of the prior Zoning Ordinance, the DSP will, if approved with the proposed conditions below, represent a most reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the County Code, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.
15. As required by Section 27-285(b)(4) of the prior Zoning Ordinance, which became effective on September 1, 2010, a required finding for approval of a DSP is as follows:

(4) The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).

In a memorandum dated June 5, 2023 (Rea to Huang), it was noted that impacts to regulated environmental features (REF) on this DSP are consistent with those previously approved by the Planning Board with PPS 4-21022, and that the REF on the subject property have been preserved and/or restored, to the fullest extent possible, in accordance with the requirement of Section 27-285(b)(5).

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED Type 2 Tree Conservation Plan TCP2-016-2023, and further APPROVED Detailed Site Plan DSP-91071-03 for the above-described land, subject to the following conditions:

1. Prior to certification approval of this detailed site plan (DSP), the applicant shall:
 - a. Revise the label for proposed Parcel E to proposed Parcel 1.
 - b. Show the 10-foot-wide public utility easement along Hunt Avenue on Sheets DSP-4, DSP-7, and DSP-10, in accordance with the approved preliminary plan of subdivision.
 - c. Revise the Detailed Site Development Notes on the coversheet (Sheet DSP-1), as follows:
 - (1) In Note 5, provide a breakdown of the existing uses on the site, consistent with the total 128,112 square feet of institutional development determined to be on-site at the time of Preliminary Plan of Subdivision 4-21022.
 - (2) In Note 6, revise "Elderly Housing Project" to "Apartment housing for elderly or handicapped families in a building other than a surplus public-school building." Remove "Institutional (church, daycare & private school)" from this note, since they are existing uses.
 - (3) In Note 8, update the building coverage to be 156,659 square feet (existing buildings: 128,112 square feet and proposed apartment: 28,547 square feet).
 - (4) In Note 8, revise the minimum requirement for lot frontage to 150 feet, per Section 27-442 (d) of the prior Prince George's County Zoning Ordinance. Add the linear feet of the frontage of the subject site to the plan.
 - d. Revise the gross floor area of the existing church and gymnasium labeled on all sheets, in accordance with Preliminary Plan of Subdivision 4-21022. On all sheets, replace "proposed" with "existing" for the church and gymnasium.

- e. Clarify the total number of regular parking spaces for the apartment building. If some of these spaces will be dedicated to the users of the church, add a hatch symbol for those spaces on the plan, indicating such dedication.
- f. Revise the recreational amenities, as follows:
 - (1) Update the total value of the proposed on-site recreational facilities on Sheet DSP-1, including the quantity and value of pathway benches, as well as the size of the indoor recreational facilities.
 - (2) Add a note below the table, stating that all facilities shall be constructed, prior to issuance of the final certificate of occupancy for the residential building.
 - (3) Provide a breakdown list of amenities to be included in the lounge, the game room, the fitness room, the yoga room, and the community café on Sheet DSP-1.
 - (4) Remove the construction cost of the indoor recreational facilities from the amenity list on Sheet DSP-1.
 - (5) Remove the bike storage from the amenity list on Sheet DSP-1.
 - (6) Provide a large-scale plan of the outdoor recreational area that clearly shows the connection between the walking path and the gazebo, the dog run, and the community garden, and its material and dimensions.
 - (7) Details regarding the gazebo, the dog run, and the community garden shall be added to the plans, such as dimensions and size, gate details, if the vegetable planting area in the community garden would be raised-bed or in-ground, and any structures proposed to be installed within.
 - (8) Seating shall be installed within the gazebo. Add seating details to the plans and its value to the amenity list on the coversheet (DSP-1).
- g. Revise the lighting, as follows:
 - (1) Relocate the lighting fixture (A-1) in the outdoor recreational area to prevent light spillover onto the adjoining residential property.
 - (2) Revise the photometric plan to cover the entry point, the driveway, and the sidewalk for the proposed apartment, to ensure adequate lighting for site access. Label the lighting fixtures along the driveway on the plan.

- h. Add a Tree Canopy Coverage schedule to the landscape plan, demonstrating conformance with the requirements in Section 25-128(b) of the Prince George's County Code.
 - i. Provide a site circulation plan to show how vehicles, bicycles, and pedestrians enter and exit the site.
- 2. Prior to certification, the applicant shall revise the landscape plan, as follows:
 - a. Confirm the green area provided on the subject property.
 - b. Revise the landscape plan to meet the requirements of Section 4.1 of the 2010 *Prince George's County Landscape Manual*, for the entirety of the green area on the subject property.
 - c. Provide a certificate of landscape maintenance on the landscape plan for the entire subject property, to ensure the existing landscaping is in compliance with the previously approved landscape plans. If plants are missing, they must be shown as proposed with this landscape plan.
 - d. Per Section 4.2(c)(3)(ii) of the 2010 *Prince George's County Landscape Manual*, one shade tree and five shrubs shall be provided for every 35 linear feet of frontage. Add one additional shade tree to Schedule 4.2-1 and label it on the plan.
 - e. Revise Schedule 4.3-2, regarding the provision of a planting island and square footage of the parking area.
 - f. On Sheet DSP-17, revise "Sustainable Landscape Requirements for Section 4.9-1" to "Residential Requirements for Multifamily for Section 4.1-4."
- 3. Prior to certification, the applicant shall revise the west elevation of the building to reflect access to the utility service room located at the north end of the building.
- 4. Prior to signature approval of the detailed site plan, the Type 2 tree conservation plan shall be revised, as follows:
 - a. Update the worksheet to use the current version.
 - b. Remove previous approvals from the approval block.
 - c. Have the plans signed and dated by the qualified professional who prepared them.
- 5. Prior to certification of the Type 2 tree conservation plan (TCP2) for this site, documents for the required woodland conservation easements shall be prepared and submitted to the Environmental Planning Section for review by the Office of Law, and submitted to the Prince George's County

Land Records for recordation. The following note shall be added to the standard TCP2 notes on the plan, as follows:

“Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded in the Prince George’s County Land Records at Liber _____ folio _____. Revisions to this TCP2 may require a revision to the recorded easement.”


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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Geraldo, and Shapiro voting in favor of the motion, and with Commissioner Doerner absent at its regular meeting held on Thursday, July 6, 2023, in Upper Marlboro, Maryland.

Adopted by the Prince George’s County Planning Board this 27th day of July 2023.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:TH:jah

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: July 25, 2023