

STATEMENT OF JUSTIFICATION IN SUPPORT OF
MODIFICATION TO WOODLAND CONSERVATION PRIORITIES
GREENBELT SQUARE
OCTOBER 3, 2022

1.0 INTRODUCTION/OVERVIEW/ORIENTATION

On behalf of the Applicant, Armory Place, LLC, please accept this Statement of Justification addressing compliance with the Woodland Conservation Priorities set forth in Section 25-122(c)(1) of the County Code for Detailed Site Plan (DSP) DSP-22023. The property which is the subject the referenced DSP application (the “Subject Property”) is 4.5-acre parcel of land more particularly described as Parcel “G” on a plat of subdivision entitled “Charlestowne Village”, as per plat thereof recorded among the Land Records of Prince George’s County, Maryland in Plat Book REP 205 at Plat No. 91. This plat was recorded in April 2005. The Applicant acquired the Subject Property in 2005 and has pursued several development proposals for the property, including the construction of a 90-unit apartment building pursuant to DSP-05060. That project did not proceed due to the Great Recession. DSP-22023 is being filed for the purpose of constructing a development apartment housing for the elderly, consisting of four multifamily apartment buildings containing 95 units. Although currently zoned RMF-20, the property is being developed under the provisions of the prior R-18 zone.

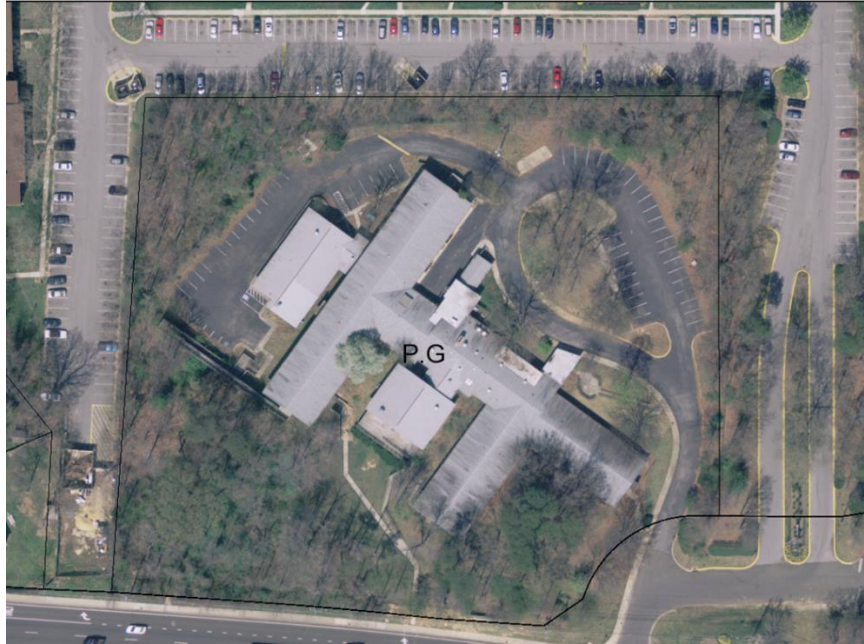
The Subject Property bears a street address of 7010 Greenbelt Road, Greenbelt, Maryland. The Subject Property is located on the north side of Greenbelt Road within the municipal boundaries of the City of Greenbelt. It is located approximately 150 feet east of the intersection of Greenbelt Road and Lakecrest Drive. The Subject Property is abutted on the east, north and south by the University Square Apartments, also zoned RMF-20 (formerly R-18). To the south, across Greenbelt Road, is the Holy Cross Lutheran Church in the R-R Zone. Greenbelt Road is classified as an arterial roadway by the Master Plan of Transportation. Access to the Subject Property is provided from a service road which

also provides access to the University Square Apartments and the former National Guard Armory. A median break exists on Greenbelt Road at this service road.

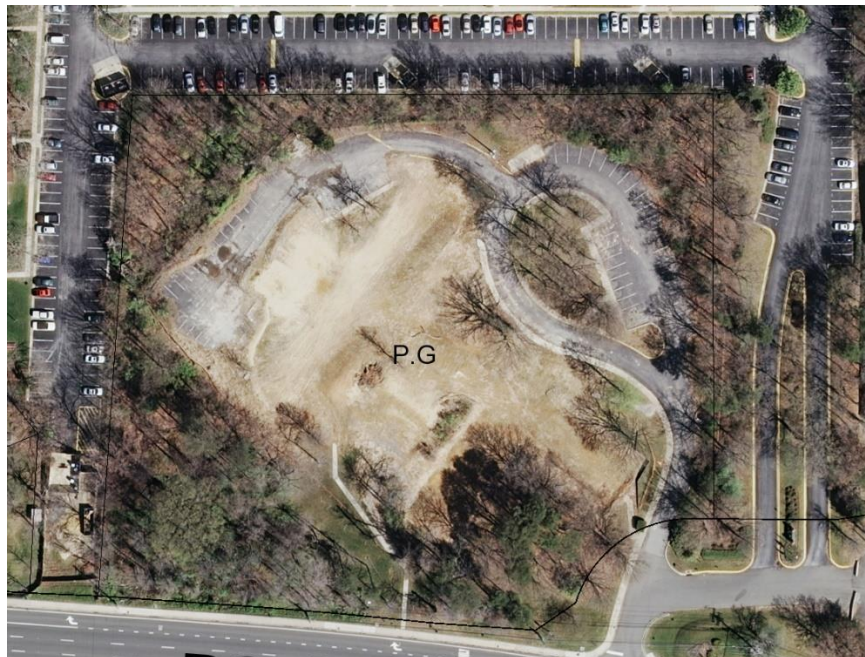
II. NATURE OF REQUEST

As noted above, the Applicant proposes to construct four multifamily buildings; three of the buildings will contain 24 dwelling units and the fourth building will contain 23 dwelling units plus a community meeting space, for a total of 95 units. In order to develop the property, the existing woodland on site is proposed to be cleared. Section 25-122(c)(1) of the establishes priorities for how the WCO is satisfied. On-site preservation and/or afforestation is preferred to off-site preservation/afforestation. This application includes a request to satisfy the 1.93 acre woodland conservation requirement with 1.11 acres of off-site preservation in an approved woodland conservation bank (25-122(c)(1)(H)) and .7 acres of on-site landscaping using native species of field grown nursery stock (25-122(c)(1)(K)).

Before addressing the applicable statutory provisions, the development history and condition of the Subject Property must be discussed, as the Subject Property, and the request to satisfy the WCO requirements off site, is unique. The Subject Property was previously developed with a former nursing home constructed in the late 1960's pursuant to a special exception. The building was designed for a specific use and was unusually shaped. The Subject Property was graded at that time to accommodate this unusual shape, and over time, landscape plantings and woodlands grew around the prior building's footprint. As noted in the Forest Stand Delineation prepared for this project, the single stand of woodlands—which wraps around the building from the Greenbelt Road frontage along the western side of the former building, now covers approximately .93 acres of the Subject Property. The unusual shape of the building and the woodlands that established around the building can be seen on the 2007 aerial photograph shown below:



The former nursing home still existed when the current owner purchased it, but it was vacant and in dilapidated condition. At the request of the City of Greenbelt, the Applicant razed the building in 2009. The raze permit only authorized the removal of the structure. The parking lots, driveways, curb, gutter and sidewalks originally constructed still exist on the Subject Property, as reflected on the 2009 aerial photo below taken shortly after the building was removed:

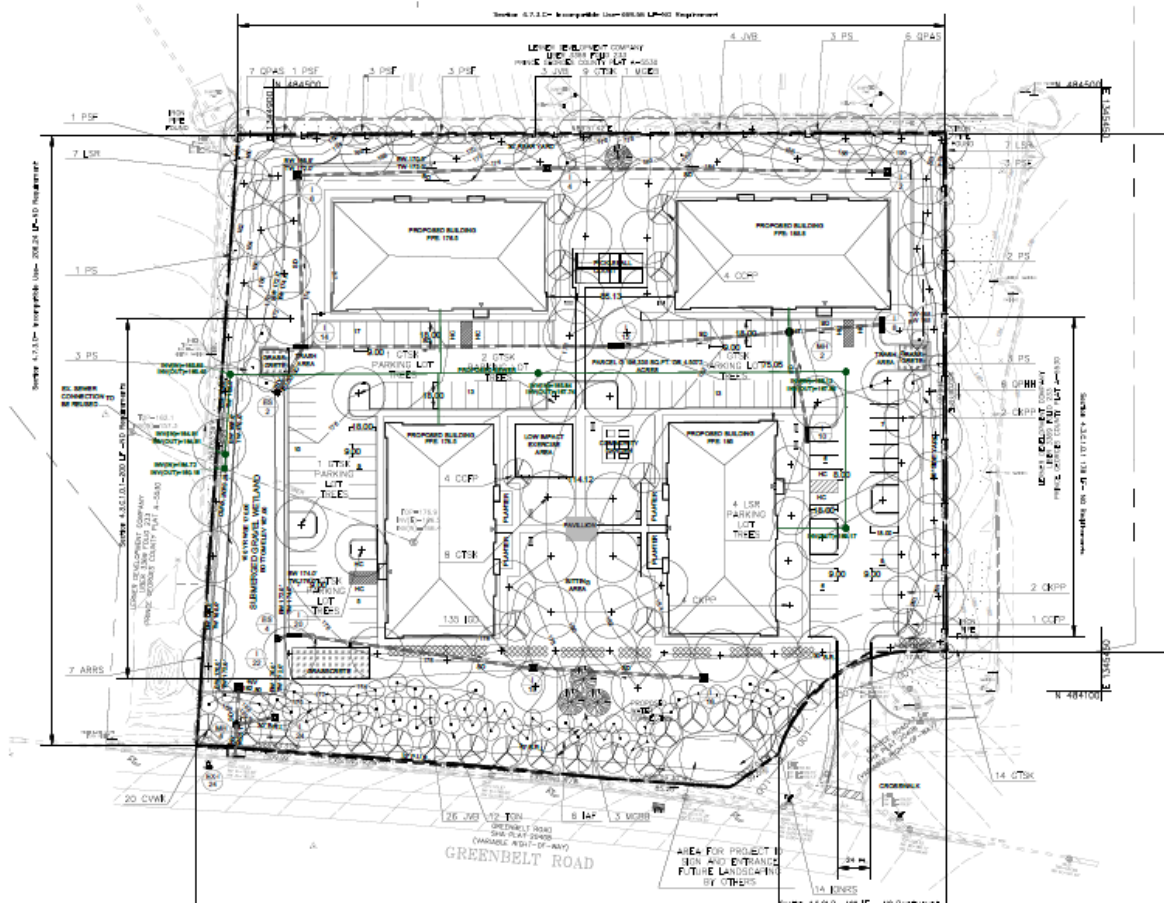


Since the removal of the building did not alter the topography of the land around the building, any redevelopment of the property will require grading to accommodate a new use. The redevelopment of the Subject Property must also account for the existing topography, which is steep. The site falls approximately 35 feet from its eastern boundary where the existing access driveway is located to its northwest corner. This access location cannot be changed, and the driveway which served the prior development will be retained to serve the proposed development. No alternate access which would better accommodate the topography is possible as Greenbelt Road is an arterial road and the surrounding paved parking lots and driveways are privately owned.

The grading of the site to remove the remaining infrastructure and to adjust the site grades to accommodate the redevelopment will require removal of the existing woodlands. As noted in the Forest Stand Delineation, the forest stand that remains contains mixed hardwoods but is both a low priority for preservation and a low priority for restoration. One of the reasons for this is that the Subject Property is totally isolated, being surrounded on three sides by driveways and parking lots serving the abutting apartment complex and on the fourth side by Greenbelt Road, an arterial roadway. Thus, the woodland stand on the property does not connect to any wildlife or woodland corridor.

While the redevelopment of the site will result in the removal of the existing woodlands, new landscape plantings will be installed. The four buildings are proposed to be setback a substantial distance from Greenbelt Road and the area between the road and the buildings will be heavily landscaped with 100% native species consistent with Section 25-122(c)(1)(K). These plantings will essentially replace the function of the existing trees, which grew around the prior building. A total of .7 acres of on-site landscape credits are proposed for the new plantings, with the remainder of the woodland conservation satisfied off-site. The Applicant submits that the reestablishment of a heavily landscaped area of native species will allow for the selection of the most appropriate species to

reestablish the buffer that currently exists. The proposed landscaping can be seen on the Landscape Plan submitted with the Detailed Site Plan and is reproduced below:



The remainder of the woodland conservation requirement will be satisfied off-site at an approved woodland conservation bank in accordance with Section 25-122(c)(1)(H).

III. APPLICABLE STATUTORY PROVISIONS

The Woodland and Wildlife Habitat Conservation Ordinance (WCO), Section 25, Division 2, Sec. 25-122 contains methods for meeting the Woodland and Wildlife Conservation Requirements. Sec. 25-122(a)(1) provides, generally, that “Woodland conservation shall be designed as stated in this Division unless a variance is approved by the approving authority for the associated case.” Section 25-122(c)(1) of the establishes priorities for how the WCO is satisfied. On-site preservation and/or afforestation is preferred to off-site preservation/afforestation. This application includes a request to satisfy the WCO

requirements with a combination of on-site landscape credits and off-site woodland conservation, as described above.

The Applicant submits that the development history of the Subject Property, the need to still remove remnants of the prior improvements, the need to address the existing topography and the nature of the proposed development present unique circumstances that support a modification to the priorities for satisfying the WCO requirements. While this history does not create the need for the modification, it places in context the existing condition of the Subject Property which the Applicant must address with any new development. Section 25-119(d) of the Prince George's County Code sets for the criteria for modifying the requirements of the WCO, where, owing to special features of the site or other circumstances, implementation of this subtitle would result in unwarranted hardship to an applicant. In evaluating the request for a modification, each of the required findings, set forth below, must be addressed:

- a. Describe the special conditions peculiar to the property which would cause unwarranted hardship;**

COMMENT: As noted above, there are special conditions peculiar to the Subject Property that would result in an unwarranted hardship if the variance were not approved. The existing woodlands on the Subject Property grew around the original structure was built. The original structure was a designed for a specific use. The topography of the property was only altered to accommodate the unique, original structure such that the entire property was not placed on a consistent, level grade at that time. The proposed development cannot be constructed within the footprint of the original structure. Grading of the property must occur to allow the proposed use. Another special condition peculiar to the property and the request to modify the order of priorities for woodland conservation methods is that to on-site preservation and afforestation priorities Section 25-122(c)(1)(A)(B)(C) and (E) are focused on preserving or establishing **connected** woodland and wildlife habitat areas or connected planting areas. As noted above and as can be seen on the aerial photos, the woodlands on-site are completely isolated, and preservation of these woodlands does not connect to an adjacent woodland or wildlife habitat area. On-site landscaping

using native species is one of the priorities and the applicant is proposing to utilize that option. Even though this is a lower priority than satisfying all of the requirements off-site in a woodland conservation bank, such on-site planting replaces the function of the trees to be removed and provides a substantial visual buffer along Greenbelt Road. Further, to the extent that the other higher priorities are intended to extent or enhance a connection to existing woodlands, the unique nature of the subject property frustrates that goal. Requiring on-site preservation of the existing trees would prevent the grading of the property needed to accommodate the proposed use and prevent the development from occurring. This would cause unwarranted hardship on the property owner. Requiring all 1.93 acres of woodland conservation on site, even through afforestation, would occupy 40 percent of the entire property, not providing sufficient area for the proposed development. Even if all the woodland preservation or afforestation occurred on-site, it would not be connected to any other woodland or wildlife habitat area.

- b. **Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;**

COMMENT: If other properties were subject to the same site constraints, the same considerations would be provided during the review of the requested modification. As described above, the circumstances impacting the development of the Subject Property are unique and prevent the WCO requirements to be fully met on site. As such, these unique impacts would not impact other properties. Thus, if the Applicant is forbidden from removing the existing trees, or to meet all of the requirements on site, it would be deprived of utilizing its property in a manner commonly enjoyed by other owners of similarly zoned property.

- c. **Describe how granting the variance will not confer a special privilege that would be denied to other applicants;**

COMMENT: The applicant in this case is not seeking a special privilege. Rather, the applicant is merely attempting to redevelop property in accordance with the underlying zone. Use of the property should not be dictated by where a building constructed 50 years ago was situated, allowing trees to grow around it.

The site presents unique challenges which the applicant is attempting to address in an appropriate manner—replanting native species on site using field grown nursery stock in accordance with one of the priorities which is sensitive to the environment. Any other applicant facing the same site constraints would seek, and be entitled to, the same variance. Thus, the granting of this variance will allow the project to be developed in a functional and efficient manner and would not provide a special benefit or privilege which would be denied to other applicants.

- d. Describe how the variance is not based on circumstances which are the result of actions by the applicant;**

COMMENT: This request is not based on conditions or circumstances which are the result of actions by the applicant. The prior approvals and prior development activity long precede the Applicant's involvement in the Subject Property. The requirements of the zone that must be met to develop the subject property are not the result of any actions by the Applicant. The applicant seeks to respond to the existing conditions in a balanced manner.

- e. Verify that the variance does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and**

COMMENT: As discussed above, the existing condition of the Subject Property was the result of a prior development on the Subject Property—it was not a result of a condition on a neighboring property. All the conditions that constitute the need for the requested variance are on site to the Subject Property.

- f. Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance.**

COMMENT: The Subject Property will be constructed in accordance with current stormwater management regulation and the approval of the requested modification will not violate water quality standards.

IV. CONCLUSION

In view of all the above, the Applicant submits that this variance request meets and satisfies all relevant criteria set forth in Section 25-119(d). Further, the Applicant submits that failure to approve and grant

the modification as requested in this instance would in fact result in an unwarranted hardship to the applicant.

Respectfully submitted,



Thomas H. Haller
GIBBS AND HALLER
1300 Caraway Court, Suite 102
Largo, Maryland 20774
(301) 306-0033