

Case No. DSP-06088/01 Stratford Estates
Section 2

Applicant: Dan Ryan Builders Mid-Atlantic, Inc.

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

ORDER AFFIRMING PLANNING BOARD DECISION,
WITH CONDITIONS

IT IS HEREBY ORDERED, after review of the administrative record, that the decision of the Planning Board in PGCPB No. 13-124, to approve with conditions a detailed site plan as required by Condition 2 of the approval of Preliminary Plan of Subdivision 4-04050, as reflected in PGCPB Resolution No. 04-182, to mitigate impacts on the adjacent historic properties and the primary management area, located on the eastern side of Old Crain Highway, approximately 1,000 feet north of its intersection of Marlboro Pike, in Planning Area 79, Council District 6, and the Rural Tier, is:

AFFIRMED, subject to the District Council's original jurisdiction pursuant to §27-132(f)(1) of the Zoning Ordinance and its authority to modify the decision of the Planning Board pursuant to 27-290(d) of the Zoning Ordinance.¹

¹ The Prince George's County Code, Subtitle 27, Zoning Ordinance, (2011 ed., as amended) will be referred to hereinafter as "§27- ____."

See §27-141 (...The Council may take judicial notice of any evidence contained in the record of any earlier phase of the approval process relating to all or a portion of the same property, including the approval of a preliminary plat of subdivision.). *See also* RULES OF PROCEDURE FOR THE PRINCE GEORGE'S COUNTY DISTRICT COUNCIL (Adopted by CR-5-1993 and Amended by CR-2-1994, CR-2-1995 and CR-74-1995).

Rule 6: Oral Argument and Evidentiary Hearings:

(f) The District Council may take administrative notice of facts of general knowledge, technical or scientific facts, laws, ordinances and regulations. It shall give effect to the rules of privileges recognized by law. The District Council may exclude incompetent, irrelevant, immaterial or unduly repetitious evidence.

As the basis for this action, the District Council, pursuant to §27-132(f)(1) and §27-290 of the Zoning Ordinance, adopts and incorporates the findings and conclusions of the Planning Board in its Resolution, PGCPB No. 13-124, except as otherwise stated herein.

Procedural History

On October 10, 2013, Technical Staff of the Planning Board recommended approval of DSP-06088-01 with conditions to the Planning Board. *See* Technical Staff Report, October 10, 2013.

On October 24, 2013, the Planning Board considered evidence at a public hearing regarding DSP-06088-01. *See* (10/24/2013 Tr.)

On November, 14, 2013, the Planning Board adopted Resolution 13-124, which approved DSP-06088-01 subject to conditions. *See* PGCPB 13-124.

On January 13, 2014, the District Council, pursuant to §27-290, elected to review DSP-06088-01.

On January 24, 2014, the Clerk of the Council, pursuant to §27-125.04, and §27-290, sent notice of scheduled oral argument on February 24, 2014, to all persons of record.

On February 24, 2014, the District Council, pursuant to §27-132 and §27-290, and the District Council Rules of Procedure, held oral arguments, and took this matter under advisement.

On March 18, 2014, the District Council, pursuant to §27-132 and §27-290, referred this matter to staff for the preparation of a document of approval with conditions.

Findings and Conclusions

This is a request to revise the architectural elevations of approved DSP-06088. The approved DSP was required by Condition 2 of the approval of Preliminary Plan of Subdivision

4-04050, as reflected in PGCPB Resolution No. 04-182, to mitigate impacts on the adjacent historic properties and the primary management area. Condition 2 provides as follows:

Prior to the issuance of permits, the applicant, his heirs, successors, and/or assignees shall obtain approval from the Planning Board or its designee for a limited detailed site plan to address the following:

a. To provide a D Bufferyard along the extent of any shared property boundary with the adjacent Historic Site (Wyvill House 79-63-50 as required by the Prince George's County *Landscape Manual*, or obtain approval of another buffering scheme through the Alternative Compliance process. Where necessary, any existing vegetation shall be augmented with additional plantings (a naturalized mix of evergreen and deciduous trees) to provide additional screening of the views from the adjacent Historic Sites.

b. To conduct balloon test or other viewshed analysis to determine the extent that the developing lots that will be visible from the adjacent or nearby Historic Sites. This review shall focus on the architectural character of the proposed houses including, but not limited to, the height, slope and character of roofs, the proposed materials and colors of roofs, proposed materials for visible building elevations, the organization, architectural character and decorative treatment of visible building elevations including the character and location of windows, doors, decks, chimneys and other architectural features, and the character of landscaping and site improvements.

c. To further minimize impacts on the PMA.

See PGCPB Resolution No. 04-182, at 2, Applicant's Statement of Justification, June 4, 2013.

The development summary of subject property is as follows:

	Approved	Approved
Zone	O-S	O-S
Uses	Single-family detached	Single-family detached
Acreage (in the subject DSP)	11.82	11.82
Single-family detached units	4	4

The subject project is located on the eastern side of Old Crain Highway, approximately 1,000 feet north of its intersection of Marlboro Pike, in Planning Area 79, Council District 6, and the Rural Tier. See PGCPB No. 13-124, at 1. The subject application is a limited detailed site plan

for four building lots within the Stratford Estates Subdivision, Lots, 1, 2, 19 and 20. These lots are south of and adjacent to two Prince George's County Historic Sites, the Wyvill House/Linden Hill (Historic Site #79-063-50), 4102 Old Crain Highway, and the Bowling-Buck House (Ruins) and Outbuildings (Historic Site 79-063-07), 4106 Old Crain Highway. A third property, across Old Crain Highway to the west and within view of the subject property, is Bleak Hill (Historic Site 79-063-06). A fourth Historic Site, Gregor Hall (Historic Site 79-063-12) is located north of the Wyvill House on the east side of Old Crain Highway, partially within sight of the developing property. All four historic sites and the subject property were once part of the antebellum Bleak Hill plantation operated by members of the Hill family. *See* Historic Preservation Memorandum, September 20, 2013.

The Wyvill House/Linden Hill is a two-and-one-story frame gable-roofed dwelling from the late-nineteenth-century built in the Victorian vernacular style. The house stands on a knoll facing Old Crain Highway and is surrounded by a 16.8541-acre property that contains a number of agricultural outbuildings, including an old pump house/storage building, a meathouse; and several twentieth-century barns and garages. The Wyvill House, also known as Linden Hill, is one of several houses in the Upper Marlboro vicinity built by members of the Wyvill family, once locally prominent carpenters and builders. The house was built in 1889 by John C. Wyvill for Catherine S. Hill on her allotment from her father's Bleak Hill Estate. The Wyvill House stands just east of Bleak Hill and is a substantial example of Victorian vernacular architecture. As originally configured, the Wyvill House incorporated the nearly symmetrical floor plan typical of early nineteenth-century local houses with the decorative treatments of the popular late nineteenth-century style known as Queen Anne. In the late 1920s, Catherine Hill sold her house and a portion of her allotment to Samuel Wyvill, the grandson of the man who built her house.

Ensuing generations of Wyvills made alterations to the house and in the 1940s planted a line of linden trees along the entrance drive of the property they called “Linden Hill”. The house remains in the hands of members of the Wyvill family. *Id.*

Adjacent to the Wyvill House to the east is the site of the Bowling-Buck House, a two-story frame house built between 1896 and 1906 by John Dominick Bowling on another portion of the Bleak Hill Estate. The house, situated on a high hill, enjoyed a commanding view of its 58.71-acre parcel that also includes two large twentieth-century gambrel-roof barns and a number of domestic outbuildings near the main house. In June 2004, the Environmental Setting of the Bowling-Buck House was reduced to 3.2 acres by the Historic Preservation Commission. In January 2006, the main house was destroyed by fire, although the outbuildings remain. *Id.*

The subject property is within the viewshed of a third historic property, Bleak Hill (Historic Site 79-063-06). Bleak Hill, built in 1852, is a large, two-story, side-gabled frame plantation house with a bracketed cornice and a small kitchen wing. The house is significant both for its size and its prominent siting on a hill looking toward the Patuxent River. Bleak Hill was built for Richard Smith Hill on his portion of the Hill family’s Woodland acreage. The house was built as the centerpiece of a 715-acre plantation and is one of four historic Hill family properties in the area. From the early eighteenth through the late nineteenth century, the Hill family’s landholdings included virtually all of the land between the Patuxent River to the east and the county seat of Upper Marlboro to the west. Bleak Hill, with its irregular Georgian interior plan and fine decorative detail, is significant as an outstanding example of ante-bellum Greek Revival-style architecture. *Id.*

All three historic resources and the subject property are within the Woodland Survey Area, a National Register-eligible area of approximately 1,325 acres between U.S. Route 301

and the Patuxent River along a two-and-one-half mile portion of Old Crain Highway and Marlboro Pike east of Upper Marlboro. The area consists of rolling farmland, both wooded and cultivated, that is watered by several minor tributaries of the Patuxent. The building stock includes approximately 130 structures that range in date from 1780 to the present. The buildings and landforms of the Woodland Survey Area are closely associated with the nearby Patuxent River to the east and with one of the earliest roadways in Prince George's County. *Id.*

The four lots that are the subject of this approval are located at the front of the subdivision. Two lots flank the entrance into the subdivision and the other two lots are just to the east. The units on the two lots flanking the entrance at the intersection of Old Crain Highway and Stratford Estates Drive are set at a slightly skewed angle to present the front facade of the units toward the entrance into the subdivision. The two lots just to the east accommodate two additional units, one on the northern side of Stratford Estates Drive directly fronting on the street and the other one on the southern side of Stratford Estates Drive sitting at an angle. The last unit fronts on an intersection formed by a cul-de-sac that extends to the south. Extensive buffering is provided along Old Crain Highway and a portion of the adjacent northern boundary (pursuant to Section 4.7 of the 2010 *Prince George's County Landscape Manual*) where the subject site abuts historic properties.

The subject property is zoned open space. *See* PGCPB No. 13-124, 1. The purposes of the O-S Zone are to provide for low density and development intensity as indicated on the General or Area Master Plans; and to provide for areas which are to be devoted to uses which preserve the County's ecological balance and heritage, while providing for the appropriate use and enjoyment of natural resources. The use of the O-S Zone is intended to promote the

economic use and conservation of agriculture, natural resources, residential estates, non-intensive recreational uses, and similar uses. *See* §27-425. O-S Zone (Open Space).

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 most 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 the economic reach of all County residents;
- (9) To encourage economic development activities that provides 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, 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.

See §27-102.

The detailed design of land development, as is the case here, significantly affects the health, safety, and welfare of the general public, and because regulation of land development through fixed standards can result in monotonous design and lower quality development, certain

types of land development are best regulated by a combination of development standards and a discretionary review of a Detailed Site Plan.

Some general purposes of a detailed site plan are to 1) provide for development in accordance with the principles for the orderly, planned, efficient and economical development contained in the General Plan, Master Plan, or other approved plan, 2) help fulfill the purposes of the zone in which the land is located, and 3) provide for development in accordance with the site design guidelines established in Division 9 (Site Plans) of the Zoning Ordinance.

The Court of Appeals of Maryland recently held that when statutes link planning and zoning, Master Plans are elevated to the level of true regulatory devices. *HNS Dev., LLC v. People's Counsel for Balt. County*, 425 Md. 436, 42 A.3d 12 (2012), affirming *HNS Development, LLC v. People's Counsel for Baltimore County, et al.*, 200 Md. App. 1, 24 A.3d 167 (2011), citing *Mayor & City Council of Rockville v. Rylyns Enters., Inc.*, 372 Md. 514, 814 A.2d 469, (2002). The Court also held that plans that did not conform to the Master Plan must be rejected, and nonconformance may serve as an independent basis of denial. *Id.*, citing *Maryland-National Capital Park & Planning Commission v. Greater Baden-Aquasco Citizens Association*, 412 Md. 73, 985 A.2d 1160 (2009), *Coffey v. Maryland-National Capital Park & Planning Commission*, 293 Md. 24, 441 A.2d 1041 (1982).

DSP-06088-01 is subject to the 2013 *Approved Subregion 6 Master Plan* (CR-82-2013). See PGCPB No. 13-124, 14-15, Community Planning Section Memorandum, September 13, 2013, 1-2. The purposes of the Subregion 6 Master Plan and sectional map amendment are:

- To implement the policies and recommendations contained in the 2002 Prince George's County Approved General Plan.
- To amend portions of the 1993 Approved Master Plan and Sectional Map Amendment for Subregion VI Study Area (Planning Areas 79, 82A, 82B, 86A, 86B, 87A and 87B), the 1994 Approved Master Plan and Sectional Map Amendment for Melwood Westphalia (Planning Areas 77 and 78),

and Planning Area 85B, which was previously included in the 1993 Approved Master Plan and Sectional Map Amendment for Subregion V.

- To analyze existing development and the current zoning pattern for consistency with the county's development policies.
- To amend the zoning map to implement the land use recommendations through a sectional map amendment.
- To set policies that will guide future development in the master plan area.

See 2013 Approved Subregion 6 Master Plan, at 5.

The master plan for Subregion 6 is the county's first plan to place a special focus on the General Plan's principle of sustainability. Specifically appropriate to this subregion is the goal to retain sustainable agricultural land. The area represents a special opportunity given its location and accessibility to the greater Washington metropolitan area since the vast majority of rural land in the county is still being used agriculturally. At the same time, one-third of the area has Developing Tier communities, more suburban in nature. The challenge of this master plan is to develop recommendations that strengthen the established communities and promote new development while at the same time preserving the more rural landscape. While a guiding principal of the General Plan, the concept of sustainability is both complex and difficult to implement.

The 2002 General Plan expanded on the 2000 Biennial Growth Policy Plan to set forth new goals, objectives, policies, and strategies for the county. This General Plan established three growth policy areas for the county: the Developed, Developing, and Rural Tiers that, in combination, designate areas of significant economic development, residential development, and preservation.

Subregion 6 contains parts of both the Developing Tier and the Rural Tier. The Developing Tier is envisioned as an area of low-to-moderate-density suburban residential communities, distinct commercial centers, and transit-serviceable employment areas. Growth

policies in the Developing Tier encourage compact residential neighborhood design and limit commercial uses to designated centers. The vision for the Rural Tier is protection of large amounts of land for agricultural pursuits and preservation of rural character and vistas, recreation, woodland, and wildlife habitat. Land recommended for the Rural Tier are intended to balance pressure for residential development and landowners' equity with the desire to maintain rural environments and character. To do this, policies have been created to encourage residential development at low densities in limited amounts to occur in ways that help preserve the features that contribute to rural character. *Id.* 5-6.

One of the General Plan objectives is to limit development annually in the Rural Tier to less than one percent of the dwelling unit growth in the county. This objective acknowledges that due to limited fiscal resources and the desire to revive the agricultural economy, residential growth should be directed away from the Rural Tier with its valuable agricultural and other natural resource lands. It also recognizes that public funds for additional public facilities should not be used to encourage further development in the Rural Tier.

In 2007 county legislation was passed to ensure that new subdivisions in the Rural Tier were designed to retain and enhance the rural character. As a result, conservation subdivisions (which were first recommended in the last Subregion 6 master plan) are now required for all development in the Rural Tier. Initial results of this program indicate that additional requirements may be necessary to achieve its objective.

Policy 6

Ensure that conservation subdivisions strengthen the rural character of the surrounding area.

Strategies

1. Strengthen the existing requirements for the preservation of open space in conservation subdivisions to include items such as existing or potential contiguity (with afforestation) to woodlands,

historic sites and their environmental settings, preservation of viewsheds, potential for protecting biodiversity and/or unique agricultural or environmental features.

2. Increase the percentage of open space requirement in conservation subdivisions within the PPA from 60 to 70 percent.

See 2013 Approved Subregion 6 Master Plan, at 54-55.

Regarding architecture, the Subregion 6 Master Plan indicates that a cohesive rural and agricultural setting remains in many of the communities in the Rural Tier. Collections of early-eighteenth to mid-twentieth-century vernacular dwellings, farmhouses, barns, smokehouses, and other associated outbuildings each represent the rural and agricultural foundation of the area. Weatherboard cladding, corrugated metal roofs, and concrete blocks commonly found on vernacular or common buildings within the area showcase readily available construction materials. Stylistically, the vernacular resources represent expressions of then-fashionable architectural styles such as Greek Revival, Italianate, Gothic Revival, Queen Anne, and Colonial Revival. *See 2013 Approved Subregion 6 Master Plan, at 16-17.*

Today, many portions of Subregion 6 remain rural with strong roots in its agricultural history. Historic landscapes and vernacular architecture represent the region's rural heritage through the presence of barns, outbuildings, woodlands, and scenic roads and vistas. Much of the area remains undeveloped, allowing for the preservation of farmsteads and the agricultural economy. Small villages, such as Aquasco, Croom, Naylor, and Eagle Harbor, and the vast array of historic resources retain their historic significance and importance to the region. *Id.*

While the older architecture is evident in a great portion of the subregion, there is also evidence of suburbanization which has occurred primarily in the middle to late twentieth century. The planned development of Marlton was envisioned as a complete community which provided for commercial and employment uses within the plan. In the latter quarter of the twentieth

century new housing developments have been built which are isolated and dependent on the automobile. *Id.*

In addition to our review and interpretation of the Subregion 6 Master Plan, we have carefully reviewed the testimony before the Planning Board with regards to architecture and building materials, (10/24/2013, Tr., 11-79), and compared same with those findings of the Historic Preservation Commission. *See* Historic Preservation Memorandum, September 20, 2013. We also reviewed the General Location Map (Slide 2 of 37), Site Vicinity Map (Slide 3 of 37), Zoning Map (Slide 4 of 37), Aerial Map (Slide 5 of 37), Site Map (Slide 6 of 37), Master Plan Right of Way Map (Slide 7 of 37), Bird's Eye View with Approximate Site Boundary Map (Slide 8 of 37), Rendered Landscape (Slide 9 of 37), Historic Site Map (Slide 10 of 37), Bowling-Buck House Site (Slide 11 of 37), Bowling-Buck House Ruins (Slides 12 & 13 of 37), Bleak Hill (Slide 14 of 37), Gregor Hall (Slide 15 of 37), Wyvill House (Linden Hill) (Slide 16 of 37), Proposed Architecture-Belmont II Elevation 6 (Slide 17 of 37), Belmont II Elevation 7 (Slide 18 of 37), Proposed Architecture- Belmont II (sides and rear) (Slide 19 of 37), Proposed Architecture-Biltmore II Elevation 3 (Slide 20 of 37), Proposed Architecture-Biltmore II (sides and rear) (Slide 21 of 37), Proposed Architecture-Long Branch Elevation 3 (Slide 22 of 37), Proposed Architecture-Long Branch II Elevation 6 (Slide 23 of 37), Proposed Architecture-Long Branch (sides and rear) (Slide 24 of 37), Proposed Architecture Rosecliff II Elevation 1 (Slide 25 of 37), Proposed Architecture-Rosecliff II (sides and rear) (Slide 26 of 37), Proposed Architecture-Vanderbilt II Elevation 9 (Slide 27 of 37), Proposed Architecture-Vanderbilt II (sides and rear) (Slide 28 of 37), Existing Houses in the Stratford Estates Subdivision (Lots 1-16100 Stratford Estates Dr., Lot 2-16200 Stratford Estates Dr., Lot 19-4301 Henley Ct., Lot 20-6101 Stratford Estates Dr.) (Slide 29 of 37), Existing House-Stratford Estates (Slide 30 of 37),

Existing House-Stratford Estates (Slide 31 of 37), Existing House-Stratford Estates (Slide 32 of 37), Existing House-Stratford Estates (Slide 33 of 37), Historic Viewshed Analysis (Slide 34 of 37), Historic Cross Section Analysis (35 of 37), Historic Cross Section Analysis (Slide 36 of 37), and TCP II (Slide 37 of 37).

Based on our analysis of the relevant portions of the record, we conclude that certain lots shall have brick foundations and chimneys to maintain a cohesive rural and agricultural setting in the Rural Tier. We are also persuaded by the comparative slides in the record that certain lots shall be sheathed entirely with cementitious siding of traditional character as Hardiplank and domestically-scaled common brick in a traditional red palette to conform to the character of the neighborhood. We also find that such architectural materials will promote economic development and preserve the historic landscapes and architecture in the region. *See* (10/24/2013, Tr., 11-79); Slides 1-37 of DSP-06088-01; and PGCPB Resolution No. 04-182, at 2.

Similarly, based on our analysis of the relevant portions of the record, we conclude that the square-footage of the proposed homes is smaller than the existing homes in the neighborhood despite varying lots from 2.1 acres to 3.6 acres in size. Although varying lot sizes are conditionally permitted in the O-S Zone, the proposed 2.1 acres to 3.6 acres are substantially smaller than the recommended *minimum* lot size of five (5) acres for areas designated in the Rural land use category. *See* PGCPB 04-182, at 14, Community Planning Section Memorandum, at 2. (Emphasis added). *See also* collectively Slides 1-37 and Planning Board Testimony (10/24/2013, Tr.). Because regulation of land development through fixed standards can result in monotonous design and lower quality development, certain types of land development are best regulated by a combination of development standards and a discretionary review of a Detailed

Site Plan. *See* §27-281. In order to harmonize the purpose of a detailed site plan and the intent of the O-S Zone, we find that certain architectural models to be utilized shall have a total above-ground finished area of no less than 4,500 square feet excluding the basement because it will 1) promote the economic use and conservation of residential estates of this particular neighborhood and 2) balance development pressures and landowners' equity with the desire to maintain rural environments and character. *See* §27-425. O-S Zone (Open Space). In our view, the increased square-footage will protect the integrity of the surrounding historic viewshed which consists of larger homes. *See* Proposed Architecture-Belmont II Elevation 6 (Slide 17 of 37), Belmont II Elevation 7 (Slide 18 of 37), Proposed Architecture- Belmont II (sides and rear) (Slide 19 of 37), Proposed Architecture-Biltmore II Elevation 3 (Slide 20 of 37), Proposed Architecture-Biltmore II (sides and rear) (Slide 21 of 37), Proposed Architecture-Long Branch Elevation 3 (Slide 22 of 37), Proposed Architecture-Long Branch II Elevation 6 (Slide 23 of 37), Proposed Architecture-Long Branch (sides and rear) (Slide 24 of 37), Proposed Architecture Rosecliff II Elevation 1 (Slide 25 of 37), Proposed Architecture-Rosecliff II (sides and rear) (Slide 26 of 37), Proposed Architecture-Vanderbilt II Elevation 9 (Slide 27 of 37), Proposed Architecture-Vanderbilt II (sides and rear) (Slide 28 of 37) in comparison to Existing Houses in the Stratford Estates Subdivision (Lots 1-16100 Stratford Estates Dr., Lot 2-16200 Stratford Estates Dr., Lot 19-4301 Henley Ct., Lot 20-6101 Stratford Estates Dr.) (Slide 29 of 37), Existing House-Stratford Estates (Slide 30 of 37), Existing House-Stratford Estates (Slide 31 of 37), Existing House-Stratford Estates (Slide 32 of 37), Existing House-Stratford Estates (Slide 33 of 37), Historic Viewshed Analysis (Slide 34 of 37), Historic Cross Section Analysis (35 of 37), Historic Cross Section Analysis (Slide 36 of 37), and TCP II (Slide 37 of 37).

We further find that an increase in square-footage of the homes proposed in DSP-06088-01 will protect and promote the health, safety, morals comfort, convenience, and welfare of the present and future inhabitants of the County. *See* §27-102. *See also* (10/24/2013, Tr.) (testimony regarding existing homes and size of proposed homes), and Slides 1-37 of DSP-06088-01. Likewise, an increase in square-footage for the proposed homes in DSP-06088-01 will adequately advance some general purposes of a detailed site plan which are to 1) provide for development in accordance with the principles for the orderly, planned, efficient and economical development contained in the General Plan, Master Plan, or other approved plan, 2) help fulfill the purposes of the zone in which the land is located, and 3) provide for development in accordance with the site design guidelines established in Division 9 (Site Plans) of the Zoning Ordinance. *Id.*

Finally, we conclude, for the reasons stated above, that architectural modifications to certain conditions of approval by Planning Board represents a reasonable alternative for satisfying the site guidelines of Subtitle 27, Part 3, Division 9, of the Zoning Ordinance without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

Affirmance of the Planning Board's decision is subject to the following conditions:

1. Prior to certificate approval of the plans, the following revisions shall be made to the plans or additional materials submitted:
 - a. The units on Lots 1, 2, 19, and 20 shall have brick foundations and chimneys (if the latter is selected as an option) and shall not utilize random ashlar, or finished or cultured stone on the elevations or foundations. Wherever possible, windows on all elevations including the side and rear elevations shall be framed by shutters to enhance the elevations and provide additional detailing. The units on Lots 1 and 20 shall be sheathed entirely with cementitious siding of traditional character such as Hardiplank (smooth finish). The units on Lots 2 and 19 shall be sheathed entirely in domestically-scaled common brick in a traditional red palette, as specified in Condition 1(g).
 - b. Whenever possible, the windows on all elevations shall be framed with decorative shutters of traditional design and appropriate scale. For any house on Lots 1, 2, 19, and 20, shutter colors shall be limited to black, dark green, or dark red, and only one shutter color shall be used per house.
 - c. The foundations for all elevations for houses on Lots, 1, 2, 19, and 20 shall be sheathed with domestically-scaled common brick in a traditional red palette.
 - d. All optional fireplaces, regardless of the elevation on which they are located, shall be finished with masonry-faced chimneys constructed of domestically-scaled common brick in a traditional red palette. The chimneys shall be constructed of the same brick used elsewhere on the house and only one brick type and color shall be used per house.
 - e. No hip-roof elevation options shall be used for houses built on Lots 1, 2, 19, and 20. All main block and secondary block roofs shall be side-gabled or front- and side-gabled. Hip-roof forms shall be limited to optional one-story additions or projecting window bay options only. Roofs shall be covered only with asphalt architectural-grade shingles in a traditional dark color. If any metal roofing is used for secondary roofs or minor features, it should be detailed and finished in a traditional manner and employ a color to match the remainder of the roof or one from an approved list of materials.
 - f. For all building elevations for Lots 1, 2, 19, and 20, the scale and design of windows shall be compatible with the architectural character of the house. Traditional Colonial or Georgian revival-inspired models shall employ multi-light windows such as six-over-six, double-hung, sash windows. One-over-one, double-hung, sash windows shall not be used.

Large expanses of inoperable windows, such as picture windows or glass-block walls, shall not be used.

- g. The houses on Lots 1, 2, 19, and 20 shall be limited to the exterior materials listed below. No more than one material from each category below can be selected for each dwelling.

Masonry (brick only)

Boral *Abingdon Modular*

Boral *Craggy Mountain Modular*

General Shale Brick Annapolis

General Shale Brick Edenton

General Shale Brick Mill Brook

Roofing

Main Roofs

CertainTeed New Horizon Shingle Shadow Black

Secondary Roofs (optional)

Petersen Aluminum Pac-Clad Pre-finished galvanized steel and aluminum;

Hartford Green, Burgundy, Colonial Red, Weathered Zinc

Siding (Non-masonry)

Hardiplank Lap Siding-Smooth (8.25 inches with 7-inch exposure)

Artic White or

Light Mist

Harditrim Boards (1 inch Trim Boards-Smooth) *Artic White* or

Light Mist

Color Palettes (keyed to Siding Color)

Artic White (Hardiplank Smooth Lap Siding)

Shutters

Georgetown Green

Aspiration

Cobblestone Grey

Front Doors

Georgetown Green

Aspiration

Old Colonial Red

Trim Color (paint)

One Coat White

Light Mist (Hardiplank Smooth Lap Siding)

Shutters

Black
Carolina Slate

Front Doors

Old Colonial red
Black
Carolina Slate

Trim Color (paint)

One Coat White

Shutter Type

Two-panel Traditional Louvered

Garage Doors

Clopay Pro Series
Amar Garage Door—Chatham Series-Short Panel Closed with either a clear window (without grid) or Stockton (four-pane window) in White (only), with no external decorative hardware.

Panel Style

Short Traditional Panel (Model 1000)

Panel Color

White

Window Styles (windows required for all garage doors-top panel only)

Colonial 509
Charleston 508

- h. The following note shall be added to the general notes prior to signature approval of the plan:
 - “The subject property is located within the Joint Base Andrews Interim Land Use Control (ILUC) impact area. The property is within Imaginary Surface F. establishing a height limit of 500 feet about the runway surface. As the subject property is outside the 65 dBA noise contour, noise attenuation is not required. The property is not in an Accident Potential Zone, no controls on use or density are required.”
- i. The plans for the project shall be revised to clearly indicate and label the conservation easements as reflected on the record plat, and add Plat Notes 5, 6, and 7 to the general notes of the site plan.

- j. The plans for the project shall be revised to show attractive signage to be posted within the conservation easement indicating removal of vegetation is prohibited without the prior written consent from the M-NCPPC Planning Director or Designee. The removal of hazardous trees, limbs, branches or trunks is permitted.
 - k. Landscape plantings within the required D Bufferyard along the extent of any shared property boundary with the adjacent Historic Site (Wyvill House 79-63-50) shall be landscaped with plantings that are a fast-growing specie, limited in size to a range of 3/12 to 4 inches caliper.
 - l. The applicant shall include new or revised architectural models to be utilized on Lots 1, 2, 19, and 20 that shall have a total above-ground finished area of no less than 4,500 square feet, excluding the basement.
 - m. The Hallcrest and Harrison models by Winchester Homes shall be removed from the proposed templates on the coversheet.
 - n. The square footage of the homes shall be revised to indicate no less than 4,500 square feet of finished living area above-grade, or the units shall be eliminated from the architectural package. The templates of the unit footprints shall also be revised accordingly.
2. Site and Construction activities shall not occur on Sundays.

Ordered this 14th day of April, 2014, by the following vote:

In Favor: Council Members Campos, Davis, Franklin, Harrison, Lehman, Olson, Patterson, Toles and Turner.

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: _____
Mel Franklin, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council