



# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 15-100

File No. 4-15010

## RESOLUTION

WHEREAS, Klein Bellehaven, LLC is the owner of a 4.98-acre parcel of land known as Tax Map 60, Grid F-1 and is known as Parcel H, Block A, said property being in the 13th Election District of Prince George's County, Maryland, and being zoned Local Activity Center (L-A-C); and

WHEREAS, on July 1, 2015, Klein Bellehaven, LLC filed an application for approval of a Preliminary Plan of Subdivision for 65 lots and 10 Parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-15010 for Springdale Estates was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on September 24, 2015, for its review and action in accordance with the Land Use Article of the Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on September 24, 2015, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Type 1 Tree Conservation Plan (TCP1-060-96-02), and further APPROVED Preliminary Plan of Subdivision 4-15010, Springdale Estates, including a Variation from Section 24-128(b)(7)(A), and including a Variance to Section 25-122(b)(1)(G) for the removal of one specimen tree (ST-1), 65 lots and 10 parcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be revised to make the following technical corrections:
  - a. Remove the duplicate bearings and distances from the boundary of the property.
  - b. Remove the extra lot line from Lot 4.
  - c. Add the digital approval block to the plan.
  - d. Correct the "Parcel Area Summary" table to reflect the revised plan.
  - e. The Land Surveyor shall sign and seal the plan.

- f. The existing property description in General Note 1 should be corrected to add "Block A."
  - g. Add "and 10 Parcels" to General Note 4.
  - h. Add "CDP-9601, CDP-9601-01 and A-9775-01" to General Note 5.
  - i. Correct General Note 18 to read "Andrews, Interim Land Use Control: Yes, Imaginary Runway Surface, Height Zone F."
  - j. Correct General Note 24 to read "Mandatory Dedication Required: private on-site recreational facilities, and fee-in-lieu offset if required (see PPS Findings).
  - k. Remove "A, B and C" from the road sections, and label these sections as "Private Road and Alley Sections."
  - l. Add to the Alley Section the overall width of 22 feet.
  - m. The stormdrain layout on the PPS shall match the stormdrain layout on the TCP1.
  - n. Lot 36 is to include the portions of Parcel C to the north, and shall be lotted out to the property line.
  - o. Correct Note 35 to state that the list contains "Considerations" not "Conditions."
  - p. Add reference to "A-9775-01" and "CDP-9601-01" to General Note 11.
  - q. Remove sitting area from west side of Private Road 'B' and relabel tot-lot as "enhanced sitting area."
2. Prior to signature approval of the Preliminary Plan, the TCP1 shall be revised as follows:
- a. Add qualified professional certification block on Sheet 2.
  - b. Revise the woodland conservation worksheet to address the current shortage by providing sufficient off-site credits to meet the cumulative woodland conservation required.
  - c. Have the plan signed and dated by the qualified professional who prepared it.
3. Prior to preliminary plan approval, the following note shall be placed on the TCP1 which reflects this approval, directly under the woodland conservation worksheet:

"NOTE: This plan is in accordance with the following variance from the strict requirements of Subtitle 25 approved by the Planning Board on (ADD DATE):

The removal of one specimen trees (Section 25-122(b)(1)(G), ST-1, a 36-inch dbh circumference of the trunk of the tree, yellow poplar.”

4. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-022-05-02). The following note shall be placed on the Final Plat of Subdivision:

“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-060-96-02), or as modified by the Type 2 Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George’s County Planning Department.”
5. At the time of specific design plan (SDP), in conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), that applicant and the applicant’s heirs, successors and/or assignees shall provide the following:
  - a. Provide a standard sidewalk along the south side of Private Road ‘A.’
  - b. Provide a standard sidewalk along the entire east side of Private Road ‘B’ (including Lots 32–36).
  - c. Provide a sidewalk connection within Parcel H from Alley ‘C’ to Saint Josephs Drive, if determined desirable.
  - d. Provide road cross sections for the internal roads and the private alleys included on the subject site.
6. A substantial revision to the uses on the subject property that affects Subtitle 24 adequacy findings, as set forth in a resolution of approval, shall require the approval of a new preliminary plan of subdivision prior to the approval of any building permits.
7. Prior to approval of the final plat, the applicant and the applicant’s heirs, successors and/or assignees, shall demonstrate that a homeowners’ association (HOA) has been established. The draft covenants shall be submitted to the Development Review Division (DRD) to ensure the rights of M-NCPPC Planning Department are included. The liber and folio of the declaration of covenants shall be noted on the final plat prior to recordation.

8. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees, shall convey to the homeowners' association (HOA) land consistent with the approved preliminary plan of subdivision, and DSP. Land to be conveyed shall be subject to the following:
  - a. A copy of the recorded deed for the property to be conveyed shall be submitted to the Subdivision Review Section of the Development Review Division (DRD), Upper Marlboro.
  - b. All waste matter of any kind shall be removed from the property prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
  - c. The conveyed land shall not suffer the disposition of construction materials, soil filling, other than the placement of fill material associated with permitted grading operation that are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.
  - d. Any disturbance of land to be conveyed to a HOA shall be in accordance with an approved specific design plan. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls.
  - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a HOA. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD in accordance with the approved detailed site plan.
  - f. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
9. Prior to approval of final plat, the applicant and the applicant's heirs, successors and/or assignees, shall submit three (3) original Recreational Facilities Agreements (RFA) to DRD for construction of the private recreational trail on homeowners land, for approval prior to the submission of final plats. Upon approval by the Development Review Division (DRD) of the M-NCPPC Planning Department, the RFA shall be recorded among the County Land Records and the liber and folio indicated on the plat prior to recordation. The SDP shall establish appropriate triggers for construction of the recreational facilities as reflected on the SDP.
10. Development of this site shall be in conformance with the Stormwater Management Concept Plan, 6244-2008-01 and any subsequent revisions.
11. At the time of SDP, the applicant shall:

- a. Provide private on-site recreational facilities on Parcel C in accordance with Section 24-134 of the Subdivision Regulations. Minor lotting pattern adjustments may be necessary to accommodate the facility.
  - b. Revise grading abutting the rear of Lots 32–36 to provide a five-foot clear zone from the back of the lot lines to the retaining wall so that the HOA will be able to inspect and maintain the wall without having to access individual private lots.
  - c. Revise Lots 17–24 so they are not encumbered by a stormdrain easement.
12. At time of final plat, the applicant and the applicant's heirs, successors, and/or assignees, shall grant a ten-foot-wide public utility easement (PUE) along one side of private streets and along the public rights-of-way, as reflected on the approved PPS.
  13. Total development shall be limited to uses that would generate no more than 46 AM and 52 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
  14. Prior to approval of the final plat of subdivision, the applicant and the applicant's heirs, successors, and/or assignees shall pay a fee-in-lieu of parkland dedication for the proposed residential development, which may be offset in whole or in part by the cost of any private recreational facilities approved on the specific design plan.
  15. Development of this site shall be in conformance with Comprehensive Design Plan CDP-9601-01. If significant alteration to the design standards occur during the approval process that could affect the spacial relationship of the subdivision layout and design, a new PPS is required.
  16. At the time of review of the SDP and prior to approval, the applicant, and the applicant's heirs, successors and or assignees, shall demonstrate a good faith effort to enter into a dialogue with the Bellehaven Estates HOA to determine if a private trail connection between the two communities is desirable, and acceptable to the Bellehaven Estates HOA. The trail connection should be located in an agreed upon location and extend through the subject site to Saint Josephs Drive, if required.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject property is located on Tax Map 60 Grid F-1 and is known as Parcel H, Block A which is located in the southeast quadrant of the intersection of and Saint Josephs Drive and Ardwick-Ardmore Road as recorded in the Prince George's County Land Records in Plat Book VJ 181-23 on September 22, 1997, pursuant to the approval of Preliminary Plan of

Subdivision 4-96066 (PGCPB Resolution No. 96-386(A)). That PPS approval was for the development of 66.28 acres of land which included 233 lots and 12 parcels. Parcel H (4.98 acres) was approved under that PPS for the development of 50,000 square feet of commercial, being located in the Local Activity Center (L-A-C) Zone. The L-A-C Zone was established by Zoning Map Amendment A-9775.

Subsequent to that approval, the District Council approved an amendment to the Basic Plan (A-9775-01-C), Zoning Ordinance No. 6-2015, with conditions to replace the 50,000 square feet of commercial on Parcel H with residential at a density not to exceed 13 dwelling units per acre or a total of 65 townhouses on the 4.98 acres of land (Parcel H). Currently, a revision to the Comprehensive Design Plan CDP-9601 is in review with this PPS for the 65 townhouse units, with a density of 7.9 units per acre for a total of 288 units overall on the land that is subject of Comprehensive Design Plan CDP-9601 (66.28 acres).

Parcel H is located in the southeastern quadrant of the intersection of Saint Joseph Drive and Ardwick-Ardmore Road. This PPS proposes one vehicular access via a private road to connect to Saint Josephs Drive to the west. Internal vehicular traffic and circulation for the 65 townhomes is served by two private streets on Parcel A (Private Street A and B) and three private alleys on Parcels B and F (Alleys A-C). Private Road 'A' is shown with a right-of-way width of 53 feet and a pavement width of 26 feet, with parallel parking on one side and six-foot-wide sidewalks along both sides. Private Road 'B' is shown with a right-of-way width of 43 feet and a pavement width of 22 feet, with parallel parking on one side and sidewalks (six and seven feet wide) along both sides. The private alleys are proposed with a right-of-way width of 22 feet and a pavement width of 18 feet.

Twenty (20) of the lots front on Saint Josephs Drive, and are designed with rear load garages being served by private alleys, specifically Lots 1-8 and 47-58. Twenty (20) of the lots along the eastern property line are front load garages and directly access Private Road 'B' (Parcel A), specifically Lots 17-36. The remaining twenty-five (25) lots front on private roads, but will be rear loaded being served by private alleys if a variation from Section 24-128(b)(7)(A) is granted by the Planning Board with this application for utilizing alleys for lots fronting on private roads, specifically Lots 9-16, 37-46, and 59-65. The Planning Board **APPROVES** the granting of this variation, and finds that the interior street system proposed by the applicant is adequate to serve the development.

Ten (10) parcels are proposed which will be conveyed to the homeowners association; one for private roads, two for alleys, one for an entrance feature, and six for open space elements. Of the open space parcels, Parcel C (0.71 acres) is of adequate width to provide for the required Landscape Manual bufferyard between the proposed townhouses and the existing fire station abutting to the south. Parcel E (0.33 acres) adequately provides for the required historic road buffer along Ardwick-Ardmore Road along with additional area for woodland preservation and reforestation.

The approved Comprehensive Design Plan CDP-9601-01 includes variance requests to the minimum lot standards, including minimum lot width and minimum lot size as discussed further. The CDP proposes a minimum lot width of 20 feet for all lots and a minimum lot size of 1,500 square-feet. All the lots proposed in this PPS meet or exceed to the minimum standards, with lot widths ranging from 20 feet wide to 22 feet wide, and lot sizes ranging from 1,500 square feet to 2,802 square feet.

In accordance with Section 24-134(a) of the Subdivision Regulations, the Planning Board calls for the applicant to provide private on-site recreational facilities, as discussed in the Parks and Recreation Finding and Condition No. 11. The Planning Board **APPROVES** the PPS with conditions.

3. **Setting**—The property is located in the southeast quadrant of the intersection of Ardwick-Ardmore Road and Saint Josephs Drive. The property is zoned L-A-C (Local-Activity-Center). The site is bounded on the west by Saint Josephs Drive and on the north by Ardwick-Ardmore Road. Abutting properties to the north across Ardwick-Ardmore Road are zoned R-80 (One-Family Detached Residential) and are developed with single-family detached residential. The property directly across Saint Josephs Drive is zoned R-R (Rural Residential) and is developed with the Charles Herbert Flowers High School. The development to the south is zoned L-A-C (Local-Activity-Center) and is developed with the St. Joseph's Fire Emergency Medical Services Company 806 fire station. The properties to the east are zoned L-A-C (Local-Activity-Center) and are developed with residential townhouses.
4. **Development Data Summary**—The following information relates to the subject PPS application and the proposed development.

|                              | EXISTING | APPROVED               |
|------------------------------|----------|------------------------|
| Zone                         | L-A-C    | L-A-C                  |
| Use(s)                       | Vacant   | Single-family attached |
| Acreage                      | 4.98     | 4.98                   |
| Lots                         | 0        | 65 (townhouse)         |
| Outlots                      | 0        | 0                      |
| Parcels                      | 1        | 10                     |
| Dwelling Units:              |          |                        |
| Single-Family Attached       | 0        | 65                     |
| Public Safety Mitigation Fee | No       | No                     |
| Variance                     | No       | Yes                    |
|                              |          | 25-122(b)(1)(G)        |
| Variation                    |          | Yes                    |
|                              |          | 24-128(b)(7)(A)        |

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on July 17, 2015. The requested variation to Section 24-128(b)(7)(A) of the Subdivision Regulation was accepted on July 30, 2015 and was heard at the SDRC meeting on August 28, 2015 as required by Section 24-113(b) of the Subdivision Regulations.

5. **Basic Plan Amendment Application A-9775-01-C**—In the approval of Basic Plan Amendment A-9775-01-C in 2015, for the conversion of the land use from commercial to residential, the District Council set forth in Section 4 of their final decision (Zoning Ordinance No. 6-2015) that the applicant “should be incorporated in the following elements in the plan design:”
- a. **A centralized functional open space area;**  
The centralized recreational open space element is discussed in the Parks and Recreation Finding of this report.
  - b. **Pedestrian connectivity between the proposed and adjacent townhouse development;**  
The property is abutting townhouses to the east which are a part of the overall development and included in Comprehensive Design Plan CDP-9601 zoned L-A-C. The townhouses are constructed and known as Bellehaven Estates. Originally the entire development was known as Bellehaven Estates (CDP-9601) and was renamed by the applicant in 2013 to Springdale Estates. In the review of this PPS, staff explored the pedestrian connection between the subject site and the abutting townhouse (TH) development to the east. The pedestrian connection recommended by the District Council would provide a more direct route to the Charles Herbert Flowers High School located west of the site across Saint Josephs Drive for the Bellehaven Estates Subdivision through the subject site. However, the connection would require that these private property owners establish an agreement that would include the rights, responsibilities, and liability of the private homeowners associations (HOA). Because the townhouse development to the east is fully constructed, their consent to this arrangement would be appropriate. Moreover, because the TH development to the east was approved (SDP-9612) without showing this connection, a revision to that plan would be required to locate and construct the trail connection. While a trail extension between Lots 50 and 51 (NLP 181–21) in the Bellehaven Estates TH development, extending west of Berrywood Court, could be an appropriate location it should be coordinated with both the applicant and the Bellehaven Estates community to determine if they find this connection desirable.  
  
In consideration of the District Council decision, staff recommends that the applicant show a good faith effort to contact the Bellehaven Estates HOA to explore their desire for this connection and provide evidence of that engagement at the time of SDP review. Depending on the position of the Bellehaven Estates HOA, the SDP should address this District Council recommendation further. If supported by the Bellehaven Estates HOA appropriate modification to the subject site layout should occur. In addition, if the trail connection is approved as a condition of the SDP approval an easement agreement should be fully executed between the applicant and the Bellehaven Estates HOA which would set forth the rights, responsibilities, and liabilities of the private property owners and then reflected on the final plat prior to approval.
  - c. **Safe and efficient pedestrian access to Charles Herbert Flowers High School;**  
As discussed in the Trails section of this report, decorative sidewalks exists at the intersection of Saint Josephs Drive and Ardwick-Ardmore Road which provides access to

the Charles Herbert Flowers High School property. Staff would note that this subdivision is not subject to Section 24-124.01, Adequate Public Pedestrian and Bikeway Facilities, because it is not located in a center or corridor.

- d. **Appropriate screening between the fire station and the proposed townhouse development in accordance with (or greater than) Section 4.7 (Buffering Incompatible Uses) of the 2010 Prince George's County Landscape Manual; and;**  
As discussed, the applicant has proposed a lotting pattern and layout that accommodates the spatial relationship necessary to provide the Landscape Manual "C" bufferyard, which requires a 40-foot building setback and a 30-foot landscape yard. The review of the SDP will include appropriate planting within the required buffer.
  - e. **A design which minimizes impervious surfaces in order to maximize useable private and public open space.**  
Review of this consideration will occur at the time of SDP review and approval.
6. **Community Planning**—The *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035), approved May 2014, locates this site within a designated Established Community growth policy area.

Plan Prince George's 2035 describes Established Communities as areas appropriate for context-sensitive infill and low- to medium-density development and recommends maintaining and enhancing existing public services, facilities, and infrastructure to ensure that the needs of residents are met.

The 1990 *Largo-Lottsford Approved Master Plan and Adopted Sectional Map Amendment* (The 1990 Largo-Lottsford Master Plan/SMA) proposes that the southeast quadrant of Ardwick-Ardmore Road and Saint Josephs Drive, which includes the subject property, be developed as a Village Activity Center with commercial land uses, a day care center specifically, and a fire station (now existing, south of the property) adjacent to a residential area and a proposed high school (now existing as well, west of the property). The 1990 Largo-Lottsford Master Plan/SMA highlights this site as part of "Neighborhood E" of the Enterprise Community, which is characterized as a typically low-density residential area with environmental constraints. The Largo-Lottsford Master Plan/SMA recommends that access points be limited along Ardwick-Ardmore Road and Saint Josephs Drive and that lots should not have direct access on these roads. The applicant has designed the PPS to conform with this recommendation. Additionally, attached housing should include buffering, using vegetation and setbacks, between the site and surrounding neighborhoods (p. 63-64). The applicant designed the PPS to provide the required bufferyard between the proposed townhouses and the existing fire station, as well as providing the required landscape buffer along the historic road frontage of Ardwick-Ardmore Road.

Due to how the community has developed over time since 1990, a Basic Plan Amendment, A-9775-01, was recently approved to eliminate the commercial uses from the subject property's basic plan, which are deemed no longer economically feasible. A-9775-01 removed the 50,000

square feet of commercial retail space from the basic plan approved by the District Council in A-9775-C, and replaced it with a residential component with a density not to exceed 13 dwelling units per acre, or a total of 65 townhouses on the 4.98 acres of land, which the PPS conforms to with 65 townhouse dwelling units proposed.

7. **Stormwater Management**—The Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) has approved a Stormwater Management Concept Plan, 6244-20008-01 that is valid through May 4, 2017, to ensure that development of this site does not result in on-site or downstream flooding. The proposed site will manage stormwater through the use of infiltration trenches or hydrodynamic structures on-site. Development of the site shall conform to the approved stormwater management concept plan and any subsequent revisions.
8. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, the Planning Board approves on-site private recreational facilities be provided. A combination of on-site recreational facilities in the form of an enhanced sitting area that would include hard surface materials, landscaping, planters and sitting areas with the remaining percentage of mandatory dedication not spent on the sitting area be a fee-in-lieu payment (to be provided in conjunction with the approval of the final plat). The fee-in-lieu shall be offset by the proposed on-site recreational facilities and will be reduced (by percentage) by the private recreational facilities provided by the applicant (at the time of SDP). The value and siting of the private on-site recreational facilities will be determined at the time of SDP. The estimated value of the facilities to be provided is \$69,594 based on the proposed population. A sitting area is proposed within Parcel A to the east of Lot 65, staff is recommending the relocation of this sitting area to replace the tot-lot reflected on the PPS on Parcel C which is located along the eastern property line between Lots 24 and 25. While Staff supports this location, the PPS currently reflects a 24-inch stormdrain to the north of Lot 24 abutting the southern limit of the tot-lot.

While the PPS does not reflect the required stormdrain easement and should, the easement required would be a minimum of 20 feet wide. This easement would extend into the area currently designated for the active recreational area and could preclude the installation of footers for the facilities. In addition, the stormdrain easement extends onto Lot 24 roughly three feet and should be shifted to the north so that it does not encumber the lot. While the layout is conceptual the PPS must ensure that adequate area exists on the plan to provide facilities that are required. The Urban Design Section has indicated a desire to remove the tot-lot and develop this recreational facility as an enhanced sitting area similar to a plaza, with hard surfaces and landscaping to be enjoyed by all age groups and abilities. The combination of on-site recreational facilities with the payment of a fee-in-lieu for the remaining percentage, if any exists, will meet the Mandatory Dedication Requirement (MDR) as required by the Subdivision Regulations. Because the "enhanced sitting area" is a non-standard facility a cost estimate will need to be provided based on the design and materials at the time of SDP.

The Commission expects that the sitting area will fulfill the monetary value of the private on-site recreational facilities, a determination that will be made at the time of review of the SDP.

9. **Trails**—The site is covered by the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 1990 *Largo-Lottsford Approved Master Plan and Adopted Sectional Map Amendment* (Master Plan/SMA). The site is located outside of the Landover Gateway Center, per the Adequate Public Facility Review Map of the Plan Prince George's 2035. Because the site is not located in either a designated center or corridor, it is not subject to the requirements of Section 24-124.01 and the "Transportation Review Guidelines, Part 2, 2013."

**Master Plan Compliance and Prior Approvals**

One master plan trail/bikeway impacts the subject property. The MPOT recommends continuous sidewalks and designated bike lanes along Ardwick-Ardmore Road. The text from the MPOT regarding this road states the following:

"Ardwick-Ardmore Road Sidewalks and On-Road Bicycle Facilities: Continuous accommodations for bicycles and pedestrians are needed. Sidewalks are currently fragmented. This will improve access to the New Carrollton Transit District and Metro station (MPOT, page 30)."

The Complete Streets element of the MPOT reinforces the need for these recommendations and includes the following policies regarding sidewalk construction and the accommodation of pedestrians.

**POLICY 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.**

**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.**

The subject site includes existing standard sidewalks along its frontages of both Ardwick-Ardmore Road and Saint Josephs Drive within the public right-of-way. Standard sidewalks are provided along all of the internal private roads. However, a few gaps exist where sidewalks are not provided along both sides of the internal private streets. In keeping with POLICY 1 noted above, sidewalks are also recommended along the south side of Private Road 'A' and the entire eastern side of Private Road 'B' (including Lots 33–37). Staff also recommends that cross sections be provided for all of the internal roads and private alleys included on the site. Sidewalks should be provided along both sides of all the private streets, but are not recommended along the alleys.

Existing decorative crosswalks exist along all legs of the Saint Josephs Drive and Ardwick-Ardmore Road intersection. The Department of Public Works and Transportation (DPW&T) has striped designated bike lanes along Ardwick-Ardmore Road from 92<sup>nd</sup> Avenue to Saint Josephs Drive, just west of the subject site. The portion of Ardwick-Ardmore Road that fronts the subject site is constructed with wide paved shoulders that can be restriped to full bike lanes consistent with the treatment to the west at the time of road resurfacing or construction. However, it should be noted that this segment of the road transitions down to a narrower right-of-way for Yellowwood Lane, so bike lane striping along the eastern end of

Ardwick-Ardmore Road may not be appropriate until the road is extended to Lottsford Vista Road. The designated bike lanes and paved shoulder already provided by DPW&T along Ardwick-Ardmore Road fulfills the intent of the MPOT.

The submitted plans reflect a sidewalk connection between Private Road 'B' and Alley 'C.' Staff recommends that an additional sidewalk connection be provided between Alley 'C' and Saint Josephs Drive be explored at the time of SDP in order to provide a complete internal connection from the site towards the existing school. Staff also explored the possibility of providing a sidewalk connection through Parcel C to the edge of the adjacent residential community, with the intent that the surrounding homeowners' association HOA could connect if it desired. This should be reviewed with the SDP.

10. **Transportation**—Comprehensive Design Plan (CDP-9601) was approved in 1996 and was included in Basic Plan Amendment A-9775. It was approved for 150 single-family attached units, 13 single-family detached units, 55,750 square feet of commercial space, a Prince George's Fire Station, and other permitted uses (other than attached or multifamily residential). In 1997 Preliminary Plan of Subdivision 4-96066 was amended to allow 45,000 square feet of commercial/retail space and a 5,000-square-foot day care center on the 4.98-acre Parcel H (PGCPB Resolution No. 96-386(A)). In November 2014, the Planning Board amended the approved Basic Plan Amendment A-9775 to permit 70 single-family attached dwellings instead of commercial space. The District Council then amended Basic Plan Amendment A-9775 in March 2015 limiting the residential component of the site to 65 single-family attached dwellings. Comprehensive Design Plan CDP-9601-01 is currently in review pending Planning Board action.

A traffic study was not required for this PPS because as shown in the table below the proposed 65 single-family attached units generate fewer trips than the impacts that were originally considered and approved by PPS 4-96066. The lot is a recorded parcel, platted pursuant to PPS 4-96066. The comparison of estimated site trip generation indicates that the proposal would generate less traffic if developed as single-family-attached residential then it would if the retail and day care uses that were shown on the original CDP were to be developed.

It is therefore determined that the proposed change would have no net impact on any critical intersections in the area.

| Comparison of Estimated Trips |                      |                    |     |       |                    |      |       |             |
|-------------------------------|----------------------|--------------------|-----|-------|--------------------|------|-------|-------------|
| Zoning or Use                 | Units or Square Feet | AM Peak-Hour Trips |     |       | PM Peak-Hour Trips |      |       | Daily Trips |
|                               |                      | In                 | Out | Total | In                 | Out  | Total |             |
| Approved Use (A)              |                      |                    |     |       |                    |      |       |             |
| Day Care Center               | 5,000 sq. ft.        | 32                 | 29  | 61    | 29                 | 33   | 62    | 370         |
| Commercial/Retail             | 45,000 sq. ft.       | 60                 | 36  | 96    | 168                | 183  | 351   | 4,040       |
| Proposed Use (B)              |                      |                    |     |       |                    |      |       |             |
| Single-Family Attached        | 65 dwellings         | 9                  | 37  | 46    | 34                 | 18   | 52    | 520         |
| Difference (A)-(B)            |                      | -83                | -28 | -111  | -163               | -198 | -361  | -3,890      |

### Master Plan Roadways

Ardwick-Ardmore Road and Saint Josephs Drive are master plan collector roadways listed in the 1990 Largo-Lottsford Master Plan/SMA with ultimate rights-of-way of 80 feet which have been previously dedicated. The right-of-way width from the property to the centerline of each roadway which should be clearly shown on the plan.

Based on the preceding findings, adequate transportation facilities would exist to serve the proposed subdivision as required by Section 24-124 of the Subdivision Regulations with conditions.

11. **Schools**—This PPS has been reviewed for impacts on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CR-23-2003 and concluded the following:

#### Impact on Affected Public School Clusters Attached Single-Family Units

| Affected School Clusters<br># | Elementary School<br>4 Cluster | Middle School<br>4 Cluster | High School<br>4 Cluster |
|-------------------------------|--------------------------------|----------------------------|--------------------------|
| Dwelling Units                | 65 DU                          | 65 DU                      | 65 DU                    |
| Pupil Yield Factor            | .145                           | .076                       | .108                     |
| Subdivision Enrollment        | 9                              | 5                          | 7                        |
| Actual Enrollment             | 11,626                         | 4,454                      | 8,008                    |
| Total Enrollment              | 11,635                         | 4,459                      | 8,015                    |
| State Rated Capacity          | 14,216                         | 5,518                      | 9,389                    |
| Percent Capacity              | 82%                            | 81%                        | 85%                      |

County Council Bill CB-31-2003 established a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-95/495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan amendment or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority (WMATA); or \$12,000 per dwelling for all other buildings. County Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$9,017 and \$ 15,458 to be paid at the time of issuance of each building permit.

In 2013, Maryland House Bill 1433 reduced the school facilities surcharge by 50 percent for multifamily housing constructed within an approved transit district overlay zone; or where there is no approved transit district overlay zone within a quarter-mile of a metro station; or within the Bowie State MARC Station Community Center Designation Area, as defined in the 2010 *Approved Bowie State Marc Station Sector Plan And Sectional Map Amendment*. The bill also established an exemption for studio or efficiency apartments that are located within the County urban centers and corridors as defined in Section 27A-106 of the County Code; within an approved transit district overlay zone; or where there is no approved transit district overlay zone then within a quarter-mile of a metro station. This act is in effect from October 1, 2013 through September 30, 2018.

The school facilities surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

12. **Fire and Rescue**—The Special Projects Section has reviewed this PPS for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(C) and (E) of the Subdivision Regulations.

Section 24-122.01(e) (1) (E) states that “A statement by the Fire Chief that the response time for the first due station in the vicinity of the property proposed for subdivision is a maximum of seven (7) minutes travel time. The Fire Chief shall submit monthly reports chronicling actual response times for call for service during the preceding month.” The proposed project is served by Saint Josephs Fire Emergency Medical Services Company 806, a first due response station (a maximum of seven (7) minutes travel time), is located at 2901 Saint Josephs Drive abutting to the south.

13. **Police Facilities**—The proposed development is within Police District II, Bowie. The response time standard is ten minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the M-NCPPC Prince George’s County Planning Department on July 1, 2015.

| Reporting Cycle             | Previous 12 Month Cycle | Emergency Calls | Nonemergency Calls |
|-----------------------------|-------------------------|-----------------|--------------------|
| Acceptance Date<br>7-1-2015 | 6/2015-5/2014           | 8 minutes       | 13 minutes         |
| Cycle 1                     |                         |                 |                    |
| Cycle 2                     |                         |                 |                    |
| Cycle 3                     |                         |                 |                    |

Based upon police response times, the response time standards of ten minutes for emergency calls and 25 minutes for nonemergency calls were met on July 9, 2015.

14. **Water and Sewer Categories**—The 2008 *Water and Sewer Plan* designates Parcel H in Water and Sewer Category 3, inside the Sewer Envelope, in the Growth Tier (Developing Tier), and within Tier 1 under the Sustainable Growth Act. A water line in Saint Josephs Drive abuts the parcel. Sewer lines are in the immediate vicinity, but do not abut the parcel.

Water and sewer line extensions may be required to service the proposed subdivision and must be approved by the Washington Suburban Sanitary Commission (WSSC) before approval of the final plat.

15. **Use Conversion**—This preliminary plan of subdivision was analyzed based on the proposal for residential development. The analysis includes access, mandatory dedication, public facilities, and density specifically related to the land use and layout proposed with this application.

While the subject application is not proposing any nonresidential development, if such a land use were proposed, a new preliminary plan of subdivision shall be required.

16. **Public Utility Easement (PUE)**—In accordance with Sections 24-122(a) and 24-128 of the Subdivision Regulations, when utility easements are required by a public utility company, the subdivider should include the following statement in the owner's dedication on the final plat:

“Utility easements are granted pursuant to the terms and provisions recorded among the Land Records of Prince George's County in Liber 3703 at Folio 748.”

The preliminary plan of subdivision delineates a ten-foot-wide public utility easement (PUE) along Saint Josephs Drive and Ardwick-Ardmore Road and one side of interior private streets. The PUE is to be shown on the SDP and will be required on the final plat prior to approval.

17. **Historic**—Aerial photographs from 1998 indicate that portions of the subject property were extensively graded when the adjoining properties were developed. 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. This proposal will not impact any historic sites, historic resources, historic districts or known archeological sites.
18. **Environmental**—The Environmental Planning Section previously reviewed the following applications and associated plans for the subject site:

| Development Review Case # | Associated Tree Conservation Plan # | Authority      | Status   | Action Date | Resolution Number    |
|---------------------------|-------------------------------------|----------------|----------|-------------|----------------------|
| A-9775                    | N/A                                 | District Court | Approved | 6/10/96     | Final Decision       |
| A-9775-01                 | N/A                                 | District Court | Approved | 4/7/15      | Final Decision       |
| CDP-9601                  | TCP1-60-96                          | Planning Board | Approved | 12/12/96    | PGCPB No. 96-375     |
| 4-96066                   | TCP1-60-96                          | Planning Board | Approved | 4/3/97      | PGCPB No. 96-386 (A) |
| SDP-9612                  | TCPII-031-97-01                     | Planning Board | Approved | 10/30/08    |                      |
| CDP-9601-01               | TCP1-60-96-01                       | Planning Board | Pending  | Pending     | Pending              |
| 4-15010                   | TCP1-60-96-02                       | Planning Board | Pending  | Pending     | Pending              |

The original Bellehaven development area was 65.3 acres categorized into two sections (Sections I and II). Section I, which includes the subject site, was a 32.8-acre tract of land rezoned from R-R to L-A-C as part of A-9775. The subject site (Parcel H) was approved for commercial development while the remainder of the site was approved for residential development. Comprehensive Design Plan CDP-9601 was for the development of townhouse lots in Section I; excluding development of the subject site. This site was subsequently approved with Specific Design Plan SDP-9612 for residential development. In accordance with the previously approved CDP and SDP, the subject site remained undeveloped. This application seeks the approval of a new Preliminary Plan to construct 65 townhouse units on the subject site, Parcel H, which totals 4.98 acres is in the L-A-C Zone.

**Grandfathering**

The project is subject to the requirements of Subtitles 25 and 27 that became effective September 1, 2010 because this is a new preliminary plan.

**Site Description**

The 4.98-acre property is located on the southwest corner of the intersection of Saint Josephs Drive and Ardwick-Ardmore Road. The site is characterized with terrain gradually sloping toward the north of the property, and drains into unnamed tributaries of the northwest branch in the Anacostia River basin. The predominant soil types on the site are Collington-Wist Urban land and Woodstown-Urban land complex. Current air photos indicate that the site is predominantly wooded and not developed. Based on information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened or endangered species found to occur in the vicinity of this site. A review of the available information indicates that no wetlands, streams, 100-year floodplain and steep slopes occur on the site. There are no Marlboro clays within the subject area. Ardwick-Ardmore Road is located on the northern boundary and is identified as a historic road. The subject property is adjacent to Saint Josephs Drive and Ardwick-Ardmore Road which are both collector roadways. The site is located within the Largo-Lottsford Planning Area and Environmental Strategy Area 2 as designated by *Plan Prince George's 2035 Approved General Plan*.

**Plan Prince George's 2035 Approved General Plan**

Prior to submittal of the current application a new General Plan was adopted by the District Council. The site is now located within the Established Communities Area of the Growth Policy Map and Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan*.

**Conformance with the Water Resources Functional Master Plan**

The 2010 *Approved Water Resources Functional Master Plan* contains policies and strategies related to the sustainability, protection and preservation of drinking water, stormwater, and wastewater systems within the County, on a countywide level. These policies are not intended to be implemented on individual properties or projects and instead will be reviewed periodically on a countywide level. As such, each property reviewed and found to be consistent with the various countywide and area master plans, county ordinances for stormwater management, floodplain and woodland conservation, and programs implemented by the Prince George's County Department of Permitting, Inspections & Enforcement (DPIE), Prince George's County Department of Health, Prince George's County Department of the Environment (DoE), Prince George's Soil Conservation District, Maryland-National Capital Park and Planning Commission (M-NCPPC) and Washington Suburban Sanitary Commission (WSSC) are also deemed to be consistent with this master plan.

**Master Plan Conformance**

The 1990 *Largo-Lottsford Approved Master Plan and Adopted Sectional Map Amendment* does not indicate any environmental issues associated with this property.

**Conformance with the Countywide Green Infrastructure Plan**

The 2005 *Approved Countywide Green Infrastructure Plan* indicates that none of the property is within or near the designated network.

**Environmental Review**

As revisions are made to the submitted plans the revision box on each sheet shall be used to describe in detail the revisions made, when and by whom.

The Preliminary Plan of Subdivision application has an approved Natural Resources Inventory (NRI-155-13) signed October 25, 2013 that was included with the application package. The NRI shows a 4.98-acre site with no regulated environmental features and 3.67 acres of woodlands. According to the NRI, there is one specimen tree on-site. The information has been correctly shown on the TCP1. No additional information required with regard to the NRI.

The property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the site has previously approved tree conservation plans. Currently, this site has an approved Type I Tree Conservation Plan TCPI (TCP-060-96) and Type II Tree Conservation Plan TCPII (TCPII-031-97-01). The submitted PPS application includes a revised TCP1 (02) which is subject to the current regulations because it is a new Preliminary Plan of Subdivision application.

The TCP1 shows a phased worksheet which is reflective of the various parcels within the overall project area of the original TCP1 approval. The subject site proposed to clear an additional 3.49 acres of the existing 3.66 acres. The cumulative woodland conservation requirement is now 10.17 acres. The TCP1 proposes to meet the subject site's portion of the overall requirement with 0.17 acre of woodland preservation, 0.36 acre of reforestation/afforestation, and 3.32 acres of off-site woodland conservation. The worksheet shows a shortage and this shortage shall be corrected prior to the certification. Additional off-site woodland conservation must be provided to meet the overall woodland conservation requirement. The TCP1 plan also requires some minor technical revisions which are recommended.

**Variance for Specimen Tree Removal**

Section 25-122(b)(1)(G) of the County Code 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." Effective October 1, 2009, the State Forest Conservation Act was amended to include a requirement for a variance if a specimen, champion, or historic tree is proposed to be removed. This state requirement was incorporated in the adopted County Code effective on September 1, 2010.

The specimen tree table on the TCP1 shows the removal of one specimen tree (36-inch Yellow Poplar) on-site. The limits of disturbance on the plan also show that this tree is to be removed. A Subtitle 25 Variance Application, a statement of justification in support of a variance, and a tree removal plan were stamped as received by the Environmental Planning Section (EPS) on July 30, 2015.

Section 25-119(d) of the WCO contains six required findings **[text in bold]** to be made before a variance can be granted. The Letter of Justification submitted addresses the required findings for removal of one specimen tree (ST-1).

**(A) Special conditions peculiar to the property have caused the unwarranted hardship**

The condition comments for this specimen tree are listed as trunk damage, top damage, and needs pruning. The tree proposed for removal is located within an existing woodland edge and if left on-site subsequent to development may pose a hazard.

The condition and location of the specimen tree proposed for removal is a special condition peculiar to the property. All of these factors occurred beyond the owner's control and have created an unwarranted hardship for this site.

**(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas**

If other properties include a tree in similar location and in similar condition on a site, the same considerations would be provided during the review of the required variance application.

**(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants**

Staff generally supports the removal of specimen tree in the most developable areas if the tree could become a hazard. If other properties include a tree in similar location and in similar condition on a site, the same considerations would be provided during the review of the required variance application.

**(D) The request is not based on conditions or circumstances which are the result of actions by the applicant**

The site is undeveloped. The applicant has taken no action to date on the subject property.

**(E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property**

The requested variance does not arise from a condition relating to a neighboring property. There are no existing conditions on the neighboring properties that have any impact on the specimen tree to be removed.

**(F) Granting of the variance will not adversely affect water quality**

Granting the variance to remove ST-1 will not directly affect water quality because the reduction in tree cover caused by a single specimen tree removal is minimal. Specific requirements regarding stormwater management for the site is reviewed by the Department of Permitting, Inspection and Enforcement (DPIE).

Based on the proceeding findings, the Planning Board **APPROVES** the variance for the removal of one specimen tree (ST-1).

**Historic Road**

Ardwick-Ardmore Road is designated as an historic road. When a roadway is designated as historic, it is because it is located in its historic alignment and there is an expectation that historic features will be found along its length, although not necessarily on every property. Roadways are a linear element, and the intention of the buffer is to preserve or enhance the extent of the roadway and enhance the travel experience if scenic qualities or historic features have not been preserved.

Adjacent to a historic road, the 2010 *Prince George's County Landscape Manual*, which became effective on December 13, 2010, requires a Section 4.6(c)(2) landscape buffer (Buffering Development from Special Roadways) based on the development tier. In the Environmental Strategy Area 2 of Plan 2035 (formerly the Developing Tier), the required buffer along a historic road is a minimum of twenty feet wide to be planted with a minimum of eighty plant units per one hundred linear feet of frontage, excluding driveway openings. Landscaping is a cost effective treatment which provides a significant visual enhancement to the appearance of the historic road. As discussed previously, the PPS layout provides adequate area to provide the buffer. The submitted TCP1 proposes a wooded buffer ranging from 60–100 feet wide.

The Planning Board **APPROVES** of Type I Tree Conservation Plan TCP1-060-96-02 with conditions.

19. **Urban Design**—In general, townhouses are permitted uses in the L-A-C Zone as indicated in Section 27-515 Uses Permitted, of the Zoning Ordinance. The base density is calculated according to the proposed gross acreage of the residential area covered by the applicable comprehensive design plan in CDP-9601 (28.8 acres). As the proposed density of 7.9 units per acre is below the base density, public benefit increments are not proposed or required, as determined with the review of the pending revision to the CDP.

**Conformance with the Requirements of Previous Approvals**

On April 30, 2015 the District Council approved an amendment of the approved Basic Plan Amendment (A-9775-01-C) Zoning Ordinance No. 6-2015, with conditions to allow townhouse units to replace commercial development on Parcel H.

The maximum residential density for the 4.98 acre site was set at 13 units per acre or no more than 65 dwelling units.

Comprehensive Design Plan CDP-9601, which includes the subject property, was approved with conditions on December 12, 1996 (PGCPB Resolution No. 96-375). The following table lists the land use quantities for the subject property established by Zoning Ordinance No. 12-1996.

**Land Use Types and Quantities:**

|                                                                       |
|-----------------------------------------------------------------------|
| 150 single-family attached dwelling units                             |
| 13 single-family detached dwelling units                              |
| 55,756 square feet of commercial uses                                 |
| Open space                                                            |
| Prince George's County Fire Station                                   |
| Other permitted uses (other than attached or multifamily residential) |

**Commercial intensity and residential intensity were conditioned on the following breakdowns:**

|                        |                              |
|------------------------|------------------------------|
| Gross land area        | 33.1 acres                   |
| Commercial land area   | 6.4 acres                    |
| Base intensity         | 0.20 FAR 55,756 square feet  |
| Maxim intensity        | 0.64 FAR 178,421 square feet |
| Approved intensity     | 0.18 FAR 55,756 square feet  |
| Residential land area  | 23.8 acres                   |
| Base density           | 10 DUs/acre 238 DUs          |
| Maximum density        | 15 DUs/acre 357 DUs          |
| Approved density       | 6.8 DUs/acre 163 DUs         |
| Fire station land area | 2.9 acres                    |

A revision to Comprehensive Design Plan CDP-9601 is under concurrent review to allow 65 townhouse units to replace a previously-approved commercial use which has a Planning Board hearing date of September 10, 2015, although a continuance has been requested to September 24, 2015. Specific design plan SDP-9612, for the L-A-C portion of Bellehaven Estates which is covered under CDP-9601, was approved in 1997 for the townhouses and detached dwelling units. A total of 163 dwelling units were approved. As previously noted, the applicant is adding the 4.98 acres previously approved for a commercial use to the gross residential acreage. With the 65 townhouse units proposed, the applicant is proposing a density of 7.9 units per acre for a total of 288 units on the 33.1-acre site which is the subject of CDP-9601.

Comprehensive Design Plan CDP-9601-01 (CDP) was approved prior to the PPS. In the L-A-C Zone the lot standards are established by the Zoning Ordinance and reflected on the CDP. Any modification to lot standards must be approved through variances with the CDP. Currently, the applicant is proposing, with the CDP-9601-01, modifications to the previously approved

(CDP-9601) lot standards, including variances for minimum lot width and lot size. The applicant has prepared and staff has reviewed this PPS in anticipation of the CDP revisions being approved. This PPS layout is contingent on the approval of the modified lot standards proposed in the CDP '01' revision. The variances with the CDP revisions were approved.

**Conformance with the 2010 Prince George's County Landscape Manual**

Pursuant to Section 27-496(d)(2), Regulations, a development project in the L-A-C Zone is required to conform to the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Conformance with the applicable landscaping requirements will be determined at time of SDP when a more detailed plan of development is submitted for review.

**Conformance with the Tree Canopy Ordinance**

The Tree Canopy Coverage Ordinance requires ten percent tree canopy coverage for properties in the L-A-C Zone. This requirement can be met either through the preservation of the existing trees, the proposed on-site landscaping, or a combination of both, and will be evaluated at the time of SDP review.

**Design and Layout Issues**

There are three (3) subdivision design and layout issues with this PPS. The first relates to a retaining wall which is shown on the TCP1 abutting the rear of Lots 32–36. The grading in this area should be revised with the SDP to provide a (5) five-foot clear zone from the back lot lines to the retaining wall so that the HOA will be able to inspect and maintain the wall without having to access individual private lots. The second design issue relates to Lots 17–24 which are encumbered by a stormdrain easement, for approximately six feet over the rear of the lots, and for approximately three feet over the north property line of Lot 24. These lots should be revised with the SDP to shorten their depth to be free and clear of this stormdrain easement encumbrance. The stormdrain easement precludes the installation of structures or grading by the individual property owner without the expressed written consent of the Department of Permitting, Inspection and Enforcement (DPIE). If that consent is granted, the agreement allows for the removal of any structure or fencing without notice and at a cost to be borne by the individual homeowner. The third design issues relates to Lot 36 and the relationship to Parcel C (HOA). Parcel C is an unusual configuration which narrows significantly at the private street, which could be difficult to maintain by the HOA. Lot 36 should be enlarged along the north property line to incorporate the five foot stem of Parcel C. Lot 36 and Parcel C shall be revised at time of signature approval of this PPS.

20. **Variation—24-128(b)(7)(A)**—The PPS proposes townhouse lots that front on interior private streets that are served by private alleys. The applicant filed a variation request from Section 24-128(b)(7)(A) of the Subdivision Regulations to allow the use of alleys to serve townhouse lots that front on private streets instead of public streets as required. Section 24-128(b)(7)(A) states:

- (b) **The Planning Board may approve preliminary plans of development containing private roads, rights-of-way, alleys, and/or easements under the following conditions:**

**(7) In Comprehensive Design and Mixed Use Zones:**

- (A) For land in the V-L, V-M, R-L, R-S, R-M, R-U, M-U-I, L-A-C, M-A-C, M-X-C, M-U-TC, and M-X-T Zones, the Planning Board may approve a subdivision (and all attendant plans of development) with private roads to serve attached single-family dwellings, two-family dwellings, and three-family dwellings, but not single-family detached or multifamily dwellings, in accordance with the requirements of Subsections (e) and (f) of Section 27-433 of the Zoning Ordinance, except as hereinafter provided. In all of the above zones, and in the R-R Zone when developed as a cluster subdivision, the Planning Board may approve a subdivision with alleys to serve any permitted use, provided the lot has frontage on and pedestrian access to a public right-of-way. The District Council may disapprove the inclusion of alleys during the consideration of the detailed site plan for a cluster subdivision. For the purposes of this Section, an "alley" shall mean a road providing vehicular access to the rear or side of abutting lots, and which is not intended for general traffic circulation.**

The applicant is asking for relief from this requirement to allow townhouse lots which are served by alleys to have frontage on private rights-of-way instead of public rights-of-way. Twenty-five (25) lots do not conform to this requirement (Lots 9-16, 37-46, and 59-65).

Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of a variation request. The applicant has filed a variation from Section 24-128(b)(7)(A), which was submitted July 30, 2015 and heard on at the SDRC meeting on August 28, 2015, as required by Section 24-113(b).

Section 24-113(a) sets forth the required findings for approval of variation requests as follows:

- (a) Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:**

Approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. Strict compliance with the requirements of Section 24-121 could result in a practical difficulty. The applicant's proposal cannot provide the density envisioned without alternative on-site circulation. The ability to develop rear-loaded garage townhouse units on private streets is appropriate in this case, due to the density and configuration of the developable area.

- (1) **The granting of the variation request would not be detrimental to public safety, health or welfare and does not injure other property;**

The use of alleys to serve garage units is encouraged in dense environments. The current plan has the entire residential development served by private streets. The private streets in this case are being constructed to a standard that is adequate to support the development as analyzed by the Transportation Planning and Urban Design sections. The only change to this standard is the ownership of the street, the homeowners association in this case, which is not injurious to the health, safety, or welfare of the users.

- (2) **The conditions on which the variations is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The applicant contends that the loss of units which would result from the need to provide public rights-of-way within the site constitutes a particular hardship because the applicant could not develop to the density envisioned when the property was rezoned to the L-A-C and the use was approved for residential townhouses. The expectation of the amount of development that could occur on this property based on the zoning, is a situation which is unique to this property and not generally shared by other properties.

- (3) **The variation does not constitute a violation of any other applicable law, ordinance or regulation; and**

The variation to Section 24-121(a)(3) is unique to the Subdivision Regulations and is not regulated by any other law, ordinance, or regulations. Therefore, granting the variation will not violate any other legal requirement.

- (4) **Because of the peculiar physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from**

**a mere inconvenience, if the strict letter of these regulation is carried out.**

The uniqueness of the property is imposed by the fact that the property has limited space to develop in and is completely surrounded by existing development. The property is bounded on the north and west by existing rights-of-way, immediately to the south is the existing fire station, and to the east is an existing townhouse development.

- (5) **In the R-30, R-30c, R-18, R-18c, R-10, R-10, and R-H zones, where multi-family dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113 (a) above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.**

The site is not located in any of the listed zones; therefore, this condition does not apply.

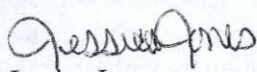
Based on the preceding findings for each of the criteria, the Planning Board **APPROVES** the requested variation from Section 24-128(b)(7)(A) of the Subdivision Regulations for 25 lots.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

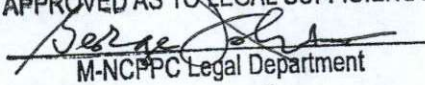
\* \* \* \* \*

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 Shoaff, with Commissioners Washington, Shoaff, Geraldo and Hewlett voting in favor of the motion, and with Commissioner Bailey absent at its regular meeting held on Thursday, September 24, 2015 in Upper Marlboro, Maryland.

Patricia Colihan Barney  
Executive Director

By   
Jessica Jones  
Planning Board Administrator

JJ:SN:ydw

APPROVED AS TO LEGAL SUFFICIENCY  
  
M-NCPPC Legal Department  
Date 9/29/15