THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

PGCPB No. 2021-84

File No. 5-19099 through 5-19102, 5-19104, 5-20165 through 5-20169, 5-20174, and 5-20178

R E S O L U T I O N

WHEREAS, SHF Project Owner, LLC is the owner of 31.64 acres of land known as Sections 5 and 6 of the Smith Home Farm subdivision, said property being in the 15th Election District of Prince George's County, Maryland, and being zoned Residential Medium Development (R-M) and Military Installation Overlay (M-I-O); and

WHEREAS, on June 14, 2021, SHF Project Owner, LLC filed an application for approval of a Final Plat of Subdivision for 393 lots and 63 parcels; and

WHEREAS, the application for approval of the aforesaid Final Plat of Subdivision, also known as Final Plats 5-19099 through 5-19102, 5-19104, 5-20165 through 5-20169, 5-20174, and 5-20178 for Smith Home Farm, Section 5, Plats 6-9 and 11 and Section 6, Plats 4-8, 13, and 17 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 July 1, 2021, 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; and

WHEREAS, on July 1, 2021, the Prince George's County Planning Board approved 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 Final Plats of Subdivision 5-19099 through 5-19102, 5-19104, 5-20165 through 5-20169, 5-20174, and 5-20178, including a Variation from Section 24-128(b)(7)(A) of the Subdivision Regulations, to allow lots and parcels, which do not have frontage on a public right-of-way, to be served by alleys, pursuant to the conditions of Preliminary Plan of Subdivision 4-16001.

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 approximately 3,000 feet east of the intersection of Westphalia Road and MD 4 (Pennsylvania Avenue). The site is currently being improved under a multi-phased development scheme for a subdivision known as Smith Home Farm. The subject

final plats are filed in accordance with Preliminary Plan of Subdivision (PPS) 4-16001, which was approved by the Prince George's County Planning Board on October 11, 2018 (PGCPB Resolution No. 18-91) and is a total of 121.71 acres comprising part of Section 5 and all of Section 6 of the overall development of Smith Home Farm. Specific Design Plan SDP-1302, including its subsequent revisions, has been approved for the development of all of Sections 5 and 6 totaling 150.49 acres of Smith Home Farm.

The subject final plats total 31.64 acres within Sections 5 and 6 of the Smith Home Farm subdivision and are located in the Residential Medium Development (R-M) and Military Installation Overlay (M-I-O) Zones. The final plats of subdivision for Section 5 are located west of Woodyard Station Road and contain a total of 36 parcels and 157 lots. The final plats of subdivision for Section 6 are located east of Woodyard Station Road and contain a total of 27 parcels and 236 lots. The subject property is located in the southern portion of the larger Smith Home Farm subdivision, which was approved for a mixed-residential development containing single-family detached and attached and two-family attached dwellings. The subject final plats for Sections 5 and 6 of the Smith Home Farm subdivision were submitted concurrently.

These final plats of subdivision are in conformance with PPS 4-16001. However, the applicant is requesting the Planning Board's approval of a variation from Section 24-128(b)(7)(A) of the Prince George's County Subdivision Regulations, to allow 75 single-family dwelling attached lots (Lots 7-26, 39-57, 64-74, 79-85 Block H and Lots 1-6 and 13-24, Block G) and 6 parcels containing a total of 66 two family attached dwellings (Parcels F4, F5, F12, F14, F15, and F16, Block F) in Section 5 and 134 single-family attached dwelling lots (Lots 6-28, 36-45, 107-115, and 122-134, Block K; Lots 10-18 and 53-72, Block L; Lots 1-4 and 11-33, Block M; and Lots 1-23, Block N) in Section 6, all of which do not have frontage on a public right-of-way, to be served by alleys, as discussed further below.

3. **Setting**—The subject property is located on Tax Map 90, Grids A-3, B-3, E-3, and F-3, in Planning Area 78. The subject property is bounded to the north by vacant property and to the west by single-family residential dwellings in the Smith Home Farm development zoned R-M and M-I-O. To the south are mostly vacant properties in the Mixed Use–Transportation Oriented and M-I-O Zones that all have existing approvals for future development, specifically the mixed-use Westphalia Town Center. To the east is the existing Marlboro Ridge development in the Rural Residential and M-I-O Zones containing single family detached dwellings.

4. **Development Data Summary**—The following information relates to the subject final plats of subdivision application.

	EXISTING	APPROVED
Zone(s)	R-M/M-I-O	R-M/M-I-O
Use(s)	Vacant	Residential
Acreage	31.64 acres	31.64 acres
Lots	0	393
Outlots	0	0
Parcels	2	63
Variance	No	No
Variation	No	Yes 24-128(b)(7)(A)

The requested variation from Section 24-128(b)(7)(A) was initially received on December 18, 2019 and heard on January 10, 2020 at the Subdivision and Development Review Committee (SDRC) meeting, as required by Section 24-113(b) of the Subdivision Regulations, as a companion request to the subject final plats of subdivision. The applicant resubmitted the variation request from Section 24-128(b)(7)(A) on February 5, 2021, to reflect a change in the lotting pattern based on comments received.

5. Variation—The applicant filed a variation request from Section 24-128(b)(7)(A), to permit 75 single-family attached dwellings lots and 6 parcels with 66 two-family attached dwellings in Section 5 and 134 single-family attached lots in Section 6, which do not have frontage on a public right-of-way, to be served by alleys. The variation request is dated February 2, 2021 and was submitted on February 5, 2021.

The variation is necessary to support the lotting pattern, which was analyzed and approved with the PPS and SDP for the subject property. The variation has now been filed to meet the technical submittal requirements, and the findings for approval of the variation are outlined below:

Section 24-128(b)(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.

(i) The pavement width of private roads may be reduced to not less than a minimum of twenty-two (22) feet when it is determined that the provision of the minimum width is consistent with a safe, efficient, hierarchical street system for a development.

(ii) The pavement width of private alleys shall be not less than eighteen (18) feet when it is determined that the provision of the minimum width is consistent with a safe, efficient, vehicular access to individual lots. Since alleys only provide vehicular access to lots with frontage on a public street, alleys shall not be required to be improved with street trees or curb and gutter, unless a drainage problem has been identified by the Department of Permitting, Inspections, and Enforcement or the Department of Public Works and Transportation.

For purposes of platting, pursuant to PPS 4-16001, the applicant requested a variation from the above requirement, which restricts the use of alleys to serve any use to the circumstance where the lot has frontage on a public right-of-way.

Review of Variation
Seventy-five of the lots and six of the parcels under consideration in Section 5 and 134 of the lots in Section 6, with the subject final plats for Sections 5 and 6 of Smith Home Farm, receive access by means of an alley, but do not front on a public street, as required by Section 24-128(b)(7)(A). The identified lots are proposed for single-family attached dwellings and the parcels are proposed for two-family attached dwellings. The applicant requested a variation pursuant to Section 24-113. There are four criteria that must be met for this variation to be approved (a fifth criterion is not applicable to the zone or the proposed use), which are addressed by the applicant's variation request dated February 2, 2021, incorporated by reference herein. The criteria, with discussion, are noted below:

(1) The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property;

Each lot and parcel included in this variation request will be served at the rear by an alley with a minimum pavement width of 18 feet, where frontage on a private street with a minimum width of 26 feet (the size equivalent of a public secondary residential street) is provided, and those lots fronting on open space are provided alleys with a minimum pavement width of 22 feet. Each private street and alley meet the fire access requirements of the County. The Office of the Fire Marshal for Prince George's County stated in their review dated March 23, 2021 that the proposed access is acceptable.
Therefore, the granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property.

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

The applicant's statement of justification (SOJ) lists the irregular shape of the subject property and the presence of master planned roads, extreme topographical changes, and various sensitive environmental areas in Sections 5 and 6, as conditions not generally applicable to other properties. The sensitive environmental areas on the subject property include wide sections of stream valleys, jurisdictional wetlands, and floodplains. The applicant's SOJ also lists the presence of a historic site (the Blythewood House) and a proposed school site adjacent to the subject property in Section 6, as conditions not generally applicable to other properties.

The Planning Board finds that the land area comprising Sections 5 and 6 of Smith Home Farm is long and narrow on its east and west axis. The western side of the subject property in Section 5 is wider than the east, but contains extreme topographical changes and streams and wetlands protected under conservation easements. Therefore, the wider area of the subject property in Section 5 that would allow more space for development is restricted by environmental features. Along the northern and southern boundaries of the land area comprising Section 6 are floodplain and conservation easements protecting sensitive environmental features. This area is also almost bisected by a large section of floodplain on Parcel F1. These environmental features restrict development in Section 6 to a narrow area that is concentrated on the extreme western side of the subject property next to Woodyard Station Road and on the extreme eastern side of the subject property next to the existing Marlboro Ridge subdivision. In addition to sensitive environmental features, Section 6 is impacted to the north by the historic Blythewood House. Historic sites require visible impacts from development to be limited to protect the character of the historic site. Since the historic Blythewood House will require limiting visual impacts from the subject property, development will need to be a sufficient distance away, further constricting the development envelope available to the applicant in this section. The irregular shape of the subject property, extreme topographical changes, and presence of sensitive environmental features create restricted development envelopes in Sections 5 and 6 not generally found on other properties.

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

Granting the variation will not be in violation of any law, ordinance, or regulation. The variation from Section 24-128(b)(7)(A), in accordance with Section 24-113, is unique to the Subdivision Regulations and under the sole authority of the Planning Board.

(4) Because of the particular 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 regulations is carried out;

The applicant's SOJ lists the irregular shape of the subject property and the presence of master planned roads, extreme topographical changes, and sensitive environmental areas in Sections 5 and 6 as physical and topographical conditions specific to the property. The applicant's SOJ also lists the presence of a historic site (the Blythewood House) and a proposed school site adjacent to the subject property in Section 6 as surrounding physical conditions affecting the subject property. The applicant's SOJ further states that a hardship is created with the coupling of the design needs of the overall vision for Smith Home Farm, and the features in Sections 5 and 6 not generally found on other properties. Smith Home Farm, under Zoning Map Amendment A-9965 and Comprehensive Design Plan CDP-0501, is proposed to be a mixed-use community providing multi-generational housing with a variety of densities and designs developed in a compact form.

The subject property is also within the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan and SMA) and the 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) Established Communities growth policy area. The Westphalia Sector Plan and SMA and Plan 2035 recommend that the subject property provide low- to medium-density development with a mix of dwelling types. Sections 5 and 6 of Smith Home Farm include lots that accommodate single-family detached and attached and two-family attached dwelling types at the desired densities.

The Planning Board finds that due to the development envelopes created in Sections 5 and 6 from the irregular shape of the subject property, extreme topographical changes, and presence of sensitive environmental areas, the space available to achieve the recommendations of the area master plan and the overall vision for Smith Home Farm in Sections 5 and 6 is limited, as these features create physical constraints on development. The development area available in Section 6 is further limited by the presence of the Blythewood House. To accommodate the recommended and envisioned density and compact layout, Sections 5 and 6 will need to utilize alleyways and private streets to access the 75 lots and 6 parcels in Section 5 and 134 lots in Section 6, as identified in this variation request. Without the use of these access avenues, the applicant will not be able to achieve the density and layout needed to meet the overall vision for Smith Home Farm in Sections 5 and 6 and recommended in the area master plan, and therefore, creating a hardship on the applicant that is more than an inconvenience.

The Planning Board finds the site is unique to the surrounding properties and the variation is supported by the required findings. The approval of the variation will not have the effect of nullifying the intent and purpose of the Subdivision Regulations, which, in part, is to encourage creative residential subdivision design that accomplishes the purpose of the Subdivision Regulations in a more efficient manner. Therefore, the variation from Section 24-128(b)(7)(A), to permit the above stated lots to be served by an alley which do not have frontage on a public right-of-way, is approved.

6. Referral and Comments from other Entities—The initial variation request was reviewed by the Transportation Planning Section of the Prince George's County Planning Department and the

Office of the Fire Marshal of Prince George's County and heard at the SDRC meeting on January 24, 2020. The Transportation Planning Section did not object to the approval of this application and found that adequate transportation facilities by means of access via alleyways were provided in Sections 5 and 6.

The Office of the Fire Marshal commented that the alley arrangement for Lots 7 through 18 and 43 through 48, Block H in Section 5 was insufficient for fire access, as a fire access road being at least 22 feet wide was not provided in the front, rear, or side of the townhouse sticks. In addition to the alley arrangement being insufficient to meet fire code, the widths of several alleys and private streets that were to be used as fire access roads were found to be less than 22 feet and therefore, not sufficient to provide fire access. The Office of the Fire Marshal also identified Lots 67 through 71 and 76 through 81, Block H in Section 5 as being compliant with fire access requirements only if a personnel door was provided within 150 feet of the adjacent private road, Equestrian Meadow Way. In Section 6, the Office of the Fire Marshal identified Lots 40 through 51, 98 through 105, and 148 through 150, Block A as locations where fire access is not assured, and where responding fire department responders may have difficulty locating or determining the address of a unit. Several alleys in Section 6 were also identified as being less than the required width of 18 feet.

The Fire Marshal's comments were addressed during the review and approval of SDP-1302-05, which included amendments to the lot layout and alley widths. The plats were revised accordingly, and the variation request was resubmitted and again reviewed by the Transportation Planning Section of the Prince George's County Planning Department and the Office of the Fire Marshal. The Transportation Planning Section did not object to the approval of this application and found that adequate transportation facilities by means of access via private streets and alleyways were provided in Sections 5 and 6. The Office of the Fire Marshal also did not object to the approval of this application and found the revised lotting pattern and pavement widths sufficient for fire access in Sections 5 and 6. However, the Office of the Fire Marshal identified the need for a personnel door within 150 feet of the alley on Parcel F11, being used as the fire access road for the sticks containing six two-family attached units on Parcels F15, and F16 in Section 5. The architecture plans for the two-family units have not been approved. When the architecture plans for these units are reviewed, they must contain a personnel door within 150 feet of the alley on Parcel F11. The architecture plans will be further reviewed at the time of a future SDP.

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.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Bailey, seconded by Commissioner Washington, with Commissioners Bailey, Washington, Doerner and Hewlett voting in favor of the motion, and with Commissioner Geraldo temporarily absent at its regular meeting held on Thursday, July 1, 2021, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 22nd day of July 2021.

Elizabeth M. Hewlett
Chairman

By Jessica Jones
Planning Board Administrator

EMH:JJ:KD:nz

APPROVED AS TO LEGAL SUFFICIENCY

David S. Warner
M-NCPPC Legal Department
Date: July 6, 2021