

RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on February 6, 2003, regarding Detailed Site Plan DSP-02036 for The Choice at Fairwood, the Planning Board finds:

1. Fairwood, a mixed-use community development to be constructed in accordance with Section 27-444 of the Zoning Ordinance, is generally north of US 50, south of MD 450 and on both sides of Church Road. It will include approximately 1,799 dwelling units on approximately 1,059 acres in the M-X-C Zone.

2. **Development Data Summary**

| | EXISTING | PROPOSED |
|-----------------|------------------|-------------------------|
| Zone(s) | M-X-C | M-X-C |
| Use(s) | Vacant | Single-family dwellings |
| Acreage | 9.46 acres | 9.46 acres |
| Lots | 0 | 1 |
| Parcels | O, D, E, M and H | O, D, E, M and H |
| Dwelling Units: | | |
| Attached | 0 | 75 units |
| Detached | 0 | 0 |
| Multifamily | 0 | 0 |

Other Development Data

| | |
|------------------|------------|
| Parking Required | |
| (75 x 2.04=153) | 153 spaces |

| | |
|----------------------------------|------------|
| *Parking Provided | |
| 22' x 8' (within right-of-way) | 17 spaces |
| 19' x 9.5' (within right-of-way) | 6 spaces |
| 19' x 9.5 (on-site spaces) | 52 spaces |
| Handicapped Accessible spaces | 6 spaces |
| Garage spaces | 119 spaces |
| Driveway spaces | 75 spaces |
| Total Parking Provided | 283 spaces |

| | |
|-----------------------------------|------------|
| Maximum Building Coverage Allowed | 35 percent |
|-----------------------------------|------------|

| | |
|---|---------------|
| Building Coverage Provided | |
| Parcel 'O' | 19.25 percent |
| Parcel 'D' | 13.71 percent |
| Parcel 'E' | 20.54 percent |
| Parcel 'M' | 20.27 percent |
| Parcel 'N' | 13.84 percent |
| Average Total Building Coverage for Parcels O, D, E, M and N | |
| | 16.87 percent |
| Maximum Impervious Area Allowed On Site | |
| | 50 percent |
| Impervious Area Provided: | |
| Parcel 'O' | 44.99 percent |
| Parcel 'D' | 30.80 percent |
| Parcel 'E' | 38.52 percent |
| Parcel 'M' | 54.32 percent |
| Parcel 'N' | 38.52 percent |
| Average Total Impervious Area for Parcels O, D, E, M and N | |
| | 39.3 percent |

*The applicant is providing 171 on-site parking spaces. It should also be noted that the Department of Public Works and Transportation has granted permission to the applicant to allow parking within the public right-of-way. See Finding #18 for further discussion.

3. The residential areas of Fairwood fall into five more or less discrete areas, which are separated by stream valleys, open space, parks, a commercial/retail area, and a public school. The developer has identified these areas as Phase I and Phase II and has several approved detailed site plans for portions of Phase I. These approved detailed site plans include Detailed Site Plan 01031, approval of 162 single-family lots adopted by the Planning Board on October 15, 2001 (PGCPB Res. No. 01-221); DSP-01031/01, approval of recreation facilities, signage and associated landscaping adopted by the Planning Board on October 15, 2001 (PGCPB Res. No. 01-220); and DSP-01046 approval of umbrella architecture (single-family only) adopted by the Planning Board on December 20, 2001 (PGCPB Res. No.01-258[c]).
4. The comprehensive sketch plan for the subject property, Fairwood CP-9504, was approved with conditions by the District Council on February 24, 1997. The detailed site plan is in general conformance to the CP. The following conditions of CP-9504 require comment:
6. **Development within the subject property under Phase I shall be limited to a total of 1,000 dwelling units, 100,000 square feet of retail space, and 250,000 square feet of**

office and institutional uses, or any combination of these or other permitted uses which generate no more than 1,145 AM and 1,276 PM peak-hour trips as determined under the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, as revised in April 1989.

Comment: Detailed Site Plan DSP-01031, adopted by the Planning Board on October 25, 2001, PGCPB No. 01-221, approved 162 single-family lots. Detailed Site Plan DSP-01031, in conjunction with the subject application for 75 townhouses, is well under the cap of 1,000 dwelling units allowed in Phase I. No retail space, office or institutional uses are being proposed at this time.

5. The preliminary plan of subdivision for the subject property, Fairwood 4-97024, was approved with conditions by the Planning Board on July 17, 1997 (adopted on July 31, 1997, PGCPB No.97-194). The detailed site plan is in general conformance with the preliminary plan. The following conditions of the preliminary plan require discussion:

6. At the time of Detailed Site Plan, the following conditions shall be applied:

- a. The area between the southern boundary of the Westwood development and the northern edge of Livingstone's Endeavor and Jordan's Endeavor rights-of-way shall be addressed by either: a) change in grade of at least six feet; b) a berm at least six feet in height, or c) a six-foot brick masonry wall.**
- b. Prior to issuance of the building permit for the 18th single-family home located within the Robert's Prospect area, construction of the private park within this area shall be completed.**
- c. At least 50 percent of the houses (on lots less than 10,000 square feet), shall contain single family dwellings with a minimum 2,250 square feet of living area.**

Comment: The subject application does not include the homeowners association land between Westwood and Fairwood. The private park located with the Robert's Prospect area has been completed. The subject application is being developed as condominiums and, therefore, is not subject to condition 6.c.

6. The final development plan for the subject property, Fairwood FDP-9701, was approved with conditions by the District Council on May 11, 1998. Condition 2 of that approval is as follows:

- 2. Prior to submission of the first detailed site plan, the applicant shall obtain approval from the Planning Board for a detailed site plan for a comprehensive program governing signage throughout the entire Fairwood development as set forth in Section 27-546.04(i) of the Zoning Ordinance.**

Comment: This condition was met per DSP-99034, approved by the Planning Board on December 16, 1999 (adopted January 6, 2000, PGCPB NO. 99-243). The detailed site plan is in general conformance with the approved final development plan (FDP-9701).

7. As required by Section 27-546.07(c) of the Zoning Ordinance, in addition to the findings for the Planning Board to approve a detailed site plan (Part 3, Division 9) the Planning Board shall also find (in the M-X-C Zone):

1. **The proposed development is in conformance with the purposes and other provisions of the M-X-C Zone** (which include but are not limited to: a comprehensively planned community with a balanced mix of residential, commercial, recreational and public uses; a system of flexible development standards, varying lot sizes that will encourage dwelling types so as to provide housing for a spectrum of incomes, ages, and family structures; and preservation of significant open spaces.)

Comment: Detailed Site Plan DSP-01031, adopted by the Planning Board on November 15, 2001 (PGCPB No. 01-221) for 162 single-family lots, provided the first step in creating a mixed-use community and in conjunction with the subject application, DSP-02036 will work toward providing a mix of residential, commercial, recreational and public uses. The subject application requesting approval of 75 townhouses, along with the previously approved single-family lots, will provide dwelling types for a wide range of incomes, ages, and family structures. Detailed Site Plan DSP-01031/01 for a portion of the HOA land was adopted by the Planning Board on November 15, 2001 (PGCPB No. 01-220), which included recreational facilities, signage and associated landscaping for a portion of the land to be dedicated to the homeowners association. Subsequent detailed site plans will be submitted that will encompass the remaining land to be dedicated to the HOA, which will address the remaining open spaces. Approximately 80 acres in Phase I, Part I, are to be dedicated to the Department of Parks and Recreation for preservation of significant open spaces.

2. **The arrangement and design of buildings and other improvements and the mix of uses reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability.**

Comment: The subject detailed site plan, in conjunction with previously approved detailed site plans, will provide for a cohesive development. Subsequent detailed site plans, which will include the commercial component, the remaining HOA land, and the revised master plan trail, will ultimately create an independent environment of continuing quality and stability.

3. **The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development.**

Comment: The subject application, in conjunction with previously approved Detailed Site Plan

DSP-01031/01 for signage, landscaping and recreational amenities, which included an extensive sidewalk system, was adopted by the Planning Board on November 15, 2001 (PGCPB Res. No. 01-220) and provides for a pedestrian system to allow residents and citizens the capability of walking, biking, etc., in a safe manner throughout the site. Private and public parks are located throughout the site, inviting the residents and the public to enjoy the recreational amenities.

- 4. In areas of development to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, the quality of urban design, and other amenities such as types and textures of materials, landscaping and screening, street furniture, and lighting, both natural and artificial.**

Comment: The subject application is for a small portion of the Fairwood site, approximately 9.45 acres of the 1,059 acres; however, it does create intimate gathering places for the residents of the townhouse complex located internally to the townhouse complex. Previously approved detailed site plans also provide for gathering places as well as large sports activity fields for residents to enjoy. It should be noted that the sports field is adjacent to this townhouse development. In addition, the previously approved street furnishings, lighting (natural and artificial), and screening create an environment that is inviting for all ages to enjoy.

- 5. The detailed site plan is in general conformance with the approved final development plan. Where not defined in an approved development plan, the design standards of the zone most compatible with the M-X-C Zone shall be applicable.**

Comment: The subject Detailed Site Plan DSP-02036 has been found to be in general conformance with final development plan FDP-9701 in terms of lot layout and road alignment, location of open space, signage, landscaping, the development standards of the FDP, and the conditions of approval.

8. DSP-02036 includes architectural elevations proposed by Goodier Builders. Three units are being offered: 20-foot, 26-foot, and 28-foot-wide units. These units offer the following living areas: 1,820 square feet (with an additional 11.6 square feet should the optional bay window be chosen); 2,164 square feet; and 2,433 square feet, respectively.

The architectural elevations indicate that all models have either a one- or two-car garage. All models meet the minimum size requirement of 1,250 square feet. Each model also has several different elevations. In general, each elevation employs a variety of architectural elements, such as varying rooflines, window and door treatments, projections, and materials. The architecture should be revised to provide dimensions, materials and colors prior to certification of the detailed site plan. The variety of elevations will ensure that the repetitive use of architectural elements is avoided. In order to convey the individuality of each unit, no two units with the same elevation should be located next to one another.

It should be noted that the Zoning Ordinance requires that 60 percent of the front facades of

townhouses built in the M-X-C Zone be brick, stone or stucco. The applicant has requested a variance from this regulation. For further discussion in regard to the request for a variance from Section 27-546.04(g) of the Zoning Ordinance, see Finding #19.

9. The Community Planning Section has determined that this application does not raise any master plan issues.
10. The Environmental Planning Section, in a memorandum dated July 8, 2002 (Markovich to Whitmore), had the following comments:

“The subject parcels, which total 9.46 acres are located in the M-X-C Zone on the east and west sides of Hillmeade Road in the Fairwood development. A review of the available information indicates that streams, wetlands, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils are found to occur in the vicinity of the property. No transportation-related noise impacts have been found to impact this property. The soils found to occur according to the Prince George’s County Soil Survey include Collington fine sandy loam and Matapeake silt loam, which have no significant limitations that would affect the development of this property. According to available information, Marlboro clays are not found to occur on this property. The sewer and water service categories are S-3 and W-3, according to information obtained from the Department of Environmental Resources dated November 1, 2001. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled ‘Ecologically Significant Areas in Anne Arundel and Prince George’s Counties,’ December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads in the vicinity of the parcels included in this application. This property is located in the Collington Branch watershed of the Patuxent River basin and in the Developing Tier, as reflected in the adopted General Plan.

“Environmental Review

“1. The detailed forest stand delineation (FSD) was previously reviewed and found to address the criteria for a FSD in accordance with the Prince George’s County *Woodland Conservation and Tree Preservation Technical Manual*.

“2. This property is subject to the provisions of the Prince George’s County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet, there are more than 10,000 square feet of existing woodland on-site, and there are previously approved Tree Conservation Plans, TCPI/22/97 and TCPII/12/00, encompassing this application.

“This application was evaluated with TCPII/12/00 and found to conform to the previously approved plan. No woodland conservation areas will be impacted by the development of

this site as reflected on Detailed Site Plan DSP-02036. The requirements for the parcels included in this application have been generally provided on other areas of the Fairwood property.

“3. These parcels are located adjacent to the headwaters of Collington Branch, in the Patuxent River basin. The stream buffer, wetlands, wetland buffer, and 100-year floodplain which compose the Patuxent River Primary Management Area (PMA) are accurately shown on the plans submitted with this application. The approval of the Preliminary Plan of Subdivision, 4-97024, included a variation request to allow some disturbances to the PMA for the construction of Hillmeade Road and the installation of the sewer outfall for this portion of the overall Fairwood development. The PMA impacts approved with the preliminary plan of subdivision were later refined during review and approval of the Detailed Site Plan for Infrastructure, DSP-99052. This application is consistent with the prior approvals and does not propose any additional PMA impacts.”

Comment: The subject Detailed Site Plan DSP-02036 has been found to be consistent with the approved TCPII/12/00, therefore, TCP II does not require revisions. The Environmental Planning Section recommends approval of DSP-02036.

11. The Department of Parks and Recreation has found the subject plans acceptable as submitted.
12. The State Highway Administration found the plans acceptable as submitted.
13. The Transportation Planning Section, in a memorandum dated October 2, 2002 (Masog to Whitmore), provided the following comments:

“The application involves Phase I, Part 2 of the Fairwood development. The entire Fairwood development consists of approximately 1,052 acres of land in the M-X-C Zone and is located on both sides of Church Road between MD 450 and US 50. The current detailed site plan application covers 9.46 acres of the subject site; all of this area is west of Church Road and along both sides of Hillmeade Road.

“On-site circulation is acceptable. The general plan layout and proposed paving widths of the public streets conform to the underlying preliminary plan.

“CP-9504

“Condition 6: This condition sets a total of development for Phase I. The subject application conforms to that development cap. To date, 162 single-family detached residences have detailed site plan approval within Phase I, and the subject application would add 75 townhouses. This is well within the development limit of 1,000 residences for Phase I and within the limit of 243 residences considered for Phase I, Part I.

“The subject property is required to make roadway improvements in the area pursuant to a

finding of adequate public facilities made in 1997 for Preliminary Plan of Subdivision 4-97024 and Final Development Plan FDP-9701. This finding was supported by a traffic study submitted in 1997. Insofar as the basis for that finding is still valid, and in consideration of the materials discussed earlier in this memorandum, the transportation staff can make a finding that the subject property is in general conformance with the approved final development plan and with other previously approved plans.”

14. The Transportation Planning Section, Trails Division, in a memorandum dated August 1, 2002 (Shaffer to Whitmore), provided the following comments:

“Prior approvals for 4-97024 and DSP-01031 contain several pedestrian and trail facilities on or in the vicinity of the subject site. Both of these prior approvals include recommendations for standard sidewalks along both sides of Hillmeade Road. These sidewalks are reflected on the subject application. In addition, 4-97024 and DSP-01031 also included the provision of a ten-foot wide, master plan trail on Parcel A and Parcel B, which are to be dedicated to the Department of Parks and Recreation (DPR). This trail will be on land adjacent to the subject site.

“Standard sidewalks shall be provided along both sides of Hillmeade Road, as shown on the submitted site plan.

“Due to the proximity of the subject site to the planned master plan trail on Parcels A and B, it is recommended that the master plan trail be constructed prior to the issuance of building permits for the lots immediately adjacent to the location of the planned trail. On the subject site, this includes Lots 51 through 66 on Marshalls Choice Drive, Lots 91 through 94 on Bandoleres Choice Drive, and Lots 115 through 131 on Princes Choice Drive.

“The provision of sidewalks along one side of all internal roads (in addition to the sidewalks along both sides of Hillmeade Road), as shown on the site plan, is in conformance with prior approvals.

“Curb cuts for all trails and sidewalks shall be ramped and handicapped accessible.”

Comment: Condition 2 in the recommendation section of this report addresses the concern pertaining to the timing of the construction of the master plan trail behind Lots 51 through 66 on Marshalls Choice Drive, Lots 91 through 94 on Bandoleres Choice Drive, and Lots 115 through 131 on Princes Choice Drive.

15. The Department of Environmental Resources, in a memorandum dated July 11, 2002 (De Guzman to Whitmore), states “The Choice at Fairwood, DSP-02036, does not have an approved stormwater concept at this time.”

Comment: The applicant has provided staff with a copy of the approved, stamped stormwater

management concept plans as well as the stormwater management concept approval letter (#27593-2002-00) with an expiration date of June 30, 2004.

16. The Permit Review Section offered numerous comments, all of which have been addressed.
17. The Subdivision Section, in a memorandum dated July 15, 2002 (Chellis to Whitmore), offered the following comments:

“...The Planning Board, in its approval of Preliminary Plan 4-94024, established the appropriate width of all rights-of-way within this subdivision. The public rights-of-way associated with this DSP have been dedicated to public use. The improvements and use of those rights-of-way are under purview of the Department of Public Works and Transportation.

“It appears that the applicant is proposing parallel parking spaces within the dedicated public right-of-way, within the minimum 26-foot-wide pavement width. In addition, the applicant has proposed to back ninety-degree parking spaces directly onto the 26-foot minimum pavement width within the 50-foot dedicated right-of-way. This proposal was not proposed at the time of review of the preliminary plan and has therefore not been adequately evaluated...”

Comment: The Department of Public Works and Transportation has provided documentation allowing parking within the public right-of-way. See Finding #18 for further discussion.

18. The Department of Public Works and Transportation, in a letter dated January 17, 2001 (Hager-Francis to Gibbs), provided the following comments:

“...requesting a waiver from the Department of Public Works and Transportation (DPW&T) requirement precluding residential townhouses direct access onto public streets as described in the Preliminary Plat of Re-Subdivision, Lots 1 thru 27 and parcel ‘T’, Block B, and Lots 1 thru 48 and Parcel ‘F’, Block D. The public streets in question are: Hillmeade Road, Commerce Row, Exchange Row and Trade Row.

“Given the unique nature of this development and the location of the subject public streets relative to the various residential and commercial elements in the development, DPW&T can grant this waiver, with the following conditions.”

“1. The parking bay spaces will need to be located a minimum of fifty (50) feet away from the intersections.”

Comment: The submitted plans indicate that this condition has been fulfilled.

“2. The parking space striping in the parking bays will be the maintenance responsibility

of the Homeowner's Association (HOA)."

Comment: The applicant should include in the appropriate documents that this maintenance shall be the responsibility of the HOA.

"3. The HOA will need to be responsible for snow removal in the parking bays."

Comment: The applicant should include in the appropriate documents that this maintenance shall be the responsibility of the HOA.

"4. All townhouse purchasers within the area described above will need to be notified at the time of home purchase that the snow removal in the parking bays and parking space striping are the responsibility of the HOA."

Comment: The applicant should include in the appropriate documents that this maintenance shall be the responsibility of the HOA.

"5. Sidewalks will be required behind the parking bays."

Comment: The plans indicate that said sidewalks have been provided.

"6. The above-referenced sidewalk will need to be included in the public right-of-way or within a sidewalk easement."

Comment: The plans should be revised to include the sidewalk within the public right-of-way; alternatively, the applicant should provide the appropriate documentation verifying that the referenced sidewalks have been placed in an easement.

"7. There needs to be at least two (2) parking spaces per townhouse in the street."

Comment: The plans indicate that this condition has been met.

"8. There needs to be at least two (2) parking spaces per townhouse provided off-street (i.e., garage or driveway parking).

Comment: The plans indicate that this condition has been met.

"Please note that this waiver only covers the area described in the above referenced preliminary plat of re-subdivision. All future waiver requests of a similar nature will need to be submitted in writing to DPW&T."

19. In general, the detailed site plan meets the requirements of the Zoning Ordinance for development in the M-X-C Zone, except as explained below.

Section 27-546, Regulations, of the Zoning Ordinance sets forth certain design criteria for the M-X-C Zone. The detailed site plan is in conformance with the criteria with the exception of Section 27-546.04(g) that states:

“...with at least sixty percent (60%) of the total number of building fronts constructed of brick, stone or stucco...”

VARIANCE REQUEST

The applicant is requesting a variance from Section 27-546.04(g) in accordance with the criteria set forth in Section 27-230 of the Prince George’s County Zoning Ordinance. The applicant requests a change from the normal requirement for 60 percent of the individual units in a development having complete brick, stone, or stucco front facades, to a method of providing brick, stone, or stucco fronts that calculates the total percentage of the combined fronts of a stick of townhouse units and allows the minimum percentage of the combined fronts of a townhouse stick that is brick, stone, or stucco to be reduced to between 41 percent and 51 percent.

Section 27-230 sets forth the following criteria for approval of the variance:

- 1. A specific parcel of land has exceptional narrowness, shallowness or shape, exceptional topographic conditions or other extraordinary situations or conditions.**

In response to the first criterion, the applicant submits that the property is not a traditional townhouse development. It should be noted that the proposed ownership for this detailed site plan would be a condominium regime; the proposed townhouses do not have their own lots. Therefore, Urban Design staff concurs with the applicant’s evaluation.

- 2. The strict application of the Subtitle will result in peculiar and unusual practical difficulties to or exceptional or undue hardship upon the owner of the property.**

In response to the second criterion, the applicant submits that the strict application of the front facade requirements of the Zoning Ordinance would mean that the applicant’s innovative design would be compromised.

The applicant is proposing a high-quality townhouse product on a well-designed site, which has considerable merit. While the full fronts of 60 percent of the units are not proposed to be constructed of brick, stone or stucco, many of the fronts are proposed to have brick and the architecture is interesting and aesthetically pleasing. Wrought iron railings add a level of detail that is not typical in the county. A majority of the buildings propose brick end units, which are not usually found in townhouse construction. Instead of 60 percent of individual units having front facades of brick, stone or stucco, the applicant is proposing to provide some brick, stone or stucco on each unit within a stick of townhouses. The percentage of brick, stone or stucco provided on the combined fronts of a townhouse stick ranges from a low of 47.1 percent to a high

of 50.95 percent. Staff is of the opinion that failure to approve the variance would create practical difficulties for the applicant and would frustrate the applicant's plans to provide high-quality housing whose exterior architectural appearance will, given the overall design proposed by the applicant, be superior to what is normally achieved with the fulfillment of the normal 60 percent brick, stone or stucco requirement.

The Urban Design staff concurs with the applicant's evaluation.

3. The variance will not substantially impair the intent, purpose or integrity of the general plan or master plan.

In response to the third criterion, the applicant submits that the townhouse use proposed in this application is allowed in the M-X-C Zone as envisioned in the development plan for Fairwood. The requested variance does not propose any change to the allowed uses in the M-X-C Zone and, therefore, does not impair the intent, purpose or integrity of the General Plan or master plan.

The Urban Design staff concurs with the applicant's evaluation.

The Urban Design staff recommends that the Planning Board approve the variance to Section 27-546.04(g). A variance should be granted to allow the applicant to calculate the percentage of brick, stone, or stucco fronts by a method that calculates the total percentage of the combined fronts of a stick of townhouse units and allows the minimum percentage of the combined fronts of a townhouse stick that is brick, stone, or stucco to be reduced to between 41 percent and 51 percent.

20. **Urban Design Issues:** The interior of the Fairwood development is exempt from Section 4.7, Buffering Incompatible Uses, of the *Landscape Manual*. It should be noted that interior buffers are reviewed on a case-by-case basis when plans are submitted that would normally require a bufferyard. However, the remaining sections of the *Landscape Manual* do apply to Fairwood. The subject application meets all the requirements of the *Landscape Manual* except for Section 4.3, Parking Lot Requirements.

The applicant has submitted an application for Alternative Compliance, AC-03002. The application is currently under review as of the writing of this staff report. The Alternative Compliance Committee reviewed the application and provided the following analysis and recommendation for the Planning Director's review:

Alternative Compliance is requested for Section 4.3(a) of the *Landscape Manual*.

BACKGROUND:

The property is located at Trade Row Drive and Commerce Row Drive north of Fairwood

Parkway, in the Fairwood Subdivision. The use of the property is identified as attached single-family dwellings. The applicant is seeking approval of a detailed site plan to build 75 townhouses in the M-X-C Zone. The designated surrounding uses include park property (soccer fields) to the east, commercial retail/office to the south and east (vacant), and park property (stream valley park) to the north.

The applicant's justification statement asked for alternative compliance for Section 4.3, which requires a ten-foot-wide parking lot landscaped strip when a parking lot is located adjacent to a public right-of-way.

Section 4.3 (a), Landscaped Strip Requirements (along Trade and Commerce Row Drives)

REQUIRED:

Trade Row Drive

| | |
|----------------------------|---------------|
| Linear feet of parking lot | 70 feet |
| Landscaped strip: | 10 feet |
| Plant units: | 2 shade trees |
| | 20 shrubs |

Commerce Row Drive

| | |
|----------------------------|---------------|
| Linear feet of parking lot | 50 feet |
| Landscaped strip: | 10 feet |
| Plant units: | 2 shade trees |
| | 18 shrubs |

PROVIDED:

Trade Row Drive

| | |
|---------------------------|---------------|
| Width of landscape strip: | 0 feet |
| Plant units: | 2 shade trees |
| | 22 shrubs |

Commerce Row Drive

| | |
|---------------------------|---------------|
| Width of landscape strip: | 0 feet |
| Plant units: | 2 shade trees |
| | 18 shrubs |

JUSTIFICATION OF RECOMMENDATION:

Section 4.3(a), Landscape Strip Requirements, requires a minimum ten-foot-wide landscaped strip

between the right-of-way and the parking lot with a minimum of one shade tree and ten shrubs per 35 linear feet of frontage. These two parking bays are unique in that a portion of each parking space is located within the public right-of-way. The balance of the parking spaces and a sidewalk are located where the required landscape strip would typically be required. It should be noted that the Director of the Department of Public Works and Transportation reviewed this parking arrangement and authorized its configuration by letter dated January 17, 2001 (attachment 'A'). The landscape strip and required shrubs are located behind the sidewalk. A shade tree is proposed at each end of the parking bay. Beyond the row of shrubs and trees is a grassy area, which creates a park-like setting. This alternative is found to be equal to or better than what would be achieved under the strict requirements of the *Landscape Manual*.

RECOMMENDATION:

The Alternative Compliance Committee recommends APPROVAL of alternative compliance pursuant to Sections 4.3(a) of the *Landscape Manual*.

21. The City of Bowie, in a memorandum dated October 10, 2002 (Robinson to Chairman Hewlett), offered the following comments:

“On Monday, October 7, the City Council reviewed the Fairwood DSP #02036 for 9.4 acres in the northeast portion of the site. The proposal is for 75 townhouses in three parcels (D, E, and O) referred to as The Choice at Fairwood. The site is zoned M-X-C (Mixed-Use-Community). The applicant is Goodier Builders, Inc.

“While the proposed architecture, landscape plan, streetscape and related aspects of the DSP #02036 meet the spirit and intent of review criteria at this phase of plan review, the Council does not support the overall impacts the Fairwood site will have on the county’s ability to provide for adequate public facilities to the future residents of Fairwood. Based on this finding, the Council recommends the Fairwood DSP #02036 be Disapproved.”

22. The detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George’s County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Detailed Site Plan DSP-02036, Alternative Compliance No. AC-03002 and further approved Variance Application No. VD-02036, subject to the following conditions:

1. Prior to signature approval, the following revisions shall be made or information supplied:
 - a. The dimensions of the physically handicapped parking spaces shall be provided on the plans.
 - b. The architectural elevations shall be revised to include dimensions, materials, colors, and roof pitches.
 - c. All 15 sticks of architectural elevations, including front, sides, and rears, shall be provided. The location of each unit within a stick and the location where the stick is to built shall be provided.
 - d. The Condominium Unit Owners Association documents for the Choice at Fairwood shall include the following: Parking space striping in the parking bays in the public right-of-way shall be the maintenance responsibility of the association, as well as the snow removal from these parking bays.
 - e. A note shall be placed on the plans that the snow removal in the parking bays in the public right-of-way and maintenance of the parking space striping is the responsibility of the Condominium Unit Owners Association.
 - f. The plans shall be revised to delineate an area surrounding the proposed sidewalks located behind the parking bays, and a note shall be added to the plans indicating that this area shall be burdened by an easement for maintenance running to the benefit of the Department of Public Works and Transportation.
 - g. The applicant and owner have indicated a desire to adjust the lot lines for the property forming the subject matter of this Detailed Site Plan pursuant to the lot line adjustment provisions of Section 24-108 of the Subdivision Ordinance. Prior to signature approval, the new lot lines shall be shown on the Detailed Site Plan.
2. Prior to release of any building permits, a deed of easement delineating the area surrounding the proposed sidewalks, located behind the parking bays, shall be executed and delivered to the Department of Public Works by the applicant and /or owner.

3. No building permits may be issued for the following lots until the master plan trail located behind the identified units has been flagged and appropriate signage installed indicating that a master plan trail is to be built in the flagged location: Lots 51 through 66 on Marshalls Choice Drive, Lots 891 through 94 on Bandoleres Choice Drive, and Lots 115 through 131 on Princes Choice Drive.

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Lowe, seconded by Commissioner Eley, with Commissioners Lowe, Eley, Scott and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, February 6, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 13th day of March 2003.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:LW:rmk