

A M E N D E D   R E S O L U T I O N

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 July 31, 2003, the Planning Board APPROVED [regarding] Detailed Site Plan DSP-03019 for Spring Meadows[, the Planning Board finds:] ; and

\*WHEREAS, on April 21, 2005 the Planning board granted a request to reconsider DSP-03019 and accompanying variance VD-03019 to correct a mistake in the amount of variance granted from the front yard setback of Lot 17; and

\*WHEREAS, in consideration of evidence presented at a second public hearing on May 12, 2005, regarding the reconsideration of Detailed Site Plan DSP-03019 and variance application VD-03019, the Planning Board made additional findings Nos 20 – 24 below:

1. Preliminary Subdivision Plan 4-02073 was approved for the subject property, known as Spring Meadows, on November 7, 2002 (PGCPB No. 02-231), for 52 lots and four parcels. DSP-03019 is being submitted in fulfillment of the Detailed Site Plan requirement for all cluster developments.
2. Development Summary

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone(s)	R-R	R-R
Use(s)	Vacant	Single-family residential
Acreage	33.01	33.01
Lots	3	52
Parcels	0	4
Square Footage/GFA	NA	NA

\*Denotes Amendment

Underlining indicates new language

[Brackets] indicate deleted language

Gross Tract Area	33.01 acres
Area Within 100-Year Floodplain	0.00 acres
Area With Slopes Greater Than 25%	0.00 acres
Net Tract Area	33.01 acres

Number of Lots Permitted	66
Number of Lots Proposed	52

Minimum Lot Size Permitted	10,000 sq. ft.
Maximum Lot Size Proposed	10,000 sq. ft.

The subject site contains 33.01 acres of land, known as Spring Meadows, and is located at the southeast corner of Church Road and Annapolis Road. Access to the property is from Annapolis Road. The adjacent properties are as follows:

North—	Annapolis Road
South—	Residential zoned R-R
East—	Residential zoned R-R
West—	Residential zoned R-R

3. The subject Detailed Site Plan includes site/grading and landscape and architectural plans for the subdivision. The applicant is proposing the following architectural models for the subdivision:

<b>Model</b>	<b>Square Feet</b>
Urbana	3,568
Federal	4,130
Villager-6	3,010
Kentmore	3,295
Annapolis	3,435
Lancaster	3,030

4. The proposed models have various options like brick facades, shutters, windows, window trim, bay windows, and entrance porches. The proposed design features contribute to the overall superior quality of architecture proposed for this development.
5. The following conditions of the Preliminary Plan 4-02073 are applicable to the subject Detailed Site Plan:

*#11 Prior to certification of the detailed site plan, approved stormwater management technical plans or other documentation shall be submitted indicating the concurrence of the Department of Environmental Resources with the use of the stormwater management parcels to satisfy woodland conservation requirements*

The applicant has submitted approved stormwater management technical plans approved by the Department of Environmental Resources. The Environmental Planning Section has reviewed the

technical plans.

*#13. At the time of Detailed Site Plan, a Type II Tree Conservation Plan shall be approved.*

The Environmental Planning Section has recommended approval of a Type II Tree Conservation Plan with conditions.

*#15. At the time of Detailed Site Plan the applicant shall demonstrate to the satisfaction of the Planning Board that:*

- a. Lots 42 through 45 satisfy the requirements of Section 24-137 of the Subdivision Regulations, or up to two of these lots shall be eliminated.*
- b. Proposed Lots 15 through 18 satisfy the conventional lot requirements of the Zoning Ordinance for lots along a street in an R-R Zone cluster subdivision; any of these lots which do not satisfy these requirements shall be eliminated.*
- c. Driveway cuts onto Church Road have been minimized by the use of abutting driveways where possible.*
- d. Internal streets have been named to avoid confusion with the Westwood Subdivision.*

Lots 42 to 45 (now shown on the DSP as Lots 36 to 39) meet the requirements of Section 24-137. Lots 15 to 18 (now numbered 14 to 17) have been reconfigured and meet the conventional lot requirements of the Zoning Ordinance. The driveway cuts along Church Road have been minimized by placing the driveways close to each other. Internal streets have been named to avoid confusion with the Westwood Subdivision.

*#16. At the time of detailed site plan, the applicant shall:*

- a. Provide sidewalks only on one side of Lakeford Court and on all other streets that contain lots without direct access to the trail system. If a trail system is not provided, sidewalks should be provided on both sides of all streets, with the exception of Lakeford Court.*
- b. Provide an amenities package which, upon review and comment by the City of Bowie, is deemed appropriate by the Planning Board.*
- c. Submit a trails plan that reflects access to the open space parcels, to MD 450 and, if possible, to Church Road*

The applicant has provided sidewalks on one side of Lakeford Court and all the streets without direct access to the trail system. An amenities package has been provided and has also been

submitted to the City of Bowie. The applicant has not submitted a trails plan that reflects access to the open space parcels and to MD 450. A condition of approval has been added to require the applicant to submit a trails plan. A condition has also been added to require the applicant to show the widths of all trails and sidewalks for the proposed development

6. *Prior to approval of the final plats, a variance shall be secured for the front yard setback for the existing house on proposed Lot 18 or the structure shall be razed.*

The subject lot is now Lot 17. The applicant has filed a variance application. The variance is discussed in detail in Finding 18.

7. The proposal is subject to the requirements of Section 4.1 (Residential Requirements) of the *Landscape Manual*. The proposed landscaping complies with the requirements of the *Landscape Manual*. The total number of lots and the total number of trees proposed to meet the requirements of the *Landscape Manual* must be shown. The uses on the adjacent properties must also be shown. The rear yards and rear elevations of Lots 20 to 36 will be visible from Parcel A. A combination of evergreen and shade trees should be provided on Parcel A along the rear property lines of these lots to completely screen the rear yards from Parcel A. Conditions of approval have been added to require all of the above. Since the rear elevations of these houses will also be visible, a condition of approval has been added to require additional design elements for the rear elevations so that they are as attractive as the front elevations. The applicant has filed a variance application for the front yard setback of the existing house on Lot 17. The variance application is discussed in Finding 18.

#### **Referral Comments**

8. The Permits Review Section (Moore to Srinivas, April 24, 2003, and July 8, 2003) has requested minor changes to the site plans. Conditions of approval have been added to require the same.
9. The Transportation Planning Section (Masog to Srinivas, April 21, 2003) has stated that the site plan is acceptable.
10. The Department of Environmental Resources (De Guzman to Srinivas, May 7, 2003) has stated that the proposed site plan is not consistent with the approved stormwater management concept #3251-2002. A condition of approval has been added to require the applicant to submit an approved stormwater management concept plan for any revisions to the proposed site plan.
11. The Washington Suburban Sanitary Commission (Thacker to Srinivas, May 6, 2003) has stated that the Detailed Site Plan must be revised to reflect the conditions of approval of the Development Services Group.
12. The Subdivision Section (Del Balzo to Srinivas, August 20, 2002) has stated that the proposed plan is in substantial conformance to the Preliminary Plan. The subject Preliminary Plan is valid until December 12, 2004. Several conditions of approval of the Preliminary Plan need to be

addressed during the review of the Detailed Site Plan. The conditions have been addressed.

13. The Environmental Planning Section (Ingrum to Srinivas, June 12, 2003) has stated that streams, wetlands, 100-year floodplains, severe slopes, and areas of steep slopes with highly erodible soils are not found to occur on the property. There are no transportation-related noise impacts to the property. Wetlands are located on this site. The soils found on the property are Collington and Shrewsbury series. Marlboro Clay is not found to occur on this property. There are no rare, threatened, or endangered species found to occur on this property. The property is located in the Western Branch watershed of the Patuxent River basin and is in the Developing Tier in the adopted General Plan. The applicable conditions of the Preliminary Plan have been fulfilled. Condition 4.f. of Preliminary Plan 4-02073 required that stormdrain outfalls be designed to avoid adverse impacts on land to be conveyed to the homeowners association. The applicant has ensured that the stormdrain outfalls avoid adverse impacts to the land conveyed to the homeowners association. The applicant has submitted a Forest Stand Delineation along with the Preliminary Plan.

The 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 and there are more than 10,000 square feet of existing woodland on site. The total woodland conservation of 8.58 acres is proposed to be satisfied by the preservation of 3.83 acres of priority woodland on site, 2.61 acres of on-site reforestation and afforestation, and 2.14 acres of off-site mitigation. There are no impacts to existing woodland. TCPII/68/03 is recommended for approval subject to conditions.

14. The Community Planning Division (D'Ambrosi to Srinivas, May 12, 2003) has stated that there are no master plan land use issues regarding the subject Detailed Site Plan.
15. The City of Bowie (Robinson to Hewlett, June 17, 2003) has stated that the subject Detailed Site Plan was reviewed by the Council at its regular meeting on Monday, June 16, 2003. The Council has recommended approval with conditions intended to improve the quality, aesthetics and safety of the project. The conditions include reorientation of houses on specific lots to maximize yard areas, addition of sidewalks and trail connections, and use of specific landscaping materials. Some of the applicable conditions have been carried forward as conditions of approval for this Detailed Site Plan.
16. The State Highway Administration (SHA) (McDonald to Srinivas, June 19, 2003; Whitmore, October 15, 2002) has stated that the applicant must obtain a permit from the State Highway Administration for access improvements. At the time of the permit, storm drain plans and a traffic count must be submitted for review to the appropriate divisions. SHA indicates that implementation of the required improvements are consistent with SHA guidelines and regulations for access to state highways.
17. The Transportation Planning Section (Shaffer to Srinivas) July 18, 2003) has stated that the City of Bowie's adopted trails master plan designates the former A-44 right-of-way as a multiuse trail corridor. The city has recommended an internal trail network as part of the subject Detailed Site Plan. The Transportation Planning Section supports their recommendations.

18. **Variance**

Section 27-442(e), Regulations, of the Zoning Ordinance requires a minimum 25-foot front yard setback for all one-family detached dwellings in the R-R Zone.

The existing house on Lot 17 was built in 1949. At that time the house was constructed, it met all the requirements of the 1949 Ordinance of Prince George's County. The subdivision of existing Parcels 11 and 12 will cause the existing home on Lot 17 to be too close to Church Road, thus no longer meeting the front yard width requirements. This house has been in existence for over 50 years and has existed in its current condition. The front yard setback for this lot has been reduced to nine feet. A variance for 16 feet from the front yard setback is required.

Section 27-230 of the Zoning Ordinance requires the Planning Board to make the following findings prior to approving an application for a variance:

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

The existing house on Lot 17 was built before the lots were subdivided. The subdivision of the lot reduced the front yard setback to nine feet. In order to meet the current front yard setback requirements, the existing house would have to be relocated. Therefore, a variance of 16 feet from the front yard setback requirements is needed due to the extraordinary situation caused by the street line moving closer to the house when the Preliminary Plan of Subdivision was approved.

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

The strict application of this subtitle would result in the applicant having to relocate the existing house. The proposal meets all other requirements of the R-R Zone. The existing house on Lot 17 was built before the lots were subdivided. Therefore, the granting of the variance is justified to address existing site conditions. The strict application of this subtitle would result in peculiar or unusual difficulties to the owner of the property because it would result in the unreasonable expense of the owner having to relocate the existing house.

- (3) *The Variance will not substantially impair the intent, purpose or integrity of the General Plan or Master Plan.*

The residential use of the subject property is consistent with the master plan that shows low suburban residential use for the subject property. The granting of the variance for the front setback of the existing house will not impair the intent, purpose or integrity of the General Plan or master plan.

Staff finds that the approval of the variance application, VD-03019, is justified based on the fulfillment of the criteria mentioned above.

19. With the proposed conditions, Detailed Site Plan SP-03019 represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.
- \*20. The Planning Board adopted this resolution approving DSP-03019 and VD-03019 on September 4, 2003. Finding 18 above describes and justifies the original approval of the variance.
- \*21. The applicant requested and received approval of VD-03019 based on information from the Planning Department staff that additional dedication for widening of Church Road in connection with the Spring Meadows subdivision would reduce the front yard setback for the house on Lot 17 to nine feet, thus necessitating a variance of 16 feet of the front yard setback.
- \*22. In the course of applying for approval of the final plat including Lot 17, it came to the attention of the applicant and the Subdivision staff that the information on which the original variance approval was based was in error. Dedication for widening of Church Road has reduced the setback for the existing house on Lot 17 not to nine feet, but to zero (0) feet. Therefore, the amount of variance required is not 16 feet as previously approved, but 25 feet.
- \*23. The applicant in the reconsideration states that the original approval of VD-03019 was based on a mistake and requests the reconsideration to allow the Planning Board to correct the mistake by reapproving VD-03019 with a 25-foot variance of the front yard setback.
- \*24. Section 27-230 of the Zoning Ordinance requires the Planning Board to make three findings prior to approving an application for a variance. The first of the three findings previously made by the Planning Board in Finding 18 above should be modified as follows to reflect the reconsideration request:
- (1) **A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;**

\*Denotes Amendment

Underlining indicates new language

[Brackets] indicate deleted language

\*The existing house on Lot 17 was built before the lots were subdivided. The subdivision of the lot reduced the front yard setback to [nine] zero (0) feet. In order to meet the current front yard setback requirements, the existing house would have to be relocated. Therefore, a variance of [16] 25 feet from the front yard setback requirements is needed due to the extraordinary situation caused by the street line moving closer to the house when the preliminary plan of subdivision was

approved.

\*The second and third findings required to be made by the Planning Board by Section 27-230 prior to approving an application for a variance, as previously made in Finding 18 above, still apply in their entirety and without modification to the revised variance request which is the subject of the reconsideration.

\*The approval of the modified variance application, VD-03019, submitted in the context of the subject reconsideration, is justified based on the fulfillment of the criteria in Section 27-230 of the Zoning Ordinance.

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 \*modified findings contained herein and [APPROVED]

\*REAPPROVED the Detailed Site Plan DSP-03019 and further [approved] \*REAPPROVED Variance Application No. VD-03019 [subject to the following conditions:] \*modified to provide a variance of 25 feet from the front yard setback of Lot 17, subject to the following conditions:

1. Prior to certification of the Detailed Site Plan:

- a. The applicant shall revise the site/grading, landscaping and architectural drawings to show the following:
  - (1) The widths of all trails and sidewalks for the proposed development. The width of the trails shall be at least six feet-wide.
  - (2) A combination of evergreen and shade trees on Parcel A along the rear property lines of Lots 20 to 36.
  - (3) Additional architectural features on the rear elevations of the houses on Lots 20 to 36 to make them as attractive as the front elevations, including but not limited to bay windows, shutters, porches, sunrooms etc.
  - (4) Correct north arrow.

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- (5) Height of the "Annapolis" model on the template page.
- (6) Location of the gazebo.
- (7) Design, details, maximum lettering area, maximum height, setbacks to maintain unobstructed lines of vision and materials for the proposed sign and landscaping



around the base of the sign according to Section 27-624, Gateway Signs, of the Zoning Ordinance

- (8) The unit on Lot 9 oriented so as to provide the maximum rear yard and privacy as possible.
  - (9) The “Belair” model included as one of the proposed architectural models.
  - (10) A minimum of four architectural features on side walls facing Lake Meadows Drive for lots 3, 6, 10, 12, Block A and Lots 1, 37, 38, Block B.
  - (11) All chimneys facing the street to be constructed of brick.
  - (12) All fireplace chimneys, regardless of location on the dwelling unite extending to finished grade. Prefabricated inserts on the first floor either extending to finished grade or be well landscaped; prefabricated inserts on the second or third floors limited to locations not visible from the street.
  - (13) A lighting plan and details with shielded fixtures to reduce light spillage and glare.
  - (14) Units adjacent to or directly across the street from each other shall not have identical front elevations. A variety of different colors, materials, and special features should be used to ensure that units appear unique, particularly if adjacent to units with similar elevations.
  - (15) Landscape palette consisting of at least 50% of native plant species.
  - (16) The two stormwater management ponds planted with a variety of emergent plantings. The plant species shall be selected from the City’s Wildlife Habitat Management Guidelines.
- b. The applicant shall submit an approved stormwater management concept plan for the proposed revisions to the Detailed Site Plan.
  - c. The applicant shall submit a phasing plan for construction of the recreational facilities to the Urban Design Review Section for review and approval.
- 2. Prior to issuance of building permits, the net lot area and lot coverage for Lot 17 shall be provided.
  - 3. All trails shall be constructed prior to issuance of the 28<sup>th</sup> Use and Occupancy Permit

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 Harley, seconded by Commissioner Eley, with Commissioners Harley, Eley, Vaughns, Squire and Hewlett voting in favor of the motion at its regular meeting held on Thursday, May 12, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 2nd day of June 2005.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:SA:rmk