

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 May 16, 2019, regarding Detailed Site Plan DSP-04025-02 for The Delight at Fairwood, the Planning Board finds:

1. **Request:** The subject application requests an amendment to the detailed site plan (DSP) to allow for 20 condominium, one-family attached (townhouse) dwelling units. The specific changes include the removal of the previously approved multifamily buildings proposed in this location and a new house type and associated improvements.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	M-X-C	M-X-C
Use(s)	Vacant	Townhouse
Total Gross Acreage (sq. ft.)	14.8	14.8
Area of 100-year flood plain	0	0
Net Tract Area	14.8	14.8
Number of Dwelling Units	135	155 (20 proposed)

Parking for the whole Site

	REQUIRED	PROVIDED
	431	572
Standard Spaces		549
Compact Spaces	8	

Architectural Data

20-foot District Series

Base Finished Area (sq. ft.)

2,375

3. **Location:** The subject DSP covers a portion of land within Phase I, Part 2A, of the Fairwood Project, which is located to the east of Barons Delight Drive, to the north of Fairwood Parkway, and to the west of the Potomac Electric Power Company easement, in Planning Area 71A and Council District 6.

4. **Surrounding Uses:** The Final Development Plan FDP-0001 designated the subject property as “Other Residential Use.” The site is bounded on the western and southern sides by the rights-of-way of Barons Delight Drive and Fairwood Parkway, respectively. Further across Barons Delight Drive is the Sycamore Club and the Fairwood Community Center, and across Fairwood Parkway is the Robert’s Property in the Residential-Estate (R-E) Zone. To the east and north of the site is the parkland dedicated to the Maryland-National Capital Park and Planning Commission, as part of the overall Fairwood development.
5. **Previous Approvals:** The subject site covers Phase II, Part 1-C; Phase II, Part 2; and Phase I, Part 3, of a larger development with a total acreage of 1,057.69, known as Fairwood, which was rezoned from R-E to the Mixed Use Community Zone (M-X-C), through Zoning Map Amendment A-9894-C, for 1,799 dwelling units, 100,000 square feet of retail service, and 250,000 square feet of office/service/institutional uses, and some other “community space,” approved by the District Council on May 9, 1994.

The M-X-C Zone requires multistep review and approval:

On September 5, 1996, a Comprehensive Sketch Plan, CP-9504, for Phase I of the Fairwood development, was approved by the Prince George’s County Planning Board (PGCPB Resolution No. 96-241) consisting of 471 acres of land, approximately 1,000 units, 100,000 square feet of retail space, and 250,000 square feet of office/service/institutional uses. The District Council affirmed the Planning Board’s decision on February 24, 1997.

On January 17, 2002, CP-0101 was approved by the Planning Board (PGCPB Resolution No. 02-17(C)) for Phase II of the Fairwood development, consisting of 586.69 acres of land and approximately 1,000 units.

Preliminary Plan 4-00057, Fairwood, Phase I, Part 2, was approved with 22 conditions by the Planning Board on January 4, 2001 (PGCPB Resolution No. 01-07).

FDP-0001, Phase I, Part 2, was approved with 10 conditions by the Planning Board on January 4, 2001 (PGCPB Resolution No. 01-09).

DSP-99052 for Phase I, Part 1 was for infrastructure, which included 223.7 acres of Phase I, was approved by the Planning Board on March 23, 2000, and the resolution was adopted on April 13, 2000 (PGCPB Resolution No. 00-37).

DSP-02001 encompasses 30.2 acres out of a total of 247.3 acres included in Part 2 of Phase I and is limited to the proposed grading of the site, the installation of utilities, streets, and the stormwater management ponds for a portion of Phase I, Part 2, including a tree conservation plan, TCPII-12-00. The Planning Board approved DSP-02001 on March 21, 2002, (PGCPB Resolution No. 02-56), subject to one condition.

The subject site was previously approved under DSP-04025 for construction of 213 multifamily

dwelling units, that was approved by the Planning Board (PGCPB Resolution No. 04-162) on July 15, 2004.

The site also has an approved Stormwater Management Concept Plan, 7214-2004-02, which is valid through May 12, 2020.

6. **Design Features:** The subject property is bounded on the south and west by the rights-of-way of Fairwood Parkway and Barons Delight Drive. The site has four access points, two from Fairwood Parkway, one via Barons Delight Drive, and one from Trade Row. The previous DSP proposed a total of 213 dwelling units on the property, including 44 villas, 52 coach units, and 117 apartment units, all of which are condominiums. All of the buildings were constructed and are occupied, except for two, four-story multifamily buildings in the northwest corner, comprising a total of 78 dwelling units. The subject DSP proposes to replace those previously approved multifamily buildings with 20 condominium townhomes, for an overall reduction of 58 units. Other site improvements, such as the existing surface parking lots, are to remain unchanged.

This DSP amendment proposes four townhouse condominium buildings, each with five 20-foot-wide units and one architectural model. Each unit will have a two-car rear-loaded garage. The townhouse type is typical of that found in the region with pitched roofs with a contemporary architecture style. Architectural interest has been provided by varied elevations along the front of each building to avoid monotony. The design provides great use of glazing, shutters, and offset panels. Variegated brick adorns the front elevation, while the entryways are inset for weather protection and additional architectural interest. The DSP also shows details of retaining walls, decorative railings, an attractive light post with full cut-off optics, and benches that encourage social interaction and provide pedestrian relief. A photometric plan with light details was submitted demonstrating sufficient lighting and full cut-off optics.

The applicant proposes no signage changes. In regard to recreation facilities, PPS 4-00057 required dedication of approximately 23.21 acres of land along the Collington Branch Stream Valley, which the applicant complied with to fulfill mandatory dedication requirements. Other facilities include one existing and one proposed sitting area on-site, as well as the existing Fairwood Community Center, which is located across Barons Delight Drive to the west.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The subject application has been reviewed per the requirements in the M-X-C Zone and the site plan design guidelines of the Zoning Ordinance. In addition to the findings required for the Planning Board to approve a DSP (Zoning Ordinance, Part 3, Division 9), the Planning Board shall also find:

- (1) **The proposed development is in conformance with the purposes and other provisions of the M-X-C Zone;**

- (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;**
- (3) **The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development;**
- (4) **In areas of the development which are 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 the types and textures of materials, landscaping and screening, street furniture, and lighting, both natural and artificial.**
- (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.**

The subject application is a DSP for a total of 155 dwelling units in Phase I, Part 2A. The proposed development is in conformance with the purposes and other provisions of the M-X-C Zone because the proposed use is a portion of the larger project known as Fairwood. The proposed use and intensity were approved in both FDP-0001, PPS 4-00057 and DSP-04025. The proposed development also conforms with the approved FDP as discussed in Finding 10. The pedestrian system, in this case consisting of sidewalks on both sides of the internal streets, is convenient, is comprehensively designed to encourage pedestrian activity within the development, and is connected to the Fairwood areawide trails network. The application also sufficiently addresses pedestrian activities and attention has been articulated in the areas of human scale, the quality of urban design, and other amenities including paving materials, landscaping, screening, and lighting.

8. **Zoning Map Amendment A-9894-C and the accompanying Preliminary Development Plan:** Zoning Map Amendment A-9894-C and the accompanying Preliminary Development Plan were approved by the District Council on May 9, 1994, subject to 22 conditions. None of the conditions are specifically applicable to the review of this DSP for other residential uses, except for Condition 6, which establishes a total level of development for the Fairwood Project.

6. **Total development of this 1,058-acre site shall be limited to 1,799 dwelling units, 100,000 square feet of retail space, and 250,000 square feet of office/service/institutional uses, and such other “community space” determined to be appropriate during subsequent phase of approval.**

The development cap for Fairwood has been further broken down for Phase I at the time of CP-9504 approval as shown in Condition 6 below.

9. **Comprehensive Sketch Plan CP-9504:** The Planning Board approved CP-9504 on

September 5, 1996, subject to eight conditions, which the District Council affirmed on February 24, 1997. None of the conditions are specifically applicable to the review of this DSP, except for Condition 6, which sets a total level of development for Phase I.

6. **Development of 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 1145 AM and 1276 PM peak hour trips as determined under the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, as revised in April 1989.**

The subject DSP proposes 20 residential units and thus is subject to the residential portion of the above cap condition. The Planning Board thoroughly reviewed all of the approved and pending residential development so far and concludes that with the inclusion of the subject DSP, the development approval poses no issues regarding trip caps placed on prior plans.

10. **Final Development Plan FDP-0001:** FDP-0001, constituting Part 2, Phase I, and encompassing 211.40 acres (a little less than half) of the land area approved under CP-9504, was approved by the Planning Board on January 25, 2001, subject to ten conditions (PGCPB Resolution No. 01-09). None of the conditions are specifically applicable to the review of this DSP.

FDP-0001 designated a larger area including the subject site, Area A as "Other Residential Use," and set a unit cap of 214 multifamily dwelling units for Area A. The subject DSP proposes a total of 155 dwelling units and thus is within the unit cap approved in FDP-0001.

11. **Preliminary Plan of Subdivision 4-00057:** PPS 4-00057 was submitted and reviewed concurrently with FDP-0001. The Planning Board approved 4-00057 on January 25, 2001, subject to 22 conditions. The subject property was identified as Parcel A, Block I, with a gross tract area of 649,120 square feet, or 14.9 acres, in PPS 4-00057, and has a unit cap of 214 multifamily dwelling units. The subject application meets all of the conditions relevant to the DSP review with the exception of condition 17, which states:

17. **Any building located on part of Block I, Parcel A; Block I, Parcels C, D, E, F, and Block O; Block P; and Block Q, shall be fully sprinklered in accordance with National Fire Protection Association Standard 13D/13/ and all applicable Prince George's County Laws.**

This is included in a general note on the DSP.

12. **Detailed Site Plan DSP-99034:** DSP-99034 is a comprehensive signage program for the entire Fairwood project mandated by Condition 2 attached to the approval of FDP-9701. DSP-99034 was approved by the Planning Board on January 6, 2000, with requirements on residential signage that are applicable to the review of this DSP, as follows:

The neighborhood entry signs will identify the entrances or gateways to the various

neighborhoods in Fairwood. Monumental style signage, with landscaping is being proposed by the applicant. The residential signage will not be illuminated. The text will be limited to the name of the neighborhood and maximum size of the text area will be 15 square feet. The maximum height will be seven (7) feet.

The subject DSP is for the northwest portion of the property and no signage is proposed with this amendment. The existing on-site signage complies with the applicable requirements of DSP-99034.

13. **Detailed Site Plan DSP-04025:** DSP-04025 approved 213 multifamily dwelling units in Phase I, Part 2A. DSP-04025 was approved the Planning Board on July 15, 2004, subject to five conditions, none of which are relative to the subject DSP amendment.
14. **2010 Prince George's County Landscape Manual:** The proposed development in this amendment is subject to Section 4.1, Residential Requirements and Section 4.9, Sustainable Landscaping Requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The landscape plan submitted conforms with these requirements, except no schedule was provided for Section 4.9. Previous findings for conformance with the other sections of the Landscape Manual are still valid. A condition of approval has been added to require the applicant to provide a Section 4.9 schedule to demonstrate conformance with the Landscape Manual requirements prior to certification of this DSP.
15. **1993 Prince George's County Woodland Conservation and Tree Preservation Ordinance:** This property is subject to the provisions of the 1993 Prince George's County Woodland Conservation Ordinance (WCO) 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 it has previously approved Type I and Type II tree conservation plans.

TCPI-047-00 covers the entirety of Fairwood, Phase 1, Part 2 with a gross tract area totaling 211.40 acres. A detailed forest stand delineation was submitted and approved during the review of PPS 4-00057. Because the previous use of the property was a turf farm, the amount of on-site woodlands was limited. The woodland conservation requirement for Phase 1, Part 2 was distributed across the site, and included extensive reforestation/afforestation occurring on other portions of the overall Fairwood development.

TCPII-020-02 covers the entirety of Fairwood (Phase 1, Part 2-A) and was originally approved with DSP-02001 for a gross tract area of 29.08 acres. The woodland conservation requirement designated for Phase 1, Part 2-A was 0.00 acres. One specimen tree, measuring 50-inch diameter-at-breast height, Sycamore was retained on the northeast corner of the intersection of Hillmeade Road and Fairwood Parkway in a park area, but the TCPII had not been updated to show property lines and development that had occurred since it was approved in 2002. The Planning Board requested that the TCPII be updated with the current application.

The revised TCPII requires technical revisions to be in conformance with the applicable WCO, Environmental Planning policies, and the Environmental Technical Manual prior to certification

of the DSP, as included in this resolution.

16. **Prince George's County Tree Canopy Coverage Ordinance:** The proposed development is subject to the Tree Canopy Coverage Ordinance as it proposes greater than 5,000 square feet of disturbance and/or gross floor area. The revised TCPII requires technical revisions to be in conformance with the applicable WCO, Environmental Planning policies, and the Environmental Technical Manual prior to certification of the DSP.
17. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows:
 - a. **Community Planning**—The Planning Board adopted herein by reference a memorandum dated April 11, 2019 (D'Ambrosi to Bush), which indicated that master plan conformance is not required for this application.
 - b. **Environmental Planning**—The Planning Board adopted herein by reference a memorandum dated April 24, 2019 (Finch to Bush), which provided a discussion of previous approvals, regulated environmental features, and woodland conservation. A revised Stormwater Management Concept Letter, CSD 7214-2004-02, was submitted, which was approved on December 28, 2018.
 - c. **Transportation Planning**—The Planning Board adopted herein by reference a memorandum dated March 25, 2019 (Masog to Bush), which noted that the reduction in residential dwelling units from 78 multifamily units to 20 townhouses is a net reduction in trips and that this plan poses no issues regarding trip caps placed on prior plans. The Planning Board also noted that all surrounding streets and infrastructure have been constructed and given that the access and circulation is unchanged from the prior plan, it is deemed acceptable for these uses. Furthermore, the assessment noted that the site is adjacent to Fairwood Parkway, a master plan collector facility, and that the roadway is built per the master plan recommendation.
 - d. **Trails**—The Planning Board adopted herein by reference a memorandum dated April 22, 2019 (Shaffer to Bush), which noted that at the time of Subdivision Development Review Committee, an additional trail connection to the adjacent park property and an additional sidewalk connecting Building 14A with Building 13B was recommended. However, the applicant provided email documentation dated April 8, 2019, noting the homeowner's association board members are against the additional sidewalk and trail connections. Given that the adjacent parkland has multiple existing access points from the development, and that any additional sidewalks and trails would be on existing private HOA space, the Planning Board required no additional pedestrian connections for the subject application.
 - e. **Subdivision Review**—The Planning Board adopted herein by reference a memorandum dated April 2, 2019 (Davis to Bush), which included an analysis of the conformance of

this DSP to PPS 4-00057. The relevant conditions of approval have been addressed as discussed in Finding 11, and the recommended conditions were addressed through revisions to the plan.

- f. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—As of the writing of this resolution, DPIE did not offer any comment regarding the subject project.
 - g. **Prince George's County Police Department**—As of the writing of this resolution, the Police Department did not offer any comment regarding the subject project.
 - h. **Prince George's County Health Department**—As of the writing of this resolution, the Health Department did not offer any comment regarding the subject project.
 - i. **City of Bowie**—In a letter dated March 8, 2019 (Meinert to Bush), the Director of Planning and Community Development indicated that there are no impacts on the City.
 - j. **Washington Suburban Sanitary Commission (WSSC)**—In a letter dated February 12, 2019, WSSC offered numerous comments, which will be addressed through their separate permitting process.
18. Based on the foregoing and as required by Section 27-285(b)(1) of the Zoning Ordinance, the DSP, if revised as conditioned, 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.
19. Per Section 27-285(b)(4), the Planning Board may approve a DSP if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible. The current amendment to a DSP and revised TCP II were previously found to have satisfied this finding. There are no regulated environmental features on the site, and the site was previously graded, in accordance with the approved PPS and DSP. There are no regulated environmental features on the subject property, and the limits of disturbance are consistent with those shown on the previously approved PPS 4-00057, TCP1-047-00, DSP-04025, and TCP2-020-20. Therefore, this finding can be made.

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 Type II Tree Conservation Plan TCP II-020-02-01, and further APPROVED Detailed Site Plan DSP-04025-02 for the above described land, subject to the following condition:

- 1. Prior to certification of the detailed site plan, the applicant shall revise the plan, as follows:
 - a. Provide a Section 4.9 landscape schedule demonstrating conformance with the

requirements.

- b. Provide a schedule demonstrating conformance with the Tree Canopy Coverage Ordinance.
- c. The Type II tree conservation plan (TCPII) shall be revised, as follows:
 - (1) On Sheet 1 of 4, revise the label on the delineation of Phase 1, Part 2-A to show Detailed Site Plan DSP-02001 in the correct format, and after "Limits of Phase 1, Part 2-A," add "and TCPII-020-02."
 - (2) On Sheet 3 of 4, the standard woodland conservation worksheet shall be replaced with a completed "Individual TCP2 with Previously Approved TCP1 or TCP2 Woodland Conservation Worksheet."
 - (3) Have the revised plan signed and dated by the qualified professional who prepared it.

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.

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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 Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, Doerner, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, May 16, 2019, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 6th day of June 2019.

Elizabeth M. Hewlett
Chairman

By Jessica Jones
Planning Board Administrator

EMH:JJ:JB:gh