



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 10-25

File No. DSP-05074-01

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 25, 2010 regarding Detailed Site Plan DSP-05074-01 for Woodmont Estates, the Planning Board finds:

1. **Request:** The subject application is requesting approval of a limited Detailed Site Plan, DSP-05074-01, for Woodmont Estates, in accordance with the requirements of Condition 7 of approved Preliminary Plan 4-93064, as reflected in PGCPB Resolution No. 93-306(A), in regard to siting and architectural compatibility. The applicant is requesting to change the builder from Westwood Homes to The Williamsburg Group for five, single-family detached units on 3.05 acres of land in the Rural Residential (R-R) Zone. The architecture approved in this revision will replace previously approved architecture.

2. **Development Data Summary**

	EXISTING	APPROVED
Zone(s)	R-R	R-R
Use(s)	Residential	Residential
Acreage	3.05 acres	3.05 acres
Lots	5	5
Parcels	-	-
Dwelling Units	-	5

Other Development Data

	REQUIRED	APPROVED
Minimum lot area (square feet)	20,000	20,000
Number of flag lots	-	1

Proposed Units

Architectural Data	Base Finished Area (Sq. Ft.)*	Number of Elevations
William Devon	2,860	3
Calvert II	3,058	3
Dorchester 2	3,710	7
Thomas Goodwin	3,367	2

3. **Location:** The subject property is located in the Developing Tier on the south side of Resin Court, 550 feet west of its intersection with Heatherstone Drive. The subject site is in Planning Area 71A/Bowie-Collington-Mitchellville, Council District 6.
4. **Surrounding Uses:** To the north of the subject site is the Collington Branch Stream Valley Park owned by The Maryland-National Capital Park and Planning Commission (M-NCPPC) and zoned for Open Space (O-S) land use. To the east and west of the subject property are single-family detached units in the R-R Zone. To the south of the subject property is vacant land and land developed with single-family detached units in the Residential Estate (R-E) Zone.
5. **Previous Approvals:** On December 10, 1987, the Planning Board approved Preliminary Plan of Subdivision 4-87213 for a R-R-zoned subdivision containing 43 lots and 5 parcels. Preliminary Plan 4-93064 with PGCPB Resolution No. 93-306 was approved and adopted by the Planning Board on November 18, 1993. In September 1995, the Planning Board accepted the applicant's request to reconsider the preliminary plan of subdivision on the basis of misrepresentation of the existing public right-of-way for Old Stage Road. Preliminary Plan of Subdivision 4-93064 (PGCPB Amended Resolution No.93-306(A)) was approved by the Planning Board on December 6, 2001, with all of the original conditions and findings with the exception of reducing the total number of lots from six to five. On December 15, 2005, the Planning Board approved DSP-05074 (PGCPB Resolution No. 05-263) with conditions. On May 8, 2006, the District Council approved a Limited Detailed Site Plan, SP-05074, with conditions. The subject site has an approved Type I Tree Conservation Plan, TCPI/37/93, and an approved Stormwater Management Concept Plan, 27061-2005-01, which is valid through July 6, 2012. A final record plat has been approved and is recorded in land records in Plat Book REP 232 @ 12.
6. **Design Features:** The subdivision is accessed through Heatherstone Drive. Lots 11 through 15 are accessed via Resin Court, which terminates in a cul-de-sac. The subject property consists of 3.05 acres of land in the R-R Zone, located on the west side of Heatherstone Drive. The Planning Board has approved four single-family detached house types, with fifteen elevations with the subject application. The units have a traditional architectural style with varied roof pitches, styles, and decorative architectural elements. Each single-family house has a two-car garage (with an optional three-car garage) as a standard feature and is finished with standard vinyl siding, brick/stone veneer, or a combination of these materials. The side elevations for the models provide a minimum of two standard architectural features. The total base finished living area of the single-family houses is between 2,860 and 3,710 square feet.
7. **Conformance with Preliminary Plan 4-93064 (PGCPB Resolution No. 93-306):** The subject application is in conformance with Preliminary Plan 4-93064 (PGCPB Amended Resolution No. 93-306(A)), which was approved by the Planning Board on December 6, 2001.

The following condition provided a trigger and requirements for the limited detailed site plan review:

7. A limited Detailed Site Plan shall be approved by M-NCPPC prior to the issuance of rough grading permits for the review of:

a. Unit siting to ensure functional rear yards and sensitivity to the tree conservation area.

Unit siting to ensure functional rear yards was of particular concern on Lots 8 and 9, now 13 and 14, during review of the previous application. Lot 8 has been re-platted and is now Lot 13. The footprint of the unit on Lots 13 and 14 has not changed significantly since the previous approval. A functional rear yard has been maintained in the revised plan. The subject application has been reviewed by the Environmental Planning Section for conformance to applicable woodland conservation regulations. This condition has been met.

b. Compatibility with the surrounding community with regard to style, design and architecture.

The applicant has submitted photographs of the units. The style, design, and architecture of the units does not vary significantly from the units that were previously approved. At the time of approval of Detailed Site Plan DSP-05074, a site visit was conducted, which found the area to be characterized by two-story, colonial architecture, and single-family units with two-car garages. The units approved with this application will maintain the character and style of the existing neighborhood. This condition has been met.

8. Conformance with DSP-05074: The original, limited detailed site plan approved five, single-family detached units on December 15, 2005. The previous approval included units that range from 3,869 to 3,890 square feet in base finished area. The applicant has requested that the Planning Board approve smaller units (2,860 to 3,710 square feet) of equal architectural quality, based on economic conditions. The existing units surrounding the subject property range from 1,176 to 3,944 square feet. A breakdown of the number of units in each size range indicates that 17 percent of these existing units are less than 2,000 square feet and roughly 17 percent are over 3,000 square feet. The majority of the units, 67 percent, are between 2,000 and 3,000 square feet in size. Nine of the twelve units surrounding the subject lots are less than 2,800 square feet, which is the smallest unit approved with this application. The Planning Board supports this revision, as the applicant is proposing a unit size and quality that is in keeping with the existing neighborhood.

The following conditions of approval of DSP-05074 are applicable to the subject revision:

1a. Revise the Type II tree conservation plan to reflect all proposed house footprints. All changes to house footprints shall be reviewed by the Environmental Planning Section to ensure that each lot will have useable outdoor activity areas.

The TCPII has been updated to reflect the changes proposed in the current revision. The Environmental Planning Section has reviewed the subject detailed site plan and found each lot to have usable outdoor space. This condition has been met by the subject application.

4. **The house type as shown on the approved plan shall be constructed as shown. House type may not be modified at the time of building permit except in accordance with an approved revision to this detailed site plan approved by the Planning Board or designee.**

The applicant is seeking relief from this condition and has provided the following statement:

"The builder of this site would like to have as much flexibility as possible to offer all of the house types with options that fit on the lot within the bounds of the standard M-NCPPC setbacks and in compliance with Condition 1a (of DSP-05074). It is our understanding that the actual house shown on the Detailed Site Plan that is approved before the Planning Board is not necessarily the only house that must be constructed on that lot. The footprint will be reviewed as part of the building permit process for that lot."

This condition was imposed by the Planning Board on the previous approval of the subject detailed site plan based on the existing conditions on the site and conditions created by the proposal. The sensitive positioning of the house footprints is the only way to ensure a usable rear yard and reasonable setbacks from woodland conservation areas on the subject property. This condition has been carried forward with a modification to require that changes to the footprint meet the criteria for usable yard and woodland conservation requirements at the time of building permit by adding the following note to the cover sheet of the DSP and TCPII plans, prior to signature approval.

If house types are changed in the future from those shown on this approved plan, the house footprint shall not be placed closer than 40 feet from the woodlands to the rear and 20 feet from woodlands to the side.

5. **Owners of Lots 8 and 9 will be notified prior to execution of the sales contract that addition of decks, sunrooms, etc. to the rear yard of either lot will in all likelihood require a variance.**

This condition has been carried forward with one modification to correct the lot numbers to reflect the most recent revision to the final plat.

6. **A 35-foot-wide bufferyard planting strip shall be provided in rear yard of Lot 11, along the common property line with Lot 12.**

The 35-foot-wide bufferyard has been maintained in this revision. However, the cover sheet of the landscape plan should be updated to show all planting layers as they are depicted on the detail sheets. This minor revision has been required as a condition, prior to signature approval.

7. The units proposed on Lots 8 and 11 shall include a front porch as a required feature.

The previous approval required porches on the units for Lots 8 and 11, which are now Lots 13 and 11. This condition was required based on evaluation of usable yard area and conformance to the existing neighborhood character. The elevations that meet the requirement for a porch are elevation number three for the Calvert II and elevation numbers four and five for the Dorchester 2. The other elevations include a stoop.

Prior to signature approval, the applicant should update the labels on all sheets to correct the labeling of stoops and porches. A condition has been added to require a note to be added to the template sheet of the site plan stating this condition and listing the units that qualify.

On May 8, 2006, the District Council reviewed and affirmed the decision to approve DSP-05074 with nine additional conditions, including a condition requiring that 100 percent of the units provide a brick or stone front façade.

8. All units shall have front façades of brick or stone.

The Planning Board supports the above requirement for all front facades to be brick or stone to maintain the quality and character of the surrounding neighborhood. This may provide some mitigation in quality for the reduction of the unit size. The above condition has been modified and carried forward to ensure that the architectural quality is maintained at a level that is equal to or better than the previously approved architecture and the surrounding neighborhood.

9. **Conformance with the Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the R-R Zone, and the site plan and design guidelines of the Zoning Ordinance.
- a. The subject application is in conformance with the requirements of Section 27-428(b) which governs permitted uses in the R-R Zone. The proposed single-family detached units are a permitted use in the R-R Zone.
 - b. The application is also in conformance with the requirements of Section 27-428(c), Regulations, regarding additional regulations for development in the R-R Zone.
10. **Conformance with the *Prince George's County Landscape Manual*:** The development is subject to Section 4.1, Residential Requirements, and Section 4.6, Buffering Residential Development from Streets, of the *Prince George's County Landscape Manual*. The subject application is in conformance with the requirements of the Landscape Manual. The revision to DSP-05074 is strictly an architectural revision. There are no changes to the previously approved landscaping.

11. **Prince George's County Woodland Conservation and Tree Preservation Ordinance:** The property is subject to the provisions of the Woodland Conservation and Tree Preservation Ordinance because the entire site is more than 40,000 square feet in area and more than 5,000 square feet of woodland was disturbed. A Type I Tree Conservation Plan (TCPI/37/93) was approved with the preliminary plan of subdivision application. A Type II Tree Conservation Plan (TCPII/153/05) was approved with the original detailed site plan application. Based on available information, there are no regulated features, such as a stream, areas of 100-year floodplain, and wetlands associated with the site. According to the 2005 *Approved Countywide Green Infrastructure Plan*, no network features are associated with this site. The property is in the Collington Branch watershed of the Patuxent River basin and the Developing Tier, as reflected in the 2002 *Prince George's County Approved General Plan*.
12. **Referral Agencies and Departments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
 - a. **Community Planning Division**—The application is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier and conforms with the residential low-density land use recommendations envisioned by the 2006 *Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A, 74B*.
 - b. **Permit Review Section**—The Permit Review Section provided seven comments, each of which has been addressed by the applicant.
 - c. **Environmental Planning Section**—The Environmental Planning Section has reviewed the revised detailed site plan submitted for Woodmont Estates, DSP-05074-01, and the Type II Tree Conservation Plan, (TCPII/153/05-01), stamped as received on January 4, 2010. The Environmental Planning Section recommends approval of DSP-05074-01 and TCPII/153/05-01 subject to the conditions listed at the end of this memorandum.

Background/Site Description

The Planning Board previously reviewed plans associated with the site when it was first subdivided in 1987 as part of Preliminary Plan of Subdivision 4-87213 for a cluster development. At the time of approval, the preliminary plan proposed the creation of 43 lots and 5 parcels. The area that comprises the subject site was within Parcels D and E of Preliminary Plan 4-87213. These two parcels were put into reservation for the planned arterial road A-44.

In 1993, the two parcels were further subdivided in Preliminary Plan of Subdivision 4-93064 for the creation of four lots for single-family detached dwellings. The Planning Board's conditions of approval placed on the preliminary plan are found in PGCPB Resolution No. 93-306. A Type I Tree Conservation Plan, TCPI/37/93, was approved with the preliminary plan.

Microfiche records in the Development Review Division were researched, and an 11 by 17-inch size, signed copy of TCPI/37/93 was located and printed. Loiederman-Soltesz and Associates, Inc. prepared TCPI/37/93. A different engineering company prepared the TCPII. Because of the age of the TCPI, it was used only as a cursory guide to woodland conservation on the subject lots.

Detailed Site Plan DSP-05074 was approved by the Planning Board for Lots 11 through 15, Block A, of Woodmont Estates, with conditions of approval found in PGCPB Resolution No. 05-263.

The current Detailed Site Plan, DSP 05074-01, is a revision to change the builder and to revise architecture for five single-family detached units.

This 3.05-acre site in the R-R Zone is located on the north side of Old Stage Road, west of Resin Court. Based on available information, there are no regulated features, such as a stream, areas of 100-year floodplain, and wetlands associated with the site. According to the 2005 *Approved Countywide Green Infrastructure Plan*, no network features on the plan are associated with this site. The property is in the Collington Branch watershed of the Patuxent River basin and the Developing Tier as reflected in the General Plan.

Environmental Review

The site is subject to the Prince George's County Woodland Conservation Ordinance because there are previously approved Tree Conservation Plans associated with it, TCPI/37/93 and TCPII/153/05. The site contains 3.05 acres and has 2.23 acres of existing woodland. There are no areas of 100-year floodplain associated with the site. The property has a woodland conservation threshold (WCT) of 20 percent or 0.61 acres. The woodland conservation requirement is 1.15 acres and this is proposed to be met with 0.44 acres of on-site preservation (located on platted Lots 15 and 12), 0.19 acres of reforestation (all of which will be located on platted Lot 12), and 0.52 acres of off-site mitigation on another property.

One of two woodland conservation treatments shown on the current plan, on Lot 12, is for 0.19 acres of reforestation. In the reforestation plant schedule, the plan shows that larger caliper tree stock other than seedlings will be provided in the reforestation to meet the required tree quantity. In order to ensure the reforestation is accomplished at this site, all reforestation should be accomplished prior to the issuance of the building permit for platted Lot 12.

All reforestation on Lot 12 shall be installed prior to the issuance of a building permit for this lot. A certification prepared by a qualified professional shall be used to provide verification that the reforestation has been completed. It must include, at a minimum, photos of the reforestation area with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.

Prior to signature approval of DSP-05074-01, the TCPH shall be revised to remove the proposed tree line from the legend.

13. The detailed site plan to change builder and add four new house types with fifteen elevations 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 Type II Tree Conservation Plan (TCPH/153/05-1) and further APPROVED Detailed Site Plan DSP-05074-01 for the above-described land, subject to the following conditions:

1. Prior to signature approval, the following revisions shall be made:
 - a. The cover sheet of the landscape and lighting plan shall be updated to reflect the same plantings as are shown on the detail pages.
 - b. A note shall be added to the cover sheet of the detailed site plan and tree conservation plan, stating that, "If house types are changed in the future from those shown on this approved plan, the house footprint shall not be placed closer than 40 feet from the woodlands to the rear and 20 feet from woodlands to the side."
 - c. A note shall be added to the cover sheet of the detailed site plan, stating that, "The units proposed on Lots 13 and 11 shall include a front porch as a required feature."
 - d. The TCPH shall be revised to remove the proposed tree line from the legend.
2. Owners of Lots 13 and 14 shall be notified prior to execution of the sales contract that addition of decks, sunrooms, etc. to the rear yard of either lot may require a variance.
3. The front façades of all five units shall be 100 percent brick or stone with the exception of windows, doors, trim and gables.
4. All reforestation on Lot 12 shall be installed prior to the issuance of a building permit for this lot. A certification prepared by a qualified professional shall be used to provide verification that the reforestation has been completed. It must include, at a minimum, photos of the reforestation area with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.

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 Clark, seconded by Commissioner Vaughns, with Commissioners Clark, Vaughns, Squire, Cavitt and Parker voting in favor of the motion at its regular meeting held on Thursday, February 25, 2010, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 18th day of March 2010.

Patricia Colihan Barney
Executive Director

By *Frances J. Guertin*
Frances J. Guertin
Planning Board Administrator

PCB:FJG:CJ:arj

APPROVED AS TO LEGAL SUFFICIENCY.

Janell J. Jendry
M-NCPPC Legal Department

Date 3/8/10