

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 November 8, 2001, regarding Detailed Site Plan DSP-92004/01 for Hillmeade Estates, the Planning Board finds:

1. Preliminary Plan 4-90064 for 12 lots, one parcel, and one outlot was approved with conditions by the Prince George's County Planning Board on June 14, 1990. One of the conditions of approval required Detailed Site Plan review to address concerns relating to an existing easement on the property and buffering of the development from surrounding properties. Detailed Site Plan DSP-92004 was approved on May 28, 1992, by the Prince George's County Planning Board. Final Plats were subsequently recorded on the property. No development of the property occurred and the original Detailed Site Plan expired.
2. The Preliminary Plan of Subdivision was approved with the following conditions:
 5. **Prior to the signature approval of the Preliminary Plat, the plat will be revised to show proposed Parcel B as Outlot A and to indicate that this outlot will be conveyed to the owners of Lot 1, Block A in the subdivision of Prospect Knolls, Cartano's Addition to (NLP 95-57), Parcel 220 and Parcel 225.**

The preliminary plan and the final plat indicate that Outlot A is to be conveyed to the owners of the lot and parcels stated above. At the time of the review of the Preliminary Plan, the Planning Board was concerned about the preservation of the existing ingress/egress easement in that the goal was to keep the easement off the lot area of any future lots, prohibiting the use of the easement from adjacent lot users, and placing the underlying ownership with those who benefit from the easement. The condition reads that Outlot A was to be conveyed to the owners of three adjacent properties which the easement serves. The question that has arisen since the condition was imposed is, ■What if one or more of the owners of the lots which the easement serves does not want to take ownership?• If this were the case, the applicant could be in the position of being unable to continue development of the remaining land as has been approved through the required processes. Therefore, the staff believes that it is appropriate to allow some flexibility in the condition. Land records indicate that this condition is yet to be fulfilled. An existing fence located within the easement is currently in a state of disrepair. The applicant(s) should be held responsible for removing the existing fence prior to conveyance. The staff recommends that a timing element be included in the approval of this plan, so that the removal of the fence and the conveyance takes place prior to the issuance of any permits for this site.

8. **Prior to submission of the Final Plat, a limited Detailed Site Plan shall be approved by the Planning Board or its designee. The site plan shall address, but not be limited to the following:**

a. **Buffering along Lots 6, 7 and 8 and any other lots that adjoin existing residential properties.**

The plans reflect the approved lotting pattern established by the final plat of subdivision. The lots identified above are along the east property line and adjacent to Parcel A, Block JJ, which is zoned R-R and consists of 1.99 acres of land. A single-family residence exists on the lot. An existing three-rail fence traverses the property line. The landscape plan for the subject property indicates a combination of deciduous and evergreen trees along the entire northeast border of the site. The amount, size and type of landscaping are an appropriate mix to provide a sufficient buffer along Parcel A, Block JJ for purposes of privacy for both the existing home and the future residences to be constructed on lots 6 and 7 of the subject application.

The plan also indicates evergreens to be planted along the rear of lots 8-12 located on the southeast portion of the site. This landscaping will provide sufficient buffering along the existing homes sharing this common boundary for privacy for the existing homes and the future residences.

b. **Improvements to the existing buffering and the possibility of a fence along Lots 3, 4, 5, 6 and Parcel A which abut the 30-foot easement.**

The site plan proposes a board-on-board privacy fence within the rear yard of lots 3-6, one foot off the property line adjacent to Outlot A. The plan does not remove any of the existing trees within the 30-foot-wide access easement. Supplemental landscaping incorporating deciduous trees is also proposed. As stated above, the staff recommends that the existing fence located within Outlot A, which is a combination of chain-link, stockade, and board-on-board and in poor condition in some areas, be removed prior to the issuance of any permits for the site.

3. The Plan has been reviewed for conformance to the *Landscape Manual* Section 4.1, Residential Landscaping Requirements and Section 4.6, Buffering Residential Developments from Streets, apply to this development. The proposed landscape plan demonstrates conformance to the appropriate sections of the *Landscape Manual*.
4. The Detailed Site Plan will represent a reasonable and workable resolution of the Site Design Guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use if the conditions below are adopted.

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 for the above-described land, subject to the following condition:

1. Prior to the issuance of any permits, the existing fence located within Outlot A shall be removed by the applicant, successors and/or assigns. Prior to the issuance of any building permits, Outlot A shall be conveyed to either one, two, or all of the owners of Lot 1, Block A in the subdivision of Prospect Knolls, Cartano's Addition to (NLP 95-57), Parcel 220 and Parcel 225. Should the applicant, successors and/or assigns be able to demonstrate to staff that good faith efforts to convey Outlot A to any or all of the property owners mentioned above have not been successful, building permits for the subject application shall no longer be restricted by this condition.

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 Lowe, seconded by Commissioner Scott, with Commissioners Lowe, Scott, Eley, and Brown voting in favor of the motion, and with Chairman Hewlett absent at its regular meeting held on Thursday, November 8, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 29th day of November 2001.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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