

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 July 24, 2003, regarding Detailed Site Plan DSP-95023/05 for Adnell Subdivision, the Planning Board finds:

1. **Request:** The subject application includes the following requests:
 - a. Release 24 lots, recorded in Reservation Plat VJ 192@73 as Lots 43–67, Block A, and 8 lots, recorded in Reservation Plat REP 193 @ 89, Block “A”, from the A-44 (Intercounty Connector) right-of-way reservation for construction.
 - b. Remove a Section 4.7 bufferyard between the site of the no-longer-existing WSSC water tower and the adjacent single-family lots.
 - c. Remove Condition 6 attached to the approval of DSP-95023/01, which requires converting the land contained within Lots 14-30 and Lots 43-67, Block A, but outside the 300-foot right-of-way of A-44, to the homeowners association to be used as a buffer, if the land within the reservation area has been purchased. Condition 6 also requires that no permits shall be issued for Lots 14–30 and Lots 43–67, Block A, until the reservation period for A-44 has expired.
 - d. Remove Condition 8 attached to the approval of DSP-95023/01, which requires a six-foot-high, black-vinyl-coated, chain-link fence along the property lines of the site adjoining the Bischoff and Johnson properties prior to issuance of the 51st building permit.
 - e. A recreational equipment substitution request for two pieces of play equipment in the tot lot of the approved DSP-95023/01.

2. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	R-R	R-R
Use(s)	Residential	Residential
Acreage	8.35	8.35
Number of lots	32	32*

Note: * To be released from the A-44 right-of-way reservations for construction.

3. **Location:** The site is in Planning Area 86A, Council District 4. It is located northeast of the intersection of Maple Avenue and Old Laurel-Bowie Road, just north of the city limits of Bowie.
4. **Surroundings and Use:** The subject site is adjacent to the residential area of Old Town Bowie to the south. To the west and north of the property are the Bischoff and Johnson properties. To the northeast and east of the property is the A-44 right-of-way. All the surrounding properties are either zoned R-R, R-55 or R-A.
5. **Previous Approvals:** The site has two Preliminary Plans of Subdivision for a total of 150 single-family lots, which are divided into three parts. Preliminary Plan 4-94091, which was approved by the Planning Board in January 1995 (Resolution PGCPB#94-367), was recorded in Final Plat VJ187 @ 73-76. Preliminary Plan 4-99041, which was approved by the Planning Board in October 1999 (Resolution PGCPB#99-189), was recorded in Final Plat VJ 193 @66. The property also has two reservation plats based the approved preliminary plans. In 1995, a Detailed Site Plan for the subject site was approved by the Planning Board (Resolution PGCPB#95-391). Detailed Site Plan DSP-95023 was subsequently revised four times. This application is the fifth revision to the previously approved SP-95023.

COMPLIANCE WITH EVALUATION CRITERIA

6. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the R-R Zone and the site plan design guidelines of the Zoning Ordinance.

Comment: The subject application contains five different requests. None of the requests changes any approved R-R Zone-related features on the site. The application will not significantly alter the approved site plan layout or the plotting pattern. The application complies with Zoning Ordinance.
7. **Preliminary Plan of Subdivisions, 4-94091, 4-99041, Final Plat, VJ187 @ 73-76, REP 193 @ 66 and Reservation Plats, REP 192 @73 and REP 193 @ 89:** Preliminary Plan 4-94091 covers Parts 1 and 3 of Adnell Subdivision with a total of 108 lots. Preliminary Plan 4-94091 was recorded as Final Plat VJ 187 @73-76 in 1999. Subsequently, based on Preliminary Plan 4-94091, Reservation Plat for Lots 43-67, Parcels "B," "E," and "F," Block "A" was recorded because the above-noted properties are located inside the A-44 right-of-way. Preliminary Plan 4-99041 contains Part 2 of Adnell Subdivision with a total of 43 lots. Preliminary Plan 4-99041 was recorded as Final Plat REP 196 @ 68. Based on Preliminary Plan 4-99041, Reservation Plat for Lots 21 through 28, Block "A" was also recorded because of its location inside the A-44 right-of-way. Pursuant to Condition 12.a of the Prince George's County Planning Board Resolution PGCPB No. 94-367, the reservation period should continue for three years and commence with the recordation of a Reservation Plat recorded with the Final Plat of Subdivision.
8. **Planning Board Resolution PGCPB No. 03-49:** On April 10, 2003, the Planning Board adopted Resolution PGCPB No. 03-49 to approve the applicant's request to terminate the reservation period for the 24 lots contained in the subject application. PDC, Inc., is the owner of 8.35 acres of land

known as Reservation Plat of Land for Public Use, proposed A-44, part of Plat One, Lots 43-67, part of Parcel "B," Parcel "D" and Parcel "F," Block "A," Adnell Subdivision. The reservation as recorded in Reservation Plat VJ 192 @73 is terminated effective August 23, 2002.

On July 17, 2003, another public hearing will be held for the termination of Reservation Plat REP 193 @89 for Lots 21 through 28, Block "A." If the Planning Board approves the termination application, the eight lots in REP 193 @ 89 will be released from the reservation for construction.

Comment: Planning Board Resolution PGCPB No. 03-49 terminated the reservation period for Lots 43-67, Block "A." Another termination application for Lots 21–28, Block "A," is currently pending the Planning Board's approval on July 17, 2003. Since the Planning Board approved the first termination, the approval of the second termination application is expected to be routine. The termination of reservation plats makes the reservation-related Condition 6 attached to the approval of DSP-95023/01 no longer relevant to Adnell Subdivision. If the Planning Board approves the pending termination application on July 17, the Urban Design staff supports the release of the 32 lots for construction and the removal of Condition 6 attached to the approval of DSP-95023/01 as well.

9. **Landscape Manual:** This application only involves a modification of one Section 4.7 bufferyard, which is located in Part 1 of Adnell Subdivision between the former WSSC water tower site and the proposed single-family detached houses in previously approved DSP-95023.

The then-existing WSSC water tower was adjacent to Lots 1 to 8. According to the *Landscape Manual*, a water tower is a medium impact use. A Type C bufferyard, which is a minimum 30-foot-wide landscape strip planted with 120 plant units per 100 linear feet of property line, was required between the water tower property and the single-family detached houses. Now with the removal of the water tower, the Type C bufferyard is no longer required.

However, the siting of the houses on Lots 1 to 8 results in the orientation of the rear yards toward Chestnut Avenue. If the Section 4.7 bufferyard is completely removed, the rear yards of Lots 1 to 8 could be seen from Chestnut Avenue. The staff found in a site visit that the bufferyard in question has already been planted with evergreen and shade trees. The staff recommends the existing plants around the former WSSC water tower site be retained in their current locations in order to screen the rear yards of Lots 1 through 8 from view of Chestnut Avenue.

10. **Woodland Conservation Ordinance:** The property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in area and contains more than 10,000 square feet of woodland.

Since this revision to the previously approved SP-95023 does not have any impact on TCPII/73/95, the application is in conformance with the Woodland Conservation Ordinance.

11. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

- a. In a memorandum dated May 27, 2003, the Community Planning Division found that the application is consistent with the 2002 General Plan development pattern and conforms to the area master plan.
- b. The Transportation Planning Section, in a memorandum dated July 8, 2003, stated that Lots 43 through 67 can be developed because the required reservation period has expired. Lots 22 through 28 remain held in reservation. Meanwhile, the transportation planner also noted that the two transportation-related conditions, Conditions 8 and 9 attached to the approval of DSP-95023, should be carried over into any subsequent site plan approvals.

Comment: As discussed in Finding 8, a public hearing on the termination application for Lots 22 through 28 will be held on July 17, 2003. If the Planning Board approves the application, Lots 22 to 28 will be released from the reservation for construction. Conditions 8 and 9 in DSP-95023 are conditions 9 and 10 in DSP-95023/01. In this application, the applicant petitions for the removal of condition 8 in DSP-95023/01 that is related to a fence, not to any transportation issues. Conditions 8 and 9 will still be in effect in DSP-95023/01 as Conditions 9 and 10.

In a separate memorandum on the Detailed Site Plan review for master plan trail compliance dated May 27, 2003, the staff noted that a five-foot-wide sidewalk should be provided along both sides of all internal streets.

- c. The subject application was also referred to the Department of Environmental Resources/Concept. In a memorandum dated May 20, 2003, the staff noted that the site plan is consistent with the approved Stormwater Management Concept #898008940.
- d. In a memorandum dated June 3, 2003, the Subdivision Section staff reaffirmed that the lots that had previously been placed in reservation for possible acquisition of an A-44 right-of-way may now be developed because the reservation period has been terminated.
- e. The Environmental Planning Section, in a memorandum dated May 1, 2003, noted that the proposed revision is in conformance with the previously approved TCP/II/73/95.
- f. The Permit Review Section, in a memorandum dated May 7, 2003, concluded that there are no zoning issues with this application.
- g. The Department of Parks and Recreation, in a memorandum dated June 12, 2003, provided no comments on this application.
- h. The Washington Suburban Sanitary Commission (WSSC), in a memorandum dated May 21, 2003, noted that there is an approved authorization (DA 1296295) within the limits of this site. The staff attached a sketch map for locations of rights-of-way needed for future water pipeline.

Comment: The subject application will not alter the approved layout of Adnell Subdivision. Therefore, the approval of this application does not have any impact on water and sewer service according to the attached sketch map.

- i. The State Highway Administration (SHA), in a memorandum dated May 12, 2003, indicated that SHA has no objection to the approval of DSP-95023/05.
 - j. The City of Bowie, in a memorandum dated July 15, 2003, expressed concerns over issues such as screening of rear yards from the public right-of-way. These concerns have been addressed by the staff report.
 - k. The Department of Public Works and Transportation (DPW&T) of Prince George's County, in a memorandum dated July 11, 2003, indicated that DPW&T has no objection to the application.
12. A request to remove Condition 8 that was attached to the approval of DSP-95023/01 is included with the subject application. The applicant asserts that the erection of the fence in question would require the removal of a considerable number of mature trees as a major reason for this request. Condition 8 reads:

“8. The applicant, his heirs, successors and/or assigns, shall provide a six-foot-high, black-vinyl-coated, chain-link fence along the property lines of the site adjoining the Bischoff and Johnson properties prior to issuance of the 51st building permit. The Detailed Site Plan shall show the location and include a detail of the fence.”

Comment: Condition 8 was not mainly for buffering and screening purposes as stated in the statement of justification. Because the land between Adnell Subdivision and the adjacent Bischoff and Johnson properties is either 100-year floodplain or wooded areas, the intent of this condition is to limit access to the Bischoff and Johnson property from Adnell Subdivision. According to a staff's conversation with Mr. Bischoff, the owner of the above-noted Bischoff property, this condition was proposed as a way to address the concern of the owners of the Bischoff and Johnson properties at the time of DSP-95023/01 approval. Mr. Bischoff also indicated that some portions of the fence might not be necessary because of the existing woodland and would like to work with the applicant to find a solution to this issue. The staff would recommend retaining Condition 8 if the applicant is not able to reach an agreement with the adjacent property owners; otherwise, the staff will support any mutually agreeable solution reached between the property owners and the applicant.

13. A recreational equipment substitution request to replace two pieces of previously approved play equipment in a tot lot (one 8-foot carousel/ whirl and one bench swing) with two similar pieces of equipment by the same manufacturer has also been submitted with this application. According to the statement of justification submitted by the applicant, the manufacturer, Playworld Systems, discontinued the manufacture of the above-noted two pieces of equipment because of safety considerations. The Urban Design staff reviewed the substitution request and found that the

proposed two pieces of recreational equipment are equivalent to the previously approved items.

14. 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-95023/05, subject to the following conditions:

1. Prior to certificate approval of this Detailed Site Plan, the applicant shall:
 - a. A note shall be added on both the Detailed Site Plan and Landscape Plan to indicate that all the existing trees inside previously approved Section 4.7 bufferyard around the former WSSC water tower site will be retained in their current locations.
 - b. Provide evidence that an agreement regarding the fence required by Condition 8 (of DSP-95023/01) has been made between the owners of the Bischoff and Johnson properties and the applicant. Any agreement will be deemed to be a revision to Condition 8. If no agreement has been reached, then Condition 8 will remain in full force and effect.
2. Condition 6 of PGCPB No. 99-42, attached to the approval of DSP-95023/01, is hereby removed.

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 Scott, seconded by Commissioner Eley, with Commissioners Scott, Eley, Vaughns and Hewlett voting in favor of the motion, and with Commissioner Lowe absent at its regular meeting held on Thursday, July 24, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of September 2003.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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