

RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with approval of Specific Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on June 22, 2006, regarding Specific Design Plan SDP-9910/06 for Hampton Property, the Planning Board finds:

1. **Request:** The subject application is for approval of revision to the specific design plan to revise the minimum 10 feet distance to 8.94 feet between houses on Lots 34 and 35. A drafting inaccuracy on the specific design plan caused the foundations for the houses on Lots 34 and 35 to be constructed with 8.94 feet between them instead of 10 feet as is required by the comprehensive design plan (CDP).

Development Data Summary

	EXISTING	PROPOSED
Zone	R-S	R-S
Use(s)	Single-Family Dwelling	Single-Family Dwelling
Lots	2	2
Detached Dwelling Units	2	2

Architectural Data

Model	Total Finished Area w/all options	Garage
Zachary		
"B"	2,793	2
"D"	2,793	2

2. **Location:** The site is in Planning Area 85A, Council District 9 in the Developing Tier. More specifically, it is located on the east side of Dyson Road, and approximately 500 feet north of its intersection with Brandywine Road (MD 381).
3. **Surroundings and Use:** The subject property is located approximately one mile north from the intersection of Branch Avenue (MD 5) and Crain Highway (US 301). The property surrounds the existing Gwynn Park Middle School on the west side of Dyson Road and abuts the Gwynn Park Senior High School to the south. To the north of the site and along Dyson Road are single-family dwellings in the R-R Zone. The property is also is bounded by US 301 to the east.
4. **Previous Approvals:** On May 22, 1992, the District Council adopted Zoning Ordinance No. 19-1992 (Application No.A-9853-C) and amended the Zoning Map by rezoning the subject property, consisting of 189.32 acres, from the R-R and R-A Zones to the R-S (1.6-2.6 DUs per acre).

The rezoning was approved with 32 conditions and three considerations.

On September 14, 1993, the Hampton property was included in the new *Approved Master Plan and Sectional Map Amendment for Subregion V, Planning Areas 81A, 81B, 83, 84, 85A, and 85B* approved by the District Council.

On December 1, 1994, the Planning Board approved Comprehensive Design Plan CDP-9403 (PGCPB No.94-345) for 180 single-family detached units, 289 attached units, a park-and-ride facility, quasi-public uses, and open space for the Hampton property.

On November 25, 1995, the District Council approved Basic Plan Amendment A-9853/01 (Zoning Ordinance No. 18-1995) to amend the basic plan, text and conditions 10, 11, and 12 of the original basic plan.

On May 9, 1996, the Planning Board approved Specific Design Plan SDP-9517 (PGCPB No. 96-157) for 450 dwelling units.

On November 18, 1999, the Planning Board approved the Preliminary Plan 4-99048 for a total of 314 single-family detached lots.

On March 30, 2000, the Planning Board approved Specific Design Plan SDP-9910 (PGCPB No. 00-32) for 287 single-family dwelling units.

On May 17, 2001, the Planning Board approved a revision to the Specific Design Plan (PGCPB No.01-96) to add a phasing plan.

On November 15, 2001, the Planning Board approved a revision to the Specific Design Plan SDP-9910/02 (PGCPB No.01-206) for the proposed architecture.

5. **Design Features:** The approved architecture for Lots 34 and 35 consists of single-family dwellings. The Zachary model “B” and “D” with approved SDP-9910/02 will be built on Lots 34 and 35. The drafting inaccuracy on the specific design plan caused the foundations for the houses on Lots 34 and 35 to be constructed with 8.94 feet between them at their closest point, instead of the 10 feet required by the CDP. The 1.06-foot difference will not significantly impact the privacy of the future residents and will probably not be noticeable to most passersby. The garages have turned gables that are one-story forward projections, which will ease the “closeness” perception. The subject single-family dwellings both have brick fronts and two-car garages.

COMPLIANCE WITH EVALUATION CRITERIA

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

- a. The subject application is in conformance with the requirements of Section 27-512, which governs permitted uses in residential suburban development. The proposed single-family dwellings are a permitted use in the R-S Zone.
7. **Zoning Map Amendment (ZMA) A-9853/01:** The proposed specific design plan is in general conformance with Basic Plans A-9853-C (Zoning Ordinance No. 19-1992), which shows the subject site designated for the R-S Zone (residential-agricultural).
8. **Comprehensive Design Plan (CDP-9403):** On December 1, 1994, the Planning Board approved Comprehensive Design Plan CDP-9403 (PGCPB No.94-345) for 180 single-family detached units, 289 attached units, a park-and-ride facility, quasi-public uses, and open space for the Hampton property. The Comprehensive Design Plan (CDP-9403) was approved with 28 conditions, of which condition 7 is applicable to the subject SDP and warrants discussion as follows:

7.2. Minimum Building Separation—the minimum distance between buildings on different lots irrespective of lot line location. Applicable fire codes may require additional building separation based on the fire ratings of walls, use of interior spaces, and the amount of windows in a particular wall. Minimum building separation does not apply to the required distance between necessary structures such as detached garages when two garages are adjacent to one another. Garages on separate lots may be attached.

Comment: The condition 7 of the CDP indicates a minimum 10 foot requirement for building separation. The proposed SDP requests an 8.94-foot building separation for Lots 34 and 35 due to drafting inaccuracy and subsequent construction based on inaccurate plans.

In a letter dated May 4, 2006, the applicant explains that construction of the single-family house on Lot 34 came to a halt as soon as the discrepancy was discovered, after the foundation was built and walls were under construction. Lot 35 is already developed with a single-family dwelling. Since the foundation on Lot 34 is already constructed it will cause hardship for the developer to demolish the foundation and will cause construction delay for the property owner on Lot 34.

9. **Required Findings for approval of a specific design plan (Section 27-528 Planning Board action):**

(1) The plan conforms to the approved comprehensive design plan, the applicable standards of the Landscape Manual;

Comment: The subject revision will have no appreciable effect on the original Specific Design Plan SDP-9910. Therefore, the plan would continue to conform to the approved comprehensive design plan and the applicable standards of the *Landscape Manual*.

(2) The development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the appropriate Capital Improvement Program or provided as part of the private development;

Comment: Findings for adequate public facilities were made in conjunction with the preliminary plan and the original specific design plan for the development. The subject SDP will not alter the findings made for the specific design plan, that the development will be adequately served within a reasonable period of time with existing or programmed facilities.

(3) Adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties;

Comment: The subject SDP will not alter the findings made for the specific design plan that adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties.

(4) The plan is in conformance with an approved tree conservation plan.

Comment: The subject SDP will not alter the findings that the original SDP is in conformance with an approved tree conservation plan.

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 Specific Design Plan for the above-described land, with one condition:

Prior to contract execution with the first purchaser and all subsequent purchasers of Lot 34 and Lot 35, Block A, written information shall be provided disclosing this Planning Board approval of SDP-9910/06 permitting the houses on those two lots to be 8.94 feet apart at their closest point.

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 Clark, seconded by Commissioner Eley, with Commissioners Clark, Eley, Squire, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, June 22, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 20th day of July 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:NR/SA:bjs