

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 17, 2000, regarding Detailed Site Plan 95081 for Tignor West, the Planning Board finds:

1. A Detailed Site Plan for Tignor West (SP-95081) was previously approved by the Planning Board (Resolution No. 96-55) on February 15, 1996. The validity period of that Detailed Site Plan ended on March 7, 1999. The subject plan (SP-95081/01) was submitted on November 19, 1999 for re-approval.
2. The subject application proposes the development of 25 single-family detached homes with one- and two-car garages using the cluster design concept. Two of these lots are flag lots. The site is located on the west side of US 301 approximately 200 feet south of its intersection with Rosaryville Road.
3. The site development data is as follows:

Zone	R-R
Gross Tract Area	19.306 acres
Area of Existing 100-Year Floodplain	.40 acres
Area of Slopes Greater than 25%	0 acres
Net Tract Area	18.906

Maximum Number of DUs Permitted	37 lots
Number of DUs Proposed	25 lots
Number of Flag Lots Proposed	2 lots

Minimum Lot Size Permitted	10,000 sq. ft.
Minimum Lot Size Proposed	10,000 sq. ft.

Cluster Open Space Required	4.99 acres
2/3 of required open space to be located outside of the 100-year Floodplain and Stormwater Management facilities	3.34 acres

Cluster Open Space Provided Outside of the

100-Year Floodplain and Stormwater Management Facilities	7.54 acres
Cluster Open Space Provided	10.81 acres
Parcel A	2.87 acres
Parcel B	7.68 acres
Parcel C	0.26 acres
Total Open Space Required	4.99 acres
Total Open Space Provided	10.81 acres
Open Space to be Conveyed to HOA	10.81 acres
Open Space to be Conveyed to M-NCPPC	0 acres

4. The cluster regulations require the review of the architectural elevations for exterior finish materials for the purpose of eliminating monotony of front elevations and to encourage a variety of architectural styles.

Architectural elevations submitted with the application consist of four single-family, detached models. All of the models are two stories with an optional brick front facade. All of the models include an exterior fireplace chimney with brick optional. Three of the proposed models include an attached two-car garage as a standard feature. The remaining model proposes a standard one-car garage with the second garage space and expanded family room optional. Typical available options include a finished basement, bay windows and skylights. Exterior front facade finishes include brick and vinyl siding. The gross base square footage of each model is as follows:

Model 100A	1,888 square feet
Model 630A	2,002 square feet
Model 230A	2,178 square feet
Model 250A	2,746 square feet

Access to the site is off Pompey Drive, an existing 60-foot-wide collector. The street provides access to the lots in a subdivision known as Holloway Estates. The houses built in Holloway Estates are two-story units some of which include front brick facades and exterior masonry fireplace chimneys. The majority of the

existing units include attached two-car garages. In order to be compatible with the neighboring units a condition has been included which permits no more than 20 percent of the units in Tignor West to be built without two-car garages.

5. The subject Detailed Site Plan is in conformance with Section 24-137 of the Subdivision Regulations which requires Detailed Site Plan approval for clusters and review and approval of the proposed architecture.
6. The provisions of Section 24-138.01 of the Subdivision Regulations which specifically address design issues surrounding flag lots (Lots 9 and 20 in the subject plan) have been met.
7. The Detailed Site Plan is in conformance with Preliminary Plan 4-97036, specifically in regard to lot layout and all applicable conditions.
8. The Detailed Site Plan is in general conformance with Sections 4.1, 4.6 and 4.7 of the Landscape Manual.
9. The Environmental Planning Section has reviewed the subject Tree Conservation Plan (TCPII/137/95) and recommends re-approval. In a memo dated 12/23/99 (Miller to Whitmore), the Environmental Planning Section notes that a noise study was prepared for this site by Acoustical Design Collaborative, Ltd., dated April 21, 1994.

The study shows that the acceptable noise level for exterior back yard space and interior living space will be exceeded. Based on the noise contours from the noise study, topography of the site, and the existing vegetation, noise mitigation measures are required for both exterior and interior noise attenuation. A condition has been added to the recommendation section of this report regarding the provision of appropriate noise attenuation measures.

10. The Transportation Planning Section has reviewed the subject application and notes that the plan is acceptable as proposed.

11. The subject application is in conformance with the approved Stormwater Management Concept Plan (#948003960).
12. The Planning and Preservation Section of the Community Planning Division reviewed the subject application and in a memorandum dated December 10, 1999 (Pearl to Whitmore) had the following comments:

■The proposed Tignor West subdivision, as shown on Site Plan 95081/01, will have minimal impact upon the Historic Site. It is, however, important to repeat that, since the boundaries of the Holy Rosary Church Cemetery are not precisely defined, it is possible that remains of burials might be discovered within the boundaries of the developing property. The developer should therefore be alert for evidence of burials within the Tignor property.

■The developer shall be alert for evidence of burials within the developing property. If any such evidence should appear, the developer shall abide by Section 24-135.02 of the Subdivision Regulations regarding cemeteries, and/or shall contact the State's Attorney of Prince George's County as required by Article 27 of the Annotated Code of Maryland.

Condition 1c in the Recommendation Section of this report addresses the above concern.

13. During the hearing, adjoining property owners to the north (the ■Boone Property•) testified that their property is in danger of becoming landlocked. Historically, the adjoining property owners have gained access to their property through the Holy Rosary Church property to the north. This access is currently the subject of litigation between the adjoining property owners and the church. While not the obligation of the applicant, the applicant proffered to engineer proposed Lot 5 of Tignor West to accommodate a 15-foot wide easement, if necessary, to allow potential access to the adjoining landlocked property through the subject

property. If this easement is ultimately provided, the adjoining property owners would need Department of Public Works and Transportation approval to use it pursuant to Section 24-128(c) of the Subdivision Regulations. Issues regarding paving materials, landscaping and/or screening, maintenance, and compensation are to be negotiated between the adjoining property owners and the applicant. The adjoining property owners did, however, commit themselves on the record to be responsible for landscaping and maintenance.

If the easement is negotiated between the applicant and the adjoining property owners to provide access, the developable portion of Lot 5 will be a flag lot because it will not meet lot width requirements at the street and will be shaped like a flag [Section 24-138.01]. The easement, by definition, can not be included in the net lot area [Section 27-107(a)(161)] and is considered a ■street• [Section 27-107(a)(225)]. If Lot 6 fronts on the easement, additional setbacks will be required for it as well.

Proposed Lot 5 was not approved as a flag lot at the preliminary plat stage. However, to accommodate potential access, the Planning Board makes the following findings to create the flag lot at the detailed site plan stage. Flag lots are permitted pursuant to Section 24-138.01 of the Subdivision Regulations.

The proposed flag lot satisfies the design standards found in Section 24-138.01(d) as follows:

- a. A maximum of two tiers is permitted. This flag lot creates no additional tiers; therefore only one tier is provided.
- b. The flag stem has a minimum width of 25 feet for the entire length of the stem.
- c. The net lot area, exclusive of the flag stem, must meet the minimum lot size standard in the Zone. The total area of Lot 5 is 19,975 square feet. The

easement, if provided will be 2,363 \sqrt{v} square feet, leaving a net lot area of 17,612. The minimum lot size in this R-R zoned cluster subdivision is 10,000 square feet. Therefore, the net lot area, exclusive of the easement area and flag stem, will exceed minimum lot size standards.

- d. A building envelope must be established at the time of preliminary plat. Since this flag lot was not established at the time of preliminary plat, rather at the time of detailed site plan to accommodate potential access, this requirement shall be satisfied at the time of detailed site plan. Prior to signature approval, the detailed site plan must be amended to include the building envelope.
- e. Shared driveways are permitted only in the Chesapeake Bay Critical Area. The proposal includes no shared driveways.
- f. Where rear yards are oriented toward driveways, an ■A• bufferyard is required. No rear yard is oriented toward a driveway.
- g. Where front yards are oriented toward rear yards, a ■C• bufferyard is required. No front yard is oriented toward a rear yard.

Prior to approval of a flag lot, the Planning Board must make the following findings of Section 24-138.01(f):

- a. The design is clearly superior to what would have been achieved under conventional subdivision techniques. The proposed flag lot is superior. The creation of a flag lot in this area is necessary to provide access to an otherwise potentially landlocked property.
- b. The transportation system will function safely and efficiently. The use of this flag lot will have no impact on the transportation system. While the driveways may be close, they are at the end of the

cul-de-sac where speeds will be low and visibility unhampered.

- c. The use of flag lots will result in the creative design of a development that blends harmoniously with the site and the adjacent development. The use of a flag lot in this situation creatively allows for the potential provision of an easement to the adjoining property. If landscaped and screened appropriately, the provision of the easement and creation of the flag lot will have no noticeable impact on the adjoining properties.
- d. The privacy of property owners has been assured in accordance with the evaluation criteria. The evaluation criteria discourage rear-to-front orientations but provide for buffering when this orientation occurs. In this case, because of the unique shape of this flag lot, no rear-to-front orientations will occur. Privacy is unaffected by this flag lot

Creating a flag lot in this location satisfies all design criteria and required findings for flag lots. However, it may not be necessary to create the flag lot at all, should the adjoining property owners prevail in the current litigation and maintain access through the church property. It is the strong desire of the Planning Board that the adjoining property owners pursue access through other means. In this resolution, the Planning Board merely acknowledges that the applicant has proffered the easement and flag lot as possible solutions should all others fail.

- 14. In general, the Detailed Site Plan represents a reasonable alternative for satisfying the Site Design Guidelines of Section 27-274 of the Zoning Ordinance, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.
- 15. In order to insure that prospective purchasers in this subdivision are made aware of all exterior elevations of all models approved by the Planning Board, and the existence of an approved Detailed Site Plan including the Landscape Plan, these plans must be displayed in the developer's sales office.

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 (TCPII/137/95) and further APPROVED Detailed Site Plan 95081 for the above-described land, subject to the following conditions:

1. Prior to certificate approval, the following revisions shall be made to the Detailed Site Plan and/or information supplied:
 - a. The TCPII and the landscape plans shall be revised to include either details for the installation of an 8-foot-high, residential design, noise attenuation fence along the back property line of lots 9 through 20, in the homeowners' open space; or

The TCP II and landscape plans shall be revised to include supplemental planting of 1" caliper American Holly (*Ilex opaca*) and other evergreen trees (approximately 10 feet on center) in a band not to exceed 50 feet wide behind Lots 9-20 on the homeowners' open space. The width of the planting may vary based on specific conditions behind a particular lot such as topography, distance from US 301 and woodland characteristics.
 - b. The details for the entrance walls shall be revised to specify materials, dimensions, location and associated planting.
 - c. The following note shall be added to the detailed site plan:

■The developer shall be alert for evidence of burials within the developing property. If any evidence should appear, the developer shall abide by Section 24-135.02 of the Subdivision Regulations regarding cemeteries, and/or shall contact the State's Attorney of Prince George's County as required by Article 27 of the Annotated Code of Maryland.●
 - d. The building envelopes for proposed Lots 5 and 6 shall be revised if necessary to reflect the potential easement and flag lot configuration of Lot 5.
2. If supplemental plantings are the option selected along the back property line of Lots 9-20, they shall be installed prior to release of the grading permit.
3. No two units located next to or across the street from each other may have identical front elevations.
4. The developer, his heirs, successors and/or assigns shall display in the sales office all of the plans approved by the Planning Board for this subdivision, including all exterior elevations

of all approved models, the Detailed Site Plan, Landscape Plan, and plans for recreational facilities.

5. Prior to release of any building permits, the noise attenuation measures used in the construction of the units built on Lots 9-20 shall be reviewed and approved by the Environmental Planning Division.
6. All units shall be built with garages. No more than 20 percent of the total number of units (5) shall be built with a one car garage.

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 adoption of this Resolution.

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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 Brown, seconded by Commissioner McNeill, with Commissioners Brown, McNeill, Boone and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, February 17, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 16th day of March 2000.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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