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Preliminary Plan 4-06134

Application	General Data
Project Name: VILLAGES AT PEPPER MILL Location: Intersection of Cindy Lane and Central Avenue, in the northwest corner Applicant/Address: Pepper Mill, LLC 1121 Maiden Choice Lane Baltimore, MD 21229 Property Owner: Housing Authority of Prince Georges County	Date Accepted: 3/18/08
	Planning Board Action Limit: N/A
	Plan Acreage: 18.18
	Zone: R-T
	Lots: 96
	Parcels: 1
	Planning Area: 72
	Tier: Developed
	Council District: 07
	Election District: 18
	Municipality: N/A
	200-Scale Base Map: 201SE06

Purpose of Application	Notice Dates
RECONSIDERATION HEARING: The preliminary plan was APPROVED by the Planning Board on June 7, 2007 (PGCPB 07-119). Arthur J. Horne of Shipley, Horne & Hewlett, P.A., by letter dated March 17, 2008, requested a reconsideration of the approval to correct a boundary error and submit an additional variation request. The Planning Board approved the request on April 17, 2008.	Previous Parties of Record 3/7/08
	Sign(s) Posted on Site: N/A

Staff Recommendation		Staff Reviewer: Ivy R. Thompson	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
X			

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-06134 Reconsideration
Villages at Pepper Mill, Lots 1-96, Parcel A and B

OVERVIEW

In a letter dated March 17, 2008, the applicant requested a reconsideration of the subject preliminary plan to accurately reflect highway right-of-way on the approved preliminary plan of subdivision and to include nine additional lots now requiring approval of a variation to setback requirements. On April 5, 2007, the Planning Board granted this request.

The subject property is located on Tax Map 66, Grid D-4, and is known as Parcel C. The property is approximately 18.18 acres in area and is zoned Residential Townhouse (R-T). The project site is located within the Development District Overlay Zone for the Addison Road Metro Town Center. The site was formerly known as Baber Village, the federally subsidized apartment housing complex that was demolished in 1980. The site is currently partly wooded and undeveloped.

The original approved plan subdivided the site into 96 lots for attached single-family townhouse residences, a 2,500-square-foot community center with a police substation (Parcel B) and common open space to be conveyed to a homeowners association (Parcel A). Another parcel (removed from Parcel A) is recommended by staff for dedication of the Cabin Branch Stream Valley to Parks. There is a single point of ingress and egress from Cindy Lane for the townhouses and another point of ingress and egress for the community building. There is no access to Central Avenue (MD 214) via this proposed development. The Planning Board approved variations to Subdivision Regulations Section 24-124(a)(4) for lot depth and Section 24-130 for impacts to the expanded stream buffer. The Planning Board also approved a variance to the Prince George's County Zoning Ordinance Section 27-433 (d)(2) for the number of attached dwelling units in a building grouping.

On March 17, 2008, and in support of the reconsideration request, a revised variation request was submitted for staff review. Due to the inclusion of the additional units for the variation request and the boundary correction, the analysis contained in this report focuses mainly on reviews conducted by staff from Environmental Planning, Subdivision and Transportation Planning.

SETTING

The subject property is located at the northeast quadrant intersection of Cindy Lane and Central Avenue (MD 214). North of the subject site are single-family dwellings that are zoned R-55, east of the site across Cindy Lane are the Central Gardens I, a garden apartment complex in the R-18 Zone. South of the subject site across Central Avenue (MD 214) is the Addison Road Metro Station and rail tracks.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-T and D-D-O	R-T and D-D-O
Use(s)	Generally vacant	Townhouse dwellings (96) Community Building (2,500 square feet)
Acreage	18.18	18.18
Lots	0	96
Parcels	1	2

2. **Subdivision**—The applicant requested a variation to Subdivision Regulation Section 24-124(a)(4) for Lot Depth for lots 69-72, which was previously granted by the Planning Board. A revised variation to Subdivision Regulation Section 24-121(a)(4) to address the requirement of a 150-foot setback from an arterial highway is requested by the applicant to include ten additional lots (lots 68 and 73 through 81) due to the discovery of the correct highway right-of-way plat. In this amended variation request, due to additional hardship and practical difficulties imposed by the corrected State Highway Administration (SHA) highway right-of-way plat, ten additional lots (Lots 68 and 73 thru 81) are now placed in a position whereby they do not meet the 150-foot lot depth requirement of Subdivision Regulation Section 24-121(a)(4).

Variation

The following comments that address the requirements of Section 24.113 of the Subdivision Regulations were provided by the applicant as part of their March 17, 2008 request for reconsideration. Staff concurs with these comments.

Section 24-121(a)(4) of the Subdivision Regulations requires that residential lots adjacent to an existing arterial roadway be platted with a lot depth of no less than 150-feet. Central Avenue (MD 214) is an urban arterial road requiring lot depths of 150-feet from the right-of-way. These proposed lots (68, and 73 through 81) require a variation because the lots are adjacent to Central Avenue (MD 214).

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:

The approval of the applicant's variation request for lots 68, and 73–81 does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-113(a)(4) could result in practical difficulties to the applicant that

could result in the applicant not being able to develop this property as proposed.

The granting of the variation will not be detrimental to the public safety, health, or injurious to other property;

The granting of the additional lot depth variations for ten lots will in no way be a detriment to the public safety, health or welfare or be injurious to any other property as there is insignificant difference between the situation of these lots and the previous four lots approved for variation by the Planning Board when Preliminary Plan 4-06134 was approved on June 7, 2007. The property is being developed in the R-T Zone in accordance with the *Approved Sector Plan and Sectional Map Amendment for the Addison Road Metro Town Center and Vicinity* [October 2000]. The entire site is within the designated town center where the urban design concept is to seek a compact form of development such as proposed by the applicant. The sector plan supports new urbanism design concepts where buildings are located close to the street. It follows that the provision of deep lot depths is counter intuitive to such concepts. Site Design Standard S3 (A) requires that buildings shall be sited close to and face the street edge throughout the town center.

Central Avenue (MD 214) is an arterial that is proposed to become more pedestrian friendly within the town center through the provision of medians, wide sidewalks street trees and other amenities. A circulation objective for the subject property is that vehicular connections to the site are provided via Cindy Lane. The 2000 Addison Road Metro Town Center and Vicinity Sector Plan also notes that a steep grade change on the subject property prevents direct access to Central Avenue (MD 214). The steep grade change functions as an effective natural buffer. The proposed development has been designed in conformance with the sector plan concepts for development adjacent to Central Avenue (MD 214) and has retained the difference in grade between the residential dwellings and Central Avenue (MD 214). A landscape buffer that is heavily planted and the inclusion of a retaining wall will buffer noise and provide a visual impact from Central Avenue (MD 214) that are compatible with the character of the surrounding neighborhood. This provides a buffer to the development and furthers the public safety, health and welfare without being injurious to other properties.

The Conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;

The conditions on which the amended request for variation is based are unchanged from those existing in June 2007 when Preliminary Plan 4-06134 was approved along with variation approvals for Lots 69–72. As previously found, these conditions remain unique to this property and are not generally applicable to other properties in the neighborhood. This is the only large undeveloped property within the town center along Central Avenue (MD 214). It is also approximately 12–14 feet above Central Avenue (MD 214). The steep grade change and restriction on-site access, per the approved sector plan, is a condition unique to the subject property and is not generally applicable to other properties along Central Avenue (MD 214).

The difference in grade has required that the site be designed in relationship to its unique topography and private street system that has its sole vehicular access onto Cindy Lane. The steep grade change and restriction on site access is a condition unique to the subject property, as pointed out by the sector plan, and is not generally applicable to other properties along Central Avenue. In addition, the corrected highway right-of-way plat has imposed another unique condition on the property which has now required the additional variations for the subject (68, and 73–81) lots as well as reconsideration of the approved preliminary subdivision.

The variation does not constitute a violation of any other applicable law, ordinance, or regulation;

The variation to lot depth does not constitute a violation to applicable law.

Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if strict letter of these regulations is carried out;

The site is unique shape and the topographical conditions, such as the steep slopes, especially along Central Avenue, are not found elsewhere in the general area. These conditions have required that the site be developed in a certain manner, which are guided by the sector plan design objectives and standards by providing the site with access to Cindy Lane. Additionally, the discovery of the correct highway right-of-way plat has truly created a unique condition and hardship that supports approval of this amended variation request. It would create a hardship for the applicant to redesign the site to provide the required lot depth for ten lots.

This hardship is amplified especially when the sector plan encourages buildings to be located close to the street in the town center area. This is not a suburban or rural community where the goal is to provide deeper lot depth. Here the goal, as emphasized in the sector plan, is to create compact urban development that helps provide focus. Developing closer to the street is one way of providing such focus and compact development scale. Further, the applicant believes that the difference in grade between the subject lots and Central Avenue, along with the 50-foot-wide buffer within the steep slope area more than reduces the need to maintain uniform setbacks, especially in an urbanized town center. If the applicant is required to provide the required 150-foot-lot depth, a total of 14 lots would be eliminated and would result in a practical financial and technical hardship in having to redesign the site.

Due to the configuration of this site and the topographical conditions of the subject site at Central Avenue (MD 214) and Cindy Lane there are no other reasonable options that will not create a hardship for the applicant if the strict letter of these regulations were to be carried out. The current option allows for the development of the property that is consistent with the Addison Road Metro Sector Plan; therefore, staff recommends to the Planning Board approval of the variation to the 150-foot-lot depth requirement for Lots 68 and 73–81.

3. **Environmental**—The Environmental Planning Section previously reviewed this site as Preliminary Plan of Subdivision 4-06134 and Detailed Site Plan, DSP-07061. The DSP is pending review by the Planning Board. The subject property is subject to the provisions of the Prince George’s County Woodland Conservation and Tree Preservation Ordinance because the site is greater than 40,000 square feet in area and contains more than 10,000 square feet of woodland.

A Type I Tree Conservation Plan, TCPI/008/07, has been submitted. The revised preliminary plan and TCPI show revisions to the site boundary along Central Avenue. Because this boundary has changed, the proposed afforestation in that area was removed because it would not qualify as woodland afforestation. The boundary change also results in a decrease in the acreage of gross and net tract for the site. Based on the new gross tract area of 17.91 acres, the woodland conservation threshold for the site is 2.54 acres, or 20 percent of the net tract. The total woodland conservation requirement for the site is 5.41 acres. The plan proposes to meet the requirement with 0.30 acre of on-site preservation, 1.30 acres of afforestation and 3.84 acres of off-site

mitigation. The TCPI is in conformance with the Woodland Conservation Ordinance. The Environmental Planning Section recommends approval of TCPI/008/07 as stamped as submitted on June 16, 2008.

4. **Urban Design**—The adjustment of the property line brings the arterial right-of-way closer to the proposed townhouse lots, and as a result ten additional proposed lots do not meet the required 150-foot lot depth. The site remains subject to Sections 4.1 (Residential Requirements), 4.3 (Parking Lot Requirements), 4.6 (Buffering Residential Development From Streets), and 4.7 (Buffering Incompatible Uses) of the *Prince George's Landscape Manual*. The altered property line does not affect the site's conformance with the required sections of the Landscape Manual. Section 4.6 requires a 50-foot-wide bufferyard along the Central Avenue right-of-way in the rears of lots 73–81 and the proposed layout allows at least 50 feet between the rears of these lots and the edge of the expanded right-of-way. A Detailed Site Plan (DSP-07061) is currently under review for the townhouse development and shows a layout that is consistent with the proposed preliminary plan of subdivision.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, staff recommends that the Planning Board adopt all of the findings and conditions contained in the original action (PGCPB No. 07-119) as now modified or supplemented by the findings of this report, and APPROVE Preliminary Plan of Subdivision 4-06134, the Variation to Section 24-121(a)(4) and TCPI/008/07.