



Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

DETAILED SITE PLAN

DSP-03005

Application	General Data
Project Name: EQUESTRIAN ESTATES Location: WOODYARD ROAD, SOUTH OF WELSHIRE DRIVE AND NORTH OF DOWER HOUSE ROAD Applicant/Address: HAVERFORD HOMES 6525 BELCREST ROAD, SUITE 205 HYATTSVILLE, MD 20782	Date Accepted: 03/05/2003
	Planning Board Action Limit: 05/04/2003 (waived)
	Plan Acreage: 94.22
	Zone: R-R
	Dwelling Units: 120
	Square Footage: NA
	Planning Area: 77
	Council District: 09
	Municipality: NA
	200-Scale Base Map: 209SE09

Purpose of Application	Notice Dates
RESPONSE TO ORDER OF REMAND FROM DISTRICT COUNCIL	Adjoining Property Owners: (CB-15-1998) NA
	Previous Parties of Record: (CB-13-1997) 03/12/04
	Sign(s) Posted on Site: NA
	Variance(s): Adjoining Property Owners: NA

Staff Recommendation		Staff Reviewer: LAXMI SRINIVAS	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

March 17, 2004

MEMORANDUM

TO: Prince George's County Planning Board

VIA: Steve Adams, Urban Design Supervisor

FROM: Laxmi Srinivas, Senior Planner

SUBJECT: Detailed Site Plan, DSP-03005
TCPII/113/98-01
Equestrian Estates
Response to Order of Remand from the District Council

The Planning Board approved a Detailed Site Plan for Equestrian Estates on July 31, 2003 (PGCPB No. 03-160). The District Council elected to review the Detailed Site Plan SP-03005 for Equestrian Estates on September 8, 2003 and reviewed the Detailed Site Plan on January 27, 2004. The District Council remanded the case to the Planning Board on January 27, 2004.

The Sections of the Order of Remand are quoted below and responses are provided primarily from the Transportation Planning Section's revised referral dated March 2, 2004.

- A. For this residential project, staff and the Planning Board should explain how the Road Club conditions, no.1 and no.2 in PGCPB No. 93-317, will improve traffic facilities sufficiently to accommodate this project and others in its vicinity.**

The memorandum from the Transportation Planning Section states that:

“This component of the order requests that an explanation be given about how Conditions 1 and 2 will improve transportation facilities sufficiently to accommodate this project and others in the area. Conditions 1 and 2 require that the applicant pay a pro-rata share into a Road Club in order to address traffic issues at the MD 223/Dower House Road intersection. This subdivision was heard by the Planning Board on December 2, 1993, and the resolution was adopted on December 30, 1993. At that time, Section 24-124(a)(3) included the following language: ‘...roadway improvements or trip reduction programs participated in or funded by the subdivider will alleviate any inadequacy..’ With the approval and enactment on March 3, 1994 of CB-60-1993, this language was changed to read as follows: ‘...roadway improvements or trip reduction programs fully funded by the subdivider or his heirs, successors, and assigns, will alleviate the inadequacy...’ At the time that this subdivision was approved, there was a funded project in the County CIP that included improvements at MD 223/Dower House Road, and a portion of the funding was to come from developer contributions. In accordance with the law in effect at that time and the availability of a funded CIP project with partial

developer funding, the Planning Board determined that the payment of the pro-rata share represented this applicant's responsibility toward the needed transportation facilities.”

- B. Before it takes final action on this DSP application, the District Council requires a full explanation of the status of the transportation facilities serving this development project and the Planning Board’s approval of access to the subject property. The State Highway Administration submitted materials dated 13 November 2003 and October 2002 at a recent SHA briefing in Greenbelt, where SHA official discussed major State highways in Prince George’s County, including MD 223. Council asks the Planning Board to review these materials and consider whether it should modify its resolution of approval.**

The memorandum from the Transportation Planning Section states that:

“This component of the order requests that recent SHA briefing materials be reviewed, with consideration given to modifying the Planning Board's resolution of approval. The materials include pages from the state Consolidated Transportation Program regarding improvements along MD 4 and MD 5. In particular, improvements along MD 4 are not funded for construction, and proposed interchanges along MD 5 south of MD 223 are also not funded for construction. However, the transportation review of a Detailed Site Plan is guided by the required findings under Section 27-285(b). None of these findings require a determination of adequate transportation facilities. While it is generally understood that there are severe transportation issues along MD 4 and other facilities, the findings required of a Detailed Site Plan do not authorize transportation staff to address off-site transportation issues beyond those that are the subject of preliminary plan conditions. Therefore, there is not a basis, from the standpoint of transportation, to modify the conditions placed upon the Detailed Site Plan.”

- C. The remand is intended to fulfill the purposes of the Zoning Ordinance, as stated in Section 27-102 (a) of the Zoning Ordinance. In particular, the general police-power purposes on subsection (a)(1), the plan implementation purposes in (a)(2), the public facilities purposes in (a)(3), the orderly growth and development purposes in (a)(4), and the traffic and transportation purposes in (a)(11) shall be addressed by staff and Planning Board, on the remand.**

Section 27-102 lists the general purposes of the Zoning Ordinance. The specific requirements for the different types of uses and procedures set out in the Zoning Ordinance are designed to meet these fifteen (15) purposes. Each stage of development is designed and regulated pursuant to these purposes. Each stage of development, from the very general, zoning, to the specific, site plan review, is unique and as such has its own specific set of criteria for review and approval. And each stage has its own set of findings necessary for approval. It is within these findings at each different stage of the development process that the purposes of the Zoning Ordinance are upheld. Section 27-102 (a)(1)-(4) are addressed at stages earlier in the process and are presumed to be satisfied at the time of detailed site plan approval.

- D. This remand is also intended to allow proper interpretation and application of the Zoning Ordinance, Section 27-108.01 (a) (23) (the Ordinance “shall be read as a whole”); to provide for appropriate Detailed Site Plan review, in accordance with Section 27-281 (a)(1)(b)(1) (Detailed Site Plan review is “discretionary” and is intended to effect certain purposes, including development conformance with the General Plan and other approved plans); to permit timely and appropriate District Council review of this DSP, as authorized and required by Section 27-290; and to allow the applicant, if it chooses, to supplement the record, to show**

how ingress to and egress from the proposed residential community and its individual lots will be aided (or adversely affected) by SHA plans for improvements and modifications of MD 223.

The applicant has no additional information or findings to add to the record regarding the issues identified in the Order of Remand.

Section 27-108.01 of the Zoning Ordinance is entitled “Interpretations and rules of construction.” It contains 26 very specific rules, such as definitions of the words “following,” “preceding,” “and,” “or,” “sell,” and “shall.” It includes explanations of how to measure distances and compute time for purposes of the Zoning Ordinance. The rule of construction in question states, in full: “It is not intended that specific requirements be interpreted separately from all other requirements in the Ordinance. The Zoning Ordinance should be read as a whole.” This rule of construction has been fully met through the review, evaluation, findings and conditions contained herein.

The question of appropriate Detailed Site Plan review has also been raised, with reference to Section 17-181. Although Section 27-181, Purpose of Detailed Site Plans, does not reference their discretionary nature, it does reference Master Plans, and specifically states that one of the general purposes of Detailed Site Plans is: to provide for development in accordance with the principles for the orderly, planned, efficient and economical development contained in the General Plan, Master Plan, or other approved plans.

It should be noted that the specific purposes of a Detailed Site Plan are:

- (A) To show the specific location and delineation of buildings and structures, parking facilities, streets, green areas, and other physical features and land uses proposed for the site;
- (B) To show specific grading, planting, sediment control, tree preservation, and storm water management features proposed for the site;
- (C) To locate and describe the specific recreation facilities proposed, architectural form of buildings, and street furniture (such as lamps, signs, and benches) proposed for the site; and documents that are necessary to assure that the Plan is implemented in accordance with the requirements of this Subtitle.

Furthermore the required findings for a Detailed Site Plan are as follows:

- (1) The Planning board may approve a Detailed Site Plan if it finds that the plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use. If it cannot make these findings, the Planning Board may disapprove the Plan.

The purposes of the Zoning Ordinance, the rules of construction, and the general and specific purposes and required findings for Detailed Site Plans have been appropriately applied to the subject project. The transportation issues described in the Order of Remand are not germane to the review of this Detailed Site Plan.

Therefore staff does not recommend any change to the Planning Board’s previous approval of the Plan. Staff recommends that the Planning Board REAPPROVE DSP-03005 and TCPII/113/98-01 with conditions as previously approved in PGCPB Resolution 03-160.