

The Maryland-National Capital Park and Planning Commission
 Prince George's County Planning Department
 Development Review Division
 301-952-3530



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

DETAILED SITE PLAN VARIANCE APPLICATION

DSP-04026
VD-04026

Application	General Data
Project Name: BRADBURY SUBDIVISION Location: WEST SIDE OF SHADYSIDE AVENUE APPROXIMATELY 295 FEET NORTH OF THE CENTERLINE OF BROOKFIELD DRIVE Applicant/Address: BCR, LLC 2721 BRIGGS CHANEY ROAD SILVER SPRING, MD 20905	Date Accepted: 1/21/2005
	Planning Board Action Limit: Waived
	Plan Acreage: 2.55
	Zone: R-T
	Dwelling Units: 18
	Square Footage: N/A
	Planning Area: 75A
	Tier: DEVELOPING
	Council District: 07
	Municipality: N/A
	200-Scale Base Map: 203SE04

Purpose of Application	Notice Dates
Infrastructure detailed site plan for 18 semidetached dwelling units and a variance application from Section 27-120.01 to allow 12 surface parking spaces to be located in the front yards of six units.	Adjoining Property Owners Previous Parties of Record Registered Associations: 10/25/2004 (CB-12-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed: 04/19/2005

Staff Recommendation		Staff Reviewer: H. ZHANG, AICP	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X	X (Variance)	

May 24, 2005

MEMORANDUM

TO: Prince George's County Planning Board

VIA: Steve Adams, Urban Design Supervisor

FROM: Henry Zhang, Urban Design Section, Development Review Division

SUBJECT: Infrastructure Detailed Site Plan DSP-04026, Bradbury Subdivision
Type II Tree Conservation Plan TCPII/16/05
Variance Application VD-04026

The Urban Design staff has completed the review of the subject application and appropriate referrals. The following evaluation and findings lead to a recommendation of APPROVAL of the Detailed Site Plan and DISAPPROVAL of the Variance Application as described in the recommendation section of this report.

EVALUATION

This detailed site plan was reviewed and evaluated for compliance with the following criteria:

- a. The requirements of the Zoning Ordinance in the R-T Zone.
- b. The requirements of Preliminary Plan of Subdivision 4-73270 and Final Plat 91@42.
- c. The requirements of the Prince George's County Woodland Conservation Ordinance.
- d. Referral comments

FINDINGS

Based upon the evaluation and analysis of the subject detailed site plan, the Urban Design Review staff recommends the following findings:

1. **Request:** The subject application is for approval of an infrastructure detailed site plan for 18 single-family semidetached dwelling units, and a variance from Section 27-120.01 to allow 12 surface parking spaces to be located in the front yards of six units.

2. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	R-T	R-T
Use(s)	Residential	Residential
Acreage	2.55	2.55
Number of lots	26	18

OTHER DEVELOPMENT DATA

	Required	Provided
Total Parking Spaces	37 (2.04 spaces per dwelling unit)	38*

Note: * Twelve parking spaces have been proposed as surface parking spaces in the front yards of six units, which is a variance from the requirements of Section 27-120.01. Front Yards of Dwellings. See below Finding 8 for more discussion.

3. **Location:** The subject property is located on the west side of Shadyside Avenue, approximately 295 feet north of the centerline of Brookfield Drive, in Planning Area 75 A and Council District 6.
4. **Surroundings and Use:** The proposed development is bounded to the east by the right-of-way of Shadyside Avenue. To the north and south of the site are properties in the R-55 Zone; and to the west of the property is Bradbury Heights Recreation Center, a property of The Maryland-National Capital Park and Planning Commission, in the R-O-S Zone. Further across Shadyside Avenue to the east are existing properties in R-55 and R-30 Zones.
5. **Previous Approvals:** The subject site has a previously approved Preliminary Plan of Subdivision, 4-73270, which was subsequently recorded as Final Plat 42 in Plat Book 91. The 1986 Adopted Sectional Map Amendment for Suitland-District Heights and Vicinity retained this site in the R-T Zone. The site also has a Stormwater Management Concept Approval #9810-2004-00. A new Stormwater Management Concept Plan was submitted to the Department of Environmental Resources (DER) for approval due to the revision of the site plan layout in order to meet fire prevention regulations to allow fire engines to maneuver on the site. At the time the staff report was written, DER had approved the new concept plan pending final documentation. A condition of approval has been proposed in the Recommendation section to require the applicant to provide a new Stormwater Management Concept approval letter prior to certificate approval of this detailed site plan.
6. **Design Features:** The subject property is an irregular shape and is surrounded on the north and south sides by existing single-family detached houses in the R-55 Zone. The site is accessed through one access point off Shadyside Avenue, to the east. The internal street is 24 feet wide and runs west toward the northwest end of the site arriving at a roundabout. The street then turns 90 degrees and runs north until it terminates with a turnabout at the southern property line. The east/west-bound segment of the internal street provides access to four units, while the north/south-bound segment, which is 26 feet wide, connects to the remaining 14 units.

Since this is an infrastructure detailed site plan, no architectural models have been provided, but the site plan shows two different types of building footprints. Six units are shown in a building footprint without garages and the rest of the 12 units are shown in a building footprint with garages.

The six units without garage each have two surface parking spaces in the front yards. Pursuant to Section 27-120.01, Front Yards of Dwellings, a variance is required in order to locate parking spaces in the front yards other than on a driveway no wider than its associated garage, in a carport, or in other parking structure of a single-family dwelling. The applicant has requested a variance from the requirement as discussed in Finding 8 below.

No entrance features have been proposed in this detailed site plan.

7. **Recreational Facilities:** Per the current formula for determining the value of recreational facilities to be provided in subdivisions for 18 single-family dwelling units in Planning Area 75A, a recreation facility package of approximately \$19,100.00 is required. At the time of Preliminary Plan of Subdivision 4-73270 approval, there were no on-site recreational facilities requirements. The subject application proposes to develop 18 single-family semidetached dwelling units, which are more than a 30 percent (8 lots) reduction from the original approved number of lots for the site as recorded in Final Plat 42@91. In addition, Bradbury Heights Recreation Center, an existing community center operated by the M-NCPPC is located adjacent to the west of the subject property. This application has proposed a recreational site at the end of the turnabout with a play structure and two perimeter sitting areas around the recreational site. However, the applicant has not provided information on the monetary value of the facilities so the staff can determine if the proposed on-site recreational facility package meets the requirement for this development. A condition of approval has been proposed in the Recommendation section of this report to require that the applicant provide evidence that the proposed package meets the value standards for this development.

COMPLIANCE WITH EVALUATION CRITERIA

8. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the R-T Zone and the site plan design guidelines of the Zoning Ordinance.
 - a. The subject application is in conformance with the requirements of Section 27-441(b), which governs permitted uses in residential zones. The proposed semidetached dwellings are a permitted use in the R-T Zone.
 - b. The proposal is also in conformance with the requirements of Section 27-442, Regulations, regarding net lot area, lot coverage and green area, lot/width frontage, yards, building height, and density.
 - c. The application provides 38 parking spaces, which is one space more than the required parking spaces for this site. However, 12 parking spaces are proposed to be the surface parking spaces without connecting to any parking structures in the front yards for six units. Pursuant to Section 27-120.01, Front Yards of Dwellings, a variance application is required because no parking space, parking area, or parking structure other than a driveway no wider than its associated garage, carport, or other parking structure may be built in the front yard of a dwelling, except a townhouse or multifamily dwelling, in the area between the front street line and the sides of the dwelling. The applicant has filed a variance application with this detailed site plan.

Per Section 27-230 of the Zoning Ordinance, a variance may only be granted when the Planning Board finds that:

- (1) **A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;**

Comment: The subject site does not have exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions. The site was platted for 26 lots in the R-T Zone. The application proposes to develop 18 semidetached dwelling units out of the previously approved and recorded 26 lots. The reason for this variance is that the applicant wants to provide a walkout basement, but no garage, for six of the units. The variance situation in question is not a result of the physical constraints of the site.

- (2) **The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and**

Comment: Since this is an infrastructure detailed site plan, there are no architectural models provided with this application. The strict application of this subtitle will limit the applicant to models with a minimum one-car garage. However, given that so many design options still can be explored, the Urban Design Section does not have enough information at this time to make findings that the strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property.

- (3) **The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.**

Comment: The proposed 12 surface parking spaces in the front yards of the six units are far away from Shadyside Avenue and are located inside the subdivision. The variance, if approved, would not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.

However, as indicated above, because this is an infrastructure detailed site plan, not enough information about architectural models has been provided with this application. The Urban Design Section believes that the variance application fails to satisfy two of the three criteria for approval. A variance is needed for this development not because of the physical conditions of the site, but rather because the applicant wants to deliver a specific product. At this time, denying the variance request would not result in a practical difficulty upon the owner of the property because the applicant has not exhausted all possible design alternatives to prove that the variance requested is the only way to develop this site. The staff therefore recommends disapproval of the variance from the requirements of Section 27-120.01 (c).

9. **The requirements of Preliminary Plan of Subdivision 4-73270 and Final Plat 91@42:** The Preliminary Plan Of Subdivision 4-73720 was recorded as Final Plat 42 in Plat Book 91 in December 1974 for one parcel and a 27-lot development. No resolution is available and no special conditions of approval have been noted on the final plat. The subject application proposed 18 semidetached dwelling units, which are different from the previously approved layout. Per the review by the Subdivision Section (Nordan to Zhang, April 26, 2005), no new preliminary plan is required. But the applicant must record a new final plat. A condition of approval has been proposed in the Recommendation section of this report to require the applicant

to record a new final plat that reflects the approved layout as shown in the subject detailed site plan.

10. **Woodland Conservation Ordinance:** This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet, and there are more than 10,000 square feet of existing woodland on site.
 - a. A Forest Stand Delineation (FSD) plan has been submitted for this application and was found to generally address the requirements of a Detailed Forest Stand Delineation in compliance with the requirements of the Woodland Conservation Ordinance. No additional information is needed with regard to the Forest Stand Delineation.
 - b. The Type II Tree Conservation Plan TCPII/16/05 submitted with this application indicates that the minimum woodland conservation requirement for this site is 0.44 acres plus an additional 1.01 acres required due to removal of woodland below the threshold level for a total requirements of 1.45 acres. The applicant has proposed a combination of both on-site and off-site mitigations. According to the review by the Environmental Planning Section (Metzger to Zhang, May 11, 2005), the Type II Tree Conservation Plan meets all the requirements of 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. The Community Planning Division, in two memoranda dated March 1, and April 28, 2005, noted that the application is consistent with the 2002 Approved General Plan Development Pattern policies for Developed Tier Corridors. The application is also in conformance with the land use recommendations of the 1986 Approved Master Plan and Adopted Sectional Map Amendment for Suitland-District Heights and Vicinity, Planning areas 75A and 75B.
 - b. The Transportation Planning Section, in a memorandum dated May 18, 2005, provided no comments on this application.

In a separate memorandum from the Transportation Planning Section dated February 28, 2005, on detailed site plan review for master plan trail compliance, the trails planner noted that there are no master plan trail issues that impact the subject site. The trails planner supports the provision of the standard sidewalks along one side of the internal roadways and concrete walk and asphalt path to the adjacent M-NCPPC parkland contingent on the approval of the Department of Parks and Recreation.

Comment: The applicant proposed a connection to the existing Bradbury Heights Recreation Center, which is M-NCPPC parkland, to the west of the subject property in the original proposal. But the Department of Parks and Recreation does not agree with the proposed connection citing the steep slope as a major reason and recommends on-site private recreation facilities instead (Asan to Zhang, May 17, 2005). The applicant has revised the site plan and provided a recreational area at the end of the turn-around pursuant to the recommendation of the Department of Parks and Recreation.
 - c. In a memorandum dated April 26, 2005, the Subdivision Section staff noted that a new final plat of subdivision must be done in order to resubdivide lots shown on Plat Book 91, Plat 42.

Comment: A condition of approval has been proposed in the Recommendation section of this report to require the applicant to record a new final plat to reflect the lot line adjustment as approved in the subject detailed site plan.

- d. The detailed site plan and its revision were sent to the Department of Environmental Resources (DER). In the memorandum, the staff noted that the site plan for Bradbury is consistent with previously approved Stormwater Management Concept Plan #9810-2004. In a phone conversation (Zhang to Thompson, May 17, 2005), the Urban Design staff was informed that the revised Stormwater Management Concept Plan has been approved and is now pending final documentation.
- e. The Environmental Planning Section, in a memorandum dated May 11, 2005, recommended approval of the revised Detailed Site Plan DSP-04026 and TCPII/16/05 subject to one condition, which has been incorporated into the Recommendation section of this report.
- f. The Permit Section, in a memorandum dated February 16, 2005, provided nine comments on the site plan regarding compliance with both the *Landscape Manual* and Zoning Ordinance. All relevant comments have either been incorporated into the recommendation section of this report as conditions of approval or addressed through the revised plan.

Comment: The subject application is an infrastructure detailed site plan. Pursuant to Section 27-286 (b), the review of the infrastructure detailed site plan should be focused on grading, stormwater management, tree conservation areas, sediment and erosion control, and utilities such as sewer and water. The application's compliance with the requirements of the *Landscape Manual* is not an issue at this time.

The Permit Section, in a second memorandum dated May 2, 2005, provided two comments on the Variance Application VD-04026. The two concerns have been addressed by the conditions of approval.

- g. The Fire/EMS Department of Prince George's County, in a memorandum dated April 7, 2005, provided a comprehensive review of the applicable fire prevention regulations regarding required access for fire apparatus, fire lane and location and performance of fire hydrants. The revised plan complies with the applicable fire prevention regulations.
 - h. The Department of Public Works and Transportation (DPW&T), in a memorandum dated May 12, 2005, provided standard referral comments on issues such as frontage improvement, street tree and street lighting, sidewalks, storm drainage systems and facilities, and soil study for the proposed subdivision streets. These requirements will be enforced by both DPW&T and DER at time of issuance of relevant permits.
 - i. The Washington Suburban Sanitary Commission (WSSC) had not responded to the referral request at the time the staff report was written.
12. This limited Detailed Site Plan for infrastructure satisfies the site design guidelines as contained in Section 27-274, prevents off-site property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare and economic well-being for grading, reforestation, woodland conservation, drainage, erosion and pollution discharge.

RECOMMENDATION

Based upon the foregoing evaluation, analysis and findings, the Urban Design staff recommends that the Planning Board adopt the findings of this report and DISAPPROVE Variance Application VD-04026 and otherwise APPROVE Infrastructure Detailed Site Plan DSP-04026, Bradbury Subdivision, and Type II Tree Conservation Plan TCPII/16/05 subject to the following conditions:

1. Prior to certificate approval of this detailed site plan, the applicant shall
 - a. Revise the plan to show that the two parking spaces provided at the end of the turnaround are handicapped van accessible spaces.
 - b. Show building setbacks (front, sides and rear) graphically on the site plan.
 - c. Provide a new Stormwater Management Concept Approval letter by the Department of Environmental Resources that reflects the revised site plan layout.
 - d. Show the elevation information (of the top and bottom) for each retaining wall. If the height of the fence exceeds six feet within a required yard, the fence will be treated as a building in terms of meeting the setback requirements.
 - e. Delete the dumpster and provide a trash receptacle at the same location.
2. At time of the full-scale detailed site plan, the applicant shall
 - a. Provide evidence that the proposed on-site recreation facility package satisfies the minimum value requirement for this development.
 - b. Provide an approval sheet with the application.
3. Prior to issuance of any building permits, the applicant shall
 - a. Record a new final plat to reflect the lot line adjustment as approved in the subject detailed site plan. The proposed on-site recreational facilities shall also be bonded at time of final plat.
 - b. Revise TCPII to state the location of the required off-site mitigation.
4. At time of building permit, the applicant shall provide a chart to show lot size, lot coverage and building height of each lot.