



*Note: Staff reports can be accessed at [www.mncppc.org/pgco/planning/plan.htm](http://www.mncppc.org/pgco/planning/plan.htm).*

# DETAILED SITE PLAN

# DSP-05001

Application	General Data
<b>Project Name:</b> LINCOLNSHIRE, PHASE II  <b>Location:</b> Northeast quadrant of Karen Boulevard and Ronald Road  <b>Applicant/Address:</b> PDC Lincolnshire, LLC 5840 Banneker Road, Suite 110 Columbia, MD 21044	Date Accepted: 11/9/05
	Planning Board Action Limit: 2/2/06
	Plan Acreage: 13.14
	Zone: R-18
	Dwelling Units: 156
	Square Footage: N/A
	Planning Area: 75A
	Tier: Developed
	Council District: 06
	Municipality: N/A
200-Scale Base Map: 202SE06	

Purpose of Application	Notice Dates
156 two-family dwellings in R-18 zone.	Adjoining Property Owners Previous Parties of Record Registered Associations: (CB-12-2003) 11/10/05
	Sign(s) Posted on Site and Notice of Hearing Mailed: 01/02/06

Staff Recommendation		Staff Reviewer: LAREUSE	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
		X	

July 30, 2009

**MEMORANDUM**

TO: Prince George's County Planning Board  
VIA: Steve Adams, Urban Design Supervisor  
FROM: Susan Lareuse, Planner Coordinator  
SUBJECT: Detailed Site Plan DSP-05001  
Tree Conservation Plan TCPII/77/04-01  
Lincolnshire, Phase II (formerly Walker Mill Townes)

The Urban Design staff has reviewed the detailed site plan for the proposed two family dwellings and presents the following evaluation and findings leading to a recommendation of DISAPPROVAL.

**EVALUATION CRITERIA**

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

- a. Conformance to Part 2, Division 1, Definitions, Section 27-107.01.
- b. Conformance to the conditions of Preliminary Plan 4-03084
- c. Conformance to the requirements of the Zoning Ordinance including the regulations relating to development in the R-18 Zone and the requirements of the *Landscape Manual*.
- d. Conformance to the requirements of the Woodland Conservation Ordinance.
- e. Referrals.
- f. Site design guidelines.

**FINDINGS**

Based on the evaluation and analysis of the subject application, the Urban Design staff recommends disapproval of this case (refer to finding No. Six for pertinent discussion).

- 1. **Request**—The subject application proposes to construct 156 two-family dwellings (attached) as condominium units with garage parking and large storm water management pond. The plan includes site, landscape, and tree conservation plans and architecture.

2. **Development Data Summary**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone(s)	R-18	R-18
Use(s)	Vacant	Two-family dwellings
Acreage	13.17	13.17
Lots	1	1
Parcels	0	0
Dwelling Units:		
Attached	0	156
Detached	0	0
Multifamily	0	0

**Other Development Data**

Gross Site Area	13.17 acres
100-year floodplain	0 acres
Net Tract Area	13.17 acres
*Dwelling Units permitted (8 du./ac.)	105 units
*Dwelling Units proposed	156 units
Parking Required (156 x 2.0)	312 spaces
**Parking Provided	312 spaces

\*The application has inaccurately identified the proposed unit type as multifamily. The applicant has been informed of the staff’s opinion on this issue but requested that the case be brought before the Planning Board for determination of the correct unit type.

\*\*Parking provided has been designed as tandem parking spaces, i.e., one space behind a garage space. According to Section 27-552 (e) (1) Parking for one-family dwellings is the only type of dwelling that allows for parking spaces to be located one behind the other. The design shown on the plans is not permitted in conjunction with either two-family dwellings or multifamily. In order to modify this requirement, the applicant could file a departure.

3. **Location**—The subject application is located on the east side of Karen Boulevard extended north of its intersection with Ronald Road within Planning Area 75A.
4. **Surroundings and Use**—To the north is an existing townhouse development in the R-T Zone, to the east is the John Bayne Elementary School, to the south is an existing multifamily development, and to the west is the proposed Karen Boulevard and Lincolnshire Phase I, a 24-unit townhouse development recently approved as a detailed site plan.
5. **Design**—The proposed subdivision will have a single vehicular access point from the proposed extension of Karen Boulevard, which will be constructed as part of the project to the north, approved as DSP-04012. The plan proposes a two-part stormwater management pond, separated by the embankment created by the road entrance into the subdivision. The facility expands across the entire frontage of the property. The units across the stormwater management pond will front toward the pond and will be served by alleys in the rear of the two-family dwellings. Steep grading is proposed throughout the development
- 6 The project proposes an architectural product commonly known as two-over-twos or stacked towns. The units are four stories with a family living on the first and second floors and a family

living on the third and fourth floors. The determination of the unit type has a substantial impact on the density and design of the final development of the property.

The Associate General Counsel of M-NCPPC has determined that “two-over-two” units are not multifamily dwellings as defined by Section 27-107.01 (a)(75), but are two-family dwellings as defined by Section 27-107.01 (a)(80). In an e-mail dated January 17, 2006, Green to Lareuse, she opined the following:

“Generally speaking any type of building, as defined under the code, that is not designed for one single family is considered multifamily. However the Zoning Ordinance, definitionally and in the use tables, carves out certain types of multiple dwellings under the multifamily umbrella, i.e., duplex, three-family and quads, and treats those types of dwellings differently. The type of dwelling unit described (two-over twos) below is one of those exceptions to the multifamily umbrella. This type of multiple family dwelling is carved out and specifically listed in the definition table and the use table as a ‘two-family dwelling.’ The Zoning Ordinance pursuant to section 27-108.01(a)(1) states that the particular and the specific control the general. In this particular case the general is ‘multifamily’ and the particular and specific is ‘two-family dwelling’.”

Notwithstanding the issue above, the application has other issues that need to be addressed prior to the Planning Board taking a positive action on the detailed site plan. The plan proposes approximately 50 percent of the parking as tandem parking spaces, i.e. one space behind a garage space. This proposed configuration is not allowed under Section 27-552(e)(1), which restricts tandem parking to one-family dwellings. Prior to the approval of the detailed site plan, or in conjunction with the detailed site plan, the Planning Board would need to approve the departure.

7. **Previous Approvals**—The property is the subject of Preliminary Plan 4-03084, which was approved by the Planning Board and the resolution of approval PGCPB Resolution 04-03, which was adopted on January 29, 2004. On October 27, 2005, the Planning Board granted a 3-month extension. The preliminary plan remains valid until April 29, 2006, or until a final record plat is approved.

The preliminary plan included two tracts of land. On the west side of Karen Boulevard is R-T zoned land that is not the subject of this detailed site plan. The remaining portion is on the east side of Karen Boulevard and zoned R-18, which is the subject of this application.

The preliminary plan was approved for the development of multifamily dwelling units with a density of 20 dwellings per acre because the buildings were to be four stories with an elevator (27-442(h) Footnote 20). The approved density, based on that proposal, was 262 dwelling units. However, the applicant has changed the unit type, is no longer proposing multifamily dwelling units, and cannot develop with a density of 20 dwelling units per acre.

The approved preliminary plan included the following conditions of approval that warrant discussion pertaining to conformance of the detailed site plan to the approved preliminary plan:

5. **Review of the DSP shall include the review of the proposed stormwater management facilities for views and landscaping. The pond at the entrance of the subdivision shall be designed as an amenity to the community.**

Comment: The plan proposes a large stormwater management pond at the front of the project. The plan proposes a two-part stormwater management pond, separated by the embankment created by the road entrance into the subdivision. The facility expands across the entire frontage of the property. The units across the stormwater management pond will front toward the pond. Landscaping is minimal along the road edge, because it

is an embankment and the Department of Environmental Resources (DER) prohibits planting on embankments.

6. **The applicant, his heirs, successors and or assignees shall provide standard sidewalks along both sides of internal streets unless modified by the Department of Public Works and Transportation.**

Comment: The site plan shows sidewalks on both sides of the road.

7. **In accordance with Section 24-135(b) of the Subdivision Regulations, the applicant shall be providing private on-site recreational facilities. Facilities shall be provided in accordance with the *Parks and Recreational Facilities Guidelines* on Parcel A for the townhouses and on Parcel C for the multifamily dwelling units.**

Comment: The applicant has provided a letter dated December 19, 2005, that states the following:

“Please be advised that the District Council requested in Condition No. 7 that there be three options for recreational facilities: (1) clear and grade the area and leave an open space, (2) pay a fee in lieu, or (3) provide recreational facilities in accord with the DPR guidelines.

“It is my client’s decision that he will pay a fee in lieu. It is my client’s understanding that the District Council with respect to Districts 5, 6, and 7 are looking for a central park in the vicinity of the site. Therefore, we believe the fee in lieu option is the appropriate option for recreational facilities, especially given that the property adjoins public park land.”

Comment: It appears that the applicant is trying to fulfill the condition above with the provision of a fee-in-lieu, based on the District Council’s previous action in the review and approval of Phase I of the project, approved under DSP-04012. However, this proposal by the applicant does not conform to the approved Preliminary Plan.

7. **Conformance to the Requirements of the Zoning Ordinance in the R-18 Zone**—The proposed plan is not in conformance with the development regulations for the R-18 Zone in regard to the maximum building height of the architectural elevations.
8. **Conformance to the Requirements of the Prince George's County *Landscape Manual***—This development proposal is subject to Sections 4.1, Residential Requirements, 4.4, Screening Requirements; and 4.7, Buffering Incompatible Uses.

In regard to Section 4.1 of the *Landscape Manual*, the plans indicate the minimum number of trees required for the development is 217 shade trees. The plant schedule indicates that this requirement was met.

Section 4.4 requires the screening of trash facilities. The plans do not indicate the location of the trash facilities on the site. This requirement must be met as dumpster facilities are required for this type of development.

Section 4.7 of the *Landscape Manual*, Buffering Incompatible Uses, is also required between the proposed development and the adjacent multifamily site. The required buffer between the two properties is a minimum 10-foot-wide landscape strip. The required number of plant units has been provided.

9. **Conformance to the Requirements of the Woodland Conservation Ordinance**—The property is subject to the provisions of the Prince George’s County Woodland Conservation Ordinance

because it has a previously approved Tree Conservation Plan. A Type II Tree Conservation Plan (TCPII/77/04) was previously approved in conjunction with DSP-04012. A revised Type II Tree Conservation Plan (TCPII/77/04-01) in conjunction with the current application has been reviewed and was found to require minor revisions in order to be in conformance with TCPII/77/04. The revised Type II Tree Conservation Plan as submitted must be revised to clearly identify each phase of development.

**Recommended Condition:** Prior to certificate approval of the detailed site plan, TCPII/77/04-01 shall be revised as follows:

- a. Revise the TCPII to include both Phase I and II, which constitute the entire site in compliance with the approved Type I Tree Conservation Plan TCPI/58/03.
  - b. Remove from the plan “Preliminary, not approved, not for construction.”
  - c. Revise Parcel “A” Conservation Area to reflect compliance with revised final plat.
  - d. Eliminate the use of any Woodland Conservation Area that is less than 35 feet in width.
  - e. Revised the reforestation on Parcel A to reflect what was approved on the TCPI.
  - f. Show correct amount of total clearing on Phase II (cumulative acres of net tract also changes).
  - g. Make all other changes and adjustments in the worksheet as required.
  - h. Revise the worksheet accordingly to address any changes made to the plan.
  - i. Have the plan signed and dated by the qualified professional who prepared the plan.
10. **Archeological Review**—Phase I (Identification) archeological investigations are recommended on the above-referenced property. According to the 1861 Martenet map, members of the Berry family including Thomas Berry, Albert Berry, and J.E. Berry, Jr., had residences to the north and east of the property. The Berrys were slaveholders in the County, and archeological remains of slave quarters or burials may be present on the property.
- Phase I archeological investigations should be conducted according to Maryland Historical Trust (MHT) guidelines, *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994), and the Prince George’s County Planning Board *Guidelines for Archeological Review* (May 2005), and report preparation should follow MHT guidelines and the *American Antiquity* or *Society of Historical Archaeology* style guide. Archeological excavations shall be spaced along a regular 15-meter or 50-foot grid, and probing should be conducted also to search for possible burials. Excavations should be clearly identified on a map to be submitted as part of the report.
11. **Environmental Review**— The Environmental Planning Section originally reviewed the subject property as Preliminary Plan 4-87179, and a Special Exception (SE-4447). The previously approved preliminary plan of subdivision for the townhouses lots on the subject property has expired without recordation. The Environmental Planning Section last reviewed the subject property in 2003 as Preliminary Plan 4-03084 in conjunction with TCPI/58/03, which were approved with conditions. The subject property has an approved Conceptual Stormwater Drain Plan, CSD #20523-2003-01, dated September 16, 2004.

The subject property is located in the northeast quadrant of the intersection of Karen Boulevard and Ronald Road, approximately 1,000 feet north of Walker Mill Road. The surrounding properties are residentially zoned. The site is characterized by terrain sloping toward the east and west of the property, and drains into unnamed tributaries of the Lower Beaverdam Creek watershed in the Anacostia River basin. The predominant soil types on the site are Adelphia, Sandy Land, Chillum, Beltsville and Sassafra. These soil series generally exhibit slight to moderate limitations to development due to steep slopes, impeded drainage and seasonally high water table. The site is undeveloped and fully wooded. Based on information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication entitled, "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are no rare, threatened or endangered species found to occur in the vicinity of this Site. There are streams, Waters of the US, and wetlands associated with the site. There are no floodplains, Marlboro clays or scenic or historic roads located on or adjacent to the subject property. The subject property is located quite some distance away from any major noise generator. This property is located in the Developed Tier as delineated on the approved General Plan.

A Forest Stand Delineation (FSD) was reviewed with the preliminary plan submittal, and was generally found to address the requirements for detailed FSD in compliance with the requirements of the Woodland Conservation Ordinance.

**Comment:** No further action is required with regard to the detailed FSD.

A Stormwater Management Concept Approval Letter (CSD# 20523-2004-01) dated September 16, 2004, was submitted with the review package. A copy of the approved stormwater management concept plan is required for the office file, and is in conformance with the detailed site plan.

**Recommended Condition:** Prior to certificate approval of the detailed site plan, a copy of the approved stormwater management concept plan shall be submitted. The stormwater management concept plan shall reflect the same limits of disturbance as the TCPII.

12. **Transportation**—The subject application was referred to and reviewed by the Transportation Planning Section. The transportation staff commented that the widening of the proposed street at Karen Boulevard to at least 36 feet and the prohibition on parking along the same street is appropriate.
13. By telephone call from Rick Thompson, Department of Environmental Resources (DER) to Susan Lareuse, DER acknowledged that the proposed stormwater management ponds shown on the plans are in conformance to the concept plan approval.
14. As required by Section 27-285(b), the detailed site plan does not represent a reasonable alternative for satisfying the site design guidelines in regard to the following:
  - Open space
  - Density
  - Wrong unit type
  - Parking problem
  - Nonconformance with preliminary plan for stormwater management pond and recreational facilities

## RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and DISAPPROVE TCPII/77/04-01 and Detailed Site Plan DSP-05001 for Lincolnshire, Phase II.