

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 19, 2004, regarding Detailed Site Plan DSP-03071 for Mellwood Hills (aka Church of Nazarene), the Planning Board finds:

1. The subject application proposes the development of 18 single-family detached homes utilizing the cluster design alternative. The site consists of 12.99 acres in the R-R Zone and is located in the northeast quadrant of the intersection of Woodyard Road and Dowerhouse Road. Access to the site is from Dowerhouse Road. No flag lots are proposed.

2. Development Data Summary

	EXISTING	PROPOSED
Zone(s)	R-R	R-R
Use(s)	Vacant	Single-family detached
Acreage	12.99	12.99
Lots	0	18
Parcels	0	4
Square Footage/GFA	N/A	N/A
Dwelling Units:		
Attached	0	0
Detached	0	18
Multifamily	0	0

Cluster Development Data

Gross Tract Area	12.99 acres
Areas of Slopes Greater than 25%	0.00 acres
Areas Within Existing 100-Year Floodplain	0.00 acres
Cluster Net Tract Area (Gross – F.P. – 25% Slope)	12.99 acres
Number of Lots Permitted at 2.0 du/acre	26 lots
Number of Lots Approved (Total)	18 lots
Number of Flag Lots Proposed	0 lots
Minimum Lot Size Permitted	10,000 sq. ft.
Minimum Lot Size Approved	11,112 sq. ft.

Cluster Open Space Required	2.32 acres
2/3 of the Required Cluster Open Space to be outside of the 100-Year Floodplain and Stormwater Management Facilities	1.55 acres
Cluster Open Space Proposed Outside the 100-Year Floodplain and Stormwater Management Facilities	4.10 acres
Total Cluster Open Space Approved	5.39 acres
Mandatory Dedication Required	0 acres
Open Space to be Conveyed to the Homeowners Association	5.39 acres
Open Space to be Conveyed to MNCPPC	0 acres
Open Space to be Conveyed to Prince George's County	0 acres
Area of Nontidal Wetlands	N/A

<u>Modification in Dimensional Standards Permitted in Cluster</u>	<u>Standard in Zone</u>	<u>Allowed</u>	<u>Proposed</u>
27-442© Net Lot Coverage	25%	30%	30%
27-442(d) Lot width at Building Line	80'	75'	75'
Lot Frontage Along Street Line	70'	50'	none
Lot Frontage Along Cul-de-sac	60'	50'	none

3. The detailed site plan is in conformance with the Preliminary Plan, 4-02055 and applicable conditions. In a memorandum dated February 9, 2004 (Del Balzo to Wagner), the Subdivision Section offered the following comments:

“Preliminary Plan 4-02055 was approved by the Planning Board on October 24, 2002. The resolution, PGCPB No. 02-220, was adopted on November 14, 2002. The preliminary plan is valid for two years. Therefore, final plats must be accepted for processing by the Subdivision Section no later than November 14, 2004.

“The approved preliminary plan included 13 conditions; the following apply at the detailed site plan stage:

- “5. Prior to approval of the Detailed Site Plan, a DER approved Technical Stormwater Management Plan must be submitted. This plan shall show the same limits of disturbance as the TCPI and shall not show any impacts to the Patuxent River Primary Management Area.”**

Comment: With regard to the above condition, the Urban Design Section notes that the Department of Environment Resources (DER) has indicated via email (DeGuzman to Wagner) on January 9, 2004, that a Technical Stormwater Management Plan has been reviewed and is ready for approval. As of the writing of this report, the plans have yet to be approved. The plans should be approved and copies sent to the Development Review Division to check it for conformance to the Detailed Site Plan prior to certification. Appropriate landscaping should be provided around the pond for aesthetic purposes.

- “7. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCPI/35/02). The following note shall be placed on the Final Plat of Subdivision:**

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/35/02), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy.’

- “8. A Type II Tree Conservation Plan shall be approved at the time of Detailed Site Plan.**

- “9. A Detailed Site Plan shall be approved prior to the approval of final plats.**

“The detailed site plan presents a lotting pattern and road configuration generally in conformance with the approved preliminary plan. The preliminary plan also included the following finding:

- “8. Parks and Recreation—The proposal is subject to the mandatory park dedication requirements of Section 24-134 of the Subdivision Regulations. Because the size and location of available land are unsuitable for park purposes, staff recommends that the applicant pay a fee-in-lieu of mandatory park dedication pursuant to Section 24-135.**

“This was not included as a condition of approval. Applicants in most residential subdivision applications are required to provide for mandatory park dedication. This was the case with Preliminary Plan 4-02055. To satisfy this requirement, the applicant proposed providing a fee-in-lieu of mandatory dedication. This was deemed acceptable by the Department of Parks and Recreation and ultimately by the Planning Board. A fee-in-lieu of mandatory park dedication is permitted under Section 24-135 of the Subdivision Regulations. The applicant will pay this fee at

the time of final plat. While no condition is necessary (the fee must be paid as a matter of law) it may be prudent to include a condition at the time of detailed site plan as information for the applicant and any prospective purchaser of the property. The condition should read:

“At the time of final plat, the applicant, his heirs, successors and/or assignees shall pay a fee-in-lieu of mandatory park dedication.”

4. The Detailed Site Plan is in general conformance with the cluster regulations of Section 24-137. The regulations state in 24-137(g)(10) that:

Appropriate landscape screening techniques will be employed at each entrance to the subdivision and along adjoining streets, so as to assure the compatibility of the appearance of the cluster subdivision with that of surrounding existing and planned residential development not approved for cluster development, and to provide an attractive appearance from streets.

The plan is lacking in appropriate landscape screening at the entrance to the development and along the main entrance street. Attractive landscaping should be provided at the base of the proposed entrance sign and along both sides of the entrance drive, prior to certification of the Detailed Site Plan.

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. The applicant is proposing the following three architectural elevations by Charleston Homes:

House Type	Base Square Footage	Square Footage with All options*
The Augusta	2,900 sq. ft.	3,100 sq. ft.
The Grand Augusta	2,950 sq. ft.	3,200 sq. ft.
Chapel Hill	2,800 sq. ft.	3,100 sq. ft.

*Finished square footage

All of the above models offer a variety of architectural details and exterior finish materials. Each model offers several different front elevations with a variety of roof pitches and styles, and all offer two-car garages. Three-car garages are offered as an option.

5. The detailed site plan is in general conformance to the requirements of the Prince George’s County *Landscape Manual*. An application for Alternative Compliance from the requirements of Section 4.7, Buffering Incompatible Uses, was requested by the applicant. The following justification for alternative compliance is recommended for approval by the Planning Director:

“BACKGROUND

“This subject property is zoned R-R and is proposed as part of a cluster subdivision of single-family dwellings. The adjacent northern property is an existing church, which requires a ‘B’ bufferyard per Section 4.7 of the *Landscape Manual*. The applicant is requesting Alternative Compliance from Section 4.7 of the *Landscape Manual* for the northern property line. The proposed single-family dwelling is located 30 feet from the northern property line while a 40-foot building setback is required.

“REQUIRED: Section 4.7, Buffering Incompatible Uses, along the northern property line.

“Length of bufferyard: 379 feet
“Building setback: 40 feet
“Landscape yard: 30 feet
“Plant materials: 155 plant units (66 percent existing woodlands and 50 percent reduction for six-foot-high, board-on-board fence)

“PROVIDED:

“Building setback: 30 feet
“Landscape yard: 30 feet
“Plant materials: 200 plant units (with 66 percent existing woodlands and six-foot-high, board-on-board fence)

“JUSTIFICATION OF RECOMMENDATION:

“The applicant is requesting a 10-foot reduction to the required building setback. The house cannot meet the required building setback without encroaching into the required front yard. The existing church building is located approximately 100 feet from the subject property line. The applicant has also provided a greater than 25 percent increase in plant units. The Committee is of the opinion that the alternative is equal to or better than the normal requirements of the *Landscape Manual*.

“RECOMMENDATION:

“The Alternative Compliance Committee recommends approval of alternative compliance pursuant to Section 4.7 of the *Landscape Manual* for the northern property line.”

6. In a memorandum dated February 4, 2004 (Stasz to Wagner), the Environmental Planning Section offered the following comments:

“The Environmental Planning Section recommends approval of DSP-03071 and TCPII/110/03-01 for the reasons stated below.

“Background

“The Environmental Planning Section previously reviewed this property as Preliminary Plan 4-02055 and TCPI/25/02 that were approved by PGCPB. No. 02-220. A Type II Tree Conservation Plan, TCPII/110/03, was approved as part of a grading permit. A detailed site plan is required for a cluster subdivision.

“Site Description

“This 13.03-acre, R-R-zoned site is located on the east side of Woodyard Road approximately 1,000 feet north of Dower House Road and is primarily wooded. A review of the information available indicates that 100-year floodplain and severe slopes are not found to occur on this property. A stream is located on this site, and the preliminary plan indicates that wetlands have been previously identified on this property. The site is located in the Charles Branch watershed, which is a tributary to the Patuxent River. The soils found to occur on this property according to the Prince George’s County Soil Survey are in the Adelphia, Marr and Westphalia series. The Adelphia soils have hydric inclusions. The Westphalia soils are considered highly erodible, and the Marr soils do not pose any difficulties for development. There are no rare, threatened, or endangered species located in the vicinity of this property based on information provided by the Maryland Department of Natural Resources–Natural Heritage Program. No historic or scenic roads are affected by this proposal. There is no Marlboro clay on this site. Woodyard Road is proposed within the Subregion VI Master Plan to be improved to an arterial of either four or six lanes. The site’s proximity to Woodyard Road means that transportation-generated noise is a concern. The project is located in the Developing Tier, based on the adopted General Plan.

“Environmental Review

- “1. This site is subject to the provisions of the Woodland Conservation Ordinance because it is larger than 40,000 square feet in size and contains more than 10,000 square feet of woodland. A Tree Conservation Plan and Forest Stand Delineation are required. The Forest Stand Delineation (FSD) was submitted with Preliminary Plan 4-02055 and was found to address the criteria for an FSD as found in the Woodland Conservation and Tree Preservation Technical Manual

“Comment: No additional information is required with respect to the FSD.

- “2. The Type I Tree Conservation Plan, TCPI/25/02, was approved by PGCPB. No. 02-220. A Type II Tree Conservation Plan is required to be approved with the detailed site plan. A Type II Tree Conservation Plan, TCPII/110/03, was approved as part of a grading permit. TCPII/110/03-01 conforms to TCPI/25/03. The proposed woodland preservation areas and plantings on Parcel C meet the requirements and the off-site easement has been recorded in the Land Records.

“Recommended Action: The Environmental Planning Section recommends approval of
TCPII/110/03-01

“3. A stream is found to occur on this property, and notes on the preliminary plan indicate that wetlands also occur on this site. A wetlands study has been submitted with the revised plans. The study identifies pockets of wetlands as part of the stream. Staff has field checked this location and verified it to be correct. The Patuxent River Primary Management Area (PMA) on this site encompasses the 50-foot stream buffer. The Subdivision Ordinance mandates that the PMA be preserved to the fullest extent possible (Section 24-130(b)(5)). No impacts to the PMA are proposed. Condition 6 of PCGPB No. 02-220 requires the placement of a conservation easement to further protect the PMA.

“Comment: No additional information is required with respect to sensitive environmental features.”

“4. The subdivision lies between the 65 and 70 dBA Ldn noise contours generated by overflights from Andrews Air Force Base. Noise **is not** expected to be a major concern on this site because the noise levels from Andrews Air Force Base **may be within** acceptable limits for the proposed residential use and noise mitigation is difficult to provide in outdoor activity areas from a downward noise source. In order to mitigate interior noise levels, prior to the issuance of building permits, the applicant must submit documentation, certified by a professional engineer with competency in acoustical analysis, that the building shells will attenuate exterior noise of 65–70 dBA Ldn to an interior level of 45 dBA Ldn or less.

“In addition, Woodyard Road is proposed within the Subregion VI Master Plan to be improved to an arterial of either four or six lanes. Staff has calculated that the 65 dBA Ldn noise contour for a six-lane arterial will be located approximately 266 feet from the centerline of Woodyard Road. There are no existing or proposed residential uses or outdoor activity areas within this 65 dBA noise contour. No further information is required concerning noise from Woodyard Road.

“Comment: No additional information is required with respect to noise.”

7. In a memorandum dated January 26, 2004 (Masog to Wagner), the Transportation Planning Section has indicated that the site plan is acceptable.

8. In a memorandum dated January 20, 2004 (Irminger to Wagner), the Community Planning Division provides the following information with regard to the master plan:

“The plan recommends ‘the established Low Suburban (R-R) character of this community continue.’ (See page 92.) In addressing the specific area between Woodyard Road and the Queensland community to the east, the plan cautions: ‘(D)evelopment of this tract at a higher density level would increase pressure for similar development on nearby land.’ The cluster subdivision allows for the area that is less suitable for development along Woodyard Road to be

treated as a buffer. This may provide a more ‘rural’ perspective of the development as viewed from Woodyard Road. The proposed lots are compatible with adjoining development insofar as they are basically the same size as those in the adjoining residential development fronting on Dower House Road.”

9. The detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George’s County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

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/110/03-01), APPROVED Alternative Compliance No. AC-04002, and further APPROVED Detailed Site Plan DSP-03071 for the above-described land, subject to the following conditions:

1. At the time of final plat, the applicant, his heirs, successors and/or assignees shall pay a fee-in-lieu of mandatory park dedication.
2. Prior to certification the following revisions shall be made to the detailed site plan:
 - a. A copy of the approved technical stormwater management plan shall be provided to the Development Review Division to check for conformance to the detailed site plan. Appropriate landscaping shall be provided around the pond for aesthetic purposes.
 - b. Attractive landscaping shall be provided at the base of the proposed entrance sign and along both sides of the entrance drive.

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 final notice of the Planning Board’s decision.

* * * * *

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 Eley, seconded by Commissioner Harley, with Commissioners Eley, Harley, Squire, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, February 19, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 11th day of March 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:GW:meg