

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 October 27, 2005, regarding Detailed Site Plan DSP-05063 for Marlton, Lot 19, Block 15, the Planning Board finds:

FINDINGS

Based upon evaluation and analysis of the subject application, the Urban Design staff recommends the following findings:

1. **Request:** The subject detailed site plan for is for one single-family detached unit to be built on Lot 19, Block 15 within the Marlton development.
2. **Location:** The subject property is located on the north side of Midland Turn, approximately 200 feet west of its intersection with Fairhaven Avenue.
3. **Development Summary**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone(s)	R-P-C and R-R	R-P-C and R-R
Use(s)	Vacant	Single-family detached
Acreage	0.37	0.37
Lots	1	1
Parcels	0	0
Square Footage/GFA	0	1,856

4. **History:** The final plat for Lot 19, Block B was approved by the Planning Board on June 21, 1967. The community, known as Marlton, was placed in the R-P-C (Residential Planned Community) Zone via Zoning Map Amendment A-6696 in 1969. The R-P-C Zone provides for the development of large-scale, planned communities. An Official Plan, which includes zoning subcategories and a detailed development plan, provides the overall framework for the development of the community. The lots within this final plat were all included in the rezoning of the property into the R-P-C zone.

The proposed detailed site plan was evaluated based on its conformance with the following documents:

*The Marlton Official Plan, A-6696, A-9730, A-9731, including Planning Board Resolution No.*

90-439 and Planning Board Resolution No. 94-117, both amendments to the Official Plan.

*The Marlton Detailed Development Plan* as amended through 4/4/2000.

The proposed construction of the single family detached unit on Lot 19 Block B conforms to the zoning subcategories of the Official Plan and conforms to the Marlton detailed development plan.

5. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the R-R 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.
  - b. The detailed site plan is in compliance with the requirements of Section 27-442, Regulations, for development in the R-R Zone, except for Section 27-442, Net lot area, which requires a minimum 15,000-square-foot net lot area for lots platted before February 1, 1970. This property has been encroached upon by floodplain over the years, most likely attributed to development of surrounding properties and changes in the landscape. The applicant has filed a variance application to allow the property to be built upon an existing lot with a net lot area of 9,012 square feet.
  - c. 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:** This application qualifies for development under the extraordinary situation of the steepness of the slope on the property and change in the floodplain over the years that has encroached upon the property since the platting of the property in 1967.
    - (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:** The strict application of the net lot area requirement on this property would cause the site to not be buildable. The applicant has been paying taxes on the property since its inception as a legal buildable lot and denying the variance would result in an unbuildable site because the site does not meet the minimum net lot area for a single-family detached dwelling.

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

**Comment:** The subject site is in Planning Area 82A. The site is also in the Developing Tier of the 2002 General Plan. The variance will not substantially impair the intent, purpose, or integrity of the General Plan or the Master Plan. The development of the property with a single-family detached unit is in keeping with the existing zoning and the encroachment of 100-year flood plain on the lot that has occurred over time does not impair the purposes of either the General Plan or the Master Plan.

6. The proposal is subject to the requirements of Section 4.1, Residential Requirements. That section requires two shade trees and one ornamental or evergreen tree on lots between 9,500–19,999 square feet. The subject application indicates a minimum of two existing shade trees shown to be saved on the site and one new ornamental to be added to the site. This conforms to the requirements of the *Landscape Manual*.

#### **Referral Comments**

7. The Environmental Planning Section recommends approval of Detailed Site Plan DSP-05063 with no conditions. The Environmental Planning Section has not reviewed this site in conjunction with any recent application. The lot was part of an original subdivision that was platted and developed in 1967, but later subsumed into the Marlton Official Development Plan. The current application is a detailed site plan that is required by the Recreational-Planned-Community zoning overlay. Construction of a single-family residence is proposed.

This 16,074-square-foot lot is in the R-R and Marlton Recreation Planned Community (R-P-C) Zones and is located on the north side of Midland Turn, west of Fairhaven Avenue. A review of the available information indicates that a stream is located on Parcel 4 and Lot 18, which are adjacent to this property, and a 100-year floodplain occurs on the northern half of the lot. No transportation-related noise generators have been identified as impacting the site. The soil series found to occur according to the Prince George's County Soil Survey is Bibb and Sandy Land. The Sandy Land series has few development limitations, except for severe slopes, which occur on the southern half of this site. The Bibb soils series are hydric (Hydrologic Soils Group D) and have limitations related to high water table, flood hazard, and poor drainage. According to available information, Marlboro clay is not found to occur on this property. According to 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 property. There are no designated scenic or historic roads located in the vicinity of this property. This property is located in the Charles Branch watershed of the Patuxent River basin and in the Developing Tier as reflected in the approved General Plan.

The Subdivision Ordinance provides for the protection of streams, 50-foot stream buffers,

wetlands, 25-foot wetland buffers, 100-year floodplain, adjacent areas of slopes in excess of 25 percent, and adjacent areas of slopes between 15 and 25 percent with highly erodible soils. When a property is located within the Patuxent River watershed these features comprise the Patuxent River Primary Management Area (PMA) that is to be protected to the fullest extent possible.

This lot was subdivided prior to the enactment of the current 100-Year Floodplain Ordinance and the Patuxent River Primary Management Area, and as a result does not have any conservation easements or a 100-year floodplain easement delineated on the final plat of subdivision. No protection of the PMA is required on this lot because platting predated enactment of the Patuxent River Primary Management Area.

The Department of Environmental Resources required a 100-year floodplain delineation for this lot, and a 100-year floodplain easement has been recorded, which protects 7,062 square feet of the 16,074 square foot lot (45 percent of the gross tract area), leaving a net tract area of 9,012 square feet. A variance has been filed in conjunction with the detailed site plan to allow development of a lot with less than the 15,000-square-foot minimum lot size required by the Zoning Ordinance. The proposed dwelling is located so that no 100-year floodplain is disturbed, and the 25-foot setback from the 100-year floodplain required by the Department of Environmental Resources has been respected. The Environmental Planning Section supports the requested variance for a reduction of the required net tract area in order to allow in-fill development to occur on this lot because no impacts to protected environmental features are proposed.

The site is exempt from the Prince George's County Woodland Conservation Ordinance because the lot is less than 40,000 square feet in area and there is no previously approved Tree Conservation Plan for the site. A Letter of Exemption from Woodland Conservation should be obtained from the Environmental Planning Section prior to application for permits.

10. As required by Section 27-285(b) of the Zoning Ordinance, 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 Detailed Site Plan DSP-05063 and further approved Variance Application No. VD-05063 subject to the following condition:

1. Prior to certificate approval, the plans shall be revised as follows:
  - a. To add a two car garage to the house.
  - b. To add two end wall features to both sides of the house on the architectural elevations.

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 Squire, seconded by Commissioner Vaughns, with Commissioners Squire, Vaughns and Hewlett voting in favor of the motion, and with Commissioner Eley absent at its regular meeting held on Thursday, October 27, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of December 2005.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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