

R E S O L U T I O N

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 3, 2005 regarding Detailed Site Plan DSP-04060 for Roberts Property, the Planning Board finds:

1. **Request:** The subject application is for approval of an infrastructure detailed site plan for 36 single-family detached residential dwelling units in the R-E/M-X-C Zones.

2. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	R-E/M-X-C	R-E/M-X-C
Use(s)	Single-family residential	Single-family residential
Acreage	47.66 (net 46.92)	47.66 (net 46.92)
Of which		
R-E Zone	40.22 (net 39.75)	40.22 (net 39.75)
M-X-C Zone	7.44 (net 7.71)	7.44 (net 7.71)
Parcels	5	5
Lots	36	36
Of which		
R-E Zone	32	32
M-X-C Zone	4	4

3. **Location:** The subject site is located in the southwest quadrant of the intersection of Fairwood Parkway and Fairview Vista Drive, in Planning Area 71 A and Council District 6. The R-E-zoned portion of the site is the Robert Property as referenced in Zoning Map Amendment A-9894-C, which wedges into Phase I, Part 2 of the Fairwood development.
4. **Surroundings and Use:** The site is bounded to the north and the east by the rights-of-way of Fairwood Parkway and Fairview Vista Drive, respectively. Across Fairwood Parkway to the north is the community center—the Sycamore Club of the Fairwood development. To the south and further east of the property are other single-family detached residential dwelling units in the Fairwood development. To the west of the property are existing single-family detached houses in the R-E Zone.
5. **Previous Approvals:** The subject site has a Preliminary Plan of Subdivision 4-04091, including Type I Tree Conservation Plan TCPI/45/04, which was approved by the Planning Board (Resolution PGCPB No. 04-211) on September 9, 2004, for 36 single-family lots and four parcels. Thirty-two lots are in the R-E-zoned portion and four lots are in the M-X-C-zoned portion of the subject

property, with an average lot size of 44,490 square feet. In addition, the M-X-C zoned portion of the property is included in Phase II, Part 1, of a larger development with a total acreage of 1,057.69, known as Fairwood, which was rezoned from R-E to M-X-C through Zoning Map Amendment A-9894-C, for 1,799 dwelling units, 100,000 square feet of retail/ service, and 250,000 square feet of office/service/institutional uses, and some other “community space,” approved by the District Council on May 9, 1994. The M-X-C Zone requires multistep reviews and approvals that are still valid and governing the M-X-C-zoned portion of the subject application. On January 17, 2002, Comprehensive Sketch Plan CP-0101 for the site was approved by the Planning Board [Resolution PGCPB No. 02-17(C)] for Phase II of the Fairwood development, consisting of 586.69 acres of land and approximately 1,000 units. On June 6, 2002, Final Development Plan FDP-0201 was approved by the Planning Board (Resolution PGCPB No. 02-128) for Phase II, Part 1, consisting of 254.55 acres of land, and Phase I, Part 3, consisting of 8.7 acres of land. On January 4, 2001, Preliminary Plan 4-00057, including Type I Tree Conservation Plan TCPI/47/00, was approved by the Planning Board (Resolution PGCPB No. 01-07) for 320 lots, 25 parcels, in Phase I, Part 2 of the Fairwood development. After the approval of 4-00057, an infrastructure Detailed Site Plan DSP-02015 was approved by the Planning Board (PGCPB No. 02-157) on July 11, 2002.

In addition to the above approvals, there are two previous approvals that cover the entire Fairwood site and are still valid but are not readily applicable to the review of this case because this application is for an infrastructure detailed site plan. The approvals are DSP-01046 (an umbrella architecture scheme), which was approved by the Planning Board on December 20, 2001 (Resolution PGCPB No. 01-258), and DSP-99034, which was also approved by the Planning Board (Resolution PGCPB No. 99-243) on January 6, 2000, and is a comprehensive signage program for the entire Fairwood project. The site has also an approved Stormwater Management Concept Plan #5901-2004-00.

6. **Design Features:** This limited detailed site plan for infrastructure covers 47.66 acres of the Fairwood project and shows lot lines for 36 single-family lots along an internal curvilinear street ending at three culs-de-sac. The site has only one access point off Fairview Vista Drive. The applicant proposes lot size averaging development for the R-E-zoned portion of the subject application.

For the M-X-C-zoned portion of the subject application, the original approval in Preliminary Plan of Subdivision 4-00057 shows only two lots. The applicant proposes four lots (an increase of two lots from the previous approval) with a minimum lot size of 47,397 square feet. This detailed site plan also shows grading, road improvements, stormwater management, tree conservation areas, and utilities such as sewer and water. Architecture will be submitted and reviewed under a different detailed site plan.

COMPLIANCE WITH EVALUATION CRITERIA

7. **The Requirements of the Zoning Ordinance:** The subject detailed site plan covers a property in both the R-E and M-X-C Zones.

- a. Of the proposed 36 lots for this site, 32 are located in the R-E (Residential Estate)-zoned portion of the property. The applicant proposed lot size averaging for the site. The minimum lot size is 30,021 square feet and approximately 72 percent (minimum 50 percent required by the Ordinance) of the lots are more than 40,000 square feet in size. The site plan is in general compliance with the requirements of the R-E Zone regarding uses and other regulations as shown in Section 27-441(b) and 27-442, subject to one condition of approval that requires the applicant to provide a lot size averaging summary table on the site plan.
 - b. The M-X-C-zoned portion of the property was originally included in the Fairwood project and was contained in various approvals. The subject application shows four lots instead of the two lots originally approved in Preliminary Plan of Subdivision 4-04091. The four lots are subject to conditions attached to the previous approvals of the Fairwood project. The proposed four lots are in general compliance with the requirements of the M-X-C Zone as contained in Part 10, Subdivision 2 M-X-C (Mixed-Use Community) Zone.
8. **Preliminary Plan of Subdivision 4-04091:** The Planning Board approved Preliminary Plan of Subdivision 4-02023 on September 9, 2004, subject to 20 conditions, of which the following are applicable to this DSP review:

2. **A Type II tree conservation plan shall be approved at the time of approval of the DSP.**

Comment: A Type II Tree Conservation Plan TCPII/156/04 has been submitted with this infrastructure detailed site plan. A review by the Environmental Planning Section indicated that TCPII/156/04 is acceptable. The Environmental Planning Section recommends approval of this tree conservation plan along with the infrastructure detailed site plan.

4. **Development of this property is subject to the review and approval of a detailed site plan in accordance with Part 3, Division 9 of the Zoning Ordinance prior to grading permit. However, a stockpile permit may be approved prior to Detailed Site Plan. Review shall ensure integration and compatibility with the Fairwood Development. Review of the DSP shall ensure that appropriate measures are taken to reflect the resubdivision of Lots 1 and 2, and Parcel B (REP 197@58 and REP 197@57) on the approved DSP for that portion of the site.**

Review of the DSP shall include, but not be limited to, the following:

- a. **To ensure 40-foot usable yard area outside the 65-dBA line on lots backing to Fairwood Parkway.**
- b. **Provide a minimum six-foot-wide, asphalt trail on Parcel D, as indicated on the approved preliminary plan.**

- c. **Provide a minimum six-foot- wide, asphalt trail from the end of Private Road B to the existing trail parallel to Fairview Vista Drive.**
- d. **Provide an asphalt trail connection or sidewalk connection from the end of Private Road A to the existing sidewalk along the south side of Fairwood Parkway.**
- e. **To establish the value of the trail connections, which will offset the applicant's payment of the fee-in-lieu of mandatory dedication of parkland.**
- f. **Study the possibility of relocating cul-de-sac Road B slightly to the north in order to visually align it with the eastern elevation of the Roberts homestead.**

Comment: The infrastructure detailed site plan has been reviewed and found to be in general compliance with Part 3, Division 9, of the Zoning Ordinance. The subject DSP shows four lots on the portion of M-X-C-zoned property, which contains Lots 1 and 2, and Parcel B in Preliminary Plan of Subdivision 4-00057 (and were recorded as REP 197@58 and REP 197@57). The approval of this DSP amounts to resubdivision of the property. The Subdivision Section indicates that the resubdivision is in substantial conformance with 4-00057. Since the original layout of the property has been recorded in the above-referenced final plats, a condition of approval has been proposed to require the applicant to revise the final plats prior to issuance of any building permit.

The DSP complies with the above Conditions 4(a)(b)(c) and (d), except for the width of the trails. All lots backing to Fairwood Parkway have at least 100-foot-deep rear yards. The above preliminary plan conditions require six-foot-wide trails, but the DSP shows four-foot-wide only. A condition has been proposed to require all trail be six feet in width.

Condition 4(e)—The Transportation Planning Section (Shaffer to Zhang, January 26, 2005) has estimated the total value of the proposed trail connections pursuant to the above condition (e) based on current guidelines for a six-foot-wide asphalt trail of the Department of Parks and Recreation. The total value for the proposed three on-site connections is approximately \$15,985.00.

Per Condition (f), two layouts reflecting the realignment of cul-de-sac Road B have been proposed with this DSP, which affects the layout of five lots around the cul-de-sac. The Urban Design Section has worked with both the Subdivision Section and the applicant to choose a preferred layout as shown in Exhibit A, attached to the staff report. A condition of approval has been proposed in the recommendation section to require a revision to be made to the site plan prior to signature approval of this DSP.

- 19. **Prior to grading or disturbance of the property and/or submittal of the DSP, the applicant shall determine the extent of the land that should be the subject of a Phase I**

archeological investigation with the concurrence of DRD. The applicant shall complete and submit a Phase I investigation with the application for DSP (including research into the property history and archeological literature) for those lands determined to be subject. At the time of review of the DSP, the applicant shall submit Phase II and Phase III investigations as determined by DRD staff as needed. The plan shall provide for the avoidance and preservation of the resources in place or shall provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Schaffer and Cole: 1994) and must be presented in a report following the same guidelines. Grading permits may be issued for areas not subject to a Phase I archeological investigation, subject to the required order of approvals.

Comment: A Phase I archeological investigation, which contains findings for 36 shovel test pits (STPs) for the subject property, has been submitted for review. The Historic Preservation and Public Facilities Planning Section, in a memorandum (Ballo and Bienenfeld to Zhang, December 21, 2004) notes that based on the information provided in the archeological study, the staff concurs with the conclusion of the report that no further archeological study is required for Roberts Property. The DSP has no adverse impact on Fairview and Cemetery Historic Site (#71A-013) to the south.

20. Development of the M-X-C-zoned portion of the site shall be in conformance with Zoning Map Amendment A-9894-C and any subsequent approvals affecting that portion of the site.

Comment: See the following Findings 9, 10, 11 and 12 for more discussion. The Fairwood project has detailed residential design guidelines for new construction that cover site design, architectural design, and landscape design. Since the proposed 36 lots are at least three times larger than the rest of approved single-family lots and the subject DSP is not covered under any comprehensive sketch plans and final development plans, some of the design guidelines originally conceived for small lots may not be applicable to this property. At the time of house siting review and approval, the applicant should show graphically all the applicable standards on the site plan. A condition of approval has been proposed in the recommendation section of this report.

The following discussion of previous approvals is applicable only to Lots 27, 28, 29, 30 and Parcels A and C, which are located in the M-X-C Zone.

9. **Zoning Map Amendment A-9894-C:** Zoning Map Amendment A-9894-C and the accompanying preliminary development plan were approved by the District Council on May 9, 1994, subject to 22 conditions. The following conditions are applicable to DSP review:
 6. **Total development of this 1,058 acre site shall be limited to 1,799 dwelling units, 100,00 square feet of retail space, and 250,000 square feet of office/service/institutional**

uses, and such other “community space” determined to be appropriate during subsequent phase of approval.

Comment: This condition sets up a cap for the number of residential dwelling units allowed to be built in the Fairwood development that is relevant to this DSP. The District Council approved the Fairwood development with a new M-X-C review procedure that allows great flexibility in each of the multiple stages of review and approval. The enforcement of the unit cap is through detailed site plan approval. The subject DSP represents a two-lot increase from the previously approved plan. By now, there are seven major DSPs (and 15 revisions) approved for Phase I and there are three DSPs (and four revisions) approved for Phase II with total units of 1,252. The approval of two additional units will not exceed the unit cap as established in A-9894-C. The Urban Design Section and Permit Section will continue monitoring the unit cap in future approvals for Fairwood project.

21. Throughout the development review process and especially at the time of the Final Development Plan, the applicant shall incorporate concepts and techniques which will encourage the use of transit and other non-vehicular modes to reduce reliance upon single occupancy vehicle trips.

Comment: At the time of FDP review and approval, the applicant provided a significant amount of information concerning how pedestrian and bicycle travel will be fostered, but there does not appear to be any information supplied on concepts and techniques that will encourage the use of transit. A comprehensive pedestrian network consisting of sidewalks and trails has been established for the entire Fairwood development. The subject DSP shows the necessary connections to the existing pedestrian network. Staff is of the opinion that compliance with the above-referenced condition, especially the use of transit, must be an on-going process. The Urban Design Section will continue to monitor the feasibility of mass transit in future approvals as more information becomes available.

10. **Comprehensive Sketch Map CP-9504:** Comprehensive Sketch Map CP-9504 was approved by the Planning Board on February 24, 1997, subject to ten conditions, of which the following condition is pertinent to the review of this detailed site plan:

6. Development within the subject property under Phase I shall be limited to a total of 1,000 dwelling units, 100,000 square feet of retail space, and 250,000 square feet of office and institutional uses, or any combination of these or other permitted uses which generate no more than 1145 Am and 1276 PM peak hour trips as determined under the Guidelines for the Analysis of the Traffic Impact of Development Proposals, as revised in April 1989.

Comment: Only part of this condition regarding the unit cap is applicable to the subject DSP. As discussed in Finding 9, seven major DSPs (and 15 revisions) have been approved for Phase I. The total approved units for Phase I are 961, including single-family detached, attached, and multifamily units. The approval of this DSP will increase the total unit number to 963, which is

still within the limit of 1,000 units.

11. **The requirement of Preliminary Plan of Subdivision 4-00057 and Final Development Plan FDP-0001:** FDP-0001 and 4-00057 were approved by the Planning Board concurrently on January 4, 2001. FDP-0001 is subject to ten conditions and 4-00057 is subject to 22 conditions. None of the conditions attached to either approval is applicable to this DSP.
12. **The requirement of Detailed Site Plan DSP-02015:** DSP-02015 is an infrastructure detailed site plan encompassing 179.11 acres out of a total of 247.3 acres included in Part 2 of Phase I and is limited to the proposed grading of the site, the installation of utilities, streets, and the stormwater management ponds for a portion of Phase I, Part 2. The Planning Board approved DSP-02015 on July 11, 2002, subject to four conditions, of which no condition is applicable to the review of this application.
13. **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, there are more than 10,000 square feet of existing woodland on site and there is a previously approved Type I Tree Conservation Plan TCPI/45/04.
 - a. The detailed forest stand delineation (FSD) was submitted and approved during the review of Preliminary Plan of Subdivision 4-04091. No further information is required with this DSP application.
 - b. Type II Tree Conservation Plan TCPII/185/03 submitted with this application has been reviewed and was found to require significant revisions. A review by the Environmental Planning Section of the revised plans indicates that TCP II is in general conformance with the requirements of the Woodland Conservation Ordinance.
14. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
 - a. In a memorandum dated January 7, 2005, the Subdivision Section staff provided a review of the applicable conditions attached to the approval of Preliminary Plan of Subdivision 4-04091.
 - b. The Environmental Planning Section, in a memorandum dated January 7, 2005, recommended approval of Detailed Site Plan DSP-04060, subject to two conditions that have been incorporated into the conditions of approval as contained in the recommendation section of this report.
 - c. The subject application was also referred to the Department of Environmental Resources. In a memorandum dated December 2, 2004, the staff noted that the site plan for the Roberts Property is consistent with approved stormwater management concept #5861-2004.

- d. The Historic Preservation and Public Facilities Planning Section, in a memorandum dated December 21, 2004, provided a brief review of the background of this case and of the submitted Phase I Archeological Study. The staff concludes that the detailed site plan will have no adverse effect on Fairview and Cemetery Historic Site (#71A-013) and no additional archeological work is required.
 - e. The Department of Parks and Recreation, in a memorandum dated October 7, 2004, offered on comments on this application.
 - f. The Transportation Planning Section, in a memorandum dated January 26, 2005, on the specific design plan review for master plan trail compliance, provided a review of the trails network of Fairwood and recommended three connections, which have been shown on the subject DSP. The trails planner also has estimated the value of the planned trail connections that required pursuant to Condition 4(e) attached to the approval of 4-04091.
 - g. The City of Bowie, in a memorandum dated November 15, 2004, indicated that the subject detailed site plan has no direct impact on the city.
 - h. The Department of Public Works and Transportation (DPW&T) had not responded to the referral request at the time the staff report was written.
15. 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.

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/156/04) and further APPROVED Detailed Site Plan DSP-04060 for the above-described land, subject to the following conditions:

- 1. Prior to certificate approval of this detailed site plan, the applicant shall
 - a. Provide a lot averaging summary table on the site plan.
 - b. Revise the site plan to show the preferred layout for lots surrounding cul-de-sac Road B.
 - c. Revise Type II Tree Conservation Plan TCPII/156/04 as follows:
 - (1) Show the driveway and trail areas on Lots 33 and 34 and Parcel D as unwooded for the purpose of calculating the site requirements;
 - (2) The cover sheet shall be revised to use the term "woodland disturbance area" in

the legend instead of “woodland clearing area” and “WCA #3” shall be relabeled “WDA #3”;

- (3) After the above noted revisions are completed, the TCPII worksheet shall be revised as necessary so that the full woodland conservation is fulfilled; and
 - (4) After the plan revisions are completed, the plans shall be signed and dated by the qualified professional who prepared the plans.
2. After approval of the Type II tree conservation plan and the final plat of subdivision, any changes to the house type or location, beyond the conceptual house pad shown on the approved TCPII, shall require a revised Type II tree conservation plan. Any additional woodland conservation required shall be provided as off-site mitigation.
 3. Prior to issuance of any building permits, the applicant shall revise final plats REP 197@58 and REP 197@57 to reflect the resubdivision of the M-X-C-zoned portion of property as approved in the subject infrastructure detailed site plan.
 4. At the time of house siting review, the applicant shall show graphically all applicable standands on the site plan.

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 Harley, seconded by Commissioner Squire, with Commissioners Harley, Squire, Vaughns and Hewlett voting in favor of the motion, and with Commissioner Eley absent at its regular meeting held on Thursday, February 3, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 24th day of February 2005.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

PGCPB No. 05-43
File No. DSP-04060
Page 10

TMJ:FJG:HZ:rmk