

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 January 18, 2007, regarding Detailed Site Plan DSP-06068 for Bevard West, Lots 1-242 and Parcels A-E, the Planning Board finds:

1. **Request:** The subject application requests approval of a limited detailed site plan for Bevard West in accordance with Condition 36 of the Preliminary Plan 4-05051 (PGCPB No. 06-17 (C)), which requires a minimum 40-foot useable rear yard on Lots 1, 48, 49, 53, 54, 55, 66 and 83 in Block E.

2. **Development Data Summary**

|         | <b>EXISTING</b> | <b>PROPOSED</b>                                     |
|---------|-----------------|---|
| Zone    | R-E             | R-E   |
| Use(s)  | Vacant          | Single-family detached residential and recreational |
| Acreage | 410.53          | 410.53  |
| Lot     | 242             | 240   |
| Parcel  | 5               | 5   |
| Acreage | 410.53          | 410.53  |

3. **Location:** The site is in Planning Area 81B, Council District 9. More specifically, it is located on west side of MD 223, Piscataway Road, approximately 1,800 feet from the intersection of MD 223 and Windbrook Drive.

4. **Surroundings and Use:** The subject property is bounded to the northeast by R-E zoned land that is generally vacant. To the east and south is residential large lot development in the R-E Zone.

5. **Previous Approval:** The subject property is located within the limits of the 1993 Subregion V Approved Master Plan, Planning Area 81B in the Tippett Community. The master plan land use recommendation for the property is for suburban estate and low density planned neighborhoods. The 1993 Subregion V Sectional Map Amendment rezoned the property from the R-A Zone to the R-E Zone.

On January 19, 2006, the Planning Board approved the Preliminary Plan 4-05051 (PGCPB No. 06-17(C)) with conditions. Condition 36 to that approval applies to the review of the subject property.

The subject property has an approved Stormwater Management Concept Approval 9089-2005-00

with 12 conditions which expires on November 2, 2008.

6. **Design Features:** The applicant is required to provide a minimum of 40-foot useable rear yard for Lots 1, 48, 49, 53, 54, 55, 66 and 83 in Block E. A public recreational area is located in the northerly portion of the subdivision, on the easterly side of the cul-de-sac of Vitner Drive.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the R-E 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, which governs permitted uses in residential zones. The proposed on-site recreational facility is a permitted use in the R-E Zone.
8. **Preliminary Plan of Subdivision, 4-05051:** Preliminary Plan 4-05051 was approved by the Planning Board on January 19, 2006. Resolution PGCPB No. 06-17(C) was adopted on February 16, 2006. Condition 36 of approval applies to the review of the subject Detailed Site Plan:

**36. Prior to approval of the final plat a limited Detailed Site Plan shall be approved by the Planning Board or its designee for all lots that do not have a minimum 40-foot wide useable rear yard. The limited Detailed Site Plan shall include at a minimum Lots 1, 48, 49, 53, 54, 55, 66 and 83 in Block E, and the reconfigured areas. All lots should provide a 40-foot rear yard which has been established by the Planning Board to be the minimum appropriate and reasonable as a setback from the expanded buffer and woodland conservation.**

Comment: The proposed detailed site plan provides 40-foot useable rear yard for Lots 1, 48, 49, 53, 54, 55, 66 and 83 in Block E, and the reconfigured areas. The applicant proposes four "Generic Boxes" that represent the proposed house footprints. The final footprint of the house to be constructed on the lot will be shown at the time of building permit, at which time the 40-foot rear yard will have to be reconfirmed.

9. **Landscape Manual:** The detailed site plan is in compliance with the applicable *Landscape Manual*.
10. **Woodland Conservation Ordinance:** The property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the site has a previously approved Type I Tree Conservation Plan TCPI/16/05. The Environmental Planning Section stated: "The Planning Board approved Preliminary Plan 4-05051 and TCPI/16/05 with conditions. Because the Type II Tree Conservation Plan contains all of the 410.53-acre property, both limited Detailed Site Plans for smaller portions of the site are addressed in this memorandum. The 410.53-acre property in the R-E zone is located on the east side Tinkers Creek, on the west side of Piscataway Road and immediately south of Mary Catherine Estates and Rivergate Estates. There are streams,

wetlands and 100-year floodplains and associated areas of steep slopes with highly erodible soils and areas of severe slopes on the property.” The Environmental Planning Section recommends approval of DSP-06086 and TCPII/107/06.

11. **Referral Comments:**

**Subdivision:** In a memorandum dated November 20, 2006, the Subdivision Section stated the property is the subject of Preliminary Plan of Subdivision 4-05051, approved by the Planning Board on January 19, 2006, for 242 lots and five parcels pursuant to PGCPB Resolution No. 06-17(c). This limited detailed site plan is submitted in furtherance of Condition 36 of the resolution of approval. The subject DSP shows a 40-foot wide usable rear yard for Lots 1, 48, 49, 53, 54, 55, 66 and 83 in Block E. This DSP does not show the reconfigured lots (Lots 16, 17, 18 Block B and Lots 24, 25, 26 Block E), however they are shown on the concurrent limited DSP (DSP-06036). A review of that plan shows that the reconfigured lots meet these design criteria as well. There are no other subdivision issues at this time.

**Permits:** In a memorandum dated November 7, 2006, the Permits Review Section offered several comments, which are included in the recommendation section of this report.

**Environmental Planning:** In a memorandum date November 16, 2006, the Environmental Planning Section recommended approval of DSP-06068 and TCPII/107/06. The Environmental Planning Section stated: “The plan has been examined in detail. All lots have been designed with minimum 40-foot cleared rear yard without grading into any portion of an expanded stream buffer or into significant woodland conservation areas.”

**Department of Environmental Resources (DER):** As of writing of this report no comment was received from the DER.

**Department of Public Works and Transportation (DPW&T):** In a memorandum dated November 27, 2006, the DPW&T offered no comments.

12. 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 Type II Tree Conservation Plan (TCPII/107/06) and further APPROVED Detailed Site Plan DSP-06068 for the above-described land, subject to the following conditions:

1. Prior to certificate approval of the detailed site plan, the applicant, his heirs, successors and/or assignees shall provide the height of the Lennar homes on the site plan.

2. At the time of building permit, the applicant shall:
- a. Provide all building setbacks including front, side and rear.
  - b. Provide actual percentage of lot coverage, per lot, on the site plan.
  - c. Clearly demonstrate a 40-foot clear and useable rear yard in accordance with and for the lots affected by this detailed 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 Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Vaughns, Eley and Parker voting in favor of the motion at its regular meeting held on Thursday, January 18, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 25<sup>th</sup> day of January 2007.

R. Bruce Crawford  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

RBC:FJG:NR:bjs