

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 June 11, 2015 regarding Detailed Site Plan DSP-10046-01 for Heathermore, the Planning Board finds:

1. **Request:** The subject application is for approval of a DSP for architecture for 92 townhouse units.
2. **Development Data Summary:**

	<b>EXISTING</b>	<b>APPROVED</b>
Zone(s)	R-30 and R-P-C	R-30 and R-P-C
Use(s)	Vacant	Single-Family Attached Residential
Acreage	12.26	12.26
Lots	92	92
Parcels	4	4
Dwelling Units	0	92

OTHER DEVELOPMENT DATA

**Parking Data:**

**Parking Spaces Required**

92 Townhouses @ 2.04 spaces **188 spaces**

**Parking Spaces Provided**

**217 spaces (33 on-street)**

**Parking Spaces for the Physically Handicapped**

**2**

3. **Location:** The subject site is located in Planning Area 82A, Council District 9. Heathermore is located at the current terminus of Heathermore Boulevard, on its northern side.
4. **Surrounding Uses:** The subject property is bounded to the north and west by townhouses in the Multifamily Low Density Residential (R-30) Zone; to the east by a Potomac Electric Power Company (PEPCO) easement; and to the south across Heathermore Boulevard by undeveloped property in the Multifamily Medium Density Residential (R-18) Zone.

5. **Previous Approvals:** The site under review is the subject of Zoning Map Amendments A-6696-C, A-9730-C, and A-9731-C/03 (Marlton Official Plan). The subject DSP is a portion of the Marlton Planned Community, most of which was zoned Planned Community (R-P-C) on February 26, 1969 (District Council Resolution No. 92-1969). The most recent amendment to the Official Plan was approved by the Prince George's County Planning Board (Resolution No. 14-42(C)) on May 8, 2014, to allow up to 92 townhouses as a use on the subject property.

In 1985, the Prince George's County Board of Education conveyed Parcel 104 to Prince George's County by deed recorded in Liber 6208, Folio 775. The Prince George's County Council surplused the property in 2009 through Council Resolution CR-70-2009. The site was rezoned from the Rural Residential (R-R) Zone to the R-30 Zone through the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* (Subregion 6 Master Plan and SMA), which was adopted by the District Council on July 24, 2013. An Official Plan Amendment for Marlton was approved through the master plan and SMA process which reestablished density limits for West and East Marlton. For West Marlton, the density was limited to 6,192 dwelling units which left a remaining capacity of 842 dwellings. The subject site was conveyed to the applicant in 2011. On November 17, 2011, the Planning Board approved Preliminary Plan of Subdivision 4-11003 (PGCPB Resolution No. 11-99) for 92 townhouse lots and four parcels, subject to 19 conditions. The preliminary plan is valid until December 31, 2015, pursuant to County Council Bill CB-70-2013. A DSP for infrastructure (DSP-10046), which included approval of landscaping and recreational facilities, was adopted by the Planning Board on July 17, 2014 (PGCPB Resolution No. 14-67) with 14 conditions. All of the conditions of that approval remain in full force and effect.

6. **Design Features:** The proposal consists of architecture for 92 townhouse lots. The subject application proposes three models by Dan Ryan Builders: the Yorktown II, the Chestnut II, and the Carlyle II. The models range from a base square footage of 1,340 square feet to 1,834 square feet and feature façade options, which include full or partial brick, partial stone, partial vinyl shingle, and a standard front-load one-car garage. The roofline is unvaried for all three models, with a roof pitch of 8/12. Some elevations feature gables, reverse gables, and dormers. Additional architectural features include covered and uncovered stoops and a few different window treatments. The Yorktown and Chestnut models, in particular, offer only a few window design options. The door treatments for all three models also lack a diversity of architectural elements and embellishments. To provide for greater variety and visual interest for the front façade elevations in accordance with Section 27-433(a)(2)(B) of the Prince George's County Zoning Ordinance, it is recommended that additional elevations be provided that display a greater variety of window and door treatments, to avoid a monotonous appearance. In addition, where partial brick is provided with a vinyl front façade, it shall be provided up to at least the first story for a more balanced appearance. It is noted that a minimum of 60 percent of each townhouse stick must be brick, stone, or stucco (Section 27-433(d)(7)). A condition is included requiring a chart to track the amount of these materials provided during permit review. In addition, conditions have been included to address the roofline for all three models. It is further noted that not all of the right side elevations provide two standard endwall features as required by Section 27-433(d)(5). A condition has been included to address this deficiency.

## COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The application has been reviewed for compliance with the requirements of the Zoning Ordinance in the R-30 and R-P-C Zones and the site plan design guidelines for townhouses 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 townhouse development is a permitted use in the R-P-C Zone as it is permitted in the subcategory R-30 Zone shown on the Official Plan. The use is generally subject to special exception approval; however, Section 27-539(c)(2) states, in part:

**Specific uses (in addition to zoning subcategories) may be shown on the Official Plan. If a use shown normally requires the grant of a Special Exception, a separate Special Exception shall not be required. If a use normally requiring the grant of a Special Exception is not shown, a separate Special Exception must be obtained...**
  - The application is not subject to the special exception approval process, as the Official Plan has been amended to include the 92 townhouses. However, the application is subject to Section 27-416.01 (Townhouses), which specifies that townhouses are subject to the design requirements found in Section 27-433.
  - b. The proposed development is in conformance with Section 27-540(b), General Regulations, which requires conformance with the regulations for the R-30 Zone as stated in Section 27-442, which provides additional regulations for development in residential zones.
  - c. The proposed development, subject to the conditions included in this approval, is in general conformance with Section 27-433 for townhouse development.
  - d. The application is also in conformance with the requirements of Sections 27-434 and 27-538 regarding site plans in the R-P-C Zone.
8. **The Marlton Official Plan, Zoning Map Amendments A-6696-C, A-9730-C, and A-9731-C, as amended:** Heathermore is part of the larger community known as Marlton. Marlton was placed in the Planned Community (R-P-C) Zone via Zoning Map Amendment A-6696 in 1969. The R-P-C Zone provides for the development of large-scale planned communities. The Marlton Official Plan, which includes zoning subcategories and a detailed development plan, provides the overall framework for the development of the community. The subject property (Heathermore) was formerly owned by the Board of Education. The zoning category of the site was formally

amended to the R-30 Zone via Zoning Map Amendments A-6696-C, A-9730-C, and A-9731-C/07, approved by the Planning Board on May 8, 2014.

Pursuant to PGCPB Resolution No. 14-67, the 92 single-family attached units in the subject DSP were found in conformance with the Marlton Official Plan, the requirements of the zoning subcategory of the Official Plan and the detailed development plan, and with the 2009 Official Plan Amendment for Marlton, which included 13 conditions that amended and restated the approved zoning map amendment conditions. The following are applicable to the review of this DSP and warrant discussion as follows:

- 10. Detailed site plan review, in accordance with Part 3, Division 9 of the Zoning Ordinance, shall be required and include the following:**
  - a. The requirements of Sections 27-171 and 27-176 of the Zoning Ordinance for R-P-C considerations.**

The subject application is in conformance with the requirements of these sections, which pertain to the general development of the site.

The DSP has also been reviewed for conformance with PGCPB Resolution No. 14-42(C) and its sole condition below:

- 1. The maximum number of dwelling units shall be 92 townhouses. This may be reduced at the time of Detailed Site Plan approval after a further analysis of compatibility, including townhouse design issues contained in the Zoning Ordinance.**

The subject application is in conformance with this condition.

9. **Preliminary Plan of Subdivision 4-11003:** On October 20, 2011, the Planning Board approved Preliminary Plan of Subdivision 4-11003 for Heathermore, which consisted of approximately 12 acres, divided into 92 lots and four parcels. The resolution of approval, PGCPB Resolution No. 11-99, containing 19 conditions was adopted on November 17, 2011, and then corrected on February 3, 2012 (PGCPB Resolution No. 11-99(C)). The preliminary plan is valid until December 31, 2015 pursuant to Council Bill CB-70-2013. Final plats have been recorded for the subject site. The current application for architecture will have no impact on the previous findings of conformance pursuant to PGCPB Resolution No. 11-99(C).
10. **Detailed Site Plan DSP-10046:** Detailed Site Plan DSP-10046 for infrastructure was approved on July 17, 2014 and the resolution of approval was subsequently adopted (PGCPB Resolution No. 14-67) with 14 conditions. All of the conditions that were required to be satisfied prior to certificate of approval were fulfilled. All other conditions will be required to be satisfied according to the specified timing pursuant to Resolution No. 14-67. There were no specific conditions related to architecture.

11. **2010 Prince George's County Landscape Manual:** The property is located within the geography previously designated as the Developing Tier and reflected on Attachment H(5) of the *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035), as found in Prince George's County Planning Board Resolution No. 14-10 (see County Council Resolution CR-26-2014, Revision No. 31). The proposed residential development is subject to Section 4.1, Residential Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; Section 4.9, Sustainable Landscaping Requirements; and Section 4.10, Street Trees along Private Streets, of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). These requirements were addressed in DSP-10046. Although the applicant has made some minor adjustments to the location and placement of landscaping, this application will have no impact on the previously approved landscape plan schedules or the previous findings of conformance.
  
12. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the gross tract area is greater than 40,000 square feet in size and there are more than 10,000 square feet of existing woodland on-site. A Type 1 Tree Conservation Plan (TCP1-006-11) was approved for the subject property with Preliminary Plan 4-11003. A Type 2 Tree Conservation Plan, TCP2-030-12, was approved for the site with DSP-10046. A revised TCP2 has been submitted with the revised DSP application.  
  
The subject application has a woodland conservation threshold requirement of 2.45 acres, based on a 20 percent requirement for the 12.26-acre net tract area. The revised TCP2 indicated increased clearing totaling 9.65 acres of woodland that resulted in a total woodland conservation requirement of 5.80 acres for this project.  
  
The Planning Board concludes that this DSP meets all of the requirements of the WCO, subject to conditions included in this resolution.
  
13. **Prince George's County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading or building permit for more than 5,000 square feet of disturbance. Properties that are zoned R-30 are required to provide a minimum of 15 percent of the gross tract area in tree canopy. The subject property is 12.26 acres in size, resulting in a TCC requirement of 1.84 acres. The subject application provides the required schedule showing conformance in excess of the requirements. As a result of the additional woodland clearing, the TCC will need to be revised to reflect the currently proposed removal of existing woodland, a difference of 3,049 square feet. As the applicant is still providing TCC in excess of the requirement, this adjustment will not impact the previous DSP finding.
  
14. **Further Planning Board Findings and Comments from Other Entities:** An analysis of the site plan's conformance with the environmentally-related conditions of approval for Preliminary Plan of Subdivision 4-11003 is incorporated into Finding 9 above. In addition, the plan was reviewed for conformance with Detailed Site Plan DSP-10046, incorporated into Finding 10 above. An

analysis of the site's conformance with the Woodland and Wildlife Habitat Conservation Ordinance is discussed in detail in Finding 12 above. The following is a summary of the other environmental comments:

- a. A signed Natural Resources Inventory (NRI-162-06), which was signed on April 13, 2007 and expired on April 13, 2012, was submitted with the review package. The NRI showed no regulated environmental features on the site.

The project is subject to the requirements of a currently valid NRI. During the review process, it was determined that revisions to the limit of disturbance and the tree conservation plan were necessary to accommodate minor changes to infrastructure. The previously signed NRI should be reapproved to be valid, prior to the approval of the current DSP revision, even though no regulated environmental features were previously identified on the site.

- b. A Stormwater Management Concept Approval Letter (6853-2011-01) and the associated plans were submitted with the preliminary plan application for this site. The TCP2 shows the required features within the proposed limits of disturbance. The Department of Public Works and Transportation (DPW&T), and the Department of Permitting, Inspections and Enforcement (DPIE) as their successor, has determined that the environmental site design practices shown meet the maximum extent practicable standards. No further information regarding stormwater management is required at this time.
- c. According to the *Prince George's County Soil Survey*, the principal soils on the site are in the Sandy land and Westphalia series. Westphalia soils are highly erodible on severe and steep slopes. This information is provided for the applicant's benefit. The county may require a soils report in conformance with Council Bill CB-94-2004 during the building permit process review.
- d. This site contains no regulated environmental features that are required to be protected under Section 24-130 of the Subdivision Regulations.
- e. The finding of the preservation and/or restoration of the regulated environmental features in a natural state to the "fullest extent possible" is not required for the subject application because there are none on the subject property.
- f. A Phase 1 noise study prepared by HUSH Acoustics LLC and dated June 14, 2001 was submitted with the preliminary plan application for this project. A site survey was performed and sound levels were measured. The design goal was to ensure that the projected day-night average sound level (dBA Ldn) did not exceed 65 dBA Ldn in outdoor recreation areas. The highest measured dBA Ldn was 58.9 dBA Ldn, approximately 511 feet from the railroad. The 65 dBA Ldn contour was therefore estimated to be approximately 200 feet from the railroad, which is approximately 300 feet from the boundary of the subject property. Therefore, it was determined that noise should

not impact the outdoor recreational areas. No further information concerning noise is required.

15. Based on the foregoing analysis and as required by Section 27-285(b)(1) of the Zoning Ordinance, the Planning Board finds that 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.
16. Section 27-285(b)(4) of the Zoning Ordinance requires a DSP to demonstrate that regulated environmental features have been preserved and/or restored to the fullest extent possible. Because the subject site does not contain any regulated environmental features or woodlands that need to be protected, the required finding does not apply to the review of this DSP.

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 2 Tree Conservation Plan (TCP2-030-12-01) and further APPROVED Detailed Site Plan DSP-10046-01 for the above-described land, subject to the following conditions:

1. Prior to certificate of approval, the plans shall be revised to include or to show:
  - a. The correct revision and approval date of the stormwater management concept plan in General Note 12.
  - b. A tracking chart shall be added to the coversheet to ensure that each stick of townhouse units shall have at least 60 percent brick, stone, or stucco on the front façade.
  - c. One-half or more of each stick shall have gables, reverse gables, or dormers to provide variation in the roofline.
  - d. The endwall elevations shall be revised to provide a minimum of two standard architectural features in a balanced composition, such as windows or doors.
  - e. On highly-visible lots, a minimum of four architectural features shall be provided on the side elevations in a balanced composition, and the side elevations shall be clad in brick, stone, or stucco.
  - f. All garage doors shall be a carriage-style design.
  - g. Shutters shall be added to the following elevations: Yorktown, Elevations 5 and 9; Chestnut II, Elevations 1, 2, 4, 6, 7, 8, and 9; and Carlisle II, Elevations 2, 7, and 9.

- h. On the Yorktown Elevations 7, 11 and 14, the top of the brick or stone façade on the front shall be lowered by at least six inches.
  - i. An updated Tree Canopy Coverage schedule shall be provided reflecting changes to the Type 2 tree conservation plan.
  - j. A valid natural resources inventory plan shall be submitted to the Environmental Planning Section (M-NCPPC).
  - k. The revised limit of disturbance and outfall shall be shown adjacent to Lots 67 and 68.
2. Prior to certificate of approval of the revised detailed site plan, the following revisions shall be made to the Type 2 tree conservation plan (TCP2):
- a. Add the correct TCP2 number to the approval block;
  - b. Identify substitute plant materials for the *Acer rubrum* and *Liquidambar styraciflua* currently shown in the afforestation/reforestation planting schedule;
  - c. Add the alternative detail for woodland conservation signage posting and signage size;
  - d. Have the owner or owner's representative sign the owner's certification; and
  - e. Have the revised TCP2 signed and dated by the qualified professional who prepared it.
3. Prior to signature approval of the Type 2 tree conservation plan (TCP2), a woodland conservation easement required pursuant to Section 25-122(d)(1)(B) of the Prince George's County Code, shall be prepared in accordance with the Environmental Technical Manual and shall be recorded in the Prince George's County land records. The following note shall be placed on the TCP2 and site plan, and the liber and folio of the recorded easement included in the following standard note:

“Woodlands preserved, planted or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded in the Prince George's County Land Records at Liber \_\_\_\_\_ folio \_\_\_\_\_. Revisions to this TCP2 may require a revision to the recorded easement, as determined by the Planning Director.”

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.

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PGCPB No. 15-58  
File No. DSP-10046-01  
Page 9

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 Washington, seconded by Commissioner Shoaff, with Commissioners Washington, Shoaff, Bailey, and Hewlett voting in favor of the motion and with Commissioner Geraldo absent at its regular meeting held on Thursday, June 11, 2015 in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 2nd day of July 2015.

Patricia Colihan Barney  
Executive Director

By Jessica Jones  
Planning Board Administrator

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