

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 September 12, 2013, regarding Detailed Site Plan DSP-04082/04 for Brighton Place, the Planning Board finds:

1. **Request:** The subject application is for the addition of elevations TRI, TRJ, TRK, and TRP of the Chandler townhouse model.

This application was originally accepted for Planning Director review for the purpose of increasing the standard deck size on the approved townhouse units. However, during the review, it was discovered that the applicant submitted architectural elevations, with the proposed deck, that were not previously approved. Upon further investigation, staff became aware that the same elevations had been submitted to the Permit Review Section bearing an inauthentic certificate of approval, that permits based on those unapproved elevations had been obtained, and that 19 townhouse units had been built using these unapproved elevations. As a result, The Maryland-National Capital Park and Planning Commission (M-NCPPC) legal staff requested that all townhouse permits be placed on hold until the applicant was able to obtain approval of the elevations which have been built and are proposed in this application. The events summarized above are described in greater detail in the attached letter (April 17, 2013) from the Office of the General Counsel (M-NCPPC) to Mr. Adam Ortiz of the Department of Environmental Resources.

2. **Development Data Summary**

	EXISTING	APPROVED
Zone	R-55 & R-T (D-D-O)	R-55 & R-T (D-D-O)
Use(s)	Single-family detached and townhouses	Single-family detached and townhouses
Acreage	R-55 (19.00) R-T (10.00)	R-55 (19.00) R-T (10.00)
Parcels	2	2
Lots	R-55 (68) R-T (58)	R-55 (68) R-T (58)

3. **Location:** The property is located on the east side of Rollins Avenue, approximately 1,500 feet south of its intersection with Old Central Avenue (MD 332). The project is located within the Addison Road Metro Town Center Development District Overlay Zone, which consists of a number of properties to the north, east, south, and west of the Addison Road Metro Station. The town center is planned to serve as the focal point of the surrounding community. A compact,

pedestrian-oriented street environment is envisioned for the town center through the 2000 *Approved Sector Plan and Sectional Map Amendment for the Addison Road Metro Town Center and Vicinity* (ARM Town Center Sector Plan), which recommends specific land uses for the town center to take advantage of the Metro station. It promotes a mixed-use neighborhood with retail, office, residential, public, and recreational spaces within convenient walking distance to Metro. The plan recommends an urban boulevard treatment along Central Avenue (MD 214, an arterial) and Addison Road (a collector) incorporating new trees, plantings, sidewalks, crosswalks, a coordinated sign system, street furniture, and lighting.

The subject property is located in the subarea known as Addison South. Addison South is envisioned in the plan to be a single-family neighborhood close to the Metro station with pedestrian access that is convenient and safe.

4. **Surrounding Uses:** To the north of the subject property is a church and single-family detached units. To the east is a church-owned property zoned R-T (Townhouse) and a single-family development known as Addison Road South. To the south is another church. To the west, across Rollins Avenue, are existing single-family detached properties and an undeveloped park site owned by The Maryland-National Capital Park and Planning Commission (M-NCPPC).
5. **Previous Approvals:** The subject site was approved by the Planning Board on July 29, 2004 as Preliminary Plan of Subdivision 4-04011. The resolution of approval, PGCPB No. 04-185, was adopted on September 23, 2004.

Detailed Site Plan DSP-04082 was approved by the District Council on June 11, 2007 for development of 68 single-family detached lots, 58 single-family attached lots, and two parcels on the subject property. Three revisions to the DSP application were approved at the Planning Director level for the purpose of adding architecture, revising the monument signs and columns, and removing a portion of wrought iron fencing on the east side of the site.

On December 20, 2007, the Planning Board approved final plats recorded on April 28, 2008 in Plat Book PM 226 Plats 10–14 for the subject site. Subsequently, corrected final plats were recorded in Plat Book MMB 234 Plats 27–31 on June 8, 2011.

Of the 58 single-family attached lots, 19 lots are currently constructed. The subject application has been filed for the purpose of obtaining approval of four architectural elevations which have been used on the 19 lots that are currently constructed and are planned for construction on the remainder of the townhouse lots.

6. **Design Features:** The site is zoned both R-T and R-55 (One-Family Detached Residential) with a Development District Overlay (D-D-O) Zone overlay. The northernmost area of the property is zoned R-T and is designed as a townhouse community with 58 townhouse lots. The townhouses front on public roads and are accessed by private alleys with two-car garages at the rear of the unit.

A central green space provides preservation of existing woodland, a stormwater management pond, a trail, and several benches.

Two townhouse models have been previously approved for the subject site. The Benton model (Elevations 1–4) was approved in DSP-04082 and featured 1,640 square feet of finished living area, full or partial brick, paneled shutters, decorative trim above windows and doors, recessed entries, and optional bay windows and reverse gables on the front façade. The rear façades featured standard 10-foot by 18-foot decks and paneled garage doors. The Chandler model (Elevations TRL, TRM, TRN, TRO, ACL, ACM, ACN, ACO, TRQ, TRT, and TRS) was approved in DSP-04082-01 and featured 1,804 square feet of finished living area, full or partial brick front façades, projections and/or decorative trim along the roofline, two-story front porches, standard rear decks, and paneled garage doors.

The subject application approves the addition of the TRI, TRJ, TRK, and TRP elevations of the Chandler townhouse model. These elevations feature full or partial brick front façades with a brick soldier course above the first floor, paneled shutters, and decorative headers above the windows and doors. Elevations TRK and TRJ feature a standard gable or dormers which provide variation in the roofline. Elevation TRK also features a second-story bay window on the front façade. The TRI front elevation, which shows partial siding, is proposed as an interior unit only. The side elevations feature full brick with a brick soldier course above the first floor, several standard windows, and an optional bay window. The rear elevations feature paneled garage doors and standard 10-foot by 18-foot, white, vinyl decks.

At the Planning Board, the applicant, Beazer Homes, addressed the issue regarding the use of an inauthentic certification and testified that the applicant had no knowledge of the use of an inauthentic certification to obtain the 19 building permits for townhouses which were issued for the project to date. A representative for Beazer Homes, Mr. Ed Gold, further testified that the townhouse portion of the project had been shut down since the issue regarding the prior building permits was discovered. The applicant filed this detailed site plan revision in order to obtain approval of the architectural elevations built to date and to allow additional homes utilizing the same architecture to be constructed on additional lots. The technical staff report recommended certain revisions to the architecture which are more fully set forth below, including brick or stone front facades and brick or stone front façade offsets. The applicant raised a concern about limiting these revisions to the architecture to the construction of future units so as not to cause the units which currently exist and which have been sold to be considered illegal or not in conformance with the approved architecture. The Planning Board agrees that revisions to the architecture recommended by staff and included in the conditions of approval shall be applied prospectively only to new units constructed after the date of approval of this resolution, and that the 19 existing, constructed townhouse units are deemed acceptable by the Planning Board as constructed without requiring revisions other than removing the siding on end walls and replacing it with brick to match the front façades.

7. **Development District Standards of the 2010 Approved Subregion 4 Master Plan and Adopted Sectional Map Amendment:** The subject site was not rezoned through the 2010 *Approved Subregion 4 Master Plan and Adopted Sectional Map Amendment* and, according to the first exemption outlined on page 488 of the publication, this legally-existing development is exempt from the development district standards. The site was previously reviewed and approved in accordance with the 2000 *Approved Sector Plan and Sectional Map Amendment for the Addison Road Metro Town Center and Vicinity* and should continue to conform to the previous applicable development district standards as outlined in Finding 8 below.

8. **Development District Standards for the 2000 Approved Sector Plan and Sectional Map Amendment for the Addison Road Metro Town Center and Vicinity:** Findings of conformance with the purposes, recommendations, and goals for the development district as stated in the 2000 *Approved Sector Plan and Sectional Map Amendment for the Addison Road Metro Town Center and Vicinity* (ARM Town Center Sector Plan) were made with the approval of DSP-04082. As allowed by Section 27-548.25(c) of the Zoning Ordinance, Alternative Development District Standards S3.D, S3.E, S3.F, P1.C, P2.E, B3.I, P5.D, and P6.B were also approved with that application. The following development district standards and alternative development district standards specifically apply to the townhouse architecture in this application:

- **B3.I.— Exterior façade materials shall be extended down to 12 inches from the finished grade, avoiding exposed unfinished concrete or concrete masonry unit (CMU) basement walls.**

Alternate: Units with in-ground basements will meet this standard, however, in cases where the units have walk-out basements, the concrete should not be required to meet this standard.

The approved townhouse architectural elevations are consistent with the above standard, showing the façade materials extended down to the finished grade.

- **S3.O.—The maximum building coverage for single-family attached dwelling units shall be 50 percent of the overall net tract area.**

This requirement is noted on the plans; however, at the time of building permit issuance, the lot coverage for the single-family detached development should be provided for each individual lot.

- **B1.K.—The minimum size for single-family detached dwelling units shall be 2,200 square feet, not to include garages and unfinished basements. The minimum size for attached dwelling units shall be 1,600 square feet, not to include garage and unfinished basements.**

The size of the single-family attached unit approved in this application is 1,804 square feet.

- **B2.C.—Single-family attached residential units shall vary the roof line of each unit in a row to reduce the massing and bulk of the overall building and for architectural interest.**

Two of the approved elevations feature a standard gable or dormers and the applicant has provided a typical stick elevation using a mix of elevations which demonstrate a varied roofline.

- **B3.B.—Single-family residential building types shall have masonry front façades (brick, stone or approved equal) on at least 60 percent of the dwellings within a development project. Use of some masonry (such as brick) is encouraged on all sides of detached dwellings with brick fronts.**

A previous condition required that 60 percent of all interior townhouse units feature brick front façades. At the hearing, the Planning Board accepted the applicant's proposal to only use siding on one interior townhouse unit, on sticks of four or more units, which exceeds the requirement of the previous condition for brick on interior units. A condition has been added in this approval to reflect the applicant's proffer.

- **B3.L.—The selection of exterior colors should allow the building to blend in harmoniously with the overall fabric of adjacent buildings.**
- **B3.M.—The color palette for buildings should be kept simple and restrained. Wall color should be neutral with trim colors providing an appropriate accent.**
- **B3.N.—Brick or stone should be used in their natural or traditional colors and finish when selected as the predominant wall material of a building. Brick or stone generally should not be painted.**

Pursuant to color elevations submitted by the applicant, the Planning Board finds compliance to the three requirements above and that the units provide a unified appearance to the development.

- **B4.J.—Single-family attached residential dwellings shall incorporate two or more windows or other architectural features on the ends of units. Blank walls are not permitted.**

A condition of approval has been carried forward requiring the use of three or more features on the end walls of townhouses, and the proposed side elevations show compliance with this condition.

9. **Preliminary Plan of Subdivision 4-04011:** On September 23, 2004, the Planning Board approved Preliminary Plan of Subdivision 4-04011 subject to 25 conditions, none of which are applicable to the review of architecture.

10. **Detailed Site Plan DSP-04082:** On June 11, 2007, the District Council approved Detailed Site Plan DSP-04082 subject to 11 conditions. All of the conditions remain valid and those which are applicable to single-family attached architecture have been carried forward in this approval with the exception of conditions which were duplicative or inconsistent in accordance with District Council Condition 11 of the Final Order for DSP-04082. At the hearing, the Planning Board accepted the applicant's proposal to only use siding on one interior townhouse unit, on sticks of four or more units, which exceeds the requirement of the previous condition for brick on interior units. A condition has been added in this approval to reflect the applicant's proffer.

Detailed Site Plan DSP-04082 has been revised three times subsequent to the original approval. The three revisions were approved by the Urban Design Section as designee of the Planning Director without any conditions.

11. **Zoning Ordinance:** The subject site was previously found to be in conformance with the requirements and site plan design guidelines in the R-55, R-T, and overlying D-D-O Zones under Detailed Site Plan DSP-04082. Compliance with the development district standards specific to townhouse architecture is further outlined in Finding 7 above. The addition of architectural elevations in this application does not include any revisions to the previously approved site plan which remains valid.
12. **Prince George's County Landscape Manual:** The subject application does not propose or necessitate a revision to the previously approved landscape plan and the architectural elevations are not subject to the *Prince George's County Landscape Manual* (Landscape Manual). Vacant lots requiring new grading or building permits will be subject to the provisions of Section 4.1 of the Landscape Manual at the time of permit application.
13. **Woodland Conservation and Tree Preservation Ordinance:** The architectural elevations have no impact on the previous findings of compliance with the requirements of the Woodland Conservation and Tree Preservation Ordinance.
14. **Tree Canopy Coverage Ordinance:** The architectural elevations are not subject to the Tree Canopy Coverage Ordinance; however, vacant lots requiring new permits will be subject to tree canopy coverage requirements at the time of permit application.
15. Based on the foregoing and as required by Section 27-285(b)(1) 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.
16. Section 27-285(b)(4) of the Zoning Ordinance requires that a detailed site plan demonstrate that regulated environmental features have been preserved and/or restored to the fullest extent possible.

The addition of architectural elevations will have no impact on the previous findings regarding the preservation or restoration of regulated environmental features.

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-04082/04, subject to the following conditions:

1. Prior to certification, all single-family attached architecture shall be revised to fulfill the following:
 - a. The architectural elevations for the proposed building sticks shall be prepared for review and approval by the Urban Design Section.
 - b. The applicant shall submit the proposed exterior color palette for proposed siding, trim, roof shingles, brick foundation, and front doors for the units, and the colors shall be approved by the Urban Design Section.
 - c. A minimum of two end wall features shall be provided on the single-family detached units and three or more features on the end walls of the townhouse units.
 - d. Any building stick with three or fewer townhouses shall have full brick or stone sides and front facades, with the exception of the building stick comprised of Lots 11-13, Block F (Plat Book 234 Plat No. 27), where the interior unit may feature vinyl siding on the front façade and the vinyl siding shall be limited to the second and third stories. Building sticks with four or more townhouses shall have full brick or stone sides and front facades except that one interior unit may feature vinyl siding on the front façade and the vinyl siding shall be limited to the second and third stories. The side of front façade offsets shall also be brick or stone to match the front façades.

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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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 Geraldo, with Commissioners Washington, Geraldo, Shoaff, Bailey and Hewlett voting in favor of the motion at its regular meeting held on Thursday, September 12, 2013, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 3rd day of October 2013.

Patricia Colihan Barney
Executive Director

By Jessica Jones
Planning Board Administrator

PCB:JJ:SM:arj