

April 25, 2023

Timberlake Homes
304 Harry S Truman Parkway, Suite M
Annapolis, MD 21401

Re: Notification of Planning Board Action on
Detailed Site Plan DSP-22028
Fairwood Square



Dear Applicant:

This is to advise you that, on **April 20, 2023**, the above-referenced Detailed Site Plan was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to Section 27-3605 of the Prince George's County Zoning Ordinance, the Planning Board's decision will become final 30 calendar days after the date of this final notice (**April 25, 2023**) of the Planning Board's decision, unless:

1. Within the 30 days, a written appeal has been filed with the District Council by the applicant or by an aggrieved person that appeared at the hearing before the Planning Board in person, by an attorney, or in writing and the review is expressly authorized in accordance with Section 25-212 of the Land Use Article of the Annotated Code of Maryland; or
2. Within the 30 days (or other period specified by Section 27-3301(c) of the Zoning Ordinance), the District Council decides, on its own motion, to review the action of the Planning Board.

(You should be aware that you will have to reactivate any permits pending the outcome of this case. If the approved plans differ from the ones originally submitted with your permit, you are required to amend the permit by submitting copies of the approved plans. For information regarding reactivating permits, you should call the County's Permit Office at 301-636-2050.)

Please direct any future communication or inquiries regarding this matter to Ms. Donna J. Brown, Clerk of the County Council, at 301-952-3600.

Sincerely,
James R. Hunt, Chief
Development Review Division

By: Andrew Shelly
Reviewer

Attachment: PGCPB Resolution No. **2023-44**

cc: Donna J. Brown, Clerk of the County Council
Persons of Record

R E S O L U T I O N

WHEREAS, on January 18, 2023, the Prince George’s County Planning Department accepted an application from Timberlake Homes, BT (“applicant”) for approval of a Detailed Site Plan pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George’s County Code; and

WHEREAS, on October 20, 2022, pursuant to Section 24-1900 of the Subdivision Regulations, the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission (“Planning Board”) reviewed and approved Preliminary Plan of Subdivision 4-21058 by PGCPB Resolution 2022-108 in accordance with the prior Subdivision Regulations for a portion of the property contained within the proposed Detailed Site Plan; and

WHEREAS, pursuant to Section 24-1903(b) of the Subdivision Regulations, once approved, development applications utilizing the prior Subdivision Regulations are considered “grandfathered” and subject to the provisions set forth in Section 24-1704 of the Regulations; and

WHEREAS, pursuant to Section 24-1704(b) of the Subdivision Regulations, until and unless the period of time under which a subdivision approval remains valid expires, the project may proceed to the next steps in the approval process (including any zoning steps that may be necessary) and continue to be reviewed and decided under the Subdivision Regulations and Zoning Ordinance in effect immediately prior to the effective date of the County Subdivision Regulations and Zoning Ordinance; and

WHEREAS, the applicant has elected to pursue approval of a Detailed Site Plan under the prior Zoning Ordinance; and

WHEREAS, in consideration of evidence presented at a public hearing on April 13, 2023, regarding Detailed Site Plan DSP-22028 for Fairwood Square, the Planning Board finds:

1. **Request:** This detailed site plan (DSP) approves the development of 200 single-family attached (townhouse) dwelling units. The 200 dwelling units will be located on 200 lots, comprised of forty-five 24-foot-wide units, fifty-four 20-foot-wide units, and one hundred and one 18-foot-wide units. The DSP will also include 36 parcels. These parcels will be utilized for private streets, homeowners association (HOA) facilities, open space and recreation areas, and infrastructure for future commercial development consisting of approximately 5,000 square feet of gross floor area. The commercial infrastructure development will be located on Parcel 1 and consists of grading and a driveway entrance for future commercial development. The architecture of the commercial development component of this application will be evaluated in a separate DSP request. The Planning Board approved the development with condition 1u, which requires the applicant to provide a central green area, prior to certification of the DSP. The development may have a reduced density. 200 units is the maximum density, The dwelling unit mix, open space, parking, highly visible lots, lot count, and parcel count may be modified to accommodate the required central green area on site plan.

2. **Development Data Summary:**

| | EXISTING | APPROVED |
|----------------------------------------------------------------------------------------------------------|------------------------------|----------------------------------------|
| Zone | RE (prior R-E) | RE (prior R-E) |
| Use | Nursery and Garden Center | Proposed Single- family Residential |
| Total Gross Acreage | 22.29 | 22.29 |
| Floor Area Ratio (FAR)* | 0 | 0.44 |
| Building Square Feet (gross floor area)** | 0 | 428,936 (21.32 acres) |
| Residential Units | - | 428,936 |
| Commercial/Retail (infrastructure included in this DSP; a future DSP is required for architecture) | - | - |
| Total Dwelling Units | 0 | 200 |
| Madiera (18-foot-wide, rear-load, one-car garage) | - | 101 |
| Foxglove/Redwood (20-foot-wide, rear-load, two-car garage)*** | - | 54 |
| Roland/Liberty (24-foot-wide, front-load, two-car garage)**** | - | 45 |
| Total Parking Spaces Provided***** | 0 | 645 |
| On-Street Standard Spaces | - | 49 |
| Garage | - | 299 |
| Driveway | - | 299 |
| Bicycle Spaces Provided | - | 12 |

Notes: *Per Section 27-548, the base FAR of 0.4 in the M-X-T Zone may be increased utilizing the optional method of development in Section 27-545. See Finding 7 for a discussion of the FAR optional development method.

**The remaining 0.97 acre of land will be utilized for future commercial development consisting of approximately 5,000 square feet. Limited on-site infrastructure is included in this application, but the architecture for the site will be evaluated with a future DSP.

***The DSP includes two different model types for the 20-foot-wide products, the templates of which and statement of finished square footage for both are provided on the DSP submitted herewith.

****The DSP includes two different model types for the 24-foot-wide products, the templates of which and statement of finished square footage for both are provided on the DSP submitted herewith.

*****Pursuant to Part 11, Off-Street Parking and Loading, Section 27-568 of the prior Zoning Ordinance, the number of parking spaces required for the townhouse units is 408. However, the number of parking spaces required for developments in the M-X-T Zone is to be calculated by the applicant and submitted for Planning Board approval, at the time of DSP, as stated in Section 27-574 of the Zoning Ordinance. As discussed in Finding 7, the Planning Board finds that the provided parking is acceptable for this development. .

3. **Location:** The subject property is located on the southeast quadrant of the intersection of MD 450 (Annapolis Road) and MD 193 (Enterprise Road), in Planning Area 71A and Council District 6. The site consists of 22.29 acres and is zoned Residential Estate (RE), but is being reviewed under the prior Residential Estate (R-E) Zone of the prior Prince George's County Zoning Ordinance.
4. **Surrounding Uses:** The subject property is bounded to the north by MD 450 and property beyond in the Commercial General and Office (CGO) Zone known as the Fairwood Office Park; to the south by single-family residential properties in the RE Zone; to the east by single-family residential homes in the Legacy Mixed-Use Community (LMXC) Zone, known as Fairwood; and to the west by MD 193 and single-family detached homes beyond in the Rural Residential (RR) Zone, known as Holmehurst Estates.
5. **Previous Approvals:** The property is subject to Preliminary Plan of Subdivision (PPS) 4-21058, which was approved by the Prince George's County Planning Board on October 20, 2022 (PGCPB Resolution No.2022-108), for 200 lots and 36 parcels to accommodate 200 single-family attached residential units and 5,000 square feet of commercial use on one parcel.

The subject site is located within the 2022 *Approved Bowie-Mitchellville and Vicinity Master Plan* (master plan), which recommends redevelopment of the former Frank's Nursery property at 12205 and 12105 Annapolis Road, as well as 5015 Enterprise Road, for commercial land use (page 76). Comprehensive Zoning strategy 11.1 of the master plan recommends reclassification of the property from the RE Zone to the CGO Zone, to support the commercial development (page 89 of the master plan).

In accordance with Section 24-121(a)(5) of the prior Prince George's County Subdivision Regulations, a PPS must conform to the area master plan, unless the Planning Board finds that events have occurred to render the relevant recommendations within the comprehensive plan no longer appropriate, is no longer applicable, or the Prince George's County District Council has not imposed the recommended zoning. The Board found, in PPS 4-21058, that the site conformed with Section 24-121(a)(5). The Board based its

finding on the information presented within CB-50-2021, which was adopted by the District Council on November 16, 2021. This bill allowed townhouses and commercial uses that are generally permitted in the Mixed Use–Transportation Oriented (M-X-T) Zone to be developed in the R-E Zone. The bill did not impose the recommended zoning from the master plan.

6. **Design Features:** The subject property is located at the southeast quadrant of the intersection of MD 450 and MD 193. Vehicular access will be provided via two access points on MD 450. The southern access point will have right-in/right-out access to MD 450 and the northern access point will have right-in/right out and left-in access. The development will be connected via private streets and alleys, with the access points needing to be deemed acceptable by the operating agency, the Maryland State Highway Administration (SHA).

The Planning Board approves this application to develop this 22.29-acre property with 200 single-family attached (townhouse) dwelling units and infrastructure for 5,000 square feet of commercial/retail space, which includes grading and a driveway entrance on Parcel 1. Architecture for the 5,000 square feet of commercial/retail space will be evaluated with a future DSP. The development will have a mixture of front- and rear-loaded townhouse units, with private, on-site recreational facilities spread throughout the community. The future commercial site is located in the northernmost portion of the site. On-street parking will be provided on internal streets, near recreational facilities, and within driveways and garages for all residential units.

Architecture

Five townhouse models are provided for the 200 units with both rear- and front-loaded garage unit models: the Madiera, the Foxglove, the Redwood, the Roland, and the Liberty. The three-story, 18-, 20-, and 24-foot-wide units will come in multiple façade variations and incorporate a variety of materials including brick, siding, and stone veneer. Dormers, decks, awnings, and other architectural details are included in the façade designs and add appropriate visual interest to the building designs.

The 18-foot-wide Madiera townhomes are rear-loaded and contain one car garages. There are 101 units provided and each has a base square footage of 1,740 square feet. The 20-foot-wide Foxglove and Redwood townhomes are rear-loaded and contain two-car garages. There are 54 of these units and each has a base square footage of 2,238 square feet. The 24-foot-wide Roland and Liberty townhomes are front-loaded and contain two-car garages. There are 45 of these units and each has a base square footage of 2,831 square feet. All units are accessed by a series of private streets and alleys.

Highly visible elevations are shown on the building elevations submitted; however, these are not identified on the DSP and should be shown. The highly visible units include a minimum of three features, but do not include the full first floor finished in brick, stone, or masonry. Conditions have been included within this resolution, in accordance with these

issues. The location and number of these units may have to change once the final layout that incorporates the conditioned central green area is completed.

Recreational Facilities

PPS 4-21058 determined that a combination of on-site recreational facilities and fee in-lieu of mandatory dedication of parkland are appropriate for the project development to serve the future residents, in accordance with Section 24-134 of the Subdivision Regulations and the standards in the *Prince George's County Park and Recreation Facilities Guidelines*.

In accordance with the current formula for calculating the value of recreational facilities, for a development of 200 single-family attached dwelling units in Planning Area 71A, a recreational facility package worth approximately \$217,906 is needed to serve this development. This DSP provides four on-site recreational sites, that are spread out throughout the community. A recreational facilities cost estimate has been provided and the estimated value of \$294,918.80 for the recreational amenities proposed meets what is required and is acceptable to the Planning Board. The timing for completion and installation of the provided recreational facilities has been included within this resolution, with conditions provided to revise the DSP coversheet. A dog park and dog park amenities are also provided, but are not included in the cost estimate. A breakdown of the recreational facilities cost estimate is included in the backup.

Lighting

The applicant is specifying full cut-off lighting within the development and proposes lighting in open spaces and along streetscapes, to promote safe vehicular and pedestrian movements. The photometric plan submitted with the DSP shows appropriate lighting levels, along streetscapes, with minimal spillover into the adjacent residential properties.

Signage

This DSP provides one freestanding monument sign at the entrance to the development, which is the northern full access point. The monument sign is approximately 10 feet high and 32 feet wide. The sign is brick and includes three columns, with a metal canopy and a central plaque for the community's name. The sign is acceptable to the Planning Board with adequate landscaping surrounding the base of the sign. A condition has been included within this resolution requiring the applicant to provide the signage area schedule.

Parcel 1: Future Development

Only grading and a driveway entrance has been provided for this parcel, within this application which has been labeled as a future phase of development. The architecture of the 5,000 square feet of commercial/retail development will be evaluated via a separate DSP application.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The DSP application has been reviewed for compliance with the requirements of the M-X-T Zone of the prior Zoning Ordinance, as permitted by CB-50-2021 within Footnote 144 of Section 27-441(b).

This application was filed on January 17, 2023, in accordance with the provisions of Section 27-1704(b) of the Zoning Ordinance. This section allows valid projects that received development or permit approvals under Subtitles 27 and 24, of the prior Prince George's County Code, to proceed to the next stages of the development approval process.

On October 20, 2022, the Planning Board approved PPS 4-21058 (PGCPB Resolution No. 2022-108). Later, on January 17, 2023, the District Council enacted CB-12-2023, which made CB-50-2021 inapplicable to applications filed and accepted under Section 27-1900 of the Zoning Ordinance, unless such applications were already filed and accepted.

Staff find that CB-12-2023 is not applicable to the subject application, as this application was filed under the provisions of Section 27-1704(b), not 27-1900, and is a project that received prior development approval. Therefore, this DSP application can proceed to be developed, in accordance with the prior Zoning Ordinance, including the requirements of CB-50-2021.

- a. The subject application is in conformance with the applicable requirements of the Zoning Ordinance, including the design requirements associated with the uses proposed under Section 27-441 (Footnote 144) and Sections 27-544(a) and 27-548, as required by the footnote, as follows:

Section 27-441(b) – Footnote 144: Provided, and notwithstanding any other provision of this Subtitle, that:

- (a) **The uses are located on property or an assemblage of adjacent properties that:**

- (1) **Prior to its subdivision to create any residential and commercial parcels or lots had a land area of at least twenty (20) acres;**
- (2) **A portion of the boundary of the assemblage of adjacent properties is located at, and has frontage on, two intersecting roadways with a functional transportation classification of arterial or higher on the Master Plan of Transportation;**
- (3) **A portion of the boundary of the assemblage of adjacent properties is adjacent to property that is located in a mixed-use zone or planned community zone.**

The subject property meets the minimum acreage requirement of 20 acres, as it contains 22.29 acres, has frontage on intersecting arterial roadways (MD 450 and MD 193), and is adjacent to a mixed-used zone property to the east in the LMXC Zone (prior Mixed Use Community Zone (M-X-C)).

- (b) A Detailed Site Plan shall be approved in accordance with Part 3, Division 9 of this Subtitle. Regulations concerning the net lot area, lot coverage, and green area, lot/width frontage, yards, building height, density, accessory buildings, minimum area for development, and any other requirements of the R-E Zone shall not apply. The maximum residential density shall not exceed 200 dwelling units. The applicable regulations for the M-X-T Zone as set forth in Sections 27-544(a) and 27-548(h) shall apply.**

The subject DSP does not exceed 200 dwelling units and meets the applicable regulations in Sections 27-544(a) and 27-548(h), as shown on the DSP. In addition, as explained further below, the provided plan satisfies the design requirements of Part 3, Division 9, of the prior Zoning Ordinance.

- (c) Notwithstanding the Table of Uses for the M-X-T Zone in Section 27-547(b), a gas station shall be prohibited. All other uses must be consistent with uses in the M-X-C Zone.**

The subject DSP does not propose a gas station and the single-family attached (townhouse) use is permitted in the M-X-C Zone. A commercial/retail use of 5,000 square feet was approved with PPS 4-21058. The infrastructure for the 5,000 square feet of commercial/retail use is included in this application. A future DSP application will be required to evaluate architecture.

Section 27-544(a)

- (a) Except as provided in Subsections (b) and (c) of this Section, additional regulations concerning the location, size, and other provisions for all buildings and structures in the M-X-T Zone are as provided for in Divisions 3 and 4 of this Part, General (Part 2), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.**

The subject DSP provides a single-family attached (townhouse) use that is permitted in the M-X-T Zone, satisfying Division 3 of this Part. Conformance with Division 4 is evaluated below. The site conforms with Part 2 (General), Part 11 (Off-Street Parking and Loading), and Part 12 (Signs) of the Zoning Ordinance, and the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Conformance with Part 11 is further evaluated in

part (b) of this finding, and conformance with the Landscape Manual is further evaluated in Finding 9. The DSP application conforms to Part 2, as the use provided is permitted in the subject zoning with the approved intensity and dimensional standards. The DSP application conforms to Part 12, Section 27-614(e), which allows the design standards for freestanding on-site signs to be determined by the Planning Board.

Section 27-548. - M-X-T Zone.

(a) Maximum floor area ratio (FAR):

(1) Without the use of the optional method of development — 0.40 FAR; and

(2) With the use of the optional method of development — 8.00 FAR.

This development will use the optional method of development in Section 27-545(b) of the Zoning Ordinance, as follows:

(b) Bonus incentives.

(4) Residential use.

(A) Additional gross floor area equal to a floor area ratio (FAR) of one (1.0) shall be permitted where twenty (20) or more dwelling units are provided.

The applicant uses the optional method of development for the project by providing a residential component of more than 20 units, as part of the overall development. This increases the permitted floor area ratio (FAR) by 1.0 above the base of 0.40. Therefore, a FAR of 1.4 is permitted. The approved FAR for this DSP is 0.44, below the allowed 1.4 FAR, and meets this requirement.

(b) The uses allowed in the M-X-T Zone may be located in more than one (1) building, and on more than one (1) lot.

The 200 single-family attached (townhouse) dwelling units are located in multiple buildings and on multiple lots. The infrastructure for the commercial/retail use is evaluated with this application, but a future DSP will be required for architecture.

- (c) **Except as provided for in this Division, the dimensions for the location, coverage, and height of all improvements shown on an approved Detailed Site Plan shall constitute the regulations for these improvements for a specific development in the M-X-T Zone.**

The site plan provides the location, coverage, and height of all improvements, in accordance with this requirement.

- (d) **Landscaping, screening, and buffering of development in the M-X-T Zone shall be provided pursuant to the provisions of the Landscape Manual. Additional buffering and screening may be required to satisfy the purposes of the M-X-T Zone and to protect the character of the M-X-T Zone from adjoining or interior incompatible land uses.**

This approved DSP conforms with the requirements of the Landscape Manual, as demonstrated in Finding 9. The DSP also conforms with all of the requirements of the Prince George's County Tree Canopy Coverage Ordinance, as demonstrated in Finding 11.

- (e) **In addition to those areas of a building included in the computation of gross floor area (without the use of the optional method of development), the floor area of the following improvements (using the optional method of development) shall be included in computing the gross floor area of the building of which they are a part: enclosed pedestrian spaces, theaters, and residential uses. Floor area ratios shall exclude from gross floor area that area in a building or structure devoted to vehicular parking and parking access areas (notwithstanding the provisions of Section 27-107.01). The floor area ratio shall be applied to the entire property which is the subject of the Conceptual Site Plan.**

The FAR calculation is provided on the DSP coversheet and is 0.44. This FAR conforms with the requirement.

- (f) **Private structures may be located within the air space above, or in the ground below, public rights-of-way.**

This requirement is not applicable to this development, as this application does not approve private structures within the air space above, or in the ground below, public rights-of-way.

- (g) **Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access**

rights-of-way have been authorized pursuant to Subtitle 24 of this Code.

This DSP application provides each lot with access to an adjacent private street or alley, in accordance with Subtitle 24, and as further approved with PPS 4-21058. This requirement was reviewed and approved by the Planning Board on October 20, 2022. Each lot will have access to an adjacent private street or alley, in accordance with Subtitle 24.

- (h) Townhouses developed pursuant to a Detailed Site Plan for which an application is filed after December 30, 1996, shall be on lots at least one thousand two hundred (1,200) square feet in size, and shall have at least sixty percent (60%) of the full front facades constructed of brick, stone, or stucco. In addition, there shall be no more than eight (8) townhouses per building group, except where the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than eight (8) dwelling units (but not more than ten (10) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than eight (8) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development. The minimum building width in any continuous, attached group shall be eighteen (18) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area. The minimum lot size, maximum number of units per building group and percentages of such building groups, and building width requirements and restrictions shall not apply to townhouses on land any portion which lies within one-half (½) mile of an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority and initially opened after January 1, 2000. In no event shall there be more than ten (10) dwelling units in a building group and no more than two (2) building groups containing ten (10) dwelling units. For purposes of this section, a building group shall be considered a separate building group (even though attached) when the angle formed by the front walls of two (2) adjoining rows of units is greater than forty-five degrees (45°). Except that, in the case of a Mixed-Use Planned Community, there shall be no more than eight (8) townhouses per building group, except when the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than eight (8) dwelling units (but not more than ten (10) dwelling units) would create a more attractive living environment or**

would be more environmentally sensitive. In no event shall the number of building groups containing more than eight (8) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development. The minimum building width in any continuous, attached group shall be eighteen (18) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area. Garages may not dominate the streetscape. Garages that are attached or incorporated into the dwelling shall be set back a minimum of four (4) feet from the front façade and there shall not be more than a single garage, not to exceed ten (10) feet wide, along the front façade of any individual unit. Garages may be incorporated into the rear of the building or freestanding in the rear yard and accessed by an alley. Sidewalks are required on both sides of all public and private streets and parking lots. At the time of Detailed Site Plan, the Planning Board or the District Council may approve a request to substitute townhouses, proposed for development as condominiums, in place of multifamily dwellings that were approved in a Conceptual Site Plan approved prior to April 1, 2004. Such substitution shall not require a revision to any previous plan approvals. Further, at the time of Detailed Site Plan for a Mixed-Use Planned Community, the Planning Board or the District Council may approve modifications to these regulations so long as the modifications conform to the applicable regulations for the particular development.

The minimum lot size is 1,200 square feet. The applicant's submitted plan indicates that the façade requirement of 60 percent brick, stone, or stucco has been met. The DSP does not contain any more than eight townhouses per building group. The minimum width of each townhouse lot is 18 feet, which meets the requirement. Each approved townhouse model has a minimum living space of 1,250 square feet, which meets the subject requirement. The provided garages in each model type conform to the subject requirement, as indicated within this DSP. Units 151-157 and Units 158-163 are located along a private road, labeled Parcel Y. As the site plan does not show a sidewalk on both sides of this private road, a condition has been included within this resolution, to ensure the requirements of this finding have been met prior to certification of this DSP.

- (i) **The maximum height of multifamily buildings shall be one hundred and ten (110) feet. The height restriction shall not apply within any Transit District Overlay Zone, designated General Plan Metropolitan or Regional Centers, or a Mixed-Use Planned Community.**

This requirement is not applicable, as the development application does not approve any multifamily buildings.

- (j) **As noted in Section 27-544(b), which references property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, regulations for Conceptual or Detailed Site Plans (such as, but not limited to density, setbacks, buffers, screening, landscaping, height, recreational requirements, ingress/egress, and internal circulation) should be based on the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map Amendment Zoning Change and any referenced exhibit of record for the property. This regulation also applies to property readopted in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006 and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation of a concurrent Master Plan or Sector Plan (see Section 27-226(f)(3) of the Zoning Ordinance). Notwithstanding any other provision of this Code, this regulation shall not apply to property subject to the provisions of Section 27-544(f)(2)(I), above.**

This requirement is not applicable, as a comprehensive land use planning study was not conducted by technical staff for this subject property.

- b. In accordance with Section 27-574 of the prior Zoning Ordinance, the number of parking spaces required in the M-X-T Zone is to be calculated by the applicant and submitted for Planning Board approval, at the time of DSP. Detailed information, regarding the methodology and procedures to be used in determining the parking ratio, is outlined in Section 27-574(b).

This DSP provides 299 driveway spaces, 299 garage spaces, and 49 on-street spaces, including three American with Disabilities Act (ADA) spaces. The applicant has submitted a parking analysis for the development, indicating a surplus of provided parking. Pursuant to Section 27-568 of the prior Zoning Ordinance, a townhouse use with 200 units is required to provide 408 parking spaces. The analysis provided by the applicant concluded a parking supply of 647 spaces. Therefore, a projected surplus of parking spaces using the parking calculation procedures is expected, as outlined in Section 27-574. Lenhart Traffic Consulting, Inc. further concluded that, based upon this information, the site will be adequately parked, and the Planning Board agrees with the conclusion of the parking analysis. Conditions requiring that the parking analysis be revised to match the provided parking calculations on the DSP coversheet, along with revisions to the coversheet

and that the site layout reflect the revised central green area per condition 1e, have been included within this resolution.

- c. The criteria for approval of a DSP are set forth in the prior Zoning Ordinance in Section 27-285(b) and the site design guidelines in Section 27-283.

Section 27-283. – Site design guidelines.

- (a) **The Detailed Site Plan shall be designed in accordance with the same guidelines as required for a Conceptual Site Plan (Section 27-274).**
- (b) **The guidelines shall only be used in keeping with the character and purpose of the proposed type of development, and the specific zone in which it is to be located.**
- (c) **These guidelines may be modified in accordance with Section 27-286.**

The approved development conforms with the design guidelines indicated in the following analysis of Section 27-274 of the Zoning Ordinance, as cross-referenced in Section 27-283. The approved development promotes the intended purposes of a DSP. This DSP application approves at least 12.37 acres of open space or 56 percent of the site. Additional open space may be provided to demonstrate conformance with condition 1u. In addition, surface parking is located adjacent to recreational facilities.

Section 27-274. - Design Guidelines

(1) General.

- (A) The Plan should promote the purposes of the Conceptual Site Plan.**

The approved development promotes the purposes of the DSP, as stated in Section 27-281 of the Zoning Ordinance.

Section 27-281. - Purpose of Detailed Site Plans.

(b) General purposes.

- (1) The general purposes of Detailed Site Plans are:**

- (A) To provide for development in accordance with the principles for**

the orderly, planned, efficient and economical development contained in the General Plan, Master Plan, or other approved plan;

- (B) To help fulfill the purposes of the zone in which the land is located;**
- (C) To provide for development in accordance with the site design guidelines established in this Division; and**
- (D) To provide approval procedures that are easy to understand and consistent for all types of Detailed Site Plans.**

(c) Specific purposes.

- (1) The specific purposes of Detailed Site Plans are:**
 - (A) To show the specific location and delimitation of buildings and structures, parking facilities, streets, green areas, and other physical features and land uses proposed for the site;**
 - (B) To show specific grading, planting, sediment control, tree preservation, and storm water management features proposed for the site;**
 - (C) To locate and describe the specific recreation facilities proposed, architectural form of buildings, and street furniture (such as lamps, signs, and benches) proposed for the site; and**

- (D) To describe any maintenance agreements, covenants, or construction contract documents that are necessary to assure that the Plan is implemented in accordance with the requirements of this Subtitle.**

The approved development promotes the intended purposes of the DSP. Vehicular and pedestrian access is provided to the site from MD 450, a public right-of-way. The architecture is comprised of a variety of high-quality features, such as colors, façade types, and the location of recreational facilities.

(2) Parking, loading, and circulation.

- (A) Surface parking lots should be located and designed to provide safe and efficient vehicular and pedestrian circulation within the site, while minimizing the visual impact of cars. Parking spaces should be located to provide convenient access to major destination points on the site...**
- (B) Loading areas should be visually unobtrusive and located to minimize conflicts with vehicles or pedestrians...**
- (C) Vehicular and pedestrian circulation on a site should be safe, efficient, and convenient for both pedestrians and drivers...**

The approved development demonstrates adequate parking and circulation throughout the site. The subject application approves access to the site via MD 450. This DSP application provides 200 single-family attached (townhouse) residential dwelling units. The approved PPS includes an additional 5,000 square feet of commercial/retail development. This DPS encompasses the necessary infrastructure to facilitate the proposed future commercial development. Under Section 27-574, the applicant is required to submit a parking analysis to determine the number of spaces needed on-site.

Surface on-street parking is primarily located at the four on-site recreation facilities. Five-foot-wide sidewalks are provided within the interior of the site, along with striped crosswalks and ADA ramps, to facilitate safe pedestrian movement. The site provides a 10-foot-wide shared use path along the frontage of MD 450 and MD 193.

(3) Lighting.

(A) For uses permitting nighttime activities, adequate illumination should be provided. Light fixtures should enhance the design character...

The approved development will provide adequate lighting. A photometric plan was provided with this application and full cut-off light fixtures provide adequate lighting levels for safe vehicular and pedestrian movements, while minimizing light pollution to the adjacent properties.

(4) Views.

(A) Site design techniques should be used to preserve, create, or emphasize scenic views from public areas.

The site design techniques include architecture that is consistent with other single-family attached (townhouse) communities and includes high visibility side elevations. Adequate landscape buffering has been provided along MD 450, MD 193, and the neighboring incompatible single-family detached residential uses to the south and east, in keeping with these criteria.

(5) Green Area.

(A) On-site green area should be designed to complement other site activity areas and should be appropriate in size, shape, location, and design to fulfill its intended use...

The applicant will be dedicating at least 12.37 acres of open space within the site. Additional open space may be provided to demonstrate conformance with condition 1u. Specifically, the project will have four recreational facility locations throughout the development and will provide greater access to on-site recreational facilities. The provided recreational facilities include playgrounds,

picnic areas, and a butterfly landscape garden. In addition, features such as separate play areas for large and small dogs, in combination with dog waste facilities, promote a vibrant community.

As discussed earlier, this application meets and exceeds the green space requirements. A tree canopy coverage schedule has been provided, which demonstrates conformance with this requirement. An adequate variety of landscaping has been provided within the site, in compliance with the Landscape Manual. Four on-site recreational facilities have been provided, which are distributed throughout the site.

(6) Site and streetscape amenities.

(A) Site and streetscape amenities should contribute to an attractive, coordinated development and should enhance the use and enjoyment of the site...

There will be site and streetscape amenities, such as the provided landscape strips along MD 450, MD 193, and the private on-site streets, with a variety of landscaped material that will contribute to an attractive development. The applicant provides durable high-quality fixtures, promoting an attractive design for the overall development.

(7) Grading.

(A) Grading should be performed to minimize disruption to existing topography and other natural and cultural resources on the site and on adjacent sites. To the extent practicable, grading should minimize environmental impacts...

This DSP application provides grading that minimizes environmental impacts and disruption to existing topography.

(9) Public Spaces.

(A) A public space system should be provided to enhance a large-scale commercial, mixed use, or multifamily development.

The four on-site recreational facilities have been designed to be dispersed throughout the site, to be accessible to residents. These

facilities offer a variety of activities and amenities that provide space for residents to gather outdoors. The future commercial/retail 5,000-square-foot addition to the site will add another public space that will be approved via a separate DSP for architecture.

(10) Architecture.

- (A) When architectural considerations are referenced for review, the Conceptual Site Plan should include a statement as to how the architecture of the buildings will provide a variety of building forms, with unified, harmonious use of materials and styles.**
- (B) The guidelines shall only be used in keeping with the character and purpose of the proposed type of development and the specific zone in which it is to be located.**
- (C) These guidelines may be modified in accordance with Section 27-277.**

Architectural elevations were included with this application, which include five single-family attached (townhouse) models. There is an 18-foot-wide model, a 20-foot-wide model, and a 24-foot-wide model. It was determined that the building materials, including fiber glass charcoal grey shingles, gray shingles, and brick are harmonious with the proposed building design. High visibility side elevations, that include additional brick and rear decks, have also been provided.

(11) Townhouses and Three-Story Dwellings.

- (A) Open space areas, particularly areas separating the rears of buildings containing townhouses, should retain, to the extent possible, single or small groups of mature trees. In areas where trees are not proposed to be retained, the applicant shall demonstrate to the satisfaction of the Planning Board or the District Council, as applicable, that specific site conditions warrant the clearing of the area. Preservation of individual trees should take into account the viability of the trees after the development of the site.**

- (B) Groups of townhouses should not be arranged on curving streets in long, linear strips. Where feasible, groups of townhouses should be at right angles to each other, and should facilitate a courtyard design. In a more urban environment, consideration should be given to fronting the units on roadways.**
- (C) Recreational facilities should be separated from dwelling units through techniques such as buffering, differences in grade, or preservation of existing trees. The rears of buildings, in particular, should be buffered from recreational facilities.**
- (D) To convey the individuality of each unit, the design of abutting units should avoid the use of repetitive architectural elements and should employ a variety of architectural features and designs such as roofline, window and door treatments, projections, colors, and materials. In lieu of this individuality guideline, creative or innovative product design may be utilized.**
- (E) To the extent feasible, the rears of townhouses should be buffered from public rights-of-way and parking lots. Each application shall include a visual mitigation plan that identifies effective buffers between the rears of townhouses abutting public rights-of-way and parking lots. Where there are no existing trees, or the retention of existing vegetation is not practicable, landscaping, berming, fencing, or a combination of these techniques may be used. Alternatively, the applicant may consider designing the rears of townhouse buildings such that they have similar features to the fronts, such as reverse gables, bay windows, shutters, or trim.**
- (F) Attention should be given to the aesthetic appearance of the offsets of buildings.**

The townhouse development has been designed to minimize the views of rear units, particularly those along MD 450 and MD 193, which are rear loading units. Townhouse structures have been designed to not exceed groups of eight, and a variety of architectural elements are provided within the five models.

8. **Preliminary Plan of Subdivision 4-21058:** This DSP is consistent with PPS 4-21058, which was approved by the Planning Board and included a variation from Section 24-121(a)(4) of the Subdivision Regulations, subject to 14 conditions. The relevant conditions are discussed, as follows:

2. **Development of the site shall be in conformance with Stormwater Management Concept Plan 45700-2021, and any subsequent revisions.**

A Stormwater Management (SWM) Concept Plan (45700-2021-00) and approval letter were submitted with this DSP application. The Planning Board finds that the DSP application is in conformance with the SWM concept plan, which shows the use of 31 micro-bioretenion facilities, one submerged gravel wetland, and one pond.

3. **Prior to approval, the final plat of subdivision shall include:**

a. **Right-of-way dedication along all roadways, in accordance with the approved preliminary plan of subdivision.**

The approved DSP reflects the 0.22 acre of right-of-way dedication to public use along MD 450, which is in conformance with the approved PPS. The Planning Board has conditioned herein that the property line, following the road dedication, be revised to be clearly shown with the bearings and distances.

b. **The dedication of 10-foot-wide public utility easements along all abutting public rights-of-way, and one side of private right-of-way, as delineated on the approved preliminary plan of subdivision.**

The approved DSP reflects the 10-foot-wide public utility easements (PUE) along the rights-of-way of MD 450, MD 193, and the required one side of all provided private roads, which is in conformance with the approved PPS.

c. **A note indicating that the southern vehicular access point along MD 450 (Annapolis Road) shall be limited to a right-in/right-out only access, unless modified by the operating agency with written correspondence.**

The approved DSP labels the southern vehicular access point, along MD 450, as right-in/right-out only access. However, as the label is overlapped by other features, the Planning Board has included a condition herein requiring that the label be made clear.

5. **Prior to approval of a detailed site plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:**

- a. **Signage and design features to facilitate a limited right-in/right-out only access driveway from the western access point along MD 450 (Annapolis Road), as well as the driveway design and exact details/profiles of the signage, unless modified by the State Highway Administration at the time of access permit.**

The Planning Board finds that the DSP application provides the signage and design features to facilitate a limited right-in/right-out only access driveway from the western access point along MD 450. The right-in/right-out access along eastbound MD 450 will be designed according to SHA standards and specifications. The entrance will include the required "bell shaped island" to enforce right-in and right-out movements, along with the standard signage and pavement markings, as required by SHA.

- b. **A noise study certified by a professional engineer with competency in acoustical analysis demonstrating the proposed lots are not impacted, or that interior noise levels for dwellings impacted by the 65 dBA Ldn noise contour will be reduced to 45 dBA or less, and exterior recreational spaces will be reduced to 65 dBA or less.**

The Planning Board finds that the noise study submitted with this DSP application demonstrates that the provided lots will have noise levels between 53-60 dBA in 2027 and are within the County 65-dBA day-night average sound level outdoor criterion for residential areas, which then does not require mitigation.

10. **The applicant and the applicant's heirs, successors, and/or assignees shall construct the following facilities as part of the development of the site, and show these facilities on a pedestrian and bikeway facilities plan, as part of the detailed site plan, prior to its acceptance:**

- a. **A minimum 10-foot-wide shared-use path along the property frontage of MD 450 (Annapolis Road), unless modified by the operating agency with written correspondence.**

The minimum 10-foot-wide shared-use path is provided, along the property frontage of MD 450, in this approved DSP.

- b. **A minimum 10-foot-wide shared-use path along the property frontage of MD 193 (Enterprise Road), unless modified by the operating agency with written correspondence.**

The minimum 10-foot-wide shared-use path is provided, along the property frontage of MD 193, in this approved DSP.

- c. A minimum 5-foot-wide sidewalk along both sides of the internal roadways throughout the site, including Americans with Disabilities Act curb ramps and associated crosswalks.**

This approved DSP includes a 5-foot-wide sidewalk on both sides of the internal roadways of the site, with ADA curb ramps and associated crosswalks.

- d. Provide Americans with Disabilities Act curb ramps and crosswalks crossing all vehicular access points.**

This approved DSP provides ADA curb ramps and crosswalks crossing all vehicular access points.

- e. Bicycle parking near the commercial building entrance, in accordance with American Association of State Highway and Transportation Officials (AASHTO) guidelines.**

This requirement will be evaluated when architecture for the commercial facility is submitted in a separate DSP application.

- 11. In accordance with Section 24-135 of the prior Prince George's County Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees shall allocate appropriate and developable areas for, and provide, adequate on-site recreational facilities.**
- 13. The on-site recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division of the Prince George's County Planning Department, for adequacy and proper siting, in accordance with the Parks and Recreation Facilities Guidelines, with the review of the site plan. Timing for construction shall also be determined at the time of detailed site plan.**

The Planning Board finds that the site meets Conditions 11 and 13 of the approved PPS. The Planning Board determined that the applicant has provided on-site recreational facilities that are consistent with the standards provided in the *Park and Recreation Facilities Guidelines*. This DSP application provides four recreation areas that will be constructed in three phases. Details on the recreational facility areas are provided on the coversheet of the DSP and the recreation facilities plan. A cost analysis of the facilities is provided within the backup. The Planning Board finds the recreation construction timeline to be adequate with the first recreation

area to be constructed in Phase 1, prior to the 71st building permit. The second and third recreation areas will be constructed prior to the 110th building permit. The fourth and final recreation area will be constructed prior to the 50th building permit as revised by Condition 1k. Conditions have been included within this resolution requiring the applicant to update the coversheet of the DSP and landscape plan, to be consistent with the revised recreation facilities plan and cost analysis.

9. **2010 Prince George's County Landscape Manual:** The application is subject to the requirements of 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 Landscape Manual.

The landscape plan provided with the subject DSP contains the required schedules, demonstrating that the requirements have been met. A diverse set of trees, shrubs, and groundcovers have been provided to meet the landscaping requirements, particularly the scenic-historic roadway buffering requirements for MD 450 to the north, the incompatible use buffer for the single-family detached residential homes to the south, the incompatible use buffer for the single-family detached residential homes to the east, and the scenic-historic buffering requirements for MD 193 to the west. Technical corrections to the landscape plan and schedules, including addition of the new butterfly garden landscaping, have been conditioned herein.

10. **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 property was subject to a new PPS (4-21058). A Type 2 Tree Conservation Plan (TCP2-003-2023) was submitted for review with the DSP application.

This submitted TCP2 shows that the site has a gross area of 22.29 acres and contains 1.84 acres of woodland in the net tract, resulting in a woodland conservation threshold (WCT) of 3.34 acres (15 percent). The woodland conservation worksheet approves the removal of 1.39 acres in the net tract area for a woodland conservation requirement of 4.73 acres. According to the worksheet, the requirement will be met with 0.45 acre of woodland preservation and 4.28 acres of off-site woodland conservation credits. The plan requires technical corrections to be in conformance with the applicable WCO, Environmental Planning Section policies, and the Environmental Technical Manual (ETM), as conditioned herein.

In accordance with the approved Natural Resources Inventory (NRI-131-06-02), 11 specimen trees have been identified on the subject property and 6 specimen trees are located off-site, along with a nontidal wetland and its associated buffer located in the southwest portion of the site. At the time of PPS 4-21058 review, the Planning Board made

the finding for approval of the removal of Specimen Trees 2, 4, 7, 8, and 17. No additional trees were requested for removal with DSP-22058.

An approved SWM Concept Plan 45700-2021 and letter was submitted with this application and approved by the Prince George's County Department of Permitting, Inspections and Enforcement on August 29, 2022, and expires on August 29, 2025. The conceptual plan utilizes 31 micro-bioretenment facilities, one submerged gravel wetland, and one pond.

11. **Prince George's County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development projects that proposes more than 5,000 square feet of gross floor area or disturbance and require a grading permit. The property is in the R-E Zone, but conforms to Footnote 144 of Section 27-441, which allows the site to be reviewed under M-X-T standards and requires 10 percent of the gross tract area, or 2.23 acres, to be covered in tree canopy. The subject DSP provides the required schedule demonstrating conformance to these requirements through existing trees and the provision of new plantings on the subject property.
12. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows, and are incorporated herein by reference:
 - a. **Community Planning**—The Planning Board has reviewed and adopts the memorandum dated February 23, 2023 (Lester to Shelly), which concluded that, pursuant to Part 3, Division 9, Subdivision 3, of the prior Zoning Ordinance, master plan conformance is not required for this application. The memorandum provides recommendations for the applicant to consider, based on the applicable master plan for this site, which is the Bowie-Mitchellville and Vicinity Master Plan.
 - b. **Transportation Planning**—The Planning Board has reviewed and adopts the memorandum dated February 22, 2023 (Burton to Shelly), which concluded that the application is acceptable and meets the findings required for a DSP, as described in the Zoning Ordinance and the applicable prior conditions of approval associated with this DSP.
 - c. **Environmental Planning**—The Planning Board has reviewed and adopts the memorandum dated February 22, 2023 (Rea to Shelly), which concluded that the TCP2 is acceptable, with technical corrections, as listed within this resolution.

Natural Resources Inventory/Existing Conditions Plan

Natural Resources Inventory NRI-131-06-02 was approved on July 12, 2022, and was provided with this application. The site contains a nontidal wetland with its associated buffer. There are 11 specimen trees scattered throughout the site. The

TCP2 and DSP show all of the required information correctly, in conformance with the NRI.

Woodland Conservation

This project is subject to the WCO and the ETM because the application was subject to a new PPS. Type 2 Tree Conservation Plan TCP2-003-2023 has been submitted for review, which covers the area of this DSP.

Based on the TCP2 submitted with this application, the site's gross area is 22.29 acres and contains 1.84 acres of woodland in the net tract, resulting in a WCT of 3.34 acres (15 percent). The woodland conservation worksheet provides the removal of 1.39 acres in the net tract area, for a woodland conservation requirement of 4.73 acres. According to the worksheet, the requirement will be met with 0.45 acre of woodland preservation and 4.28 acres of off-site woodland conservation credits.

Technical revisions to the TCP2 are conditioned herein.

Specimen Trees

Section 25-122(b)(1)(G) requires that "Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree's condition and the species' ability to survive construction as provided in the Technical Manual (ETM)."

In accordance with the approved NRI, 11 specimen trees have been identified on the subject property and 6 specimen trees are located off-site. At the time of PPS 4-21058 review, the Planning Board made the finding for approval of the removal of Specimen Trees 2, 4, 7, 8, and 17. No additional trees were requested for removal with DSP-22058.

Particular care should be made to protect specimen trees on adjoining properties through the use of best management practices on-site, such as root pruning. No further information is required regarding specimen, champion, or historic trees.

Preservation of Regulated Environmental Features/Primary Management Area

Section 27-285(b)(4) of the Zoning Ordinance requires the following finding: "The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5)."

Impacts to regulated environmental features (REF) on this DSP are consistent with those previously approved by the Planning Board with PPS 4-21058. The Planning Board finds that REF has been preserved and/or restored in a natural state, to the fullest extent possible, in accordance with the requirement of Section 27-285(b)(4).

Soils

The predominant soils found to occur on-site, according to the U.S. Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey are Adelphia-Holmdel complex, Collington-Wist complex, and Collington-Wist-Urban land complex. Neither Marlboro clay nor Christiana complexes were identified on or within the immediate vicinity of this property.

Stormwater Management

An approved SWM Concept Plan (45700-2021) and letter was submitted with this application. The SWM plan shows the use of 31 micro-bioretenion facilities, one submerged gravel wetland, and one pond to meet the current requirements of environmental site design, to the maximum extent practicable. The SWM plan shows part of the pond outfall within the wetland buffer.

- d. **Historic Preservation**—The Planning Board has reviewed and adopts the memorandum dated January 31, 2023 (Smith to Shelly), which concluded that the subject property does not contain and is not adjacent to any Prince George’s County historic sites or resources. This application will not impact any historic sites, historic resources, or known archeological sites.
- e. **Subdivision Review**—The Planning Board has reviewed and adopts the memorandum dated February 21, 2023 (Vatandoost to Shelly), which concluded that the DSP was found to be in conformance with the approved PPS, with technical corrections, as listed within this resolution.
- f. **Parks and Recreation**—The Planning Board has reviewed and adopts the memorandum dated February 23, 2023 (Thompson to Shelly), which concluded that this application is required to provide on-site private recreational facilities. The recreational amenities identified by the applicant include a playground, a butterfly area, a dog park, and a fire pit and grilling area. The Prince George’s County Department of Parks and Recreation (DPR) recommends that the dog park be designed per *Park and Recreation Facilities Guidelines* for dog parks. The grill area should be eliminated or relocated away from the dog park. DPR staff determined that the DSP meets the minimum requirements of mandatory dedication through the provision of on-site private recreational facilities, per Section 24-135(b) of the prior Subdivision Regulations, subject to final review by Urban Design staff. Conditions requiring recreational facilities agreements and performance bonds for the on-site recreational facilities are provided within this resolution.

- g. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—The Planning Board has reviewed and adopts the memorandum dated March 23, 2023 (Giles to Shelly), in which DPIE noted comments that will be applicable with the agency's technical permit review. This memorandum was received after the technical staff report was published and was published with the additional backup on March 28, 2023.
13. As required by Section 27-285(b)(1) of the prior Zoning Ordinance, this DSP represents a most reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the prior Prince George's County Code, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.
14. Per Section 27-285(b)(4) of the prior Zoning Ordinance, which became effective on September 1, 2010, a required finding for approval of a DSP is, as follows:

(4) The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible.

The site has an existing Natural Resources Inventory (NRI-131-06-02) that was approved on July 12, 2022. The site contains a nontidal wetland with its associated buffer and 11 specimen trees. The five specimen trees being removed were previously approved for removal under PPS 4-21058. This DSP does not approve the removal of any additional specimen trees. The Planning Board has reviewed and adopts the memorandum dated February 22, 2023, in which the Environmental Planning Section found that impacts to REF on this DSP are consistent with those previously approved by the Planning Board with PPS 4-21058 and TCP1-014-2022. The Planning Board finds that REF has been preserved and/or restored in a natural state, to the fullest extent possible, in accordance with the requirement of Section 27-285(b)(4).

15. Planning Board –The Planning Board held a public hearing on this application on April 13, 2023. Two previous hearings were held for this case in which motions for continuance were granted. The first scheduled hearing was on March 23, 2023. The Planning Board approved a one-week continuance from this hearing in the event an error on the Planning Board website may have prevented persons from signing up to speak. The Planning Board also directed staff to e-mail all Parties of Record to inform them of the continuance date and information on how to participate. This information was sent by staff on Monday, March 27, 2023.

The second scheduled hearing was on March 30, 2023. The Planning Board approved a two-week continuance at the request of the applicant, and the applicant waived the 70-day action limit. The applicant then set a new action limit of April 15, 2023. The Planning Board approved this continuance at the request of the applicant to allow all Parties of Record, time to review a referral that was provided by the Department of Permitting, Inspections, and Enforcement (DPIE). The

referral was received on March 23, 2023, after the technical staff report was published and included in the additional backup dated March 28, 2023. This referral provides comments to the applicant that will be applicable at the time permits are filed with DPIE and are therefore not applicable at the time of DSP. After the second continuance, the Planning Board again directed staff to e-mail all Parties of Record, to inform them of the continuance date and provide information on how to participate in the case. This information was sent by Staff on Monday, April 3, 2023.

At the public hearing on April 13, 2023, and in rendering its decision, the Planning Board considered all written and oral testimony, along with all exhibits submitted according to the Planning Board's procedures. The Planning Board examined two major issues when deliberating approval of the detailed site plan.

Issue 1 – Did the Planning Board have legal authority to make a ruling on this application or did CB-12-2023 prohibit the Planning Board from acting?

Issue 2 – Was the site design of this application suitable for approval and did the application conform to all relevant sections of the prior Zoning Ordinance?

After hearing from the applicant's counsel, citizens in opposition to this DSP, including legal counsel for the Fairwood Community Association, Inc., and the Planning Board's legal counsel, the Planning Board determined that there was a legal basis for it to make a ruling on the application.

The Planning Board expressed concerns with the design of the site. These included safety concerns with Recreation Area 1, the construction timeline for Recreation Area 4 (which includes the dog park), the need for raised crosswalks to provide safer access to the recreation facilities, and the need for a central green area in the center of the development to better meet the Design guidelines and given the density of the project. Citizen opposition cited concerns regarding traffic congestion, density, noise volume, parking, negative environmental impacts, and recreational facilities. The issues listed were found to be addressed with the preliminary plan of subdivision, 4-21058, certificate of adequacy ADQ-2022-020, and this subject application. All issues were found to be in compliance with all applicable laws.

After much discussion, the Planning Board voted to approve detailed site plan, DSP-22028, subject to revised conditions provided by staff and proffered by the applicant. These included revisions to conditions 1e, 1k, and two new conditions, 1t, and 1u. These conditions included the revision of the construction timeline for Recreation Area 4 (which includes the dog park) from completion prior to the issuance of the 150th building permit to completion prior to the 50th building permit, the addition of raised crosswalks, and the creation of a central green area (which likely will have impacts on the proposed parking, density, unit mix, highly visible units, open space, lot and parcels). The Planning Board envisioned the central green area being located between Recreation Areas 1 and 2, and the design of the area would be accepted and approved by Urban Design staff. It was noted that the creation of the central green area would cause a revision to the site layout and that lots may be lost to configure the design, which was understood by the

applicant. Conformance to the provided revised conditions is required prior to the certification of this detailed site plan.

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 Type 2 Tree Conservation Plan TCP2-003-2023 and further APPROVED Detailed Site Plan DSP-22028 for the above-described land, subject to the following conditions:

1. Prior to certification, the detailed site plan (DSP) shall be revised, or additional information shall be provided, as follows:
 - a. The southern vehicular access point along MD 450 (Annapolis Road) should be clearly labeled to be limited to right in/right-out only access, and not overlapped by any other features or labels.
 - b. Clearly show the new property line following the right-of-way dedication along MD 450 (Annapolis Road), and label with bearings and distances.
 - c. General Note 4 on Sheet 1 of the DSP shall be corrected to state the existing use of the site, along with the provided use.
 - d. General Note 5 on Sheet 1 of the DSP shall be corrected to reflect the 36 parcels.
 - e. The parking proposed on Sheet 1 of the DSP shall be corrected to reflect the revised central green area.
 - f. The parking provided on Sheet 1 of the DSP shall include on-street parking dimensions.
 - g. The parking provided on Sheet 1 of the DSP shall include the total number of on-street handicap-accessible Americans with Disabilities Act (ADA) spaces.
 - h. The parking analysis shall be corrected to reflect the revised changes to Sheet 1 of the DSP.
 - j. Add the following to the general notes on the DSP coversheet and revise the architecture, if necessary, as follows:
 - "During the construction phase, the applicant shall adhere to all applicable Prince George's County or State of Maryland regulations and laws regarding particulate matter, pollution, and noise."

- “No two townhouse units located next to, or across the street from each other may have identical front elevations.”
 - “All townhouse side elevations shall include a minimum of two standard features. Every highly visible townhouse side elevation shall include full brick, stone, stucco, or other masonry treatment on the first floor combined with at least three windows, doors, or other substantial architectural features.”
 - “A minimum of three townhouse dwelling units in any horizontal, continuous, attached group shall have a roof feature containing either a cross gable or dormer window(s).”
 - “All townhouse building groups shall include a minimum of 60 percent of the combined front elevations finished in brick, stone, or other masonry.”
- k. Revise the recreation facilities construction timeline and the recreational facilities provided schedule on Sheet 1 of the DSP to reflect the recreation facilities plan and the recreation facilities cost estimate. The revision shall include the completion of Phase IV, prior to issuance of the 50th building permit.
- l. Revise the recreation facilities plan to include the landscaping and a planting schedule for the butterfly garden plant material indicated in the recreation facilities cost estimate.
- m. Revise the landscape plan to be consistent with the butterfly garden plant material indicated in the revised recreation facilities plan.
- n. Revise the required number of plant units for Section 4.6 Enterprise Road to state that 464 plant units are required and provide an additional planting unit to meet the requirement.
- o. Revise the required number of trees for Section 4.10 on Sheet 2 to state that 115 street trees are required.
- p. Provide labeling for all optional and standard features for the five building templates on the DSP coversheet.
- q. Provide sidewalks on both sides of the private road on Parcel Y, to conform with Section 27-548(h), or clarify if the road will be classified as a private alley.
- r. Label Lots 1, 8, 17, 25, 26, 33, 34, 51, 52, 67, 68, 75, 76, 90, 91, 97, 105, 106, 109, 110, 117, 137, 144, 164, 171, 172, and 200 as highly visible lots.

- s. Provide a signage area schedule listing the square footage of the entrance sign.
 - t. Provide raised crosswalks to connect the site's sidewalks to the provided recreation facilities.
 - u. The applicant shall further revise the layout to provide a central green area between Recreation Areas 1 and 2 that shall be accepted and approved by Urban Design staff.
2. Prior to certification, the Type 2 Tree Conservation Plan (TCP2-003-2023) shall be revised or additional information shall be provided, as follows:
 - a. Show the tree protection fencing around the specimen trees that will remain on-site.
 - b. Add the standard off-site woodland conservation notes.
 - c. The TCP2 shall be signed and dated by a qualified professional.
3. Prior to certification of the Type 2 tree conservation plan (TCP2) for this site, documents for the required woodland conservation easements shall be prepared and submitted to the Environmental Planning Section for review by the Office of Law and submitted to the Prince George's County Land Records for recordation. The following note shall be added to the standard TCP2 notes on the plan, as follows:

"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."
4. Prior to issuance of any permits which impact wetlands, wetland buffers, streams, waters of the U.S., or 100-year floodplain, the applicant shall submit copies of all federal and state wetland permits, evidence that approved conditions have been complied with, and associated mitigation permits.
5. In accordance with Section 24-135 of the Prince George's County Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees shall allocate appropriate and developable areas for, and provide, adequate on-site recreational facilities.
6. Prior to submission of the final plat of subdivision for any residential lot/parcel, the applicant and the applicant's heirs, successors, and/or assignees shall submit three original executed private recreational facilities agreements (RFAs) for approval to the Development Review Division (DRD) of the Prince George's County Planning Department, for construction of on-site recreational facilities. Upon approval by DRD, the RFA shall be

recorded among the Prince George's County Land Records and the liber and folio shall be noted on the final plat, prior to plat recordation.

7. Prior to approval of building permits for residential development, the applicant and the applicant's heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for construction of recreational facilities.
8. Prior to issuance of building permits for residential development, the applicant and the applicant's heirs, successors, and/or assignees shall submit an approved access permit from the Maryland Department of Transportation State Highway Administration.

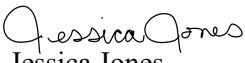
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

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 Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner, Geraldo and Shaprio voting in favor of the motion at its regular meeting held on Thursday, April 13, 2023, in Upper Marlboro, Maryland.

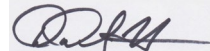
Adopted by the Prince George's County Planning Board this 20th day of April 2023.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:AS:jah

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: April 19, 2023