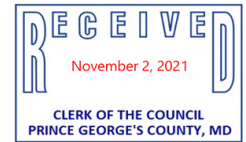


November 2, 2021

Daniel Mwavua  
8314 Allentown Road  
Fort Washington, MD 20744



Re: Notification of Planning Board Action on  
**Detailed Site Plan DSP-16004**  
**Oaklawn**

Dear Applicant:

This is to advise you that, on **October 28, 2021**, 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 27-290, the Planning Board's decision will become final 30 calendar days after the date of this final notice 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 27-291), 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: Henry Zhang 10/29/2021  
Reviewer

Attachment: PGCPB Resolution No. **2021-30(A)**

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

A M E N D E D 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 March 4, 2021, regarding Detailed Site Plan DSP-16004 for Oaklawn, the Planning Board ~~\*[finds:]~~ properly approved DSP-16004 and adopted PGCPB Resolution No. 2021-30 on March 25, 2021, memorializing its approval; and

\*WHEREAS, the District Council elected to review the Planning Board's approval on April 26, 2021, heard oral arguments on the case on June 14, 2021, and voted to remand the case to the Planning Board on June 21, 2021 to reopen the record and take further testimony and evidence on five specific issues; and

\*WHEREAS, on August 31, 2021, the applicant requested a two-week continuance of the Planning Board hearing date from September 23, 2021 to October 7, 2021 to allow time for the applicant to obtain the approval of the amended stormwater management (SWM) concept plan from the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE); and

\*WHEREAS, On September 23, 2021, the Planning Board approved the applicant's request for continuance to consider the remand to the October 7, 2021 Planning Board agenda; and

\*WHEREAS, in consideration of the written evidence and testimony presented by the applicant at a public hearing on October 7, 2021, regarding the remand of Detailed Site Plan DSP-16004 Oaklawn, the Planning Board finds:

1. **Request:** This detailed site plan (DSP) requests to develop three single-family detached dwelling units.

\*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

**2. Development Data Summary**

	<b>EXISTING</b>	<b>APPROVED</b>
Zone(s)	R-R	R-R
Use(s)	Residential	Residential
Acreage	1.61	1.58 (0.03 acres dedication)
Lots	1	3
Square Footage/GFA	0	9,891*

**Note:** \*3,297 square feet per dwelling unit

**Parking Requirements**

Section 27-568(a) of the Prince George’s County Zoning Ordinance requires a minimum of two parking spaces be provided for one-family detached dwellings. The proposed development includes a two-car attached garage in each unit, satisfying the requirement.

**3. Location:** The subject site is on the east side of Allentown Road, approximately 400 feet south of the intersection of Allentown Road and Tucker Road, in Planning Area 76B and Council District 8. The site is zoned Rural Residential (R-R).

**4. Surrounding Uses:** The subject property is bounded to the north, east, and south by existing single-family detached houses in the R-R Zone, and the right-of-way of Allentown Road to the west, with existing single-family detached houses in the R-R Zone beyond.

**5. Previous Approvals:** The site is subject to Preliminary Plan of Subdivision (PPS) 4-06055, which was approved by the Prince George’s County Planning Board on March 15, 2007 with 12 conditions (PGCPB Resolution No. 07-65), and is valid until December 31, 2021 via Prince George’s County Council Bill CB-74-2020.

DSP-07054 was submitted on October 28, 2008, for the subject property, proposing two new single-family detached dwellings, in addition to the existing single-family dwelling on the site. The DSP was approved by the Planning Board (PGCPB Resolution No. 09-21) on January 22, 2009. DSP-07054 was subsequently denied by the Prince George’s County District Council on June 22, 2009 for not meeting site design guidelines for control of stormwater runoff from the subject property.

**6. Design Features:** The applicant has submitted this DSP to construct three new single-family detached dwellings on proposed Lots 399, 400, and 401. The existing single-family detached dwelling located on Lot 399 is proposed to be razed. Lots 400 and 401 were designed as flag lots in the eastern portion of the property behind Lot 399. Per Section 27-441(b) of the Zoning Ordinance, flag lot development is permitted in the R-R Zone, in accordance with Section 24-138.01 of the Prince George’s County Subdivision Regulations. Per Section 24-138.01 and CB-4-2006, flag lots may be permitted for PPS accepted prior to November 1, 2006, in accordance with Subtitle 24 of the Prince George’s County Zoning Ordinance. PPS 4-06055 was accepted on October 17, 2006, which approved two 25-foot-wide

stems, leading to two new lots in the southeast corner of the property. Each stem will have a 10-foot-wide asphalt paved driveway from Allentown Road and the houses on Lots 400 and 401 will be angled to face the southwest corner of the property.

The proposed house on Lot 399 will be located in the general location of the existing house that is to be razed and will have a 15-foot-wide driveway on the northwest corner of the property that will provide vehicular access to Allentown Road.

### **Architecture**

All three houses are to use one common architectural model that will be 3,297 square feet and approximately 34 feet in height. A front stoop and garage with gabled roofs above will highlight the front elevation entry points. The two-car garage will have windows in the door and a metal mansard roof above the door. Most of the front façade will be brick with a vertical column of Hardie plank that will separate the main entrance from the garage on the front façade. Keystones over the windows, columns, and different brick courses add additional detail to the front façade. A brick water table is provided on all four sides of the houses with Hardie plank siding and windows on all elevations.

## **COMPLIANCE WITH EVALUATION CRITERIA**

7. **Prince George's County Zoning Ordinance:** The DSP application has been reviewed for compliance with the requirements of the R-R Zone of the Zoning Ordinance:
  - a. In accordance with Section 27-441(b), the Table of Uses for Residential Zones, the proposed single-family detached residential development (in general) is a permitted use in the R-R Zone.

- b. The DSP conforms with Section 27-442 of the Zoning Ordinance, Regulations for Development in Residential Zones, for the R-R Zone, as follows:

	<b>Required</b>	<b>Provided</b>
<b>(b) Net Lot Area (minimum in sq. ft.)</b>	<b>20,000 sq. ft.</b>	20,054 sq. ft. minimum
<b>(c) Lot Coverage (maximum percent of net lot area)</b>	<b>25 percent</b>	15.1-23.9 percent
<b>(d) Lot/Width Frontage (minimum in feet)</b>		
<b>At front building line</b>	<b>100 ft.*</b>	100 ft.
<b>At front street line</b>	<b>25ft (flag lot)**, 45 ft.</b>	25 & 106 ft.
<b>(e) Yards (minimum depth/width in feet)</b>		
<b>Front</b>	<b>25 ft.</b>	44 ft.
<b>Side</b>	<b>17 ft. /8 ft.</b>	17 ft./9 ft.
<b>(total of both yards/ minimum of either yard)</b>		
<b>Rear</b>	<b>20 ft.</b>	20 ft.
<b>(f) Building Height (maximum in feet)</b>	<b>35 ft.</b>	34 ft.

**Notes:** \*Footnote 14: For a flag lot, the front building line shall be established by the approved building envelope.

\*\*Per Section 24-138.01(d)(2), the flag stem shall have a minimum width of 25 feet at the street line. This minimum width shall be maintained from the street line to the lot area. Driveways located within flag lot stems serving single lots shall be set back a minimum of five feet from the parallel lot lines, unless modified to address unique site characteristics.

8. **Preliminary Plan of Subdivision 4-06055:** The Planning Board approved PPS 4-06055 on March 15, 2007 with 12 conditions (PGCPB Resolution No. 07-65), the following of which are applicable to this DSP:

5. **The driveways to proposed Lots 400 and 401 shall be designed with a turnaround capability in order to minimize the need for vehicles accessing the lot to have to back onto Allentown Road. The design of the driveways shall be verified at the time of building permit.**

The DSP reflects a turnaround area in the driveway on all three proposed lots.

- 6. At the time of final plat approval, the applicant shall dedicate right-of-way along Allentown Road of 40 feet from centerline, as shown on the submitted plan.**

The DSP reflects dedication of 40 feet wide right-of-way from centerline along Allentown Road, in accordance with the approved PPS. Dedication of the right-of-way will be required with the final plat.

- 7. Development of this site shall be in conformance with the approved stormwater management concept plan and any subsequent revisions.**

The applicant submitted a copy of approved Stormwater Management (SWM) Concept Plan 53170-2018-0, which shows conceptual SWM for the proposed development. The approval was issued on October 5, 2020 by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). The plan proposes to use three micro-bioretenment facilities, replace the failing stormdrain pipe, and construct a stormwater outfall off-site. A SWM fee of \$750.00 is required in lieu of providing on-site attenuation and quality control measures.

At the Planning Board hearing, a neighbor of the subject property expressed concern over stormwater problems in the neighborhood and on this property. The applicant's representative indicated that the proposed off-site stormwater outfall will help the existing conditions. The Planning Board noted that DPIE is responsible for ensuring the SWM Concept is implemented and to deal with any other larger drainage issues.

- 11. Prior to Final Plat approval the applicant shall have a Detailed Site Plan approved by the Planning Board. The Detailed Site Plan shall address architecture (elevation and placement on all the lots, specifically the two flag lots), buffering, screening, fencing, the location of the driveways and parking drives on the flag lot, turnaround capabilities and landscaping.**

The proposed DSP includes the required information to address this condition. Exhibits submitted with this application include architectural and rendered elevations, and the landscape plan shows planted buffering, screening, and fencing. The driveways of both flag lots are designed with hammerhead turnaround areas, and the proposed houses are oriented to avoid a direct front-to-rear relationship with each other.

The applicant proposes to screen the two flag lots from the lots to the east with a 6-foot-tall sight-tight fence. In addition, the applicant proposes planting trees in the yards of the two new lots, which will contribute to the screening of the new houses from their surroundings.

- 12. If the applicant is not able to demonstrate to the Planning Board through the Detailed Site Plan that they meet the criteria for Flag Lots, then the applicant shall have a two-lot subdivision.**

The applicant has submitted a statement of justification (SOJ), addressing how the DSP meets the design standards for flag lots, which are stated in Section 24-138.01(d), and are as follows:

- (1) A maximum of two (2) tiers of flag lots may be permitted from the street line.**

The DSP proposes a maximum of two tiers of flag lots from the street line (Lots 400 and 401), with Lot 399 being proposed as an interior lot. This layout is consistent with the layout which was approved by the Planning Board under 4-06055.

- (2) The flag stem shall have a minimum width of twenty-five (25) feet at the street line. This minimum width shall be maintained from the street line to the lot area. Driveways located within flag lot stems serving single lots shall be set back a minimum of five (5) feet from the parallel lot lines, unless modified to address unique site characteristics.**

Each flag stem is at least 25 feet in width at the street line, and the driveways are set back a minimum of 5 feet from the parallel lot lines, though these widths and setbacks are not dimensioned on the DSP.

- (3) The minimum net lot area required in the respective zone shall be provided exclusive of the flag stem connection to the street.**

The minimum net lot area in the R-R Zone is 20,000 square feet. The proposed lots provide this minimum area outside of the flag stem area; however, the plans do not clearly label this area as the net lot area.

- (4) Building envelopes shall be established at the time of preliminary plan approval.**

**(A) Flexibility in determining the front building line should be based on an evaluation of yards and their relationship to adjoining properties. The front building line is not necessarily parallel to the street line.**

**(B) Building restriction lines shall be determined in the following manner:**

- (i) The front of the building restriction line shall be a minimum of twenty-five (25) feet from the front street line. The minimum width shall be that which is permitted by Section 27-442(d) of the Zoning Ordinance.**

- (ii) **The minimum side and rear yard shall be that which are permitted by Section 27-442(e) of the Zoning Ordinance.**

The front building lines for the flag lots are located where the lot width allows them to meet the minimum 100 foot front building line width in the R-R Zone, but has not been labeled on the DSP. The required minimum side and rear yards have been provided, but again, have not been clearly labeled or dimensioned.

- (5) **Shared driveways shall not be permitted unless the lot is located within the Chesapeake Bay Critical Area or the M-X-C Zone. When shared driveways are provided, they shall be in accordance with the following:**
- (A) **Shared driveways shall only be permitted for a maximum of two (2) lots when the applicant can demonstrate that their use will minimize disturbance of existing vegetation, will be a benefit to public safety by minimizing the number of access points to the public street, and will enhance the appearance of the subdivision. Where two (2) lots are proposed to be served by a shared driveway, the driveway shall have a width of eighteen (18) feet. Parking spaces shall not be provided within the driveways.**
- (B) **Easement locations for shared driveways must be shown on the preliminary plan and the final plat.**
- (C) **Shared driveways must be designed such that at least some portion of the width of the driveway falls within each flag lot stem for its entire length from the street line to the dwelling.**

The site is not located in the Chesapeake Bay Critical Area or the Mixed Use Community Zone, and the applicant does not propose shared driveways.

- (6) **Where a rear yard is oriented towards a driveway that accesses other lots, or towards a front or side of another lot, the rear yard shall be screened by an "A Bufferyard" as defined by the Landscape Manual, unless Alternative Compliance is approved at the time of preliminary plan. The location of the bufferyard shall be shown on the preliminary and final plat. (See Figures 1 and 2.)**

The rear yard of Lot 399 is oriented toward the driveway and side yard of Lot 400, and the rear yard of Lot 400 is oriented toward the side yard of Lot 401 and the front of the adjacent Lot 358. Type "A" bufferyards are therefore required along the rear yard of Lot 399 and along the northern and eastern sides of Lot 400. The landscape plan shows a Type "A" bufferyard located to screen



the rear yard of Lot 399, and the rear yard of Lot 400 toward Lot 401, as required by this criterion. However, the required bufferyard to screen the rear yard of Lot 400, that is oriented toward the front of the adjacent Lot 358, and has an existing dwelling, is not shown. The Planning Board finds that a Type "A" bufferyard be provided along the rear lot line of Lot 400.

- (7) **Where a front yard is oriented towards a rear yard, a "C Bufferyard" as defined by the Landscape Manual shall be provided, unless Alternative Compliance is approved at the time of preliminary plan. The location of the bufferyard shall be shown on the preliminary and final plat. (See Figure 1.)**

The proposed houses have been oriented on the lots such that no front yards are oriented toward a rear yard.

9. **2010 Prince George's County Landscape Manual:** The proposed project is subject to Section 4.1, Residential Requirements; Section 4.6, Buffering Development from Special Roadways; and Section 4.9, Sustainable Landscape Requirements, of the 2010 *Prince George's County Landscape Manual*. The Planning Board finds that the DSP provides the required plantings, in conformance with these requirements.
10. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The site is subject to the provisions of Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and contains more than 10,000 square feet of existing woodland. A revised Type 2 tree conservation plan (TCP2) was submitted with the revised DSP review package on January 15, 2021. The 1.61-acre site contains 0.55 acre of woodlands. The TCP2 shows clearing with small, wooded areas to remain in the rear yard of two new lots. Single-family residential lots are required to have a minimum of 40 feet of area counted as cleared behind the house to provide for an active rear yard area. These small, wooded areas do not qualify as woodlands, and must be considered as "woodland retained-assumed cleared." The woodland conservation worksheet assumes the entire site being cleared, which results in a woodland conservation requirement of 0.81 acre. This application proposes to meet the woodland requirement with fee-in-lieu for the entire 0.81 acre.

Minor revisions are required to the TCP2, as conditioned herein.

#### **Specimen Trees**

Section 25-122(b)(1)(G) of the WCO 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 Environmental Technical Manual."

The site contains two specimen trees which have a good condition rating. The current design proposes to remove one specimen tree. A Subtitle 25 variance application and an SOJ in support of a variance were received for review with this application, dated December 2, 2019.

Section 25-119(d)(1) of the WCO contains six required findings be made before a variance can be granted. The letter of justification submitted seeks to address the required findings for the two specimen trees and details specific to individual trees have been provided in the following chart.

**SPECIMEN TREE SCHEDULE SUMMARY**

ST #	COMMON NAME	Diameter (in inches)	CONDITION	DISPOSITION
1	Southern Red Oak	32	Good	To be removed
2	Silver Maple	32	Good	To be saved

The text in **BOLD**, labeled A–F, are the six criteria listed in Section 25-119(d)(1). The plain text provides responses to the criteria.

**(A) Special conditions peculiar to the property have caused the unwarranted hardship.**

The site contains an existing single-family dwelling with the remaining area in woodlands. Behind the existing dwelling, to the east, there is an existing stormdrain line with a north-south alignment. The two specimen trees are located to the east of this stormdrain. The proposed residential development requires the on-site stormdrain system to be re-sized to correct on-site floodplain and to outfall in a DPIE approved location.

**(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas.**

The applicant is proposing to remove one specimen tree, which is located adjacent to an existing stormdrain line and between two proposed driveways. The grading for the two driveways and replacement of the drainage pipe is required for the proposed development. The applicant proposes to retain the specimen tree located on Lot 399. The proposed development of the site is in keeping with similar projects within the area.

**(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants.**

Based on the failing on-site stormdrain line and the existing specimen tree, the granting of this variance will allow the project to be developed in a functional and efficient manner, in conformance with the zoning of the site.

**(D) The request is not based on conditions or circumstances which are the result of actions by the applicant.**

This request is not based on conditions or circumstances which are solely the result of actions by the applicant. The applicant proposes to remove one specimen tree, due to its location, adjacent to a failing stormdrain line that requires replacement and extension to a DPIE-approved, off-site location.

**(E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and**

This request is based on the nature of the existing site, the location of the subject tree, and the required on-site infrastructure. This request is not based on conditions related to land or a building use on a neighboring property.

**(F) Granting of the variance will not adversely affect water quality.**

The removal of one specimen tree will not adversely affect water quality. Also, the proposed Oaklawn development will not adversely affect water quality because the project will be subject to the requirements of the Prince George's County Soil Conservation District, and the approval of a SWM concept plan by DPIE. The applicant is proposing to meet the woodland conservation requirement with paying fee-in-lieu.

The required findings of Section 25-119(d) have been adequately addressed by the applicant for the removal of Specimen Tree 1 and the Planning Board approves of the variance.

- 11. Prince George's County Tree Canopy Coverage Ordinance:** The proposed project is subject to the requirements of Section 25-128 of the WCO, Tree Canopy Coverage Requirements. The subject site is in the R-R Zone, which requires 15 percent tree canopy coverage (TCC). The site is 1.61 acres and provides the required 0.24 acre of TCC, in conformance with the requirement. However, a TCC schedule is not provided on the submitted plans and should be, prior to certification, as conditioned herein.
- 12. Further Planning Board Findings and Comments from Other Entities:** 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. **Historic**—The Planning Board adopts a memorandum dated December 20, 2019 (Stabler and Smith to Bush), which noted that the subject property does not contain, and is not adjacent to, any Prince George's County historic sites or resources. This proposal will not impact any historic sites, historic resources, or known archeological sites. A Phase I archeology survey is not required.
  - b. **Community Planning**—The Planning Board adopts a memorandum dated January 6, 2021 (Lester to Hurlbutt), which noted pursuant to Part 3, Division 9, Subdivision 3, of the Zoning Ordinance, master plan conformance is not required for this application.

- c. **Transportation**—The Planning Board adopts a memorandum dated June 25, 2020 (Masog to Hurlbutt), which noted that proposed site access from Allentown Road is acceptable and provided comments on previous conditions. The Planning Board finds that the DSP is acceptable from the standpoint of transportation, and meets the findings required for a DSP, as described in the Zoning Ordinance.
- d. **Trails**—The Planning Board adopts a memorandum dated February 20, 2020 (Masog to Hurlbutt), which provided comments on the application and conditioned bike signage along the property's frontage on Allentown Road.
- e. **Environmental Planning**—The Planning Board adopts a memorandum dated January 20, 2021 (Schneider to Hurlbutt), which provided an analysis of previous conditions of approval incorporated into findings above, as well as the additional information:

The site has an approved Natural Resources Inventory plan (NRI-098-06-01), which was approved on September 9, 2019. During the Subdivision and Development Review Committee meeting, the applicant's DSP, TCP2, and SWM plan showed the off-site drainage outfall in three different directions. The NRI needs to show the correct off-site outfall location to determine if there are any regulated environmental features that could be impacted by this off-site stormwater structure. A revised NRI was submitted with the June 17, 2020 revised DSP review package. The revised NRI verifies that the subject site and off-site stormdrain and outfall location contains no regulated environmental features, but contains woodlands and specimen trees. The submitted TCP2 is in conformance with the revised NRI, and no revisions are required.

- f. **Subdivision**—The Planning Board adopts a memorandum dated January 22, 2021 (Gupta to Hurlbutt), which provided a review of conditions attached to prior approvals, and necessary revisions to the plan, which are conditioned herein.
- g. **The Department of Parks and Recreation (DPR)**—The Planning Board adopts a memorandum dated November 22, 2019 (Asan to Bush), in which DPR has reviewed and evaluated this DSP for conformance with the requirements and conditions of prior approvals as they pertain to public parks and recreational facilities. The two proposed lots are required to pay a fee-in-lieu of parkland dedication at the time of final plat, as approved with the PPS.
- h. **Prince George's County Police Department**—The Planning Board adopts a memorandum dated December 6, 2019 (Yuen to Planning Coordinator), in which the Police Department provided no comments on the subject application.
- i. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—The Planning Board adopts a memorandum dated January 3, 2020 (Giles to Bush), in which DPIE provided standard comments on this DSP that will be enforced in their separate permitting process.

\*The Planning Board adopts an additional memorandum to address the Remand Order, dated September 21, 2021 (Giles to Zhang), which notes that this DSP is consistent with the Site Development Concept Plan filed under 53170-2018-00 and approved by DPIE on October 5, 2020. All SWM facilities and drainage systems are to be designed and constructed in accordance with the standards and specifications set forth by DPIE and the Prince George's County Department of Public Works and Transportation. Approval of all facilities are required prior to permit issuance. All easements, on-site and off-site, as well as a maintenance agreement are to be approved by DPIE and recorded prior to technical approval. The proposed development will require a site development permit approved by DPIE.

13. As required by Section 27-285(b) of the Zoning Ordinance, the DSP, if revised as conditioned, 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.

14. Per Section 27-285(b)(4), 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.**

Development of this site has retained regulated environmental features to the fullest extent possible because there none located on the subject property.

\*15. Remand Findings: The Order of Remand was issued on June 21, 2021. Within the Order of Remand, the District Council directed the Planning Board to reopen the record and take further testimony and evidence on five specific issues. Upon consideration of all testimony and evidence presented at the remand hearing on October 7, 2021, the Planning Board made the additional findings and conclusions with respect to the five issues that were the subject of the Order of Remand as follows:

1. **Applicant(s): Evidence shall be presented and received concerning the person, persons, business entity or entities legally authorized to file this DSP. If it is determined that the applicant or co-applicant is a business entity or are entities, the application shall be amended in accordance with all requirements of the Zoning Ordinance, including revising the DSP where appropriate. The business entity or entities shall present proof of legal status in Maryland and shall file all necessary**

\*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

**required public ethics affidavits in accordance with Md. Code Ann., General Provisions §§5-833–5-839 (2012 Repl. Vol., 2020 Supp.).**

In a letter dated August 19, 2021, the applicant’s attorney stated that the applicant and property owner for this DSP is Daniel Mwavua, and that there are no other individuals or entities associated with this application that have an ownership or contractual interest in the property or this DSP. The Board also notes that Packard and Associates, Inc. is the engineering firm that was commissioned by the applicant to prepare all DSP drawings and survey documents for this project.

- 2. Submittal Requirements: The appropriate applicant or applicants shall revise the DSP and submit all rights-of-way and easements necessary to extend the proposed stormwater pipe or any other stormwater management across neighboring properties for stormwater drainage. All rights-of-way and easements submitted shall indicate [a] grant or reservation by the owner of land for the use of such land by others for a specific purpose or purposes, the use of which must be included in the conveyance of land affected by such easement. PGCC § 32-171(a)(26).**

A revised DSP reflecting a new SWM concept was submitted with this review. The DSP reflects the amended an amendment to the previously approved SWM concept plan approved by DPIE that now requires only one off-site stormwater pipe extending across the adjacent property, Lot 14, which is owned by Wynton L. and Barbara L. Boyette. The prior off-site SWM easement across Lot 358 is no longer required as shown on the amended SWM concept plan. DPIE approved the off-site SWM easement document, and it was signed off by Mrs. Boyette on August 23, 2021.

The revised DSP is not consistent with the landscape plan and Type 2 Tree Conservation Plan, however, and a condition has been added requiring the applicant to revise the plans prior to certification to show the exact location of the driveway serving the two flag lots.

- 3. Stormwater Management Concept Plan: The appropriate applicant or applicants shall file a revised application for stormwater management concept plan approval with DPIE, which shall include all rights-of-way and easements submitted with the DSP deemed necessary to extend the proposed stormwater pipe or any other stormwater management across neighboring properties for stormwater drainage. The revised application shall include the proposal to install an engineered drainage solution to collect and discharge stormwater drainage from Mr. Daniel R. Ayala’s property onto the property of Wynton and Barbara Boyette. All rights-of-way and easements submitted with the DSP shall indicate [a] grant or reservation by the**

\*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

**owner of land for the use of such land by others for a specific purpose or purposes, the use of which must be included in the conveyance of land affected by such easement. PGCC § 32-171(a)(26).**

As discussed above, the amended SWM concept plan approved by DPIE only requires one off-site easement across Lot 14 to accommodate the development. As noted in the applicant's response to the Order of Remand, DPIE does not prepare any off-site SWM easement documents as part of concept approval. Since the Order of Remand specifically requires so, DPIE worked with the applicant and prepared the stormdrain easement document that has been signed by the owner of Lot 14, Mrs. Boyette.

**4. DPIE: Upon receipt of this Order of Remand, Planning Board or its authorized designee shall transmit the Order to DPIE.**

On July 2, 2021, the Development Review Division of The Maryland-National Capital Park and Planning Commission serving as the Planning Board's designee transmitted the Order of Remand to DPIE for review.

**5. Design Features: The applicant shall provide testimony or evidence on the feasibility of a revised exterior design for the proposed dwelling units to include elements such as a dormer and increased brick façade.**

The architectural model included in the original approval has a base finished area of 3,297 square feet and a building height of approximately 34 feet. The model features a pitched roof with multiple cross gables above the entrance portico and garage on the front façade and a sunroom on the rear. Varied architectural elevations are required to be included as part of the DSP for the houses to be built on each lot to avoid identical appearance. A condition has been included requiring the applicant to submit front elevation variations, prior to certification, to be reviewed and approved by the Urban Design Section, as the designee of the Planning Board.

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 TCP2-040-2019, and further APPROVED Detailed Site Plan DSP-16004 for the above described land, subject to the following conditions:

\*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

1. Prior to certification of the detailed site plan, the applicant shall obtain signature approval of the preliminary plan of subdivision.
2. Prior to certification of the detailed site plan, the following corrections shall be made:
  - a. Dimension the width of each flag stem to be at least 2 feet in width at the street line.
  - b. Dimension the setback from each driveway to the parallel lot lines to be a minimum of 5 feet.
  - c. Clearly label the net lot area for each flag lot exclusive of the flag stem.
  - d. Label the front building line width, side yard, and rear yard widths.
  - e. Provide a Type "A" bufferyard along the rear lot line of Lot 400.
  - f. Provide a north arrow on all plans
  - g. Provide consistent height, footprint, and gross square footage of the houses on the architecture and site plans.
  - h. Provide a tree canopy coverage schedule demonstrating conformance to the requirements.
  - i. Revise the Type 2 tree conservation plan (TCP2), as follows:
    - (1) Add a "Retain and Remove" column on the specimen tree table.
    - (2) Revise the woodland conservation worksheet numbers.
      - (a) The gross area of the site is 1.61 acres.
      - (b) The total woodland area is 0.55 acre.
      - (c) The off-site area of woodlands cleared is 0.11 acre.
    - (3) Add the following note to the plan under the specimen tree table:

"NOTE: This plan is in accordance with the following variance from the strict requirements of Subtitle 25 approved by the Planning Board on (ADD DATE): The removal of one specimen tree (Section 25-122(b)(1)(G), ST-1, a 32-inch Southern Red Oak."
    - (4) Add a property owner awareness signature block on Sheets 1 and 2 of the TCP2.



- (5) Have the revised plan signed and dated by the qualified professional who prepared it.
- (6) Place the following note on the TCP2:

“Prior to the issuance of the first permit for the development shown on this TCP2, all off-site woodland conservation required by this plan shall be identified on an approved TCP2 plan and recorded as an off-site easement in the land records of Prince George’s County. Proof of recordation of the off-site conservation shall be provided to the M-NCPPC, Planning Department prior to issuance of any permit for the associated plan.

In accordance with Subtitle 25, Division 2, Sec. 25-122. Methods for Meeting the Woodland and Wildlife Conservation Requirements, if off-site woodland conservation is approved to meet the requirements, then the following locations shall be considered in the order listed: within the same eight-digit sub-watershed, within the same watershed, within the same river basin, within the same growth policy tier, or within Prince George's County. Applicants shall demonstrate to the Planning Director or designee due diligence in seeking out opportunities for off-site woodland conservation locations following these priorities. All woodland conservation is required to be met within Prince George's County.”

- \*j. Show the exact location of the driveway serving the two flag lots on all plans.
3. Prior to the first building permit, the applicant, and the applicant's heirs, successors and/or assignees shall provide \$420 to the Prince George’s County Department of Public Works and Transportation for the placement of one "Share the Road with a Bike" signage assembly along Allentown Road.
- \*4. Prior to certification of this detailed site plan, the applicant shall provide two front elevation variations, with different architectural options and combination of finish materials, and revise the side elevations to include a minimum of 30 percent brick, to be reviewed and approved by the Urban Design Section, as the designee of the Prince George’s County Planning Board.

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.

\*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

\* \* \* \* \*


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 Hewlett voting in favor of the motion at its regular meeting held on Thursday, March 4, 2021, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 25th day of March 2021.

\*This is to certify that the foregoing is a true and correct copy of the remand action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Geraldo, seconded by Commissioner Bailey, with Commissioners Geraldo, Bailey, Doerner and Hewlett voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, October 7, 2021, in Upper Marlboro, Maryland. The adoption of this amended resolution based on the reconsideration action taken does not extend the validity period.

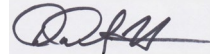
\*Adopted by the Prince George's County Planning Board this 28th day of October 2021.

Elizabeth M. Hewlett  
Chairman

By   
Jessica Jones  
Planning Board Administrator

EMH:JJ:HZ:nz

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner  
M-NCPPC Legal Department  
Date: October 18, 2021

\*Denotes (year) Amendment  
Underlining indicates new language  
[Brackets] and ~~strike through~~ indicate deleted language