

RESOLUTION

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 April 30, 2015 regarding Departure from Design Standards DDS-630 for Wood Glen, the Planning Board finds:

1. **Request:** The subject Departure from Design Standards application is for the purpose of seeking relief from the 2010 *Prince George’s Landscape Manual*, Section 4.10, Street Trees along Private Streets. This case is companion to Detailed Site Plan DSP-14025 for 138 single-family attached dwelling units in the Commercial Office (C-O) Zone on an 11.87-acre site.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	C-O	C-O
Use(s)	Vacant	Residential
Total Acreage	12.62	12.62
DSP Acreage	0	11.87
Outparcel Acreage	0	0.75
Parcels/Outparcels	1	23/1
Lots	1	138
Residential Units	0	138

OTHER DEVELOPMENT DATA

Parking Requirements

Parking Required at 2.04 x 138 dwelling units:	282
Total Parking Provided:	316
Garage Spaces at 2 per unit	276
Parallel On-Street Parking	38
Handicapped On-Street Parking	2

3. **Location:** The subject site is located on the east side of Good Luck Road, approximately 400 feet south of its intersection with Greenbelt Road (MD 193). The site is also located in Council District 3 and in Planning Area 70.

4. **Surrounding Uses:** The subject property is bounded to the south and east by a property zoned Multifamily Medium Density Residential (R-18) and improved with a multifamily apartment complex; to the north is the right-of-way of Greenbelt Road (MD 193) with commercially-developed properties in the Light Industrial (I-1) Zone beyond; to the northwest is a property zoned C-O and developed with the Greenbelt Executive Center, which includes various commercial and institutional uses; to the west is the right-of-way of Good Luck Road with a property zoned One-Family Detached Residential (R-80) developed with Duval High School beyond.
5. **Previous Approvals:** The project is the subject of Preliminary Plan of Subdivision 4-13030, approved by the Planning Board on November 6, 2014, and formalized in the adoption of PGCPB Resolution No. 14-124 on December 4, 2014. The site is also the subject of approved Stormwater Management Concept Plan 8011890-1999-02, approved by the Department of Permitting, Inspections and Enforcement (DPIE) on February 25, 2014.

Detailed Site Plan DSP-14025 was approved by the Planning Board on April 30, 2015 and is companion to this application.

6. **Design Features:** The subdivision is planned to be accessed from a single point at the middle of the subject site's Good Luck Road frontage via Wood Glen Terrace, a private road. The majority of the proposed 138 townhomes are located in a grid pattern to the north and south of this main entrance road on other private roads and alleys. The layout includes fronts of units oriented to the multifamily development to the south, fronting on a parking lot. Many of the main vehicle access ways are through alleys and will be garage-dominated. Many fronts of units are oriented inward to each other, along green spaces. One private road turns to extend to the northeastern corner of the property, past a proposed above-ground stormwater pond, to provide access to 19 of the units. All of the townhomes, which are grouped in four-to eight unit sticks, are proposed to be 20 feet wide with a two-car rear-loaded garage and standard rear deck. Additional parking is provided in some driveway spaces and some on-street parallel parking spaces.

Stormwater management is proposed to be handled in two large above-ground ponds located in the central and northeastern corner of the subject property. The approved preliminary plan required private on-site recreation facilities in-lieu of mandatory parkland dedication. The submitted DSP provides five separate recreation areas, generally located throughout the central portion of the development. Three of these are passive recreational areas; two are sitting areas with benches, sidewalks, and vinyl pergolas; and one is a picnic area including three picnic tables and one grill station. The last two are more active; one with a fenced pre-school age playground with specialty play surface and benches and the other with a school age play structure with specialty play surface and benches.

The submitted DSP includes full architecture for all of the proposed townhomes. The minimum total base finished area for all of the units is 1,400 square feet, with a maximum total finished area of 1,760 square feet with all options. The submitted architecture provided the following notes regarding the requirements:

“1. General Notes:

- “a. All homes will be three stories with rear-served two-car garages in the ground floor.
- “b. Depending on the builder, additional optional attic living space may be offered with the intention that it would be incorporated into the roof design by use of dormers, gables or other visual enhancements.
- “c. [Left intentionally blank]
- “d. Front horizontal building jogs shall be 2 feet or greater.
- “e. In order that loft space can be provided as an option, maximum building heights shall be as follows:
 - “i. From front stoop ground line to top of ridge: 44.5 feet
 - “ii. From front stoop ground line to mid-point of roof: 37.83 feet

“2. Front Elevations:

- “a. Minimum – brick/stone/other masonry treatment water table. Use of siding may be used if architecturally appropriate with other elevation features, such as fenestration treatments, entry features, etc.
- “b. At least 50 percent of a given building front face (net of windows and entry features) shall be surfaced with brick/stone/other masonry treatment.
- “c. Any siding shall use non-aluminum and non-vinyl material, such as wood, Masonite, or cement-based product (Hardy, for example).
- “d. Windows shall feature architectural enhancement such as shutters and/or features, such as Fypon or other window heads and if appropriate, sills.

“3. End Unit Elevations:

- “a. Standard:
 - “i. Minimum - brick/stone/other masonry treatment water table.

- “ii. There shall be at least six full-sized windows on each end elevation. Paired, combined, and bay windows shall be credited for use based on the number of windows in such combined feature.
- “iii. Any siding shall use a use non-aluminum and non-vinyl material, such as wood, Masonite, or cement-based product (Hardy for example).
- “b. High Visibility Units:
 - “i. Brick/stone/other masonry treatment shall be used at least up to the top of the ground floor elevation.
 - “ii. There shall be at least six full-sized windows on each end elevation. Paired, combined, and bay windows shall be credited for use based on the number of windows in such combined feature.
 - “iii. Windows shall feature architectural enhancement such as shutters and/or features such as Fypon or other window heads and if appropriate, sills.
 - “iv. Any siding shall use non-aluminum and non-vinyl material, such as wood, Masonite, or cement-based product (Hardy for example).
 - “v. Where appropriate, additional screening landscaping shall be employed to minimize building mass.
- “4. Rear Elevations:
 - “a. All units shall be constructed with a standard full-width deck or combination building projection and residual deck over the driveway and serving the second level.
 - “b. Building rears shall be faced with brick/stone/other masonry treatment up to the first level height and at minimum, a high quality vinyl 8-inch beaded siding above that elevation (not standard 4-inch double dutch lap).
 - “c. Driveways shall be asphalt or as otherwise designated on the site plan.”

The fronts of the buildings present a varied fenestration pattern and provide architectural features and details creating visual interest. The windows are arranged in a rectilinear fashion with shutters, and the front doors have decorative trim work. The primary roof on the front elevations is shown as black dimensional fiberglass shingles, with optional dormers and reverse gables. All of the units feature multiple side elevation features, including partial brick, with horizontal siding as the finish

for the remaining area of the side and rear elevations. The rear façades have standard decks with glass sliding doors and multiple windows.

The provided architectural notes are extensive and cover the majority of the features necessary to ensure a quality development. However, the amount of brick/stone on the front façades and considerations for the number of units with roof features in each stick and for all of the high visibility lots were not fully provided. Conditions of approval of DSP-14025 accomplish these improvements to the architecture.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the C-O Zone and the site plan design guidelines of the Zoning Ordinance.

The subject DSP is in conformance with Section 27-461, Uses Permitted in Commercial Zones; Section 27-453, C-O Zone (Commercial Office); and Section 27-462, Regulations in Commercial Zones of the Zoning Ordinance. Townhomes are permitted in the C-O Zone pursuant to Footnote 59 of Section 27-461(b) which states:

Provided:

- (A) **The townhouses shall be located on a lot(s) or parcel(s) of less than twelve (12) acres in size;**

The subject DSP proposes townhouses on 11.87 acres of the subject property, and the remaining 0.75 acre proposed as an outparcel, as required by the preliminary plan. Therefore, it conforms to this requirement.

- (B) **The property is located within a Center or a Corridor as designated by the 2002 General Plan;**

The subject property is located within a designated Corridor per the 2002 *Prince George's County Approved General Plan*.

- (C) **The adjacent properties are developed with institutional, commercial office, and multi-family residential uses;**

The adjacent property to the south and east of the subject site is developed with a multifamily residential use, to the northwest is a commercial office development, which also includes a day care center for children and a care home, both of which are institutional uses, and to the west is the public right-of-way of Good Luck Road with a public high school, an institutional use, beyond. Therefore, the DSP conforms to this requirement.

(D) A Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle;

The subject application has been submitted in conformance with this requirement.

(E) Regulations concerning the net lot area, lot coverage and green area, lot/width frontage, yards, building height, distance between unattached townhouses, density, accessory buildings and other requirements of the C-O or R-T Zones shall not apply. All such requirements shall be established and shown on the Detailed Site Plan; and

The specified regulations are shown in the General Notes on the Coversheet of the DSP as follows:

- Net lot area: 12.62 acres
- Lot size: 1,050 square foot minimum
- Lot coverage: 76.2 percent maximum
- Green area: Not specified
- Lot/width frontage: 20 feet minimum
- Building setback: two-foot minimum
- Building height: 44.5 feet maximum
- Distance between unattached townhouses: Not specified
- Density: 11.6 dwelling units/acre
- Accessory buildings: Not specified

(F) The Detailed Site Plan shall include architectural review in order to ensure compatibility with the existing neighborhood.

The submitted DSP includes three sheets of architectural elevations, which also include notes regarding the architectural design. Discussion of these features is provided in Finding 6 above. Since there are no townhomes within the immediate vicinity of the property there is no standard to judge architectural compatibility. However, the proposed architecture, as discussed in Finding 6, is of an acceptable quality.

8. **2010 Prince George's County Landscape Manual:** The proposed townhouse development is subject to Section 4.1, Residential Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; Section 4.9, Sustainable Landscaping Requirements; and Section 4.10, Street Trees along Private Streets, of the 2010 *Prince George's County Landscape Manual* (Landscape Manual).

An Alternative Compliance application, AC-15002, was submitted with the companion DSP-14025 and approved for multiple Landscape Manual requirements, except for Section 4.10 as discussed below.

- a. **Section 4.10, Street Trees along Private Streets**—Section 4.10 provides specifics for the planting of street trees along private streets, which apply to the subject development. The

submitted landscape plan provides the required schedule showing the majority of the requirements of this section not being met. Therefore, the applicant filed a request for Alternative Compliance, AC 15002, from Section 4.10, Street Trees along Private Streets, which is discussed as follows:

REQUIRED: 4.10 Street Trees along Private Streets, throughout the community

Length of Street Frontage	±3,185 feet
Number of Street Trees	91

PROVIDED: 4.10 Street Trees along Private Streets, throughout the community

Length of Street Frontage	±3,185 feet
Number of Street Trees	96 (74 shade, 22 ornamental)

Section 4.10, Street Trees along Private Streets, includes multiple requirements for street trees along private streets, which are proposed to serve the townhomes in the subject application, along with private alleys. These requirements include that shade trees should be planted at an average spacing of 25 to 50 feet on center, in a space not less than five feet wide between the curb and the sidewalk, in a minimum soil surface area of 150 square feet for isolated trees, located a minimum of 35 feet from the point of curvature of an intersection, and located a minimum of ten feet from the point of curvature of a residential driveway. The subject application proposes to provide on-street parallel parking spaces in front of the majority of the townhouses facing the private streets, as visitor parking spaces within this compact subdivision. The application does not provide for the required continuous five-foot-wide tree strip between the face of curb and sidewalk, as the sidewalk is located adjacent to the curblines with planting area behind it on private lots in most locations. Additionally, the shade trees are spaced less than 25 feet and more than 50 feet apart, and some trees are planted closer than 35 feet to the point of curvature of an intersection of two streets, within 10 feet of the point of curvature of a residential driveway, and within 15 feet of street lights. The applicant is proposing to provide the required number of trees with the minimum soil surface areas required; however, it is in a combination of shade and ornamental trees due to space restrictions, which is also an alternative compliance. The Planning Board found that the applicant has not made sufficient effort to meet the intent of Section 4.10. The subject site is a greenfield, it is not a redevelopment site, and the application was provided special legislation to allow a residential use in a commercial zone, which also allowed for complete flexibility in lot areas, coverages, density, yards, etc. With such flexibility, the applicant should have been able to design a site layout that more fully met all requirements, including those for street trees along private streets. Therefore, the Planning Board found the applicant's proposed alternative compliance measures not to be equally effective as normal compliance with Section 4.10 of the Landscape Manual.

Since the Planning Board denied this alternative compliance request, the applicant filed for a Departure from Design Standards, DDS-630, as discussed below.

9. **Departure from Design Standards DDS-630:** The applicant has submitted Departure from Design Standards DDS-630 to allow for a departure from multiple requirements of Section 4.10, Street Trees along Private Streets, of the Landscape Manual. The applicant submitted an Alternative Compliance application, AC-15002, as required when normal compliance with Landscape Manual requirements cannot be provided. The Planning Board approved of all parts of the AC request, except for the ones from Section 4.10. Per Section 1.3(f) of the Landscape Manual, when no feasible proposal for alternative compliance is equally effective, the applicant may seek relief through a DDS in accordance with the provisions of Section 27-239.01 of the Zoning Ordinance.

The subject application does not comply with the following requirements of Section 4.10(c) of the Landscape Manual:

- (1) **Street trees shall be located in a space not less than five (5) feet wide between the street curb or edge of paving and the sidewalk.**
- (2) **Shade trees, two and one-half (2-1/2) to three (3) inch caliper in size, shall be planted along each private street at an average spacing of not less than twenty-five (25) feet on center nor greater than fifty (50) feet on center, excluding driveway openings. Spacing allowances may be made, where necessary, to accommodate curb cuts, fire hydrants, and other infrastructure elements.**
- (3) **Ornamental trees, seven (7) to nine (9) feet in height, may only be used to meet the requirements of this section where overhead wires prohibit the planting of shade trees. Ornamental trees shall be planted at an average rate of one (1) tree per thirty (30) linear feet, excluding driveway openings.**
- (4) **Street trees shall be located a minimum thirty-five (35) feet from the point of curvature of an intersection of two (2) streets.**
- (5) **Street trees shall be located a minimum ten (10) feet from the point of curvature of residential driveway entrances.**
- (7) **Street trees shall be located a minimum fifteen (15) feet from street light poles.**
- (8) **Street trees shall be located a minimum ten (10) feet from water meters.**
- (9) **Street trees shall be located a minimum ten (10) feet from storm drain inlets, hydrants, or manholes.**

Section 27-239.01(b)(7) of the Zoning Ordinance sets forth the required findings for a departure from design standards as follows:

(A) In order for the Planning Board to grant the departure, it shall make the following findings:

(i) The purposes of this Subtitle will be equally well or better served by the applicant's proposal;

The purposes of Section 4.10 of the Landscape Manual are as follows:

(a) Purposes and Objectives

- (1) Ensure that street trees along private streets are selected and planted in a manner that will enhance private streets both visually and environmentally.**
- (2) Define the private street as a unified space that connects distant and sometimes disparate uses.**
- (3) Establish human scale, and promote pedestrian activity by fostering a safe, pedestrian-friendly streetscape along private streets.**

The applicant argues that they are providing the required number of street trees and that, due to the location of utility easements and parallel parking spaces, they are precluded from providing the required landscape strip in the required location. They indicate that, by planting the trees between the sidewalk and the front of the townhouses, the trees will have more surface area to grow and will not be trampled by pedestrians exiting their vehicles. Also, they state that the professional who prepared the plan has chosen appropriate tree species suited to the unique site conditions. The Planning Board agreed that, generally, the street trees are still being provided in close proximity to where they are required, which will help establish a human-scale unified space and that, due to the tight site development, they will still provide some enhancement along the private streets.

(ii) The departure is the minimum necessary, given the specific circumstances of the request;

The applicant states that the required five-foot-wide landscape strip for trees has been placed in those locations that will allow the applicant to provide the greatest number of street trees and to assure the health and viability of the plant material installed. They state that the location of utility easements and parallel parking spaces provide no feasible

alternative to the location of the street trees as shown. Therefore, it is the minimum necessary given the request.

- (iii) The departure is necessary in order to alleviate circumstances which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949;**

The applicant's statement of justification states that this required finding is "not applicable," which is incorrect. In other discussion, the applicant states that this departure is minor in nature and is in keeping with the urban character of the development as envisioned by the District Council when it adopted the unique enabling legislation allowing townhouses and the use of private streets and alleys in the C-O Zone (Prince George's County Council Bills CB-80-2013 and CB-39-2014, respectively). Townhomes, as an allowed use in a Euclidian commercial zone, which was implemented by the County Council in their adoption of CB-80-2013, is a unique circumstance. The same bill also allowed for the applicant to fully produce their own development regulations for the townhomes, which is unique in regards to townhome development in the County. Therefore, the circumstances regarding townhouse development on this site are unique.

- (iv) The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.**

The applicant states that the departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood because the number of street trees being provided is equal to the number required. They argue that the location of the street trees, away from heavy foot traffic, will assure the viability and survivability of the plant units. Given the older commercial nature of the neighborhood and provision of the full requirement of street trees, the Planning Board found that the alterations to the street tree design do not impair the quality or integrity of the surrounding area.

- (B) For a departure from a standard contained in the Landscape Manual, the Planning Board shall find, in addition to the requirements in paragraph (7)(A), above, that there is no feasible proposal for alternative compliance, as defined in the Landscape Manual, which would exhibit equally effective design characteristics.**

As discussed in AC-15002, the Planning Board found that there is no feasible proposal for an equally effective alternative compliance to the requirements of Section 4.10 without a wholesale redesign of all of the private streets within the proposed development.

In conclusion, the Planning Board supports Departure from Design Standards DDS-630 from the requirements of Section 4.10, Street Trees along Private Streets, of the Landscape Manual, as specified above.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the above-noted application.

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

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, and Shoaff voting in favor of the motion, and with Commissioner Hewlett temporarily absent at its regular meeting held on Thursday, April 30, 2015, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 7th day of May 2015.

Patricia Colihan Barney
Executive Director

By Jessica Jones
Planning Board Administrator