

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on September 20, 2007 regarding Limited Detailed Site Plan DSP-05027 for Buckner Subdivision, the Planning Board finds:

1. **Request:** The subject application is for approval of a detailed site plan for four single-family detached houses in the R-80 (One-family Detached Residential) Zone.
2. **Development Data Summary**

	Existing	Proposed
Zone(s)	R-80	R-80
Use(s)	Vacant	Single-family detached
Acreage	3.64	3.64
Lots	4	4

ARCHITECTURAL MODEL DATA

Model	Base Finished Square Footage
Lots 1 and 4	3 060 (2 car garage)
Lots 2 and 3	4,000 (2 car-garage)

3. **Location:** The subject site is located in the northwest quadrant of Buena Vista Avenue and Elm Street, approximately 500 feet east of its intersection with Galveston Road, in Planning Area 70, Council District 3.
4. **Surrounding Uses:** The subject site is bounded on north, east and south sides by the public rights-of-way. To the west of the property are existing single-family detached houses in the R-R (Rural Residential) Zone. Across the street further to the north is a vacant property in the R-R Zone; to the east is a developed property in the R-R Zone; and to the south is a vacant property in the R-80 Zone.

5. **Previous Approvals:** The 1993 Sectional Map Amendment for Glenn Dale-Seabrook-Lanham and Vicinity (Planning Area 70) retained the subject site in the R-80 Zone. The site has a Preliminary Plan of Subdivision 4-04029, including a Type I Tree Conservation Plan TCPI/23/95, which has been approved by the Planning Board but has not yet received signature approval. The site also has a Stormwater Management Concept Approval #8010790-1995-00, which expired on March 23, 2007.
6. **Design Features:** The proposed four single-family detached lots are oriented onto Elm Street, which provides direct access to the four lots. Elm Street is further connected to Buena Vista Avenue. Because of the presence of significant environmental features including 100-year floodplain and the associated regulated area, the proposed four houses are located within limited building envelopes fronting Elm Street. Most of the four lots remain undeveloped and wooded.

Two architectural models have been provided with this DSP. The models are mainly of traditional architectural style with varied roof patterns and decorative elements. Each model has a two-car garage as a standard feature and a brick façade. The other sides of the models are finished primarily with standard vinyl siding. The base finished area of the model on Lots 1 and 4 is 3,060 square feet and the model on Lots 2 and 4 is 4,000 square feet. In accordance with previous approvals for single-family detached development in the County, no two units located next to or immediately across the street from each other may have identical front elevations. In addition, the developer, his heirs, successors and/or assigns should display in the sales office all of the plans approved by the Planning Board for this subdivision, including all exterior elevations of all approved models, the Detailed Site Plan, and Landscape Plan. A site plan note to that effect should be provided on the approved site plan.

This DSP does not include any signage.

COMPLIANCE WITH EVALUATION CRITERIA:

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the R-80 Zone and the site plan design guidelines of the Zoning Ordinance.
 - a. The subject application is in accordance with the requirements of Section 27-441(b) of the Zoning Ordinance, which governs development in the residential zones. The single-family detached dwellings are the permitted uses in the R-80 Zone.
 - b. The subject application is in general accordance with the requirements of Section 27-442, Regulations regarding net lot area, lot coverage and green area, setbacks, lot width, density and building height.
8. **Preliminary Plan of Subdivision:** The Preliminary Plan of Subdivision, 4-04029, for the subject site was approved by the Prince George's County Planning Board on May 20, 2004 with eleven conditions. The conditions applicable to the review of this DSP warrant discussion as follows:
 2. **Development of the property shall be in conformance with the approved stormwater**

management concept plan #8010790-1995-0, or any approval revisions thereto.

Comment: In accordance with a review by the Department of Environmental Resources/Concept Section (Rea to Wagner, December 9, 2005), the site plan is consistent with approved stormwater concept #8010790-1995-0. However, the above approval expired on March 23, 2007. A condition has been proposed to require the applicant to provide a valid stormwater concept approval prior to certification.

5. **Development of this subdivision shall be in conformance with an approved Type I Tree Conservation Plan (TCPI/23/95). The following note shall be placed on the Final Plat of Subdivision:**
6. **“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/23/95), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Preservation Policy.”**

Comment: As previously discussed, the Type I Tree Conservation Plan had not received signature approval at time the staff report was written. A Type II Tree Conservation Plan TCPII/012/06 has been submitted with this DSP. The Environmental Planning Section has indicated (Shirley to Zhang, September 6, 2007) that additional information is needed.

9. ***Landscape Manual:*** The proposed development is subject to the requirements of Section 4.1, Residential Requirements of the *Landscape Manual*.
 - a. The proposed four single-family detached lots have a lot size between 33,355 and 52,321 square feet. Section 4.1 (a) requires a minimum four major shade trees and three ornamental or evergreen trees for each lot if the lot size is 40,000 square feet and larger. There is one lot that is larger than 40,000 square feet. The Landscape Plan provides only two major shade trees and one ornamental or evergreen tree for this lot. The applicant should revise the Landscape Plan to provide two additional major shade trees and two ornamental or evergreen trees for this lot.
 - b. Section 4.1 (b) requires a minimum three major shade trees and two ornamental or evergreen trees for each lot if the lot size is between 20,000 square feet or larger but less than 40,000 square feet. There are three lots that are within the above range. The Landscape Plan provides only two major shade trees and one ornamental or evergreen tree for this lot. The applicant should revise the Landscape Plan to provide one additional major shade trees and one ornamental or evergreen tree for those three lots.
10. **Woodland Conservation Ordinance:** The subject detailed site plan is subject to the provisions of the Prince George’s County Woodland Conservation Ordinance because the entire site has

over 40,000 square feet of gross tract area, contains more than 10,000 square feet of existing woodland and has a previously approved Type I Tree Conservation Plan TCPI/23/95.

- a. A Detailed Forest Stand Delineation (FSD) was submitted with the approval of Type I Tree Conservation Plan, and was found to address the requirements for a Detailed Forest Stand Delineation as described in the Prince George's County Woodland Conservation and Tree Preservation Technical Manual. No further action is required with this DSP.
- b. Type II Tree Conservation Plan TCPII/012/06, submitted with this application, has been reviewed. According to a review by the Environmental Planning Section (Shirley to Zhang September 6, 2004), comments on the submitted Type II Tree Conservation Plan were provided on February 21, 2007. No revised plans have been received yet.

11. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

- a. The Community Planning Division in a memorandum dated December 8, 2006, noted that the application is consistent with the 2002 Prince George's County Approved General Plan Development Pattern policies for the Developing Tier and is in conformance with the land use recommendations of the 1993 *Approved Glenn Dale-Seabrook-Lanham and Vicinity Master Plan (Planning Area 70)*.
- b. The Transportation Planning Section in a memorandum dated December 1, 2005 indicated that the site plan is acceptable.
- c. The Permit Review Section in a memorandum dated December 16, 2005 provided eight comments on floodplain, lot area, building height and setbacks, lot coverage, driveway material, and conformance with the Section 4.1 of the Landscape Manual. The applicant should revise the site plan to address those issues.
- d. The Archeology Consultant of the Planning Department in a memorandum dated December 19, 2005, noted that no archeological investigations are required on the above-referenced property. However, Section 106 review may require archeological survey for state or federal agencies.
- e. The Historic Preservation and Public Facilities Section in a memorandum dated November 29, 2005 concluded that this DSP has no effect on historic resources.
- f. The Department of Environmental Resources (DER) in a memorandum dated December 9, 2005 noted that the site plan for Buckner Subdivision DSP-05027 is consistent with approved Stormwater Concept #8010790-1995.

Comment: As discussed previously, the above Stormwater Management Concept approval expired on March 23, 2007. A new concept approval is required.

- g. The Department of Public Works and Transportation (DPW&T) in a memorandum dated August 17, 2006, provided comments on road section of Elm Street, turnaround on Elm Street, as well as on street trees and lighting, storm drainage systems and facilities in order to be in accordance with the requirements of DPW&T. Those issues will be enforced at time of issuance of access permit by DPW&T.
 - h. The Fire/EMS Department of Prince George's County had not responded to the referral request at time this report was written.
12. As required by Section 27-285(b) of the Zoning Ordinance, the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan (TCPII/012/06) and further APPROVED Detailed Site Plan DSP-05027 for the above-described land, subject to the following conditions:

1. Prior to certificate approval of this Detailed Site Plan and Type II Tree Conservation Plan, the applicant shall
 - a. Show the Patuxent River Primary Management Area (PMA) as a continuous line that includes all the regulated features.
 - b. Revise the plans to show at least 30 feet of cleared area from the back of each house to the limit of disturbance. Minor impacts to the PMA may remain for lot grading behind the houses to obtain the 30 feet of useable rear yard area.
 - c. Submit a copy of a valid stormwater management (SWM) concept approval and revise the Detailed Site Plan and Type II Tree Conservation Plan to reflect the approved SWM concept accordingly.
 - d. Provide the correct building footprints of the proposed architectural models on the site plan.
2. The final plat shall be approved showing four lots in conformance with the approved Detailed Site Plan DSP-05027.
3. The following note shall be placed on the final plat:

“The placement of structures on individual lots shall be no closer to PMA than the approved impact as shown on Detailed Site Plan DSP-05027 or any approved revisions thereto.”

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 Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, and Parker voting in favor of the motion, and with Commissioners Vaughns and Cavitt opposing the motion at its regular meeting held on Thursday, September 20, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of October 2007.

R. Bruce Crawford
Executive Director

By Frances J. Guertin
Planning Board Administrator

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