



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 11-31

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File No. DSP-04026/01

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 31, 2011 regarding Detailed Site Plan DSP-04026/01 for Bradbury Subdivision, the Planning Board finds:

1. **Request:** The subject application is for approval of a detailed site plan and architecture for 18 single-family, semidetached dwelling units.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	R-T	R-T
Use(s)	Vacant	Semidetached Residential
Acreage	2.55	2.55
Lots/Parcels	18 Lots, 1 Parcel	18 Lots, 1 Parcel
Dwelling Units	0	18

**Parking Data**

**Required**

Single-family, Semidetached	37 spaces
18 Dwelling Units at 2.04 spaces each	
<b>Total</b>	<b>37 spaces</b> of which, 2 are required to be handicap

**Approved**

Garage Spaces—1 per unit	18
Driveway Spaces—1 per unit	18
Standard Spaces	4
Handicap Spaces—Van Accessible	2
<b>Total</b>	<b>42 spaces</b>

3. **Location:** The subject property is located on the west side of Shadyside Avenue, approximately 295 feet north of the centerline of Brookfield Drive, in Planning Area 75A and Council District 7.
4. **Surrounding Uses:** The proposed development is bounded to the east by the right-of-way of Shadyside Avenue. To the north of the site are properties in the R-T and R-55 (One-Family

Detached Residential) Zones; to the south are properties in the R-T Zone; and to the west of the property is Bradbury Community Recreation Center, a property of The Maryland-National Capital Park and Planning Commission (M-NCPPC), in the R-O-S (Reserved Open Space) Zone. Further across Shadyside Avenue to the east are existing properties in the R-T, R-55, and R-30 (Multifamily Low Density Residential) Zones.

5. **Previous Approvals:** The subject site has a previously approved Preliminary Plan of Subdivision, 4-73270, which was subsequently recorded in the Prince George's County Land Records as Final Plat CEC 91 @ 42 on March 5, 1975. A revised Final Plat, PM 232 @ 77 which shows the current lot layout, was recorded on June 25, 2010 and supersedes the previous final plat. On July 28, 2005, the Prince George's County Planning Board approved the original Detailed Site Plan, DSP-04026 (PGCPB Resolution No. 05-158) an infrastructure detailed site plan for 18 single-family semidetached dwelling units. Subsequently, the Prince George's County District Council reviewed the case on May 8, 2006 and, after multiple re-reviews and corrections since, a final and corrected order was issued on October 19, 2010. The 2010 *Approved Subregion 4 Master Plan and Adopted Sectional Map Amendment* retained this site in the R-T Zone. The site also has a Stormwater Management Concept Approval, 9810-2004-02, which expires on December 8, 2013.

One other previous County Council action that influences the development of this site is County Council Resolution CR-97-2010, which was adopted on October 26, 2010. This resolution approved the commitment of \$900,000 in HOME Investment Partnerships ("HOME") funds to the Bradbury Homes project, the subject site, in the County Housing and Community Development Annual Action Plan for Fiscal Year 2011. The resolution indicated that this project is a joint venture between a nonprofit affordable housing provider, Omega Gold—a certified Community Housing Development Organization (CHDO), and a private developer, AGI DEV Co, LLC. They propose to sell the homes, at approximately \$265,000 to \$275,000 each, to qualified first-time homebuyers with low to moderate-income household earnings below 80 percent of the Washington Metropolitan area median income, as defined by the U.S. Department of Housing and Urban Development (HUD). The HOME funds will be used for acquisition, development costs, and down payment closing cost assistance, up to \$50,000 to each qualified home buyer.

6. **Design Features:** The subject property is an irregular shape and is surrounded on the north and south sides by existing single-family detached houses in the R-T and R-55 Zones. The site is accessed through one entrance off of Shadyside Avenue to the east. The internal private street is 26 feet wide and runs west, across an existing small stream, toward the northwest end of the site, arriving at a roundabout where there are six proposed parking spaces, including two handicapped spaces. The street then turns 90 degrees and runs south until it terminates with a turnabout near the southern property line. The east/west-oriented segment of the internal street provides access to four units, while the north/south-oriented segment, which is 26 feet wide, connects to the remaining 14 units. A sidewalk is proposed along the Shadyside Avenue frontage, which connects into a sidewalk that runs along the south side of the east/west-bound segment of the private road, then crosses the road south of the roundabout and continues along the west side of the north/south segment of the private road. A sidewalk spur connects this main sidewalk to the parking spaces off of the roundabout. A vinyl board-on-board fence is provided around the perimeter of the whole

site, except for the Shadyside Avenue frontage and where there are environmental features. A new storm drain culvert will convey the 100-year storm along the existing stream channel, underneath the private road, and a proposed underground stormwater structure, that will be maintained by the homeowners association (HOA), will provide treatment for the site's stormwater before it outfalls into the existing stream channel. Multiple, segmental, block retaining walls, with safety fences where required, are located in the middle and on the south side of the site to help mitigate the steep slopes on-site.

The previous Detailed Site Plan, DSP-04026, had originally proposed a recreational site at the end of the roundabout with a play structure and two perimeter sitting areas. These facilities were approved by the Planning Board. Through the multiple District Council reviews and orders, it was determined that the proposed recreational area should be removed from the plan and replaced with the proposed parking spaces. In order to meet the requirement for providing recreational facilities for residential development, the District Council determined that the applicant should provide a fee-in-lieu of \$19,100 for parks and recreational facilities. Further discussion of this issue is in Finding 9 below, which elaborates on conformance to the previous DSP approval.

For the 18 dwelling units, one house type, the Bradbury, is proposed with four different front elevations, Numbers 1 through 4. Each building will be three stories high and at least 26 feet high, and measures 20 feet-wide by 34 feet-deep, excluding options. Each elevation proposes a front door, and a standard single-car garage door on the lowest level, along with two full-size windows on each of the upper two levels. Shutters and enhanced window framing are provided on all elevations, while two elevations propose bay windows. All of the elevations are proposed to be faced in either vinyl or aluminum siding or a brick veneer. The Planning Board found that stone veneer should be added as another option for the front façade material to offer variety. The gabled roofs, two of which include cross-gable features, are to be covered with composition shingles. No material samples or colors were provided for the proposed siding, brick veneer, or roof shingles and the rendered elevations. In order to ensure the appropriateness of the actual proposed colors, the Planning Board found that the applicant shall provide a list and samples of the proposed façade materials and colors. A condition requiring this has been included in this approval. The submitted side architectural elevation proposes three full-size windows and a small, circular, louvered vent as standard endwall features on all units. There are two different proposed rear elevations; each proposes multiple windows on the upper two levels and a sliding glass door on the lower level, providing access to the rear yards.

One entrance feature, which sits on the south side of the private road at its intersection with Shadyside Avenue, has been proposed in this detailed site plan. It is a simple design of cast stone, approximately five feet high and one-foot-deep, with a bull nose precast cap. The main portion of the sign is three feet high by seven feet wide and sits on top of a base that is two feet high by approximately six feet wide. The letters in the name "Bradbury" are cast into the stone, in the middle of the larger portion of the sign, in a simple font. Decorative plantings of shrubs and groundcovers are also proposed around the base of the sign. While the design of the entrance sign is simple, it is made of durable, low-maintenance materials and includes landscaping which will be attractive year-round.

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the R-T Zone and the site plan design guidelines of the Zoning Ordinance.
- a. The subject application is in conformance with the requirements of Section 27-441(b) of the Zoning Ordinance, which governs permitted uses in residential zones. The proposed semidetached dwellings are a permitted use in the R-T Zone.
  - b. The proposal is also in conformance with the requirements of Section 27-442, Regulations, regarding net lot area, lot coverage and green area, lot/width frontage, yards, and density. However, no mention was made on the submitted DSP or architecture of the maximum allowed building height, which is 40 feet in the R-T Zone. The submitted architecture does seem to comply with this requirement; however, the DSP should be revised to note the maximum allowed building height under General Note 20. A condition requiring this has been included in this approval.
  - c. Section 27-433(d) through (k), R-T Zone (Townhouse), offer additional requirements for residential developments within the R-T Zone. The subject application conforms with the applicable requirements of this section, of which the following warrant discussion as follows:
    - (d) **Dwellings.**
      - (2) **There shall be not more than six (6) nor less than three (3) dwelling units four (4) dwelling units for one-family attached metropolitan dwellings) in any horizontal, continuous, attached group, except where the Planning Board or District Council, as applicable, determines that more than six (6) dwelling units (but not more than eight (8) dwelling units) or that one-family semidetached dwellings would create a more attractive living environment, would be more environmentally sensitive, or would otherwise achieve the purposes of this Division. In no event shall the number of building groups containing more than six (6) dwelling units exceed twenty percent (20%) of the total number of building groups, and the end units on such building groups shall be a minimum of twenty-four (24) feet in width.**
- The submitted DSP proposes one-family semi-detached dwellings arranged in groups of two as was previously approved by the Planning Board and District Council with the original DSP-04026 approval.
- (3) **The minimum width of dwellings in any continuous, attached group shall be at least twenty (20) feet for townhouses, and twenty-two (22) feet for one-family attached metropolitan dwellings. Attached groups**

**containing units all the same width and design should be avoided, and within each attached group attention should be given to the use of wider end units.**

The minimum widths of dwellings required do not specifically apply to the one-family semi-detached units proposed; however, the requirement to avoid attached groups containing units with the same design can be applied to this type of residential units. Given that there are four different proposed elevations, the Planning Board found that the two buildings within each attached group should have different front elevations. A condition requiring this has been included in this approval.

- (5) Side and rear walls shall be articulated with windows, recesses, chimneys, or other architectural treatments. All endwalls shall have a minimum of two (2) architectural features. Buildings on lots where endwalls are prominent (such as corner lots, lots visible from public spaces, streets, or because of topography or road curvature) shall have additional endwall treatments consisting of architectural features in a balanced composition, or natural features which shall include brick, stone, or stucco.**

The submitted side architectural elevation proposes three full-size windows and a small, circular, louvered vent as standard endwall features on all units. Therefore, the side elevation as submitted does fulfill this requirement for a minimum of two architectural features on all endwalls. Due to the site layout, there are only a few lots that will have prominently visible endwalls, specifically Lots 48, 55, 56, and 58. Therefore, conditions have been included in this approval requiring a minimum of three full-size architectural features be provided on all endwalls as shown and a minimum of four full-size windows with shutters be provided on the endwalls of Lots 48, 55, 56, and 58 in order to fulfill this requirement.

- (6) Above-grade foundation walls shall either be clad with finish materials compatible with the primary facade design, or shall be textured or formed to simulate a clad finished material such as brick, decorative block, or stucco. Exposed foundation walls of unclad or unfinished concrete are prohibited.**

The submitted side and rear elevations for the dwellings show all of the buildings as slab on-grade, with no exposed foundation walls. However, in looking at the DSP grading, Lots 41 through 48, 55, and 56 all will have front elevations that are approximately one floor lower than the rear elevations. Therefore, there might be some areas in which foundation walls will be exposed and should be treated as required. The Planning Board found that a note be added to the DSP that all above-grade foundation walls shall either be clad with finish materials compatible

with the primary façade design, or shall be textured or formed to simulate a clad finished material such as brick, decorative block, or stucco. A condition requiring this has been included in this approval.

- (7) **A minimum of sixty percent (60%) of all townhouse units in a development shall have a full front facade (excluding gables, bay windows, trim, and doors) of brick, stone, or stucco. Each building shall be deemed to have only one "front."**

The submitted DSP included a general note indicating that a minimum of 60 percent of all units shall have a full front façade of brick, stone, or stucco in order to meet this requirement.

(e) **Streets.**

- (1) **The following requirements shall apply only to the development of townhouses, one-family semidetached dwellings, two-family dwellings, three-family dwellings, and one-family attached metropolitan dwellings:**

- (B) **Private streets which are interior to the project (and are not dedicated to public use) shall be improved to not less than the current standards set forth in Subtitle 23 of this Code which apply to a public, twenty-six (26) foot wide secondary residential street, except that roadside trees are not required (within the street right-of-way). In a mixed-use activity center designated as a "Transit Village" the width of the private streets may be reduced to a minimum width of twenty-four (24) feet when it is determined that the provision of the minimum width is consistent with a safe, efficient, hierarchical street system. Sidewalks may be omitted when it is determined that there is no need for them. Sidewalks cast monolithically with the curb and gutter shall be permitted;**

The private streets proposed on-site are shown at 26 feet wide from face-of-curb to face-of-curb. A sidewalk, adjacent to the curb, is proposed along one side of the entire length of the private road and also connects to a sidewalk by the proposed parking area.

(j) **Front elevation plan.**

- (1) **A front elevation plan (or profile plan) shall be submitted with the Detailed Site Plan. The elevation plan shall show a variation in design of dwellings, or groups of dwellings, sufficient to satisfy the purposes of this Section.**

Front elevation architecture was submitted with the subject DSP proposing a total of four different front elevation types. Given the small number of proposed units, 18, four different elevations will provide enough variation to satisfy the purposes of this Section.

**(k) Site plan.**

**(2) In addition to the requirements of Part 3, Division 9, the Detailed Site Plan shall include:**

- (A) An identification of two (2) or more dwelling units (at different locations within the proposed development) which have the potential to be made accessible through barrier-free design construction (in accordance with Section 4-180 of Subtitle 4 of this Code), given such site characteristics and design criteria as proposed grading, topography, elevation, walkways, and parking locations; and**

The submitted DSP includes a general note that indicates that the units on Lots 47 and 48 will be accessible through barrier-free design construction.

**(B) The type and location of required streetlights.**

The submitted DSP provides locations of proposed streetlights and indicates that the type of light will be a typical colonial-style light pole as specified by the Department of Public Works and Transportation (DPW&T) and Potomac Electric Power Company (PEPCO) standards.

- d. The proposed freestanding sign is in conformance with the requirements of Section 27-624, which governs permanent gateway signs identifying a residential subdivision.

8. **Conformance to Preliminary Plan of Subdivision 4-73270:** Preliminary Plan of Subdivision 4-73270 was approved and a final plat of subdivision for the property was recorded in the Prince George's County Land Records on June 25, 2010 and is evidenced in Plat Book PM 232 @ 77, which supersedes the original Plat CEC 91 @ 42 (March 5, 1975). That final plat was the result of Preliminary Plan 4-73270, which proposed a 27-lot development and one parcel. No preliminary plan of subdivision resolution is available for review and no conditions of approval were recorded on the original record plat. The subject DSP application is proposing to construct 18 dwellings and provide for a hiker/biker trail to run along the southern portion of the property. The subject application is in conformance with the recorded record plat. No new preliminary plan is required.

The new record plat, PM 232 @ 77, included nine notes, of which the following are applicable to the review of this detailed site plan and warrant discussion as follows:

1. **Development of this property shall be in accordance with the approved Stormwater Management Concept Plan 9810-2004-00 or any approved revisions thereafter.**

The applicant provided a copy of the current Stormwater Management Concept Approval Letter, 9810-2004-02, which expires on December 13, 2013, and indicates that stormwater will be controlled on-site through a storm drain culvert to convey the 100-year storm and an underground stormwater structure that will be maintained by the homeowners association (HOA). The submitted DSP reflects these features as described on the approval letter.

2. **Development is subject to restrictions shown on an approved Type II Tree Conservation Plan (TCP II/16/05) and precludes any disturbance or installation of any structure within specified 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/ Tree Preservation Policy.**

The Environmental Planning Section indicated that no substantial changes are proposed to the previous Type II tree conservation plan (TCP II) approval with this DSP revision.

4. **Development of this property must conform to the Detailed Site Plan which was approved by the District Council on January 7, 2008, DSP-04026, (for infrastructure only) or as amended by any subsequent revisions thereto.**

The subject application's conformance to the previous Detailed Site Plan, DSP-04026, is discussed in Finding 9 below.

8. **Prior to the issuance of building permits, the applicant shall revise the TCP II in accordance with condition 3b of PGCPB No. 05-158.**
9. **At the time of the building permit, the applicant shall provide a chart in accordance with Condition 4 of PGCPB No. 05-158.**

Both of these issues are discussed further in Finding 9 below.

9. **Conformance to Detailed Site Plan DSP-04026:** Detailed Site Plan DSP-04026 was approved by the Planning Board on July 28, 2005 (PGCPB Resolution No. 05-158) subject to four conditions. Subsequently, the District Council reviewed the case on May 8, 2006 and, after multiple re-reviews and corrections since, a final and corrected order was issued on October 19, 2010 subject to 11 conditions. That Council Order remains in effect with some minor clarifications and refinements explained below:

**1. Prior to certificate approval of this detailed site plan, the applicant shall:**

- a. Revise the plan to show that the two parking spaces provided at the end of the turnaround are handicapped van accessible spaces.**

The submitted DSP proposes two van-accessible handicapped parking spaces at the end of the turnaround on the circle.

- b. Provide a new Stormwater Management Concept Approval letter by the Department of Environmental Resources that reflects the revised site plan layout.**

It is assumed that this condition was resolved prior to the certification of the original DSP approval as required; however, this DSP submittal did include a current Stormwater Management Concept Approval Letter, 9810-2004-02, which expires on December 13, 2013.

- c. Show the elevation information (of the top and bottom) for each retaining wall.**

The submitted DSP provides elevation information for all the proposed retaining walls.

- d. Delete the dumpster and provide a trash receptacle at the same location.**

The submitted DSP proposes a trash receptacle near the proposed parking area and provides a detail for this element.

- e. Remove the 12 surface parking spaces (in the front yard) from the site plan.**

The submitted DSP does not propose any surface parking spaces in the front yards of the dwelling units as was previously proposed.

**2. At time of the full-scale detailed site plan, the applicant shall:**

- a. Provide an approval sheet with the application.**

The submitted DSP includes an approval sheet, Sheet 2.

- b. Provide a fence along the perimeter of the site, except for the street frontage along Shadyside Avenue.**

The submitted DSP proposes a fence around the entire perimeter of the site, except along Shadyside Avenue and where there is existing woodlands to remain.

**3. Prior to issuance of any building permits, the applicant shall:**

- a. Record a new final plat to reflect the lot line adjustment as approved in the subject detailed site plan.**

A new final plat, that matches the lot lines as shown on the submitted DSP, was recorded on June 25, 2010 in Plat Book PM 232 @ 77.

- b. Revise the TCP II to state the location of the required off-site mitigation.**

This condition must be resolved prior to the issuance of any building permits, so the Planning Board found that the TCP II be revised to include this information prior to certification of the DSP. A condition requiring this has been included in this approval.

**4. At time of building permit, the applicant shall provide a chart to show lot size, lot coverage and building height of each lot.**

This condition must be resolved prior to the issuance of any building permits, so the Planning Board found that the DSP be revised prior to certification to include a chart showing the lot size, lot coverage, and building height of each lot. A condition requiring this has been included in this approval.

**5. The entrance road shall be at least 26 feet wide.**

The submitted DSP proposes the entire length of the on-site private road to be 26 feet wide from face of curb to face of curb.

**6. The following items shall be added:**

- a. Additional parking spaces shall be added on the circle where the tot lot is shown, and the tot lot shall be removed.**

The submitted DSP does not propose a tot lot and does propose parking spaces on the circle as required by this condition.

- b. A fee-in-lieu of \$19,100 shall be paid, for parks and recreation facilities.**

This statement was included as a general note on the coversheet of the submitted DSP. However, the Prince George's County Department of Parks and Recreation (DPR) commented that no specifics were given in this condition regarding a trigger for the payment, nor whom it should be paid to for what use. Based on the requirement that the fee-in-lieu should be for parks and recreation facilities, DPR suggested that the required fee-in-lieu be paid to M-NCPPC prior to the issuance of the first building permit, and that it should be used for the construction of the recreational facilities at the adjacent Bradbury

Community Recreation Center. A condition requiring this has been included in this approval.

7. **After the homeowners' association is turned over to the residents and becomes autonomous, the applicant shall assist the homeowners' association with its costs. The applicant shall pay the homeowners' association \$5,000 per year, for the first five years after it becomes autonomous.**

The submitted DSP does not alter this requirement in any way; therefore, the condition remains as previously approved.

8. **Each dwelling unit shall have at least 1,860 square feet of usable interior space.**

All of the proposed dwelling units on the submitted DSP provide a total base finished area of 1,860 square feet and a total usable interior space of 2,080 square feet, which includes the unfinished one-car garage.

9. **The perimeter fence shall be of wrought iron, or vinyl and sight-tight, eight feet in height.**

The submitted DSP proposes a six-foot-high, vinyl, board-on-board perimeter fence which would be sight-tight. The applicant indicated that the amended District Council order was incorrect and was supposed to only require a six-foot-high fence, instead of the eight-foot-high fence as listed. A condition has been included in this approval that the DSP should be revised to show an eight-foot-high fence, unless a revised District Council order for DSP-04026 is provided requiring only a six-foot-high fence.

10. **The site shall have no more than 18 dwelling units.**

The submitted DSP proposes a total of 18 dwelling units.

11. **The sum of \$5,000 shall be donated to Suitland Elementary School, as a partial offset to anticipated school enrollment increases generated by residential development of the subject property.**

The submitted DSP does not alter this requirement.

10. **Prince George's County Landscape Manual:** The proposed single-family semidetached residential development in the R-T Zone is subject to Section 4.1, Residential Requirements; Section 4.6, Buffering Developments from Streets; and Section 4.7, Buffering Incompatible Uses of the *Prince George's County Landscape Manual*.

- a. Section 4.1, Residential Requirements, requires a minimum of 1.5 shade trees and one ornamental or evergreen tree per one-family semidetached dwelling unit. These trees can

be located on individual lots or in common open space. Given the 18 proposed dwelling units, the subject site would require 27 shade trees and 18 ornamental or evergreen trees. The submitted DSP provides a total of 34 shade trees, 19 ornamental trees, and 50 evergreen trees, a total that far exceeds this requirement. However, the schedule provided quantifying the Section 4.1 requirements does not match the current required schedule as shown in the Landscape Manual. A condition requiring the correct schedule to be provided has been included in this approval.

- b. Section 4.6, Buffering Developments from Streets, requires that when rear yards of single-family attached dwellings are oriented toward a street, a buffer area shall be provided between the development and the street. On the subject application, the rear yards of multiple lots face Shadyside Avenue, a collector road, and would require a minimum 35-foot-wide buffer planted with 4 shade trees, 12 evergreen trees, and 20 shrubs for every 100 linear feet of property line adjacent to the street. The submitted DSP provides the required number of plants; however, the schedule provided quantifying the Section 4.6 requirements does not match the current required schedule as shown in the Landscape Manual. A condition requiring the correct schedule to be provided has been included in this approval.
  - c. Section 4.7, Buffering Incompatible Uses, requires a buffer between adjacent incompatible land uses, which includes the properties to the north and south of the subject site, which are developed with single-family detached residences. The landscape plan correctly identifies the Type "A" bufferyard required along these property lines. However, the required linear feet of buffer strip listed in Table "C" for the Section 4.7 buffer along the southeastern property line on the landscape plan is incorrect as it should be 155 feet, which is the entire length of the property line minus the 35 feet for the Section 4.6 buffer being provided along Shadyside Avenue. A condition requiring this to be revised, along with the subsequent total number of plant units calculation, has been included in this approval.
  - d. Section 4.9, Sustainable Landscaping Requirements, requires certain percentages of native plants to be provided on-site, along with no invasive plants, and no plants being planted on slopes steeper than three-to-one. The landscape plan provided the appropriate schedule; however, it did not include the percentage of native plant materials for evergreen trees. Additionally, the plant list labeled a Leyland Cypress as a native plant, which it is not. Both of these issues should be revised on the landscape plan and conditions regarding these have been included in this approval.
11. **Woodland Conservation and Tree Preservation Ordinance:** The Environmental Planning Section has previously reviewed this site as Detailed Site Plan DSP-04026 with an associated Type II Tree Conservation Plan, TCP11-016-05. The site was also the subject of a Preliminary Plan of Subdivision, 4-73270. This application seeks the approval of a detailed site plan to establish single-family semidetached dwellings on 2.55 acres in the R-T Zone.

The site is grandfathered from the environmental requirements of Section 27-282 of the Zoning Ordinance, including the requirement for a natural resources inventory (NRI) which became effective on September 1, 2010 because the site has an approved preliminary plan. The site is also grandfathered from the environmental requirements of Subtitle 25, Division 2 which became effective on September 1, 2010 because the site has a previously approved Type II tree conservation plan.

The property is subject to the requirements of the Prince George's County Woodland Conservation Ordinance because the property has a previously approved Type II Tree Conservation Plan TCP11-016-05. Because this site has an approved TCP, and no substantial changes from the previous approval are proposed, it is grandfathered from the provisions of the 2010 Woodland and Wildlife Habitat Preservation Ordinance and will be reviewed for conformance with the ordinance that was in effect prior to September 1, 2010.

The site has forest stand delineation (FSD) that was generally found to address the requirements of detailed forest stand delineation in compliance with the requirements of the Woodland Conservation Ordinance that was effective prior to September 1, 2010. The dominant species are tulip poplar and oak. The stand also includes ash, sweetgum, hickory, and beech. The stand is in the mid-succession stage and was found to be of "good" forest structure. Ash trees are not desirable for preservation because they serve as a vector for the emerald ash borer. These trees should be selectively removed during the land clearing process and a condition requiring this to be noted on the TCP11 has been included in the Recommendation section of this report.

The currently approved Type II Tree Conservation Plan, TCP11-16-05, proposes to clear most of the site and meet the woodland conservation requirement of 1.45 acres at an off-site location. According to the approved TCP11, no woodland conservation is proposed on-site. The plan does propose to preserve 0.19 acre of existing woodland that will not be counted toward the requirement.

12. **Tree Canopy Coverage Ordinance:** The project is subject to the requirements of Subtitle 25, Division 3, Tree Canopy Coverage Ordinance. The requirement for the subject property is 15 percent of the gross tract area or 0.38 acre (16,662 square feet) based on the R-T zoning. The existing trees on the site are proposed to be removed with the exception of 0.19 acre. The submitted landscape plan shows the proposed planting of 33 shade trees, 19 evergreen trees, and 58 ornamental trees. When combined with the on-site woodlands to remain, the total is 19,336 square feet of tree canopy coverage (TCC), which satisfies the requirement. Because the DSP shows additional clearing that may result in a slight reduction in the existing trees to remain, and removal of the ash trees may also slightly reduce the tree cover to remain, the TCC amount will need to be calculated based on the required plan changes prior to certification of the detailed site plan. A condition has been included in this approval requiring the landscape plan to be revised to show a TCC schedule that demonstrates how the requirements of Subtitle 25, Division 3 are being met.

13. **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:

- a. **Transportation Planning:** The access and circulation are acceptable. Shadyside Avenue is not a master planned roadway, but operates as a primary roadway, and the existing right-of-way allows it to serve that function. The site was reviewed as Preliminary Plan of Subdivision 4-73270; no resolution was available and no conditions were carried onto the record plat.
- b. **Subdivision Review:** The site plan indicates that the property consists of 18 lots and 1 parcel, located on Tax Map 80 in Grid D-2, and is 2.55 acres. A final plat of subdivision for the property was recorded in the Prince George's County Land Records on June 25, 2010 and is evidenced in Plat Book PM 232 @ 77 and supersedes Plat CEC 91 @ 42 (March 5, 1975). That final plat was the result of Preliminary Plan 4-73720, which proposed a 27-lot development and one parcel. No resolution is available for review. The subject application is proposing to construct 18 dwellings and provide for a hiker/biker trail to run along the southern portion of the property. The subject application is in conformance with the recorded record plat. No new preliminary plan is required.

The subject plan reflects a retaining wall in the middle of the previously approved and platted 12-foot-wide hiker/biker ingress/egress easement along the southern property line. The easement was established by CEC 91 @ 42 and reflected on PM 232 @ 77 along the southern edge of the property, which would connect to a public park to the west of the property. The easement is not improved with a trail and subsequent detailed site plan approvals have prohibited its implementation by requiring a retaining wall and light pole within the easement, and requiring a fence along the perimeter of the site.

Additionally, in its current configuration, the easement crosses over the western portion of Lot 41. The Planning Board found that this easement should be removed. The applicant should file a new final plat in accordance with Section 24-108(a)(1) of the Subdivision Regulations to reflect the removal of the hiker/biker easement, for which no preliminary plan is required.

**Site Plan Comments:**

1. Note 4 should be revised to reflect the current record plat.
2. The detailed site plan should be revised to provide the density calculation to include the net and gross tract area.
3. Note that the existing trail easement is to be removed.

Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall obtain approval of a final plat pursuant to Section 24-108 of the Subdivision Regulations, for which no preliminary plan is required to remove the hiker/biker ingress/egress easement.

Subdivision comments have been included as conditions in this approval where appropriate. Further discussion in support of the removal of the hiker/biker ingress/egress easement can be found in the Trails section below.

- c. **Trails:** The detailed site plan application has been reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation (MPOT)* and/or the appropriate area master/sector plan in order to implement planned trails, bikeways, and pedestrian improvements.

The subject application is located on the west side of Shadyside Avenue, approximately 2,200 linear feet south of Pennsylvania Avenue (MD 4). The site is within the area covered by the 2010 *Approved Subregion 4 Master Plan and Adopted Sectional Map Amendment* (area master plan). The property is also located next to the existing M-NCPPC Bradbury Community Center. The original detailed site plan was approved on July 28, 2005 (PGCPB Resolution No. 05-158). A trail connection from the subject site to the adjacent parkland was considered during the original DSP review, but was declined by DPR due to the presence of steep slopes along the suggested alignment.

**Comments (Master Plan Compliance and Prior Approvals)**

There are no master plan trails recommendations included in either the MPOT or the area master plan that impact the subject application. However, the MPOT includes several policies related to pedestrian access and the provision of sidewalks within designated centers and corridors, as well as other areas in the Developed and Developing Tiers. The Complete Streets Section includes the following policies regarding sidewalk construction and the accommodation of pedestrians:

**POLICY 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.**

**POLICY 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.**

The subject application reflects a standard sidewalk along one side of Bradbury Court, which is proposed to be a private roadway. The original record plat and detailed site plan approvals (where infrastructure was determined) predated the 2009 sidewalk policy. However, sidewalk access is accommodated on one side of the internal private road.

The submitted site plan also reflects a previously approved 12-foot-wide hiker/biker ingress/egress easement along the southern property line. This easement was established at the time of the original record plat. The easement alignment does not correspond to any current master plan trail recommendation in either the MPOT or the Subregion 4 Master Plan. Furthermore, a trail was not recommended along that alignment at the time of the 1975 *Adopted and Approved Countywide Trails* and the 1985 *Adopted and Approved Equestrian Addendum*. It appears that the easement was established at the time of the original record plat solely to provide access from Shadyside Avenue to the M-NCPPC parkland adjoining the site to the west.

The elimination of this easement is recommended for several reasons. There is no buffer between the easement and the adjoining residential lots, creating possible conflicts with future lot owners and people trying to access the park site. The easement actually crosses onto Lots 41 and 49 at two locations and recent Planning Department policy has been to avoid easements on private residential lots due to the variety of issues that can arise as a result. Finally, a connection to the adjacent park property was evaluated at the time of the original DSP and determined to not be feasible due to steep slopes between the properties. The resolution subsequently included a condition that the subject site be completely fenced off and screened from the park property, further prohibiting the possibility of any connection. For these reasons, the Trails findings support the removal of this easement.

#### **Conclusion**

From the standpoint of non-motorized transportation, it is determined that this plan is acceptable, fulfills the intent of applicable master plans and functional plans, fulfills prior conditions of approval, and meets the findings required for a detailed site plan as described in Section 27-285 of the Zoning Ordinance. No additional recommendations are necessary regarding bicycle, pedestrian, or trail facilities.

Based on the analysis and conclusions provided regarding Trails and Subdivision, the removal of the existing 12-foot-wide hiker/biker ingress/egress easement on the site has been incorporated into various conditions in this approval.

- d. **Department of Parks and Recreation (DPR):** DPR indicated that they had reviewed the DSP revision for conformance to the original DSP-04026 approval and their comments are discussed in Finding 9 above.
- e. **Permit Review:** Permit comments are either not applicable at this time, have been addressed through revisions to the plans, or are addressed through proposed conditions of approval of this detailed site plan.
- f. **Environmental Planning:** The Planning Board approved the Type II Tree Conservation Plan TCPII-016-05-01 subject to four environmental conditions.

The subject property is located on the east side of Shadyside Avenue, approximately 2,000 feet south of Pennsylvania Avenue. The site is undeveloped and fully wooded. The site is characterized by terrain sloping toward the northeastern portion of the property, and drains into unnamed tributaries of the Oxon Run watershed in the Anacostia River basin. A review of available information indicates that streams and 100-year floodplain are found to occur on the subject property. There are no wetlands associated with the site. The predominant soil types on the site are Croom and Beltsville. Based on information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this site. There are no Marlboro clays or scenic or historic roads located on or adjacent to the subject property. The subject property is not adjacent to or near any traffic-related noise sources. This property is located in the Developed Tier as delineated on the adopted *Prince George's County Approved General Plan*.

- g. **Prince George's County Fire/EMS Department**—The Prince George's County Fire/EMS Department did not comment on the subject application.
  - h. **Department of Public Works and Transportation (DPW&T)**—DPW&T did not comment on the subject application.
  - i. **Washington Suburban Sanitary Commission (WSSC)**—WSSC did not comment on the subject application.
  - j. **Verizon**—Verizon did not comment on the subject application.
  - k. **Potomac Electric Power Company (PEPCO)**—PEPCO did not comment on the subject application.
14. 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.
15. Per Section 27-285(b)(4) of the Zoning Ordinance, which became effective on September 1, 2010, a required finding for approval of a detailed site plan is as follows:

**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 contains a stream and 100-year floodplain located along the eastern portion of the site. Impacts to these features for a road crossing to access the site are proposed. These impacts are in conformance with the original DSP approval for the site; however, all state and federal permits for this crossing should be obtained prior to issuance of any grading permits.

Because the project has all required previous approvals, it is grandfathered and the required finding of "fullest extent possible" per Section 27-285(b)(4) is not required.

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-016-05-01) and further APPROVED Detailed Site Plan DSP-04026/01 for the above-described land, subject to the following conditions:

1. Prior to signature approval, the following revisions shall be made to the detailed site plan (DSP) or the following information shall be provided:
  - a. Revise the perimeter fence to be eight feet high, unless a revised District Council order for DSP-04026 is provided requiring only a six-foot-high fence.
  - b. General Note 4 shall be revised to reflect the current record plat number.
  - c. Revise the Type II tree conservation plan (TCPII) to state the location of the required off-site mitigation.
  - d. The following note shall be added to the TCPII:

"It is recommended that all ash trees be identified and removed as part of the clearing operations."
  - e. Revise the DSP to provide a chart to show lot size, lot coverage, and building height of each lot.
  - f. The landscape plan shall be revised to show a tree canopy coverage (TCC) schedule that demonstrates how the requirements of Division 3 of Subtitle 25 are being met.
  - g. Demonstrate on the site plans the actual building setbacks for each semidetached dwelling unit. The setbacks are from the closest point of a building to the property line (front, sides, and rear).
  - h. Provide the maximum total height of each retaining wall on the DSP. The total height is the height of the retaining wall and, if required, the height of the safety fence/rail, which would be required per the Building Code.
  - i. Label the width of the proposed driveways on the site plan. This can be added in the general notes on the coversheet of the site plan.
  - j. The centerline of all roads shall be demonstrated on the site plan.

- k. The landscape plan shall be signed and sealed by a registered landscape architect as required by Section 2.1 of the *Prince George's County Landscape Manual*.
  - l. Label the right-of-way width of Shadyside Avenue in the area adjacent to the subject site.
  - m. Revise General Note 20 to list the maximum allowed building height of 40 feet.
  - n. Revise the DSP to note that the existing 12-foot-wide hiker/biker ingress/egress easement is to be removed.
  - o. Revise the landscape plan to provide the correct Section 4.1, 4.6, 4.7, and 4.9 landscape schedules as found in the Landscape Manual.
  - p. Revise the required linear feet of buffer strip in Table "C" on the landscape plan to be 155 feet, and revise the total number of plant units required to be 13.
  - q. Revise the Section 4.9 landscape schedule to include the percentage of native evergreen trees proposed and revise the plant list to not list Leyland Cypress as a native plant species.
  - r. Revise the DSP notes and architectural elevations to provide a minimum of three full-size architectural features on all endwalls and a minimum of four full-size windows with shutters on the endwalls of Lots 48, 55, 56, and 58.
  - s. Revise the DSP to note that the two buildings within each attached group shall have different front elevations.
  - t. Revise the DSP to add a note that all above-grade foundation walls shall either be clad with finish materials compatible with the primary façade design, or shall be textured or formed to simulate a clad finished material such as brick, decorative block, or stucco.
  - u. Provide a list and samples of the proposed façade material colors to be reviewed by the Urban Design Section, as designee of the Planning Board.
  - v. Revise the architectural elevations to show stone veneer as an optional front façade material.
2. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams, or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that previous approval conditions have been complied with, and associated mitigation plans.

3. Prior to the issuance of the first building permit, the applicant shall make a monetary contribution of \$19,100 to The Maryland-National Capital Park and Planning Commission (M-NCPPC) for the construction of recreational facilities at the adjacent Bradbury Community Recreation Center.
4. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall obtain approval of a final plat pursuant to Section 24-108 of the Subdivision Regulations, for which no preliminary plan is required, to remove the 12-foot-wide hiker/biker ingress/egress easement.

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 Squire, seconded by Commissioner Cavitt, with Commissioners Squire, Cavitt and Vaughns voting in favor of the motion, and with Commissioners Clark and Parker absent at its regular meeting held on Thursday, March 31, 2011, in Upper Marlboro, Maryland.


Adopted by the Prince George's County Planning Board this 28<sup>th</sup> day of April 2011.

Patricia Colihan Barney  
Executive Director

By   
Jessica Jones  
Acting Planning Board Administrator

PCB:JJ:JK:arj

APPROVED AS TO LEGAL SUFFICIENCY

  
M-NCPPC Legal Department  
Date 4-5-11