

PGCPB No. 14-06

File No. DSP-04040-07

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 January 30, 2014, regarding Detailed Site Plan DSP-04040-07 for Waterford, Lot 100, Block A, the Planning Board finds:

1. **Request:** The subject application is for approval of building architecture for Lot 100, Block A, in accordance with Condition 20 of the District Council Order for Detailed Site Plan DSP-04040, and a variance from lot coverage for Lot 100A.

2. **Development Data Summary:**

Previously approved for Waterford

Zone(s)	R-A
Use(s)	Residential
Acreage	261.19
Net tract area	232.56
Area within 100-year floodplain	28.63
Lots	126 lots and 4 parcels
Dwelling Units:	
Detached	126
Minimum Lot Area	43,560 sq. ft.*

*Due to the use of varying lot size provisions.

3. **Location:** The site is in Planning Area 74A, Council District 6. Waterford is located on the south side of John Hanson Highway (US 50) and on the north side of Woodmore Road, approximately 2,000 feet east of its intersection with Pleasant Prospect Road. Lot 100, Block A, is located within Waterford, west of Pleasant Prospect (Historic Site 74A-006).
4. **Surrounding Uses:** A Potomac Electric Power Company (PEPCO) right-of-way, undeveloped farmland, and large single-family lots within the Woodmore Subdivision surround the Waterford development. Pleasant Prospect, a two and one-half-story brick plantation house and historic site listed in the National Register of Historic Places, is located within the Waterford development.
5. **Previous Approvals:** Waterford has a number of previous site plan approvals. Waterford was previously the subject of Pre-Preliminary Plan of Subdivision P-03011; Preliminary Plan of Subdivision 4-03111 and Type I Tree Conservation Plan TCPI/72/03 which were approved by the Planning Board's action on February 5, 2004 and adopted on March 25, 2004; and Detailed Site

Plan DSP-04040 and Type II Tree Conservation Plan TCPII/152-04. Detailed Site Plan DSP-04040 (PGCPB Resolution No. 05-61) was approved on February 24, 2004 and adopted on March 3, 2005. The District Council took action on DSP 04040 on September 12, 2005 and affirmed the Planning Board's decision, with additional conditions.

An -01 revision to DSP-04040 was reviewed for architecture on Lot 100, although that application became dormant. The subject application proposes new architecture for Lot 100. Detailed Site Plan DSP-04040-02 and TCPII/152-04-05 were approved for the addition of vegetative berms within the larger property. An entrance monument and security cameras were added under an -03 revision to the previously approved detailed site plan (DSP). An -04 revision was approved for architecture for Lot 17, Block A. An -05 revision was approved for architecture for Lots 4 and 19, Block A. An -06 revision was approved for architecture for Lot 99, Block A. Various revisions to the Type II tree conservation plan (TCPII) were also reviewed at staff level.

6. **Design Features:** Lot 100A is a 99,687-square-foot lot (2.28 acres) located west of Pleasant Prospect, Historic Site 74A-006. The building front is oriented toward the Woodmore development, which borders the western property line of the Waterford development. Access to the site is proposed from a ten-foot-wide 650-foot-long driveway that extends from a cul-de-sac at the terminus of Contee Manor Road. The site plan locates an area for a future pool with patio and a future basketball court in the rear yard of the site. For discussion regarding the architecture proposed for Lot 100, see Finding 8.
7. **Prince George's County Zoning Ordinance:** The subject application complies with the requirements in the R-A Zone as follows:
 - a. In accordance with Section 27-442(c), Table II - Lot Coverage, the maximum lot coverage for lots two-acres or larger in the R-A Zone is ten percent. Lot coverage includes the area of roofed structures and vehicular surfaces. The subject application proposes lot coverage of 11.8 percent. A variance from this provision is approved. For additional information regarding the variance see Finding 13.

The application includes area for a future pool with patio and a basketball court. These areas do not contribute to the site's lot coverage.
 - b. The provided yards exceed the minimums defined in Section 27-442(e) of the Zoning Ordinance.
 - c. In accordance with Section 27-442(f), Table V - Building Height, the maximum building height in the R-A Zone is 50 feet. The proposed building height and number of stories of the proposed residence shall be provided on the DSP and labeled on the architectural elevations.
 - d. The site plan indicates that a future swimming pool is proposed. Section 27-424 of the Zoning Ordinance contains additional regulations for swimming pools. In the R-A Zone,

six-foot-tall fencing is not specifically required around the swimming pool, although some fencing around the pool may be deemed appropriate by the homeowner in the future. The proposed pool will be located over eight feet from the rear lot line, and conforms to the requirements of Section 27-424. Permits for these outdoor features (pool, patio, basketball court, and fencing) may be approved in the future without the need for a revision to the subject DSP.

8. **Detailed Site Plan DSP-04040:** Detailed Site Plan DSP-04040 was approved by the District Council on September 12, 2005 with 24 conditions. The following condition is relevant to the subject DSP:

20. **Prior to the issuance of building permits for Lots 94, 98, 99, and 100, a detailed site plan for review of the architectural elevations shall be approved by the Planning Board, or its designee, to address the materials, elevations, and architecture of proposed houses on these lots, and to demonstrate compatibility with the Woodmore Development. The plans must show a minimum of 4,000 square feet of finished living area above ground, four-sided brick or stone, and cedar shake, slate, or slate-like roofing.**

The Planning Board finds that the subject DSP has been submitted in fulfillment of the above condition. The applicant proposes the Hillmoore architectural model on Lot 100. This is a two-story building with a hip roof and front-facing gable features. An extended front porch with metal roofing is proposed along the front elevation. As required by the above condition, the building will have four sides of brick or stone. The building is composed of two finish materials: "Virginia Highlands" brick, which is a natural colored red brick, and stone. Stone features are proposed on the western and southern building elevations only. The eastern elevation facing Pleasant Prospect will be entirely brick, in order to maintain compatibility with the historic site. The proposed roofing material is an architectural shingle with the color "Virginia Slate" and will have a slate-like appearance. The architectural elevations indicate that the building will have a mix of attractive architectural features and detailing on all four sides, including windows with arched transom features and windows with brick surrounds, jack arch lintels, and keystones.

A minimum building square footage of 4,000 square feet is also required. This standard was established so that the homes on Lots 94, 98, 99, and 100 would be consistent in size with the larger homes constructed within the Woodmore development. Lot 100 faces constructed homes in Woodmore that front Spriggs Request Way. Two homes located across from the site on Spriggs Request Way in Woodmore have an above-grade enclosed area of 6,193 square feet and 4,531 square feet, according to tax records. The proposed Hillmoore model has a total gross floor area of 6,169 square feet, which meets and exceeds the minimum floor area requirement, and will be compatible in size with constructed homes in Woodmore.

Overall, the Planning Board finds that the submission for Lot 100, Block A, meets the intent of Condition 20 and demonstrates compatibility with the historic site and Woodmore.

9. **Preliminary Plan of Subdivision 4-03111:** The DSP is in conformance with approved Preliminary Plan 4-03111. The following conditions are relevant to the subject review:

14. **Prior to release of building permits for Lots 95 through 100, the applicant shall provide evidence that the 40-foot-deep bufferyard along the Historic Site on each of these has been planted.**

The required landscape bufferyard was partially planted; however, some of the required plant material has died and the bufferyard has gone unmaintained. Currently, much of the required landscape buffer is in a fenced area and is located within a conservation easement. The applicant should consider removing the split rail fencing around the bufferyards to encourage the future homeowner to maintain this area of the property. Split rail fencing is required around afforestation areas to discourage mowing of developing woodland. The historic bufferyard is not an afforestation area and shall be maintained by future homeowners. For this reason, the split rail fencing and the conservation easement should be considered for removal.

Prior to the release of occupancy permits for Lot 100, Block A, or May 15, 2014, whichever comes first, the applicant shall submit a certificate of landscape maintenance in accordance with Section 1.7 of the 2010 *Prince George's County Landscape Manual*, which indicates that the required plant materials in the Section 4.7 buffer adjacent to the historic site have been provided or replaced. Additionally, any accumulated debris in this area shall be removed.

17. **Prior to the issuance of building permits for Lots 7 through 13, a limited detailed site plan shall be approved by the Planning Board to address the materials, elevations and architecture of proposed houses on these lots.**

Lot 100 was previously identified as Lot 8. At the time of preliminary plan, it was determined that the houses on Lots 7 through 13 would be visible from the Woodmore development. A limited DSP is required to address the materials, elevations, and architecture of the proposed houses prior to issuance of building permits. The subject application was submitted in fulfillment of the above requirement for Lot 100, Block A.

10. **2010 Prince George's County Landscape Manual:** Future residential construction in Waterford is subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Conformance to the Landscape Manual requirements will be evaluated at the time of building permit.

The landscape plan shows the location of a minimum 60-foot-wide building setback and a 50-foot-wide landscape yard along the rear property line between the proposed single-family home on Lot 100, Block A, and the Pleasant Prospect historic site. Section 1.7, Certificate of Landscape Maintenance, of the Landscape Manual requires that all required landscaping, buffering, and screening be maintained in a healthy condition and in accordance with the approved landscape plan. All dead, diseased, or otherwise absent plant materials required within the Section 4.7 buffer around Pleasant Prospect shall be replaced with healthy plant material. Prior to approval of an

occupancy permit for Lot 100, Block A, or May 15, 2014, whichever comes first, the applicant shall submit a certificate of landscape maintenance in accordance with Section 1.7, which indicates that the required plant material have been provided or replaced. Additionally, any accumulated debris in this area shall be removed.

11. **1993 Prince George's County Woodland Conservation and Tree Preservation Ordinance:** The property is subject to the 1993 Prince George's County Woodland Conservation and Tree Preservation Ordinance because the site has a previously approved tree conservation plan (TCP). The approved TCP is a combined TCP and landscape plan. The current application is limited to architectural review and minor revisions to the landscape plan.

No areas of woodland conservation are proposed to be revised with the current application.

12. **The Prince George's County Tree Canopy Coverage Ordinance:** The Planning Board finds that the subject application is not subject to the requirements of the Tree Canopy Coverage Ordinance because it is located within the R-A Zone, where tree canopy provisions do not apply.
13. **Required Findings for Approval of a Variance:** The subject application requests approval of a variance from Section 27-442(c): Table II - Lot Coverage. While the maximum lot coverage for lots two-acres or larger in the R-A Zone is ten percent, the subject application proposes lot coverage of 11.8 percent. Lot coverage is defined in Section 27-107.01(a)(132) of the Zoning Ordinance as the percentage of a "lot" which is covered by "buildings" (including covered porches) and areas for vehicular access and parking of vehicles.

Section 27-230 of the Zoning Ordinance contains the following required findings to be made before a variance can be granted.

- (a) **A variance may only be granted when the District Council, Zoning Hearing Examiner, Board of Appeals, or the Planning Board as applicable, finds that:**
 - (1) **A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;**

The Planning Board finds that Lot 100 is uniquely shaped. Lot 100 is a flag-shaped lot that has a long stem that wraps around Lot 99 and ultimately connects to the western terminus of Contee Manor Road. Although the mere fact that Lot 100 is a flag-shaped lot does not by itself render the lot uniquely shaped, in comparison to other flag-shaped lots in the community, its shape is unique due to the extraordinary length of the stem. The lot was created this way to provide access to a public right-of-way, but in doing so, it has resulted in the applicant having to provide an unusually long driveway. The total size of Lot 100, in comparison to the unusually long stem/driveway, results in a significant amount of the allowable lot coverage percentage being used by the driveway itself. The long stem results in a driveway length of 650 feet. The ten-foot-wide driveway contributes an area of 6,500

square feet to the lot coverage. Over half (55 percent) of the proposed lot coverage for Lot 100 is due to the driveway length.

- (2) **The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and**

If strict compliance with the lot coverage provisions were required, it would be necessary for the applicant to reduce areas for buildings or vehicles by 1,795 square feet. Because all lots in Waterford are required to have driveways constructed of concrete, it is unlikely that the applicant would be able to comply with the lot coverage provision by eliminating, or significantly modifying the design of the 650-foot-long driveway, which is also ten feet wide, a standard driveway dimension. Lot 100 is unable to share a driveway with an adjacent lot per District Council Condition 5(b) of DSP-04040, which states:

- (b) **On lots 99 and 100, the driveway shall be shown as separate for each lot, separated by a lot line, so that each driveway is on its own lot.**

Further, an elimination of the driveway would be inconsistent with development on adjacent lots.

Because significant alteration of the driveway design is not feasible, conformance with the ten percent lot coverage requirement would result in the reduction of the footprint of the house and paved surfaces near the garage. These areas would need to be reduced by 34.1 percent to comply with the lot coverage requirements, which would be a hardship. The Planning Board finds that such a reduction is not desirable in this location.

- (3) **The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.**

The Planning Board finds that the variance will not impair the intent, purpose, or integrity of the 2002 *Prince George's County Approved General Plan* or the February 2006 *Approved Master Plan and Sectional Map Amendment for Bowie and Vicinity, Planning Area 71A, 71B, 74A and 74B*. The application is located in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. The master plan recommends the retention of large-lot residential land use in this area. The proposed limited variance request for lot coverage will in no way impair the integrity of the General Plan or master plan.

14. **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. **Historic Preservation**—The subject DSP revision provides for a single-family residence that is considered to be generally compatible with the adjacent historic site. The applicant has revised and enhanced exterior detailing and materials for the house's rear elevation which will be visible from the adjacent historic site. These revisions include the use of only one exterior material, brick, on this elevation and the addition of masonry trim to enhance the character of the window openings on that elevation. The subject site plan application also includes potential future locations for a swimming pool and patio and a basketball court in the rear yard of the property. Although these features will be significant elements of the rear yard, their visual impact from the adjacent historic site should be minimal as only the basketball court will include a vertical feature of any significance. This feature will be substantially screened by the landscape bufferyard to be installed along the common property line with the historic site in compliance with Section 4.7 of the Landscape Manual.
 - b. **Permit Review**—Plan revisions recommended by the Permit Review Section have been addressed through revisions to the plans.
 - c. **City of Bowie**—The City of Bowie provided a referral response of no comment for the subject revision.
15. Based on the foregoing and as required by Section 27-285(b) of the Zoning Ordinance, the Planning Board finds that 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.

The subject application is not subject to the requirement of Section 27-285(b)(4) that came into effect on September 1, 2010 because the project has a previously approved preliminary plan of subdivision and Type II tree conservation plan.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Detailed Site Plan DSP-04040-07, including a Variance from Section 27-442(c), subject to the following conditions:

1. Prior to signature approval of the detailed site plan (DSP), the following information shall be provided or revisions made:
 - a. Provide the height and number of stories of the building proposed on Lot 100A on the DSP in or near the building footprint on the site plan.
 - b. Provide the proposed gross floor area of the building on Lot 100A on the DSP.

- c. The building template sheet shall indicate that a covered front porch is proposed for the Hillmoore model.
 - d. Indicate the location and disposition of the existing split rail fencing within the buffer at the rear of the historic site.
2. Prior to approval of an occupancy permit for Lot 100, Block A, or May 15, 2014, whichever comes first, the applicant shall submit a certificate of landscape maintenance in accordance with Section 1.7 of the 2010 *Prince George's County Landscape Manual*, indicating that all dead, diseased, or otherwise absent plant materials that are required within the Section 4.7 buffer around Pleasant Prospect, Historic Site 74A-006, on Lot 100A have been provided, or have been replaced. Additionally, the certificate shall indicate that any accumulated debris in this area has been removed.

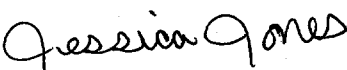
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

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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 Bailey, with Commissioners Washington, Bailey, Shoaff, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, January 30, 2014, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 20th day of February 2014.

Patricia Colihan Barney
Executive Director


By Jessica Jones
Planning Board Administrator

PCB:JJ:MF:arj

APPROVED AS TO LEGAL SUFFICIENCY.


M-NCPPC Legal Department
Date 2/14/14