

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 May 27, 2010 regarding Detailed Site Plan DSP-07061 for Villages at Pepper Mill, the Planning Board finds:

1. **Request:** This detailed site plan is for the purpose of reviewing a plan of development for 96 single-family attached (townhouse) dwellings on fee-simple lots, one parcel to be dedicated to The Maryland-National Capital Park and Planning Commission (M-NCPPC), two parcels to be conveyed to the homeowners association, and one parcel owned by the Villages at Pepper Mill, LLC. In conjunction with the detailed site plan, the applicant is requesting a variance and a number of alternatives to the Development District Standards of the 2000 *Approved Sector Plan and Sectional Map Amendment for the Addison Road Metro Town Center and Vicinity*. The detailed site plan includes the site plan, landscape plan, signage package, and proposed architectural elevations for the townhouse units.

2. **Development Data Summary:**

	<b>Existing</b>	<b>Approved</b>
Zone	R-T and D-D-O	R-T and D-D-O
Uses	Generally vacant	Townhouse dwellings (96)
Acreage (in the subject DSP)	17.91	17.91
<b>Parking Required</b> for townhouses (2.04 per unit)	196	
<b>Parking Provided</b> for townhouses	204	

3. **Location:** The subject property is located in the northeast quadrant of the intersection of Cindy Lane and Central Avenue (MD 214), and is bounded by the Cabin Branch stream on the west. The project is within the Addison Road sector plan, which consists of a number of properties to the north, east, south, and west of the Addison Road Metro Station.

The subject property is located in the subarea known as Baber Village. Baber Village is envisioned in the sector plan to be a medium-density, suburban, residential development with park and trail amenities close to the Metro station.

4. **Surroundings and Use:** North of the subject site are single-family dwellings that are zoned R-55 (One-Family Detached Residential). East of the site, across Cindy Lane, is the Central Gardens I, a garden apartment complex in the R-18 (Multifamily Medium Density Residential) Zone. The site

shares a northwestern boundary with the Cabin Branch stream and its associated floodplain. South of the subject site, across Central Avenue (MD 214), are the Addison Road Metro Station and rail tracks.

5. **Previous Approvals:** Preliminary Plan of Subdivision 4-06134 for the subject site was approved by the Planning Board on October 9, 2008 and was adopted on October 30, 2008 (PGCPB Resolution No. 07-119(A)). The preliminary plan remains valid until December 31, 2010 or until a final plat is approved and recorded.

The proposed project is subject to the requirements of Preliminary Plan of Subdivision 4-06134. Please see Finding 13 for a detailed discussion of the requirements of that approval.

6. **Design Features:** The Villages at Pepper Mill is designed as a 96-unit townhome community with vehicular access from Cindy Lane. The central road within the design is proposed Funderburg Drive. Funderburg Drive is the core of the pedestrian realm and provides a link between private streets in the neighborhood, existing Cindy Avenue, and the amenitized walking paths toward the west of the site.

The architectural elevations propose a variety of townhome models with architectural and façade options to be built by K. Hovnanian Homes.

<b>Model</b>	<b>Minimum Finished Living Area</b>
Adams	1,694 square feet
Jefferson	2,007 square feet

The Adams model is a 20-foot-wide interior unit, while the Jefferson is a wider end unit, measuring 24 feet wide. Both models have garages. Townhomes which front Cindy Lane and Central Avenue will be accessed by private alleys and have two-car garages at the rear of the units. The townhomes in the rest of the site will be front-loaded. The Adams models, which front private streets, are designed to have a one-car garage, and the larger Jefferson models have two-car garages and a main entrance on the side of the unit.

All of the proposed models are three stories. The townhome elevations show a variety of architectural and material options that will provide interest and variety throughout the development. These options include materials such as brick veneer, stone veneer, or vinyl siding. Dormers, reverse gables, full sides of brick or stone, lower levels in brick or stone, shutters, window pediments with keystones, and classical entrance features are some of the architectural options proposed in the Villages at Pepper Mill detailed site plan. All end units will have some stone or brick treatment.

The plan as a whole conforms to the design intent of the area as set out by the sector plan. The site is a gateway into the Addison Road Metro Town Center. The town center is planned to serve as the focal point of the surrounding community. A compact, pedestrian-oriented street environment

is envisioned for the town center through the Addison Road sector plan, which recommends specific land uses for the town center that take advantage of the Metro station. The subarea "Baber Village," as the subject site is referred to in the master plan, is planned as residential community within convenient walking distance to Metro. The plan recommends an urban boulevard treatment along Central Avenue (MD 214) (an arterial) and Addison Road (a collector), incorporating new trees, plantings, sidewalks, crosswalks, coordinated sign system, street furniture, and lighting.

The applicant's layout also incorporates recommendations set forth by the Adopted Subregion 4 Master Plan and Sectional Map Amendment. While the site is not within the boundaries of the Subregion 4 regulating plan currently under development, the applicant voluntarily worked with the M-NCPPC, Prince George's County Planning Department, Development Review Division (DRD) and leadership in the Community Planning Division to revise their previously submitted detailed site plan. The final design portrays townhomes facing Cindy Lane and Central Avenue, and provides a resolution between the existing master plan and the future direction of the area.

**COMPLIANCE WITH EVALUATION CRITERIA**

- 7. **Zoning Ordinance:** The subject detailed site plan has been reviewed for compliance with Section 27-441, Uses Permitted in Residential Zones; Section 27-442, Regulations for Development in Residential Zones; and Section 27-548.19 through 27-548.26, Development District Overlay Zones; and Section 27-433, R-T Zone (Townhouse).

**Section 27-441, Uses Permitted in Residential Zones**

The uses proposed on the site are permitted in the Residential Townhouse, R-T Zone.

**Section 27-442. Regulations**

Dimensional Standards	Required	Approved
Min. Net Lot Area	1,800 sq. ft.	1,800 sq. ft.
Max. Lot/Building Coverage	35 percent	16.53 percent
Min. Yard	800 sq. ft.	800+ sq. ft.
Max. Building Height	40 feet	40 feet
Min. Dwelling Width	20 feet	20 feet
Min. Gross Living Space	1,250 sq. ft.	1,694 sq. ft.
Max. Density (dwelling unit per net acre)	6 units per net acre	7.5 units per net acre*

\*The *average* density, including the entire area of the site, is 5.36 units per acre; however acreage in the floodplain is typically excluded from net lot area calculations. With the acreage in the 100-year floodplain excluded, the density of the proposed development is 7.5 units per net acre. The applicant has applied for a variance to the maximum density of standard townhomes permitted in the R-T (Residential Townhouse) Zone, to maintain the number of units approved in the preliminary plan of subdivision.

**Section 27-442(a)(1)(h) TABLE VII—DENSITY (Maximum Dwelling Units Per Net Acre of Net Lot/Tract Area)**

**Townhouses, All Others: 6 units per acre.**

The density on the site is currently 7.5 units per net acre.

For a more detailed discussion of the variance request see Finding 10 of this technical staff report.

**Section 27-433. R-T Zone (Townhouse)**

**(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.**

Of the seventeen proposed building groups in the detailed site plan, four proposed groups show more than six connected units. Three groups show seven units, while one group shows eight units in a stick. There are no sticks with more than eight units. The number of building groups containing more than six dwelling units exceeds 20 percent of the total number of groups on the site plan. The current percentage is 23.5 percent. The proposed configuration keeps all units from impacting the floodplain on-site, and reserves approximately one-third for park land to be dedicated to the homeowners' association (HOA) and M-NCPPC.

A variance for Section 27-433(d)(2) of the Zoning Ordinance was approved by the Planning Board at the time of preliminary plan to allow a nonstandard arrangement of attached dwelling units. This area's proximity to the Addison Road Metro Station was justification for the more compact townhome development pattern. The preliminary plan resolution additionally recommended that the detailed site plan incorporate more urban characteristics into the design to stay in keeping with the desired urban character of the Addison Road Metro Town Center.

This variance remains valid and continues to apply to the subject site in the context of the

detailed site plan review process.

- (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 width of any dwelling is 20 feet.

- (4) **The minimum gross living space, which shall include all interior space except garage and unfinished basement or attic area, shall be one thousand two hundred and fifty (1,250) square feet for townhouses, and two thousand two hundred (2,200) square feet for one-family attached metropolitan dwellings.**

The total base finished area for the models are 1,694 square feet for the Adams, and 2,007 square feet for the Jefferson. These exceed the minimum requirements.

- (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.**

This concept was also conditioned at the time of preliminary plan. The applicant is proposing full brick on highly-visible endwalls. All endwalls will have some brick or stone; there will be no all-vinyl option for any endwall in the detailed site plan. There are also additional units that the DSP is currently treating with additional details for highly-visible rears.

Units that will be highly visible, due to the layout of the site plan:

1. Units on Lots 35–45 will have highly-visible rears from the proposed walking route around the water feature, which is the primary public recreation space in the development. The applicant is proposing brick or stone at the first level of those rears.
2. Lots 1–4 will have highly-visible rears from Cindy Lane moving south towards Central Avenue. These lots are additionally on the higher terrain, which make them even more pronounced in the landscape. The applicant is proposing brick or stone at the first level of those rears.

3. Lots 52–57 create a fan that opens up to Funderburg Drive, making the rears of those lots highly visible from Funderburg and Keith Street. The applicant is proposing brick or stone at the first level of those rears, and additional landscaping.
4. Lot 22 has a highly-visible south side. The applicant has proposed a full-brick endwall for this lot.

The Planning Board finds the treatment of highly-visible units to be acceptable in the detailed site plan with the exception of those described below.

**Conditions:**

- Townhomes fronting Central Avenue (Lots 73–77) shall have full brick or stone fronts.
  - The endwall for Lot 78, which will be visible from Central Avenue, shall be full brick or stone.
  - The endwall for Lot 96, which will be visible from Cindy Lane, shall be full brick.
- (6) 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. Exposed foundation walls of unclad or unfinished concrete are prohibited.**

The Planning Board recommends that this become a condition of approval and that a note be placed on the detailed site plan.

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

The Planning Board recommends that this become a condition of approval and that a note be placed on the detailed site plan.

**(f) Access to individual lots.**

- (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:**

- (C) Each right-of-way shall contain a sidewalk at least six (6) feet wide**

**which connects parking areas with the individual lots. The maximum grade of the sidewalk shall generally be not more than five percent (5%). However, when the normal grade of the land exceeds five percent (5%), ramps or steps may be utilized to remain consistent with that grade.**

Six-foot-wide sidewalks are proposed along the main access road, Funderburg Drive. Five-foot-wide concrete sidewalks (per the Addison Road Metro Town Center DDOZ) are currently being proposed by the applicant along the rest of the site. Five-foot-wide sidewalks will be sufficient for most of the site.

**(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**

Lots 91 and 92 have the potential to be made accessible.

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

Street lights are noted on the plan. The Planning Board accepts a more pedestrian-focused lighting plan along Funderburg Drive, as it is the central access for the development. This means more, potentially smaller and more ornamental, lamps along the main road. Lighting and landscape should work together to create a sense of place in the Villages at Pepper Mill.

Upgraded lighting is discussed for public areas in the Addison Road Metro Town Center SMA on page 203. Ornamental poles and luminaires should be used, and they should be provided in proportion with their intended location and use. The major public realm in this development is Funderburg Drive and the proposed trail loop. These areas should be pedestrian focused.

The revised detailed site plan shows an upgraded lighting plan that is more in keeping with sector plan recommendations.

8. **2000 Approved Sector Plan and Sectional Map Amendment for the Addison Road Metro Town Center and Vicinity:** The Planning Board finds that the proposed development conforms to the

purposes and recommendations for the development district as stated in the Addison Road Metro Town Center sector plan. The Addison Road sector plan sets out four primary goals or purposes. These four goals emphasize the need for revitalization of the area and the need to accommodate the users of the Metro station and pedestrians. The development district standards were written as design criteria to implement these goals. The sector plan summary (page 166) states the following purposes:

**The chief single purpose of the sector plan is to maximize the public benefits from the Addison Road Metro Station. Built on a widened and improved Central Avenue, the Addison Road station represents years of transportation planning and construction and millions of dollars of public investment. The station connects the ARM Town Center to the many employment, shopping, recreation, and business opportunities available to users of the Washington Metro system.**

**The sector plan sets out four primary goals:**

**First, revitalizing the town center with new, upscale residential and commercial development. The entire town center area is in need of revitalization to attract new business and residents.**

The proposed infill project is a high-quality residential development. It has been reviewed under the development district standards, and should be considered a step towards the revitalization of the Addison Road Metro Town Center.

**Second, promoting transit-oriented development near the Metro station. Transit-oriented development serves Metro users, not the automobile.**

While the slope and character of the site conditions prevent multiple points of connectivity to Central Avenue and the Metro station, decisions have been made to connect the site as much as feasible to the Metro station. The development provides supporting residential to the town center, potentially bolstering metro use, and establishes safe pedestrian connections to the Metro via Cindy Lane.

**Third, promoting pedestrian-oriented development. Pedestrian-oriented development aids Metro users and will encourage pedestrians to use residential and commercial properties near the Metro station; and**

The site plan has provided for the use of rear-loaded townhouses along Cindy Lane and Central Avenue, which will enhance the public streetscape for use by the pedestrian. The layout places the fronts of townhouses facing toward the front of the site and the vehicle driveway and parking facilities are removed from the pedestrian zone by the use of alleys. Although the automobile will be provided for on the site, pedestrian and vehicular conflicts have been minimized.



**Fourth, compact development in the form of a town center, with a town commons area at Addison Road and MD 214, next to the Metro station. Compact development, with higher development densities favoring Metro users and pedestrians, offers the benefits of the Metro station to the greatest number of residents and businesses.**

The applicant has requested a variance to allow for 1.5 more units per net acre than would normally be allowed in the R-T Zone (Residential Townhome). It makes good planning sense to increase densities where possible near the Addison Road Metro. The site plan, as proposed, provides a transition between the more dense and urban developments proposed near the Metro station and the traditional single-family neighborhoods north of the site.

9. The detailed site plan is in conformance with the *2000 Approved Sector Plan and Sectional Map Amendment for the Addison Road Metro Town Center and Vicinity* with the exception of several standards discussed below. Where a development district standard cannot be complied with, Section 27-548.25(c) of the Zoning Ordinance allows the applicant to ask the Planning Board to apply different development standards, unless the plan provides otherwise. The Planning Board must find that the alternate standard will benefit the development and the development district and will not substantially impair implementation of the master plan, master plan amendment, or sector plan. The applicant has requested the approval of alternative development district standards in order to implement the proposed plan of development. In general, the Planning Board agrees with the applicant's proposal to modify the development district standards because the goals of the Addison Road Metro Town Center sector plan continue to be met with the proposed alternative standards. The following standards are requested to be modified:

**S3. D. A front build-to line between 10 and 15 feet from the right-of-way line shall be established for single-family attached residential dwellings within the town center.**

**Alternate:** A front build-to line between 10 and 15 feet from the right-of-way line shall not be required for R-T-zoned, single-family attached residential dwellings within the town center.

Applicant's justification statement per letter dated February 17, 2010:

"All single family attached buildings are set back a minimum of 19' from the right-of way line to comply with minimum parking space depth standards set forth in the Zoning ordinance. The additional 4' of setback (at the closest unit) allows for cars parked in the driveway to be outside of the right-of-way and allow for unobstructed pedestrian circulation along the sidewalks."

The Planning Board agrees with the applicant's request to waive the build-to-line requirement to allow room for a parking space in the driveway and unobstructed pedestrian circulation within the development.

**S3. F. Residential garages shall be sited to reduce their visual impact on the street. Alternatives should be pursued which locate the garage towards the side or rear of a lot, or at a minimum recess the garage at least six feet from the front building façade.**

**Alternate:** Residential garages which are not located at the rear or side of a lot, or are not located at least six feet from the front of a building façade shall have an architectural-style garage door.

All proposed residential units in the detailed site plan shall have architectural-style garage doors, even those which are rear-loading units.

**S3. G. Residential dwellings shall front onto public street whenever possible.**

**Alternate:** When residential dwellings do not front onto a public street, each lot shall be serviced by a right-of-way for emergency and pedestrian access.

The detailed site plan does front residential development on public streets when feasible. Additionally, all lots are serviceable by emergency vehicles and have adequate pedestrian access.

**P2. E. Sidewalks within the residential areas of the town center shall be constructed of concrete or brick paving, be a minimum of five feet in width, and should provide a six-foot grass strip for the planting of shade trees.**

**Alternate:** When private rights-of-way and streets are used, a grass strip less than six feet wide may be used for the planting of shade trees.

Applicant's justification statement per letter dated February 17, 2010:

"The private-right-of-way used for the Villages at Pepper Mill is based on current Department of Public Works and Transportation (DPW&T) standards for urban secondary residential roads. When a five foot wide sidewalk is used a grass strip of at least five feet wide will be provided."

The Planning Board agrees with granting relief from this provision. Six-foot-wide sidewalks shall be provided along proposed Funderburg Drive and five-foot-wide sidewalks shall be provided throughout the rest of the site. The site plan fulfills the need for walkability, while providing sufficient planting strips able to sustain the proposed vegetation.

**P2. N. Pedestrian circulation in Baber Village shall be provided by a sidewalk along Cindy Lane and a trail connection to the Cabin Branch stream valley park**

**on the western edge of the property.**

**Alternate:** Sidewalks currently exist along Cindy Lane. Future trail connections to Cabin Branch may be provided across parcel C by The Maryland-National Capital Park and Planning Commission (M-NCPPC).

Applicant's justification statement per letter dated February 17, 2010:

"Parcel C is proposed for dedication to the Maryland-National Capital Park and Planning Commission, and will separate the proposed subdivision from Cabin Branch. A paved trail is proposed around the storm water management area and may be connected to a future trail connection through parcel C."

Future connectivity to the Cabin Branch stream shall be the responsibility of M-NCPPC. The Planning Board agrees with the applicant and does not believe this finding requires an amendment of the development district standards.

10. **Variance Request VD-07061:** The detailed site plan meets the requirements of the Addison Road Metro Town Center plan and applicable regulations of the underlying zones, if the following requests for variances are approved by the Planning Board. By letter dated April 15, 2010, the applicant requests approval of a variance from Section 27-442(h) Table VII Density (Maximum Dwelling Units Per Net Acre of Net Lot/Tract Area) to allow for an additional 1.5 dwelling units per net lot/tract acre.

**Section 27-548.25(e) states the following:**

**If a use would normally require a variance or departure, separate application shall not be required, but the Planning Board shall find in its approval of the site plan that the variance or departure conforms to all applicable Development District Standards.**

Section 27-422(a)(1)(h) Table VII - Density (Maximum Dwelling Units Per Net Acre of Net Lot/Tract Area) states the following:

**Townhouses, All Others: 6 units per acre.**

The applicant provides the following justification for exceeding the maximum number of dwelling units permitted for Townhouses, All Others in the R-T Zone:

"This section of the Zoning Ordinance only permits a maximum density for townhouse development (all others) of 6.0 dwelling units per Net Acre of Net Lot/Tract Area. Thus a variance of 1.5 dwellings per net lot/tract area is required.

"The ninety-six (96) townhouse lots approved in Preliminary Plan 4-06134(A) yield a density of 7.5 dwellings per net acre (96 lots/12.72 net acres = 7.5 units per net acre). The

5.19 acres in the floodplain were not deducted from the gross tract acreage of 17.91 acres as required by and defined in Section 27-107.01(163) of the Zoning Ordinance which states:

“(163) Net Tract Area (Net Acreage), Conventional Development:

“(A) The ‘Net Tract Area’ is the ‘Gross Tract Area’ minus all land which:

- (i) Lies within a ‘One Hundred (100) Year Floodplain’; and
- (ii) Has been dedicated, donated, or otherwise conveyed out of the tract.

“(B) In the R-T Zone, and in the R-30, R-30C, R-18, and R-18C Zones when developed in conformance with the requirements of the R-T Zone, local internal public and private ‘Streets’ shall be included in the ‘Net Tract Area’ of the development.

“(C) The term shall not apply to tracts subdivided under the ‘cluster development’ provisions of the County Code.

“(D) Unless otherwise specified, ‘Tract Area’ means ‘Net Tract Area.’

“Because there are no numeric standards for maximum net lot/net tract area density in the Addison Road Metro Town Center DDOZ the maximum number of dwellings is set by Section 27-442(h) of the Zoning Ordinance. Thus the variance is for 1.5 dwellings per net acre or 20 dwellings total per net tract area. Notwithstanding this requirement, we note that the DDOZ standards calculate the method of determining density differently than Section 27-442(h). Specifically, Sector Plan Page 271 (Appendix C) defines density in terms of average and maximum dwellings per acre as follows:

“Average dwelling units per acre: The number of dwelling units which may be built on a tract—including the typical mix of streets, public facility sites and areas within the 100-year floodplain—expressed as a per-acre average.

“Maximum dwelling units per net acre: The number of dwelling units which may be built on the total tract—excluding streets and public facility sites, and **generally excluding land within the 100-year floodplain**—expressed as a per-acre average (emphasis added).

“Moreover, these methodologies differ from the definition of density (below) in Section 27-107.01(66) of the Zoning Ordinance, as modified by the definition of Net Tract Area (Net Acreage) defined (above). In other words, the definitions in the Zoning Ordinance clearly indicate that the 100-year floodplain shall not be included in net lot or net tract area. Thus, the variance for 1.5 dwellings per net acre is herein requested.

“(66) Density: The number of ‘Dwelling Units’ per acre of ‘Net Lot Area.’ In the R-C-O Zone, the gross tract acreage is used to calculate density.

“(161) Net Lot Area:

“(A) The total contiguous area included within the Lot Lines of a ‘Lot,’ excluding:

- (i) ‘Alleys,’ ‘Streets,’ and other public ways; and
- (ii) Land lying within a ‘One Hundred (100) Year Floodplain,’ except as follows. In the R-A, O-S, V-M, and V-L Zones, any part of the ‘Lot’ exceeding forty thousand (40,000) contiguous square feet may be within the ‘One Hundred (100) Year Floodplain.’ In the R-E Zone, any area of the ‘Lot’ in excess of twenty thousand (20,000) contiguous square feet may be within the ‘One Hundred (100) Year Floodplain,’ provided that the ‘Lot’ is served by a public water and sewerage system and is in water and sewer service area category one (1), two (2), or three (3) at the time the ‘Final Plat of Subdivision’ is approved.

“(B) Unless otherwise specified, ‘Lot Area’ means ‘Net Lot Area.’

“(C) In a conservation subdivision developed in conformance with Section 24-152 the net lot area is the contiguous lot area located outside of the 100-year floodplain and environmentally regulated areas, including primary management areas as defined by Section 24-101 and expanded buffers, as defined by Section 24-130.

“A Lot is defined in Section 27-107.01(129) as:

“(129) Lot: A designated area of land to be used, developed, or built upon as a unit (in accordance with this Subtitle), and having the minimum contiguous area required for a ‘Lot’ in the applicable zone and frontage on a public ‘Street,’ or private road, right-of-way, or easement approved in accordance with Subtitle 24. A ‘Lot’ shall be made up of one (1) or more entire ‘Record Lots.’

“Note: Because the subject property has an approved Preliminary Plan (4-06134(a)), the proper definition to apply in lieu of ‘Net Lot Area’ should be ‘Net Tract Area’ as defined above.

“We also note that the apparent contradiction between the methodology for determining the maximum number of dwellings per Net Lot/Tract area in the Zoning Ordinance and Sector Plan is resolved by language in the Sector Plan’s DDOZ. In discussing how the

DDOZ was approved as an overlay zone (Sector Plan Page 165), the following is stated:

**“Where Development District Standards are inconsistent with the underlying zoning regulations, the standards govern development of the property. (Emphasis added).**

“Thus, we contend that the density approved in Preliminary Plan of Subdivision 4-06134(A) is in fact consistent with the methodology for determining density as intended by the Sector Plan, despite exceeding the density allowed by Section 27-442(h) of the Zoning Ordinance. Specifically, the maximum dwellings per net acre within the DDOZ are not necessarily calculated by deducting floodplain acres. This is because the sector plan appears to allow flexibility in determining maximum density by stating floodplain is ‘generally’ to be deducted from net tract area, not mandated (emphasis added). It is noted that the Planning Department Staff and Planning Board supported and approved the preliminary plan density of 7.5 dwellings per net acre. However, even if the Planning Board’s approval of the density amount was a mistake the criteria set forth in §27-239.03 allows for this Board to grant a variance request at this point in the process.”

“Footnote 1: This same section allows a maximum density of 12.0 townhouse dwellings per net acre of net lot/tract area for ‘Transit Village Townhouses’ as defined in CB-37-2006 and if designated as a ‘Transit Village’ in the Sector Plan. We believe that had the 2000 ARM Sector Plan been approved after CB-37-2006, it is highly probable that the Addison Road Town Center would have been designated a ‘Transit Village’ for the purpose of encouraging higher density in proximity to the METRO station. The net tract density approved in Preliminary Plan 4-06134(A) would be easily accommodated in a 12-unit Transit Village development if so designated in the pending Subregion 4 Master Plan.”

The applicant is correct in stating that, while they must apply for a variance from Section 27-442(h), there are unusual circumstances related to determination of the density in the subject parcel.

The definition of density that the applicant used to prepare the preliminary plan, which uses the term “generally,” was taken from the appendix of the Addison Road Metro Town Center plan. The appendix is not considered to be a part of development district regulations. Appendices are considered resources to assist in reading and understanding master plans and sectional map amendments. Regulating sections of master plan documents are clearly noted. The applicant mistakenly applied language in the appendix for determining the density at the time of preliminary plan, and this mistake was not discovered or corrected during the course of the review. In subsequent negotiations, the applicant relied on the 7.5 dwelling units per acre density approved by the Planning Board.

There are a number of factors which determine density. Floodplain is normally excluded from net tract calculations, which is how the Zoning Ordinance defines developable land. There are some instances in which it is not excluded. For example, if a floodplain is part of a minor watercourse, having less than fifty acres of watershed upstream, this land can be included in net tract area and

density calculations (Section 27-124.01(c)).

The applicant additionally notes that if the 2000 Addison Road Metro Town Center Sector Plan had been designated a "Transit Village," which is a type of mixed-use activity center, 12 units per acre would have been permitted (CB-37-2006). That would equal 152 permitted townhomes on the 12.71 net acre site. While the Addison Road Metro Area is not a designated Transit Village, the long-term vision is not unlike that of a mixed-use activity center.

In addition, if the Villages at Pepper Mill project were absorbed under the Subregion 4 regulating plan, which was an option posed to the applicant, the project would have few caps on permitted density. Multistory residential and mixed-used buildings could be approved on the site under the new mixed-use zone. The applicant actively sought to be taken out of the regulating plan boundaries largely because of the longstanding relationships that the applicant established with the adjacent communities over the course of this site planning and development review process. It was determined through community input that this should not be a high-density proposal.

The Planning Board may grant a variance request to density as it would any other standard in the Zoning Ordinance, except for land use. The Planning Board finds the applicant's position to be reasonable in light of the previously approved level of density mistakenly deemed correct and appropriate at the time of preliminary plan. The Planning Board still finds that the density on the site, while requiring a variance, will be appropriate for the Addison Road Metro Area.

Required Findings for a Variance—Section 27-230(a) of the Zoning Ordinance requires the following findings for Planning Board approval of a variance, as authorized by Section 27-239.03 of the Zoning Ordinance:

1. **A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;**

**Applicant's Justification:**

"The subject property is unique within the general area because it is the only large undeveloped land in the town center along Central Avenue and is recognized as providing a catalyst for development of the town center (Sector Plan Page 136). The site is constrained to the west by the existence of 5.19 acres of floodplain. Access to the site can only be provided by Cindy Lane because the site is substantially higher in elevation along Central Avenue. It occupies a unique location in relationship to adjacent development and its shape and topography facilitate buffering and screening from surrounding properties and Central Avenue. The property's unique shape and other extraordinary topographic conditions led the Staff and Planning Board to approve the following variation and variance as part of Preliminary Plan 4-06134(A) (Page 8-11 in PGCPB No. 07-119(A)):

- " Variation (V-06134) to Subdivision Section 24-121(a)(4) for the depth of Lots 68-81 because the State Highway required more right-of-way than originally shown

and a 150-foot setback from the arterial highway could not be provided. The Planning Board found that:

“...due to additional hardship and practical difficulties imposed by the corrected State Highway Administration (SHA) highway right-of-way plat, ten additional lots (Lots 68 and 73 thru 81) are now placed in a position whereby they do not meet the 150-foot lot depth requirement of Subdivision Regulation Section 24-121(a)(4).

“The Planning Board also found, in addition to the findings required to approve a variation (discussed on Pages 8-11 in PGCPB Resolution No. 07-119(A), that:

“In fact, strict compliance with the requirements of Section [24-112(a)(4)] could undermine the objectives of the sector plan, which recommends intensive urban development in the town center, and

“In fact, strict compliance with the requirements of Section 24-113(a)(4) could result in practical difficulties to the applicant that could result in the applicant not being able to develop this property as proposed.

“ Variance (V-06134) to Section 27-433(d) (2) was approved to allow a nonstandard arrangement of attached dwelling units to include more than a maximum six (6) attached units. The Planning Board found that the property has a unique shape and topography that help buffer and screen the site from surrounding properties on Central Avenue (MD 214). Said shape and topography dictating the configuration of long blocks of townhouse lots typical of traditional city streets and also typical of high density development. These factors, the Planning Board found, combine to create an extraordinary situation not generally applicable to other properties in the area.

“We believe the instant variance request to the maximum density per net acre allowed by the Zoning Ordinance equally and substantially can be justified based on the findings made by the Planning Board in approving V-06134 and the variation request to Section 24-121(a)(4).”

The Planning Board is in agreement with the applicant's assessment of the site conditions. The nearby Metro station, in combination with the steep slope, large right-of-way dedication, extensive floodplain, and woodland conservation, together create extraordinary conditions which justify approval of a variance. The applicant's proposal sensitively accommodates these multiple conditions. It does not show any homes built within the floodplain. Slopes are not unnecessarily impacted. Required setbacks and buffers are provided. Additionally, the applicant has received technical stormwater management approval for the proposal.

**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**

**Applicant's Justification:**

“As the Planning Board found in approving V-06134, and can likewise be found in the instant variance request: The hardship to the owner would be the loss of multiple lots [twenty (20) lots in the instant case relative to net tract density]. If the variance is not granted, these lots would need to be removed from the application. The sector plan recommends intensive urban development in the town center, which is what this proposal is attempting with this development.

“We believe the instant variance request, to allow twenty (20) more dwellings than otherwise allowed by the maximum density permitted by Section 27-442(h) of the Zoning Ordinance, equally and substantially can be justified based on the findings made by the Planning Board in approving V-06134.”

This Villages at Pepper Mill proposal is not a high-density proposal. There is an average of 5.4 units per gross acre shown on the site plan. According to information received from the applicant, a reduction of 20 units from the site plan to meet the normally permitted density as defined by the Zoning Ordinance would likely render this application economically unfeasible.

The reduction of 20 units would create unnecessary hardship for the applicant and impair the integrity of the Addison Road Metro Sector Plan which encourages denser, connected, walkable communities in the town center.

This development proposal has been under review since January 2007, when the preliminary plan was accepted. Since that time, active community associations have met with the developer and helped define the character of this site plan. This proposal, including the unit-count, traditional architectural elements, recreation and monetary agreements, and woodland preservation, is the outcome of those agreements. Little has happened on the site in those three years. If the variance is not granted, investments on this site and in this community may be halted for an undetermined amount of time.

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

**Applicant's Justification:**

“As discussed elsewhere above, the requested variance to the maximum density allowed by Section 27-442(h) of the Zoning Ordinance will not impair the intent of the 2000 Approved Addison Road Metro Town Center Sector Plan and Sectional Map Amendment. The sector plan recommends redevelopment of the site, includes the site within the town center, and the SMA placed the site in the R-T Zone for development of attached units.

The urban design concept and design standards support increasing density in the town center and using building design to define the street. The Sector Plan allows flexibility in determining the maximum number of dwelling units per net acre and the Planning Board has already approved a larger number of lots ninety-six (96) above the seventy-six (76) that would otherwise be the maximum permitted by Section 27-442(h) of the Zoning Ordinance.

“Therefore, the Applicant respectfully requests approval of the instant variance of twenty (20) dwellings above the maximum density (seventy-six (76)) permitted by Section 27-442(h) Table VII (Density) of the Zoning Ordinance. The variance request is in total harmony with the means of determining maximum density per net lot/tract area contained in the Sector Plan.”

In fact, the variance will allow the site to better meet the intent of the *Prince George's County Approved General Plan* Development Pattern policies for the Developed Tier. The modest increase in density permitted by the variance will allow this plan, including the 96 units, to help resolve the inconsistency between the existing master plan and future direction of this area, which is under review with the 2009 Adopted Subregion 4 Master Plan and Sectional Map Amendment.

The approval of the variance request will not conflict with Development Design Overlay Zone standards.

11. ***Prince George's County Landscape Manual:*** The proposed project is subject to the requirements of Section 4.1(f) and Section 4.7 of the *Prince George's County Landscape Manual*. The Planning Board has reviewed the submitted plans in accordance with the applicable sections of the Landscape Manual and found the application to be in compliance with those sections.
12. **Woodland Conservation and Tree Preservation Ordinance:** The property is subject to the provisions of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because there are previously approved Type I and Type II tree conservation plans. The Environmental Planning Section has reviewed the subject plan with respect to the approved tree conservation plans and is recommending approval of the project with conditions. The Planning Board finds that the subject plan is in conformance with the provisions of the Prince George's County Woodland Conservation Ordinance.
13. **Preliminary Plan of Subdivision 4-06134:** There are 25 conditions of Preliminary Plan of Subdivision 4-06134 (PGCPB Resolution No. 07-119). The approved Preliminary Plan, 4-06134, has been certified, but the final plat has not been approved. Each relevant condition is listed below in **bold face** type, followed by discussion:
  2. **During the preparation and review of the Type II Tree Conservation Plan, additional opportunities shall be explored for on-site preservation and afforestation/reforestation. Afforestation areas should be placed adjacent to existing**

**wooded areas. Landscaped areas to be used for woodland conservation shall be properly labeled and the trees to be planted shall be counted using their 10-year projected tree canopy coverage.**

Areas of additional afforestation have been explored.

3. **Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/008/07). The following notes shall be placed on the final plat of Subdivision:**

**“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/008/07), 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 and Tree Preservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved tree conservation plans for the subject property are available in the offices of The Maryland-National Capital Park and Planning Commission.”**

The note shall be placed on the plat. The development will be in compliance with the modified TCPII.

4. **All afforestation and associated permanent fencing shall be installed prior to the issuance of the building permit for the units closest to the afforestation area. A certification prepared by a qualified professional shall be used to provide verification that the afforestation has been completed. It shall include, at a minimum, photos of the afforestation areas and the associated fencing for each lot, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.**

This has become a condition of approval for the detailed site plan. This condition shall be met prior to the issuance of building permits.

5. **At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffer, except for areas of approved variation requests as redesigned per the conditions of approval, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:**

**“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning**

**Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”**

This condition shall be met at the time of final plat.

- 6. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit to the M-NCPPC Planning Department copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.**

If such permits are required, they shall be submitted to M-NCPPC.

- 7. Prior to signature approval of the preliminary plan of subdivision, a copy of the Stormwater Management Concept Approval Letter and the associated plan shall be submitted.**

This condition has been fulfilled.

- 8. Prior to acceptance of the detailed site plan, the application shall be checked to ensure that the noise barrier shown in Figure 8 of the noise study dated April 13, 2007, is shown on the plan submitted and that all associated details are also on the plans. The detailed site plan shall also contain a note stating which lots will be subject to the condition regarding interior noise mitigation and acoustical analysis.**

During revisions to the detailed site plan, Lots 73 through 81 were reoriented so that the rear yards no longer front Central Avenue. The noise barrier that was recommended to mitigate the impact of outdoor noise to the rears of those lots is no longer needed.

- 9. Prior to the approval of building permits for lots that are identified on the detailed site plan as needing noise mitigation, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that building shells of structures within prescribed noise corridors have been designed to reduce interior noise levels to 45 dBA (Ldn) or less.**

This condition shall be met prior to the issuance of permits.

- 10. Prior to approval of the detailed site plan, the Applicant and the Urban Design Division of the Maryland – National Capital Parks and Planning Commission shall meet and consider reorienting the two rows of attached dwelling units that front on Private Street E so that one row faces east onto an access street running parallel to Cindy Lane and the other row faces west onto Private Street D.**

The applicant has met with members of the Urban Design Section to discuss layout alternatives. The result of these discussions is reflected on the submitted detailed site plan.

11. **Prior to approval of the detailed site plan, the Applicant and the Urban Design Division of the Maryland – National Capital Parks and Planning Commission shall meet and consider reorienting Lots 1-6 that currently front on Private Street C to face east onto an access street running parallel to Cindy Lane.**

The applicant has met with members of the Urban Design Section to discuss layout alternatives. The result of these discussions is reflected on the submitted detailed site plan.

12. **At the time of detailed site plan, the existing woodlands along the site's frontage with Central Avenue (MD 214) shall be augmented with additional vegetation to create an enhanced visual buffer, if possible.**

Additional landscaping has been provided along Cindy Lane.

13. **At the time of detailed site plan the end units of the attached dwelling groups shall utilize attractive features on their front and on the highly visible side walls, including brick or masonry façades.**

Attractive features such as brick and stone have been added to the front, side, and rear walls, as shown on the detailed site plan.

14. **Prior to signature approval the area of land on the north side of Parcel B, between Parcel B and the existing Lot 2 north of the subject property, shall be incorporated into Parcel B, as shown on the Exhibit B.**

Parcel B has been reconfigured, eliminating the need for this condition.

15. **The applicant's heirs, successors, and/or assignees shall provide standard sidewalks along both sides of all internal roads, unless modified at the time of detailed site plan.**

Sidewalks are provided on both sides of all internal roads.

17. **Prior to signature approval of this preliminary plan, Phase I (Identification) archeological investigations, according to the Planning Board's Guidelines for Archeological Review (May 2005), are recommended on the above-referenced property to determine if any cultural resources are present. The undisturbed areas located on the western portion of the subject property (per exhibit "C") should be surveyed for archeological sites. The applicant should submit a Phase I research plan for approval by the staff archeologist prior to commencing Phase I work. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations is required prior to signature approval.**

The preliminary plan has received signature approval. A Phase I study has been prepared and reviewed.

18. Upon receipt of the report by the Planning Department, if it is determined that potentially significant archeological resources exist in the project area, prior to Planning Board approval of any detailed site plan or final plat, the applicant shall provide a plan for:

Evaluating the resource at the Phase II level, or  
Avoiding and preserving the resource in place.

No further archeological work is necessary.

19. If a Phase II and/or Phase III archeological evaluation or mitigation is necessary the applicant shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in a proper manner, prior to approval of any grading permits.

No further archeological study is recommended.

21. Prior to the acceptance of the first Detailed Site Plan, the applicant shall meet with DPR and Urban Design Department staff and develop a package of private recreational facilities and/or fees to provide for the future recreational needs of residents of the proposed community. The minimum value of recreational facilities to be provided shall be based on the following formula:

Step 1:  $(N \times P) / 500 = M$   
Step 2:  $M \times S = \text{Value of facilities}$

Where:

N = Number of units in project  
P = Population per dwelling unit by Planning Area  
M = Multiplier  
S = Standard value of facilities for population of 500

Additional facilities or a fee may be provided to meet the needs of residents for facilities, which cannot be provided on-site such as trails or ball fields.

The value of the package and the timing of construction or payment shall be approved as part of the Detailed Site Plan.

The Developer has worked with the Pepper Mill Village Civic Association (PMVCA) to develop an appropriate recreation package. This recreation package shall include:

- a. A walkway system with amenities.
- b. Recreation fee of \$109,000 to Parks and Recreation for the renovation of Peppermill Community Center.
- c. One-time contribution to PMVCA for them to carry out the activities of the civic association, to be made at the time of record plat.
- d. Submittal of a recreation facilities agreement.

A walkway system with amenities is discussed as a part of this package. Amenities such as benches shall be shown on the detailed site plan.

**23. Development of this site shall be in conformance with the Stormwater Management Concept Plan 7788-2006-00 and any subsequent revisions.**

The required condition shall be met.

**24. At the time of Detailed Site Plan, final determination of ownership for Parcel B shall be made so that the ownership of the property can be established with the final plat of subdivision.**

The ownership of Parcel B is shown on the detailed site plan.

**25. Prior to signature approval of the preliminary plan the applicant shall revise the plan to reflect Exhibit A for Park dedication.**

The condition has been met with preliminary plan revisions.

**14. Referral Agencies and Departments:** The subject application was referred to concerned agencies and divisions. The referral comments are summarized as follows:

- a. **Historic Preservation**—The Planning Board finds that the development shall have no effect on identified historic sites, resources, or districts.
- b. **Archeological Review**—The Planning Board finds that a Phase I archeological survey was completed. One multicomponent archeological site was identified. Site 18PR918 consisted of a twentieth century domestic site and a short-term prehistoric resource procurement camp. However, due to previous disturbances of the site and the low number of artifacts with intact features, no further work was recommended on the site. The Planning Board concurs with the report's conclusion that no further work is necessary on site 18PR918.

- c. **Community Planning North Division**— The Planning Board finds that the application is not inconsistent with the 2002 General Plan Development Pattern Policies for the Developed Tier and conforms to the land use recommendations of the 2000 *Approved Sector Plan and Sectional Map Amendment for the Addison Road Metro Town Center and Vicinity* for medium suburban-density residential uses and the R-T Zone.

The approved sector plan refers to this area as Baber Village. The plan recommends the retention of the R-T Zone in Baber Village, and additionally recommends a small park on this development site, with pedestrian trail connection to the Cabin Branch stream valley park on the western portion of the property.

The Planning Board finds that the application does not conform to the zoning recommendations presented in the proposed amendments to the August 2009 Preliminary Subregion 4 Master Plan and Proposed Sectional Map Amendment. The master plan contains an illustrative plan depicting residential uses and a conceptual regulating plan with street grids for the site. It was also discussed that this property may be the subject of a rezoning to a mixed-use zone. Rezoning did not occur prior to Planning Board approval.

The applicant has been active with Community Planning and the site is not within the boundaries of a new regulating plan for the Preliminary Subregion 4 Master Plan and Proposed Sectional Map Amendment. Community Planning North Division is in support of the detailed site plan as proposed.

- d. **Transportation Planning**— The Planning Board finds that the plan is acceptable and meets the findings required for a detailed site plan as described in Section 27-285 of the Zoning Ordinance.
- e. **Subdivision**— The Planning Board accepts that the density on the revised detailed site plan is inconsistent with the Zoning Ordinance, Section 27-107.01 and Section 27-442(h). The detailed site plan reflects the density of the approved Preliminary Plan of Subdivision, 4-06134. However, the Planning Board found that the density on the preliminary plan was approved in error. The net tract on the site tabulation of the approved preliminary plan is incorrect. The net tract should be 12.72 acres as reflected on the revised detailed site plan and not 13.72 acres as stated on the preliminary plan. The maximum lots allowed on Preliminary Plan 4-06134 was calculated incorrectly by using the gross tract area instead of the net tract area. The maximum lots allowed is 76 lots and not 107 lots as stated on the preliminary plan.

The applicant has addressed this issue with the preliminary plan by applying for a variance to permitted density with the detailed site plan.



- f. **Trails**—The Planning Board analyzed the proposed trail and sidewalk connections in the detailed site plan. The feasibility of neighborhood trail connections from some of the proposed culs-de-sac to the surrounding community has been evaluated. However, these were not feasible for a variety of reasons. The subdivision immediately to the north is completely lotted-out where it abuts the subject site. Pedestrian access to this community will have to be via the existing sidewalk along Cindy Lane and the future master plan trail along Cabin Branch. The Planning Board also evaluated the feasibility of a connection from the end of Zee Street (formerly Private Street D) to Central Avenue (MD 214). However, this is not practical due to slopes greater than 25 percent where the property abuts Central Avenue (MD 214).

In keeping with the complete streets principles of the 2010 Approved Countywide Master Plan of Transportation, The Planning Board finds that the provision of a crosswalk at Central Avenue (MD 214) and the extension of the median along Funderburg Drive is appropriate so that it can function as a pedestrian refuge in the crosswalk along Cindy Lane.

- g. **Permit Review Section**—The Planning Board reviewed the Permit Review Section's comments requesting clarification of several plan elements. The Permit Review Section's comments have been addressed by revisions to the plans.
- h. **Environmental Planning**—The Planning Board has reviewed the above referenced Detailed Site Plan, DSP-07061, and the associated Type II Tree Conservation Plan, TCPIII/028/08 with conditions.
- i. **Fire/EMS Department**—The Prince George's County Fire/EMS Department offered comments regarding access, private road design, fire lanes, and the location and performance of fire hydrants.
- j. **State Highway Administration (SHA)**—In a memorandum dated March 12, 2008, The Engineering Access Division offered the following:
- Access to the property is proposed via Cindy Lane; therefore Rules and Regulations of Prince George's County govern access to the property.
  - Direct access on Central Avenue (MD 214) will not be permitted. No such access is proposed in the detailed site plan.
  - The development would not cause any studied intersection to exceed the Developed Tier Policy Area congestion standard threshold as established by M-NCPPC.

- k. **Washington Suburban Sanitary Commission (WSSC)**—In a memorandum dated March 3, 2008, WSSC stated that a water and sewer extension will be required for the site. The letter notes that project No. DA4678Z07 is an approved project within the limits of this proposed site, and that the detailed site plan matches the previous amendment sketch dated February 29, 2008.
- l. **Verizon**—Verizon issued a response to the detailed site plan dated February 23, 2010 noting their comments as follows:
- Sheet 6 of the DSP—There is a storm drain in the public utility easement (PUE) that should be relocated out of the PUE at Zee Street next to Lot 73.
  - Sheet 3 Landscape and Lighting Plan—There is a tree in the PUE at the corner of Keith Street and Funderburg Drive, Lot 7.
  - Sheet 4 Landscape and Lighting Plan—There is landscape in the PUE south of Lot 72 along Central Ave.

The site plan has been revised since Verizon's referral was issued. Prior to signature approval of the DSP, the PUEs shall be designed to be clear of obstructions.

15. As required by Section 27-285(b), 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/28/08) and APPROVED Variance Application No. VD-07061, and further APPROVED Detailed Site Plan DSP-07061 for the above-described land, subject to the following conditions:

1. Prior to the approval of the final plat of subdivision, the applicant shall provide evidence of a monetary contribution to The Maryland-National Capital Park and Planning Commission (M-NCPPC), Department of Parks and Recreation, in the amount of \$109,000 for the Pepper Mill Community Center Expansion.
2. The applicant and the applicant's heirs, successors, and/or assignees shall provide standard sidewalks along both sides of all internal roads as shown on the detailed site plan, unless modified by the Department of Public Works and Transportation (DPW&T).
3. Prior to signature approval of the detailed site plan, it shall be revised as follows:

- a. A note shall be placed on the detailed site plan stating the building coverage for the overall net tract area. The maximum building coverage shall not exceed 50 percent.
  - b. A note shall be added to the detailed site plan indicating that the square footage for the townhomes does not include the garage or unfinished basements.
  - c. One required handicap parking space shall be a van-accessible space. Provide the dimensions of each ADA parking space on the site plan.
  - d. Revise the parking schedule to note 197 parking spaces required. This includes 196 standard spaces plus one ADA space.
  - e. Townhomes fronting Central Avenue (Lots 73–77) shall have full brick or stone fronts.
  - f. The endwall for Lot 78, which will be visible from Central Avenue, shall be full brick or stone.
  - g. The endwall for Lot 96, which will be visible from Cindy Lane, shall be full brick.
4. 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. Exposed foundation walls of unclad or unfinished concrete are prohibited.
  5. A minimum of 60 percent of all townhouse units in a development shall have a full front façade (excluding gables, bay windows, trim, and doors) of brick, stone, or stucco. Each building shall be deemed to have only one “front.”
  6. All residential units shall have architectural-style garage doors.
  7. Prior to the issuance of the first building permit, the street tree and paving plans shall be submitted to the Department of Public Works and Transportation (DPW&T) to ensure conformance to the following standards, unless modified by DPW&T:
    - a. Street trees shall be installed at a minimum size of two and one-half-inch caliper;
    - b. A variety of tree species shall be selected for use as street trees for the roadways;
    - c. Plant selections for trees shall consider the following characteristics: shape of canopy, depth of root zone, overhead utility lines, drought tolerance, maintenance requirements, and tolerance of adverse urban conditions. Native plant species shall be used if possible.

8. Prior to certification of the detailed site plan, the TCPII shall be revised to add the following note to the TCPII notes:

“Areas preserved and planted to meet the requirements of the Woodland Conservation Ordinance shall be provided permanent fencing, as shown on this TCPII.”

9. Prior to certification of the detailed site plan, the DSP and TCPII shall be revised as follows:

- a. To show a six-foot-high noise barrier for Lot 72.
- b. To show a detail for the required six-foot-high noise barrier for Lot 72.
- c. Have the plans signed and dated by the qualified professional who prepared them.

10. Applications for building permits for any lots occurring within the projected 65 dBA Ldn shall contain a certification, prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less.

11. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffer, except for areas of approved variation requests as redesigned per the conditions of approval of the preliminary plan, and shall be reviewed by the Environmental Planning Section (M-NCPPC) prior to approval of the final plat. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

12. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams, or Waters of the U.S., the applicant shall submit to the M-NCPPC, Planning Department, copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

13. At the time of final plat:

- a. Add the following note to each sheet of the plat that shows reforestation/afforestation areas:

“All reforestation/afforestation areas adjacent to lots, and the associated split rail fencing along the outer edge of all reforestation/afforestation areas, shall be installed prior to the building permits for the adjacent lots. A certification prepared by a qualified professional may be used to provide verification that the afforestation has been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing for each lot, with labels on the

photos identifying the locations and a plan showing the locations where the photos were taken.”

- b. An access easement for the future Villages at Pepper Mill Homeowners Association (HOA) use shall be recorded on Lots 73-90. This easement will permit HOA maintenance of shared walkways on private property and will allow for pedestrian use. The access easement shall be placed on the record plat.
  
- 14. Prior to the issuance of any paving permits concerning the construction of the median along Funderburg Drive, the final design plans submitted to DPW&T shall show the median along Funderburg Drive extended so that it functions as a pedestrian refuge (with ADA ramps and curb cuts) for the crosswalk along Cindy Lane, unless modified by DPW&T.

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 Clark, seconded by Commissioner Vaughns, with Commissioners Clark, Vaughns, Cavitt, Squire and Parker voting in favor of the motion at its regular meeting held on Thursday, May 27, 2010, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 10<sup>th</sup> day of June 2010.

Patricia Colihan Barney  
Executive Director

By *Frances J. Guertin*  
Frances J. Guertin  
Planning Board Administrator

PCB:FJG:MF:arj

APPROVED AS TO LEGAL SUFFICIENCY.

*Janell J. Jordan*  
M-NCPPC Legal Department

Date 6/4/10