



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of the Clerk of the Council
301-952-3600

January 25, 2024

RE: CDP-22002 Dobson Farms
D.R. Horton, Inc., Applicant

NOTICE OF FINAL DECISION ***OF THE DISTRICT COUNCIL***

Pursuant to the provisions of Section 27-134 of the Zoning Ordinance of Prince George's County, Maryland requiring notice of decision of the District Council, you will find enclosed herewith a copy of the Council Order setting forth the action taken by the District Council in this case on January 22, 2024

CERTIFICATE OF SERVICE

This is to certify that on January 25, 2024, this notice and attached Council Order was mailed, postage prepaid, to all persons of record.

A handwritten signature in cursive script that reads "Donna J. Brown".

Donna J. Brown
Clerk of the Council

Case No. CDP-22002
TCP1-011-2023
Dobson Farms

Applicant: D.R. Horton, Inc.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

FINAL DECISION – ORDER AFFIRMING PLANNING BOARD

On January 22, 2024, using oral argument procedures, the District Council reviewed, based on its motion, the Planning Board's decision, embodied in Resolution 2023-100, to approve Comprehensive Design Plan (CDP)-22002 and Type 1 Tree Conservation Plan (TCP1-011-2023) for Dobson Farms, a residential development, with a mix of housing types consisting of up to 1,106 dwelling units, located on the south side of McKendree Road, approximately 1,400 feet west of its intersection with US 301 (Robert Crain Highway), and within Planning Areas 85A, Council District 9. (1/22/2024, Tr.).

Having reviewed the record, and argument of the parties, the District Council finds that the Board's decision was supported by substantial evidence in the record, and was not arbitrary, capricious, or otherwise illegal. The District Council adopts, unless otherwise stated herein, the findings and conclusions set forth by the Board in Resolution No. 2023-100.

Approval of CDP-22002 and TCP1-011-2023 is subject to the following conditions:

1. Prior to certificate approval of the comprehensive design plan (CDP), the following revisions shall be made, or information shall be provided:
 - a. Provide an open space exhibit showing the following:
 - (1) The location and acreage of open space that qualifies the development for a density increment factor of 25 percent. The open space shall not be located in an area designated for woodland conservation.
 - (2) The location of woodland conservation areas.

- b. Add the public benefits density increment table to the coversheet of the CDP, showing the additional units associated as awarded with density increment factors (1), (3) and (4).
- c. Revise General Note 3 on the coversheet of the CDP, to note the correct number of maximum dwelling units, based on the awarded density increment factors, which are added to the base residential density allowed.
- d. Revise the CDP to comply with the 35 percent cap on the total number of attached dwelling units, per Section 27-513(d)(3) of the prior Prince George's County Zoning Ordinance.
- e. Revise General Note 3 on the coversheet of the CDP, to note the associated percentages with each of the approved residential uses.
- f. Add a general note stating that all well and septic structures discovered during the development of the site are to be abandoned and backfilled, according to regulatory standards.
- g. Add perimeter bearings and distances to the redline property boundary on Sheet 6 of the plan set, consistent with those shown on the property boundary survey.
- h. Identify the portion of the subject property that is located in Sustainable Growth Tier IV.
- i. Add a general note stating that the portion of the subject property, located in Sustainable Growth Tier IV, shall be limited to open space uses and shall not be developed with residential lots.
- j. The Type 1 tree conservation plan (TCP1) shall be revised, as follows:
 - (1) Add "TCP1-011-2023" to the required TCP1 approval block and woodland conservation worksheet.
 - (2) Have the revised plan signed and dated by the qualified professional who prepared it.
- k. Revise Sheet 6 of the Conceptual Design Plan (CDP) to add the letter notations to the legend.
- l. Revise the circulation plan and legend to distinguish the 14,000 linear feet of trails that qualifies the development for a density increment factor of 5 percent.
- m. Revise the CDP to update the minimum development standards for the single-family detached dwellings, to correspond with the removal of the proposed "villas."

2. Prior to acceptance of the preliminary plan of subdivision application, a statement of justification (SOJ) for the necessary primary management area (PMA) impacts shall be included in the application package. The SOJ shall address all proposed impacts on regulated environmental features. PMA impacts, solely associated with the creation of lots, will not be allowed.
3. Prior to acceptance of the preliminary plan of subdivision application, a variance request and impact sheets for the removal of any specimen trees shall be included in the application package.
4. The preliminary plan of subdivision application shall include a detailed soils study, demonstrating that the site is geologically suitable for the approved development.
5. An approved stormwater management concept plan and approval letter, or an indication that an application for such approval has been filed, shall be submitted with the preliminary plan of subdivision application.
6. At the time of preliminary plan of subdivision, the applicant shall provide a plan for:
 - a. Evaluating archeology Site 18PR1195, at the Phase II level, and
 - b. Avoiding and preserving the resource in place.
7. 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 at the Maryland Archaeological Conservation Laboratory in St. Leonard, Maryland, prior to approval of any grading permits.
8. The preliminary plan of subdivision application shall include a bicycle and pedestrian impact statement.
9. At the time of preliminary plan of subdivision, a new traffic impact analysis shall be submitted.
 - a. In a supplemental analysis, the applicant shall show whether a roundabout at the entrance would be an alternative to address capacity, operational, and safety concerns.
 - b. The Traffic Impact Study Scoping Agreement shall include a second site access point, as recommended by the operating agency.
10. At the time of preliminary plan of subdivision application submittal, the applicant shall submit a traffic signal warrant analysis for McKendree Road and Site Access/Dawn Chorus Lane.

11. Pursuant to density increments awarded, the applicant and the applicant's heirs, successors, and/or assignees shall provide on-site recreational facilities, in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*, to be reviewed by the Development Review Division of the Prince George's County Planning Department, at the time of specific design plan.
12. At the time of specific design plan, the applicant shall submit a list of sustainable site and green building techniques that will be used in the development and will be included in the design guidelines.
13. At the time of specific design plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide a plan for any interpretive signage to be erected and public outreach measures (based on the findings of the Phase I, II, and/or Phase III archeological investigations). The location and wording of the signage and the public outreach measures shall be subject to approval by the Maryland-National Capital Park and Planning Commission staff archeologist. The plan shall include the timing for installation of the signage and implementation of public outreach measures.
14. At the time of specific design plan, the shared-use path and the specifications and details for all master plan facilities, including along the frontage of McKendree Road, shall be shown on the plan.
15. At the time of specific design plan, the applicant shall provide the following general notes on the coversheet:
 - a. During the construction phases of this project, noise shall not be allowed to adversely impact activities on adjacent properties. Indicate intent to conform to the construction activity noise control requirements, as specified in Subtitle 19 of the Prince George's County Code.
 - b. During the construction phases of this project, no dust shall be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to the construction activity dust control requirements, as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.
16. Prior to, or concurrent with, approval of the first final plats, the applicant shall record the portion of the property within Sustainable Growth Tier IV as an outparcel(s). The applicant may file a minor final plat, in order to complete recordation of the outparcel(s) in the Prince George's County Land Records.
17. Prior to approval of a building permit for each single-family detached dwelling unit, the applicant and the applicant's heirs, successors, and/or assignees shall provide a fee calculated at \$1,472 per dwelling unit multiplied by (Engineering News Record Highway Construction Cost index at time of payment) / (Engineering News Record Highway Construction Cost Index for first quarter,

1993). All fees shall be paid to Prince George's County (or its designee) and can be indexed by any appropriate cost indices determined by the Prince George's County Department of Permitting, Inspections and Enforcement or the Prince George's County Department of Public Works and Transportation.

18. Prior to approval of a building permit for each single-family attached dwelling unit, the applicant and the applicant's heirs, successors, and/or assignees shall provide a fee calculated at \$1,338 per dwelling unit multiplied by (Engineering News Record Highway Construction Cost index at time of payment) / (Engineering News Record Highway Construction Cost Index for first quarter, 1993). All fees shall be paid to Prince George's County (or its designee) and can be indexed by any appropriate cost indices determined by the Prince George's County Department of Permitting, Inspections and Enforcement or the Prince George's County Department of Public Works and Transportation.
19. At the time of preliminary plan of subdivision and specific design plan, a variety of lot sizes, as conceptually depicted on the revised illustrative plan for the comprehensive design plan, shall be provided. The proposed larger single-family detached lots shall be located where abutting lots are developed with, or zoned for, larger lot single-family detached dwellings, unless smaller lots are proposed to be set back and/or buffered from those lots, above the normal requirements of the Prince George's County Landscape Manual. Otherwise, the smaller single-family detached lots and single-family attached units shall be located interior to the development, to create a transition from the existing abutting larger lots.

CONSIDERATION

1. At the time of specific design plan, the applicant shall evaluate an appropriate location(s) for a dog park and dog waste stations.

Ordered this 22nd day of January, 2024, by the following vote:

In Favor: Council Members Burroughs, Blegay, Dernoga, Fisher, Harrison, Hawkins, Ivey, Olson, Oriadha, and Watson.

Opposed:

Abstained:

Absent: Council Member Franklin.

Vote: 10-0.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF THE
MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

By: Jolene Ivey
Jolene Ivey, Chair

ATTEST:

Donna J. Brown

Donna J. Brown
Clerk of the Council