



THE PRINCE GEORGE'S COUNTY GOVERNMENT

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

November 1, 2024

**RE: SDP-2304 Saddle Ridge
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 October 29, 2024

CERTIFICATE OF SERVICE

This is to certify that on November 1, 2024, this notice and attached Council Order was mailed, postage prepaid, to all persons of record.

A handwritten signature in dark ink, reading "Donna J. Brown".

Donna J. Brown
Clerk of the Council

Case No.: SDP-2304
Saddle Ridge

Applicant: D.R. Horton, Inc.

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

FINAL DECISION — ORDER AFFIRMING SPECIFIC DESIGN PLAN

On October 7, 2024, using oral argument procedures, this matter was considered by the District Council based on an appeal from Mark Calhoun, a person of record. Having reviewed the appeal from Mr. Calhoun, the written response from the Applicant, and arguments from the parties, Planning Board's decision to approve Specific Design Plan (SDP)-2304, requesting approval for infrastructure improvements, including public streets, water, sewer, storm drain utilities, and Storm Water Management (SWM) facilities, on property located on the south side of Floral Park Road, approximately 268 feet west of its intersection with Old Liberty Lane (289.36 Acres; LCD Zone (Prior R-S Zone)), in Council District 9, is hereby AFFIRMED.

Unless stated otherwise, the District Council adopts the findings and conclusions of the Planning Board in Resolution No. 2024-057.

Response to the Appeal

- SDP-2304 will not cause any flooding nor negatively affect well water levels.

The Saddle Ridge development is designed in accordance with all applicable Federal, State and local environmental regulations. These regulations include, but are not necessarily limited to, groundwater resources. Specifically, in accordance with the State of Maryland and the County's applicable regulations, Environmental Site Design facilities are to be designed and constructed within the Property to treat stormwater runoff and promote recharging of groundwater. Based on the record, regulations and Applicant's efforts will help to ensure that no flooding will occur and water levels in

Appellant's well will remain unchanged.

Moreover, based on the uncontroverted evidence in the record, SDP-2304 conforms to Section 27-528(b) of the Zoning Ordinance, which requires, among other things, that the specific design plan for infrastructure prevents offsite property damage. An approved SWM Concept Plan (24297-2023-00) was also submitted with SDP-2304. The Department of Permitting, Inspections and Enforcement (DPIE) issued the approval on May 8, 2024. Moving forward, and prior to the issuance of any grading permit(s), DPIE will review and approve technical site development plans and the Soil Conservation District will review and approve technical soil and erosion sediment control plans. All grading activities will be performed pursuant to a site development permit from DPIE and will respect all approved limits of disturbance established for the property, thereby preventing off-site property damage and environmental degradation. The proposed grading will also incorporate all required sediment control devices to prevent any damaging drainage, erosion, or pollution discharge. PGCPB No. 2024-057.

As such, Appellant provides no evidence that the Planning Board's decision was not supported by substantial evidence in the record, or was arbitrary, capricious, or otherwise illegal. *Cnty. Council of Prince George's Cnty. v. Zimmer Dev. Co.*, 444 Md. 490, 120 A.3d 677 (2015) (the District Council may only reverse the decision of the Planning Board to approve an SDP if the decision is not supported by substantial evidence, arbitrary, capricious, or otherwise illegal).

- SDP-2304 will not cause any damage to foundation.

Based on the record, the proposed storm drains, and stormwater management systems will be designed to meet or exceed all applicable State and County regulations to ensure that rainfall will be appropriately managed and conveyed in a manner that prevents any adverse effects. The drainage pattern across Appellant's property will remain unchanged under the approval of SDP-2304.

Stormwater runoff from Appellant's property will be conveyed to appropriate outfalls through the proposed storm drain system. And proposed stormwater management systems include, among other things, stormwater retention facilities and appropriate grading that will ensure water does not accumulate near or on Appellant's property.

Moreover, Planning Board found that before any permits are issued and before construction begins, various State and County agencies must approve the proposed development to ensure compliance with the otherwise very strict regulations regarding environmental impacts and stormwater management. As noted above, an approved SWM Concept Plan (24297-2023-00) was submitted with SDP-2304, which was approved on May 8, 2024. DPIE will review and approve future technical site development plans and the Soil Conservation District will review and approve technical soil and erosion sediment control plans. All grading activities will be performed pursuant to a site development permit from DPIE and will respect all approved limits of disturbance established for the property to prevent off-site property damage and environmental degradation. The proposed grading will also incorporate all required sediment control devices to prevent any damaging drainage, erosion, or pollution discharge. PGCPB No. 2024-057.

As such, Appellant provides no evidence that the Planning Board's decision was not supported by substantial evidence in the record, or was arbitrary, capricious, or otherwise illegal. *Zimmer Dev. Co.*, 444 Md. 490, 120 A.3d 677 (2015) (the District Council may only reverse the decision of the Planning Board to approve an SDP if the decision is not supported by substantial evidence, arbitrary, capricious, or otherwise illegal).

- SDP-2304 will not impede stormwater drainage.

Based on the record, project consultants carefully studied existing drainage patterns to ensure that grading design for the proposed development will adequately maintain existing stormwater drainage

patterns. Pursuant to the Stormwater Ordinance (Subtitle 32), the proposed development will require a storm drain system and flood control facilities. The proposed development must also provide an adequate overland flow path for rain events. The proposed drainage solutions for the development will meet or exceed regulations in Subtitle 32 to ensure that stormwater is directed away from adjacent properties, including Appellant's property, to prevent flooding.

Finally, the Planning Board found that before any permits are issued and before construction begins, various State and County agencies must approve the proposed development to ensure compliance with strict regulations regarding environmental impacts and stormwater management. Moreover, all grading activities will be performed pursuant to a site development permit from DPIE and will respect all approved limits of disturbance established for the property to prevent off-site property damage and environmental degradation. The proposed grading will also incorporate all required sediment control devices to prevent any damaging drainage, erosion, or pollution discharge. PGCPB No. 2024-057.

As such, Appellant provides no evidence that the Planning Board's decision was not supported by substantial evidence in the record, or was arbitrary, capricious, or otherwise illegal. *Zimmer Dev. Co.*, 444 Md. 490, 120 A.3d 677 (2015) (the District Council may only reverse the decision of the Planning Board to approve an SDP if the decision is not supported by substantial evidence, arbitrary, capricious, or otherwise illegal).

Planning Board's decision to approve SDP-2304 and Type 2 Tree Conservation Plan TCP2-011-2024, based on the findings of facts and conclusions set forth in Resolution No. 2024-057, for the land described above, is hereby AFFIRMED, subject to the following conditions:

1. Prior to certification of the specific design plan, the plan shall be revised to provide the limits of disturbance to match Type 2 Tree Conservation Plan TCP2 011-2024, as revised.

2. Prior to certification of the specific design plan for residential development, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
 - a. A 10-foot-wide, shared-use path along the site's frontage of Accokeek Road and Floral Park Road and label shared roadway markings along the frontage of Accokeek Road and Floral Park Road, unless modified with written correspondence from the operating agency.
 - b. The details, location, and timing of construction of the master-planned trail.
3. With the acceptance of the preliminary plan of subdivision, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
 - a. Provide a variance request and full evaluation regarding the removal of Specimen Trees ST-1, ST-3, ST-25, ST-56, ST-58, ST-59, ST-60, ST-61, ST-62, and ST-64 within the proposed residential lots.
 - b. Provide a statement of justification and full evaluation regarding primary management area impacts within the proposed residential lot area and for Impact Area D.
4. No grading or building permits shall be approved for the subject property prior to the approval of a preliminary plan of subdivision.
5. Prior to signature approval of the specific design plan, the Type 2 tree conservation plan (TCP2) shall be revised as follows:
 - a. Revise the limits of disturbance and specimen tree table on Sheet 2, to show that Specimen Trees ST-1, ST-3, ST-25, ST-56, ST-58, ST-59, ST-60, ST-61, ST-62, and ST-64 are to remain, unless these are approved for removal at the time of preliminary plan of subdivision and Type 1 tree conservation plan.
 - b. Revise the limits of disturbance and primary management area impacts to remove requested Area D from the plan view, unless these impacts are approved at the time of preliminary plan of subdivision and Type 1 tree conservation plan.
 - c. The Liber and folio of the recorded woodland and wildlife habitat conservation easement shall be added to the standard TCP2 notes on the plan as follows:

"Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded in the Prince George's County Land Records at Liber ____ Folio _____. Revisions to this TCP2 may require a revision to the recorded easement."
 - d. Prior to signature approval of the TCP2, have the property owner sign the Owner's Awareness Certificate on each sheet of the TCP2.

- e. Add the following note to the plan under the specimen tree table, unless additional specimen tree removal is approved at the time of preliminary plan of subdivision and Type 1 tree conservation plan:

“NOTE: This plan is in accordance with the following variance from the strict requirements of Subtitle 25 approved by the Planning Board on (ADD DATE): The removal of 22 specimen trees (Section 25-122(b)(1)(G)), ST-2 (30-inch Tulip polar), ST-4 (33-inch White oak), ST-10 (33-inch Sweet Gum), ST-24 (32-inch Tulip polar), ST-26 (30-inch Tulip polar), ST-33 (41-inch Tulip polar), ST-34 (35-inch Pin Oak), ST-36 (33-inch Tulip polar), ST-37 (39-inch Tulip polar) , ST-74 (30-inch Tulip poplar), ST-81(39-inch Tulip polar), ST-90 (43-inch Northern Red oak), ST-125 (34-inch White oak), ST-126 (30-inch American Beech), ST-147 (37-inch Tulip polar), ST-176 (33-inch Tulip polar), ST-177 (30-inch Tulip polar), ST-219 (38-inch White oak), ST-221 (33-inch Tulip polar) , ST-235 (32-inch Tulip polar), ST-248 (30-inch Southern Red oak), and ST-249 (32-inch Tulip polar).”

- f. Add a revision note and have the revised plan signed and dated by the qualified professional preparing the plan.
6. Prior to the issuance of any permits which impact 100-year floodplain, wetlands, wetland buffers, streams, or waters of the United States, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

Consideration

1. At the time of the preliminary plan of subdivision submission, the applicant shall make every effort to meet the entire woodland conservation requirement on-site, to include areas that may be conveyed to The Maryland-National Capital Park and Planning Commission and any such areas shall be credited as on-site.

ORDERED this 29th day of October 2024, by the following vote:

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

Opposed:

Abstained:

Absent: Council Members Hawkins and Oriadha.

Vote: 8-0.

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