

R E S O L U T I O N

WHEREAS, 167.84 acre parcel of land known as Parcel 25, Tax Map 135 in Grid D-2, said property being in the 11th Election District of Prince George's County, Maryland, and being zoned R-S; and

WHEREAS, on August 11, 2005, Gallagher, Sandi, and Scad, LLC filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 7 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-05048 for Renard Lakes was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on January 26, 2006, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on January 26, 2006, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/25/01), and further APPROVED Preliminary Plan of Subdivision 4-05048, Renard Lakes for Lots 1-404 and Parcels A-G with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
 - a. Provide the conceptual stormwater management approval number and approval date.
 - b. List the existing parcel designation and acreage of Outlot A, to be retained by owner.
 - c. Add a note stating that development of this property shall conform to A-9970 and CDP-0503.
 - d. Conform to the signature approved CDP-0503 and A-9970 or as modified by the District Council approval.
 - e. Provide legible lot sizes, bearings and distances. All measurements should be legible.

- f. Replace the two regulation tables with the lot standards table proposed with the CDP. The preliminary plan should clearly demonstrate conformance to these design standards.
 - g. Label the ultimate right-of-way of each public and private street and alley.
 - h. Create a homeowners association open space parcel to contain the wall required for buffering by the ZHE and Planning Board.
 - i. Delineate the location of the service road.
 - j. Clearly demonstrate conformance on the preliminary plan to these design standards of the approved CDP.
- 2. In conjunction with the specific design plan, a Type II tree conservation plan shall be approved.
- 3. Development of this site shall be in conformance with stormwater management concept plan 29913-2005-00 and any subsequent revisions.
- 4. Construct the eight-foot-wide master plan trail along the subject property's entire frontage of Dyson Road (the ultimate 80-foot right-of-way), unless modified by DPW&T.
- 5. In conjunction with the street construction, standard sidewalks along both sides of all internal roads shall be provided, to replace the ability for pedestrian circulation resulting from the deletion of that portion of the HOA trail on Parcel C, specified in Condition 6.
- 6. All internal HOA trails shall be asphalt. The eight-foot width proposed on the submitted preliminary plan is acceptable. If wet areas must be traversed, suitable structures (bridging or boardwalk) shall be provided. The HOA trail on Parcel C shall be deleted and replaced with standard sidewalks on both sides of all internal streets. Except that portion of the HOA trail shall be constructed extending from Public Street M to Parcel F, at a location to be determined with the review of the SDP.
- 7. The specific design plan shall reflect additional trail connections from the culs-de-sac in the southern portion of the subject site. Additional trail connections that shall be provided include:
 - a. The fitness trail should be extended across the lake, by the construction of a bridge or boardwalk extending from Public Street B in the vicinity of Lots 21 and 22, to the main recreation area.
 - b. A trail connection between Public Street A and Public Street B. This trail should be accommodated on an open space window between lots where it connects to Public Streets A and B. This HOA land can be accommodate between Lots 19 and 20 on Public Street A and between Lots 23 and 24 on Public Street B.
- 8. All trails shall be accommodated on either HOA land or dedicated parkland. No trails or trail

connectors shall be shown on private lots.

9. **US 301 and MD 381 (Brandywine Road):** Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
 - a. Widening the eastbound MD 381 (Brandywine Road) approach from the existing one left turn lane and one through/right lane to one left turn lane, one through lane, and one right turn lane.
 - b. Modifying the westbound MD 381 (Brandywine Road) approach from the existing one left turn lane, one through lane, and one right turn lane to one left turn lane, one through lane, and one through/right turn lane.
 - c. Widening the westbound MD 381 (Brandywine Road) approach to provide an additional receiving lane. This will accommodate the second westbound MD 381 through lane.
 - d. The applicant will be responsible for any additional signage, pavement markings, and traffic signal modifications at the intersection of MD 381 and US 301.
10. At the time of specific design plan, the applicant will be required to conduct traffic signal warrant studies at the US 301/Dyson Road intersections and will be responsible for the construction of traffic signals at both intersections of Dyson Road at US 301 if required by the State Highway Administration. The applicant will also be responsible for any additional signage and pavement markings, and the lengthening of turn lanes on US 301 and Dyson Road, as required by SHA and/or DPW&T. This condition includes any alternative physical improvements required by SHA at US 301 and Dyson Road if either or both intersections remain unsignalized. The improvements—either signalization or physical improvements—must be bonded and permitted with SHA and/or DPW&T.
11. At the time of submission of the final plat, the applicant will be responsible for the dedication of 40 feet from the master plan centerline of Dyson Road.
12. At the time of building permit, the applicant will be required to bond and permit the construction of an acceleration lane, deceleration lane, and a left turn lane at the site's proposed access point along Dyson Road with DPW&T.
13. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffers and isolated regulated areas and their buffers, excluding those areas where variation requests have been approved during the review of the preliminary plan of subdivision, and those areas located within the limits of the mining reclamation permit, and be reviewed by the Environmental Planning Section prior to certification of the 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.”

14. Prior to approval signature, the preliminary plan of subdivision shall be revised to ensure that no part of any conservation easement is on any residential lot.
15. Prior to the issuance of any permits that impact jurisdictional wetlands, wetland buffers, streams or waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
16. The following impacts are hereby approved in concept as illustrated on the exhibits received January 17, 2006: **Impact A** for the stormwater pond outfall; that portion of **Impact B** associated with the sanitary sewer connection; that portion of **Impact E** associated with the sanitary sewer installation; **Impact F** for the stormwater pond outfall; **Impact G** for the installation of a sanitary sewer connection; that portion of **Impact K** associated with the sanitary sewer installation; **Impact L** for the installation of the trail to connect public street M to Parcel F; and **Impact N** for the installation of a sanitary sewer line and stormwater outfall. Prior to signature of the preliminary plan, the Type I Tree Conservation Plan shall be revised to eliminate all impacts that are not approved.
17. The specific design plans shall show the use of all best management practices and design techniques to minimize impacts to expanded stream buffers that have been approved by the preliminary plan. Any new impacts not approved with the current application will require a new preliminary plan application.
18. Prior to signature of the preliminary plan, the NRI, preliminary plan, and TCPI shall be revised to show the correct alignments of all existing utilities. The area within the sanitary sewer easement shall not be used to contribute to any required woodland conservation. The preliminary plan and TCPI shall be revised to show that no lot is encumbered by any existing sewer easement.
19. Prior to signature approval of the preliminary plan, the preliminary plan and the TCPI shall be revised to show the unmitigated 65 dBA Ldn and the conceptual mitigated 65 dBA Ldn.
20. The location and appearance of the required noise attenuation structures shall be reviewed and approved with the specific design plan and Type II tree conservation plan.
21. Prior to signature approval of the preliminary plan, the Type I tree conservation plan shall be revised to:
 - a. Provide, at a minimum, the woodland conservation threshold on-site through additional preservation and on-site planting.
 - b. Ensure that all noise attenuation structures are constructed on HOA property.

- c. Show the clearing required to install noise attenuation structures.
- d. Ensure that conservation easements will not be on residential lots.
- e. Provide at least 40 feet of cleared area behind every residential structure without clearing any part of any stream buffer.
- f. Recalculate the woodland conservation requirement.
- g. Plant additional areas of expanded stream buffers that are not currently wooded or that were cleared because of required mining reclamation.
- h. Correct the alignment of the existing sanitary sewer and remove the area of the easement from contributing to required woodland conservation.
- i. Provide off-site woodland conservation, not fee-in-lieu, only as needed.
- j. Replace the standard notes with the following:
 - i. This plan is conceptual in nature and is submitted to fulfill the woodland conservation requirements 4-05048. The TCPI will be modified by a Type II tree conservation plan in conjunction with the approval of a detailed site plan, a specific design plan, and/or a grading permit application.
 - ii. The Type II tree conservation plan will provide specific details on the type and location of protection devices, signs, reforestation, afforestation, and other details necessary for the implementation of the Woodland Conservation Ordinance on this site.
 - iii. Significant changes to the type, location, or extent of the woodland conservation reflected on this plan will require approval of a revised Type I tree conservation plan by the Prince George's County Planning Board.
 - iv. Cutting, clearing, or damaging woodlands contrary to this plan or as modified by a Type II tree conservation plan will be subject to a fine not to exceed \$1.50 per square foot of woodland disturbed without the expressed written consent from the Prince George's County Planning Board or designee. The woodlands cleared in conflict with an approved plan shall be mitigated on a 1:1 basis. In addition, the Woodland Conservation replacement requirements ($\frac{1}{4}$:1, 2:1, and/or 1:1) shall be calculated for the woodland clearing above that reflected on the approved TCP.
 - v. Property owners shall be notified by the developer or contractor of any woodland conservation areas (tree save areas, reforestation areas, afforestation areas, or selective clearing areas) located on their lot or parcel of land and the associated fines for unauthorized disturbances to these areas. Upon the sale of the property, the owner/developer or owner's representative shall notify the purchaser of the

property of any woodland conservation areas.

- k. Have the revised plan signed and dated by the qualified professional who prepared the plan.
22. The following note shall be placed on the final plat of subdivision:
- “Development is subject to restrictions shown on the approved Type I tree conservation plan (TCPI/25/05-01), 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 Ordinance. This property is subject to the notification provisions of CB-60-2005.”
23. Prior to signature approval of the preliminary plan, the applicant shall submit evidence that the property is not encumbered by prescriptive or descriptive easements that are to the benefit of other properties. If encumbered, that applicant shall submit evidence that the rights and privileges associated with those easements will not be interrupted with the development of this property. If appropriate, the applicant shall provide evidence of the agreement of those benefited properties to the abandonment or relocation of said easements.
24. Prior to signature approval of the preliminary plan, the District Council shall issue a final zoning decision in rezoning case A-9970. If the applicant obtains approval of the rezoning from I-1 to R-S, the record plat shall carry a note that development of this property is subject to A-99707 and CDP-0503 and any subsequent amendments. A new preliminary plan of subdivision shall be required for development proposed that does not conform to A-99707, CDP-0503 and/or is substantially different from this preliminary plan.
25. The SDP shall locate any noise wall and berming for mitigation of traffic generated noise and any fencing along the west property line, required as a condition of approval of A-9970 or CDP-0503 on open space land to be conveyed to a homeowners association, and not on individual homeowners lots.
26. Prior to final plat approval, the declaration of covenants for the property, in conjunction with the formation of a homeowners association, shall include language notifying all future contract purchasers of the proximity of the property to a gun range and recycling center within approximately one mile west of the community. The declaration of covenants shall include the disclosure notice. At the time of purchase contract with home buyers, the contract purchaser shall sign an acknowledgement of receipt of the declaration. The liber and folio of the recorded declaration of covenants shall be noted on the final plat along with a description of the proximity of the development to the gun range and the recycling center.
27. Review of the specific design plan shall include a critical review of the circulation and standards of the private streets that extend from the main spine road, across the dam at the north end of an internal lake feature, to the amenity complex and the townhouses located in the east central

portion of the site. This review should be done in coordination with the Department of Public Works and Transportation (DPW&T) and the Fire Department for street standards to adequately and safely serve the residences.

28. Prior to the approval of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) open space land. Land to be conveyed shall be subject the following:
 - a. Conveyance shall take place prior to the issuance of building permits.
 - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
 - c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
 - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
 - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
 - f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
 - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
 - h. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
29. Prior to the approval of building permits, the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.

30. The applicant, his heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFA) to DRD for construction of recreational facilities on homeowners land, for approval prior to the submission of final plats. Upon approval by DRD, the RFA shall be recorded among the county land records.
31. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on homeowners land, prior to the issuance of building permits.
32. In accordance with Section 24-134 and 24-135 of the Subdivision Regulations, the fulfillment of the mandatory dedication of parkland requirements is in addition to any contribution or construction of on-site recreational facilities required for the fulfillment of density increments for the development of this property. With the review of the specific design plan, a determination of the facilities and monetary contribution required for the fulfillment of mandatory dedication shall be made.
33. Review of the specific design plan shall include:
 - a. Conditions requiring the use of historically appropriate street names.
 - b. Identification and location of historically notable site features with the preservation of these features, where feasible.
 - c. Revised Phase IA archeological report with evidence of the input of the Robinson family descendants.
 - d. Placement of signage markers describing the history of the property.
34. Prior to the issuance of a grading permit for the development, A Public Safety Mitigation Fee shall be paid in the amount of \$1,527,120 (\$3,780 x 404 dwelling units). Notwithstanding the number of dwelling units and the total fee payments noted in this condition, the final number of dwelling units shall be as approved by the Planning Board and the total fee payment shall be determined by multiplying the total dwelling unit number by the per unit factor noted above. The per unit factor of \$3,780 is subject to adjustment on an annual basis in accordance with the percentage change in the Consumer Price Index for All Urban Consumers. The actual fee to be paid will depend upon the year the grading permit is issued.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The subject property is located on the west side of US 301 (Crain Highway), north of its intersection with Dyson Road.

3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

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