

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on January 31, 2002, regarding Detailed Site Plan DSP-01018 for Rose Valley Cluster, the Planning Board finds:

1. A Preliminary Subdivision Plan 4-94129 was approved for the subject property on September 9, 1999 (PGCPB No. 95-7 (A)) for 123 lots, 1 outlot, and 3 parcels in the R-R Zone. Detailed Site Plan DSP-01018 is being submitted in fulfillment of the detailed site plan requirements for all cluster developments. The Preliminary Plan and Conceptual Site Plan were originally denied by the Planning Board on January 12, 1995. Pursuant to a reconsideration request, the Planning Board approved the Preliminary Plan and Conceptual Site Plan on June 1, 1995. On November 20, 1995, the District Council reversed the Planning Board's approval. Pursuant to a mandate of the Court of Special Appeals, the Circuit Court on June 9, 1998, ordered that this case be remanded to the District Council for further proceedings. On April 26, 1999, the District Council ordered that this case be remanded back to the Planning Board. On July 22, 1999, the Planning Board approved the Preliminary Plan and Conceptual Site Plan. The Resolution was adopted on September 9, 1999.
2. The subject site contains 84.85 acres, and is located at the terminus of Glen Way, Melisa Drive and Mike Road. Parcel A along the northwest portion of the property is to be conveyed to the Homeowners Association. Parcel C in the central portion of the site is also to be conveyed to the Homeowners Association. Parcel B in the southwest portion of the property is to be conveyed to the M-NCPPC. Parcel D to the south of the property is to be conveyed to the Potomac Air Field. The adjacent properties are as follows:

North- Residential and Park
South- Potomac Airfield
East- Residential
West- Park and PEPCO Easement
3. The subject Detailed Site Plan includes site/grading, landscape and architectural plans for the subdivision. The development statistics for the subdivision are as follows:

Gross Tract Area	84.85 acres	
Area Within 100-Year Floodplain		4.21 acres
Area With Slopes Greater Than 25 Percent		5.92 acres
Net Tract Area	74.72 acres	

Number of Lots Permitted at 2 du/acre	149
Number of Lots Proposed	120
Minimum Lot Size	10,000 square feet
Maximum Lot Coverage	30 percent

The applicant is proposing eight architectural models for the subdivision at this time. More models may be proposed in the future by the developer. The following eight models are proposed:

<u>Model</u>	<u>Minimum Square Feet</u> <u>Square Feet</u>	<u>Maximum</u>
The Arundel	1,484 sq.ft.	1,703 sq.ft.
The Huntington	1,365 sq.ft.	1,491 sq.ft.
The Richmond	1,932 sq.ft.	2,270 sq.ft.
The Chesapeake	1,453 sq.ft.	1,626 sq.ft.
The Oakland	1,876 sq.ft.	2,324 sq.ft.
The Princeton	1,482 sq.ft.	1,585 sq.ft.
The Devonshire	1,583 sq.ft.	1,753 sq.ft.
The Potomac	1,455 sq.ft.	1,535 sq.ft.

The proposed models have various options like brick facades, brick sills, arched windows, brick fireplaces, window trim, bay windows, entrance porches, decorative frieze boards, etc. The proposed design features contribute to the overall superior quality of architecture proposed for this development.

4. Condition #11 of the Preliminary Plan 4-97129 states as follows:

Prior to Final Plat, the applicant, his heirs, successors and/or assigns shall submit a Detailed Site Plan to the Development Review Division to address but not be limited to the following:

a. Compatibility with the architecture in the adjacent subdivision.

The proposed architecture will provide high-quality development within the subdivision and will enhance the appearance of the subject subdivision and the adjacent subdivision.

b. A trail system, if feasible, provided on the open space Parcels A and C.

No specific recreational amenities are proposed in the open areas on Parcels A and C. The parcels are to be conveyed to the Homeowners Association. Trails to these parcels as suggested by Condition 11.b can be constructed by the Homeowners Association if recreational amenities are planned in these areas. The applicant is providing access to the adjacent park property to the west. A trail system to access the internal open spaces is

not essential at this time. Therefore, conditions of approval requiring trails in this area have not been added.

c. Landscape treatment, specifically at the access areas to the open space.

The applicant has provided adequate landscaping in the open space areas and all other areas of the subdivision.

d. Edge treatment of the wooded areas located in the open space that are highly visible.

A condition of approval has been added to note edge treatment and management of the wooded areas to the Type II Tree Conservation drawings.

e. To determine if architectural noise abatement should be considered for lots near the airfield.

f. To develop appropriate restrictions that preclude the provision of airplane hangers within the cluster open space or on individual lots.

The applicant has revised the site plan to remove all the proposed houses along the airport that are within the areas that generate more than 65 dBA (Ldn) along the property lines. This was achieved by realigning Glen Way and Rolling Green Way. The total number of lots was reduced from 121 to 120. Parcel D to the south of the property is to be conveyed to the Potomac Airfield to preclude the provision of airplane hangers within the cluster open space or on individual lots. Compliance with the above criteria is also addressed in Finding #12.

g. To develop an appropriate affidavit of disclosure for prospective purchasers of lots within the subject subdivision to notify individuals of the proximity of the Potomac Airfield.

A condition of approval has been added to require the applicant to develop an appropriate affidavit to comply with Condition 11.g.

5. The proposal is subject to the requirements of Section 4.1 (Residential Requirements) and Section 4.7 (Buffering Incompatible Uses) of the *Landscape Manual*. The proposal complies with these requirements.

Referral Responses

6. The Transportation Planning Section (Masog to Srinivas, May 5, 2001) has stated that the proposal is consistent with the Preliminary Plan.
7. The Transportation Planning Section (Shaffer to Srinivas, June 5, 2001) has stated that

there are no master plan trails issues. If internal trails are developed, they should be six-foot-wide asphalt trails.

8. The Subdivision Section (Del Balzo to Srinivas, June 22, 2001, and letter dated July 5, 2001, from Hirsch to the applicant) has stated that the Detailed Site Plan shows minor revisions but the general lotting pattern and road layout are similar to the approved Preliminary Plan. The Section has stated that the proposal must be consistent with the criteria listed in Condition #11 of the Preliminary Plan. Compliance with this condition is discussed in Finding #4. The applicant has been granted a one-year extension for the Preliminary Plan. The final plat of subdivision must be filed by September 9, 2002.
9. The Permits Review Section (Windsor to Srinivas, April 27, 2001) has requested minor changes to the site plans. Conditions of approval have been added to require the same.
10. The Department of Environmental Resources (De Guzman to Srinivas, May 3, 2001) has stated that the proposal is not consistent with the approved stormwater management concept plan # 948005480. The stream culvert and the stormwater management ponds are not shown on the site plan. A condition of approval requiring the same has been added.
11. The Community Planning Division (Rovelstad to Srinivas, January 12, 2001) has stated that the proposed subdivision is consistent with the 1993 Subregion V Master Plan land use recommendations for low-suburban residential land use in the R-R Zone.

Since the subdivision is adjacent to Potomac Airfield, noise impacts to the subdivision due to the airport are a possibility. The proposal includes houses that will be sited more than 500 feet from the airport runway. The land between the airport itself and most of the proposed lots is indicated as a tree preservation area, with the exception of the property already utilized as part of the airport operation. Therefore, the residential development proposal is in close conformance with the land use recommendations of the consultant study and the principles of the proposed AManual of Regulations for Land Use around General Aviation Airports.@ The Environmental Planning Section must address the noise impacts issue. The Environmental Planning Section=s recommendations are stated in Finding #12.

Sponsors of any construction higher than an imaginary surface defined by a 50:1 slope for a horizontal distance of 10,000 feet from the nearest point of an active airport runway of up to 3,200 feet in length may be required by federal law (FAR Part 77.13 (a)(2)(ii)) to file FAA Form 7460-1, Notice of Proposed Construction, with the Federal Aviation Administration to determine the relationship of the proposed construction to federally regulated airspace. According to Maryland state law, similar notice is to be filed with the Maryland Aviation Administration Office. A portion of the site may fall within these criteria.

The Division has suggested some language for the affidavit requiring notification of prospective purchasers that this property is in an area affected by aircraft overflights. A

condition of approval requiring the affidavit is proposed below.

12. The Environmental Planning Section (Stasz to Srinivas, December 21, 2000) has stated that this site is subject to the provisions of the Woodland Conservation Ordinance because it is more than 40,000 square feet in size and contains more than 10,000 square feet of woodland. A Tree Conservation Plan is required to satisfy the requirements of the Woodland Conservation Ordinance.

A Type I Tree Conservation Plan, TCP I/36/94, was approved by Prince George's County Planning Board Resolution No. 95-7(A) on September 9, 1999. The approved Type I TCP shows approximately 16 acres of on-site preservation and 10 acres of off-site conservation. Some of the woodland conservation is proposed on lots within the cluster subdivision. The Type II Tree Conservation Plan, TCP II/161/01, dated January 15, 2002, proposes to meet the requirements of the Woodland Conservation Ordinance by providing approximately 16.46 acres of on-site preservation, 7.49 acres of off-site conservation, and 2.12 acres of on-site planting. The Section is recommending approval of the Type II Tree Conservation Plan.

There are streams, wetlands, and floodplain on the property, but development has been directed to avoid impacts to most of these. Variation requests to allow disturbance to wetlands, wetland buffers, floodplain, and stream buffers for the purpose of constructing an internal street, stormwater outfalls, and sewerage hookups were approved by Prince George's County Planning Board Resolution No. 95-7(A) on September 9, 1999. The impacts shown on the Detailed Site Plan are consistent with those approvals. A condition of approval has been added to require submission of all federal and state wetland permits and evidence of compliance with all conditions of approval.

Since the Rose Valley Airport is a potential noise source, the AAirport Noise Analysis for Rose Valley Airport@ was reviewed. None of the sounds due to the airport are expected to be in the range where damage to hearing can occur. Both the AAirport Noise Analysis for Rose Valley Airport@ and the Maryland Aviation Administration independently conclude that the 65 dBA(Ldn) noise contour is wholly within the airport property.

Because the exterior noise levels will not exceed 65 dBA(Ldn) at the property line, standard construction materials for residential structures are sufficient to attain an interior noise level of less than 45 dBA(Ldn) within the site. Therefore, with regard to Condition 11.e. of Prince George's County Planning Board Resolution No. 97-7(A), the Section has determined that there is no special need for architectural noise abatement for any lot near the airfield.

Marlboro Clay outcrops on the property. Geotechnical reports were submitted to the Prince George's County Department of Environmental Resources for their review. DER was satisfied that the lots could be developed.

13. The Department of Public Works and Transportation (Senjalia to Srinivas, May 2, 2001)

has stated that the extensions for Glen Way and Melisa Drive must be in accordance with the DPW&T standards and specifications.

14. The Department of Parks and Recreation (Asan to Srinivas, January 16, 2002) has stated that the applicant proposes to dedicate 6.94 acres of parkland in lieu of mandatory dedication and requests an easement for over one acre of parkland for the purposes of maintaining the area as a Aclear zone@ to facilitate the operation of the nearby Potomac Airfield. An access to the park is to be provided between Lots 72 and 73. Tree preservation is proposed on 0.25 acres of the parkland. The applicant and the Department of Parks and Recreation have developed a mutually acceptable agreement for parkland dedication. The Department has required several conditions of approval for the dedication, construction of the proposed access and the tree preservation areas.
15. With the proposed conditions, Detailed Site Plan DSP-01018 represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs 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 Tree Conservation Plan TCPII/161/01 and further APPROVED the Detailed Site Plan for the above-described land, subject to the following conditions:

1. Prior to certification of the Detailed Site Plan, the applicant shall,
 - a. Submit an approved stormwater management concept approval for the proposed development.
 - b. Submit for approval by the Office of the General Counsel an affidavit of disclosure for prospective purchasers of lots within the subject subdivision to notify individuals of the proximity of the Potomac Airfield. The affidavit shall include the following language, or alternative language acceptable to the Office of the General Counsel:

AThis property is in an area subject to overflight using a public use/commercial use general aviation airport, Potomac Airfield, located on Glen Way less than 1,800 feet to the southeast. As a result, residents may be subject to some risk or experience inconvenience, annoyance or discomfort arising from the noise of such operations. Residents of property near a public use airport should therefore be prepared to accept such inconvenience, annoyance or discomfort from normal airport operations or growth in the amount of air traffic.@

- c. The site and landscape plans showing the following shall be approved by the Department of Parks and Recreation:

- (1) Dedication of approximately 6.94 acres of parkland as shown on the attached Exhibit >A.=
 - (2) Landscaping and a planting list for the park access between Lots 72 and 73.
 - (3) An eight-foot-wide curb cut between Lots 72 and 73.
 - (4) Tree conservation on 0.25 acre of adjacent parkland
- d. The architectural drawings shall be revised to show side and rear elevations for the proposed architectural models.
- e. The following notes shall be added to the Type II Tree Conservation Plan:

- (1) Removal of Hazardous Trees or Hazardous Limbs By Developers or Builders:

The developer and/or builder is responsible for the complete preservation of all forested areas shown on the approved plan to remain undisturbed. Only trees or parts thereof designated by the Department of Environmental Resources as dead, dying, or hazardous may be removed.

- (a) A tree is considered hazardous if a condition is present which leads a licensed arborist or a licensed tree expert to believe that the tree or a portion of the tree has a potential to fall and strike a structure, parking area, or other high-use area and result in personal injury or property damage.
- (b) If a hazardous condition may be alleviated by corrective pruning, the licensed arborist or a licensed tree expert may proceed without further authorization. The pruning must be done in accordance with the latest edition of the ANSI A-300 Pruning Standards (ATree, Shrub, and Other Woody Plant MaintenanceC Standard Practices@).
- (c) Corrective measures requiring the removal of the hazardous tree or portions thereof shall require authorization by the building or grading inspector if there is a valid grading or building permit for the subject lots or parcels on which the trees are located. Only after approval by the appropriate inspector may the tree be cut by chainsaw to near the existing ground level. The stump may not be removed or covered with soil, mulch or other materials that would inhibit sprouting.

- (d) Debris from the tree removal or pruning that occurs within 35 feet of the woodland edge may be removed and properly disposed of by recycling, chipping or other acceptable methods. All debris that is more than 35 feet from the woodland edge shall be cut up to allow contact with the ground, thus encouraging decomposition. The smaller materials shall be placed into brush piles that will serve as wildlife habitat.
- 2. Prior to or concurrent with approval of a Final Plat of Subdivision, the following shall be accomplished:
 - a. The applicant shall dedicate 6.94± acres of parkland as shown on Exhibit AA@ submitted by the Department of Parks and Recreation and subject to the following conditionss
 - (1). An original, special warranty deed for the property to be conveyed (signed by the WSSC Assessment Supervisor), shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the Final Plat.
 - (2). The M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to Final Plat.
 - (3). The boundaries and acreage of land to be conveyed to the M-NCPPC shall be indicated on all development plans and permits, which include such property.
 - (4). The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, the DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel=s Office, the M-NCPPC) shall be submitted to the DPR within two weeks prior to applying for grading permits.
 - (5). Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by the M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by

the M-NCPPC, the DPR shall review and approve the location and design of these facilities. The DPR may require a performance bond and easement agreement prior to issuance of grading permits.

- (6). All waste matter of any kind shall be removed from the property to be conveyed. The DPR shall inspect the site and verify that it is in acceptable condition for conveyance, prior to Final Plat approval.
 - (7). No stormwater management facilities, or tree conservation or utility easements shall be proposed on lands owned by or to be conveyed to the M-NCPPC without the prior written consent of the DPR. The DPR shall review and approve the location and/or design of these features. If such proposals are approved by the DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits.
 - b. M-NCPPC shall grant and convey to the applicant an easement over one acre of the dedicated parkland as shown on attached Exhibit AA@ for the purposes of maintaining the area as a Aclear zone@ as necessary to facilitate the operation of the nearby Potomac Airfield. The applicant and M-NCPPC shall enter into an easement agreement and the applicant shall make a payment in the amount of \$1,500 to the Department of Parks and Recreation (DPR).
 - c. M-NCPPC and the applicant, its heirs or assigns, shall enter into an agreement for on-site tree conservation on the 6.94± acres of the property to be dedicated to M-NCPPC in exchange for a fee or recreational facilities on adjacent parkland mutually agreeable to DPR staff and the applicant.
3. Prior to submission of any final plat of subdivision or prior to the application for grading permits, whichever occurs first, the applicant shall enter into a public Recreational Facilities Agreement (RFA) with the Commission for the landscaping on park property. The applicant shall submit three original executed RFAs to the Department of Parks and Recreation (DPR) for their approval three weeks prior to the submission of the final plat or grading permit. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George=s County.
 4. Prior to the application for grading permits, the developer shall deliver to the Department of Parks and Recreation a performance bond in the amount determined by the DPR. Within two weeks prior to the developer=s filing for application for grading permits, the developer shall request in writing a determination as to the amount of the required performance bond.
 5. Prior to issuance of grading and building permits, the site and landscape plans shall be revised to show all building setbacks and percentage of lot coverage per lot.

6. Prior to issuance of any permits which impact wetlands, wetland buffers, streams or waters of the U.S., copies of all federal and state wetland permits and evidence that approval conditions have been complied with, and associated mitigation plans, shall be submitted to the Planning Department.

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

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Eley, seconded by Commissioner Lowe, with Commissioners Eley, Lowe, Brown and Hewlett voting in favor of the motion, and with Commissioner Scott absent at its regular meeting held on Thursday, January 31, 2002, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 28th day of February 2002.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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