

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 April 11, 2002, regarding Detailed Site Plan DSP-02004 for Linwood Knolls (Cluster), the Planning Board finds:

1. A Preliminary Subdivision Plan, 4-90051, was approved for the subject property, known as Linwood Knolls Cluster, on July 29, 1993 (PGCPB No. 90-363 (A)), for 91 lots in the R-R Zone. Detailed Site Plan SP-02004 is being submitted in fulfillment of the Detailed Site Plan requirement for all cluster developments. The Preliminary Plan and Conceptual Site Plan were originally approved by the Planning Board on August 2, 1990, with findings identifying the existing house on the property as a historic structure. Pursuant to a reconsideration request, the Planning Board reapproved the Preliminary Plan and Conceptual Site Plan on July 29, 1993. At that time, the Planning Board modified some of the previous conditions of approval and eliminated some of the previous findings regarding the existing house.
2. The subject site contains 72.84 acres, and is located at the terminus of Midstock Lane and Wallace Lane. The adjacent properties are as follows:

North - Residential and School

South - Residential

East - Residential

West - Residential

Access to the property is from Midstock Lane on the northwest side of the property and the southwest sides of the property and from Wallace Lane on the southeast side of the property.

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	72.84 acres
Area Within 100-Year Floodplain	3.02 acres
Area With Slopes Greater Than 25%	13.77 acres
Net Tract Area	56.05 acres
Number of Lots Permitted at 2 du/acre	91
Number of Lots Proposed	91
Minimum Lot Size	10,000 sq. ft.

Maximum Lot Coverage

30%

The applicant is proposing 13 architectural models for the subdivision at this time. More models may be proposed in the future by the developer. The following 13 models are proposed:

<u>Model</u>	<u>Minimum Square Feet</u>
Camberly II	2,603 sq.ft.
Van Buren	2,872 sq.ft.
Delaware	2,630 sq.ft.
Nottingham	2,924 sq.ft.
New Hampshire I	2,441 sq.ft.
New Hampshire II	2,707 sq.ft.
Oregon	2,837 sq.ft.
Chesterfield II	2,924 sq.ft.
English Virginia I	2,407 sq.ft.
English Virginia II	2,750 sq.ft.
Colorado	3,436 sq.ft.
Georgia	2,518 sq.ft.

The proposed models have various options like brick facades, brick sills, arched windows, window trim, bay windows with metal roofs, entrance porches, decorative frieze boards, etc. The proposed design features contribute to the overall superior quality of architecture proposed for this development. Some of the architectural models do not have a minimum of two design features on the side elevations. A condition of approval has been added requiring the same.

4. Condition 7 of Preliminary Plan 4-90051 states as follows:

A Detailed Site Plan, as required for all cluster subdivisions by the Zoning Ordinance, shall be reviewed and approved by the Planning Board. The Detailed Site Plan shall pay particular attention to the following:

- a. The location and type of structures required for the proposed stream crossings and associated grading.**
- b. The proposed landscaping and entrance structure.**

The location and type of structures required for the proposed stream crossings and associated grading are shown on the Preliminary Plan. The above condition was added to verify that the location and type of structures required for the stream crossings and associated grading on the Detailed Site Plan are consistent with those shown on the Preliminary Plan. The proposed stream crossings and associated grading are substantially

reduced on the subject Detailed Site Plan. The Environmental Planning Section has verified that the proposal is consistent with the above conditions. 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 applicant has not provided landscape schedules showing compliance with Section 4.7 of the *Landscape Manual*. Landscape buffers may be provided on Lots 40 to 47 to meet the requirements of Section 4.7. Conditions of approval have been added to require the same. With the proposed conditions of approval, the proposal will be consistent with the requirements of the *Landscape Manual*. The applicant has not provided entrance features or signage along the two entrances to the south of the property and the entrance to the north of the property. A condition of approval has been added to require the applicant to provide details regarding the proposed entrance features/signage.

5. The applicant has proposed several changes to the layout provided for on the record plats of subdivision. The entrances along the south side of the property were connected by an internal loop road known as Trumpet Lane. Lots were proposed on the north and south sides of Trumpet Lane. Parcels to the south of these lots were conveyed to the Homeowners Association and to M-NCPPC. The applicant has eliminated the inner loop road (Trumpet Lane) and instead proposed two cul-de-sacs. The road from the entrance along Midstock Lane on the southwestern portion of the property terminates in a cul-de-sac. The road from the entrance along Wallace Lane terminates in a cul-de-sac known as Atrian Court. The area of the road connection and parcels to the south of it will be dedicated to M-NCPPC. This proposal significantly reduces the proposed paving and the impacts to the existing 100-year floodplain in the central portion of the site. The Subdivision Section has determined that the proposal is in substantial conformance with the Preliminary Plan, 4-900051. This issue is discussed in detail in Finding 8.

Referral Responses

6. The Transportation Planning Section (Masog to Srinivas, March 25, 2002) has stated that the proposal is acceptable from the standpoint of access and circulation. The originally proposed connection improved the circulation within the Marlton community. However, the subject proposal that removes the internal connection would not impact the circulation because the completion of Midland Turn, a facility that exists on the Master Plan, would serve the same function. The section has also stated that Condition 2 of Preliminary Plan 4-900051 requiring the applicant to either join a road club or pay a fair share fee is still valid.
7. The Transportation Planning Section (Shaffer to Srinivas, February 28, 2002) has stated that there are no master plan trail issues. If internal trails are developed, they should be six-foot-wide asphalt trails. All trails and sidewalks must be ramped and ADA compatible at all road crossings.
8. The Subdivision Section (Chellis to Srinivas, February 26, 2002) has stated that the proposed plan is not in conformance with the record plats for Linwood Knolls recorded

pursuant to approved Preliminary Plan 4-00051. However, since the layout reduced environmental impacts while not increasing the number of lots, a lot line adjustment plat could be processed. The most significant change is the reduction in the width of the 60-foot-wide right-of-way known as Trumpet Lane to a 50-foot-wide street which would then cul-de-sac on either side of the 100-year floodplain along the western portion of the property. The final plats for the new layout will be subject to the Planning Board's actions on Preliminary Plan 4-90051 to include all conditions of development. The Section has determined that the final plats will not invalidate the resolution approving 4-90051. The proposed changes impact the common open space requirement and the land dedicated to M-NCPPC. The Department of Parks and Recreation must approve the land swap proposed by the new layout. The Department of Parks and Recreation has approved the land swap. This issue is discussed in detail in Finding 11. The section has also required some changes to the general notes. A condition of approval has been added requiring the same.

The memorandum from the Subdivision Section states that:

AThe proposed layout is not in conformance with the record plats for Linwood Knolls, VJ 179 @ 10, 11, and 12, recorded pursuant to approved Preliminary Plan 4-00051. The applicant has previously proposed the layout shown on the Detailed Site Plan (DSP) with the application of Preliminary Plan 4-01038. Staff evaluated that proposal and determined that, because the layout reduced environmental impacts while not increasing the number of lots, a lot line adjustment plat could be processed. Final plats filed pursuant to Section 24-108(a)(3) would be sufficient to provide for the proposed changes. A new preliminary plan of subdivision would not be required. Therefore, 4-01038 was withdrawn.

AThe applicant has proposed several changes to the layout provided for on the record plats of subdivision. The most significant change would reduce the width of the 60-foot-wide right-of-way known as Trumpet Lane to a 50-foot-wide street which would then cul-de-sac on either side of the 100-year floodplain along the western portion of the property. Vacation of the 60-foot right-of-way and re-platting of a 50-foot right-of-way will impact all of the lots abutting existing Trumpet Lane. The new cul-de-sac streets are identified as Midstock Lane and Atrian Court on the DSP. This proposal significantly reduces the proposed paving and impacts to the existing 100-year floodplain.

AThe final plats for the new layout will be subject to the Planning Board's actions on Preliminary Plan 4-90051, PGCPB Resolution 90-363, to include all conditions of development. The applicability of Condition 2 of that resolution has been raised by the applicant in general and has been addressed in a memorandum dated October 1, 2001, Piret to Haller. This memorandum states that development is subject to Condition 2 of PGCPB Resolution 90-363 relating to road improvements in general. Discussion has also occurred regarding the applicability of the school APF test as it relates to the yet-to-be-filed final plats of subdivision for the revised layout. Staff has determined that the final plats prepared pursuant to Section 24-108 will not subjugate PGCPB Resolution

90-363 and all dates associated with the Planning Board's action on 4-90051 for the entire subdivision. The approved valid preliminary plan will remain in full force and effect over this property.

The proposed changes to the DSP impact the common open space requirements and the land dedicated to the Department of Parks and Recreation. The Department of Parks and Recreation must approve the land swap proposed by the new layout. Note that the cluster open space calculations provided on sheet 1 of 10 of the DSP submitted for review total 61,678, not 616,734 as indicated; the General Notes must be revised accordingly. In addition, Section 24-137(e) establishes that the cluster open space shall not include the area devoted to streets. The General Notes do not provide information demonstrating conformance to this regulation. @

9. The Permits Review Section (Windsor to Srinivas, February 14, 2002) 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, February 13, 2002) has stated that the site plan does not show the infiltration trenches as approved in Stormwater Management Concept Plan #6898-2001. A condition of approval has been added to require the same.
11. The Department of Parks and Recreation (Asan to Srinivas, March 12, 2002) has stated that the Final Plat for this subdivision was recorded in April 1997. Parcels A and C, totaling 6.46 acres, were previously dedicated for parkland. The proposed reconfiguring of 33 lots and abandonment of a portion of Midstock Lane (originally Trumpet Lane) affects the previously dedicated parkland. Therefore, a land swap must be approved for the new layout. The department and the applicant have developed a mutually acceptable land exchange agreement which includes the following:
 - The conveyance of 1.12 acres from M-NCPPC to Washington Homes
 - The conveyance of 2.93 acres from Washington Homes to M-NCPPC
 - The construction of a four-foot-wide asphalt trail, connecting the subject subdivision to the adjacent Marlton Community Park

The above land exchange will be of greater value to the public than the property to be conveyed to the applicant. The department has required conditions of approval for the land dedication and exchange. Conditions of approval have been added to require the same. The Department of Parks and Recreation has recommended that the Planning Board authorize the Executive Director to dispose of 1.12 acres of park property as shown on AExhibit A@ submitted by the Department of Parks and Recreation.

12. The Environmental Planning Section (Stasz to Srinivas, March 22, 2002) has stated that the property is in the Marlton community east of Fairhaven Avenue and north of Midland Turn. There are floodplains, streams, and wetlands associated with the Patuxent River on the site. 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. The Forest Stand Delineation and Tree Conservation Plan TCPI/56/90 were reviewed and approved with 4-90051. The current plan modifies the previously approved plan by more than 5,000 square feet which requires a review using the current regulations. The section recommends approval of the Type II Tree Conservation Plan, TCPII/17/02, with conditions of approval for revisions to the Type II Tree Conservation Plan.

The Detailed Site Plan proposes modifications to the conservation easement area for the Patuxent River Primary Management Area Preservation Area. These changes result in a greater area of preservation than that shown on the approved Preliminary Plan of Subdivision. These modifications create some changes to the location of the conservation easement. Conditions of approval have been added to revise the Final Plat showing the modifications to the conservation easements to comply with conditions of the Preliminary Plan, 4-90051. Conditions of approval have also been added requiring compliance with conditions of Preliminary Plan 4-90051 regarding obtaining permits from the U.S. Army Corps of Engineers and the Maryland Department of the Environment. A condition of approval has also been added to revise the Type II Tree Conservation Plan to show substantially reduced disturbance to wooded severe slopes with highly erodible soils for the construction of the access road to the dam of the extended detention facility.

A State Endangered wildflower is known to occur on the site. The location of the population is known to staff of the Environmental Planning Section. The entire population is not only far from any proposed disturbance but also will be protected by the establishment of the conservation easements for the Patuxent River Primary Management Area Preservation Area.

13. The Community Planning Division (Irminger to Srinivas, March 25, 2002) has stated that the proposal is generally consistent with the Master Plan recommendations for residential development in terms of location, type and density.
14. With the proposed conditions, Detailed Site Plan SP-02004 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 the Type II Tree Conservation Plan (TCPII/17/02) and further APPROVED Detailed Site Plan DSP-02004 for the above-described land, subject to the following conditions:

1. Prior to certification of the Detailed Site Plan:
 - a. The applicant shall revise the site/grading, landscaping and architectural

drawings to show the following:

- (1) All building setbacks provided at the shortest distance between the property line and the dwelling
 - (2) The building shown on Parcel I removed
 - (3) Dimensions for stairways encroaching rear building restriction lines demonstrating that they do not encroach more than 4.5 feet beyond the restriction line and that the stairways are open stairways
 - (4) A minimum of two design features on the side elevations
 - (5) Landscape schedules showing compliance with Section 4.7 of the *Landscape Manual*
 - (6) Landscape buffers on Lots 40 to 47 if all the planting required by Section 4.7 cannot be accommodated outside the lots
 - (7) Location, design and materials details for the proposed entrance features/signage
 - (8) Open space calculations corrected to show a total of 61,678 square feet
 - (9) A note stating that the cluster open space shall not include the area devoted to the streets
 - (10) The infiltration trenches as approved in stormwater management concept #6898-2001
- b. The applicant shall submit detailed construction drawings for park facilities and trails to the Department of Parks and Recreation.
- c. The Type II Tree Conservation Plan, TCPII/17/02, shall be revised to:
- (1) Calculate the total amount of woodland currently shown on lots to be preserved and revise the worksheet to calculate these areas as cleared.
 - (2) Revise all applicable sheet to demarcate these areas as Awoodland area preserved but calculated as cleared. @
 - (3) Add a symbol to the legend for Awoodland area preserved but calculated as cleared. @
 - (4) Recalculate the woodland conservation required and revise the plan to

show how the requirements will be met on-site.

- (5) Revise note 9 on sheet 3 of 10 to read ATree Protection Devices and flagging may be removed at time of final grading after approval of the DER Inspector. Tree conservation area signs shall be permanently posted.@
- (6) Revise note 18 to add AAll selective clearing shall be approved by the DER Inspector prior to commencement of work. Selective clearing shall be performed after initial clearing and before house construction.@
- (7) Remove the label ATree Protection Fencing (TYP.)@ from Parcel I on sheet 1 of 10.
- (8) On sheet 5 of 10, move the label APreservation Not Counted@ from the center of Parcel I and place it where appropriate.
- (9) Substantially reduce disturbance to wooded severe slopes with highly erodible soils for the construction of the access road to the dam of the extended detention facility.

2. Prior to approval of the Final Plat:

- a. Revisions to the existing Conservation Easements shall be described by bearings and distances. The Conservation Easements shall contain all 100-year floodplain, stream buffers, and wetland buffers, except for approved variation requests, and be reviewed by the Environmental Planning Section.

- b. 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 is prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."

- c. The applicant shall convey to M-NCPPC, 2.93 acres of open space as designated on AExhibit A@ submitted by the Department of Parks and Recreation. The land shall be conveyed subject to the following conditions:

- (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) 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 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, 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, M-NCPPC) shall be submitted to 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 M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, DPR shall review and approve the location and design of these facilities. 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. 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 M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits.
- d. The applicant shall prepare deeds for the properties to be exchanged (signed by the WSSC Assessment Supervisor) and submit them to the Department of Parks and Recreation for their review. A title report shall accompany the deed for the land to be conveyed to M-NCPPC. Upon receipt of a recorded deed, the Department of Parks and Recreation staff shall convey the 1.12 acres of parkland to the applicant. The applicant shall record the deeds in the land records of Prince George's County.

- e. Any proposed street vacation shall be approved by the Prince George=s County Planning Board.
 - f. The applicant shall enter into a Public Recreational Facilities Agreement (RFA) for construction of the paved path on the park property. The applicant shall submit three original executed RFAs to the Department of Parks and Recreation (DPR) for their approval. Upon approval of the RFA by DPR, it shall be recorded in the land records of Prince George=s County. The recreational facilities on the park property shall be designed in accordance with the applicable standards in the Parks and Recreation Facilities Guidelines.
3. Prior to issuance of building permits:
- a. The applicant shall submit a performance bond, letter of credit or other suitable financial guarantee, for the construction of the path, in an amount to be determined by the Department of Parks and Recreation.
 - b. The location of the paved path shall be staked in the field and approved by the Department of Parks and Recreation.
 - c. The applicant shall ensure that the trails shall be constructed to assure dry passage, and if wet areas must be traversed, suitable structures shall be constructed.
 - d. The site plans shall be revised to show all building setbacks provided at the shortest distance between the property line and the dwelling.
4. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans shall be submitted to the M-NCPPC Planning Department.
5. Prior to issuance of building permits for 50 percent of the lots, the applicant shall complete the construction of the recreation facilities on the park property.

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 Brown, seconded by Commissioner Scott, with Commissioners Brown, Scott and Eley voting in favor of the motion, and with Commissioner Lowe absent and with Chairman Hewlett temporarily absent at its regular meeting held on Thursday, April 11, 2002, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 9th day of May 2002.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:LS:rmk