

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 May 8, 2003 regarding Detailed Site Plan DSP-02053 for Charles Hill Cluster, the Planning Board finds:

1. A Preliminary Subdivision Plan, 4-01097, was approved for the subject property, known as Charles Hill Cluster, on June 6, 2002 (PGCPB No. 02-76), for 139 lots and Parcel A. Detailed Site Plan SP-02053 is being submitted in fulfillment of the Detailed Site Plan requirement for all cluster developments.

2. **Development Summary**

	EXISTING	PROPOSED
Zone(s)	R-R	R-R
Use(s)	Single-family residential	Single-family residential
Acreage	83.2 acres	83.2 acres
Lots	0	139
Parcels	0	1
Square Footage/GFA	NA	NA

The subject site contains 83.20 acres of land known as Charles Hill Cluster and is located at the terminus of Midstock Lane and Wallace Lane. The adjacent properties are as follows:

North -	Vacant zoned R-A
South -	Old Marlboro Pike
East -	Residential (Historic Charles Hill Farm) zoned R-R and R-A
West -	Vacant zoned R-R and R-S

Access to the property is from Old Marlboro Pike on the northeast side of Ritchie Marlboro Pike and Old Marlboro Pike.

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	83.2 acres
Area Within 100-Year Floodplain	4.98 acres
Area With Slopes Greater Than 25%	5.43 acres
Net Tract Area	72.79 acres
Number of Lots Permitted	145
Number of Lots Proposed	139
Minimum Lot Size Permitted	10,000 sq. ft.
Maximum Lot Size Proposed	10,000 sq. ft.

The applicant is proposing the following architectural models for the subdivision:

<u>Model</u>	<u>Square Feet</u>
Courtland	1,955 sq.ft.
Zachary	1,585 sq.ft.
Michigan	1,825 sq.ft.
Nebraska	2,089 sq.ft.
California	2,343 sq.ft.
New York	2,020 sq.ft.
Oregon	1,887 sq.ft.
Georgia	1,761 sq.ft.
Dakota	1,482 sq.ft.
Virginia I&II	1,707 sq.ft.
Colorado	2,212 sq.ft.

4. The proposed models have various options like brick facades, shutters, windows, window trim, bay windows and entrance porches. The proposed design features contribute to the overall superior quality of architecture proposed for this development.
5. The following conditions of the Preliminary Plan 4-01097 are applicable to the subject Detailed Site Plan:

#1 A Detailed Site Plan shall be approved by the Planning Board prior to approval of the final plats.

The applicant has submitted the subject Detailed Site Plan in fulfillment of this condition.

#2 A Type II Tree Conservation Plan shall be approved in conjunction with the Detailed Site Plan

The applicant has submitted a Type II Tree Conservation Plan TCPII/101/98-01 and the Environmental Planning Section has recommended approval of the TCPII with conditions. The Type II Tree Conservation Plan is discussed in detail in Finding #14.

- #4 A minimum 40-foot buffer of retained woodland and/or landscaping shall be provided as a scenic easement adjacent to the proposed right-of-way for Old Marlboro Pike. The buffer shall be placed adjacent to the 10-foot-wide public utility easement. The scenic easement and woodland conservation and/or landscaping treatment shall be reviewed as part of the Detailed Site Plan.*

The applicant has provided a 40-foot-wide landscape buffer of retained woodland and landscaping adjacent to the 10-foot-wide public utility easement and adjacent to the proposed right-of-way for Old Marlboro Pike. The landscape buffer is intended to be provided as a scenic easement. A condition of approval has been added that the scenic easement be recorded prior to final plats.

- #5 The scenic easement along Old Marlboro Pike shall be shown with metes and bounds on the final plats and be reviewed by the Environmental Planning Section before approval of the final plats.*

This condition is being carried forward.

- #8 The Detailed Site Plan shall show each element of the Patuxent River Primary Management Preservation Area and the boundary of the PMA.*

The subject Detailed Site Plan shows each element of the Patuxent River Primary Management Preservation Area and the boundary of the PMA.

- #11 During the review of the Detailed Site Plan, the use of low-impact development (LID) techniques shall be fully evaluated. Appropriate LIDs shall be incorporated into the Detailed Site Plan.*

The applicant has indicated that low impact development (LID) techniques cannot be used because the stormwater management concept was approved prior to the implementation of the low impact development requirements for Stormwater Management in Prince George's County. Three stormwater management ponds are proposed on Homeowners' Association land. Low impact development techniques include bioretention ponds, open swales etc. The Department of Public Works and Transportation does not permit road swales in the 50-foot public right-of-way. The Department of Environmental Resources has indicated that the proposal is consistent with the approved stormwater management concept #22627-2001.

Compliance with other applicable conditions of approval is addressed in Findings #12, 13 and 14.

6. The proposal is subject to the requirements of Section 4.1 (Residential Requirements), Section 4.6 (Buffering residential development from streets) and Section 4.7 (Buffering incompatible uses) of the *Landscape Manual*. The proposed landscaping complies with the requirements of the *Landscape Manual*.

Referral Comments

7. The Permits Review Section (Windsor to Srinivas, November 21, 2002) has requested minor changes to the site plans. Conditions of approval have been added to require the same.
8. The Transportation Planning Section (Masog to Srinivas, December 31, 2002) has stated that the proposal is acceptable and conditions #13 and #14 of the Preliminary Plan 4-01097 are enforceable at the time of record plat and building permit respectively.
9. The Department of Environmental Resources (De Guzman to Srinivas, December 2, 2002) has stated that the proposed site plan is consistent with the approved stormwater management concept #22627-2001.
10. The Washington Suburban Sanitary Commission (Thacker to Srinivas, December 6, 2002) has stated that existing WSSC features are located on the site and submission must be made to the WSSC Development Services Group.
11. The Subdivision Section (Del Balzo to Srinivas, December 13, 2002) has stated that the proposed plan is in substantial conformance to the Preliminary Plan. The subject Preliminary Plan is valid until June 6, 2004. Several conditions of approval of the Preliminary Plan need to be addressed during the review of the Detailed Site Plan.
12. The Department of Parks and Recreation (Asan to Srinivas, March 18, 2003) has stated that the proposal is subject to the following conditions of the Preliminary Plan 4-01097:
 - #24 The public recreational facilities on land to be conveyed to M-NCPPC shall include the 10-foot-wide master plan trail along the Back Branch and western property line as shown on DPR Exhibit 'A'.
 - #25 No tree conservation shall be proposed on land to be conveyed to M-NCPPC within the 40-foot-wide master plan trail
 - #26 The trail shall be constructed in accordance with the applicable standards in the Parks and Recreation Facilities Guidelines. The exact location of the trail shall be determined at the time of Detailed Site Plan review and approved by DPR and shall be subject to the following:
 - a. Detailed drawings for trail construction, including a grading plan and sections, shall be submitted to DPR for review and approval prior to submission of the application for the Detailed Site Plan.
 - b. Submission of three original, executed Recreational Facilities Agreements (RFA) to the DPR for approval, three weeks prior to a submission of a final plat. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
 - c. Submission to DPR of a performance bond, letter of credit, or other suitable

financial guarantee, in an amount to be determined by DPR, within at least two weeks prior to applying for building permits.

- #27 All trails shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed by DPR.

In compliance with the above conditions, the applicant has included the trail alignment but has not provided the grading plan or trail construction details. A condition of approval has been added to require the applicant to submit detailed construction drawings for the trail to the Department of Parks and Recreation prior to certificate approval.

13. The Historic Preservation Section (Pearl to Srinivas, February 13, 2003) has stated that the subject property wraps around Charles Hill (Historic Site #78-17). The proposal is subject to Preliminary Plan Conditions 16 and 17 below:

- #16 Review of the Detailed Site Plan shall include, but not be limited to, the following:

- a. The 40-foot landscape buffer on proposed lots adjoining the historic site. The review shall focus on usable rear yards, elimination of woodland conservation on the lots and the possibility of creating a homeowners' open space parcel between the lots and the historic site for the implementation of the landscaped buffer. The applicant shall demonstrate that the chosen tree types will screen the Historic Site from adverse visual impact from the proposed new houses.
- b. The possible elimination of several lots along the boundary with the historic site.

- #17 Prior to release of building permits for Lots 6 through 21, a 40-foot bufferyard shall be planted along the common boundaries between the property and the Historic Site.

The applicant has provided a 40-foot landscape buffer along the proposed lots adjoining the historic site. Although the landscaping in the 40-foot bufferyard meets the requirements of the *Landscape Manual*, additional landscaping is required to completely screen the adjacent historic site from the subject property. The Historic Preservation Section has also stated that the views from the Historic Site can be protected and preserved by a requirement for denser landscaping in the bufferyard. A condition of approval has been added to require additional evergreen trees and a six-foot high fence along the landscape buffer to completely screen the historic site. A condition of approval has also been added to require that the landscape buffer be provided on homeowners' association land or a landscape easement be provided that is maintained by the homeowners.

With the proposed landscape buffer and fence, the houses will be substantially screened from the Historic Site. In addition, providing appropriate architectural details on the rear elevations of the houses adjacent to the Historic Site will further reduce the negative visual impacts of the proposal on the Historic Site. Therefore, the Historic Preservation Section has not recommended the

elimination of several lots along the historic site to preserve the views from the Historic Site. The applicant has provided rear elevations with additional articulation and design details. Although Lots 6 through 21 are adjacent to the historic site, Lots 10 through 18 are the closest to the historic house. Additional articulation is required for the rear elevations of the houses on these lots to reduce negative visual impacts to the historic house. A condition of approval has been added to require additional articulation for the rear elevations of the houses on Lots 10 through 18.

Condition #17 of the Preliminary Plan 4-01097 is being carried forward.

14. The Environmental Planning Section (Markovich to Srinivas, March 28, 2003) has stated that streams, wetlands, 100-year floodplains, severe slopes, and areas of steep slopes with highly erodible soils are found to occur on the property. There are no transportation-related noise impacts to the property. The soils found on the property are Iuka fine sandy loam, sand, land steep, shrewsbury fine sandy loam and Westphalia fine sandy loam. The sewer and water categories are S-3 and W-3. There are no rare, threatened, or endangered species found to occur in the vicinity of the property. The applicant has submitted a Forest Stand Delineation along with the Preliminary Plan. The property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because there are previously approved Tree Conservation Plans TCPI/23/01 and TCPII/101/98. The Type II Tree Conservation Plan is consistent with the requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance and the Section has recommended approval of the Type II Tree Conservation Plan with conditions of approval requiring that the trail plan be included in the Type II Tree Conservation Plan.
15. The Community Planning Division (Irminger to Srinivas, January 15, 2003) has stated that the conditions of approval for compatibility with the adjacent historic site must be addressed for consistency with the objectives of the Master Plan.
16. With the proposed conditions, Detailed Site Plan SP-02053 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/101/98-01) and further APPROVED Detailed Site Plan DSP-02053 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) dimensions for all options for each dwelling
 - (3) Old Marlboro Pike labeled on all the sheets
 - (4) The landscape schedule for Section 4.1 (Residential Requirements) revised to show the tree counts provided for each lot
 - (5) The landscape easements to meet the requirements of Section 4.6 of the *Landscape Manual* on all lots whose rears are oriented toward Old Marlboro Pike.
 - (6) One evergreen tree at eight feet center to center along the property line adjacent to the Historic Site in addition to the planting requirements of the *Landscape Manual* for the 40-foot-wide landscape buffer. The landscape buffer shall be provided on homeowners' association land or in a landscape easement to be maintained by the homeowners' association
 - (7) A six-foot-high board-on-board fence along the property line adjacent to the Historic Site
 - (8) Rear elevations with additional articulation for Lots 10 through 18.
- b. The applicant shall submit detailed construction drawings for the trail including layout, width, grading, cross sections and limit of disturbance to the Department of Parks and Recreation
- c. The Type II Tree Conservation Plan shall be revised to show the following:
- (1) a note stating "This plan accommodates a "Master Plan Trail" within a Woodland Conservation Area. These two uses have been coordinated to avoid conflicts. Any major revisions to the trail alignment that would require significant clearing or grading of woodlands with heavy equipment shall be coordinated with the M-NCPPC Environmental Planning Section and the M-NCPPC Parks Department."
 - (2) The "Trail Plan" incorporated into the plans. The plan allows for the placement of the trail, minimal grading where necessary due to slopes, a 3-foot shoulder along each side of the trail, a 4-foot maintenance area along each shoulder within which understory vegetation may be controlled, and the ability to remove larger trees that may be determined to be hazardous. The plan allows maintenance and safety issues associated with the trail to be

addressed without Woodland Conservation implications.

2. Prior to the approval of final plats, the scenic easement along Old Marlboro Pike shall be recorded and shown with metes and bounds on the final plats and be reviewed by the Environmental Planning Section..
3. Prior to issuance of any permits for the site, the location of the off-site mitigation shall be identified and an easement shall be recorded in the Land Records of Prince George's County, Maryland.
4. Prior to release of building permits for Lots 6 through 21, a 40-foot bufferyard shall be planted along the common boundaries between the property and the Historic Site.

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 Eley, seconded by Commissioner Lowe, with Commissioners Eley, Lowe, Vaughns, Scott and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, May 8, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 29th day of May 2003.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:LS:rmk