

A M E N D E D   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 \* was presented at a public hearing on July 31, 2003 regarding Detailed Site Plan DSP-03005 for Equestrian Estates \*[, the Planning Board finds:]; and

\*WHEREAS, the District Council elected to review the Detailed Site Plan SP-03005 for Equestrian Estates on September 8, 2003; and

WHEREAS, the District Council reviewed the Detailed Site Plan on January 27, 2004; and

WHEREAS, the District Council remanded the case to the Planning Board on January 27, 2004 for additional information regarding the adequacy of road club conditions to improve traffic facilities; the status of transportation facilities serving the subject development; and other issues; and

WHEREAS, the Planning Board having considered evidence presented at a second hearing on the case held on March 25, 2004 and evaluated the issues contained in the Order of Remand, finds that those issues are not within the jurisdictional purview of the Planning Board's review of Detailed Site Plans and are not relevant to the review of this Detailed Site Plan and do not change the Planning Board's previous approval of the Plan, and further finds:

1. A Preliminary Subdivision Plan, 4-93061, was approved for the subject property, known as Equestrian Estates, on December 30, 1993 (PGCPB No. 93-317), for 120 lots and 4 parcels. Detailed Site Plan SP-03005 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)	Vacant	Single-family residential
Acreage	94.26 acres	94.26 acres
Lots	120	120
Parcels	4	4
Square Footage/GFA	NA	NA

\*Denotes amendment

[Brackets] denotes deletion

Underlining denotes addition

Area with slopes greater than 25%	5.7 acres
Area within existing 100-year floodplain	15.7 acres
Area within proposed 100-year floodplain	0 acres
Area of master plan road dedication	2.51 acres
Cluster net tract area	70.35 acres
Size Permitted	Minimum Lot_
	10,000 sq. ft.
Size Proposed	Maximum Lot
	10,000 sq.ft.
Cluster Open Space Required	19.14 acres
Cluster Open Space Provided	48.74 acres
Mandatory dedication required	3.54 acres
Mandatory dedication proposed	Recreation Fac.
Total open space required	22.68 acres
Total open space provided	48.74 acres
Open Space to be conveyed to HOA	48.74 acres
Open Space to be conveyed to M-NCPPC	0 acres
Slopes exceeding 25% in grade	5.7
Exceeding 25% of steep slopes	1.42
Area of steep slopes to be disturbed	1.2 acres
Area of nontidal wetlands	3.98 acres

The subject site contains 94.26 acres of land known as Equestrian Estates and is located on the west side of Woodyard Road. The adjacent properties are as follows:

North -	Single-family residential in the R-R Zone
South -	Single-family residential in the R-A Zone
East -	Woodyard Road
West -	Single-family residential in the R-R Zone

Access to the property is from Woodyard Road.

- The subject Detailed Site Plan includes site/grading, landscape and architectural plans for the subdivision. The applicant is proposing the following architectural models for the subdivision:

<u>Model</u>	<u>Square Feet</u>
Bennington	2,450 sq.ft.
Richardson	2,750 sq.ft.
Lancaster	3,082 sq.ft.
Morrison III	2,600 sq.ft.

Windsor	3,350 sq.ft.
Ashley	3,600 sq.ft.
Morrison II	2,350 sq.ft.
Concord	2,354 sq.ft.
Manchester	2,090 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 Planning Board previously approved a Detailed Site Plan, SP-98036, for infrastructure for the subject subdivision on December 10, 1998 (PGCPB No. 98-322). The Detailed Site Plan expired on December 10, 2001. The applicant has now filed the subject Detailed Site Plan, DSP-03005. SP-98036 required the applicant to submit a Detailed Site Plan for the proposed architecture. DSP-03005 includes site, landscape and architectural drawings for the subject subdivision.
6. The following conditions of Preliminary Plan 4-93061 are applicable to the subject Detailed Site Plan:

*#2 Prior to Detailed Site Plan approval for the subject property, the applicant, his heirs, successors and/or assigns, shall complete a traffic signal warrant study at the intersection of MD 223 and the MD 4 eastbound on/off ramps. The applicant, his heirs, successors and/or assigns, shall install a traffic signal at this location if deemed necessary by the State Highway Administration (SHA) and the Department of Public Works and Transportation (DPW&T)*

The signal warrant study was submitted by the applicant prior to the approval of the previous Detailed Site Plan, DSP-98036, for the subject site. No new study is required.

*#7 The applicant, his heirs, successors and/or assigns, shall provide a six-foot, asphalt trail and exercise stations or equivalent through the wooded open space to be sited at the time of Detailed Site Plan in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines.*

The applicant has provided a six-foot-wide asphalt trail and exercise stations throughout the subdivision and has shown them on the Detailed Site Plan.

*#8 The applicant, his heirs, successors and/or assigns, shall submit three original executed Recreational Facilities Agreements (RFA) to the Development Review Division (DRD) for their approval, three weeks prior to a submission of a Final Plat. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.*

The applicant has already submitted a Recreational Facilities Agreement, which lists 3,650 linear feet of six-foot-wide asphalt trails and nine fitness stations.

- #13 As part of the Detailed Site Plan review, noise assessment and a proposal for adequate attenuation shall be provided. This may include additional landscaping or reforestation along Woodyard Road.*

Compliance with this condition is discussed in detail in Finding 12.

- #15 Prior to Final Plat, a Detailed Site Plan shall be submitted by the applicant, his heirs, successors and/or assigns, and shall address the adequacy of buffers on Parcel B between the stormwater management facility and the proposed dwelling units. View of both the stormwater management facility both from the public rights-of-way and the proposed dwelling units should be addressed.*

The applicant has provided adequate landscaping on Parcel B between the stormwater management facility and the proposed dwelling units. The area of the pond that may be seen from the roadway and nearby lots will be screened with tree preservation areas and further landscaped with wildflower seedlings.

- #16 The design of the proposed entrance feature and additional landscape treatment along Woodyard Road shall be determined prior to the Detailed Site Plan approval.*

The applicant has provided details of the proposed entrance feature and additional landscape treatment along Woodyard Road.

- #18 As part of the submittal of the Detailed Site Plan for the subject property, the applicant, his heirs, successors and/or assigns, shall submit a soils report to address issues of slope stability as it relates to building foundations and other construction activities.*

Compliance with this condition is discussed in detail in Finding 12.

7. 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 the requirements of the *Landscape Manual*.

### **Referral Comments**

8. The Permits Review Section (Windsor to Srinivas, March 18, 2003) has requested minor changes to the site plans. Conditions of approval have been added to require the same.
9. The Transportation Planning Section (Masog to Srinivas, April 16, 2003) has stated that the proposal is acceptable and the applicable conditions of Preliminary Plan 4-93061 have been fulfilled. The street dedication required by Condition 4 and the stub street required by Condition 5 have been reflected on the Detailed Site Plan. The signal warrant study required by Condition 2 was submitted by the applicant prior to the approval of the previous Detailed Site Plan, DSP-98036, for the subject site. No new study is required. Condition 6 requires additional

dedication to connect Street E to the existing Soueid Street if needed. The section has recommended that a note on the Final Plat regarding this condition be retained to ensure that the future residents of this development are aware of the possibility of the street connection being built.

10. The Department of Environmental Resources (De Guzman to Srinivas, March 26, 2003) has stated that the proposed site plan is consistent with the approved stormwater management concept plan, #8000610-1994-02.
11. The Subdivision Section (Nordan to Srinivas, March 11, 2003) has stated that the Detailed Site Plan must be revised to be in conformance with the record plats, VJ186@44 through 50. The 100-year floodplain easements shown on the record plats must be shown on the Detailed Site Plan. Conditions of approval have been added to require the same.
12. The Environmental Planning Section (Stasz to Srinivas, June 27, 2003) has stated that no historic or scenic roads are affected by this proposal. There are no floodplains on this property. There are no rare, threatened, or endangered species in the vicinity of this property.

The memorandum from the Environmental Planning Section states that:

“The Environmental Planning Section has reviewed the revised Detailed Site Plan for Equestrian Estates, DSP-03005, and revised TCPII/113/98-01, stamped as accepted for processing on June 24, 2003. The Environmental Planning Section recommends approval of TCPII/113/98-01 and approval of DSP-03005 subject to the condition noted at the end of this memorandum.

### **“Background**

“This site was previously reviewed by the Environmental Planning Section as applications 4-93061, TCPI/35/93, DSP-98036 and TCPII/113/98. Preliminary Plan of Subdivision 4-93061 and a Type I Tree Conservation Plan, TCPI/35/93, were approved by PGCPB No. 93-317. A Detailed Site Plan for infrastructure only, DSP-98036, and a Type II Tree Conservation Plan, TCPII/113/98, were approved by PGCPB No. 98-322. The Final Plats, VJ 186-44 through VJ 186-50, were recorded on April 28, 1999. Detailed Site Plan DSP-98036 has expired. The current application is for 120 single-family detached lots in a cluster subdivision in the same configuration as shown on the Final Plats.

### **Site Description**

“The 94.22-acre property in the R-R Zone is on the west side of Woodyard Road opposite its intersection with Johensu Drive. There are streams, wetlands and 100-year floodplain on the property associated with Charles Branch in the Patuxent River watershed. Current air photos indicate that almost all of the site is forested. The Melwood-Westphalia master plan shows a significant area of Natural Reserve associated with the stream valleys on the property. No designated scenic or historic roads are affected by this proposal. Woodyard Road is a planned

arterial and an adjacent source of traffic-generated noise. The proposed use is not expected to be a noise generator. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, publication titled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. The Prince George's County Soils Survey indicates that the principal soils on the site are in the Aura, Beltsville, Bibb, Croom, Sandy Land, Sassafras and Westphalia soils series. Additionally, the Prince George's County Soils Survey indicates a gravel pit in the southern area of the property. Marlboro Clay does not occur in this area. The site is in the Developing Tier according to the adopted General Plan.

**"Review of Previously Approved Conditions**

"The following text addresses previously approved environmental conditions related to the subject application. The text in BOLD is the actual text from the previous cases or plans.

"Review of Conditions from Preliminary Plan of Subdivision 4-93061, PGCPB. No. 93-317:

- "13. As part of the Detailed Site Plan review, noise assessment and a proposal for adequate attenuation shall be provided. This may include additional landscaping or reforestation along Woodyard Road.**

"Comment: A noise assessment and proposal for noise attenuation was submitted with the review package. This condition is discussed in detail in the Environmental Review section below.

- "14. Prior to approval of building permit, there shall be a certification by a professional engineer with competency in acoustical analysis stating that the building shells of structures within prescribed noise corridors will attenuate exterior noise levels to an interior level not to exceed 45 dBA (Ldn).**

"Comment: This condition is shown on all record plats for the subject property. Additionally, each plat contains the note: 'Properties within this subdivision have been identified as possibly having noise levels that exceed 65 dBA Ldn due to military aircraft overflights.' Other noise issues are discussed in the Environmental Review section below.

- "18. As part of the submittal of the Detailed Site Plan for the subject property, the applicant, his heirs, successors and/or assigns, shall submit a soils report to address issues of slope stability as it relates to building foundations and other construction activities.**

"Comment: A soils report was submitted with the review package. This condition is discussed in detail in the Environmental Review section below.

- "19. Prior to the issuance of any grading permits, the applicant, his heirs, successors and/or assigns, shall obtain a joint State/Federal permit for wetland and wetland**

**buffer disturbance on this site.**

“Comment: This condition is shown on all record plats for the subject property and will be addressed prior to the issuance of grading permits.

**“Environmental Review**

“1. This site is subject to the provisions of the Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in size, has more than 10,000 square feet of woodland, and has a previously approved Tree Conservation Plan.

“A Forest Stand Delineation was reviewed with 4-93061.

“Comment: No further action on the FSD is required with regard to this Detailed Site Plan review.

“2. A Type II Tree Conservation Plan, TCPII/113/98, was approved by PGCPB No. 98-322 that was adopted on January 21, 1999; however, the revision block on the plan indicates that the plan has subsequently been revised. A new review and approval are required.

“The revised Type II Tree Conservation Plan, TCPII/113/98-01, has been reviewed. The plan proposes clearing 44.20 acres of the existing 70.92 acres of upland woodland and clearing of 0.97 acre of the existing 13.57 acres of floodplain woodland. The woodland conservation requirement has been correctly calculated as 28.02 acres. The plan proposes to meet this requirement by providing 25.31 acres of on-site preservation and 3.65 acres of natural regeneration. An additional 13.07 acres of woodland is proposed to be preserved but not used to meet any requirement.

“The woodland conservation areas focus on protecting the stream valleys on the site and avoid creating forest fragments. The layout provides for appropriate useable yard areas on lots. The natural regeneration areas are not highly visible and require no special treatments. The Type II Tree Conservation Plan conforms to TCPI/35/93.

Recommended Action: The Environmental Planning Section recommends approval of TCPII/113/98-01.

“3. Woodyard Road is a planned arterial and an adjacent source of traffic-generated noise. A noise assessment, as required by Condition 13 of PGCPB. No. 93-317, was submitted. The noise report indicates that 6-foot high board-on-board fences along the side and rear yard lines of lot 1, Block A and lot 16, Block C nearest Woodyard Road provide adequate attenuation of traffic-generated noise from Woodyard Road. The fences are shown on the Detailed Site Plan and the Type II Tree Conservation Plan. An illustration of the fence is on the Landscape Plan.

The proposed mitigation measures meet the requirement of Condition 13 from Preliminary Plan

of Subdivision 4-93061, PGCPB. No. 93-317.

Comment: No further action concerning traffic-generated noise from Woodyard Road is required with regard to this Detailed Site Plan review.

- “4. According to the Andrews Air Force Base AICUZ Study, the western portion of the site is within the 65 dBA Ldn noise contour. Noise impact from this source was addressed during the review and approval of 4-93061. All of the record plats contain the following notes:

“Properties within this subdivision have been identified as possibly having noise levels that exceed 65 dBA Ldn due to military aircraft overflights.”

“Prior to approval of building permit, there shall be a certification by a professional engineer with competency in acoustical analysis stating that the building shells of structures within prescribed noise corridors will attenuate exterior noise levels to an interior level not to exceed 45 dBA (Ldn).”

Comment: No further action concerning noise from aircraft associated with Andrews Air Force Base is required with regard to this Detailed Site Plan review.

- “5. The *Prince George’s County Soils Survey* indicates that the principal soils on the site are in the Aura, Beltsville, Bibb, Croom, Sandy Land, Sassafras and Westphalia soils series. Additionally, the *Prince George’s County Soils Survey* indicates a gravel pit in the southern area of the property.

“A soils study, as required by Condition 18 of PGCPB. No. 93-317, was submitted. The report includes maps showing the locations of boreholes and specific areas reviewed for slope stability. Additionally, the report adequately describes the materials found on the site, the testing procedures used to analyze the samples and the engineering methodologies used to assess the problems and recommend mitigation measures. Staff concurs with the findings and recommendations of the soils report.

Recommended Condition: At time of grading permit review, the proposed grading will be reviewed for conformance with the recommendations of “Slope Stability Study, Perna Cantrell Property, Prince George’s County Maryland” prepared by Herbst/Benson Associates, Geotechnical Engineers, or any additional report approved by the Prince George’s County Department of Environmental Resources.

**“Recommended Actions**

“The Environmental Planning Section recommends approval of DSP-03005 subject to the following condition:

- “1. At time of grading permit review, the proposed grading will be reviewed for conformance



with the recommendations of 'Slope Stability Study, Perna Cantrell Property, Prince George's County Maryland' prepared by Herbst/Benson Associates, Geotechnical Engineers, or any additional report approved by the Prince George's County Department of Environmental Resources."

13. The Community Planning Division (Irminger to Srinivas, April 15, 2003) has stated that the Detailed Site Plan is consistent with the Melwood-Westphalia Master Plan and SMA (1994).
14. The Transportation Planning Section (Shaffer to Srinivas, March 28, 2003) has stated that the subject Detailed Site Plan meets the requirements of Preliminary Plan 4-93061 and the previous Detailed Site Plan, SP-98036, with regard to trail and pedestrian facilities. It also accommodates two master plan trail facilities recommended in the Adopted and Approved Melwood-Westphalia master plan. The master plan trail planned along MD 223 is reflected on the Detailed Site Plan. The master plan hiker-equestrian trail will be accommodated in the 50-foot-wide public use easement shown at the western edge of the subject site. The section has requested additional connections from the road network to the fitness trail in order to make the fitness trail more usable and accessible to the community. Conditions of approval have been added to require the same.
15. With the proposed conditions, Detailed Site Plan SP-03005 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/113/98-01) and further APPROVED Detailed Site Plan DSP-03005 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) Wording details and dimensions of the entry signage
    - (2) Landscaping details for the entry signage
    - (3) Lot dimensions matching the dimensions shown on the record plats VJ186@44
    - (4) All floodplains shown on the record plats
    - (5) A minimum eight-foot-wide, Class II, asphalt trail along the subject property's entire frontage on Woodyard Road

- (6) Internal fitness trail six feet wide and asphalt
  - (7) Location of the internal fitness trail clearly marked and labeled on Sheet 10 of the recreation plan
  - (8) A six-foot-wide, asphalt feeder trail from Preakness Drive to the fitness trail in the area west of Lot 12
  - (9) The asphalt fitness trail extended from the westernmost fitness station to Meadow Lark Avenue in the area west of Lot 8
- 2. At time of grading permit review, the proposed grading shall be reviewed for conformance with the recommendations of “Slope Stability Study, Perna Cantrell Property, Prince George’s County Maryland” prepared by Herbst/Benson Associates, Geotechnical Engineers, or any additional report approved by the Prince George’s County Department of Environmental Resources.
- 3. Prior to issuance of building permits, the site/grading, landscape and architectural drawings shall be revised to show:
  - a. All building setbacks
  - b. Lot coverage percentage for each lot

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 Harley, seconded by Commissioner Squire, with Commissioners Harley, Squire, Eley, Vaughns & Hewlett, voting in favor of the motion, at its regular meeting held on Thursday, March 25, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 25th day of March 2004.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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