

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 June 12, 2003 regarding Detailed Site Plan DSP-03010 for Fox Chase, the Planning Board finds:

1. **Request:** The request is to build a 19-lot cluster subdivision on the subject property.

2. **Site Plan Data for DSP-03010:**

|                 | <b>Existing</b>         | <b>Proposed</b>                |
|-----------------|-------------------------|--------------------------------|
| Zone(s)         | RR                      | RR                             |
| Use(s)          | Vacant land             | Single-family detached housing |
| Acreage         | 9.87                    | 9.87                           |
| Lots            | 19 preliminary approval | 19                             |
| Dwelling Units: |                         |                                |
| Attached        | 0                       | 0                              |
| Detached        | 19                      | 19                             |
| Multifamily     | None                    | None                           |

|                        | <b>Required</b> | <b>Provided</b> |
|------------------------|-----------------|-----------------|
| Other Development Data |                 |                 |
| Minimum Lot Size       | 10,000          | 10,125          |
| Cluster Open Space     | 2.81 acres      | 2.83 acres      |
| Mandatory Dedication   | .5              | 1.90            |
| Open Space             | 2.81            | 2.83            |

3. **Location:** The property is located at 12807 Brooke Lane on the south side of Brooke Lane, between its intersections with Sutherland Circle and Tudor Lane, in the R-R zone. The property, included on Tax Map 92 at Grid A2, is located in the 6<sup>th</sup> Councilmanic District and in Planning Area 79.
4. **Surroundings and Use:** Land use adjacent to the subject site is vacant and residential.
5. **Previous Actions:** On November 21, 2002, the Prince George's County Planning Board approved, with conditions, Preliminary Plan of Subdivision 4-02061 for the proposed project

## COMPLIANCE WITH EVALUATION CRITERIA

6. **Zoning Ordinance:** The subject application has been reviewed against Zoning Ordinance requirements for the R-R Zone and the site design guidelines, including parking, loading and signage, and Section 27-424.03 regarding cluster development, and has been found to be substantially in accordance with those requirements.
7. **Conformance with the *Landscape Manual*:** The DSP includes a landscape plan that demonstrates compliance with Section 4.1 Residential Requirements and Section 4.7 Bufferyard Planting of the *Landscape Manual*.
8. **Compliance with the Prince George's County Woodland Conservation Ordinance:** The Environmental Planning Section has stated that the property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet, there are more than 10,000 square feet of existing woodland on site, and there is a previously approved Tree Conservation Plan, TCPI/36/02. The Type II Tree Conservation Plan, TCPII/33/03, submitted for the application has been recommended for approval subject to certain conditions addressed below under the Environmental Planning Section's referral comments.
9. **Compliance with Preliminary Plan of Subdivision 4-02061:** Review of the plans for the project demonstrated compliance with Preliminary Plan of Subdivision 4-02061. The lotting pattern and road configuration are generally in conformance with the approved preliminary plan and the conditions of that approval have been satisfied in the submitted plans for the subdivision. More particularly:

1. **Prior to signature approval of the preliminary plan of subdivision the plan shall be revised to provide a total of 2.81 acres of cluster open space.**

**Comment:** Adequate cluster open space has been provided.

2. **Prior to signature approval of the Preliminary Plan of Subdivision the Type I Tree Conservation Plan shall be revised as follows:**
  - a. **The areas labeled "Tree Save" shall be relabeled "Woodland Preserved but Not Counted Towards the Requirements." The labels shall include the acreage for each area and the legend shall be revised accordingly.**
  - b. **The worksheet shall be revised to eliminate the use of fee-in-lieu and provide for the appropriate amount of off-site mitigation.**
  - c. **TCPI note #1 shall be revised to include the referenced plan numbers.**
  - d. **The revised plan shall be signed and dated by a Licensed Landscape Architect, Licensed Forester, or other Qualified Professional who is**

currently licensed or qualified.

3. **Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCP I/36/02). 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/36/02), 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/Tree Preservation Policy."**

**Comment:** The Type I tree conservation plan has been satisfactorily revised.

4. **At the time of detailed site plan, a Type II Tree Conservation Plan shall be approved.**

**Comment:** The Type II tree conservation plan has been satisfactorily revised.

5. **At time of detailed site plan, a landscape plan shall be submitted that clearly shows all proposed landscape planting in the 0.26 acre of afforestation. The majority of this area shall be planted with 1- to 2-inch caliper trees. If at any time during the review of development proposals for the subject property the buffer width is reduced, a visual assessment shall be prepared in accordance with the guidelines established by the Department of Public Works and Transportation, in the document *Design Guidelines for Scenic and Historic Roads*.**

**Comment:** The submitted landscape plan complies with the requirements of Condition 5 of that approval, including afforestation of .26 acre with a majority of one- to two-inch caliper trees.

6. **At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey 1.9 acres of land shown on Staff Exhibit "A" to M-NCPPC, subject to the following:**

- a. **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.**

- b. **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.**

- c. **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.**

**d. 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 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.**

**e. 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.**

**f. 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.**

**g. 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.**

**h. The applicant, his successors and/or assignees shall submit a letter to the Subdivision Section indicating that the Department of Parks and Recreation has conducted a site inspection and found the land to be dedicated to M-NCPPC in acceptable condition for conveyance. The letter shall be submitted with the final plan of subdivision.**

**Comment:** 1.9 acres of land will be conveyed to the homeowners association. This acreage is shown as Parcel L on the site plan.

**7. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 0.9 acre of cluster open space as shown on DPR Exhibit "A." 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 storm drain 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. Storm drain 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. Storm drain outfalls shall be designed to avoid adverse impacts on adjacent land, owned by or to be conveyed to The Maryland-National Capital Park and Planning Commission (M-NCPPC). If the outfalls require drainage improvements on land to be conveyed to or owned by M-NCPPC, the Department of Parks and Recreation (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.
- i. There shall be no disturbance of any adjacent land that is owned by, or to be conveyed to, M-NCPPC, without the review and approval of DPR.
- j. 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.

**Comment:** There will be conveyed to the homeowners association .9 acre of land. This land is shown as Parcels A and B on the site plan.

- 8. Prior to the issuance of building permits for Lots 8–11 and Lots 15–17, the applicant, his heirs, successors and/or assignees shall construct public recreation facilities on a land to be conveyed to M-NCPPC and on adjacent parkland to meet mandatory dedication requirements, subject to the following conditions:

- a. The public recreation facilities on a land to be conveyed to M-NCPPC and on adjacent parkland shall include the master plan Chesapeake Beach Railroad trail. The applicant shall construct a ten-foot-wide hiker/biker trail and a ten-foot-wide equestrian trail as shown on DPR Exhibit "A."
  - b. The applicant shall construct a six-foot-wide trail connector to the master plan trail. The trail shall be located between Lot 8 and 9 for the public access to the master plan trail from the subdivision.
  - c. 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.
  - d. The building permits shall not be issued for Lots 8, 9, 10, 11, 15, 16 adjoining the dedicated parkland containing the Master Plan trails until the trails are under construction.
  - e. 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.
  - f. Detailed construction drawings for trail construction, including grading plan and cross-sections, shall be submitted to DPR for review and approval prior to submission of the application for the detailed site plan.
  - g. Prior to any grading or clearing for the trail construction, centerline stakes are to be set and approved by DPR.
  - h. Submission of three original, executed Public Recreational Facilities Agreements (RFA) to 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.
  - i. 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.
9. The applicant, his heirs, successors and/or assignees shall construct a minimum six-foot-wide, asphalt connector trail to the planned trail from the end of Street A on or adjacent to the proposed eight-foot sewer easement shown on the plat. This connector trail shall be on land to be conveyed to M-NCPPC. The connector trail shall be constructed at the time of construction of the master plan trail.
10. Prior to the issuance of building permits, the applicant, his heirs, successors and/or

**assignees shall provide a financial contribution of \$210.00 to the Department of Public Works and Transportation (DPW&T) for the placement of a bikeway sign along Brooke Lane, designated a Class III Bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. Should DPW&T decline the fee, this condition shall be void.**

**Comment:** Required trails have been provided.

**14. A detailed site plan shall be approved prior to the approval of the final plat.**

**Comment:** Detailed site plan approval will be gained prior to final plat approval.

**15. In addition to typical review, the detailed site plan review shall also examine:**

- a. **Alternative lotting patterns that might preserve the railroad right-of-way for trail purposes.**
- b. **The appropriateness of roof materials and rooflines for compatibility with the surrounding Fox Chase community.**

**Comment:** Alternative lotting patterns were examined that might preserve the railroad right-of-way for trail purposes, although an alternative scheme was ultimately agreed on, and roof materials and rooflines have been deemed compatible with the surrounding Fox Chase community.

**10. Referral Comments:** The subject application was referred to all concerned agencies and divisions. Major referral comments are summarized as follows:

- a. **Permits**—The Permits Section requested various additions and corrections to the plan and noted the absence of a landscape plan or the appropriate schedules included on the detailed site plan and a plan for a gateway sign. The former is required and the latter suggested. All required revisions have been made to the plans for the project. The applicant has decided not to include a gateway sign for the subdivision.
- b. **Transportation**—The Transportation Planning Section's only comment was that Brooke Lane is an existing 60-foot right-of-way. The section has no concerns with the proposed development.
- c. **The Community Planning Division** stated that there are no General Plan or area master plan issues related to the proposed detailed site plan. The proposed project is in accord with suggested density parameters and the need for trails. In addition, it is in accord with the goals of the 2002 General Plan regarding the type, intensity and contiguity of land use, as well as its proximity to available infrastructure.
- d. **Environmental**—The Environmental Planning Section found that the detailed forest stand

delineation was acceptable and that no additional information would be required with respect to the designated historic road because adequate buffering was being provided. However, they suggested that several conditions be attached to the approval of the submitted Type II tree conservation plan to ensure compliance with the Prince George's County Woodland Conservation Ordinance.

- e. Parks and Recreation—The Department of Parks and Recreation noted that the preliminary plan approval for the project stipulates that, prior to the issuance of building permits for Lots 8-11 and 15-17 of the development, public recreation facilities must be constructed on land to be conveyed to M-NCPPC and on adjacent parkland to meet mandatory dedication requirements. The trails part of these improvements must be constructed in accordance with the applicable standards in the Parks and Recreation Facilities Guidelines and the exact location of the trails must be determined as part of the detailed site plan approval process and approved by DPR. Furthermore, all trails must be constructed to assure dry passage. The design of any such structure required for such passage must be reviewed by DPR, as must all detailed construction drawings for trail construction. The Department of Parks and Recreation's concerns have either been addressed in revisions to the plans or in the recommended conditions below.
- f. Department of Public Works and Transportation (DPW&T)—DPW&T stated that:
  - (1) Right-of-way dedication and frontage improvements, including street tree and lighting, would be required for Brooke Lane and Street "B" and the main access road in accordance with DPW&T's requirements.
  - (2) Sidewalks would be required along all roadways, existing and proposed, within the property limits.
  - (3) All storm drainage systems and facilities must be in accordance with the requirements of DPW&T and the Department of Environmental Resources.

The plans have been revised to show sidewalks on either side of the roads and design according to DPW&T's standards will be assured by its separate permitting process.
- g. Stormwater Management—The Department of Environmental Resources stated that the site plan for Fox Chase is consistent with approved stormwater concept #25847-2001.
- h. The Transportation Planning Section specified the Chesapeake Beach Railroad Trail as the trail planned to cross the site and mentioned that an additional two to four feet of dedication may be required to accommodate construction of the trail and two feeder trails. They also mentioned that the adopted and approved Melwood-Westphalia master plan designates Brooke Lane as a master plan bikeway. The Transportation Planning Section's comments have been reflected in the recommended conditions below.
- i. Subdivision—Noting that Preliminary Plan 4-02061 was approved by the Planning Board



on November 21, 2002, and the resolution, PGCPB 02-244, was adopted on December 12, 2002, final plats must be accepted for processing no later than December 12, 2004. Revisions to the site plan and recommended conditions to address the few outstanding items have satisfied the Subdivision Section's concerns.

- j. Fire/EMS—The Fire/EMS Department commented on the need to make the development and fire hydrants accessible to fire apparatus. They stated their preference that all private roads be at least 20 feet in width and that turning radii measure at least 43-feet. Please note that streets and turning radii have been evaluated in accordance with the Department of Public Works and Transportation's acceptable standards.
11. The detailed site plan, if revised in accordance with the proposed conditions, will represent a reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development from its intended uses.

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/33/03) and further APPROVED Detailed Site Plan DSP-03010 for the above-described land, subject to the following conditions:

1. Prior to signature approval of the detailed site plan, detailed construction drawings for the trail, including layout, width, grading, cross sections and limits of disturbance, shall be submitted to and approved by the Department of Parks and Recreation.
2. The building permits shall not be issued for Lots 8, 9, 10, 11, 15, and 16 adjoining the dedicated parkland containing the master plan trail and connector trail until the trails are under construction.
3. No two elevations of houses either directly across the street or immediately adjacent shall be identical.
4. The developer, his heirs, successors and/or assignees, shall display in the sales office all of the plans approved by the Planning Board for this subdivision, including all exterior elevations of all approved models, the detailed site plan, landscape plan, and plans for recreational facilities.
5. Prior to certification of the detailed site plan, the Type II tree conservation plan shall be revised as follows:
  - a. The Type II tree conservation plan shall be dated and signed by the qualified professional, licensed landscape architect, or licensed forester who prepared the plans.
  - b. A tree planting detail for the seedlings to be planted shall be added to the Type II tree conservation plan.
  - c. A detail for the split-rail fence where it abuts Lots 16 and 17 and a note indicating that

the fence may not be removed unless replaced with other permanent fencing approved by the Urban Design Section as designee of the Planning Board shall be added to the Type II tree conservation plan.

- d. The "Five-Year Management Plan" indicates that the permanent fencing may be removed after five years. Delete this note from the Type II tree conservation plan and replace it with a note indicating that the fencing may be removed only if replaced with other permanent fencing approved by the Urban Design Section as designee of the Planning Board.
  - e. The first note in the "Sequence of Construction" on the Type II tree conservation plan requiring the Forest Resource Unit of DER be contacted prior to the start of any work shall be removed and replaced with a note indicating that the Department of Environmental Resources, Site Development Section shall be contacted.
  - f. The stormdrain, sewer connection and path located within the woodland conservation tree save area on sheets 2 of 3 of the Type II tree conservation plan shall be removed from the woodland conservation area or the woodland conservation area shall be revised so as to be unencumbered.
  - g. The zoning category shall be shown on the woodland conservation worksheet on the Type II tree conservation plan.
6. If, at any time during the review of development proposals for the subject property the buffer width is reduced, a visual assessment shall be prepared in accordance with the guidelines established by the Department of Public Works and Transportation in the document entitled "Design Guidelines for Scenic and Historic Roads."

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 Scott, seconded by Commissioner Lowe, with Commissioners Scott, Lowe, Eley, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, June 12, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 12<sup>th</sup> day of June 2003.

Trudye Morgan Johnson

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Executive Director

By Frances J. Guertin  
Planning Board Administrator

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