

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 presented at a public hearing on July 29, 2004, regarding Detailed Site Plan DSP-04011 for Henson Valley Cluster, the Planning Board finds:]

*WHEREAS, DSP-04011 for Henson Valley Cluster was approved by the Planning Board on July 22, 2004, and PGCPB Resolution No. 04-197 was adopted on September 23, 2004; and

*WHEREAS, on October 25, 2004, the District Council elected to review this case; and

*WHEREAS, on April 11, 2005, the District Council voted to remand the case to the Planning Board in accordance with Section 27-290 of the Zoning Ordinance in order to allow all interested persons to become parties of record, to exam on-site recreational facilities, house gross floor area, finishing materials, street lighting, side walk, security measures, and other maters; and

*WHEREAS, in consideration of evidence presented at a second public hearing on November 3, 2005, regarding DSP-04011 for Henson Valley Cluster, the Planning Board made the following amended findings:

1. **Request:** The subject application is for approval of a detailed site plan for 61 single-family detached homes.
2. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	R-R	R-R
Use(s)	Vacant/wooded	Residential
Acreage	48.1	48.1
Cluster net tract area	41.22	41.22
Area within existing 100-year floodplain	2.1	2.1
Area of slopes greater than 25%	1.45	1.45
Number of lots	N/A	61 (82 permitted)
Minimum lot area (square feet)	N/A	10,000 (10,000 permitted)
Number of flag lots	N/A	0

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OTHER DEVELOPMENT DATA

	REQUIRED	PROPOSED
Cluster open space (acres)	11.83	20.85
Mandatory dedication	2.4	Fee-in-lieu

CLUSTER MODIFICATIONS

	STANDARD	ALLOWED	PROPOSED
Net lot coverage	25%	30%	30%
Lot width at building line (ft.)	100	75	75
Frontage along street (ft.)	70	50	50
Frontage along Cul-de-sac (ft.)	60	50	50

ARCHITECTURAL MODEL DATA

Model	Base Finished Area (Sq.Ft.)
Avalon	2,935
Courtland	2,877
Highgrove	3,576
Oberlin	2,632
Victoria	*[2,439]
Waverly	3,189
Zachary	*[2,249]

LOT SIZE DATA

Size (Sq.Ft.)	Number of Lots	Percentage
10,000–11,000	38	62
11,001–15,000	22	36
Larger than 15,001	1	2
Total	61	100

3. **Location:** The subject property is located on the northwest end of Webster Lane, approximately 2,000 feet west of its intersection with Allentown Road, in Planning Area 76 and Council District 8.

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4. **Surroundings and Use:** The proposed development is an extension of an approved but yet-to-be developed subdivision—Noah Glen to the east in the R-R Zone. To the north of the property is the Henson Creek Stream Valley Park of M-NCPPC in the R-O-S Zone; to the south are single-family homes in the R-R Zone; and to the west is an undeveloped property owned by the Board of Education in the R-O-S Zone.
5. **Previous Approvals:** The subject site has an approved preliminary plan of subdivision, 4-03019 (Resolution PGCPB No. 03-191), including a Type I Tree Conservation Plan, TCPI/21/03. The site also has a Stormwater Management Concept Approval, #38262-2002-00.
6. **Design Features:** The subject property consists of approximately 48.1 acres of land in the R-R Zone. It is undeveloped and wooded. A small tributary runs across the northern section of the property and a PEPCO easement bisects the property, running from the southeast to the northwest.

The site will be accessed through the extension of the existing Henson Valley Way, which is further connected with four cul-de-sac streets and one stubbed street ending at the boundary line of the Board of Education property between Lots 45 and 43. The proposed 61 single-family detached homes are arrayed along both sides of the internal streets.

Seven 2-story architectural models are proposed for the development. The models are mainly of traditional architectural style with varied roof patterns and decorative elements. Each model has a two-car garage as a standard feature and is finished with either standard vinyl siding or brick veneer. All models will have a brick front elevation. Total base finished area of the models, as indicated in the Architectural Model Data table, varies from *[2,249] 2,500 to 3,576 square feet.

7. **Recreational Facilities:** At the time of Preliminary Plan 4-03019 approval, the Department of Parks and Recreation recommended a fee-in-lieu of park dedication be required because the size and location of land available for dedication is unsuitable for park purposes.

The subject detailed site plan (DSP) shows a tot lot adjacent to Lot 53. One multifunction play structure, two spring buddies, one double bay swing with two sling seats and two tot buckets, and two benches have been proposed on the tot lot.

A sanitary sewer connection has also been shown on the property of the Henson Valley Stream Valley Park to the north. But no connection in the form of either a pedestrian path or trail from the subject property to the Henson Valley Stream Valley Park has been shown on the DSP. Because a master plan trail has already been built on the park property north of the subject site, the Urban Design Section believes that a connection to the existing master plan trail from the subject subdivision is vital. Because the proposed sewer connection is on park property, the Department of Parks and Recreation's comments will govern this issue.

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COMPLIANCE WITH EVALUATION CRITERIA

8. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the R-R Zone and the site plan design guidelines of the Zoning Ordinance.
- a. The subject application is in conformance with the requirements of Section 27-441(b), which governs permitted uses in residential zones. The proposed single-family detached dwellings are a permitted use in the R-R Zone.
 - b. The proposal is also in conformance with the requirements of Section 27-442, Regulations, regarding net lot area, lot coverage and green area, lot/width frontage, yards, building height, and density.
9. **Preliminary Plan of Subdivision 4-03019:** Preliminary plan of subdivision 4-03019 was approved by the Planning Board on December 4, 2003, subject to 11 conditions. The following conditions are relevant to the detailed site plan review:

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

Comment: This detailed site plan was filed in order to fulfill this condition.

3. At the time of detailed site plan review, the following shall be provided:

- a. **Appropriate landscaping shall be provided along the Pepco Power lines. The area between Lots 22 and 26 and the power lines shall be landscaped with tall, fast growing shade and evergreen trees to buffer the front yards of those lots from the power lines.**
- b. **All corner lots shall have adequate lot frontages that will allow equal building setbacks on each street while keeping a private and usable rear yard.**
- c. **Adequate yard areas shall be provided on lots with required bufferyards.**

Comment: The lotting pattern shown on the subject DSP is different from what Condition 3.a. described. Condition 3.a. is no longer relevant except for Lot 22. Shade trees such as Green Ash and Oak and evergreen trees such as Colorado spruce have been proposed on the open space between Lot 22 and the PEPCO easement to buffer the front yard of Lot 22. The subject DSP is in general compliance with the above conditions regarding corner lots and adequate yard areas as well.

10. **Landscape Manual:** The proposed development is subject to Section 4.1, Residential requirements, and Section 4.7, Buffering incompatible uses, of the *Landscape Manual*.
- a. Section 4.1(e) requires, for cluster development in the R-R Zone, a minimum of three major shade trees and two ornamental or evergreen trees for each lot. For a total of 61 single-family detached lots, a total of 183 shade trees and 122 evergreen or ornamental

trees is required for this subdivision. The landscape plan proposes 183 major shade trees, 58 ornamental trees, and 64 evergreen trees and complies with the requirements of Section 4.1(e).

- b. A PEPCO easement runs from the southeast to the northwest of the subject property and is adjacent to Lots 23, 24, 26, 27, 28, 35, 36, and 37. A PEPCO easement is defined as a “medium” impact use by the *Landscape Manual*. Per Section 4.7, a Type “C” bufferyard is required with a minimum 40-foot building setback and a 30-foot-wide landscaped strip to be planted with 120 plant units per 100 linear feet of property line. The landscape plan shows the required Section 4.7 bufferyard and the schedules and complies with the requirements of Section 4.7. Lot 25 is, however, not adjacent to the PEPCO easement; it should be removed from the Section 4.7 Schedule.
11. **Woodland Conservation Ordinance:** This 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 Type I tree conservation plan, TCPI/21/03.
- a. The detailed forest stand delineation (FSD) was submitted and approved during the review of the preliminary plan of subdivision, 4-03019. No further information is required with this DSP application.
 - b. The Type II Tree Conservation Plan submitted with this DSP was found to require revisions before a complete review of the proposal could be conducted. The applicant submitted revised plans in response to the comments of the Environmental Planning Section. A review of the revised plans by the Environmental Planning Section indicates that the submittals are in conformance with the requirements of the Woodland Conservation Ordinance.
12. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
- a. In a memorandum dated June 10, 2004, the Community Planning Division noted that the proposed subdivision conforms to the land use policy of the 1981 master plan for Subregion VII for low suburban residential land use.
 - b. The Transportation Planning Section, in a memorandum dated July 13, 2004, concluded that the application is in general compliance with the approved subdivision plans. The site plan as presented is acceptable.

In a separate memorandum from the Transportation Planning Section dated June 16, 2004, on detailed site plan review for master plan trail compliance, the trails planner noted that no master plan trails impact the subject site. The staff recommends a trail connection to the existing Henson Creek stream valley trail from Henson Creek Way per the standards of the Department of Parks And Recreation.

*The trails planner, in a second memorandum dated October 13, 2005, in response specifically to Items C(5), (7) and (8) of Council's Remand Order regarding sidewalks, wrought-iron security fences, and security lighting, stated that the trail planner supports the Council's recommendation for the sidewalks and security lighting along the bike trail. As far as the security fencing and gates along the trail connector are concerned, the trails planner provides comments as follows:

"Several questions remain to be answered regarding any security fencing and gates along the connector trail to the Henson Creek Trail. It should be determined when such a gate would be open, who would maintain it, as well as who would be responsible for opening and shutting the gate each day. Policy 6 on page 72 of the Bicycle, Pedestrian, and Trails section of the Preliminary Henson Creek-South Potomac Master Plan explain why such trail connections are important:

"Policy 6: Provide trail connections within residential communities and the trail network.

"Strategies:

"Provide neighborhood trail connections within and between communities.

- Explore opportunities to provide trail connections from new subdivisions to the Henson Creek Stream Valley Trail.
- Provide trail connections from adjoining communities to the Henson Creek Stream Valley Trail. Connections to the existing trail are proposed from Bintree Road, Henson Valley Way, Southgate Drive, and the proposed Livingston Road activity center.

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“These connections are envisioned as providing safe pedestrian and bicycle access to nearby park facilities, as well as schools, libraries, and other activity centers. The more that communities are connected with trails and sidewalks, the more walkable the community as a whole will be and the greater the likelihood that some trips will be made by walking or bicycling, rather than automobile. These types of trails are especially important to schoolchildren walking to nearby school or park facilities. This trail connection recommended for Henson Valley II is seen as a way to implement the type of community connection recommended in the master plan.”

The trail planner identifies the operation and maintenance of the security gate as the major issues to be addressed if the Council elects to impose the security fencing and gate requirements. The recommended conditions in the memorandum have been incorporated into the revised recommendation section of this report.

Comment: The Urban Design Section does not recommend any fence and gate that will limit access to the master plan trail because it is not consistent with the intent of the county’s trails master plan. The proposed security fencing and gate to protect the users of the trail cannot in the last analysis be expected to have any significant effect because the proposed development is not a gated community. Unwanted intruders could simply choose to ignore the trail and walk along the outside of the gated trail. In fact, pedestrians on the trail with the security fence on both sides may be at increased risk because they cannot quickly get off the trail without accessing one of the gates.

The Urban Design Section, however, agrees with the comments of the trails planner that the operation and maintenance of the security fencing and gate would be major issues and would become the responsibility of the homeowners association. In addition, the security fencing and gate will also be a financial burden to future residents of the subdivision.

- c. In a memorandum dated July 6, 2004, the Subdivision Section staff listed one condition of approval of 4-03019 that is applicable to the review of this detailed site plan. The staff also summarized the findings the Planning Board made in determining that the property was appropriate for cluster development.

*The Subdivision Section, in a second memorandum dated June 24, 2005, specifically addressed Items A, C (1) and C(2) of the District Council’s Order of Remand as follows:

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*“The Planning Board provides specific standard conditions with the preliminary plan of subdivision when requiring private on-site recreational facilities on homeowner’s lands, which provides for the bonding and maintenance and requires a recreational facility agreement. Therefore, staff recommends that the following conditions be included for this detailed site plan:

- *1. The applicant, his heirs, successors and/or assignees shall submit three (3) original Recreational Facilities Agreements (RFA) to DRD for construction of recreational facilities on homeowners land, for approval prior to the submission of final plats. The RFA shall establish triggers for the construction of the on-site recreational facilities. Upon approval by the DRD, the RFA shall be recorded among the County Land Records.
2. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on homeowners land, prior to the issuance of building permits.

“There are no other subdivision issues associated with the remand”

Comment: Preliminary Plan of Subdivision 4-03019 for the subject site was approved by the Planning Board with the fee-in-lieu option instead of dedication of parkland. At time of detailed site plan review, the applicant proffered additional on-site recreational facilities that are above and beyond what is required for this subdivision. The two standard conditions listed above provide a mechanism to ensure that the proffer will be implemented. Two conditions of approval have been proposed based on the recommendations from the Subdivision Section in the revised recommendation section of this report.

- d. The subject application was also referred to the Department of Environmental Resources. In a memorandum dated June 1, 2004, the staff noted that the site plan is consistent with approved stormwater management concept plan #38262-2002-01.
- e. The Environmental Planning Section, in a memorandum dated July 23, 2004, indicated that the plans as submitted have addressed the environmental constraints for the site. The staff recommended approval of this application.

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- f. The Permit Section, in a memorandum dated May 19, 2004, identified several revisions to the subject detailed site plan regarding compliance with both the *Landscape Manual* and Zoning Ordinance. The suggested revisions have been either addressed by the applicant or incorporated into the Recommendation section of this report as conditions of approval
- g. The Department of Parks and Recreation (DPR), in a memorandum dated July 14, 2004, summarized the applicable conditions attached to the approval of preliminary plan of subdivision 4-03019. The DPR staff recommends approval of this DSP subject to one condition that has been incorporated into the Recommendation section of this report and two findings as follows:

“1). Approval of the Detailed Site Plan DSP-04011 does not imply that the extension of any utility connections through existing parkland will be approved. Such utility connections are subject to review and approval by the Department of Parks and Recreation (DPR). In those instances when the applicant needs water and sewer line extensions or connections through existing parkland in order to develop the property, the applicant shall obtain from M-NCPPC a “permit to construct” prior to signature approval of the detailed site plan. Prior to issuance of permits to install the sewer lines through parkland, M-NCPPC shall be named as an additional obligee on the performance bond and labor and material bond for restoration of the affected parkland. The impact fee for the sewer line through park property shall be determined by DPR. A reforestation plan shall be developed and approved by DPR.

“2). If the outfalls require drainage improvements on adjacent parkland, the DPR shall review the construction drawings and approve the location and design of these facilities prior to detailed site plan approval. The DPR may require a performance bond and easement agreement if necessary prior to issuance of grading permits. Storm drain outfalls shall be designed to avoid adverse impacts on parkland owned by the M-NCPPC.”

*The Department of Parks and Recreation (DPR), in a second memorandum dated October 12, 2005, in response to Items A, C(7) and (8) of the Remand Order, stated that DPR staff has no objection to on-site recreational facilities, wrought-iron security fencing and security lighting along the trail connector to be installed on the land of the homeowners association within the subdivision. The review staff indicates that security lighting along the trail connector on public parkland is not consistent with the rules and regulations of DPR. The conditions recommended in the memorandum have been incorporated into the revised recommendation section of this report.

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- h. The Department of Public Works and Transportation (DPW&T), in a memorandum dated July 2, 2004, provided standard comments regarding right-of-way dedication, frontage improvement, sidewalks, street tree and lighting, storm drainage facilities and systems, traffic impact, and soil investigation.

*The Department of Public Works and Transportation (DPW&T) in a second memorandum dated August 2, 2005, specifically addressed Items C(5) and C(6) of the District Council's Remand Order as follows:

"The proposed street lighting spacing of 50 feet is unacceptable. The county requires an average spacing of lights to be an average of 150 feet.

*"The proposed 'shoebox'-style street lighting is unacceptable in this current application. Shoebox-style street lighting is only intended for collector or arterial roads and not lower classification residential roadways that are proposed in this development.

"The proposed allowance for future security cameras can only be considered if this service is separately metered, owned, maintained, with all liability and costs assumed by the developer and, ultimately the homeowners association (HOA). The installation and maintenance of these cameras would need to be covered by a perpetual maintenance covenant and the necessary work performed under permit with DPW&T.

"In general with relationship to Item Number 5, if the street lights as proposed deviates from DPW&T standards, then the street lighting system will become a private system with separate metering. In this case, the developer will pay the installation costs and the developer, and ultimately the HOA, will pay the energy costs. To emphasize, in this case, Prince George's County will not be responsible for the monthly energy costs, replacement costs, maintenance or liability associated with these streetlights. A perpetual maintenance covenant would be required.

"Regarding Item Number 6, DPW&T has no opposition to the requirement that sidewalks be constructed on both sides of the roadways for the referenced development. Also, all sidewalks, in accordance with DPW&T standards, must be constructed in concrete."

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Comment: As indicated in the DPW&T's comments, the above conditions are different from the normal requirements of current regulations and require special treatments and assumption of the extra costs of these treatments by the homeowners association. The Urban Design Section believes that it is not reasonable or equitable to recommend approval of street lighting and security camera system that would become the sole responsibility of the homeowners association in regard to energy costs, replacement, maintenance, and liability when the future members of the HOA are not able to comment on whether they consider the additional expense involved to be justified by the enhanced security. The staff does, however, consider it reasonable to require the applicant to draw up a plan and cost estimate for the extra lights and security cameras, which can be offered to the homeowners for adoption at the time the HOA is to come under the control of the residents. This approach is embodied in the proposed conditions below.

- i. The Board of Education of Prince George's County had not responded to the referral request at the time the staff report was written.
- *13. Urban Design Section has undertaken a review of the remaining conditions that are included in the Council's Remand Order as follows:
- "A. The site plan must be amended to show additional park facilities, for active recreation on site. By eliminating one or more lots and reconfiguring the rest, the applicant will be able to provide enough land for centralized park facilities."

Comment: As stated in Finding 7 above, at time of preliminary plan of subdivision review, the Department of Parks and Recreation recommended, and the Planning Board approved, a fee-in-lieu of parkland dedication because the size and location of land available for dedication is unsuitable for park purposes, even though an M-NCPPC park is located just to the west of the subject property. The estimated amount of fee is approximately \$19,300. But the exact amount of the fee will only be available at the time of the final plat recordation when the land value assessment will be performed. Pursuant to the County Code Subtitle 24—Subdivision Regulations, Sections 24-134 and 135, at time of Preliminary Plan 4-03019 approval, the applicant had three options: to dedicate parkland, pay fee-in-lieu of parkland dedication, or provide private recreational facilities. The Planning Board approved the fee-in-lieu for this subdivision for the reason discussed above. At time of detailed site plan review, the applicant proffered additional on-site recreational facilities including a tot-lot with one multifunction play structure, two spring animals, one double bay swing with two sling seats and two tot buckets and two benches. These facilities are above and beyond what is required for this subdivision. However, no trash receptacle is provided. A condition of approval has been proposed in the revised recommendation section to require a trash receptacle be added to the playground.

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The Department of Parks and Recreation, in a memorandum (Asan to Zhang) dated October 12, 2005, indicated that the subject site is adjacent on the north to the existing Henson Creek Stream Valley Park with a 5.75-mile master plan hiker/biker trail along Henson Creek in the vicinity of the subdivision. The master plan trail will provide access on the east to the Henson Creek Neighborhood Park with baseball, football, soccer fields, and picnic pavilion; on the west to the Tucker Road Athletic Complex with tennis court, basketball courts, five softball fields, football field, playground and fitness trail and to the Tucker Road Ice Skating Center. The above-mentioned facilities are all within a one-mile radius of the subject subdivision. The DPR reviewer notes that providing a connection to the aforementioned master plan trail from the subject subdivision via construction of a trail connector is critical for the future residents to access the existing recreational facilities.

“B. The Planning Board’s approval does not sufficiently address building materials, gross floor area, street lighting, street and homeowner security, and streetscape issues generally. These issues should be reviewed, on remand.”

*Comment: The Urban Design Section reviewed the subject detailed site plan for conformance with current regulations and made a recommendation to the Planning Board to approve this application with conditions. However, the Remand Order establishes a higher standard regarding building materials, gross floor area, street lighting, street and homeowner security, and streetscape issues. The above issues have been reviewed accordingly in this staff report.

“C. The Planning Board and staff should review conditions the Board has placed on this project and decide whether to add the following requirements:

“1. The number of lots shall be reduced below 61, to allow sufficient area for park facilities.”

Comment: According to the subdivision regulations, the permitted number of lots for this site is 82. This application proposed 61 lots and that number of lots was approved by the Planning Board, along with a requirement for payment of a fee-in-lieu of dedication of land. In addition to the fee-in-lieu, the Planning Board approved some on-site recreational facilities pursuant to the design guidelines of the Department of the Parks and Recreation. The facilities provided are above and beyond the normal requirements of the Subdivision Regulations. Given the above and the existence of public park facilities in reasonable proximity to the development, the staff is of the opinion that recreation facilities are sufficient for the development and that reduction in the number of approved lots is not justified.

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- “2. The fee-in-lieu requested during Preliminary Plan 4-03019 proceedings shall be eliminated. Instead, centralized park facilities including pre-teen lot equipment must be provided.”

Comment: Any alteration of the conditions attached to the approved Preliminary Plan of Subdivision, such as deletion of the fee-in-lieu option in this case, is outside of the purview of the detailed site plan review and can only be achieved through a reconsideration of the approved Preliminary Plan of Subdivision.

- “3. From the list of models, all units with gross floor area under 2,500 square feet shall be eliminated.”

Comment: The applicant has agreed to remove models Victoria and Zachary from the proposed models list in response to the requirement of this condition because the gross floor area of both models is less than 2,500 square feet. A condition of approval regarding gross floor area of the proposed models has been proposed in the revised recommendation section of this report.

- *“4. All residential units shall have brick front facades, and all building sides facing (not perpendicular, at less than 90 degrees to) the street shall be of brick or stone.”

Comment: The applicant has agreed to finish all units' front elevations with brick in response to this condition. The requirement for brick on side elevations appears difficult to interpret and administer as written. Staff recommends as an alternative condition of approval (proposed in the recommendation section of this report) that brick be required on both side walls of the high-visibility lots indicated in the proposed condition.

- “5. Subject to DPW&T requirements, street lighting (with poles 50 feet on center) shall be upgraded to the shoebox type, shining down, and the lighting facilities must give the homeowners' association the option of installing security cameras.”

Comment: As discussed in above Finding 12, it will be the responsibility of the homeowner's association if the special lighting and security cameras required by the Remand Order are implemented because the DPW&T does not have any similar requirements and will not assume any responsibility, financial or otherwise, for such a system. Staff believes that the applicant should be required to prepare a plan and cost estimate for shoebox-type lights located 50 feet on center with the option of installing

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*security cameras for consideration by the homeowners themselves at the time they assume control of the HOA.

“6. Subject to DPW&T requirements, sidewalks shall be on both sides of streets in front of houses, and shall be of concrete, not asphalt.”

Comment: The applicant has agreed to provide concrete sidewalks on both sides of streets in front of the houses in response to the requirement of this condition. A condition of approval has been proposed in the recommendation section of this report.

*“7. The applicant should consider placing a wrought-iron security fence on both sides of the bike trail, with doors to allow ingress and egress.”

“8. Security lighting for the bike trail shall provide illumination to the street lighting.”

Comment: Both the memoranda of the Department of Parks and Recreation and the Transportation Planning Section provide specific responses to the above two requirements. The staff reviewers agree that security lighting should be provided along the trail on the HOA land. As far as the security fence and gate are concerned, DPR expresses no objection if they are installed on the HOA property and the trail planner believes some questions remain to be answered. The Urban Design Section does not recommend security fencing and gates of any kind because they are not consistent with the intent of the county trail master plan and they do not necessarily provide any significant enhancement of security for trail users.

“D. The remand is also to allow interested persons who have not already done so to become persons of record.”

Comment: Pursuant this condition, in order to allow interested persons who have not already done so to become persons of record, two public hearing signs, in accordance with the Zoning Ordinance, have been posted on the subject site 30 days prior to the public hearing for this case. The Urban Design Section will enter any interested person as a party of record for this case upon receipt of request before the public hearing date of this detailed site plan.

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- *14. As required by Section 27-285 (b), the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost 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/28/04-01) and further APPROVED Detailed Site Plan DSP-04011 for the above-described land, subject to the following conditions:

1. Prior to certificate approval of this detailed site plan, the applicant shall
 - a. Revise the Section 4.7 schedule to exclude Lot 25.
 - b. Label the Section 4.7 bufferyard on the plans.
 - c. Provide details of the proposed retailing wall including material and height.
 - d. Provide information on lot coverage and maximum height of the architectural models.
 - e. Provide a site plan legend.
 - f. Show a trail connection from the subject subdivision to the existing master plan trail to the north on the park's property in conjunction with the proposed sewer connection.
 - *g. Remove models Victoria and Zachary from the proposed models list, unless the base finished footage for both models has been increased above 2,500 square feet.
 - h. Add a note indicating that all units shall have brick front elevations and the houses on Lots 1,61; 6,53; 10,17; 44,45; 18,25; 27, 36; 28,35, 54, 5, and 43 shall have brick side elevations.
 - i. Provide a trash receptacle in the play area.
 - j. Provide concrete sidewalks on both sides of the streets in front of houses.

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- k. Submit construction drawings for sewer line and trail installation on adjacent parkland to DPR for review and approval.
- l. Provide lighting along the portion of the trail connector on HOA land. This lighting shall be operated and maintained by the HOA.
- m. Provide an illustrative plan showing the conceptual locations of alternative private street lights (shoebox-type, 50 feet on center) and of security cameras on the light poles. In addition, provide a cost schedule in 2005 dollars for the installation, maintenance, and monthly energy costs for the security cameras and the streetlights.
- 2. At the time of final plat of subdivision, the applicant shall dedicate to M-NCPPC and record a 20-foot-wide public access right-of-way on HOA land to ensure trail connection to the parkland.
- 3. No two units located next to or right across the street from each other may have identical front elevations.
- 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 issuance of the 31st building permit, the applicant shall completely install the proposed on-site recreational facilities.
- 6. At time of final plat of subdivision, the applicant, his heirs, successors and/or assignees shall
 - a. Submit three original private Recreational Facilities Agreements (RFAs) to Development Review Division for construction of private on-site recreational facilities on homeowner land, for review and approval. The approved RFA shall be recorded among the Land Records of Prince George's County.
 - *b. Submit three original executed RFAs to the Department of Parks and Recreation (DPR) for construction of the trail connector on park property for review and approval three weeks prior to the submission of the final plat. The approved RFA shall be recorded among the Land Records of Prince George's County.

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7. Prior to the issuance of any building permits, the applicant, his heirs, successors and/or assignees shall:
 - a. Submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of private on-site recreational facilities on homeowners land.
 - b. Submit a performance bond, letter of credit or other suitable financial guarantee, for the construction of the trail connector, in an amount to be determined by the DPR, within at least two weeks prior to applying for building permits.
8. Prior to issuance of the 31st building permit, or the 31st use and occupancy (U & O) permit, if the applicant can establish an appropriate and practical U & O permit tracking system that is acceptable to the Urban Design Section, the applicant shall:
 - a. Complete installation of the proposed on-site recreational facilities.
 - b. Complete construction of the eight-foot-wide asphalt trail connector to the Henson Creek Stream Valley trail, which includes a section of trail on adjacent parkland. The applicant shall enter into a right-of-entry agreement for construction on existing parkland prior to the construction.
9. Add the following note to the detailed site plan prior to certification and to the final plat prior to its approval:

*“The installation of security cameras and a private street lighting system in accordance with the illustrative plan approved as part of DSP-04011 shall be subjected to a vote for approval or rejection by the homeowners at the time the homeowners assume full control of the HOA, or at the time of the 60th use and occupancy permit, whichever comes first. If the homeowners elect to install the security cameras and private street lighting system, the developer shall bear complete financial responsibility for the installation cost and cost associated with conversion from the existing public street lighting system to a private system. The HOA will be responsible for all future energy costs as well as the operation and maintenance costs.”

*Denotes Amendment

Underlining indicates new language

[Brackets] indicate deleted language

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 Vaughns, with Commissioners Eley, Vaughns, Squire, and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, November 3, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 1st day of December 2005.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:HZ:rmk