

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 December 9, 2004 regarding Detailed Site Plan DSP-04045 for Clintondale Townhomes, the Planning Board finds:

1. **Request:** The subject application requests the construction of an 18-lot townhome development in the R-T Zone.

2. **Development Data Summary**

	EXISTING	PROPOSED
Zone	R-T (Townhouse)	R-T (Townhouse)
Use(s)	Vacant	Residential
Acreage	3.91	3.91
Lots	7	18

3. **Location:** The site is in Planning Area 81A, Council District 9. More specifically, it is located at the western side of the cul-de-sac at the dead end of Bost Lane.
4. **Surroundings and Use:** The subject property is bounded to the northeast by vacant woodland, to the west by an existing townhome development, to the east by From the Heart Church Ministries Inc, operating out of a former Safeway Building, and to the south by land owned by the Washington Suburban Sanitary Commission that is largely vacant except for providing a location for a water tower.
5. **Previous Approvals:** The site is the subject of Preliminary Plan of Subdivision 4-04042 and TCP1/18/04, both approved by PGCPB Resolution No. 04-106 on June 3, 2004. The site is also the subject of Stormwater Concept Approval Plan #42265-2003.
6. **Design Features:** The subdivision is proposed to be accessed by a private road from Bost Lane at its current terminus in a cul-de-sac. A small bioretention area is indicated on the southerly side of its entrance from Bost Lane; the project sign, recreational area, and some landscaping are shown on the northerly side. A recreational area detail on the plans indicates that the following facilities will be provided:
 - Two 6-foot, ground-mounted picnic tables
 - One 24-inch barbecue grill

- Three 6-foot benches
- Play equipment including dual slides, a tower, spinners, etc.
- One 4-foot paved walkway accessing the play area from the provided sidewalk.

The entire northeasterly side of the property (2.86 acres), containing floodplain and an ephemeral stream, is proposed to be dedicated to the homeowners association. Views into the open space are provided at the entrance to the subdivision via 15-foot separations between the sticks of townhomes and at the terminus of the private road. The townhomes on the northerly side of the private road are broken into three sticks: the first one comprised of four townhomes, the second one having six townhomes, and the last comprised of five. A 15-foot separation is also provided between the last townhouse unit and the rear property line of the development. A four-foot concrete sidewalk is provided only on the northeasterly side of the private road.

The southwesterly side of the property provides three lots (numbers 1, 2, 3) on the right-hand side of the private road as one would drive into the subdivision from Bost Lane. Two additional parking spaces, one handicapped, are provided on the westerly side of the private road, as is additional landscaping.

As per the requirements of the Zoning Ordinance:

- There are not more than six, or less than three, dwelling units in a stick.
- The minimum width of dwellings is greater than 20 feet.
- All end walls have a minimum of two features.
- A recommended condition below ensures that above-ground foundation walls are either clad with finish materials or textured/formed to simulate a clad material.
- A minimum of 60 percent of the townhouse units are obligated to be brick, stone or stucco.
- A condition below would require that two or more dwelling units be identified as having the potential to be made accessible through barrier-free design.
- A condition below would require that prominent facades on the side and rear of the unit on Lot 5, the side and front of the unit on Lot 1, and the side of Lot 3 have been given special treatment.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the R-T 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, which governs permitted uses in residential zones. The proposed townhomes are a permitted use in the R-T Zone.
 - b. The proposal is also in conformance with the requirements of Section 27-442, Regulations, regarding additional regulations for development in residential zones.
8. **Preliminary Plan of Subdivision 4-04042:** Preliminary Plan 4-04042 was approved by the Planning Board on May 13, 2004. Resolution PGCPB 04-106 was adopted on June 3, 2004. The following conditions of approval apply to the review of the subject Detailed Site Plan.

1. **Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised as follows:**

- a. To delete Lot 4 and incorporate that area into Parcel "A."
- c. To add the following note:

At the Planning Board hearing Lot 4 was deleted. However, the Planning Board in their decision has preserved the ability of the applicant to recover the loss of Lot 4, if at the time of DSP the applicant can demonstrate to the Urban Design Section that adequate recreational facilities can be accommodated on site and that the addition of Lot 4 will not adversely impact the layout. The review shall include but not be limited to ensuring usable yard areas on Lot 4, an attractive appearance, and securing privacy. The Planning Board advised the applicant that the matter to be determined at the time of review of the DSP relating to Lot 4 was not whether to delete Lot 4, but whether to recover Lot 4.

The Planning Board's decision on the preliminary plan included an evaluation of the adequacy of public facilities for a 19-lot subdivision. Therefore, the recovery of Lot 4 at the time of DSP will not constitute an increase in the number of lots approved by the Planning Board at the time of preliminary plan of subdivision.

Comment: Lot 4 has been deleted from the detailed site plan and is in conformance with the preliminary plan of subdivision. The lots are numbered 1-3, then 5-19—a total of 18 lots.

4. **The applicant, his heirs, successors, and/or assignees shall provide adequate, private recreational facilities in accordance with the standards outlined in the *Park and***

***Recreation Facilities Guidelines* and subject to the following:**

- a. The applicant, his heirs, successors, and/or assignees shall allocate appropriate and developable areas for the private recreational facilities on homeowners association (HOA) open space land. The private recreational facilities shall be reviewed by the Urban Design Review Section of DRD for adequacy and property siting prior to approval of the preliminary plan by the Planning Board.**
- b. A site plan shall be submitted to the Development Review Division (DRD) of the Prince George's County Planning Department that complies with the standards outlined in the *Park and Recreation Facilities Guidelines*.**
- c. Submission of three original, executed Recreational Facilities Agreements (RFA) to 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.**
- d. Submission to DRD of a performance bond, letter of credit, or other suitable financial guarantee in an amount to be determined by DRD within at least two weeks prior to applying for building permits.**
- e. The developer, his successor and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and a future maintenance of the proposed recreational facilities.**

Comment: The recreation area detail included in the plans indicates approximately 4,000 square feet devoted to the recreation area including a tot lot with, at a minimum, dual slides, a tower and spinners, surrounded by a 30-foot diameter mulched surface and three 6-foot in-ground mounted park benches. A four-foot paved walkway provides access to the tot-lot and surrounding benches and beyond to a barbecue area including two 6-foot in-ground mounted picnic tables and a 24-inch barbecue grill. A two-foot by six-foot redwood project sign is included at the periphery of the recreation area.

The recreation area has been reviewed and approved by the Urban Design Section as to its design and siting, as well as for conformance with the *Park and Recreation Facilities Guidelines* and was found to be acceptable in these respects. Compliance with subsection “c” and “d” above are not required at this juncture as they are specified as being completed “prior to the submission of a final plat” and “at least two weeks prior to applying for building permits,” respectively. In other words, neither condition is attached to the approval of a detailed site plan for the proposed project. Lastly, staff cannot say that subsection “e” is in compliance at this time. However, a recommended condition below ensures retention and future maintenance of the proposed recreational facilities.

- 7. A Type II Tree Conservation Plan shall be approved concurrent with the Detailed**

Site Plan.

Comment: A Type II Tree Conservation Plan has been submitted and is recommended for approval by the Environmental Planning Section together with the subject detailed site plan.

8. The recreational facilities shall be provided at a location to be determined at the time of detailed site plan.

Comment: The recreational facilities are located at the front of the development and adjacent to the environmentally sensitive open space portion of the site. This provides a focal point for those entering the development and enhances the play area by providing views from it into the adjacent open space.

In addition, Finding 16 of that resolution set forth considerations to be taken into account regarding design issues. These include:

The proposed subject plan complies with Section 4.7 of the *Landscape Manual* along its southwesterly boundary with the R-T-zoned land provided the land is in fact vacant as indicated on the site plan. Additional information, however, would have to be provided regarding the adequacy of tree cover along the common property line with the From the Heart Church Ministries, Inc. A Type C buffer is required between townhouses and a medium impact use (the church). Existing tree cover may substitute for the required buffer, but information on tree cover is absent on the provided plan.

Comment: A letter dated October 22, 2004, from Cynthia Tuck, a consultant forester, states that existing woodland provides the plant units required along the church's boundary. A condition below requires that the applicant include a 4.7 Schedule on the plan demonstrating compliance.

The preliminary plan proposes a small recreational facility site at the southwesterly side of the property. According to the recreational guidelines, the recreation area must be set back at least 25 feet from streets and adjacent dwellings. The proposed recreation area does not meet this requirement. The proposed recreation area is described too amorphously to judge whether or not it is adequate. Details would be provided and adequacy judged at the time of detailed site plan review. Note that the recreational facilities must be accessible by a paved path.

Comment: The applicant has redesigned the play area so that it is set back 25 feet as required and provided sufficient detail to judge the adequacy of the recreation area's facilities.

For the proposed 19 lots in Planning Area 81A, a total value of approximately \$21,489 of recreational facilities is suggested for the proposed townhouse development. Since prior phases of the subject development either did not provide, or provided only passive recreational facilities, staff would recommend an active recreational facility, specifically a tot lot with an adjacent sitting area in order to fulfill this requirement.

Comment: The applicant has provided a tot lot, sitting area, and barbeque area, in excess of the

extent of facilities and amount of expenditure recommended above.

Although building setbacks are not applicable in the R-T Zone, Lot 4 has no usable rear yard and no ability to provide a deck at the back of the unit. The configuration of the lot is not suitable to the siting of a townhouse on it and, therefore, should be eliminated.

Comment: Lot 4 has been eliminated from the plan.

The Planning Board deleted Lot 4, which was proposed on the north side of the internal private street at the entrance to the subdivision. However, the Planning Board in their decision has preserved the ability of the applicant to recover the loss of Lot 4, if at the time of DSP the applicant can demonstrate to the Urban Design Section that adequate recreational facilities can be accommodated on site and that the addition of Lot 4 will not adversely impact the layout. The review shall include, but not be limited to, ensuring usable yard areas on Lot 4, an attractive appearance, and securing privacy. The Planning Board advised the applicant that the matter to be determined at the time of review of the DSP relating to Lot 4 was not whether to delete Lot 4, but whether to recover Lot 4.

Comment: As mentioned above, Lot 4 has been eliminated from the plan.

The Planning Board's decision on the preliminary plan included an evaluation of the adequacy of public facilities for a 19-lot subdivision. Therefore, the recovery of Lot 4 at the time of DSP will not constitute an increase in the number of lots approved by the Planning Board at the time of preliminary plan of subdivision.

Comment: Since Lot 4 has been eliminated from the plan, the above comment is no longer applicable to the subject project.

Overall Comment: The proposed plan is in compliance with Finding 16 of the Preliminary Plan of Subdivision's approval.

9. ***Landscape Manual:*** The proposed development is subject to the requirements of Section 4.1, Residential Requirements, and Section 4.7, Buffering of Incompatible Uses, of the *Landscape Manual*.

The Urban Design staff reviewed the proposed landscape plan and found that the submittals are in general compliance with the applicable sections of the *Landscape Manual*.

10. **Woodland Conservation Ordinance:** The property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in area and there are more than 10,000 square feet of existing woodland. A Forest Stand Delineation was approved with Preliminary Plan 4-04042. A Type I Tree Conservation Plan, TCPI/18/04, was approved by PGCPB No. 14-106.

The Environmental Planning Section has reviewed submitted TCPII/120/04 and recommended its

approval subject to one condition. That condition is included in the recommended conditions below. Therefore, the staff finds that the plan is in general compliance with the Woodland Conservation Ordinance.

11. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
- a. **Historic Preservation**—In comments dated October 3, 2004, the Historic Preservation and Public Facilities Planning Section stated that the proposed project would have no effect on historic resources and there are no known cemeteries located on the subject property.
 - b. **Community Planning**—As of the writing of this staff report, staff has not received comment from the Community Planning Division regarding the subject project.
 - c. **Transportation**—In comments dated September 10, 2004, the Transportation Planning Section stated that Bost Lane is an existing 60-foot right-of-way and that the site plan is acceptable.
 - d. **Subdivision**—In a memorandum dated October 4, 2004, the Subdivision Section, noting that the property is the subject of Preliminary Plan 4-04042, approved by Planning Board PGCPB Resolution No. 04-106 adopted on June 3, 2004, with a validity period of three years, made subject to eight conditions, offered comments regarding four of those conditions that relate to the subject project. See Finding 8 above for a more detailed discussion of those comments.
 - e. **Trails**—In a memorandum dated October 4, 2004, the senior trails planner stated that, due to the private nature of the internal roadway for the subject project and the small amount of traffic anticipated on this dead-end street, the proposed sidewalk is acceptable only on one side of the internal road. In addition, there are no master plan trails issues identified in the adopted and approved Subregion V master plan.
 - f. **Parks**—In comments dated September 14, 2004, the Department of Parks and Recreation stated that the private recreational facilities package should be reviewed by Urban Design staff based on projected population by planning area. Further, they stated that the types and value of the facilities should be determined by Urban Design staff based on available information in the Park and Recreation Facilities Guidelines. Lastly, they stated that a private recreational facilities agreement and bond should be required.
 - g. **Public Facilities**—In comments dated September 14, 2004, the Historic Preservation and Public Facilities Planning Section stated that the findings of 4-04042, the approved preliminary plan for the subject property, are still applicable.

- h. **Permits**—In a memorandum dated September 24, 2004, the Permit Review Section provided numerous comments. All comments have either been addressed by revisions to the plans or in the recommended conditions below.
- i. **Environmental Planning**—In a memorandum dated October 15, 2004, the Environmental Planning Section, recommending approval subject to one condition, offered the following comments:

ENVIRONMENTAL REVIEW

- (1) This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. The Subregion V master plan indicates that there are substantial areas designated as Natural Reserve on the site. As noted on page 136 of the Subregion V master plan:

“The Natural Reserve Area is composed of areas having physical features which exhibit severe constraints to development or which are important to sensitive ecological systems. Natural Reserve Areas must be preserved in their natural state.”

For the purposes of this review, these areas include all of the expanded stream buffer and any isolated sensitive environmental features. The plan proposes impacts to stream buffers. Impacts to these buffers are prohibited by Section 24-130 of the Subdivision Regulations unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. Staff notes that the existing sanitary sewer main is partially within the expanded stream buffer. Two variation requests, dated March 22, 2004, in conformance with Section 24-113 of the Subdivision Regulations, were reviewed and approved with Preliminary Plan 4-04042.

One set of impacts to the expanded stream buffer is required for the construction of sanitary sewer connections to serve the proposed development. These will disturb a total of 686 square feet of the expanded stream buffer. The required connection is to the existing sewer main that is partially within the expanded stream buffer. The details of construction will be reevaluated by the Washington Suburban Sanitary Commission during the review of the construction permits to further reduce impacts, if possible. No federal or state wetland permits will be required for the proposed impacts.

The second impact is for the construction of the cul-de-sac of Bost Lane. This will disturb a total of 95 square feet of the expanded stream buffer. The end of existing Bost Lane is partially within the expanded stream buffer. No federal or state wetland permits will be required for the proposed impact.

Both variation requests were approved by PGCPB. No. 04-106 and they are

clearly shown on the Type II Tree Conservation Plan that was submitted with the current application.

Condition 6 of PGCPB Resolution No. 04-106 reads:

“At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffer, excluding those areas where variation requests have been approved, and shall be reviewed by the Environmental Planning Section prior to certification. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

Comment: The detailed site plan conforms to the findings and conditions of PGCPB Resolution No. 04-106 with regard to sensitive environmental features. No further action regarding sensitive environmental features is required for this Detailed Site Plan review.

- (2) This property is subject to the provisions of the Prince George’s County Woodland Conservation Ordinance because the gross tract area of the property is greater than 40,000 square feet and there are more than 10,000 square feet of existing woodland. A Forest Stand Delineation was approved with Preliminary Plan 4-04042. A Type I Tree Conservation Plan, TCPI/18/04, was approved by PGCPB Resolution No. 04-106.

A Type II Tree Conservation Plan, TCPII/120/04, was submitted for review with this application. The plan proposes clearing 1.17 acres of the existing 2.76 acres of upland woodland and no clearing of any woodland within the 100-year floodplain. The woodland conservation requirement has been correctly calculated as 0.94 acre. The plan proposes to meet the requirement by providing 0.94 acre of on-site preservation. The plan also shows preservation of an additional 0.65 acre of upland woodland that is not part of any requirement and the preservation of all of the 0.65 acre of woodland within the 100-year floodplain.

The proposed woodland conservation areas will create a single wooded area that adds protection to a stream valley. The design fulfills the intent of the Woodland Conservation Ordinance.

The plan contains minor errors. The limit of disturbance is shown by a symbol on the plan; however, the symbol is not identified in the legend. The word “ephemeral” should be deleted from “ephemeral stream.” The word “floodplain”

is erroneously spelled “flood plane.” Type II Tree Conservation Plan note #2 should be corrected to read: “The Department of Environmental Resources (DER) shall be contacted prior to the start of any work on the site to address implementation of woodland conservation measures shown on this plan.”

Recommended Condition: Prior to certification of the Detailed Site Plan, the Type II Tree Conservation Plan shall be revised to:

- (a) Add the symbol for the limit of disturbance to the legend
 - (b) Correct the spelling of floodplain
 - (c) Delete the word “ephemeral”
 - (d) Have Type II Tree Conservation Plan note #2 read:

“The Department of Environmental Resources (DER) shall be contacted prior to the start of any work on the site to address implementation of woodland conservation measures shown on this plan.”
 - (e) Have the revised plan signed and dated by the qualified professional who prepared the plan
- (3) According to the Prince George’s County Soils Survey the principal soils on this site are in the Galestown, Mattapex and Sassafras series. Beltsville and Croom soils are highly erodible. Sassafras soils are not highly erodible and are in the B-hydric group.

Discussion: This information is provided for the applicant’s benefit. A soils report may be required by the Prince George’s County Department of Environmental Resources during the permit process review.

- (4) A Stormwater Management Concept Approval Letter, CSD #42265-2003-00, was submitted with the review package. The plan provides for the use of grass swales, bioretention, and a natural area conservation credit to provide for water quality and a fee-in-lieu of \$10,500.00

Comment: No further action regarding stormwater management is required for this Detailed Site Plan review.

The condition recommended by the Environmental Planning Section has been included in the recommended conditions below.

- j. **Department of Environmental Resources**—In comments dated September 28, 2004, the Department of Environmental Resources stated that the site plan for Clintondale

Townhomes, DSP-04045, is not consistent with approved stormwater concept plan #42265-2003. Specifically, they stated that the bioretention and stormdrain is not shown on the site plan.

- k. **Fire/EMS Department**—As of the writing of this report, staff has not received comment from the Prince George's County Fire/EMS Department regarding the subject project.
 - l. **Department of Public Works and Transportation**—As of the writing of this report, staff has not received comment from the Department of Public Works and Transportation regarding this project.
 - m. **Washington Suburban Sanitary Commission**—In a memorandum dated September 21, 2004, the Washington Suburban Sanitary Commission stated that a water and sewer extension will be required and that the engineer for the project should submit a hydraulic planning analysis package for review of proposed water and sewer lines.
12. As required by Section 27-285(b) of the Zoning Ordinance, 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/120/04) and further APPROVED Detailed Site Plan DSP-04045 for the above-described land, subject to the following conditions:

- 1. Prior to certification of the detailed site plan:
 - a. A 4.7 *Landscape Manual* schedule shall be drafted and added to the plans regarding the buffer requirement for the subject site along its common boundary with From the Heart Church Ministries, Inc.
 - b. The detailed site plan shall be revised to be consistent with approved Stormwater Concept Plan #42265-2003, as indicated by revised referral comments from the Department of Environmental Resources.
 - c. A note shall be added to the plans that the above-grade foundation walls shall either be clad with finish materials compatible with the primary façade design, or shall be textured for formed to simulate a clad-finished material such as brick, decorative block, or stucco. Exposed foundation of unclad or unfinished concrete shall be prohibited.
 - d. Two or more dwelling units shall be identified on the plans as having the potential to be made accessible through barrier-free design.

- e. Applicant shall submit detailed elevation drawings and the Urban Design Section, as designee of the Planning Board, shall approve elevation drawings for the following prominent facades of the proposed townhome community:
 - The side and rear elevations of the unit on Lot 5.
 - The side and front elevations of the unit on Lot 1.
 - The side elevation of Lot 3.
 - f. A note shall be added to the site plan stating that all recreational facilities have been designed in accordance with the *Park and Recreation Facilities Guidelines*.
2. Prior to certification of the Detailed Site Plan, the Type II Tree Conservation Plan shall be revised to:
- a. Add the symbol for the limit of disturbance to the legend
 - b. Correct the spelling of floodplain
 - c. Delete the word “ephemeral”
 - d. Have Type II Tree Conservation Plan note #2 read:

“The Department of Environmental Resources (DER) shall be contacted prior to the start of any work on the site to address implementation of woodland conservation measures shown on this plan.”

- e. Have the revised plan signed and dated by the qualified professional who prepared the plan.

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.

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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 Squire, with Commissioners Eley, Squire, Vaughns, and Hewlett voting in favor of the motion, and with Commissioner Harley absent at its regular meeting held on Thursday, December 9, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 6th day of January 2005.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:RG:rmk