

RESOLUTION

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 February 22, 2007 regarding Detailed Site Plan DSP-05110 for Homeland Recreational Facility, the Planning Board finds:

1. **Request:** This detailed site plan is for a proposed recreational facility to serve approximately 300 homes located in Prince George's County and approximately 44 homes in Charles County. The recreational facility will serve the entire Homeland development, which spans the county line and will be owned and operated by the homeowners association.

2. **Development Data Summary:**

	Existing	Proposed
Zone	R-R	R-R
Uses	Vacant	Homeowners Association Recreational Use
Acreage	14.55	12.96 (to be conveyed to HOA)
100-year floodplain	0.86 acres	0
Lots	0	0
Parcels	2	2
Parking Required	63 spaces	
Parking Provided	65 spaces	

3. **Location:** The subject site is located north of Billingsley Road, south of Independence Road, and is bordered on the west and southeast by Charles County.
4. **Surroundings and Use:** The site is bounded to the north by R-R-zoned land developed with single-family detached dwellings. To the east is R-A zoned land, site of the school of the Operating Engineers of America, which provides training for operating moving equipment. To the south is the proposed Homeland Development, SDP-0518, to be reviewed by the Planning Board on February 15, 2007. To the west is the Charles County line, the entrance to the development and vacant land.
5. **Previous Approvals:** On June 19, 2003, the Planning Board approved Preliminary Plan of Subdivision 4-02124 for the property subject to 20 conditions of approval.
6. **Design Features:** The detailed site plan as proposed by the applicant, includes a recreational facility, which will serve approximately 344 units in both Prince George's and Charles County. The plan proposes a 1,884-square-foot community building, a 1,730-square-foot swimming pool and a 310-

square-foot kiddie-pool, two tennis courts, a picnic shelter area, a tot-lot, a pre-teen lot, a 65-space parking compound, trash facilities and pedestrian trails and sidewalks.

ARCHITECTURE

The application includes architectural elevations for the community building and is proposed to include 1,884 square feet of floor area. The building contains all of the pool support facilities, a 740-square-foot meeting room, a multipurpose room, a kitchen, and office space. The exterior of the building is proposed as a combination of brick, stone, and siding. The building is attractive and will serve as a landmark building for the Homeland Development.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Conformance to the Preliminary Plan 4-04102**

The property is the subject of Preliminary Plan 4-04102, approved by the Planning Board on November 18, 2004, per resolution of approval, PGCPB Resolution 04-244. On November 16, 2006, the Planning Board approved a one-year extension for this application. Therefore, the preliminary plan remains valid until November 16, 2007 or until a final record plat is approved. The property is subject to the conditions contained in the resolution of approval. That resolution contains 12 conditions, some requiring revisions to the Type I tree conservation plan and the preliminary plan prior to signature approval. Condition 12 has triggered the need for this DSP:

12. **In accordance with Section 27-445, the applicant shall submit a detailed site plan for the private recreational area. The DSP shall be approved by the Planning Board or its designee prior to final plat.**

Comment: The subject application is the site plan for the development of the recreational facilities to serve the homeland development. The staff recommends that a trigger be incorporated as a condition of approval for the subject site so that the facility will be built in conjunction with the Homeland residential subdivision. Staff recommends that the facility be completed prior to the issuance of the 151st building permit for the Homeland development.

(c) **Planning Board review.**

(1) **The Planning Board may approve the proposed site plan and covenants when it finds that:**

(A) **The covenants adequately provide for the ownership and perpetual maintenance of the land and recreational uses;**

- (B) **The use conforms to all other requirements of this Subtitle; and**
- (C) **The use is not a nuisance because of noise or other physical activity.**

Comment: The covenants have been submitted and have been sent to the legal office for review. Prior to signature approval of the plans, the covenants shall be deemed acceptable to fulfill the requirements above. It is staff's opinion that the recreational facility will not be a nuisance from noise and activity because the project is buffered from the adjacent properties as required by the *Landscape Manual*.

The applicant has submitted the revised preliminary plan and Type I tree conservation plan for signature approval reflecting the Planning Board's action of approval. The preliminary plan and the Type I tree conservation plan establish a foundation for the review of the DSP.

One matter of concern involves Parcel 62, which sits in the middle of this site. It was shown on the preliminary plan of subdivision as included, but apparently was retained by the owner, who does not wish to be part of this application. An agreement was struck in November 2005, to allow the applicant to proceed to final plat without including Parcel 62, but only if the applicant created an outlot to be deeded to the owner of Parcel 62 that would provide for direct vehicular access and frontage on the access road to the site. The subject DSP shows an outlot containing a driveway across HOA land to the parcel, presumably which would be conveyed to the owner of Parcel 62. Although this does not conform to the terms of the November 2005 agreement, it does represent a logical development plan for the site given the reluctance on the part of the owner of Parcel 62 to participate. However, now that the HOA parcel through which the driveway (and the SMECO right-of-way) runs is no longer proposed for recreational uses, it would probably be more logical to hold that area out as a separate outparcel for later development rather than conveying it to the HOA.

Referral Responses

8. **The Historic Preservation and Public Facilities Planning Section** of the Countywide Planning Division provided the archeology review for this case and provided the following findings:

"A Phase I archeological survey was conducted on the Homeland Recreational Facility Property by Engineering Consulting Services, Inc. (ECS, Inc.) in September 2004. Paula Bienenfeld, Archeology Consultant, reviewed the draft report in June 2005 and addressed several comments to ECS, Inc. before the final report could be accepted. ECS, Inc. submitted four copies of the final report in December 2005. It does not appear that Paula Bienenfeld ever accepted the final report because some of her comments were not addressed. Specifically, Ms. Bienenfeld requested that a map showing the location of archeological sites be removed, that the consultant provide a map detailing the study area, and provide additional background research. The consultant did provide a study area map indicating where the archeological work was performed, but did not indicate the location of a cluster of historic artifacts found in a disturbed area and it is unclear from the report where it is

located. Also, the consultant did not perform any additional deed, census, or other background research on the property to determine if slaves were present on the property.

“We will request that the consultant perform additional historical research on the property, or perhaps this work could be performed in conjunction with the larger Homeland development to the south, since a Phase I survey has been recommended for that property. A house belonging to Elizabeth Dement is shown to south of this property, on the 1861 Martenet map. A recommendation on further archeological work to be performed on the property can not be made until more information is provided by an archeological consultant.

“Moreover, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires Federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when state or federal monies, or federal permits are required for a project.”

A verbal discussion with the archeologist on staff clarified that a Phase II study will not be required for the site. The applicant is required to finalize the Phase I study prior to signature approval of the preliminary plan.

9. **Environmental Planning**—The Environmental Planning Section has reviewed the revised Detailed Site Plan for the Homeland Recreational Facility, DSP-05110, and the revised TCPII/248/91-01 stamped as received by the Environmental Planning Section on January 25, 2007. The Environmental Planning Section recommends approval of DSP-05110 and TCPII/248/91-01.

Background

The Environmental Planning Section previously reviewed SE-4017 and TCPII/248/91 for the placement of a mobile home on a portion of the property. Preliminary Plan 4-04102 and TCPI/68/04 were approved by PGCPB. No. 04-244. This detailed site plan (DSP) is required by Section 27-445 of the Zoning Ordinance for the private recreational area. The DSP must be approved by the Planning Board or its designee prior to final plat

Site Description

This 19.45-acre property in the R-R zone is located on east side MD 210 and abuts the Charles County line. A review of the available information indicates that streams, 100-year floodplain and wetlands occur on the property. There are no areas of severe slopes or steep slopes with highly erodible soils on the property. The site is mostly wooded. There are no nearby sources of traffic-generated noise and the proposal is not expected to be a noise generator. According to the “Prince George’s County Soil Survey” the soils on the site are in the Aura, Beltsville, Bibb, Iuka and Leonardtown series. According to available information, Marlboro clay does not occur in the vicinity of this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads in the vicinity

of this property. This property is located in the Mattawoman Creek watershed of the Potomac River basin and in the Developing Tier as reflected in the adopted General Plan.

Review of Previously Approved Conditions

The following text addresses previously approved environmental conditions related to the subject applications. The text in **BOLD** is the actual text from the previous cases or plans. The plain text provides the comments on the plan's conformance with the conditions.

PGCPB No. 04-244, File No. 4-04102

5. A Type II tree conservation plan shall be approved prior to the issuance of permits.

Comment: A Type II Tree Conservation Plan was submitted with this application and is discussed in detail in the Environmental Review section below.

Environmental Review

- a. This site contains expanded stream buffers associated with Mattawoman Creek in the Potomac River watershed. These natural features are required to be protected under Section 24-130 of the Subdivision Regulations. The streams conform to those shown in "Prince George's County Soils Survey." A wetlands report, including the area of the subject application, was included with the Homeland Subdivision, 4-02124. The streams, 50-foot stream buffers, wetlands, 25-foot wetland buffers, 100-year floodplain and expanded stream buffers are correctly depicted on the plans.

Disturbance to sensitive environmental features are shown on the TCPII. All disturbance not essential to the development of the site as a whole is prohibited within expanded stream buffers. Essential development includes such features as public utility lines [including sewer and stormwater outfalls], streets, and so forth, which are mandated for public health and safety; non-essential activities are those, such as grading for lots, stormwater management ponds, parking areas, and so forth, which do not relate directly to public health, safety or welfare. Impacts for essential development features require variations to the Subdivision Regulations.

The impacts shown on the Type II tree conservation plan for road construction and sanitary sewer connections are consistent with those approved by the Planning Board during the review of Preliminary Plan 4-04102. That approval also requires the placement of the expanded stream buffers into conservation easements on the final plats and requires proof of appropriate state and federal wetland permits prior to the issuance of any permit that would affect wetlands or wetland buffers. The Planning Board approved a variation request for the abutting portion of the main access road as part of the approval of Homeland 4-02124.

Comment: No further action regarding sensitive environmental features is required.

- b. This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the site has a previously approved Type I tree conservation plan. SE-4017 for the placement of a mobile home on a portion of the property, and its associated TCPII, TCPII/248/91, were previously approved. The plan shows additional clearing in Charles County; however, that is beyond the jurisdictional review of the Planning Board. A revised Type II tree conservation plan is required.

The revised Type II Tree Conservation Plan, TCPII/248/91-01, has been reviewed. The plan proposes clearing 4.31 acres of the existing 14.41 acres of upland woodland and clearing of 0.28 acres of the existing 0.79 acres of woodland within the 100-year floodplain. The woodland conservation threshold is 3.71 acres and the woodland conservation requirement based upon the proposed clearing has been correctly calculated as 5.08 acres. The plan proposes to meet the requirement by providing 7.041 acres of on-site. An additional 3.06 acres of woodland will be preserved on-site but not part of any requirement.

The on-site woodland conservation areas create a contiguous area that contains most of the sensitive environmental features on the site. Additionally, some small open areas will naturally regenerate to increase the size of this area. The plan meets the goals stated in the "Prince George's County Woodland Conservation and Tree Preservation Policy Document" and the approved Countywide Green Infrastructure Plan.

Comment: The Environmental Planning Section recommends approval of TCPII/248/91-01.

- c. According to the "Prince George's County Soil Survey" the soils on the site are in the Aura, Beltsville, Bibb, Iuka and Leonardtown series. The Beltsville, Iuka and Leonardtown soils have limitations that could affect the development of this property and include high water tables, impeded drainage and slow permeability. Bibb soils are associated with floodplains. The design of the site must consider appropriate grading and drainage because the lack of topography creates the potential for ponding. The soils pose problems for foundations and potential for flooding of basements.

Discussion: Although these limitations will ultimately affect the construction phase of this development, there are no limitations that would affect the site design or layout. It is important to understand that during the review of building permits the Department of Environmental Resources will likely require a soils study addressing the soil limitations with respect to the construction of homes.

- d. Prince George's County Department of Environmental Resources approved Stormwater Management Concept, CSD 11272-2004-00, on September 16, 2004 and the plan remains valid through September 16, 2007. The road crossing must be designed to convey a 100-year storm and have concurrent review and approval of its design by Charles County. The stormwater management pond on the south side of the entrance road is to be esthetically maintained by the developer or HOA.

Comment: No further action regarding stormwater management is required.

Summary

The Environmental Planning Section recommends approval of DSP-05110 and TCPII/248/91-01.

- 10 The Transportation Planning Section stated that the access and circulation are acceptable and consistent with the intent of the adjacent comprehensive design plan for the development of the residential project which this recreational facility will serve. In particular, the access roadway between Homeland and MD 210 @ Shiloh Church Road is completely shown and correctly sized. There are no other outstanding conditions directly applicable to this site.
- 11 The Charles County Government was sent a copy of the plans for comment. The county responded to the companion case for the development of the residential subdivision, but did not respond to the subject application.
- 12 The Park Planning and Development Division of the Department of Parks and Recreation provided no comment on the application.
- 13 **Community Planning**—The Community Planning Division has provided a memorandum dated November 16, 2006, in which it provided the following data:

This preliminary subdivision application proposes recreation and stormwater management facilities on property classified in the R-R Zone as a component of the adjacent Homeland residential development project. The Homeland residential project is classified in the R-S Comprehensive Design Zone and was approved for development by Preliminary Plan of Subdivision 4-02124 and Comprehensive Development Plan CDP-0203. The proposed recreation complex is referenced on CDP-0203 in the area generally occupied by this application and is an integral part of the residential development proposal for this area. As such, this application conforms to the recommendation of the master plan for low-suburban residential land use in this area.

Accokeek Development Review District

This application is located in the Accokeek Development Review District. Pursuant to Section 27-687 of the Zoning Ordinance, the Accokeek Development Review District Commission has been listed as a party of record. The address for the ADRDC is:

John Patterson, Chairman
Accokeek Development Review District Commission
1208 Bohac Lane
Accokeek, MD 20607

Staff sent a copy of the application to the Accokeek Development Review District Commission. As of the writing of this report, no comment from them regarding the application has been received.

14. The plan conforms to the *Landscape Manual* except that the plans do not demonstrate conformance to Section 4.7 of the *Landscape Manual* in regard to the relationship of the site to the SMECO right-of-way. Prior to signature approval of the plans, the landscape plan should be revised to demonstrate conformance.
15. The Department of Public Works and Transportation has not provided any comments on the plan.
16. The Department of Environmental Resources has approved a Stormwater Management Concept Plan, 11272-2004-00, which is valid until September 16, 2007.
17. If the conditions of approval are adopted, the detailed site plan 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 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 (TCP/248/91-01) and further APPROVED Detailed Site Plan DSP-05110 for the above-described land, subject to the following conditions:

1. Prior to signature approval, all play areas shall comply with the requirements of the Americans with Disabilities Act and with the *Parks and Recreation Facilities Guidelines*.
2. Trails shall be constructed to insure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed by the Development Review Division.
3. Handicapped accessibility of all trails shall be in accordance with applicable ADA guidelines.
4. All recreation facilities shall be constructed prior to issuance of the 151st building permit.
5. Prior to signature approval of the plans, the following revisions shall be made:
 - a. The plans shall be revised to demonstrate conformance to the *Landscape Manual* in regard to the SMECO right-of-way.
 - b. The covenants shall be reviewed by the Office of the General Counsel and found to be acceptable to fulfill the requirements of Section 27-445(c).
 - c. The fence around the pool area shall be upgraded from a chain-link to an estate-style fencing.

- d. The dumpster enclosure shall be designed as a brick enclosure with a gate and details and specifications shall be added to the plans.

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 Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Vaughns, Eley and Parker voting in favor of the motion at its regular meeting held on Thursday, February 22, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of March 2007.

R. Bruce Crawford
Executive Director

By Frances J. Guertin
Planning Board Administrator

RBC:FJG:SL:bjs