

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 1, 2007 regarding Detailed Site Plan DSP-06071 for Trump's Hill II, the Planning Board finds:

1. **Request:** The subject application is for approval of 18 single-family detached dwelling units in the Rural-Residential (R-80) and Planned Community (RPC) Zones.

2. **Development Data Summary:**

	<b>Existing</b>	<b>Proposed</b>
Zone	R-80/RPC	R-80/RPC
Uses	Vacant	Single-family detached
Acreage (in the subject SDP)	8.76	8.76
Single-family detached units	0	18

3. **Location:** The subject project is located in the northeastern quadrant of the intersection of Crain Highway (US 301) and North Marlton Avenue, in Planning Area 82A and Council District 9.
4. **Surroundings and Use:** The subject site is surrounded to the north, south, and east by single-family residential development. To the west is south Crain Highway (US 301).
5. **Previous Approvals:** The proposed project is subject to the requirements of Preliminary Plan of Subdivision 4-05062. Please see Finding 10 for a full discussion of the requirements of that approval.
6. **Design Features:** The subdivision is accessed from a single entrance, and the main road of the subdivision, Terrapin Place, terminates in a cul-de-sac on its western end, providing frontage for 13 of the 18 lots in the subdivision (Lots 1-10 and 16-18). A second road, Patent Place, extends from Terrapin Place to the south, providing frontage for the additional five lots (Lots 11-15). Stormwater management is proposed to be handled by a stormwater management pond to be located in the northernmost corner of the subdivision.

The existing Robert S. Crain Highway (US 301) is located on the northwestern periphery of the proposed subdivision, most proximate to the three lots on the western side of the bulb of the cul-de-sac of Terrapin Place (Lots 7, 8 and 9). Tree cover is indicated to remain between the proposed subdivision and the highway and a noise barrier is proposed to be installed at the rear of those lots. The site plan indicates the ultimate right-of-way as bringing the roadway closer to the rear property

of those lots, but still allowing some tree cover to remain between the proposed noise barrier and the ultimate right-of-way line.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject detailed site plan is in general compliance with Sections 27-441, Uses Permitted in Residential Zones and Section 27-442, Regulations for Development in Residential Zones, Section 27-539, Uses Permitted in Planned Community Zones and Section 27-540, Regulations for Development in Planned Community Zones. It was determined that full detailed site plan review was not required for the site because it was rezoned on February 26, 1969, prior to the trigger date of January 1, 1989.
8. **Landscape Manual:** The proposed project is subject to the requirements of Section 4.1 (Residential Requirements) and 4.6 (Buffering Residential Development From Streets) of the *Prince George's County Landscape Manual*. Staff has reviewed the submitted plans in accordance with the applicable sections of the *Landscape Manual* and found the application to be in basic compliance with those sections.
9. **Woodland Conservation Ordinance:** The property is subject to the provisions of the *Prince George's County Woodland Conservation and Tree Preservation Ordinance* because the gross tract area is in excess of 40,000 square feet, and there are more than 10,000 square feet of existing woodland on site. A Type I Tree Conservation Plan TCPI/48/05 was approved with the preliminary plan. In revised comments received by the Urban Design Section on January 5, 2007, the Environmental Planning Section recommended approval subject to conditions, which have been incorporated in the recommendation section of this report. Therefore, it may be said that the subject project is proposed in accordance with the requirements of the Prince George's County Woodland Conservation Ordinance.
10. **Preliminary Plan of Subdivision 4-05062**—Preliminary Plan of Subdivision 4-05062 was approved by the Planning Board on April 20, 2006. The Planning Board then adopted Prince George's County Planning Board Resolution No. PGCPB 06-97, formalizing that approval and such resolution was then mailed out to all parties of record on May 16, 2006. Conditions 3, 5 and 7 of that approval relate to the subject limited detailed site plan. Each requirement of those conditions is listed in bold-faced type below, followed by staff comment.
  - “3. Any reforestation proposed within the stormwater management easement area is subject to the approval of the Department of Environmental Resources. At the time of TCPII review, an approved stormwater management technical plan shall be submitted prior to signature approval, indicating that the Department of Environmental Resources has approved the landscaping. The plant stocking levels must meet the woodland conservation requirements if afforestation/ reforestation is proposed within the stormwater management easement.”

Environmental Planning Staff Comment: A copy of the Stormwater Management (SWM) Concept Approval Letter and Plan 33915-2005-00 were submitted. The concept approval letter includes conditions that an additional 20 foot-wide landscape buffer planting is required at the rear of proposed Lots 4–6, and that a landscape plan would be required at time of technical review, as is customary. On the DSP and TCPII, the shape of the SWM pond has changed somewhat, and the TCPII shows an afforestation area adjacent to the pond. The limits of the SWM easement have not been delineated, and may not have been finally determined.

The technical stormwater management plan has not been submitted, but is necessary to confirm the configuration of the SWM easement, to determine if the afforestation proposed is totally outside the SWM easement, or, if the afforestation is wholly or partially within the SWM easement; that the required landscape plans for the SWM pond show the afforestation in the same configuration as the TCPII; and that the plant stocking rate satisfies the Woodland Conservation Ordinance. These plans must be submitted prior to signature approval of the TCPII, and may result in further revisions to the TCPII.

**Recommended Condition:** Prior to certificate approval of the detailed site plan, the technical stormwater management plan must be submitted to the Environmental Planning Section, and consistency with the TCPII and the requirements of the Woodland Conservation Ordinance must be found. If the proposed afforestation cannot be coordinated with the proposed SWM facility on Parcel A, the TCPII shall be revised to show how the woodland conservation requirements will be met.

Urban Design Section Staff Comment: The above condition has been included in the recommendation section of this report.

**5. Prior to approval of the final plat, a limited detailed site plan and a Type II tree conservation plan shall be concurrently approved for the subject property. The limited detailed site plan shall address the following:**

**a. The mitigation of exterior noise levels to 65 dBA Ldn or less in outdoor activity areas.**

Staff Comment: In a memorandum received January 5, 2007, the Environmental Planning Section evaluated the proffered mitigation and recommended a condition that would ensure compliance with the above requirement. Such condition is included in the recommendation section of this report. Therefore, the plans would be in conformance with this requirement.

**b. The mitigation of interior noise levels to 45 dBA Ldn or less, if necessary.**

Staff Comment: In their memorandum received January 5, 2007, the Environmental Planning Section stated that the mitigated 65 dBA Ldn noise contour shows no noise impacts above the level impacting any of the dwelling units. Standard construction methods are capable of reducing interior

noise levels by 20 dBA. The condition has been satisfied if the constructed noise barrier provides the outdoor noise mitigation, as discussed above

- c. The location, height and materials of the noise mitigation barrier proposed. The noise barrier shall not be located on individual lots, but placed in a homeowners association parcel a minimum of 20 feet wide.**

Staff Comment: In their comments received January 5, 2007, the Environmental Planning Section, noting that the location of the noise mitigation barrier is shown to be one foot outside of individual lot lines and depending on topography, may exceed six feet in height. Therefore, the Environmental Planning Section suggested a condition that the noise barrier be located on homeowner's association land and, if the height of the noise barrier exceeds six feet tall, it will need to comply with the setback requirements for a structure or secure necessary variances. Such condition has been included in the recommendation section of this report.

- d. The appearance of the noise mitigation barrier.**

Staff Comment: The noise mitigation barrier is designed to resemble a board on board fence but with a minimum "face weight" of two pounds per square foot, effectively reducing noise levels in the backyards of the subject dwelling units to an acceptable 65 dBA level. The noise barrier is proposed to be stained a natural brown color, specified as "Cypress Earth" made by the manufacturer Olympic and the applicant has committed, via the addition of a note to the plans stating that the color of any gates to be installed in the noise barrier shall match the main portion of the noise barrier. Staff finds the proffered appearance of the noise mitigation barrier acceptable.

- e. Coordination of the Type II tree conservation plan with the noise mitigation measures proposed.**

Staff Comment: In their comments received January 5, 2006, the Environmental Planning Section, noting that the noise mitigation barrier had been placed one-foot off the individual lot lines and within the homeowner's association property; that the TCP II shows woodland preservation directly adjacent to the rear of the wall leaving insufficient space for construction of the wall, especially if it were taller than six feet and that if variances were not obtained and structural setbacks complied with, woodland conservation would be affected, suggested an ameliorative condition that has been included in the recommendation section of this report.

- f. Coordination of the Type II tree conservation plan with required landscape buffers.**

Staff Comment: In comments received from the Environmental Planning Section on January 5, 2007, the Environmental Planning Section stated the following: The landscape plan indicates that the existing trees have been used to fulfill the requirements of Section 4.6 (Buffering Residential Development from the Street) for both the arterial and collector roadway. This is consistent with the submitted TCPII. The landscape plan contains a note that indicates that an eight-foot-high opaque

fence is proposed adjacent to the arterial. This is not consistent with the six-foot-high noise barrier illustrated in the plans. They then suggested a condition requiring the correction of the height of the noise barrier on the landscape plan. Such condition has been included in the recommendation section of this report.

**7. A Type II tree conservation plan shall be approved in conjunction with the detailed site plan.**

Staff Comment: The limited detailed site plan currently under review, if approved together with the proffered tree conservation plan, would fulfill this requirement.

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

Environmental Planning Section—In revised comments received by the Urban Design Section on January 5, 2007, the Environmental Planning Section offered comments regarding environmentally related Conditions 3 and 5 of PGCPB Resolution No. 06-97 (Preliminary Plan of Subdivision 4-05062). Please see Finding 10 for further discussion of these requirements.

Further, the Environmental Planning Section offered the following comments:

1. 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, and there are more than 10,000 square feet of existing woodland on-site. A Type I Tree Conservation Plan, TCPI/48/05, was approved with the preliminary plan.

The Woodland Conservation Threshold for this site based on a gross tract area of 8.76 acres, is 1.75 acres (20 percent of the net tract). The amount of woodland conservation required, assuming the clearing proposed is 6.05 acres, would be 3.38 acres. The submitted TCPII has incorrectly calculated the woodland conservation requirement based on the use of an incorrect zoning category.

The TCPII currently proposes to provide 1.60 acres of on-site preservation, .55 acres of on-site afforestation/reforestation, and 0.68 acres of fee-in-lieu. This falls short of meeting the woodland conservation requirement for the site, and proposes the use of fee-in-lieu, which does not meet the priority requirements of the ordinance, or conform to the TCPI.

The TCPII is also missing important information. No locations have been shown for temporary tree protection devices, or permanent tree protection devices needed for the afforestation area proposed. The locations of woodland conservation signage have not been shown. The detail provided for permanent woodland protection signage provides insufficient detail with regard to what the sign is attached to, how the sign is attached, the depth of the post in the ground, the overall height of the post, the height of the signage from ground level, and the material the sign is made of. Revise the legend to include all graphic symbols and lines used on the plan. Information regarding soil types and soil boundaries should be removed from the TCPII.

**Recommended Condition:** Prior to certificate approval of the DSP, revise the Type II tree conservation plan as follows:

- a. Revise the worksheet to correctly calculate the requirement using the correct zoning category, and show how the woodland conservation requirement will be met without the use of fee-in-lieu;
- b. Show the location of temporary and permanent tree protection devices, and show appropriate details to implement;
- c. Provide further details concerning how the permanent tree protection signage will be mounted; and
- d. Have the plan signed and dated by the qualified professional who prepared it.

The conditions recommended by the Environmental Planning Section have been included in the recommendation section of this report.

12. 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/160/06) and further APPROVED Detailed Site Plan DSP-06071 for the above-described land, subject to the following conditions:

1. Prior to signature approval of the plans, the following revisions shall be made to the plans or additional materials submitted:
  - a. The note regarding noise attenuation shall be modified to state that the maximum interior noise levels in the proposed subdivision shall be 45 dBA.
  - b. The technical stormwater management plan shall be submitted to the Environmental Planning Section, and consistency with the TCPII /160/06 and the requirements of the Woodland Conservation Ordinance shall be found. If the proposed afforestation cannot be coordinated with the proposed SWM facility on Parcel A, the TCPII shall be revised to show how the woodland conservation requirements will be met.
  - c. If the height of the noise barrier exceeds six feet above ground level, the plans shall be revised to show the noise barrier subject to structural setbacks, and the TCPII shall be

revised accordingly.

- d. A determination shall be made as to the required height of the noise mitigation barrier based on the revised noise study, and it shall be correctly located on the DSP and TCPII. At least 10 feet of clearing shall be provided behind the proposed wall to allow for construction.
  - e. The note on the landscape plan Section 4.3 Schedule shall be revised to reflect the correct height of the noise barrier proposed.
2. Prior to certificate approval of the detailed site plan and prior to final plat, the noise study shall be revised to address the grading elevations shown on the DSP, and additional information shall be submitted as necessary, including but not limited to, the top elevation of the noise barrier, cross sections showing the mitigation provided by the barrier, the first and second finished floor elevations for lots within the unmitigated 65 dBA Ldn noise contour, and the appearance of the noise barrier. The DSP and TCPII shall be revised as necessary to show all recommended noise mitigation measures to confirm that exterior and interior noise mitigation standards will be met.
3. Prior to certificate approval of the DSP, the Type II tree conservation plan shall be revised as follows:
  - a. Revise the worksheet to correctly calculate the requirement using the correct zoning category, and show how the woodland conservation requirement will be met without the use of fee-in-lieu;
  - b. Show the location of temporary and permanent tree protection devices, and show appropriate details to implement;
  - c. Provide further details concerning how the permanent tree protection signage will be mounted;
  - d. Have the plan signed and dated by the qualified professional who prepared it.

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 Clark, seconded by Commissioner Vaughns, with Commissioners Clark, Vaughns, Eley and Parker voting in favor of the motion, and with Commissioner Squire absent at its regular meeting held on Thursday, February 1, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 22nd day of February 2007.

R. Bruce Crawford  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

RBC:FJG:RG:bjs