

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 January 31, 2008 regarding Detailed Site Plan DSP-07027 for Willow Pond Estates, the Planning Board finds:

1. **Request:** This application proposes to develop the site with 54 single-family dwelling units.

2. **Development Data Summary**

	EXISTING	PROPOSED
Zone(s)	R-E	R-E
Use(s)	Nursery, vacant	54 single-family houses
Acreage	77.37	77.37
Lots	54	54
Parcels	3	3

3. **Location:** The site is located at the northeast corner of the intersection of Oak Grove Road and Watkins Park Drive. It is located in Planning Area 74A, within the Developing Tier. The property is the former site of a Behnke's nursery and includes some existing buildings that are intended to remain for the moment.
4. **Surroundings and Uses:** To the north, the subject property is adjacent to the First Baptist Church of Glenarden and to a part of the Sierra Meadows single-family residential development in the R-E Zone. To the west, the subject property borders single-family development in the R-L Zone within the Oak Creek development.
5. **Previous Approvals:** SE-3412 was approved on June 8, 1983 for a nursery and garden center on 30.2 acres of the subject property. Preliminary plan of subdivision 4-06080 for the property was approved on February 4, 2007. This preliminary plan established the proposed lotting pattern.
6. **Design Features:** The property is in the shape of a large rectangle, with a northward extenuation at the northeast corner of the site. The applicant proposes to concentrate the 54 lots of the subdivision towards the eastern side of the site, thereby retaining open space parcels in the western, southern, and northeastern portions of the site. Parcel D, of 26.081 acres along Watkins Park Drive on the western side of the site, is to remain under the ownership of the First Baptist Church of Glenarden. This parcel contains some small existing structures that were part of the nursery and are proposed to remain at this time. Parcel B, of 10.113 acres along Oak Grove Road on the southern side of the site, is to be conveyed to the homeowners' association, and contains a stormwater management pond and bioretention facilities. Parcel A, of 11.392 acres in the northeast corner of the site, also will be conveyed to the homeowners' association, and includes a proposed recreational area for the site.

Access to the site is from one point on Oak Grove Road, opposite the existing Manor House Drive. This road, identified on the plan as Willow Pond Drive, leads north and curves past a proposed stormwater management area. The houses are arranged along four private roads, with four cul-de-sacs.

The applicant proposes 13 different models of houses to be built by Winchester Homes. These houses include attractive architectural treatments on the front facades. The base finished living area (which may be expanded by various optional features) ranges from 2,473 square feet to 4,426.5 square feet. There are some house models that do not meet the county standard for two full-size architectural features such as windows or chimneys on each side endwall. Optional features are available on these houses that would allow them to meet the county standard. Prior to signature approval, adequate optional features should be made standard on these houses in order to meet the requirement. Furthermore, some of the submitted architectural elevation sheets do not clearly label building materials or identify the house model name. Each sheet should be properly labeled as to materials and model name.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The site is zoned R-E. The R-E Zone is intended to provide single-family residential development in an estate-like setting.

The normal minimum lot size requirement of the R-E Zone is 80,000 square feet. None of the proposed lots meet this standard, and instead fall within the range of 14,020-27,420 square feet. CB-88-2005 states that land in the R-E Zone may be developed with lots as small as 14,000 square feet provided that:

- (A) **The parcel is less than eighty (80) acres in size;**
- (B) **All or part of the property is the subject of an approved special exception for a nursery and garden center, which will be extinguished upon the recordation of the Final Plat of Subdivision;**
- (C) **The lot yield is less than fifty-five (55) for one-family detached dwellings;**
- (D) **Development of the lots shall be in accordance with the standards of the R-S Zone; and**
- (E) **A Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle.**

The site is less than 80 acres in size, part of the property is the subject of an approved special exception for a nursery and garden center, and the proposed lot yield is less than 55. The R-S Zone allows residential density based on a formula that grants a base density and incremental increases

based on public benefit features provided. At the R-S Zone's base density of 1.6 units per gross acre, the site of 77.37 acres would permit up to 123 units, which is well above the 54 lots proposed.

At the time of the review of preliminary plan 4-06080, Development Review staff noted that CB-88-2005 did not make clear what the development standards for the property would be, given that the development standards of the R-S Zone are set by the approval of a Specific Design Plan, which is not required for property in the R-E Zone. Therefore, the approval of preliminary plan 4-06080 was interpreted to set the development standards for the property, which are as follows:

Minimum lot area: 14,000 square feet

Lot width at building line: 80 feet

Lot frontage along street line: 70 feet

Lot frontage along a cul-de-sac: 50 feet

Setbacks: Front yard 25 feet

Side yards 8 feet minimum, 17 feet both sides combined

Rear yards 20 feet

The detailed site plan submitted by the applicant shows these development standards and meets them. As noted in the referral from the Subdivision Section below, lots that are too narrow to meet the 80-foot lot width at the usual 25-foot front building restriction line must demonstrate a front building restriction line that is large enough to provide an 80-foot lot width at the front building line.

The applicant proposes to build two gateway entrance features on either side of the entrance to the subdivision, on Willow Pond Drive. Each feature is proposed to consist of a four-foot-tall brick wall, 28 feet in length, and an eight-foot-tall masonry column. The name of the subdivision, "Willow Pond Estates", would be printed in individual wall-mounted letters across the center of the wall sign, in a space twelve feet wide and four feet tall. The plans do not provide the sign face area. Furthermore, it appears that one of the sign plans provided (on sheet 13 of the DSP, in the lower right corner) shows inconsistent information as to the relative placing of the column and the wall.

Section 27-624 provides the regulations for gateway signs, which are as follows:

(a) A permanent gateway sign identifying a residential subdivision is permitted in any Residential Zone, and is required in any subdivision in the R-T Zone with more than twenty-five (25) dwelling units for which a Detailed Site Plan is approved after December 30, 1996, provided that maintenance is the responsibility of a Homeowners' Association, or other entity or person designated in a maintenance arrangement approved by the Department of Environmental Resources, subject to the following design standards:

(1) Maximum lettering area per sign - twelve (12) square feet;

(2) Maximum height - six (6) feet above established grade;

- (3) **Location - at the entrance to a residential subdivision, set back from the roadway to maintain unobstructed lines of vision for five hundred (500) feet in all directions of travel;**
- (4) **Materials - low maintenance, durable, and in keeping with the character of the community. Plastic signs with internal illumination are prohibited; and**
- (5) **Landscaping which is attractive year-round shall be provided at the base of a gateway sign.**

Calculating based on the stated dimensions of the wall, each wall sign has a sign face area of 48 square feet. Because the sign is composed of individual wall-mounted letters, this area may be counted as only 24 feet (per Section 27-591). This is twice the permitted sign area for entrance signage. The signs should be reduced in size to conform to the zoning ordinance. A larger sign would require the approval of a departure from sign design standards.

The columns proposed as part of the signage are eight feet tall, which exceeds the permissible height. The columns should be no more than six feet tall.

The sign on the eastern side of the entrance is located on Parcel B, which is to be conveyed to the homeowners' association. However, the sign on the western side of the entrance is located on Parcel D, which is to be retained by the First Baptist Church of Glenarden. It is not appropriate for the HOA's gateway sign to be located on property that will not be under the control of that HOA. Furthermore, there are no houses proposed on the eastern side of Willow Pond Drive, so a sign on that side of the road could produce the mistaken impression that the HOA was in possession of that land. A permanent easement that protects the right of the HOA to maintain a sign on this location in the church's land would be a legally permissible solution to this problem, and given the potential for misunderstanding, the sign lettering should be removed from the wall feature on the western side.

Finally, the landscape plan does not show details of attractive plantings to be provided in front of the signs, which should be corrected. The planting plan should utilize a variety of native species to provide seasonal interest and respect the scenic easement.

8. **Landscape Manual:** The development is subject to Sections 4.1 and 4.7 of the *Landscape Manual*.

Section 4.1 provides for planting on residential lots. The landscape plans demonstrate that the lots are proposed with adequate numbers of trees to meet this requirement. However, one of the Landscape Schedules for Section 4.1 incorrectly references the R-80 Zone and should be corrected to identify the site as part of the R-E Zone.

Section 4.7 provides for buffering incompatible uses. Most of the uses surrounding the subject site are single-family houses that are compatible with the proposed development. The church property to the north is considered an incompatible use, requiring a type C bufferyard. The proposed landscaping

allows adequate space and planting for this bufferyard.

9. **Preliminary Plan 4-06080:** The following conditions of approval warrant discussion at this time.

6. **At time of TCPII submittal, the bioretention facilities proposed within the scenic easement shall be designed to have a natural appearance and shall be landscaped with native plant materials to enhance the scenic qualities of the existing roadway. The design and planting schedule for these ponds shall be reviewed with the TCPII. Prior to the issuance of a grading permit for this site, a copy of the approved technical stormwater management plans shall be submitted to show conformance with the approved TCPII.**

Comment: Several bioretention facilities are proposed on the site for stormwater management, of which two are within the scenic easement. The bioretention facilities are proposed to be densely planted, as shown on the Landscape Plans. The plants proposed are all species that are native to this region, and are often found in moist soils, which is appropriate for bioretention. However, some of the plantings shown on the Landscape Plan have not been shown on the TCPII, which should be corrected prior to certification.

10. **At time of final plat, a scenic easement shall be established adjacent to Oak Grove Road and Watkins Park Drive as delineated on the preliminary plan, and a note shall be placed on the final plat as follows:**

“Oak Grove Road and Watkins Park Drive are county-designated Historic Roads. The scenic easement described on this plat is an area the installation of structures and roads and/or 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 scenic easement is shown on the site plan and the above note has been included on the plans. The Urban Design section notes that the second sentence of the note appears to be missing the word “where” after the word “area”. Staff recommends that the condition should be carried forward in this approval and altered to change the note to the following:

“Oak Grove Road and Watkins Park Drive are county-designated Historic Roads. The scenic easement described on this plat is an area where the installation of structures and roads and/or 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.”

11. **Any future development on Outparcel D, (as redesignated by Condition 1h) other than the existing single-family detached dwelling, will require the approval of a new preliminary plan of subdivision and landscape plan that addresses the planting within the scenic easement. The owner is encouraged to allow natural regeneration to occur within the designated scenic area.**

No new development is proposed on Parcel D as part of this application. Parcel D is to be retained by the First Baptist Church of Glenarden, and a new preliminary plan would be required for any future development of that land.

19. **The applicant, his heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFA) to DRD for construction of recreational facilities on homeowners land for approval prior to the submission of final plats. Upon approval by DRD, the RFAs shall be recorded among the County Land Records.**
20. **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.**
21. **The applicant 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 Section of DRD for adequacy and property siting in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*, at the time of detailed site plan approval by the Planning Board.**

Comment: The Urban Design Section has reviewed the proposed recreational facilities on the site, which consist of a play area and picnic area located on HOA Parcel A in the northeast corner of the site. These facilities appear to be well-designed and accessible to all residents of the community. However, the value of the facilities appears to be less than the value required by the recreational facilities guidelines. Based on the project's anticipated population the recreational facilities guidelines would indicate that the development should provide \$61,522 in private recreational facilities, while the play area and picnic area are valued at \$48,097.

However, the applicant is also proposing to construct the master plan trail along the frontage of Oak Grove Road, as required by preliminary plan condition 14. Furthermore, the Trails Coordinator has recommended that the applicant should also construct a small additional portion of the master plan trail to connect the trail running along Oak Grove Road to the trail running along Watkins Park Drive. Therefore, the Urban Design Section recommends that the cost of this additional trail construction should be counted as part of the recreational facilities value. If this cost cannot reasonably demonstrate the balance of the value required by the recreational facilities guidelines, the play area should be expanded to provide additional facilities of adequate value to make up the difference.

REFERRAL COMMENTS

10. **Environmental Planning Section:** In a memorandum dated January 16, 2008 (Finch to Lindsay), the Environmental Planning Section offered the following comments:

The Environmental Planning Section has reviewed the revised Detailed Site Plan and Type II Tree Conservation Plan stamped as received by the Countywide Planning Section on December 21, 2007. The Environmental Planning Section recommends approval of Detailed Site Plan DSP-07027 and Type II Tree Conservation Plan TCPH/85/07.

Background

The subject property was previously reviewed as Special Exception SE-3412 for Behnke Nurseries. CB-88-2005 was adopted on November 22, 2006, which allowed for a reduction of lot sizes to no less than 14,000 square feet in the R-E zone, if the parcel was less than 80 acres in size, all or part of the property was the subject of an approved special exception for a nursery and garden center. These conditions apply to the subject property. The regulations further require that the lot yield be less than 55 single-family detached dwellings and that the development of the lots be in accordance with the standards of the R-S Zone. A Preliminary Plan, 4-06080, and a Type I Tree Conservation Plan, TCPI/45/06, were approved for the property subdividing into 54 single-family residential lots, two parcels and three outparcels in accordance with the provisions of CB-88-2005. The current application is a detailed site plan and Type II Tree Conservation Plan in accordance with the requirements of CB-88-2005.

Site Description

This is a 76.82-acre property in the R-E Zone is located in the northeast quadrant of the intersection of Watson Park Drive (MD 193) and Oak Grove Road. There are streams, wetlands, and 100-year floodplains found on this property. The site is approximately ten percentage wooded and contains areas of agricultural fields left from the previous nursery use on the other 90 percent. The soil series found on this property include Adelphia, Collington, Mixed Alluvial land, Monmouth and Shrewsbury. Adelphia and Shrewsbury may experience limitations with respect to impeded drainage or seasonally high water. Collington soils pose few problems for development and have a K factor of 0.28. Mixed alluvial land and Monmouth may experience a high water table and flood hazard in certain circumstances. Based on available information, Marlboro clay is found to occur within 500 horizontal feet from the site, at an approximate elevation of 130 feet to 140 feet, which is above the elevation of this site. According to the Sensitive Species Protection Review Area (SSPRA) GIS layer, obtained from the Maryland Department of Natural Resources Natural Heritage Program, no endangered species are found to occur in the vicinity. Oak Grove Road and Watkins Park Drive, which front on the subject property, are designated historic roads. The site is not adjacent to roads above the classification of primary collector, so noise impacts are not anticipated. The property is located in the Collington Branch watershed of the Patuxent River basin. The property is located in the Developing Tier as reflected in the General Plan. According to the Countywide Green Infrastructure Plan, the site does not include Regulated Areas, Evaluation Areas, or Network Gaps.

Conditions of Approval for 4-06080

PGCPB Resolution No. 07-34 contained the following conditions of approval, which are

environmental in nature and are applicable to the approval of the Detailed Site Plan, Type II Tree Conservation Plan, or other later development approval process.

- 2. In conjunction with the detailed site plan, a Type II tree conservation plan shall be approved.**

Comment: The Type II tree conservation plan will be discussed in the Environmental Review section of this memorandum.

- 3. Development of this site shall be in conformance with the Stormwater Management Concept Plan 42335-2006-00 and any subsequent revisions.**

Comment: A discussion of stormwater management elements proposed will be included in the Environmental Review section of this memorandum.

- 5. Afforestation and the associated permanent protection fencing shall be installed prior to the issuance of building permits for adjacent lots, and in the case of Lot 45, prior to the issuance of the building permit for that lot. A certification prepared by a qualified professional shall be used to provide verification that the afforestation has been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing for each lot, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.**

Comment: The above condition shall be addressed prior to the issuance of building permits adjacent to afforestation areas.

- 6. At time of TCPII submittal, the bioretention facilities proposed within the scenic easement shall be designed to have a natural appearance and shall be landscaped with native plant materials to enhance the scenic qualities of the existing roadway. The design and planting schedule for these ponds shall be reviewed with the TCPII. Prior to the issuance of a grading permit for this site, a copy of the approved technical stormwater management plans shall be submitted to show conformance with the approved TCPII.**

Comment: An evaluation of the design of stormwater management facilities proposed within the scenic easement will be included in the Environmental Review section of this memorandum.

- 9. Prior to the issuance of any permits that impact wetlands, wetland buffers, streams or waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and the associated mitigation plans.**

Comment: This condition will be enforced, is applicable, prior to the issuance of permits.

- 12. Prior to the approval of a final plat, the applicant, his heirs, successors and/or assignees shall have a detailed site plan approved by the Planning Board in accordance with Part 3, Division 9, of the Zoning Ordinance, and CB-88-2005.**

Comment: This condition is addressed by the current application.

- 26. Roadway improvements along Oak Grove Road and Watkins Park Drive shall be carried out in accordance with the *Design Guidelines and Standards for Scenic and Historic Roads*, as prepared by the Department of Public Works and Transportation. Prior to the submission of a grading permit or a stormdrain and paving plan, whichever comes first, the applicant, his heirs, successors, and or assignees shall coordinate a conceptual preapplication meeting with the Department of Public Works and Transportation and the M-NCPPC to determine the applicable guidelines and standards for the scenic and historic roadway improvements.**

Comment: This condition shall be addressed prior to the issuance of a grading permit or stormdrain and paving plan, whichever precedes.

Environmental Review

Note: As revisions are made to the plans submitted, the revision boxes on each plan sheet shall be used to describe what revisions were made, when, and by whom.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because it is greater than 40,000 square feet of gross tract area, there are more than 10,000 square feet of existing woodland, and more than 5,000 square feet of woodland clearing is proposed. A Type I Tree Conservation Plan (TCPI/45/06) was approved with the preliminary plan and has received signature approval.

The Woodland Conservation Threshold for this site based on the R-E Zone is 25 percent or 19.00 acres. Because there are only 7.41 acres of existing woodlands on the net tract, which falls below the woodland conservation threshold and below the afforestation threshold of 20 percent, the site must be afforested to a minimum of 20 percent of the net tract area, which is 15.20 acres. The total amount of required woodland conservation based the afforestation threshold and the amount of clearing approved by the TCPI is 16.23 acres.

The TCPII submitted is in substantial conformation with the approved TCPI, and due to increased clearing, the woodland conservation requirement was increased to 16.49 acres. The TCPII as currently designed, proposes to meet the requirement with 6.12 acres of on-site preservation and 10.56 acres of on-site afforestation/reforestation, fulfilling the entire woodland conservation requirement on-site in accordance with conditions of preliminary plan approval.

Comment: The approved TCPI showed all woodland conservation requirements being met on site.

The TCPII as submitted also provides all woodland conservation requirements on-site.

The revised TCPII as submitted contains technical errors which need to be corrected prior to approval. Conditions are proposed below to address these errors.

Extensive areas of afforestation are proposed in order to fulfill woodland conservation requirements on this site. In order to protect the afforestation areas after planting, so that they may mature into perpetual woodlands, afforestation areas shall be protected by permanent tree protection devices, such as two-rail split fences or equivalent, and all afforestation areas must be placed in conservation easements at time of final plat. Afforestation areas must also be planted prior to building permit issuance to ensure the longevity of the planted areas. The plat note for conservation easements has been revised accordingly. In order to ensure timely installation of the afforestation, a condition was approved at time of preliminary plan, requiring that afforestation and associated permanent protection fencing be installed prior to the issuance of building permits for adjacent lots, and in the case of Lot 45, prior to the issuance of the building permit for that lot, and the submittal of certification prepared by a qualified professional to provide verification that the afforestation has been completed. The certification will include, at a minimum, photos of the afforestation areas and the associated fencing for each lot, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.

Recommended Condition: Prior to certificate approval, the TCPII shall be revised to include all information pertinent to the correct and timely implementation of the required afforestation. Afforestation areas will be bonded prior to the release of grading permits. Prior to the issuance of building permits for adjacent lots, and in the case of Lot 45, prior to the issuance of the building permit for that lot, a certification prepared by a qualified professional to provide verification that the afforestation has been completed shall be submitted. The certification will include, at a minimum, photos of the afforestation areas and the associated fencing for each lot, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.

Condition 6. of PGCPB Resolution 07-34 requires the following:

“At time of TCPII submittal, the bioretention facilities proposed within the scenic easement shall be designed to have a natural appearance and shall be landscaped with native plant materials to enhance the scenic qualities of the existing roadway. The design and planting schedule for these ponds shall be reviewed with the TCPII. Prior to the issuance of a grading permit for this site, a copy of the approved technical stormwater management plans shall be submitted to show conformance with the approved TCPII.”

Two bioretention facilities are located in the scenic easement, although there appear to be alternative locations where the facilities could be located outside of the scenic easement.

Recommended Condition: Prior to certificate approval of the detailed site plan, the applicant shall demonstrate why the bioretention facilities cannot be relocated outside of the scenic easement.

The two bioretention areas proposed are also proposed as afforestation areas. No planting schedule has been provided on the TCPII for the bioretention facility to demonstrate that the planting proposed meets the stocking requirements of the woodland conservation ordinance, although these areas are shown as afforestation areas for woodland conservation credit. No evidence has otherwise been presented that the planting proposed meets the technical plan requirements of the Stormwater Management Manual for low-impact development techniques, or that the maintenance requirements proposed for a stormwater management easement area are consistent with perpetual woodlands as required by the Woodland Conservation Ordinance. The limits of the stormwater management easements have also not been delineated on the plans. Unless the bioretention facility can be planted to the stocking level and species types consistent with the woodland conservation ordinance, it cannot be credited as woodland conservation or be allowed to remain in the scenic easement.

The TCPII must be revised to include all information pertinent to demonstrating that the bioretention areas proposed can also be credited as woodland conservation areas based on the requirements of the Woodland Conservation Ordinance.

Recommended Condition: Prior to certificate approval of the detailed site plan, the TCPII shall be revised:

- a. To include all information pertinent to demonstrating that the bioretention areas proposed can also be credited as woodland conservation areas based on the requirements of the Woodland Conservation Ordinance, including stocking levels.
- b. To ensure that management requirements for the stormwater management easement are consistent with the requirement of the Woodland Conservation Easement for the creation of perpetual woodlands.

If the applicant adequately demonstrates that relocation of the bioretention areas is not feasible, the bioretention facilities proposed within the scenic easement are required to be designed to have a natural appearance, and be landscaped with native plant materials to enhance the scenic qualities of the existing roadway. The design and planting schedule for these ponds shall be included on the TCPII plan for review.

Recommended Condition: If relocation of the bioretention areas outside of the scenic easement is not required, the TCPII shall be revised to include a planting schedule and design demonstrating the use of native plantings on the TCPII in a naturalistic design.

Conditions of preliminary plan approval require that prior to issuance of the grading permit for this site, a copy of the approved Technical Stormwater Management Plans shall be submitted to show conformance with the approved TCPII.

Recommended Condition: Prior to the issuance of grading permits for this site, the Technical Stormwater Management Plans and the approved TCPII shall be found to be in conformance with the grading plan regards to the shape of the grading and the plantings required, or the plans shall be

revised to be in conformance.

11. **Subdivision Section:** In a memorandum dated November 13, 2007 (Ferrante to Lindsay), the Subdivision Section offered the following comments:

The property is the subject of Preliminary Plan 4-06080, which was approved by the Planning Board on February 1, 2007. The resolution of approval, PGCPB Resolution 07-34, was adopted on March 22, 2007. The preliminary plan remains valid until March 22, 2009, or until a final record plat is approved.

The property is subject to the conditions contained in the resolution of approval. That resolution contains 28 conditions.

Plan Comments

- a. The street frontage along the southern portion of Lot 1 appears to have an incorrect distance of 60.40 feet. A distance of 69.30 feet is provided in this location on the approved preliminary plan. This appears to be a mistake on the plans that should be corrected prior to certificate approval.
- b. At the Solidago Court cul-de-sac, and along both cul-de-sacs proposed for Robin's Way, many of the lots do not meet the required 80 feet of lot width at the 25-foot front building restriction line, and therefore, are required to have a building restriction line which is greater than 25-feet. The affected lots appear to be properly identified on the submitted detailed site plan with a delineated 80-foot wide building restriction line. Any future house type changes on these lots should be carefully reviewed to ensure they meet the required 80-foot lot width at the front building line.
- c. The ten-foot-wide public utility easement is properly delineated on sheets four through seven of the submitted detailed site plan, but is not clearly labeled.
- d. Council Bill, CB-88-2005, was approved for the subject property and adopted by the District Council on November 22, 2005, which allowed for a reduction of the minimum net lot area to no less than fourteen thousand (14,000) square feet within the R-E Zone, provided the parcel is less than eighty (80) acres in size, and all or part of the property is the subject of an approved special exception for a nursery and garden center. The council bill further requires that the lot yield be less than 55 (fifty-five) single-family detached dwellings and that the development of the lots shall be in accordance with the standards of the R-S Zone. The council bill also requires that a detailed site plan be approved for the property in accordance with Part 3, Division 9, of the Zoning Ordinance, and that the special exception for the nursery and garden center be extinguished upon the recordation of a Final Plat of Subdivision.

The Subdivision Section finds that the proposed detailed site plan is in substantial conformance with

approved preliminary plan 4-06080. Conditions of approval have been recommended to address the issues identified above.

12. **Transportation Section:** In a memorandum dated November 5, 2007 (Burton to Lindsay), the Transportation Planning Section offered the following comments:

On February 1, 2007, the Planning Board approved Preliminary Subdivision Plan, also known as Preliminary Plan 4-06080 for Willow Pond Estates. The preliminary plan was approved (PGCPB No. 07-34) with the following transportation conditions:

15. **Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:**

At MD 193 and MD 202 intersection:

- **Provide two left turn lanes on the southbound (on MD 202 toward Upper Marlboro) approach.**
- **Provide a left turn lane, a shared through-left turn lane, and a right turn lane on the westbound approach (on MD 193 toward the school).**
- **Provide two receiving lanes on the eastern leg of the intersection to receive the double left turns from southbound MD 202.**

16. **Prior to the issuance of any building permits, the applicant shall dedicate to DPW&T 50 feet from the ultimate centerline of the master-planned Oak Grove Road (MC-600) between the property's easternmost property line to Rosey Bill Drive. The applicant shall dedicate 50 feet on both sides of the ultimate centerline of the master-planned Oak Grove Road between Rosey Bill Drive and the property's westernmost property line. If DPW&T is willing to accept less than 50 feet of dedication on either side of the future centerline, then the applicant must provide written evidence of DPW&T's decision to the Transportation Planning Section to accept anything less than 50 feet from centerline**

Condition 15 represents improvements that fall within the permitting authority of the SHA. As of this writing, staff has seen no evidence depicting the financial assurances represented in the condition. Development Review staff has determined that this condition is fully enforceable based on the preliminary plan approval and will not need to be carried forward to the subject detailed site plan.

Condition 16 requires a 100-foot right-of-way along the master-planned Oak Grove Road between Rosey Bill Drive and the property's westernmost property line. The subject application shows a total right-of-way as 90 feet and not the 100 feet as required. Staff has not received any documentation

from DPW&T indicating their support of a 90-foot right of way. This condition has not been met and therefore needs to be carried forward as a condition of approval.

Staff finds the layout to be acceptable.

TRANSPORTATION STAFF CONCLUSIONS

The Transportation section concludes that the proposed site plan is deemed acceptable as required by Section 27-285 of the Prince George's County Code, if it is approved with the following condition:

Prior to the issuance of any building permits, the applicant shall dedicate to DPW&T 50 feet from the ultimate centerline of the master-planned Oak Grove Road (MC-600) between the property's easternmost property line to Rosey Bill Drive. The applicant shall dedicate 50 feet on both sides of the ultimate centerline of the master-planned Oak Grove Road between Rosey Bill Drive and the property's westernmost property line. If DPW&T is willing to accept less than 50 feet of dedication on either side of the future centerline, then the applicant must provide written evidence of DPW&T's decision to the Transportation Planning Section to accept anything less than 50 feet from centerline

13. **Community Planning:** In a memorandum dated October 17, 2007 (D'Ambrosi to Lindsay), the Community Planning Division made the following determinations:

- This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier.
- The application conforms to the 2006 *Bowie and Vicinity Master Plan*'s recommendation for Low-density Residential land use.

GENERAL PLAN, MASTER PLAN AND SMA

2002 General Plan: This application is located in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable.

Land Use: Low-density, residential-intended for suburban neighborhoods with single-family dwellings on lots ranging from 6,500square feet to one acre in size and retirement or planned residential development.

Historic Resources: None identified

Transportation: Access is provided off of Oak Grove Road. Oak Grove Road is a collector.

Parks & Trails: A side path of trails is recommended along Oak Grove Road and Watkins Park Road.

SMA/Zoning: The 2006 Bowie and vicinity sectional map amendment retained the R-E (Residential-Estate) Zone.

14. **Department of Public Works and Transportation:** In a memorandum dated November 29, 2007 (Abraham to Hirsch), the Department of Public Works and Transportation (DPW&T) offered the following comments:

- The property is located on the northeast corner of the intersection of MD 193 (Watkins Park Drive) and Oak Grove Road. Right-of-way dedication and frontage improvements in accordance with DPW&T's major collector road standards are required for Oak Grove Road. Additionally, right-of-way dedication and frontage improvements in accordance with DPW&T's Specifications and Standards are required for the proposed internal subdivision streets.
- MD 193 is maintained by the State Highway Administration (SHA). Coordination with SHA will be required for reconstructing the Oak Grove Road and MD 193 intersection.
- Full-width, two-inch mill and overlay for all county roadway frontages is required.
- All improvements within the public right-of-way as dedicated to the county are to be in accordance with the county Road Ordinance, DPW&T's Specifications and Standards, and the Americans with Disabilities Act.
- Conformance with DPW&T street tree and street lighting standards is required.
- Compliance with DPW&T's utility policy is required. Based upon the plans submitted, proper temporary and final patching and the related mill and overlay in accordance with the established "DPW&T Policy and Specification for Utility Installation and Maintenance Permits" are required.
- Sidewalks are required along all roadways within the property limits in accordance with Sections 23-105 and 23-135 of the county Road Ordinance.
- An access study shall be conducted by the applicant and reviewed to determine the adequacy of access point(s) and the need for acceleration/deceleration and turning lanes.
- Cul-de-sacs are required to allow, as a minimum, turning movement for a standard WB-40 vehicle and a standard length fire truck. When considering turning movement, it is assumed that parking is provided on the outside edge or radius of the cul-de-sac.
- All storm drainage systems and facilities are to be in accordance with DPW&T's

requirements.

- This plan is consistent with the approved Stormwater Management Plan No. 42335-2006 dated October 24, 2006.
- Existing utilities may require relocation and/or adjustments. Coordination with the various utility companies is required.
- A soils investigation report which includes subsurface exploration and geotechnical engineering evaluation for public streets is required.

Urban Design comment: It should be noted that DPW&T usually enforces its conditions through its own permitting process.

15. **Archeology:** In a memorandum dated October 25, 2007 (Stabler to Lindsay), the Historic Preservation and Public Facilities Section stated the following:

Phase I archeological survey was completed on the Willow Pond Property for Preliminary Plan 4-06080. The final report, *A Phase I Archeological Investigation of the Willow Pond Property, Prince George's County, Maryland, Preliminary Plan #4-06080* was received and accepted on April 3, 2007. Four new prehistoric archeological sites were identified on the property, 18PR862, 18PR863, 18PR864, and 18PR865. Staff concurs with the recommendation of the report that no further archeological work is necessary on sites 18PR862, 18PR864, or 18PR865. Site 18PR863 was the most extensive site and contained diagnostic artifacts. It is located in the northeastern portion of the property in a conservation area that will not be affected by construction.

Staff recommends that this site be protected by preservation in place, since it lies in a conservation area. At the time of final plat, staff recommends that an archeological easement be described by metes and bounds. The archeological easement shall contain the delineated boundaries of archeological site 18PR863. The archeological easement shall be reviewed by Historic Preservation staff prior to approval of the final plat of subdivision. The following note shall be placed on the final plat of subdivision:

“Archeological easements described on this plat are areas where the installation of structures and roads, grading, or any kind of ground disturbance are prohibited without prior written consent from the M-NCPPC Planning Director or designee.”

16. **State Highway Administration:** In a memorandum dated October 26, 2007 (Foster to Lindsay), the State Highway Administration offered the following comments:

The SHA has completed a review of the site plan and support documentation and has no objection to the proposal as shown in Detailed Site Plan DSP-07027. The subject development is located in the northeast corner of the intersection of MD 193 and Oak Grove Road. Our Highway Need Inventory

(HNI) identifies MD 193 for upgrade to a 4-lane section roadway. A 150-foot right-of-way section has been established for the planned improvements. The site plan shows the right-of-way along the property frontage is offset 90 feet from the existing centerline. This setback is consistent with SHA's right of way needs.

17. **Permit Review:** In a memorandum dated October 26, 2007 (Glascoe to Lindsay), the Permit Review Section raised a number of questions, which have been addressed by subsequent plan revisions and conditions of approval.
18. **Trails Coordinator:** In a memorandum dated January 16, 2008 (Shaffer to Lindsay), the trails coordinator stated the following:

The Approved Bowie and vicinity master plan identifies two master plan trails issue that impacts the subject site. The master plan recommends master plan trails along both MD 193 and Oak Grove Road. The master plan trail along MD 193 has been implemented by SHA through a recent road improvement project (see attached aerial). This trail was constructed along the west side of MD 193 from Watkins Regional Park to MD 202. SHA also provided wide outside curb lanes to accommodate on-road bicycle traffic.

The trail along Oak Grove Road has been approved for construction as part of the Oak Creek Club subdivision (approved preliminary plan 4-01032, Condition 15 b). This trail will provide bicycle and pedestrian access for the numerous developing residential communities along Oak Grove Road such as Oak Creek Club, Willowbrook, Locust Hill and the subject site. Staff recommends the construction of this master plan trail along the subject site's entire frontage of Oak Grove Road per Condition 14 of approved Preliminary Plan 4-06080 and consistent with other recent approvals in the corridor.

The master plan trail along Oak Grove Road is shown ending at the site's western property line (see Sheet 5). This terminates the trail approximately 190 feet from MD 193 where an existing trail is located along the west side. Staff recommends that the master plan trail be continued to MD 193, unless modified by either SHA or DPW&T. This additional 190 feet of trail will connect the subject site to the existing trail along MD 193 and to the existing trails and recreation facilities at nearby Watkins Regional Park. The trail should be located within the proposed R-O-W for Oak Grove Road and can be sited so as to avoid existing utility poles. This trail can either be utilized by DPW&T or reconstructed at the time of road improvement for the Oak Grove Road corridor. However, by providing the trail connection now, future residents of the subject site will have trail access to existing trails and recreation facilities.

Standard sidewalks are reflected along both sides of all internal roads per Condition 13 of 4-06080.

19. 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 (TCP/85/07) and further APPROVED Detailed Site Plan DSP-07027 for the above-described land, subject to the following conditions:

1. Prior to certificate approval of DSP-07027, the applicant shall revise the detailed site plan as follows:
 - a. Correct the lot length labeled along the southern edge of Lot 1.
 - b. Reduce the sign area on the wall entry feature on the east side of the entrance to no more than 12 square feet, and note that the sign is composed of individual letters fixed directly to the brick wall.
 - c. Reduce the height of the proposed columns at the entrance to no more than six feet.
 - d. Remove the signage from the proposed wall entry feature on the western side of the entrance.
 - e. Label the public utility easement.
 - f. Demonstrate that the entrance signage allows unobstructed lines of vision at the subdivision entrance for 500 feet in all directions of travel.
2. Prior to certificate approval, the applicant shall revise the landscape plan as follows:
 - a. Provide attractive plantings in front of and around the entrance signs, utilizing a mix of native species selected for seasonal interest.
 - b. Correct the calculations of recreational facilities value to reflect the correct anticipated population of the project and to include the cost of trail construction for the length of trail within the public right-of-way. If this does not bring the total value of facilities to the level required by the recreational facilities guidelines, expand the private recreational facilities provided in the play area to satisfy the guidelines.
3. Prior to certificate approval, the applicant shall revise the architectural elevations as follows:
 - a. Every side elevation of each house model shall provide at least two standard, full-size endwall features (such as windows, doors, or chimneys). Any elevation that cannot meet this standard shall be eliminated.
 - b. The house model name shall be clearly labeled on each page of elevations.

- c. All building façade materials shall be labeled on each page of elevations.
4. Prior to certificate approval, the TCPII shall be revised as follows:
- a. Show the proposed plantings around all bioretention facilities.
 - b. On all plan sheets, the note required by Condition #5 shall be corrected so the second sentence reads: “The scenic easement described on this plat is an area *where* the installation of structures . . .”
 - c. The TCPII number of II/85/87 shall be added to the approval block on all plan sheets.
 - d. The legend should be revised to indicate that the split rail fence proposed is a permanent tree protection device, and the line labeled TPD shows the use of a temporary tree protection device. The details for each of these types of TPD should be labeled to reflect the name and symbol shown in the legends.
 - e. All plan sheets shall be revised as necessary to show permanent tree protection devices along all vulnerable edges, i.e. where proposed afforestation areas are adjacent to mowed areas; these include roads and sidewalks, the large open area adjacent to Watkins Park Drive, and afforestation areas backing onto adjacent parcels.
 - f. The number of woodland conservation signs in combination with the permanent tree protection fencing may be reduced. The number of signs should be reduced to approximately one sign every 100 feet, and should be placed at strategic locations, such as shared lot corners, or where the limits of the protected area may not be clear.
 - g. All woodland conservation areas shall be identified by size or reference label, such as “Part of area “B”, if they are not totally located on one sheet.
 - h. The limits of stormwater management easements shall be shown on the TCPII, and a graphic element should be added to the legend.
 - i. On Sheet 3 of 12, notes shall be added to the plan in the area where afforestation is proposed over an existing roadway to provided guidance about the removal of paving, decompaction and other treatment appropriate to the establishment of woodlands.
 - j. On Sheet 6 of 12, no legend has been provided on this sheet to identify the variety of graphic elements employed on this sheet. All graphic elements must be identified in plan.
 - k. On Sheet 6 of 12, the afforestation proposed in the scenic easement must be configured to retain sight distances at the intersection of Oak Grove Road and Willow Pond Drive. The proposed entrance sign cannot be included in the delineated afforestation area, because it is classified as a structure. The boundaries of the afforestation area and the identifying signage

shall be moved behind the entrance sign. Review of the entrance signage for scale and design adjacent to a designated historic road will be addressed by the Urban Design reviewer.

- l. On Sheet 6 of 12, remove the afforestation from the gravel access road into the stormwater management pond.
 - m. On Sheet 10 of 12, tree protection devices may be removed from areas where no grading is proposed.
 - n. On Sheet 11 of 12, the details for the Tree Protection Devices should be clearly labeled as such. The bracing proposed for the blaze orange mesh fencing should be labeled as optional, as should the safety wire fencing for the split rail fence.
 - o. Revise the woodland conservation worksheet to reflect any changes resulting from the above revisions; and
 - p. Have the revised plan signed and dated by the qualified profession who prepared it.
 - q. To include all information pertinent to demonstrating that the bioretention areas proposed can also be credited as woodland conservation areas based on the requirements of the Woodland Conservation Ordinance, including stocking levels; and
 - r. To ensure that management requirements for the stormwater management easement are consistent with the requirement of the Woodland Conservation Easement for the creation of perpetual woodlands.
 - s. The tree conservation plan, woodland conservation worksheet or other summary tables shall be revised as necessary to reflect all required revisions, and the revised plan shall be signed and dated by the qualified professional who prepared it.
5. Prior to certificate approval, the TCPII shall be revised to include all information pertinent to the correct and timely implementation of the required afforestation. Afforestation areas will be bonded prior to the release of grading permits. Prior to the issuance of building permits for adjacent lots, and in the case of Lot 45, prior to the issuance of the building permit for that lot, a certification prepared by a qualified professional to provide verification that the afforestation has been completed shall be submitted. The certification will include, at a minimum, photos of the afforestation areas and the associated fencing for each lot, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.
 6. Prior to certificate approval of the Detailed Site Plan, the applicant shall demonstrate why the bioretention facilities cannot be relocated outside of the scenic easement.

7. If relocation of the bioretention areas outside of the scenic easement is not required, the TCPII shall be revised to include a planting schedule and design demonstrating the use of native plantings on the TCPII in a naturalistic design.
8. At the time of final plat, an archeological easement shall be described by metes and bounds. The archeological easement shall contain the delineated boundaries of archeological site 18PR863. The archeological easement shall be reviewed by Historic Preservation staff prior to approval of the final plat of subdivision. The following note shall be placed on the final plat of subdivision:

“Archeological easements described on this plat are areas where the installation of structures and roads, grading, or any kind of ground disturbance are prohibited without prior written consent from the M-NCPPC Planning Director or designee.”
9. At time of final plat, a scenic easement shall be established adjacent to Oak Grove Road and Watkins Park Drive as delineated on the preliminary plan, and a note shall be placed on the final plat as follows:

“Oak Grove Road and Watkins Park Drive are county-designated Historic Roads. The scenic easement described on this plat is an area where the installation of structures and roads and/or 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.”
10. Prior to the issuance of grading permits for this site, the Technical Stormwater Management Plans and the approved TCPII shall be found to be in conformance with the grading plan regards to the shape of the grading and the plantings required, or the plans shall be revised to be in conformance.
11. The applicant, his heirs, successors and or assignees shall provide an eight-foot-wide master plan trail along the subject property’s entire street frontage of Oak Grove Road. The trail shall be constructed with asphalt or concrete, which will be determined by the Department of Public Works and Transportation at the time of issuance of street construction permits.
12. Construct the eight-foot wide master plan trail along Oak Grove Road from the site’s western property line to existing MD 193, unless modified by either SHA or DPW&T at the time of road construction permits.
13. The development standards for the site shall be as follows:
 - a. Minimum lot size: 14,000 square feet
 - b. Minimum lot width at front building line: 80 feet
 - c. Minimum lot frontage at the street line: 70 feet

- d. Minimum lot frontage at the street line along a cul-de-sac: 50 feet
 - e. Minimum front setback: 25 feet
 - f. Minimum side setback: 8 feet for each yard, 17 feet for both yards combined
 - g. Minimum rear setback: 20 feet
14. Prior to the issuance of any building permits, the applicant shall dedicate to DPW&T 50 feet from the ultimate centerline of the master-planned Oak Grove Road (MC-600) between the property's easternmost property line to Rosey Bill Drive. The applicant shall dedicate 50 feet on both sides of the ultimate centerline of the master-planned Oak Grove Road between Rosey Bill Drive and the property's westernmost property line. If DPW&T is willing to accept less than 50 feet of dedication on either side of the future centerline, then the applicant must provide written evidence of DPW&T's decision to the Transportation Planning Section to accept anything less than 50 feet from centerline. Any modification of the width of dedicated right-of-way for Oak Grove Road shall be reflected on the detailed site plan.
15. The recreational facilities on Parcel A shall be completed prior to issuance of the 27th building permit. This requirement shall be reflected on the recreational facilities agreement.
16. Prior to issuance of a permit for the column and wall feature on the western side of the subdivision entrance, the applicant shall provide evidence that a perpetual easement has been established that allows for the placement of the entrance features in that location and the and the future maintenance of these features by the homeowners' association.

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 Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Cavitt, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, January 31, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 14th day of February 2008.

Oscar S. Rodriguez
Executive Director

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By Frances J. Guertin
Planning Board Administrator

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