

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 13-39

File No. DSP-12010

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 April 11, 2013 regarding Detailed Site Plan DSP-12010 for Magnolia Center, the Planning Board finds:

1. **Request:** The subject application requests approval of a 130-bed nursing home, with a gross floor area of 72,660 square feet, and associated site development.
2. **Location:** The subject site is located on the north side of Mallery Drive approximately 400 feet north of its intersection with Good Luck Road, and east of the existing Doctors Community Hospital Health Campus in Council District 3 and in the Developing Tier.
3. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	R-80	R-80
Use(s)	Undeveloped With a single-family home and outbuildings on Parcel 129 to be razed	130-bed Nursing Home
Acreage	10.3	10.3
Square Footage/GFA	0	72,660

OTHER DEVELOPMENT DATA

Parking Requirements:

	REQUIRED	APPROVED
Total Parking Spaces (1 space per every 3 beds)	44	130
of which Handicap Spaces	2*	8 (8 Van-Accessible)
Total Loading Spaces	1	1

*The number of required handicap-accessible parking spaces is based upon the total number of parking spaces required, not those provided. This should be corrected on the site plan prior to certificate of approval.

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4. **Surrounding Uses:** The surrounding neighborhood has a mix of institutional and residential uses. To the west of the subject property is the Doctors Community Hospital Health Campus as well as a residentially developed property on Parcel 3, which obtains access through the subject site, in the R-80 (One-Family Detached Residential) Zone. To the north of the subject property is the Brae Brook Drive right-of-way. Across Brae Brook Drive is a Potomac Electric and Power Company (PEPCO) right-of-way, single-family dwellings in the R-55 (One-Family Detached Residential) Zone, and apartments in the R-30 (Multifamily Low Density Residential) Zone. To the east of the subject property are the Magnolia Spring subdivision with single-family dwellings in the R-80 Zone and Magnolia Elementary School. South of the subject property is a commercial building in the R-80 Zone. Across Good Luck Road is Washington Bible College in the R-80 Zone.
5. **Previous Approvals:** The subject property was classified in the R-80 (One-Family Detached Residential) Zone by adoption of the 1990 *Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity and Adopted Sectional Map Amendment for Planning Areas 65, 66, and 67*. The subject site area contains Parcels 128 and 129. Parcel 128 was a part of the Doctors Hospital Health Campus approved in Special Exception SE-3307 on December 1, 1981. Special Exception SE-3307 has been the subject of numerous amendments and more recently a revision of the special exception was approved to remove Parcel 128 from the special exception boundary for the health campus. A minor final plat has been submitted to consolidate Parcels 128 and 129 into a single parcel known as Parcel 1.
6. **Design Features:** The proposed one-story nursing home on the subject site is indicated to replace a functionally-obsolete nursing home located within the existing Doctors Hospital Health Campus west of the subject site. The 130-bed nursing home is proposed on the long rectangular-shaped site, which extends from Mallery Drive to the south to an unimproved right-of-way for Brae Brook Drive to the north. Vehicular access to the development is proposed from a driveway via Mallery Drive. The driveway continues around the nursing home to provide access to parking provided on three sides of the building.

The proposed nursing home will be clad in cementitious siding featuring natural tones of green and beige. A watertable treatment of split-faced concrete masonry units with a cast stone cap is proposed along the entire base of the building. A series of cross-gable features articulate the roofline.

The one-story building is long and narrow as is demanded by the narrow rectangular-shaped site. The east and west façades appear visually monotonous due to the limited variation in building materials and colors. The Planning Board finds that the building's overall appearance would be improved with the use of brick along the base of the building at the watertable and on the east and west elevations in the areas of the primary and secondary building entrances to enhance the variations in the building's massing and add visual interest. A combination of red brick and colored cementitious siding will effectively provide visual variety along the east and west elevations.

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The building proposes four courtyards for residents and visitors. Two of the courtyards are enclosed by the building on three sides with gated access from the parking lot, and the other two are enclosed by the building on all four sides. The fencing and gates enclosing the two courtyards shall be of a high-quality design that is integrated with the building façade, consistent with that shown on the original plan submission. These courtyards not only provide beneficial outdoor recreational space for residents; they also allow additional windows and natural light into interior-facing rooms. These courtyards will be planted with shade trees, ornamental trees, shrubs, seasonal plantings, and ornamental grasses. Details of fencing and any permanent seating (i.e. benches) to be installed in the courtyards should be provided. The recreational features provided in the courtyards shall also be labeled on the plans, consistent with Applicant's Exhibit 1.

As approved with conditions, the Planning Board finds that the architectural proposal will benefit future residents of the nursing home facility and maintain compatibility with the adjacent residential community.

7. **Prince George's County Zoning Ordinance:** The subject application complies with the requirements of the R-80 Zone; the site plan design guidelines of the Zoning Ordinance; Part 11, Off-Street Parking and Loading; and Part 12, Signs, as follows:

- a. The Planning Board finds that in accordance with Section 27-441(b) of the Zoning Ordinance, which governs uses in residential zones, a nursing home is permitted in the R-80 Zone pursuant to Footnote 93, which states:

Permitted use without requirement for Special Exception only to replace a legal, nonconforming nursing or care home on an abutting R-80 Zone lot, which has been in continuous operation since 1970. A Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle.

The subject application conforms to the requirements of Footnote 93. The proposed one-story nursing home on the subject site is indicated to replace an existing nursing home located on the abutting Doctors Hospital Health Campus in the R-80 Zone. The existing nursing home has been in continuous operation since 1970. On June 14, 1962, Special Exception SE-730 was approved for construction of a 104-bed nursing home on Lot 4 of Magnolia Springs. On September 11, 1978, Special Exception SE-3117 approved a 63-bed addition to the nursing home, among other improvements. The Planning Board finds that the detailed site plan fulfills the above requirement.

- b. As approved with conditions, the DSP conforms with the applicable site design guidelines as referenced in Section 27-283 and contained in Section 27-274 of the Zoning Ordinance. The following discussion is offered:

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Section 27-274(a)(6), Site and streetscape amenities.

(A) Site and streetscape amenities should contribute to an attractive, coordinated development and should enhance the use and enjoyment of the site. To fulfill this goal, the following guidelines should be observed:

(i) The design of light fixtures, benches, trash receptacles, bicycle racks and other street furniture should be coordinated in order to enhance the visual unity of the site;

Details for durable and attractive site amenities that demonstrate a coordinated development will be in place shall be provided by the applicant and approved by the Urban Design Section as designee of the Planning Board, prior to certificate of approval, substantially in conformance with Applicant's Exhibit 1.

- c. The Planning Board finds that in accordance with Section 27-442, Regulations, the proposal meets the required lot coverage and building height requirements of the R-80 Zone.
- d. In accordance with Section 27-562, Lighting, adequate lighting for the parking lots is required. The provided photometric plan indicates that the lighting has generally been arranged so as not to reflect or glare on land used for residential purposes. Overall, lighting levels at the property line are generally 0.0 or 0.1 footcandles; however, at the eastern property line, the lighting levels are noted at 0.3 footcandles in one location. Additional effort shall be made to ensure that lighting levels along the eastern property line do not exceed 0.1 footcandles.
- e. The submitted DSP indicates the location for a proposed monument-style sign, directional signage, and building-mounted signage; however, details with sign area calculations for the proposed signs are not provided. Signage on the subject site is governed by Section 27-617, Institutional—Other than Temporary, which states:
 - (a) In any zone (except Comprehensive Design and Mixed Use Zones) where a church; library; school; hospital; fire station; community center; day care center for children; service, fraternal, or civic organizations; or other similar institution is allowed, a sign may be erected. Institutional signs shall meet the following design standards:**
 - (1) Maximum area for each sign - 48 square feet.**
 - (2) Maximum height - 8 feet above finished grade at base of sign.**

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- (3) **Minimum setback - 15 feet from adjoining land in any Residential Zone (or land proposed to be used for residential purposes in a Comprehensive Design, Mixed Use, or Planned Community Zone).**
- (4) **Type allowed - freestanding or attached to a building.**
- (5) **Maximum number - 1 per street the property fronts on (must face street frontage).**

Prior to certificate of approval, sign details with sign area calculations shall be provided. The proposed signage shall demonstrate conformance with the requirements of Section 27-617. In accordance with Section 27-614, only one sign type is permitted.

In accordance with Section 27-623, Incidental building identification, signage with a maximum area of two square feet may be attached to a building, as necessary. Also, in accordance with Section 27-629, regulatory signs with a maximum area of six square feet may be installed on private property in residential zones. The proposed directional signage may be considered regulatory signage, although details shall be provided in order to permit confirmation of this.

8. **2010 Prince George's County Landscape Manual:** The DSP for the construction of a new 72,660-square-foot nursing home is subject to Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Interior Planting Requirements; Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements, of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The Planning Board adopts the following:
- a. **Section 4.2, Requirements for Landscaped Strips along Streets**—Section 4.2 specifies that, for all nonresidential uses in any zone and for all parking lots, a landscape strip shall be provided on the property abutting all public and private streets. The site plan shows the required Section 4.2 landscape strip along the site's frontage on Mallery Drive, Margo Road, Brae Brooke Drive, and a portion of Nightingale Drive. At the site's entrance along Mallery Drive, in "Portion C" of the landscape strip, the landscape plan indicates a substitution of ornamental trees for two of the required shade trees. Substitutions are permitted when the existence of overhead utilities makes the planting of shade trees impractical; however, in this case no overhead utilities exist. The application shall provide the required number of shade trees or pursue alternative compliance approval prior to certificate of approval of the DSP.
 - b. **Section 4.3, Parking Lot Requirements**—Section 4.3 specifies that proposed parking lots larger than 7,000 square feet will be subject to Section 4.3. Section 4.3 requires that parking lots provide planting islands throughout the parking lot to reduce the impervious area. When these planting islands are planted with shade trees, the heat island effect created by large expanses of pavement may be minimized. The subject parking lot is

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87,073 square feet in size. Ten percent interior green and 44 shade trees are required. The submitted landscape plan indicates conformance with this requirement.

- c. **Section 4.4, Screening Requirements**—Section 4.4 requires that all dumpsters, loading spaces, and mechanical areas be screened from adjoining existing residential uses, land in any residential zone, and constructed public streets. The submitted information indicates that dumpster enclosures are proposed. A detail of an attractive, durable enclosure shall be provided prior to certificate of approval of the DSP.
- d. **Section 4.7, Buffering Incompatible Uses** —The site is subject to Section 4.7. A goal of Section 4.7 is to provide a comprehensive, consistent, and flexible landscape buffering system that provides transitions between moderately incompatible uses.

The proposed nursing home is considered a low-impact use. Along the western property line, the subject site is adjacent to a single-family residential use. Section 4.7 requires a Type B bufferyard, which consists of a minimum 30-foot building setback and a 20-foot-wide landscape bufferyard, to be planted with 80 plant units per 100 linear feet of property line. While the nursing home exceeds the building setbacks required by the Landscape Manual, the site plan indicates that a retaining wall is proposed within the required landscape yard. Section 27-420(a) of the Zoning Ordinance states:

- (a) **Unless otherwise provided, fences and walls (including retaining walls) more than six (6) feet high shall not be located in any required yard, and shall meet the setback requirements for main buildings.**

Any retaining wall above six feet in height is required to meet the building setbacks required by the Landscape Manual, which in this instance is a 30-foot required building setback. The top and bottom elevations of the retaining walls shall be provided on the site plan so that the proposed height of any retaining wall can be determined. The Planning Board finds that the retaining walls have been redesigned to be less than six feet in height, and no departure or alternative compliance will be required for the walls' setback. A detail that accurately depicts the appearance of the retaining walls shall also be provided with materials labeled.

- e. **Section 4.9, Sustainable Landscaping Requirements**—Section 4.9 requires a percentage of plants within each plant type, including shade trees, ornamental trees, evergreen trees, and shrubs, to be native species or the cultivars of native species. The subject application indicates conformance with the requirements of Section 4.9.
9. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The current application for the 10.37-acre Magnolia Center site is subject to the Woodland and Wildlife Habitat Conservation Ordinance, Subtitle 25, Division 2, which became effective September 1, 2010 and February 1, 2012. Additional revisions to a previously approved Type II tree conservation plan are necessary under the 1993 Prince George's County Woodland

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Conservation Ordinance in order to separate the subject site from the previously approved special exception area. The Planning Board adopts the following:

- a. This site is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the subject property is greater than 40,000 square feet in area, and contains more than 10,000 square feet of woodlands. A portion of this site (Parcel 128) was previously included in TCPII-016-97, and was separated from the Site Plan for Special Exception ROSP-3307 with the most recent revision. A new Type 2 Tree Conservation Plan (TCP2-007-13) has been filed for Parcels 128 and 129. The land area of TCP2-007-13 shall be removed from the land area of the previously approved Type II Tree Conservation Plan (TCPII-016-97).

An -06 revision to Type II Tree Conversation Plan TCPII-016-97 which reduces the area of the TCPII due to the removal of Parcel 128, and indicates how the woodland conservation requirement for the site will be met has been submitted with the current application, and will be reviewed as a grandfathered application.

(1) **Type 2 Tree Conservation Plan TCP2-007-13**

Type 2 Tree Conservation Plan TCP2-007-13, covering Parcels 128 and 129, has been submitted with the current application. The revised net tract area of the site shown as 10.05 acres on the worksheet is incorrect because it excludes the right-of-way of Brae Brooke Drive, which is being dedicated. The correct gross tract area of the site needs to be reconciled with the Natural Resources Inventory (NRI), but is assumed to be 10.51 acres. The site is subject to a woodland conservation threshold of 2.10 acres based on the corrected 20 percent requirement in the R-80. As a result of proposed clearing of 6.99 acres of woodland on the net tract, the total woodland conservation requirement for the site has been calculated as approximately 4.85 acres, but this does not include the off-site grading required for the development of the site, which must also be included in the calculation of the requirement.

The plan proposes to fulfill the woodland conservation requirement for the site with 1.19 acres of on-site preservation, 0.23 acre of afforestation/reforestation indicated on the plan as "Tree Planting Enhancement" and 1.56 acres of off-site woodland conservation credits. Because the woodland conservation requirement for the site was based on the incorrect threshold and does not include off-site clearing, this quantity of woodland conservation does not fulfill the requirement for the site, which has yet to be calculated.

The TCP2 as currently submitted is not consistent with the technical requirements of the 2010 Environmental Technical Manual (ETM), and numerous technical revisions are necessary prior to signature approval of the plans.

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After September 1, 2010, pursuant to Section 25-122(d)(1)(B) woodland preserved, planted or regenerated on-site shall be placed in a woodland conservation easement recorded in land records and the liber/folio of the easement indicated on all plans of development.

When a TCP2 is prepared, prior to signature approval recording of a woodland conservation easement in the land records will be required, and the liber and folio of the easement will be placed on the TCP2.

(2) **Type II Tree Conservation Plan TCPII-016-97/06**

An -06 revision to TCPII-016-97 which reduces the area of the TCPII due to the removal of Parcel 128 has been submitted with the current application, and was reviewed as a grandfathered application.

The woodland conservation worksheet for the revised plan was found to contain several errors and incorrect assumptions used to calculate the requirement for the TCPII as reconfigured. The woodland conservation threshold for the R-80 Zone is 20 percent of the net tract area, not 15 percent as shown on the worksheet. The amount of cumulative clearing on the Doctor's Hospital site indicated on this plan does not appear to be consistent with the amount of clearing previously approved on the site. Any portion of clearing that was previously approved on TCPII-016-96 which was located on Parcel 128 shall be deducted from the total clearing previously approved to correctly determine the clearing on the site.

The revised net tract area of the site is approximately 26.16 acres, but this will need to be confirmed prior to plan approval. Based on the site statistics submitted by the application, this site is subject to a woodland conservation threshold of 5.25 acres based on the corrected 20 percent requirement in the R-80 Zone. As a result of proposed clearing of 2.67 acres of woodland on the net tract, the total woodland conservation requirement for the site has been calculated as 5.92 acres.

The plan proposes to fulfill the woodland conservation requirement for the site with 7.85 acres of on-site preservation. While this amount of preservation is sufficient to fulfill the requirement, the plan does not show the off-site clearing proposed with TCP2-007-13 which has yet to be quantified.

The revised TCPII plan as currently submitted requires technical revisions prior to approval to reconcile site statistics resulting from the separation of part of the TCPII, and fulfill technical requirements.

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- b. **Variance from Section 25-122(b)(1)(G):** Effective October 1, 2009, the State Forest Conservation Act was amended to include a requirement for a variance if a specimen, champion, or historic tree is proposed to be removed. This state requirement was incorporated in the adopted Woodland and Wildlife Habitat Conservation Ordinance (WCO) effective on September 1, 2010.

The TCP2 indicates that there are two living specimen trees on the site. Specimen Tree ST-1 is a 39-inch diameter at breast height (DBH) willow oak in poor condition located in the southeastern quadrant of the site which is proposed to be removed to provide an access drive around the proposed building. Specimen Tree ST-2 is a 38-inch DBH northern red oak in fair condition located in the northeastern which is proposed to be removed to allow for grading and construction of stormwater management facilities.

A Subtitle 25 Variance Application and a statement of justification in support of a variance were stamped as received by the Environmental Planning Section on March 7, 2013.

The TCP2 indicates that there are two living specimen trees on the site. One is a 39-inch DBH willow oak in poor condition which is proposed to be retained. The other is a 38-inch DBH northern red oak in fair condition which is proposed to be removed.

Section 25-119(d) of the WCO contains six required findings **[text in bold]** to be made before a variance can be granted. The Planning Board adopts the following:

(A) **Special conditions peculiar to the property have caused the unwarranted hardship**

The site is long and narrow, and located adjacent to an existing hospital facility within a residential neighborhood. The proposed development is as a nursing home associated with the hospital. Access to the site is proposed from Mallery Drive which runs adjacent to the eastern boundary of the property. The site has a narrow frontage on Margo Drive, which is undeveloped. As a result, access to the site is limited to the southwest corner of the site. The building is one-story structure with four courtyard areas placed in the center of the site, and the building footprint is ringed by an access road with parking and site utility features. The building envelop is further constrained by the required bufferyards from adjacent residential areas.

The highest quality forested areas on-site are located at the north end of the property. In order to prioritize areas for woodland preservation and to make use of the existing access point along the southern property boundary, the southern portion of the site was selected as the focus for the development activities.

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The desire to locate the nursing home in association with the hospital and the narrow shape of the lot are special conditions peculiar to the property which have caused an unwarranted hardship, requiring the removal of the two specimen trees, which are in poor and fair condition, in order to accommodate the structure, perimeter access road and necessary site utilities.

(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas

Similar projects have been approved for the removal of specimen trees in order to achieve the desired development pattern and density. The Planning Board finds that retention of the two specimen trees which are in declining health would further decrease the development potential of this property and deprive the applicant of the opportunity to provide a valuable infill use in association with the hospital facility.

(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants

The Planning Board finds that granting of this variance will not confer a special privilege to the applicant, but will allow the applicant to develop the subject property in a manner consistent with, and complementary to surrounding properties and land uses.

(D) The request is not based on conditions or circumstances which are the result of actions by the applicant

The Planning Board determines that the variance request is because of the existing shape and location of the subject property, and not because of conditions or circumstances which are the result of actions by the applicant.

(E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property

The need for a variance to develop this site does not arise from any condition relating to land or building use on a neighboring property, but is solely due to development on the subject property.

(F) Granting of the variance will not adversely affect water quality

Because this property will be developed in keeping with an approved stormwater management plan, there will be no adverse effect on water quality.

The stormwater management design for the site is required to meet the current regulations which require the post-development conditions to mimic a pre-development condition of a site as "woods in good condition." Because the site must meet strict water quality and

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quantity requirements, the loss of specimen trees should not have a significant adverse impact on water quality. Specific requirements regarding stormwater management for the site will be further reviewed and approved by the Department of Public Works and Transportation.

The Planning Board finds that the required findings of Section 25-119(d) have been adequately addressed for the removal of Specimen Trees ST-1 and ST-2.

10. **Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit. Properties that are zoned R-80 are required to provide a minimum of fifteen percent of the gross tract area in tree canopy. The subject property is 10.32 acres in size, resulting in a TCC requirement of 1.55 acres.

The provided tree canopy worksheet shall be revised to provide the tree canopy requirement for the entire gross tract area. The Planning Board finds that the amount of tree canopy provided is 102,070 square feet of existing trees, or 2.34 acres, which meets and exceeds the requirement.

11. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

- a. **Community Planning**—The Planning Board adopts the following:

- (1) **Conformance with the 2002 Prince George's County Approved General Plan:** This application is consistent with the 2002 *Prince George's County Approved General Plan* Development Pattern policies for the Developing Tier.
- (2) **Conformance with the 2009 Approved Subregion 6 Master Plan and Sectional Map Amendment:** This application conforms with the land use recommendations of the 1989 *Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity* for suburban residential land use.

The proposed development is in conformance with the sector plan's Guideline 5 on page 72 to provide for "a broad range of housing types and designs...to meet the needs of different household ages, sizes and income levels." Guideline 20 on page 73 offers additional considerations pertinent to review of this application. Guideline 20 states that "Residential structures should be designed in harmonious relationships to one another and to the terrain and should be situated to create interesting spaces." In accordance with Guideline 20, the applicant should be encouraged to consider additional variation in the design of the proposed courtyards to provide more interest for future residents. The current courtyard configuration copies two patterns within the four proposed courtyards and leans toward monotony in design. In addition, while it is recognized that the applicant

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has provided for some variation in roofline, the overall façade is still somewhat monotonous in appearance. The applicant is encouraged to consider additional façade and roofline details and more variety in building materials to provide greater visual interest.

- b. **Transportation Planning**—Access to the site is proposed from Mallery Drive, a residential roadway with a 50-foot-wide right-of-way that intersects Good Luck Road to the south. The site plan shows dedication of an 80-foot-wide right-of-way for the planned extension of Brae Brooke Drive, a master plan roadway recommended in the 2009 *Approved Countywide Master Plan of Transportation*. This is shown correctly.

A variable-width, one-way driveway encircles the proposed one-story nursing home. Parking is provided on both ends and along the west side of the proposed building. The proposed parking spaces on the south side of the building are accessible from both sides of the circular driveway. Five-foot-wide sidewalks are shown around the proposed building. The Planning Board finds that vehicular and pedestrian circulation and access are acceptable.

No traffic-related (or adequacy-related) findings are associated with detailed site plan review. In summary, the site plan is acceptable.

- c. **Trails**—The Planning Board finds that the DSP conforms with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 1990 *Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity* (area master plan). There are no master plan trails issues identified in either the MPOT or the area master plan that impact the subject site.

A standard sidewalk is shown along one side of the access drive into the subject property and a crosswalk connection is provided to the sidewalk in front of the proposed building. ADA (Americans with Disabilities Act) ramps appear to be provided at the crosswalk. This sidewalk provides pedestrian and ADA access on the subject site from the existing public right-of-way to the building entrance.

Currently, sidewalks are fragmented in the vicinity of the subject property. Many roads contain sidewalks on both sides, but there are gaps in the network and several roads have not been built for their entire length, which reduces the overall connectivity and walkability of the surrounding community. The subject property fronts on Brae Brooke Drive and Mallery Drive, both of which are un-built along the property's frontage. Mallery Drive connects to Good Luck Road, which has a standard sidewalk along the north side to the west of Mallery Drive, but no sidewalk to the east. There is an existing trail along the east side of Hanover Parkway, approximately 1,200 linear feet from the subject site. The construction of a standard sidewalk is required along the west side of Mallery Drive from Margo Road to Good Luck Road, unless modified by the Department of Public Works and Transportation (DPW&T).

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Discussions with DPW&T have indicated that they may recommend extending Margo Road across the frontage of the subject site so that it connects to Mallery Drive. Standard sidewalks are recommended along both sides of this road if it is extended, unless modified by DPW&T. Prior to certificate of approval, the applicant may provide verification from DPW&T that no extension of Margo Road is requested.

d. **Subdivision Review**—The Planning Board adopts the following:

- (1) The property is known as Parcels 128 and 129 located on Tax Map 35 in Grid B-3, and is 10.32 acres. Parcels 128 and 129 are currently acreage parcels.
- (2) Two minor final plats have been submitted for processing by the Subdivision Section. The first minor final plat is to bring the parcels into a platted status and consolidate the two parcels into a single parcel known as Parcel 1. After that plat is recorded in Prince George's County Land Records, a second plat will be recorded to create a development site of 38.15 acres that will be exempt from the filing of a preliminary plan of subdivision.
- (3) The site plan shows the boundary of the parcels as reflected on the unrecorded plat. The site plan also shows dedication of rights-of-way for a cul-de-sac at the terminus of Mallery Lane, the dedication of a master-planned right-of-way for C-104 (Brae Brooke Drive), and public utility easements along the proposed dedicated rights-of-way. The site plan states that these will be dedicated through a future plat. Prior to issuance of any building permits, the applicant shall record a final plat to dedicate any rights-of-way to public use as required by DPW&T.
- (4) Section 24-107 of the Subdivision Regulations provides for exemptions from the requirement of filing a preliminary plan of subdivision for parcels subdivided by deed. Specifically, in this instance, the property is subject to Section 24-107(c)(7)(D) which provides:
 - (c) **The following shall be exempt from the requirement of filing a preliminary plan and final plat of subdivision, except for any portion of land within the Interim Land Use Control (ILUC) Area subject to Section 24-120.03(b) of this Subtitle consistent with Part 18 of the Zoning Ordinance unless otherwise noted below:**
 - (7) **Any subdivision of land by deed of a lot prior to January 1, 1982, provided:**
 - (D) **The development of more than five thousand (5,000) square feet of gross floor area, which constitutes at least ten percent (10%) of the total area of a site that**

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is not subject to a Regulating Plan approved in accordance with Subtitle 27A of the County Code, has been constructed pursuant to a building permit issued on or before December 31, 1991.

Section 24-111 of the Subdivision Regulations provides for exemptions from the requirement of filing a preliminary plan of subdivision for parcels with a record plat. Specifically, in this instance, the property is subject to Section 24-111(c)(4) which provides:

- (c) A final plat of subdivision approved prior to October 27, 1970, shall be resubdivided prior to the issuance of a building permit unless:**
 - (4) The development of more than five thousand (5,000) square feet of gross floor area, which constitutes at least ten percent (10%) of the total area of a site that is not subject to a Regulating Plan approved in accordance with Subtitle 27A of the County Code, has been constructed pursuant to a building permit issued on or before December 31, 1991.**

Prior to certification of the DSP, a minor final plat shall be recorded in land records to consolidate Parcels 128 and 129.

Prior to certification of the DSP, a second minor final plat shall be recorded in land records to create one development site consisting of 38.14 acres and exempting the site from the filing of a preliminary plan of subdivision.

e. Environmental Planning—The Planning Board adopts the following:

- (1) Site Description:** The subject property is located on the north side of Good Luck Road between Mallery Drive and Braebrooke Drive. A review of the available information indicates that no streams, wetlands or 100-year floodplain occur on this site. Parcel 128 is undeveloped. Parcel 129 is currently developed with an existing dwelling and accessory buildings. Braebrooke Drive, which is located at the north boundary of the proposed site, is a master planned collector (C-104) which is shown to be extended to the west to connect with Hanover Parkway, and master planned right-of-way occurs on the subject property. The soils found to occur according to the Web Soil Survey are the Christiana-Downer Urban Land complex, Downer-Hammonton-Urban land complex, Russet-Christiana-Urban land complex and Udorthents-Urban land complex. According to available information, none of these soils is hydric in nature or present specific difficulties for development. Marlboro clay is not found to 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

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endangered species found to occur in the vicinity of this property. There are no designated scenic or historic roads located along the frontage of this property. This property is located in the Lower Northeast Branch watershed of the Anacostia River basin and in the Developing Tier as reflected in the 2002 *Prince George's County Approved General Plan*. The site is not within the designated network of the 2005 *Approved Countywide Green Infrastructure Plan*.

- (2) **Natural Resources Inventory:** A revised Natural Resources Inventory, NRI-044-07-03, was submitted on March 15, 2013 in order to reconcile the differences in area between the TCP2 and the NRI. The site statistics now exclude the area of Brae Brooke Drive which was not previously dedicated from Parcel 128, which is not acceptable. This right-of-way shall be included in the site statistics and on the TCP2, because the entire parcel was previously covered by TCP11-016-96.

The acreage of the NRI and TCP2 needs to be reconciled to include the entire areas of Parcels 128 and 129, with no previous dedication deducted because none was previously granted.

The NRI shows no regulated environmental features on the site, and the required features of the approved NRI are correctly reflected on the TCP2. It is noted that the NRI included three specimen trees, but because one of them was dead, only two are shown on the TCP2.

- (3) This property is not located in an identified noise corridor for a roadway with the classification of arterial or greater, nor is it anticipated that it will be a noise generator. Mitigation for noise impacts is not required with this application.
- (4) The *Prince George's County Soil Survey* indicates that the principal soils on the site are in the Collington series.
- (5) A Stormwater Management Concept Plan CSD 30668-2012-00, was approved by the Prince George's County Department of Public Works and Transportation (DPW&T) on January 30, 2013. A copy of the Stormwater Management Concept Approval Letter and associated plans was submitted with the current application.
- (6) Policy 5 in the Environmental Infrastructure chapter of the General Plan calls for the reduction of overall sky glow, minimizing of the spill-over of light from one property to the next, and a reduction of glare from light fixtures. This is of particular concern on a densely developed site such as the subject application, because of the adjacent residential uses which could be directly impacted.

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The proposed outdoor lighting for the site shall use full cut-off optics to ensure that off-site light intrusion into residential areas is minimized, and so that sky glow does not increase as a result of this development.

f. **Archeology**—The Planning Board adopts the following:

- (1) One prehistoric Archeological Site, 18PR747—a prehistoric quartz procurement site and lithic scatter, is located within a one-mile radius of the subject property. The probability of finding additional prehistoric archeological resources within the subject property is moderate.
- (2) There are two historic sites, Franklin Pierce House (70-004) and Larcombe House (70-005), and two historic resources Magnolia Springs (70-011) and Flint-Devine I House (70-040), located within a one mile radius of the subject property.
- (3) Deed records indicate that there is a small burying ground on the west side of Parcel 128. This small burying ground is first mentioned in a deed from 1872 (Liber HB6:135), but disappears from the records after 1905 (Liber 28:175; Liber 67:335). The land on which the burying ground is located was named Beall's Farm, a 949.5-acre tract patented to Richard Beall, son of Ninean Beall, on January 24, 1786. Richard Beall had accumulated the 950 acres through a series of transactions dating from 1756 to 1779. At the time the Federal Direct Tax was recorded in 1798, Richard Beall's son, Jonathan Beall, was residing on a portion of the Beall's Farm property. Jonathan Beall married Rachel Duckett in 1775. It is unknown when she died or if she and Jonathan Beall had any children. By 1794, Jonathan Beall married for the second time to Elizabeth Williams.

Richard Beall died in 1799 and devised a portion of the Beall's Farm property to his son, Jonathan Beall. Jonathan Beall added 47.5 acres of the Addition to Bacon Hall tract and 21.25 acres of the Quebec tract to his landholdings in 1799. Another 23 acres of the Addition to Bacon Hall tract were acquired by Beall in 1811. Jonathan Beall is listed in the 1800, 1810, and 1820 census records. Beall held four slaves in 1800, six in 1810, and 16 in 1820. Jonathan Beall died around 1826 and did not leave a will. His property presumably passed to his wife and children. It appears that Elizabeth Beall was unable to pay the debts against the estate of Jonathan Beall and in 1835, 340 acres of Beall's Farm, Addition to Bacon Hall, and Quebec were sold by the Prince George's County Sheriff at public auction to George A. Barnes to cover a debt owed by Elizabeth D. Beall and her son, Otho W. Beall to Richard J. Morsell. Walter Smith, Sr. acquired 397.75 acres in Beall's Farm, Addition to Bacon Hall, and Quebec from George A. Barnes in 1836. Walter Smith died in 1841 and willed the 397.75 acres to his daughter, Lucy Elizabeth Beall, wife of Azel Beall, with the provision that the land pass to her children after her death. Maria L. Hillcary, the only child of

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Lucy Elizabeth Beall, inherited the 397.75 acres from her mother and sold the property to Christopher O'Hare in 1864.

The property changed hands several times in the 1860s and on May 24, 1872, John W. and Mary A. Rumsey conveyed 98 acres of Beall's Farm to Lester A. Bartlett. This is the first deed that mentions a "small burying ground" on the property. The metes and bounds place the burying ground near the western line of the 98-acre tract. Parcel 128 is the western portion of the 98-acre tract and there is no record that the burying ground was ever removed from the property. The "small burying ground" is mentioned in the deed records until 1905 when the 98 acres in Beall's Farm were sold to E. Baker Evans. William G. Miller purchased 51.68 acres of Beall's Farm in 1909 and the small burying ground is no longer mentioned in the deed records.

A tract containing 8.32 acres was sold off from the west side of the 51.68-acre tract to Frank A. and Mary R. Bevard in 1947. A 7.3181-acre tract was acquired by Doctors Hospital along with several other lots in the Magnolia Springs Subdivision in 2005.

- (4) There are several former owners of the 7.32-acre tract that is now Parcel 128 who may be buried on the property. Jonathan Beall, the son of Richard and Rebecca Beall, lived on the tract from the late eighteenth century until his death about 1826. His first wife, Rachel Duckett Beall, died some time prior to his second marriage in 1794. She may also be buried on the property. Other possible burials on the property include Lucy Elizabeth Beall and Azel Beall, her husband. There could also be children who died at a young age buried on the property, as well as slaves.
- (5) Maryland law provides protection against disturbance of burial sites and human remains (Code of Maryland Regulations (COMAR), Criminal Law Article 10-401 Crimes Against Public Health, Conduct and Sensibilities, Subtitle 4). A person may not remove or attempt to remove human remains from a burial site except under certain conditions. The State's Attorney for a county may authorize in writing the removal of human remains from a burial site in the State's Attorney's jurisdiction: 1) to ascertain the cause of death of the person whose remains are to be removed; 2) to determine whether the human remains were interred erroneously; 3) for the purpose of reburial; or 4) for medical or scientific examination or study allowed by law. There are certain notification procedures required by the State's Attorney's office to relocate human remains.
- (6) Parcel 129 contains a house built about 1949 according to the tax records. This house is proposed to be demolished for the construction of the nursing home.

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In conclusion, the Zoning Ordinance does not require archeological investigations as part of approval of a detailed site plan. However, such investigations are important. The applicant has proffered a condition of approval, which the Planning Board accepts. The applicant shall immediately stop work and notify Historic Preservation staff if any historic resources or funerary remains or objects are found on the subject property during the construction process.

The house and all outbuildings on Parcel 129 shall be recorded on a Maryland Inventory of Historic Properties (MIHP) form prior to demolition. The documentation should include floor plans and representative interior and exterior photographs of all structures.

- g. **Historic Preservation**—The subject application will have no effect on identified historic sites, resources, or districts.
- h. **Permit Review**—Permit Review comments have been addressed by the applicant's revisions to the plans during the review process.
- i. **Prince George's County Health Department**—In a memorandum dated February 14, 2013, the Health Department stated that the Environmental Engineering Program of the Prince George's County Health Department had completed a health impact assessment review of the subject DSP and had the following recommendations:
 - (1) Numerous tires were observed scattered on Parcel 128. All tires must be removed from the property by a licensed scrap tire hauler and documentation of disposal at a licensed scrap tire disposal/recycling facility provided.
 - (2) During the demolition/construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.
 - (3) During the demolition/construction phases of this project, no noise should be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.

Plan notes have been provided that indicate the applicant intends to conform to all of the above recommendations provided by the Health Department.

- j. **Prince George's County Police Department**—In a memorandum dated March 13, 2013, the Prince George's County Police Department indicated that there are no concerns at this time related to crime prevention through environmental design (CPTED).

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- k. **Washington Suburban Sanitary Commission (WSSC)**—In comments dated February 14, 2013, WSSC provided an evaluation of the subject proposal. All comments by WSSC have been acknowledged by the applicant and revisions have been made as appropriate.
- l. **The Department of Public Works and Transportation (DPW&T)**—In comments dated February 20, 2013, DPW&T provided an evaluation of the subject proposal, summarized as follows:
 - (1) The property is located approximately 400 feet north of the intersection of Good Luck Road and Mallery Drive. The site has frontages along Mallery Drive, Margo Road, Nightingale Drive and Brae Brooke Drive. A portion of the Margo Road frontage is proposed to be abandoned by the developer. Culs-de-sac are to be constructed at the terminus of Mallery Drive, Margo Road and Nightingale Drive. The rights-of-way for these cul-de-sacs are to be acquired prior to any rights-of-way vacation along Margo Road. Brae Brooke Drive is a master-planned collector roadway (C-210) that runs through the northern part of the property. Rights-of-way dedication for Brae Brooke Drive is required.
 - (2) Sidewalks are required along all roadways within the property limits in accordance with Sections 23-105 and 23-135 of the County Road Ordinance. Additionally, the developer should consider extending the existing sidewalk along Mallery Drive from the site to Good Luck Road.
 - (3) The proposed Detailed Site Plan is consistent with approved Stormwater Management Concept Plan No. 30668-2012, dated January 30, 2013.

The DSP shall be revised to show the culs-de-sac at the terminus of Mallery Drive, Margo Road and Nightingale Drive, if required by DPW&T. Ultimately the required improvements are subject to modification by DPW&T.

- 12. Based upon the foregoing analysis and as required by Section 27-285(b)(1) of the Zoning Ordinance, the Planning Board finds that the subject DSP 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.
- 13. As required by Section 27-285(b)(4) of the Zoning Ordinance, the Planning Board shall also find that the regulated environmental features on a site have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirements of Subtitle 24-130(b)(5) of the Subdivision Regulations. This site contains no regulated environmental features. The required finding of "fullest extent possible" is not required for the subject application.

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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 2 Tree Conservation Plan (TCP2-007-13) and further APPROVED Detailed Site Plan DSP-12010 for the above-described land, subject to the following conditions:

1. Prior to certificate of approval of the detailed site plan, the following revisions shall be made, or information shall be provided:
 - a. Provide the correct number of required handicap-accessible parking spaces based upon the total number of parking spaces required.
 - b. Details for durable and attractive site amenities, substantially in conformance with Applicant's Exhibit 1, including fencing, permanent seating, trash receptacles, dumpster enclosures, and lamp posts shall be provided and approved by the Urban Design Section as designee of the Planning Board.
 - c. Modify the photometric plan to show that lighting levels along the east property line shall not exceed 0.1 footcandles.
 - d. Sign details with sign area calculations, substantially in conformance with Applicant's Exhibit 1, shall be provided demonstrating conformance with the requirements of Section 27-617.
 - e. The following revisions shall be made to Sheet 3:
 - (1) Change Parcels 128 and 129 to Parcel 2 to match the record plat and add the record plat reference.
 - (2) Label the construction date of the existing structures on the development site.
 - f. The following revisions shall be made to Sheet 6:
 - (1) Provide a note that states: "The site is exempt from a preliminary plan pursuant to Section 24-107(c)(7)(D), Section 24-108(a)(3), and Section 24-111(c)(4) of the Subdivision Regulations. Parcels 2 and 3, in conjunction with part of Lot 3, Lot 4, and Lot 5 of the property recorded as Magnolia Springs in Plat Book SDH 3 at Plat 65, comprise one development site of 38.148 acres with approximately 227,000 square feet of GFA constructed prior to December 31, 1991. This square footage equates to 14% of the total site area."
 - (2) Add a note with the record plat reference.

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- g. The following note shall be provided:

“All lighting shall use full cut-off optics and be directed downward to reduce glare and light spill-over.”
 - h. The top and bottom elevations of the retaining wall shall be provided on the site plan so the proposed height of the retaining wall can be determined. If the grading plan cannot be redesigned to reduce the height of the retaining wall to six feet or less, then alternative compliance or a departure shall be pursued for relief from the required building setbacks.
 - i. Provide a detail that accurately depicts the appearance of the retaining wall with materials labeled.
 - j. Revise all pertinent plans to show the proposed location and grading required for all stormwater management features that are shown on the stormwater management concept plan.
 - k. Show the culs-de-sac at the terminus of Mallery Drive, Margo Road, and Nightingale Drive if required by the Department of Public Works and Transportation (DPW&T). Applicant shall provide confirmation from DPW&T that culs-de-sac at Margo Road and Nightingale Drive are not required.
 - l. Label the recreational facilities provided within the courtyard and on the site, substantially in conformance with Applicant's Exhibit 1.
 - m. Revise the building elevations to provide brick or stone treatment along the watertable of the entire building and on the east and west elevations in the areas associated with the primary and secondary building entrances, to provide additional visual interest. The final design shall be approved by the Urban Design Section as designee of the Planning Board.
2. Prior to certificate of approval of the detailed site plan, the following revisions shall be made to the landscape plan:
- a. Provide the required number of shade trees in the Section 4.2 strip along Mallery Road or pursue alternative compliance.
 - b. Revise the tree canopy worksheet to indicate that the 15 percent tree canopy requirement will be met for the entire gross tract area.
3. Prior to signature approval of the tree conservation plan, the gross tract area, net tract area, and area of woodlands shall be reconciled to correctly reflect the limits of both plans, and the natural resources inventory shall be revised if necessary to include the correct plan limits and site statistics.

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4. Prior to signature approval of the Type 2 tree conservation plan (TCP2) for this property, pursuant to Section 25-122(d)(1)(B), all woodland preserved, planted or regenerated on-site shall be placed in a woodland conservation easement recorded in Prince George's County Land Records, and the liber/folio of the easement shall be indicated on the TCP2.
5. Prior to certificate of approval of the detailed site plan, the following revisions shall be made to Type 2 Tree Conservation Plan TCP2-007-13:
 - a. The graphic patterns and symbols shall be revised to conform with the standard symbols found in the Environmental Technical Manual (ETM), include all the graphic elements shown on the TCP2 plan in the legend, and use labeling consistent with the ETM.
 - b. The existing soils and steep slopes shall be removed from the plan and from the legend.
 - c. Tree conservation areas shall be labeled woodland preservation areas.
 - d. Tree planting enhancement areas shall be labeled as "afforestation/reforestation," and the correct graphic pattern shall be shown in the legend.
 - e. The existing tree line shall be shown on the plan.
 - f. Specimen trees to be removed shall be marked with an "X" and the graphic shall be added to the legend.
 - g. The legend shall include a graphic symbol for "temporary protection fencing" and "permanent protective fencing" and its location shall be shown on the plan wherever planting is proposed or to protect woodlands and vegetation within 50 feet of the limit of disturbance as needed.
 - h. The location of temporary and permanent tree protection signage shall be shown on the plan and in the legend.
 - i. The forest stand analysis and summary table shall be removed from the plan.
 - j. The forest stand summary table shall be removed from the plan.
 - k. The bearings and distances shall be shown on all property boundaries.
 - l. The contour elevations on the plan sheet shall be legible and not block other information on the plan sheet.
 - m. The full limits of disturbance for the construction of the entrance road off-site shall be provided on the plan sheet and any woodland clearing required for the construction of the entrance road shall be graphically indicated, labeled and quantified.

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- n. Off-site clearing for this project which extends onto the Doctor's Hospital site shall be graphically indicated, labeled and quantified on the plan, and any added woodland conservation requirement shall be addressed with the current plan.
- o. The stormwater management methods and facilities on the plan shall be labeled and graphic patterns used to identify them shall be included in the legend.
- p. Show the access driveway onto the adjacent inholding clearly on the plan sheet.
- q. Show all areas of "woodland retained- not credited" on the TCP2 plan, label, quantify, and include in the legend.
- r. Show woodlands in ultimate rights-of-way as "woodland retained-not cleared" if transportation improvements are not required, or as clearing if improvements are required.
- s. Do not include woodland conservation credits for woodland preservation in public utility easements (PUE).
- t. Confirm if there is a PUE required along the Mallery Drive right-of-way if it is not vacated and, if so, label it and remove any woodland conservation from the PUE.
- u. Confirm that the proposed afforestation/reforestation area is a minimum of 50 feet in width and has a minimum area of 10,000 square feet after other revisions are made to the plan.
- v. Remove the "Onsite Tree Conservation" notes and provide a woodland conservation summary table.
- w. Provide a permanent tree protective device detail on the plan which shows woodland reforestation signage posted on the fence detail.
- x. Add the appropriate variance note to the plan sheet underneath the woodland conservation worksheet.
- y. Provide a planting schedule in table form which demonstrates that the plant materials proposed satisfy the stocking requirement of 800 seedling equivalents per acre.
- z. Remove the plant community layout which appears to be related to wetland planting and provide appropriate afforestation/reforestation details, including planting details, from the ETM.

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- aa. "Tree Planting/Enhancement Area" notes shall be retitled as "Afforestation/Reforestation" and the note shall be revised to read as follow:

"The area proposed as afforestation/reforestation shall be cleared of any and all invasives and woody vines as noted on this plan. All of the plant materials necessary to meet the required stocking rate of 800 seedling equivalents per acre as indicated in the plant schedule shall be installed and the area shall be monitored and maintained as an afforestation area. Adjustments may be made to the quantities of proposed plant materials to be installed based on sampling performed after the removal of invasives which demonstrates natural regeneration successfully occurring in the area. Any adjustment to woodland conservation planting requirements shall be handled as a revision to the TCP2."

- bb. Add the standard planting details from the ETM to the plan.
- cc. Number all notes so they can be referenced.
- dd. Revise Note 1 to read that the plan is submitted to fulfill the woodland conservation requirements for DSP-12010.
- ee. In Note 20, remove the phrase in parenthesis.
- ff. Note 26 shall be revised to indicate that prior to the issuance of the first permit the source of the plant materials (name, address and phone number of nursery or supplier) shall be submitted to M-NCPPC along with the name of the contractor.
- gg. Revise Note 1 under invasive species to read: "Invasive plant removal shall be completed prior to planting."
- hh. Revise the TCP2 as needed to accurately reflect the site layout proposed on final detailed site plan layout, which reflects all transportation frontage improvements and stormwater management required for development of the site.
- ii. The woodlands located within the Brae Brooke Drive right-of-way shall be shown as "woodlands retained-not credited" on the plan showing the standard graphic pattern included in the legend, and be labeled and quantified.
- jj. After all required revision and corrections have been made to the TCP2 plan and all site statistics have been reconciled between the NRI and the TCP2, revise the woodland conservation worksheet to accurately reflect the woodland conservation requirement for the site and how the full requirement will be fulfilled.
- kk. Have the revised plan signed and dated by the qualified professional who prepared it.

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- II. The following variance note shall be provided on the plan sheet:

“NOTE: This plan is in accordance with the following variance from the strict requirements of Subtitle 25 approved by the Planning Board on (Date):

- (1) The removal of two specimen trees (Section 25-122(b)(1)(G)): numbered ST-1 and ST-2.”

6. Prior to certificate of approval of the detailed site plan, the following revisions shall be made to Type II Tree Conservation Plan TCP2-016-97/06:
- a. The following listed graphic patterns and symbols shall be added to the plan sheet in conformance with the standard symbols found in the Environmental Technical Manual, and included in the legend in order to improve the legibility of the plan: Woodland preservation area, off-site clearing, Limit of Disturbance, and Existing tree line.
 - b. Off-site clearing for this site due to construction on the adjacent property shall be graphically indicated, labeled and quantified on the plan.
 - c. The grading contours for the off-site clearing on this property shall be shown.
 - d. The location of temporary tree protection devices and signage shall be shown on the plan and in the legend for the off-site clearing proposed on this property.
 - e. The bearings and distances shall be shown on all property boundaries.
 - f. Label the right-of-way for Brae Brooke Drive (future).
 - g. Revise the Revision Table to include the TCP2 revision number and the purpose of the revision.
 - h. Revise Note 2 to remove “Department of Environmental Resources” and insert “County.”
 - i. After all required revision and corrections have been made to the TCP2 plan and all site statistics have been reconciled between Tree Conservation Plans TCP2-016-97/06 and TCP2-007-13, revise the woodland conservation worksheet to accurately reflect the woodland conservation requirement for the subject property and how the full requirement will be fulfilled.
 - j. Have the revised plan signed and dated by the qualified professional who prepared it.
7. Prior to certification of the detailed site plan, a minor final plat shall be recorded in Prince George’s County Land Records to consolidate Parcels 128 and 129.

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8. Prior to certification of the detailed site plan, a second minor final plat shall be recorded in Prince George's County Land Records to create one development site consisting of 38.14 acres and exempting the site from the filing of a preliminary plan of subdivision.
9. If Margo Road is extended, provide a standard sidewalk along both sides of the extension of Margo Road unless modified by the Department of Public Works and Transportation.
10. Provide a standard sidewalk along the entire west side of Mallery Drive, unless modified by the Department of Public Works and Transportation.
11. Provide a striped crosswalk with Americans with Disabilities Act (ADA) curb cuts and ramps at the site's ingress/egress point from the sidewalk proposed along the access drive to the proposed sidewalk along the west side of Mallery Drive, unless modified by Department of Public Works and Transportation.
12. Prior to approval of building permits, all tires shall be removed from the property by a licensed scrap tire hauler and documentation of disposal at a licensed scrap tire disposal/recycling facility provided.
13. Prior to approval of any building permits, the applicant shall record a final plat to dedicate any rights-of-way to public use as required by the Department of Public Works and Transportation.
14. Prior to any ground disturbance or the approval of any grading permits, all standing structures on the subject property shall be documented on a Maryland Inventory of Historic Properties form to be reviewed and approved by Historic Preservation staff. The form shall include floor plans, representative interior and exterior photos of the dwellings, and exterior photographs of the out buildings.
15. In the event of any unanticipated discoveries of potential historic resources (including individual remains or funerary objects) during construction, all construction involving subsurface disturbance will immediately be halted in the area of the discovered resource and in the area immediately surrounding the resource where further subsurface deposits may reasonable be expected to occur, and the applicant will ensure that the Historic Preservation Section is notified within two (2) working days of the discovery. The applicant and a representative of the Historic Preservation Section, or an archeologist approved by the Historic Preservation Section, will inspect the work site without unreasonable delay and determine the parameters of the affected property. Construction work may then continue in the project area outside of those parameters. Within fifteen (15) days of first notifying the Historic Preservation Section, the applicant will, in consultation with the Historic Preservation Section, determine the historic significance of the resource and will present a written plan to the Historic Preservation Section outlining the appropriate measures to ensure the avoidance, protection or treatment measures for any discovered resource.

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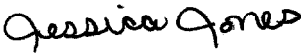
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

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 Bailey, seconded by Commissioner Washington, with Commissioners Bailey, Washington, Geraldo and Hewlett voting in favor of the motion, and with Commissioner Shoaff absent at its regular meeting held on Thursday, April 11, 2013, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 2nd day of May 2013.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:MF:arj


APPROVED AS TO LEGAL SUFFICIENCY
M-NCPPC Legal Department
Date 4/24/13