

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with approval of Specific Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on July 28, 2005, regarding Specific Design Plan SDP-0413 for Balmoral (Buck Property), the Planning Board finds:

1. **Request:** The subject specific design plan is for the approval of 114 single-family detached dwelling units, a community building and pool, other recreational facilities, and rough grading of a portion of the site for future development.

2. **Development Data Summary**

	EXISTING	PROPOSED
Zone(s)	R-S	R-S
Use(s)	Vacant	Single-family detached
Acreage	210.79	210.79
Lots	0	114
Parcels	21	21
Square Footage/GFA	N/A	N/A

3. **Location:** The subject site is located in Planning Area 79 of Council District 6. The site is located on the west side of US 301, approximately 900 feet south of the intersection with Village Lane. The site abuts the Beech Tree development along the northern property line.
4. **Surroundings and Use:** The property is bounded to the north by R-S-zoned land (Beech Tree) currently under construction; to the west by vacant R-E-zoned property; and to the south by vacant R-A- and R-80-zoned land.
5. **Previous Approvals:** On June 10, 2002, the Prince George's County District Council approved Zoning Map Amendment A-9952 and the accompanying basic plan for the subject site (Zoning Ordinance No. 8-2002) for approximately 210.79 acres of land known as the Buck Property with 37 conditions and specific land use types and quantities applicable to the R-S Zone.

On April 26, 2004, the District Council approved Comprehensive Design Plan CDP-0302 for the Buck Property, consisting of approximately 210.79 gross acres and proposed to be developed with 357 single-family dwelling units.

On January 29, 2004, the Planning Board approved Preliminary Plan 4-03100 (PGCPB No. 04-21) with 27 conditions.

6. **Design Features:** The proposed specific design plan is for 114 single-family detached dwelling units with a variety of lot and dwelling unit sizes, a clubhouse with meeting rooms, fitness equipment and pool, entry features, and a variety of recreational facilities. The application also includes rough grading of a portion of the site for future development.

The architecture consists of the following models and their corresponding finished square footage:

Belle Aire	5,870 square feet
Bethany	3,986 square feet
Hawthorne II	5,659 square feet
Nottingham II	3,668 square feet
Potomac II	7,943 square feet
Raleigh II	5,362 square feet
Williamsburg II	5,510 square feet

Building materials for the architecture include a combination of brick, stone, vinyl siding, asphalt shingles and standing-seam metal roofs, and a variety of styles and roof pitches. The community building and the entry features have been designed to utilize the same building materials and styles as the architecture for the homes. The design elements and building materials for the community building and entry features add to the overall superior architectural quality of the development and compliment the proposed architecture for the homes in the development.

CONFORMANCE WITH EVALUATION CRITERIA

7. **Basic Plan:** The proposed specific design plan is in conformance with the Basic Plan, A-9952, and all applicable conditions of approval.
8. **Zoning Ordinance:** The proposed development is in conformance with the Zoning Ordinance and the requirements of the R-S Zone.
9. **Comprehensive Design Plans:** The District Council approved Comprehensive Design Plan CDP-0302 with 35 conditions of approval on April 26, 2004. The specific design plan is in general conformance with the CDP. The following conditions of CDP-0302 warrant discussion:

For a discussion of CDP conditions 12-18 related to parks, see Finding 18 below.

For a discussion of CDP conditions 4 and 11 related to environmental issues, see Finding 13 below.

For a discussion of CDP conditions 19-21 related to trails, see Finding 16 below.

The following conditions pertain to Urban Design issues:

- 22. The most visible side elevations of dwelling units on corner lots or other lots whose side or rear elevation is highly visible to public rights-of-way shall employ a minimum of three standard architectural features on those elevations, such as windows, doors and fireplace chimneys, and these features shall form a reasonably balanced composition.**

Most of the models employ three standard architectural features on the side elevations; however, some do not. All architectural elevations should demonstrate compliance to this condition prior to certification of the specific design plan. Also, as additional assurance that the above condition is met, the condition should be carried forward as a condition of approval of the specific design plan.

- 23. The community center shall be provided with distinctive details, be equally attractive from all four sides, and incorporate a high-pitched roof, masonry exterior and facade articulation, unless alternative design treatments can be demonstrated to achieve the same high quality of design and appearance.**

The community center has been designed to incorporate the above features and meets the intent of this condition.

- 24. At the time of the first Specific Design Plan for residential areas, the applicant shall - submit and obtain Planning Board approval of a special purpose Specific Design Plan devoted to elements of streetscape including but not limited to street trees, entry monuments, signage, and special paving at important intersections. This SDP shall also address utilizing distinctive landscape treatments to emphasize important focal points, intersections, and trail heads.**

The specific design plan also acts as the special purpose specific design plan and includes details for the streetscaping, entry monuments, signage, and landscaping that generally meet the above condition. Additional landscaping consisting of ornamental and evergreen trees, shrubs and space for annual plantings should be provided on either side of the entrance to the community-building parcel and along the foundation of the community building.

- 25. The following recreational facilities (or equivalent) shall be provided and reviewed at the time of SDP review for each phase:**

Facility	Location	Completion of Construction
2 Picnic Areas	Community Building	Prior to release of 150 th BP
1 Open Play Area	US 301 Buffer	Prior to release of 25 th BP
4 Sitting Areas	1 @ Community Building	Prior to release of 150 th BP
	1 @ US 301 Buffer	Prior to release of 25 th BP
	1 @ Neighborhood "F"	Prior to release of 300 th BP
	1 @ Neighborhood "D"	Prior to release of 300 th BP
1 Tot Lot	Neighborhood "D"	Prior to release of 300 th BP

1 Multiage Play Area	Community Building	Prior to release of 150th BP
Private Trails		In phase with development
Community Building (with meeting rooms and fitness equipment)		Prior to release of 150th BP

The specific design plan is in conformance to the above requirements.

- 26. All recreational facilities shall be incorporated in recreational facilities agreements (as specified in the *Parks and Recreation Facilities Guidelines*) prior to final plat of subdivision. Bonding of recreational facilities shall occur prior to issuance of permits for the development pod where the facility is located.**

This condition should be carried forward as a condition of the specific design plan.

- 27. The applicant shall provide a usable 3.5-acre site for the community building. The cul-de-sac in Neighborhood “A” may have to be reduced in size or eliminated to ensure that a usable area is provided for the community building.**

A usable site has been provided for the community building and associated recreational facilities.

- 28. The area on the north side of the US 301 entrance road shall contain an open play area, designed and constructed in accordance with *Parks and Recreational Facilities Guidelines*.**

The open play area has been provided.

- 29. The community building shall include an area for parking based on the number of spaces required by Part 11 of the Zoning Ordinance.**

The specific design plan is in conformance with this condition.

- 30. This open space area on either side of the main access road off of US 301 shall not be a manicured green grassy area, but shall contain native grasses, wildflowers and shrubs for an attractive rural appearance.**

The specific design plan does not meet this requirement. On the north side of the entrance road, the applicant provides a large berm, very unnaturalistic in appearance. The berm is over 30 feet high and presumably is for the stockpiling of excess soil from the grading of the site. Although a berm could be advantageous for noise mitigation from US 310, a berm such as the one proposed would be very unsightly. It is recommended that the berm along US 301 be revised with naturalistic contours to have a maximum height of 140 feet above sea level. The berm should be planted with naturalistic plantings and native grasses, wildflowers and shrubs, as specified in Condition 30 of CDP-0302.

- 31. The following design standards shall be added to the face of the CDP plan:**
- a. Variations to the lot development standards may be granted by the Planning Board or its designee at the time of Specific Design Plan in order to protect natural features or to accommodate infrastructure.**
 - b. All yards abutting a street shall be considered to be front yards. Only one yard shall be considered to be a rear yard, and it shall be opposite a front yard. All other yards are side yards.**
 - c. Covered open porches, steps, and stoops may extend up to eight feet beyond the front setback line. Paved walks may extend beyond the front setback line without any distance restrictions.**
 - d. Enclosed porches must be located fully behind all setback lines. Screening, latticework, jalousie windows and other nonweather-tight visual screens shall be considered as enclosure for this restriction.**
 - e. Eaves, bay windows, chimneys, and decorative features such as attached lamps string courses, cornices, and brackets, may extend beyond all setback lines by up to two feet.**
 - f. Construction that shall be used in determining the lot coverage shall include principal buildings (including covered porches and decks), accessory buildings and driveways. Uncovered and unenclosed porches, decks, patios, paved walks and swimming pools shall not be counted toward maximum lot coverage. Uncovered and unenclosed porches, decks, and patios whose surface is within three feet of finished grade shall be set back at least two feet from side and rear lot lines. Uncovered and unenclosed porches, decks, and patios whose surface is greater than three feet above finished grade shall be located behind the setback lines.**
 - g. Building height shall be measured from the average grade along the elevation facing the street to the midpoint between the eave and the peak of sloped roofs.**
 - h. The maximum number of stories shall not include basements where the grade at the front elevation is less than five feet below the first floor elevation.**
 - i. Accessory buildings shall not be located in any yard adjacent to a street. Accessory buildings shall be located at least two feet from side or rear lot lines.**

- j. **Fences shall not be constructed in any front yards, or nearer to a street than a point six feet to the rear of the front-most house corners (not including open covered porches).**

Neighborhood	A, B, C, D	All	All
Lot Standard	Small	Medium	Large
Minimum Lot Size (square feet)	5,000	6,000	7,500
Minimum Lot Width at Street (feet)	25	25	25
Minimum Lot Width at Front Building Line (feet)	50	60	80
Front Yard Setback (feet)	20	20	20
Side Yard Setback (feet)	5	5	5
Rear Yard Setback (feet)	15	15	15
Maximum Building Height (feet)	35	35	35
Maximum Building Height (stories)	3	3	3
Maximum Lot Coverage (percent)	65	60	55

The above development standards have been provided on the coversheet of the specific design plan. Condition 31 should also be carried forward as a condition of the specific design plan.

10. **Preliminary Plan of Subdivision:** The Planning Board approved Preliminary Plan 4-03100 (PGCPB No. 04-21) with 27 conditions on January 29, 2004. The specific design plan is in general conformance with the approved preliminary plan. Conditions of approval that warrant discussion are as follows:

Condition 3 requires development to be in conformance with the approved stormwater management concept plan, 14105-2001-00, or any revisions thereto. In its memorandum dated May 16, 2005 (Stasz to Wagner), the Environmental Planning Section indicates that the stormwater management facilities shown on the SDP and TCPII are consistent with those approved by the conceptual stormwater management plan 14104-2001-00.

Conditions 4 and 5 related to trails are discussed in Finding 16 below.

Conditions 9-13 related to parks are discussed in Finding 18 below.

Conditions 15-22 related to environmental issues are discussed in Finding 13 below.

Conditions 25 and 26 related to transportation issues are discussed in Finding 14 below.

11. **Landscape Manual:** The proposal is subject to the requirements of Section 4.1 (Residential Requirements) of the *Landscape Manual*. The landscape plan meets the requirements of the *Landscape Manual*.

12. **Woodland Conservation Ordinance:** The Environmental Planning Section recommends approval of the Type II Tree Conservation Plan (TCPII/162/04) submitted with the specific design plan for conformance with the Woodland Conservation Ordinance. For further information with regard to the Environmental Planning Section's comments, see Finding 13 below.

REFERRAL COMMENTS

13. In a memorandum dated May 16, 2005 (Stasz to Wagner), the Environmental Planning Section provided the following comments:

The Environmental Planning Section has reviewed the Specific Design Plan for Balmoral, SDP-0413, and the revised Type II Tree Conservation Plan, TCPII/162/04, accepted for processing on April 27, 2005. The Environmental Planning Section recommends approval of SDP-0413 and TCPII/162/04 subject to the conditions noted.

BACKGROUND

The area included in this application was previously reviewed by the Environmental Planning Section in conjunction with the approval of Basic Plan, A-9952. Comprehensive Design Plan CDP-0302 and Type I Tree Conservation Plan TCPI/30/03 were approved by PGCPB. No. 03-250 and that action was affirmed by the District Council. Preliminary Plan of Subdivision 4-03100 and the revised Type I Tree Conservation Plan, TCPI/30/03-01, were approved by PGCPB. No. 04-21 on April 1, 2004.

SITE DESCRIPTION

This 210.73-acre site in the R-S Zone is located on the west side of US 301 approximately 1.0 mile north of Marlboro Pike and immediately south of the Beech Tree Subdivision. A review of the available information indicates that streams, wetlands, 100-year floodplain, areas of steep slopes with highly erodible soils, and severe slopes are found to occur within the limits of this application. US 301 has been identified as a transportation-related noise generator that will affect the layout of this application. The soils found to occur, according to the "Prince George's County Soil Survey," include Collington fine sandy loam; Westphalia fine sandy loam; Sandy land, steep; and Bibb silt loam. Some components of each of these soil groups have limitations with that could affect the layout of this proposed development. According to available information, Marlboro clay is found to occur on this property. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled "Ecologically Significant Areas in Anne Arundel and Prince George' Counties," December 1997, there are rare, threatened, or endangered species found to occur in the vicinity of this property; however, *Carex lacustris* (River bank sedge), a State of Maryland threatened species, was discovered by staff during a field visit. There are no designated scenic and historic roads located in the vicinity of this property. This property is located in the Collington Branch watershed of the Patuxent River basin and is in the Developing Tier as reflected in the approved General Plan.

ENVIRONMENTAL CONDITIONS OF APPROVAL TO BE ADDRESSED AT SPECIFIC DESIGN PLAN

The approval of the basic plan, comprehensive design plan and preliminary plan included numerous conditions, many of which dealt with environmental issues that were to be addressed during subsequent reviews. The environmental conditions to be addressed during the review of this preliminary plan are addressed below. The respective conditions are in **bold** type, the associated comments are in standard type, and required revisions or information are in italics.

BASIC PLAN, A-9952, Zoning Ordinance No. 8-2002 (Conditions)

- 14. A soils investigation report, which includes subsurface exploration and a geotechnical engineering evaluation for public streets, is required at the time of subdivision.**

Discussion: The preliminary information addressing the subsurface exploration submitted with CDP-0302 and 4-03100 identified the location of the Marlboro clay and the locations of the existing 1.5 safety factor without consideration of the proposed grading. Because the proposed grading could affect the final location of the 1.5 safety factor line, more information will be required once detailed grading has been proposed for this site. Therefore, an updated geotechnical report addressing the 1.5 safety factor line location based on final grading will be necessary at the time of the specific design plan. A geotechnical report was submitted with the preliminary plan. Marlboro clay is discussed in detail in the environmental review section below.

- 17. The Natural Reserve Areas designated in the Master Plan shall be used as a guide for Woodland Conservation during the review of the CDP. The Woodland Conservation Threshold shall be between 25 and 35 percent with an emphasis on the preservation of high priority woodlands and connectivity of woodland areas.**

Discussion: The Type I tree conservation plan and Type II tree conservation plan propose a woodland conservation threshold of 25 percent, generally preserves the high priority woodlands on-site, and provides connectivity of those woodlands to the Collington Branch Stream Valley Park. Woodland conservation is discussed in detail in the environmental review section below.

- 18. All required woodland conservation for A-9952 shall be on site.**

Comment: The Type I tree conservation plan and Type II tree conservation plan propose to satisfy all the Woodland Conservation Ordinance requirements on the property that is the subject of this application.

- 19. No woodland conservation, reforestation, or afforestation areas on lots of 20,000 square feet or less in area shall be used to meet required woodland conservation.**

Discussion: The Type I tree conservation plan and Type II tree conservation plan do not propose any woodland conservation on residential lots of any size. Woodland conservation is discussed in detail in the environmental review section below.

- 20. Stream buffers as defined in Section 24-130 of the Subdivision Regulations shall be included in woodland conservation areas to the fullest extent possible.**

Discussion: The Type I tree conservation plan and Type II tree conservation plan propose significant woodland conservation areas containing most of the stream buffers. Woodland conservation is discussed in detail in the environmental review section below.

- 21. Individual specimen trees or groups of specimen trees shall be retained and shown on the Type I Tree Conservation Plan with the exception of the few Tulip Poplars marked as "in poor health" in the Forest Stand Delineation. (Exhibit 5)**

Discussion: The specimen trees shown on the Type I tree conservation plan will generally be retained. The specimen trees proposed for removal will be further evaluated during the review of the specific design plan. Each subsequent plan will provide greater detail and allow for a better evaluation of potential specimen trees to be saved.

- 22. The Type I Tree Conservation Plan shall have the following note:**

"Woodland cleared within the Patuxent River Primary Management Area Preservation Area shall be mitigated on site at a ratio of 1:1 and shown on the Type II Tree Conservation Plan."

Comment: The required note is on the Type I tree conservation plan. The Type II tree conservation plan is discussed in detail in the environmental review section below.

- 23. To meet the requirements of Section 27-518(b)(11) of the Zoning Ordinance, the Forest Stand Delineation shall be revised to include the data sheets from the sample points shown on the plan and show the location, species, and a measure of vigor for all specimen trees within 50 feet of both sides of the proposed limit of disturbance.**

Comment: The required information was submitted with the revised forest stand delineation date stamped as received by the Environmental Planning Section on June 5, 2003, in association with the review of Comprehensive Design Plan CDP-0302.

- 26. A wetland delineation shall be submitted with the Comprehensive Design Plan.**

Comment: A jurisdictional determination (JD) approved by the U.S. Army Corps of Engineers was submitted with the CDP and was received by the Environmental Planning Section on June 19, 2003. The wetland limits as shown on the Preliminary Plan, TCPI, SDP and TCPII are in accordance with the approved limits as shown on the JD. It must be noted that although the 25-foot wetland buffer

has not been shown on the plans it is located entirely within the limits of the PMA as shown.

- 27. A delineation of the Patuxent River Primary Management Area Preservation Area shall be shown on the Comprehensive Design Plan.**

Comment: The PMA is shown correctly on the CDP, TCPI, preliminary plan of subdivision, SDP, and TCPII.

- 28. Woodland cleared within the Patuxent River Primary Management Area Preservation Area shall be mitigated on-site at a ratio of 1:1 and shown on the Type II Tree Conservation Plan.**

Comment: The Type I tree conservation plan and Type II tree conservation plan address the 1:1 replacement of all proposed woodland clearing within the limits of the PMA. Woodland conservation is discussed in detail in the environmental review section below.

- 29. A geologic map shall be submitted with the Comprehensive Design Plan. The map shall include at least one east-west cross-section through the site.**

Comment: During the review of Comprehensive Design Plan CDP-0302, a geologic map date-stamped as received by the Environmental Planning Section on September 24, 2003, was found to address this condition.

- 30. A geotechnical report shall be submitted with the Preliminary Plan of Subdivision. The geotechnical report, prepared following the guidelines established by the Environmental Planning Section and the Prince George's County Department of Environmental Resources, shall address existing slope stability, show on a plan the existing 1.5 safety factor line, recommend mitigation measures, and show on a plan the resulting 1.5 safety factor line.**

Discussion: The geotechnical report submitted with the comprehensive design plan and the preliminary plan of subdivision was found to meet the requirements for that stage of the development process. The geotechnical report did not adequately address the slope stability issues for this site based on proposed grading because the grading shown is only conceptual in nature and is likely to change during the review of the specific design plan. An updated geotechnical report was submitted with the SDP. Marlboro clay is discussed in detail in the environmental review section below.

- 31. A soil map shall be submitted with the Comprehensive Design Plan. The map should clearly indicate areas of highly erodible soils on slopes of 15 percent or greater.**

Comment: The forest stand delineation and TCPI plan submitted with the CDP and the revised TCPI submitted with the preliminary plan illustrated all areas of 15 percent slopes or greater with

soils having a K-factor of 0.35 or greater.

- 32. The Comprehensive Design Plan shall show the 65dBA(Ldn) highway noise contour for US 301 at ultimate design.**

Comment: The Phase I noise study submitted for review with the comprehensive design plan was found to meet the requirements. The location of the 65dBA(Ldn) noise contour has also been shown on the preliminary plan, the revised Type I tree conservation plan, the SDP, and the TCPII. None of the proposed lots will be severely impacted by traffic-generated noise.

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- 4. Prior to the submittal of the Specific Design Plan, all specimen trees located within 50 feet of the limit of disturbance shall be surveyed and reevaluated for retention potential. The specimen tree shall be shown on the SDP at their surveyed locations along with their respective critical root zone.**

Comment: All specimen trees within 50 feet of the limit of disturbance and their critical root zones are shown on the Type II tree conservation plan.

- 5. Prior to certification of the Comprehensive Design Plan, the following note shall be added to each sheet of the TCPI and a table shall be added to the plan that provides a detailed listing of all PMA impacts, an identifying number or letter, the area of the proposed impact and the area of forest disturbed by the proposed impact:**

“Woodland cleared within the Patuxent River Primary Management Area Preservation Area shall be mitigated on site at a ratio of 1:1 and shown on the Type II Tree Conservation Plan.”

Comment: The TCPI was revised and the CDP was certified.

- 7. Prior to certification of the Comprehensive Design Plan, Type I Tree Conservation Plan TCPI/30/03 shall be revised to clarify the exact acreage of woodland clearing within the PMA. This clearing and the associated impacts will be evaluated further during the review of the Preliminary Plan of Subdivision. The TCPI shall be revised as needed to preserve the PMA to the fullest extent possible.**

Comment: The TCPI was revised to clarify woodland clearing within the PMA and the CDP was certified.

- 8. At the time of the Preliminary Plan of Subdivision, the geotechnical report will need to address the 1.5 safety factor line and all other aspects of Marlboro clay.**

Discussion: The geotechnical report submitted with the preliminary plan of subdivision was found to meet the requirements for that stage of the development process. The geotechnical report did not adequately address the slope stability issues for this site based on proposed grading because the grading shown is only conceptual in nature and is likely to change during the review of the specific design plan. Therefore, a revised geotechnical report will be required during the review of the specific design plan when detailed grading can be evaluated with respect to its impact on the location of the 1.5 safety factor line. An updated geotechnical report was submitted with the SDP. Marlboro clay is discussed in detail in the environmental review section below.

- 9. Prior to certification of the Comprehensive Design Plan (CDP), the CDP and the TCPI shall be revised to show the location of the 65dBA(Ldn) noise contour as identified by the Phase I noise study.**

Discussion: The Phase I noise study submitted for review with the comprehensive design plan was found to meet the requirements. The location of the 65dBA(Ldn) noise contour has also been shown on the preliminary plan, the revised Type I tree conservation plan, the SDP, and the TCPII. None of the proposed lots will be severely impacted by traffic-generated noise.

- 10. Prior to certification of the CDP, Type I Tree Conservation Plan TCPI/30/03 shall be revised as follows:**
- a. Revise the worksheet to show the acreage of existing woodland on the net tract correctly.**
 - b. Revise the plans to show the proposed stormwater management outfalls to convey the treated water to the existing stream channels.**
 - c. Clarify the exact acreage of woodland clearing within the PMA. This clearing and the associated impacts will be evaluated further during the review of the Preliminary Plan of Subdivision. The TCPI shall be revised as needed to preserve the PMA to the fullest extent possible.**
 - d. Add the following note to the TCPI: "The TCPI submitted for review with the Preliminary Plan of Subdivision shall clearly show the proposed trail locations."**
 - e. Add a legend to each sheet of the TCP that shows each of the symbols used on the plan.**
 - f. Make other revisions as necessary to address revisions noted above.**
 - g. Have the revised plans signed and dated by the licensed landscape architect,**

licensed forester, or MD-DNR qualified professional who prepared the plans.

Comment: All revisions were made and the plans were certified.

- 11. Prior to the approval of the Specific Design Plan, all species identified by the Maryland Department of Natural Resources (DNR) Natural Heritage Program as rare, threatened or endangered that are found to occur on the site shall be surveyed and accurately located according to DNR protocol. The SDP shall be designed to eliminate any impacts to specific habitats and/or populations. Prior to approval of the SDP, the forest stand delineation for the site shall be revised to show the location of the specific habitats and/or populations.**

Comment: The FSD was revised as part of the preliminary plan approval to show the location of the plant species *Carex lacustris* (River bank sedge), a State of Maryland threatened species that was identified in the emergent wetlands at the western end of the property near Collington Branch.

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- 1. Prior to signature approval of the preliminary plan:**
 - b. The preliminary plan and Type I TCP shall be revised:**
 - (1) To show the location of the 65dBA(Ldn) noise contour as identified by the Phase I Noise Study.**
 - (2) To eliminate proposed PMA impacts 13 and 14 associated with creation of proposed Lots 1-6, Block "K" and Lots 9-14, Block "E."**
 - c. The Type I Tree Conservation Plan shall be revised as follows:**
 - (1) Eliminate the woodland clearing in the PMA associated with the grading of proposed Lots 1-6, Block "K" and Lots 9-14, Block "E."**
 - (2) Revise the worksheet to reflect the reduced woodland clearing.**
 - (3) Add labels to each woodland clearing area associated with the PMA and the floodplain, the exact extent of woodland clearing associated with the floodplain, the PMA outside the floodplain, and the off-site PMA impacts.**
 - (4) Remove the woodland conservation areas from the proposed M-NCPPC park dedication or provide written confirmation from the Department of Parks and Recreation indicating that the woodland conservation requirements may be satisfied on the parcel to be**

dedicated to M-NCPPC.

- (5) Have the revised plans signed and dated by the licensed landscape architect, licensed forester or MD DNR qualified professional who prepared the plans.**

Comment: All revisions were made and the plans were signed.

- 3. Development of this property shall be in conformance with the approved Stormwater Management Concept Plan, Concept 14105-2001-00, or any approved revisions thereto.**

Comment: The stormwater management facilities shown on the SDP and TCPII are consistent with those approved by CSD 14104-2001-00.

- 15. At the time of submittal of the Specific Design Plan, an updated geotechnical report shall be submitted addressing the proposed grading and its affect on the 1.5 safety factor line. The existing and proposed 1.5 safety factor lines shall be clearly shown on the Specific Design Plan and on the TCPII. All proposed lots shall be located entirely outside of the 1.5 safety factor line.**

Discussion: An updated geotechnical report was submitted with the SDP. Marlboro clay is discussed in detail in the environmental review section below.

- 16. Prior to the submittal of the Specific Design Plan, all specimen trees located within 50 feet of the limit of disturbance shall be surveyed and reevaluated for retention potential. Each specimen tree shall be shown on the SDP at its surveyed location along with its respective critical root zone.**

Comment: All specimen trees within 50 feet of the limit of disturbance and their critical root zones are shown on the Type II tree conservation plan.

- 20. A Type II Tree Conservation Plan shall be approved at the time of Specific Design Plan.**

Comment: A Type II tree conservation plan was submitted with this application and is reviewed in detail in the environmental review section below.

- 21. Prior to the Planning Board approval of the Specific Design Plan, all species identified by the Maryland Department of Natural Resources (DNR) Natural Heritage Program as rare, threatened or endangered that are found to occur on the site shall be surveyed and accurately located according to DNR protocol. The SDP shall be designed to eliminate any impacts to specific habitats and/or populations. Prior to approval of the**

SDP, the Forest Stand Delineation for the site shall be revised to show the location of the specific habitats and/or populations.

Discussion: The FSD was revised as part of the preliminary plan approval to show the location of the plant species *Carex lacustris* (River bank sedge), a State of Maryland threatened species that was identified in the emergent wetlands at the western end of the property near Collington Branch. The specific areas are shown on the TCPII and no impacts are proposed to those areas.

- 22. Prior to the submittal of the Specific Design Plan, each of the proposed PMA impacts shall be evaluated in an effort to further minimize the proposed PMA impacts. The SDP shall then be designed to further minimize proposed PMA impacts 1–12. The off-site sewer alignment is of particular concern because the alignment as currently shown impacts PMA areas previously protected during the approval of the Beech Tree development.**

Comment: Impacts to the PMA are discussed in detail in the environmental review section below.

- 23. Prior to Planning Board approval of the Specific Design Plan for the areas of lots requiring off-site sewer, the applicant shall obtain written authorization from the owners of Beech Tree allowing the proposed off-site sewer alignment through that property. In the event written authorization cannot be obtained, an alternative sewer alignment will be required in order to provide sewer service for nearly one-half of the lots proposed by this application.**

Comment: None of the lots in this specific design plan requires the use of an off-site sanitary sewer.

ENVIRONMENTAL REVIEW

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.

1. The detailed forest stand delineation (FSD) submitted with Comprehensive Design Plan CDP-0302 was found to generally address the requirements for an FSD. The FSD was revised as part of the preliminary plan approval to show the location of the plant species *Carex lacustris* (River bank sedge), a State of Maryland threatened species that was identified in the emergent wetlands at the western end of the property near Collington Branch.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because it has a previously approved tree conservation plan. A Type I tree conservation plan, TCPI/30/03, was approved in conjunction with the approval of CDP-0302. A revised Type I tree conservation plan, TCPI/30/03-01, addressed the plan refinements associated with the preliminary plan of subdivision. The TCPI requires all

woodland conservation to be done on site and does not allow the use of fee-in-lieu or off-site woodland conservation.

A Type II tree conservation plan, TCPII/162/04, has been reviewed. The worksheet contains two phases. Phase I includes 121.52 acres and Phase II contains 89.21 acres, for a total of 210.79 acres; however, the boundaries of the phases are not clearly shown. The total of these two phases does include the entire site and it appears that Phase I includes all of the proposed streets, lots, and land to be dedicated to the Department of Parks and Recreation [the southern half and western portion of the project] and Phase II includes the rough-grading shown on the SDP and the remainder of the northern and eastern portion of the site. It is clear that additional clearing will occur sometime in the future in the Phase II portion and will be reviewed when the SDPs for that area are submitted. The Type I tree conservation plan requires that woodland cleared within the Patuxent River primary management area preservation area shall be mitigated on site at a ratio of 1:1 and shown on the Type II tree conservation plan; however, the calculation does not appear in the worksheet.

TCPII/162/04 generally addresses the requirements of the Prince George's County Woodland Conservation Ordinance. This 210.73-acre property in the R-S Zone has a net tract area of 185.22 acres. The required woodland conservation threshold (WCT) is 25 to 35 percent and the plans have been prepared using the 25 percent WCT, for a 46.31-acre base requirement. In addition, all woodlands cleared above the WCT are subject to a ¼:1 replacement requirement and a 1:1 replacement requirement for woodland clearing in the 100-year floodplain, in the PMA and for off-site impacts. The worksheet indicates a requirement of 55.80 acres for the clearing shown on the plan; however, this is a slight underestimate because the clearing in the PMA outside the 100-year floodplain has not been accounted for with 1:1 replacement.

The 55.80-acre requirement is proposed to be satisfied by 57.12 acres of on-site preservation. Approximately 40 acres of additional woodland are to be retained on site, but not part of any current requirement. When additional development is proposed, some of this woodland will be cleared and the total requirement for the project will increase. When build-out is complete, all required woodland conservation must be satisfied on site.

Recommended Action: The Environmental Planning Section recommends approval of TCPII/162/04 subject to the following condition:

1. Prior to certification of the specific design plan, the TCPII shall be revised to:
 - a. Revise the worksheet to account for 1:1 replacement of woodland cleared within the PMA outside of the 100-year floodplain.
 - b. Clearly show the boundaries of Phase I and Phase II.
 - c. Have the revised plan signed and dated by the qualified professional who

prepared the plan

2. The Subdivision Ordinance, Section 24-130(b)(5), requires that the Patuxent River PMA be preserved in a natural state to the fullest extent possible. A letter of justification that identified and addressed each of the proposed PMA impacts was submitted with the preliminary plan. The letter of justification identified 14 proposed PMA impact areas including four associated with road construction, seven associated with on-site stormdrain and/or sewer outfalls, one associated with the off-site sewer alignment, and two impacts associated with the grading necessary for the creation of 12 lots.

Proposed impact areas 1-3 and 5-12 are associated with road construction or stormdrain and/or sewer outfalls. Proposed impacts 13 and 14 were associated with the creation of twelve lots and were not approved by the Planning Board. Proposed impact 4 is associated with the construction of the off-site sewer alignment through the Beech Tree development and is not part of the subject application. The proposed impacts that were granted are subject to further evaluation during the review of the specific design plan.

The impacts shown on this SDP are consistent with those approved with Preliminary Plan 4-03100. Most of the impacts are associated with the construction of the required sanitary sewer extensions from the proposed development to the existing sanitary sewer main located in the Collington Branch stream valley. The master plan trail shown on the CDP and the Type I TCP has been sited to coincide in many portions with required sanitary sewer extensions and thus minimize the potential total impacts. The remaining portions of the trail will be field located to weave the trail and minimize any tree cutting.

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

3. Marlboro clay occurs on the site. The geotechnical report submitted with the preliminary plan of subdivision was found to meet the requirements for that stage of the development process. The geotechnical report did not adequately address the slope stability issues for this site based on proposed grading because the grading shown is only conceptual in nature and is likely to change during the review of the specific design plan. Therefore, a revised geotechnical report was required during the review of the specific design plan when detailed grading can be evaluated with respect to its impact on the location of the 1.5 safety factor line. An updated geotechnical report was submitted with the SDP.

The updated geotechnical report includes more cross-sections in its analysis of potential slope failure areas. The report is also based upon the specific grading proposed by the SDP. Both of these serve to better define the areas of concern. The resulting 1.5 safety factor lines are shown on the TCPII. No portion of any lot contains unsafe land based upon the information submitted for review.

Comment: No further action regarding Marlboro clay is required.

14. In a memorandum dated May 13, 2005 (Burton to Wagner), the Transportation Planning Section offered the following comments:

Background

On Thursday January 29, 2004, the Planning Board approved Preliminary Plan of Subdivision 4-03100 (PGCPB-04-21). The preliminary plan was approved with 27 conditions, one of which is the following:

- 26. Prior to the issuance of any building permit, the following improvements shall be in place, under construction or bonded and permitted (if these improvements are fully funded in the county CIP with developer contributions, the applicant may pay a pro-rata share, in lieu of these improvements, to be determined at the Specific Design Plan stage, as proffered.)**

a. At US 301/Trade Zone Avenue:

- (1) Construct a third northbound and southbound through lane along US 301.**
- (2) Construct a fourth southbound through lane along US 301.**
- (3) Construct an eastbound triple left turn lane along Trade Zone Avenue, the length to be determined by DPW&T/SHA, and a free-flowing right-turn lane.**
- (4) Construct a northbound double left turn lane along US 301, the length to be determined by SHA.**

b. At US 301/Leeland Road:

- (1) Construct a third northbound and southbound through lane along US 301.**
- (2) Construct an eastbound triple left turn lane along Leeland Road for approximately 375 feet and a free-flowing right-turn lane.**
- (3) Construct a fourth southbound through lane along US 301 beginning at a point approximately 500 feet north of Leeland Road and extending to a point approximately 2,600 feet south of Leeland Road (to Swanson Road).**

c. At US 301/Village Drive:

- (1) Construct a third northbound and southbound through lane along US 301.**
- (2) Widen Village Drive (westbound) to provide four lanes; two exclusive left-turn lanes, an exclusive through lane, and a free-flowing right-turn lane.**

d. At US 301/MD 725:

- (1) Construct a third northbound and southbound through lane along US 301.**
- (2) Construct a fourth southbound through lane along US 301.**
- (3) Restripe westbound approach to provide a second through lane.**

SDP Review

The required transportation finding for an SDP application is found in Section 27-528 of the County Code. It provides that the development will be served within a reasonable period of time with existing or programmed public facilities shown in the CIP or CTP, or provided as part of the development. In an effort to make this finding, staff had requested of the applicant (1/2105 memo, Burton to Wagner) that a staging plan be provided. The staging plan would serve a dual purpose; it would specify the number of units to be built and specific improvements needed to serve said units, and secondly, it would coordinate with the adjacent Beechtree development, the implementation of its staging plan. Given the proximity of both developments, and the duplicative nature of the transportation obligations for both, staff felt that coordination between the two projects is importation in executing the various improvements.

However, in a March 31, 2005, letter to staff (Rivera to Burton), the applicant has indicated that a staging document would not be forthcoming. In light of this decision by the applicant, it is the position of staff that the approval of this application should be conditional on the provision (or bonded **and** permitted) of all of the aforementioned improvements prior to any building permits being issued.

On Thursday June 8, 2000, the Planning Board approved SDP-9907 (PGCPB-00-111). As part of the application for SDP-9907 (Beechtree), the applicant submitted a staging plan, which identified the transportation improvements needed for the various development stages of the Beech Tree subdivision. In reviewing the proposed staging and the associated road improvements, and after further consultation with the applicant, SHA and DPW&T, staff concurred with the proposed staging

report and offered the following as one of several conditions of approval:

“Phase III: residential development - building permits # 132 - 1,000

- Prior to the issuance of the one hundred and thirty second (132nd) building permit for any residential unit of the development, the following improvements shall be completed by the applicant:
 - a. Widen southbound US 301 to provide three (3) exclusive through lanes from 1,000 feet north of Trade Zone to 2,000 feet south of Trade Zone Avenue.
 - b. Construct internal site connection from Beech Tree Parkway to Leeland Road.
 - c. Modify the existing median opening to preclude left turns from eastbound Swanson Road to northbound US 301.”

The required transportation findings for an SDP include identification of the specific improvements to be provided to address the transportation impacts of the proposed development. Although the applicant may provide a pro-rata share of the cost of the needed improvements to a public agency, the public may wait for a long time to realize the benefits from those dollars. Therefore, it is necessary to identify a staging plan for the improvements to be made with these funds. Given the close proximity of the subject property to Beechtree, coupled with the fact that many of the same transportation facilities will be impacted by both developments, staff feels that the language governing the approval of the subject application should be consistent with the Beechtree SDP application.

In closing, staff concludes that the subject development will be adequately served within a reasonable period of time if the subject application is approved with the following conditions:

1. Prior to issuance of any building permits, the applicant, his heirs, successors or assigns, shall pay to Prince George's County the following contribution to be applied to improvements along US 301:
 - a. A fee calculated as \$497.84 per residential DU X (the most recent FHWA Highway Construction Cost Composite Index four-quarter average available at time of building permit application)/(the FHWA Annual Highway Construction Cost Composite Index for 2nd quarter, 1989.
2. Prior to the issuance of the first building permit other than for model homes, the applicant shall submit a staging plan to the Planning Board for construction of the necessary improvements to US 301 for all stages of the proposed development. The staging plan will (1) identify the improvements to be constructed with the funds provided by the applicant and the County's CIP project for all stages of the proposed development, and (2) identify the process by which the funds will be drawn and used to pay for construction of the improvements. The staging plan as submitted to the

Planning Board will be acceptable to SHA and to staff and will be referenced in approval conditions for subsequent stages of the proposed development.

15. In a memorandum dated April 7, 2005 (Harrell to Wagner), the Public Facilities Planning Section offered the following comments:

The Historic Preservation and Public Facilities Planning Section has reviewed this specific design plan in accordance with Section 27-528(a)(2) of the Zoning Ordinance, which states that:

The development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the appropriate Capital Improvement Plan or provided as part of the private development.

The existing fire engine service at Upper Marlboro Fire Station, Company 20, located at 14815 Pratt Street has a service travel time of 3.46 minutes, which is within the 3.25-minute travel time guideline.

The existing ambulance service at Upper Marlboro Fire Station, Company 20, located at 14815 Pratt Street has a service travel time of 3.46 minutes, which is within the 4.25-minute travel time guideline.

The existing paramedic service at Upper Marlboro Station, Company 20, located at 14815 Pratt Street has a service travel time of 3.46 minutes, which is within the 7.25-minute travel time guideline.

The above findings are in conformance with the *Approved Public Safety Master Plan* (1990) and the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities."

Police Facilities

The proposed development is within the service area for Police District II—Bowie. The Planning Board's current test for police adequacy is based on a standard complement of officers. As of 1/2/05, the county had 1,302 sworn officers and 43 student officers in the academy for a total of 1,345 personnel, which is within the standard of 1,278 officers. This police facility will adequately serve the population generated by the proposed residential use.

16. In a memorandum dated January 24, 2005 (Shaffer to Wagner), the Trails Planner for the Transportation Planning Section offered the following comments:

BACKGROUND:

One master plan trail impacts the subject site. The master plan recommends a multiuse trail along the entire length of Collington Branch through the subject site. This trail has also been approved for

construction through the adjacent Beech Tree development. This trail is shown for the entire length of the stream valley within the subject site. The stream valley trail is accessed via Dorlshire Court. The location and construction of this trail should be to the satisfaction of the Department of Parks and Recreation (DPR). Relatedly, condition 14 of CDP-0302 requires that all construction drawings for the recreational facilities (including trails) on park property be reviewed and approved by DPR prior to SDP approval.

Additional feeder trail connections were recommended by the basic plan and are reflected on the submitted specific design plan. Condition 6 of A-9952 requires feeder trails “to all development pods, schools, and recreational facilities.” The submitted SDP appears to fulfill this recommendation. In addition to the master plan trail, feeder trails are provided to the swimming pool, preschool play area, schoolage play area, picnic area, and the community building. Further supplementing these trails is the provision of standard sidewalks along one side of all of the internal roads.

SIDEWALK CONNECTIVITY:

Condition 5 of 4-03100 requires that the applicant “provide standard sidewalks along at least one side of all internal public streets unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.” This condition has been fulfilled by the submitted SDP.

17. In a memorandum dated May 23, 2005 (Bienenfeld to Wagner), the Historic Preservation Section offered the following comments:

Background

The above referenced specific design plan, although adjacent to the Pentland Hills (Historic Site 79-38) will have no effect on the property. Potential impacts on this historic site from surrounding or adjacent development have been addressed through the review of other development applications. However, this property’s western boundary is the Collington Branch, which has revealed prehistoric sites along its banks.

Recommendations

Prior to approval of grading permits, the applicant shall identify archeological resources in the project area by providing a report on the Phase I archeological investigations.

Archeological excavations should be placed along a grid and excavations should be placed no greater than 20 feet or 50 meters apart. The Phase I archeological investigation should follow *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole, 1994), and the draft and final reports should follow report and editorial standards in *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole, 1994), and the American Antiquity or Society for Historical Archeology style guide, and cite whether a submittal is a draft report or final

report on the cover and inside cover page of the document, along with the relevant development case numbers.

Evidence of M-NCPPC concurrence with the final Phase I report and recommendations is required prior to Planning Board review of this case.

If a permit from the Army Corps of Engineers is required, the applicant will be required to comply with Section 106 of the National Historic Preservation Act of 1966 (NHPA) Revised.

18. In a memorandum dated May 16, 2005 (Asan to Wagner), the Department of Parks and Recreation offered the following comments:

The staff of the Department of Parks and Recreation (DPR) has reviewed the above referenced specific design plan application for conformance with the requirements of the Basic Plans A-9952, Comprehensive Design Plan CDP-0302, and Preliminary Plan 4-03100 as they pertain to public parks and recreation.

BACKGROUND

The Basic Plan 9952 Conditions 4, 5 and 6 states:

4. Land to be dedicated to the M-NCPPC for the Master Plan proposed Collington Branch Stream Valley Park, in accordance with Department of Parks and Recreation Exhibit A (Exhibit 16 (a)). The land to be conveyed to the M-NCPPC shall be subject to the conditions of the attached Exhibit "B".
5. The applicant shall construct 10-foot wide hiker/biker trail and equestrian trails along the Collington Branch, including a connection to the hiker/biker trails with in the Stream Valley Park approved in the Beech Tree development. Provision shall be made for access to the trails by park police and park maintenance staff. Plans for such access shall be shown on the Comprehensive Design Plan (CDP) submission.
6. The trail system shall include feeder connections to all development pods, school and recreation facilities. Said trails shall be reviewed by the Department of Parks and Recreation staff, at the time of CDP review.

Comprehensive Design Plan CDP-0302 Conditions 12, 13, 14, 15, 16, 17 and 18 state:

12. Land to be dedicated to the M-NCPPC for the master-planned Collington Branch Stream Valley Park shall include a 100-year floodplain and floodplain buffers as shown on attached Exhibit "A".
13. Recreational facilities on park property shall be designed and constructed in accordance with the applicable standards in the *Parks and Recreation Facilities Guidelines*.

14. Construction drawings for the recreational facilities on parkland shall be reviewed and approved by the Department of Parks and Recreation staff prior to SDP approval.
15. All trails shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed by DPR.
16. The handicapped accessibility of all trails shall be determined during SDP review.
17. At least one suitable vehicular access to the land being dedicated shall be provided from a primary residential street to be determined at the time of preliminary plan of subdivision.
18. All additional accesses to the parkland from development pods, school and recreation facilities shall be at least 40 feet wide, or otherwise required.
24. At the time of the first Specific Design Plan for residential areas, the applicant shall submit and obtain Planning Board approval of a special purpose Specific Design Plan devoted to elements of streetscape including but not limited to street trees, entry monuments, signage, and special paving at important intersections. This SDP shall also address utilizing distinctive landscape treatments to emphasize important focal points, intersections, and trailheads.

Preliminary Plan 4-03100 Conditions 4a, 4b, 8, 9, 11,13 and 24 states:

4. Prior to the issuance of the 170th building permit, the applicant, his heirs, successors, and/or assignees shall provide the following:
 - a. Construct a ten-foot wide hiker/biker/equestrian trail along Collington Branch, including a connection to the hiker/biker trails within the stream valley park approved in the Beech Tree development. Adequate access shall be provided to the trail for park police and park maintenance staff.
 - b. The master plan trail shall be ADA-compatible and should be assured dry passage. If wet areas must be traversed, suitable structures should be constructed.
8. At the time of final plat, the applicant, his heirs, successors and or assignees shall dedicate to the Maryland-National Capital Park and Planning Commission of 32.12± acres, Parcel "A."
9. The park access trail at the end of 5th Street shall be a minimum 10-foot-wide to provide vehicle access to the master planned trail. No building permits shall be issues for lots 14 and 15 Block B until the park access trail is under construction.
11. The applicant shall install "no parking" signs on one north side of 3rd Street, on the west side

of 8th Street and on the north side of 5th Street of the park access road. The location of the signs shall be reviewed and approved by DPR staff at the time of Specific Design Plan review. If the Department of Public Works and Transportation determines that parking is inappropriate on these streets, they shall be widened to sixty feet of right-of-way.

13. Construction of the recreation facilities on dedicated parkland shall be completed prior to approval of the 170th building permit.

FINDINGS

Staff finds that the submitted specific design plan is not in conformance with Comprehensive Design Plan CDP-0302 Condition 14, because the specific design plan does not include construction drawings for the trail construction on dedicated parkland. The parkland is located immediately west of the SDP-0413. The master plan main access/trailhead is planned from Doralshire Court in the SDP-0413.

Comprehensive Design Plan CDP-0302 condition 14 requires that construction drawings for the recreational facilities on dedicated parkland shall be reviewed and approved by the Department of Parks and Recreation staff prior to SDP approval. The CDP-0302 did not specify that the specific design plan will be developed in phases and that construction drawings may be developed at a later juncture; the intent of this condition was to require submission of the construction drawing with any SDP in the project area.

DPR staff believes that the master planned trail cannot be designed in sections because of possible change of location of the trail necessitated by grading required for ADA accessibility, or environmental constraints.

Staff finds that the submitted specific design plan is not in conformance with Comprehensive Design Plan CDP-0302 condition 24 and Preliminary Plan 4-03100 condition 11 because trailhead and public access issues related to traffic circulation are not addressed. Essential elements of streetscape including “no parking” signs along the access route to the trailhead and distinctive landscaping treatment to emphasize the trailhead are not addressed on the plans. We believe that as part of the first specific design plan for this residential area, the Planning Board should have an opportunity to review and approve the special purpose design elements relating to public and maintenance access to the trailhead and master planned trail.

Preliminary Plan 4-03100 Condition 11 requires that the applicant install “no parking” signs on the north side of Sir Edward’s Drive from Captain Perry Court (3rd Street), on the west side of Coakley Lane (8th Street), and on the north side of Doralshire Court (5th Street) to facilitate two-way access to the park. The purpose of limiting the parking on one side of the road in the 50-foot ROW is to provide two unobstructed travel lines for park maintenance vehicles and park police. The locations of the signs are not identified on the plans. Department of Public Works and Transportation (DPW&T) staff has not determined that “no parking” signage is an appropriate alternative to primary residential street (60-foot-right-of-way) for public access to the parkland and

trail system. DPW&T may require widening of all listed above streets to 60 feet of right-of-way.

19. In a memorandum dated December 15, 2004 (Bailey to Wagner), the State Highway Administration (SHA) indicated that they have no objections to the specific design plan.
20. **Conformance of the Proposed Specific Design Plan with the findings for approval of a Specific Design Plan (Section 27-528, Planning Board Action)**

The plan conforms to the approved Comprehensive Design Plan and the applicable standards of the Landscape Manual.

As stated in Findings 9 and 11, the proposed specific design plan will be in conformance to the approved comprehensive design plan and the applicable standards of the *Landscape Manual* when the conditions in the recommendation section are met.

The development will be adequately served within a reasonable period of time with existing or programmed facilities either shown in the appropriate Capital Improvement Program or provided as part of the private development.

As explained in Findings 14 and 15 above, this required finding has been met.

Adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties.

Compliance with this requirement has been demonstrated as discussed in Finding 13 above.

The Plan is in conformance with an approved Tree Conservation Plan.

Compliance with this requirement has been demonstrated in Finding 13 above.

21. The Town of Upper Marlboro offered no comments with regard to the proposed site plan.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan (TCPII/162/04), and further APPROVED the Specific Design Plan for the above-described land, subject to the following conditions:

1. Prior to certification of the specific design plan, the following revisions or information shall be provided:
 - a. All side and rear elevations shall be revised to employ a minimum of three standard architectural features on those elevations, such as windows, doors and fireplace chimneys.

- b. Additional landscaping consisting of ornamental and evergreen trees, shrubs, and space for annual plantings shall be provided on either side of the entrance to the community-building parcel and along the foundation of the community building.
 - c. The berm along US 301 shall be revised with naturalistic contours to have a maximum height of approximately 140 feet above sea level. The berm shall be planted with naturalistic plantings and native grasses, wildflowers and shrubs, as specified in Condition 30 of CDP-0302.
- 2. In order to alleviate the negative impact on fire and rescue services due to the inadequate service, an automatic fire suppression system shall be provided in all new buildings proposed in this development unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.
- 3. Prior to issuance of building permits, the most visible side elevations of dwelling units on corner lots or other lots whose side or rear elevation is highly visible to public rights-of-way shall employ a minimum of three standard architectural features on those elevations, such as windows, doors and fireplace chimneys, and these features shall form a reasonably balanced composition.
- 4. All recreational facilities shall be incorporated in recreational facilities agreements (as specified in the *Parks and Recreation Facilities Guidelines*) prior to final plat of subdivision. Bonding of recreational facilities shall occur prior to issuance of permits for the development pod where the facility is located.
- 5. The following design standards are applicable to this development:
 - a. Variations to the lot development standards may be granted by the Planning Board or its designee at the time of specific design plan in order to protect natural features or to accommodate infrastructure.
 - b. All yards abutting a street shall be considered to be front yards. Only one yard shall be considered to be a rear yard, and it shall be opposite a front yard. All other yards are side yards.
 - c. Covered open porches, steps, and stoops may extend up to eight feet beyond the front setback line. Paved walks may extend beyond the front setback line without any distance restrictions.
 - d. Enclosed porches must be located fully behind all setback lines. Screening, latticework, jalousie windows and other nonweather-tight visual screens shall be considered as enclosure for this restriction.
 - e. Eaves, bay windows, chimneys, and decorative features such as attached lamps string courses, cornices, and brackets, may extend beyond all setback lines by up to two feet.

- f. Construction that shall be used in determining the lot coverage shall include principal buildings (including covered porches and decks), accessory buildings, and driveways. Uncovered and unenclosed porches, decks, patios, paved walks and swimming pools shall not be counted toward maximum lot coverage. Uncovered and unenclosed porches, decks, and patios whose surface is within three feet of finished grade shall be set back at least two feet from side and rear lot lines. Uncovered and unenclosed porches, decks, and patios whose surface is greater than three feet above finished grade shall be located behind the setback lines.
- g. Building height shall be measured from the average grade along the elevation facing the street to the midpoint between the eave and the peak of sloped roofs.
- h. The maximum number of stories shall not include basements where the grade at the front elevation is less than five feet below the first floor elevation.
- i. Accessory buildings shall not be located in any yard adjacent to a street. Accessory buildings shall be located at least two feet from side or rear lot lines.
- j. Fences shall not be constructed in any front yards, or nearer to a street than a point six feet to the rear of the front-most house corners (not including open covered porches).

Neighborhood	A, B, C, D	All	All
Lot Standard	Small	Medium	Large
Minimum Lot Size (square feet)	5,000	6,000	7,500
Minimum Lot Width at Street (feet)	25	25	25
Minimum Lot Width at Front Building Line (feet)	50	60	80
Front Yard Setback (feet)	20	20	20
Side Yard Setback (feet)	5	5	5
Rear Yard Setback (feet)	15	15	15
Maximum Building Height (feet)	35	35	35
Maximum Building Height (stories)	3	3	3
Maximum Lot Coverage (percent)	65	60	55

- 6. Prior to certification of the Specific Design Plan, the TCPII shall be revised to:
 - a. Revise the worksheet to account for 1:1 replacement of woodland cleared within the PMA outside of the 100-year floodplain.
 - b. Clearly show the boundaries of Phase I and Phase II.
 - c. Have the revised plan signed and dated by the qualified professional who prepared the plan

7. Prior to issuance of any building permits, the applicant, his heirs, successors or assigns, shall pay to Prince George's County the following contribution to be applied to improvements along US 301:
 - b. A fee calculated as \$497.84 per residential DU X (the most recent FHWA Highway Construction Cost Composite Index four-quarter average available at time of building permit application)/(the FHWA Annual Highway Construction Cost Composite Index for 2nd quarter, 1989).
8. Prior to the issuance of the first building permit other than for model homes, the applicant shall submit a staging plan to the Planning Board for construction of the necessary improvements to US 301 for all stages of the proposed development. The staging plan will (1) identify the improvements to be constructed with the funds provided by the applicant and the County's CIP project for all stages of the proposed development, and (2) identify the process by which the funds will be drawn and used to pay for construction of the improvements. The staging plan as submitted to the Planning Board will be acceptable to SHA and to staff and will be referenced in approval conditions for subsequent stages of the proposed development.
9. Prior to approval of grading permits, the applicant shall identify archeological resources in the project area by providing a report on the Phase I archeological investigations.
 - a. Archeological excavations should be placed along a grid and excavations should be placed no greater than 20 feet or 50 meters apart. The Phase I archeological investigation should follow *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole, 1994), and the draft and final reports should follow report and editorial standards in *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole, 1994), and the American Antiquity or Society for Historical Archeology style guide, and cite whether a submittal is a draft report or final report on the cover and inside cover page of the document, along with the relevant development case numbers.
 - b. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations is required prior to Planning Board review of this case.
 - c. If a permit from the Army Corps of Engineers is required, the applicant will be required to comply with Section 106 of the National Historic Preservation Act of 1966 (NHPA)
Revised.
10. Prior to certificate of approval of the SDP-0413 plans, the applicant shall revise the SDP to include adjacent parkland and construction drawings for the entire master planned trail. DPR staff shall review and approve those plans prior to certificate of approval of the SDP-0413.
11. Submission of three original, executed public recreational facilities agreements (RFA) to DPR for review and approval, three weeks prior to a submission of any final plats. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.

12. Prior to certificate of approval of the SDP-0413 plans, DPR and Public Works and Transportation staff shall review the proposed sign locations on north side of Sir Edward's Drive from Captain Perry Court to Coakley Lane, on the west side of Coakley Lane from Sir Edward's Drive to Doralshire Court and on the north side of Doralshire Court. The applicant shall provide the written decision of DPW&T requiring the signs to Urban Design Section prior to certificate approval of the DSP. If the DPW&T determines that "no parking" signs are inappropriate on these streets, the proposed 50-foot right-of-way shall be widened to 60 feet of right-of-way.

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 Vaughns, seconded by Commissioner Eley, with Commissioners Vaughns, Eley, Squire and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, July 28, 2005 in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 28th day of July 2005.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:GW:rmk