



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 13-31

File No. SDP-0805

RESOLUTION

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 March 28, 2013, regarding Specific Design Plan SDP-0805 for Kenwood Village, the Planning Board finds:

1. **Request:** The subject application proposes to develop 72 single-family detached residential lots on a vacant, wooded parcel of land.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	R-S	R-S
Uses	Vacant	Single-family detached
Acreage (in the subject SDP)	63.07	63.07
Parcels	2	3
Lots	0	72

OTHER DEVELOPMENT DATA

PARKING	REQUIRED	APPROVED
72 single-family detached units	144	216
2-car garage and 1 space/driveway each		

The plan proposes four house types as follows:

Model	Base Finished Living Area
Augustine Homes—James	3,650 square feet
Augustine Homes—Potomac	4,446 square feet
Augustine Homes—Rappahannock	3,147 square feet
Augustine Homes—Windsor	2,002 square feet

3. **Location:** The subject site is located on the south side of White House Road, directly south of its intersection with Harry S Truman Drive, approximately 1,410 feet east of its intersection with Ritchie Marlboro Road, in Planning Area 78, Council District 6 in the Developing Tier.

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4. **Surrounding Uses:** The subject property is bounded to the north by the public right-of-way of White House Road, with single-family residences in the R-80 (One-Family Detached Residential) Zone beyond; to the east by an R-E-zoned (Residential-Estate) property used for agriculture; to the south by R-A-zoned (Residential-Agricultural) properties used for agriculture; and to the west by a single-family detached house in the R-E Zone.
5. **Previous Approvals:** The overall site was rezoned by the District Council in November 1992 from the R-E Zone to the R-S Zone (Residential Suburban Development) through Zoning Map Amendments A-9802-C and A-9803-C (Zoning Ordinance Nos. 50-1992 and 51-1992, respectively) for 92 to 126 dwelling units, subject to 14 conditions and 4 considerations. A Comprehensive Design Plan, CDP-0303, was approved by the Planning Board on March 3, 2005. Subsequently, on October 17, 2005, Comprehensive Design Plan CDP-0303 was approved by the District Council subject to 37 conditions and 2 considerations. The relevant Preliminary Plan of Subdivision, 4-06159, was approved by the Planning Board on September 13, 2007 subject to 33 conditions.
6. **Design Features:** The subject property is a long linear rectangle running along the south side of White House Road, south of its intersection with the constructed portion of Harry S Truman Drive. Environmental features, including wetlands and floodplain, cover the majority of the north side of the property and the 120-foot-wide, master-planned right-of-way for Harry S Truman Drive, as shown on the approved preliminary plan, divides the site into an eastern and western developable area. The western portion, approximately 19.1 acres, is to be dedicated to The Maryland-National Capital Park and Planning Commission (M-NCPPC), leaving only the southeastern part of the site for the development of 72 single-family residential lots. A single, proposed, public right-of-way at the eastern end of the site crosses the environmental features and provides access to the residential development from White House Road; no access is proposed to the Harry S Truman right-of-way for the residential lots. Multiple culs-de-sac allow full use of the developable area of the site for the lots and two above-ground stormwater management ponds. The proposed lot sizes range from 6,000 square feet to over 24,000 square feet. All of the proposed streets will be public and, therefore, landscaped and lit in conformance with Prince George's County Department of Public Works and Transportation (DPW&T) standards. At the only entrance to the development, off of White House Road, two stone-veneered columns with bronze name plaques will serve as the entrance signage. Proposed recreational features include the dedication of parkland at the west end of the site, as well as a central facility within the residential development area, which includes a tot lot, pre-teen play area, and picnic area.

The subject SDP includes four house types to be constructed by Augustine Homes: the James, Potomac, Rappahannock, and Windsor models, which range in base finished size from 2,002 square feet to 4,446 square feet. All of the models have gabled, shingled roofs with multiple front elevation features, including various stoop or porch configurations, paneled shutters, enhanced door and window trim, optional dormer and bay windows, cross gable roof elements, and optional brick or stone water tables or full brick or stone finishes. Proposed side and rear elevations are generally finished in siding with options for bay windows, doors, and fireplaces.

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Conditions have been included in this approval regarding the finishing of the front façades and the number of features on side elevations to ensure the final permitted houses create a well-designed, quality development.

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the R-S Zone and the site plan design guidelines of the Zoning Ordinance.
 - a. The subject application is in conformance with the requirements of Section 27-511, Purposes; Section 27-512, Uses; Section 27-513, Regulations; and Section 27-514, Minimum Size Exceptions, governing development in the R-S Zone. The proposed residential lots are a permitted use in the R-S Zone.
 - b. The proposal is also in conformance with the requirements of Section 27-528 of the Zoning Ordinance regarding required findings that must be made by the Planning Board for specific design plans. See Finding 14 for a detailed discussion of that conformance.
8. **Zoning Map Amendments A-9802-C and A-9803-C:** On November 9, 1992, the District Council approved Zoning Map Amendments A-9802-C and A-9803-C, subject to the same 14 conditions and 4 considerations. Of the conditions and considerations attached to the approvals, the following are applicable to the review of this SDP:
 1. **No direct access to any residential lots shall be permitted from White House Road or Harry S Truman Drive.**

The submitted SDP does not propose any direct access to any residential lots from White House Road or Harry S Truman Drive.
 2. **The applicant/developer, his heirs, successors and/or assigns, shall dedicate a 120 foot right-of-way for Ritchie-Marlboro Road relocated (A-39) (Harry S Truman Drive)**

The submitted SDP proposes dedication of the 120-foot right-of-way for Harry S Truman Drive.
 3. **The applicant/developer, his heirs, successors and/or assigns, shall dedicate a 60-foot right-of-way from the proposed centerline for White House Road (A-36). The applicant/ developer, his heirs, successors and/ or assigns, shall construct or bond to construct a half section of White House Road for the entire segment of this roadway through the subject parcel per DPW&T requirements prior to the issuance of building permits. This construction shall accommodate a left turn lane along eastbound White House Road at Harry S Truman Drive extended (A-38).**

The submitted SDP proposes the required 60-foot dedication from the proposed centerline. DPW&T indicated that the required frontage improvements along White House are still being

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finalized. Therefore, this condition is being carried forward in this approval to ensure resolution of this issue prior to issuance of building permits.

4. **The location and width of the internal trails proposed shall be evaluated and determined by the Trails Coordinator prior to Phase II approval.**

No internal trails are proposed with the subject SDP. Further evaluation of pedestrian connectivity on-site by the trails coordinator can be found in Finding 14 below.

5. **At no time prior to Phase II approval or construction of the proposed development shall the Chesapeake Beach trail corridor be damaged, filled with debris or become a storage area for supplies or equipment.**

At this time, the Chesapeake Beach trail corridor has not been damaged, filled with debris, or become a storage area for supplies or equipment.

6. **There shall be no grading or cutting of trees on the site prior to Phase II approval, except with the written permission of the Planning Board.**

The applicant confirmed that there has been no grading or cutting of trees on the site to date.

7. **The minimum lot size shall be 6,000 square feet in Development Envelopes A through D and 10,000 square feet in Development Envelope E.**

The submitted SDP conforms to this condition regarding minimum lot sizes.

8. **The 50 foot buffers along the east and south boundaries are labeled as non-disturbance buffers and shall include a six foot high black vinyl clad chain link fence, extending to the east side of Harry S Truman Drive.**

The submitted SDP proposes the required 50-foot undisturbed buffers along the eastern and southern boundaries extending to the east side of Harry S Truman Drive. A six-foot-high, vinyl-clad, chain-link fence has been provided along a portion of this buffer, and a six-foot-high, vinyl, tongue and groove privacy fence has been provided along the remainder of the length, behind the residential lots.

9. **A Type I Tree Conservation Plan (TCP) in accordance with the County Woodland Conservation and Tree Conservation Program is required for review by the Natural Resources Division to be approved by the Planning Board prior to CDP approval. Woodland conservation of 25 percent of the net tract is recommended.**

A Type I tree conservation plan (TCPI) was approved previously in accordance with this condition.

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10. **Phase II shall show consistency with the Patuxent River Policy Plan in buffering of streams.**

The Patuxent River Policy Plan is a 1997 watershed management plan aimed at protecting streams and their associated buffers through the establishment and protection of a primary management area (PMA) along all regulated streams. The delineation of this area has been implemented through previous approvals and current plans for the subject site.

11. **Approval of existing conditions 100 year floodplain and stormwater management concept plan by the County Department of Environmental Resources (DER), prior to the approval of a preliminary plan of subdivision, unless determined by DER prior to submittal of the preliminary plat that this study will not be required until time of Specific Design Plan. At a minimum, the following shall be included: 50-foot buffers between the floodplain and lot lines; stormwater management ponds shall provide 2-10-100 year attenuation; water quality shall be achieved by infiltration or ponds; water quality ponds shall be located outside of wetland areas; and all impervious areas shall drain directly to a water quality facility.**

An approved Stormwater Management Concept Plan and Letter (43083-2005-02) was stamped as received November 29, 2012. The limits of the 100-year floodplain have been correctly reflected on the plan and all proposed lots are shown to be a minimum of 50 feet from the limits of the 100-year floodplain.

The stormwater management concept plan shows retention and extended detention requirements met with three ponds and credits for the use of grass channels. The stormwater management design shown on the Type II tree conservation plan (TCPII) is slightly different than what is shown on the approved concept plan because only two ponds are shown; however, additional water quality swales have been shown to meet the requirements.

12. **The applicant shall submit a 100 year floodplain study and a stormwater management concept plan to DER for approval prior to approval of the preliminary plat of subdivision. The stormwater management concept plan shall also address road improvements to White House Road and construction of Harry S Truman Drive.**

This condition was met prior to approval of the preliminary plan as required. The current application includes an approved Stormwater Management Concept Plan and Letter (43083-2005-02).

13. **The minimum 50 foot non-disturbance buffers along the east and south boundaries shall apply along both sides of all streams and shall be expanded to include the 100 year floodplain, wetlands, steep slopes and soils with erodibility factors of .35 and greater. Such buffers shall be approved by the Natural Resources Division**

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prior to Specific Design Plan, Phase III. Additional screen plantings may be required to provide adequate screening, to be approved by the Urban Design Section.

This condition was adequately addressed at the time of preliminary plan. The current application continues to show the PMA, which accounts for the stream buffers, 100-year floodplain, wetlands, steep slopes, and soils with erodibility factors of 0.35 and greater. Two stream crossing impacts were approved with the preliminary plan and have been shown in general conformance on the current plans. One minor additional impact has been shown for the conveyance of stormwater and is considered to be in general conformance with the preliminary plan approval.

- 14. The applicant shall submit a detailed soils study to demonstrate the site is geologically suitable for the proposed development, for approval by the Soil Conservation District and the Natural Resources Division, prior to Specific Design Plan approval.**

A geotechnical report was submitted with the preliminary plan and addresses the above condition. The study details the results of 16 soil borings tested on the site. Each boring was drilled to a 25-foot depth. Groundwater was encountered between 20 and 25 feet below the surface for only three samples.

At the time of permitting, the appropriate agencies including, but not limited to, the Washington Suburban Sanitary Commission (WSSC), DPW&T, and the Prince George's County Department of Environmental Resources (DER), may require information in addition to the submitted report to ensure the site is adequate for the installation of necessary infrastructure prior to development of the site.

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| Consideration 1 | The character and visual image of White House Road shall be protected and maintained through preservation of the undisturbed buffer along both sides of the adjacent stream. The buffer design shall be approved by the Urban Design Section prior to Specific Design Plan approval. |
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The submitted SDP proposes to preserve the undisturbed buffer along both sides of the stream adjacent to White House Road. The closest proposed residential lot is at least 130 feet from the proposed right-of-way line, which will provide sufficient protection of the character and visual image of White House Road.

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| Consideration 2 | The site shall be developed to maintain compatibility with the surrounding neighborhood with emphasis on the boundaries of the subject site. This shall be accomplished through design techniques such as berms, additional screen plantings and through compatible lot sizes prior to Specific Design Plan approval. |
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The submitted SDP meets other previous conditions of approval regarding required lot sizes, 6,000 to 10,000 square feet, and undisturbed wooded buffers along the northern, southern, and eastern boundaries. These techniques will maintain compatibility with the surrounding neighborhood.

Consideration 3 The depths of all lots adjacent to Harry S Truman Drive and White House Road shall be adequate to provide visual and sound screenings as part of Specific Design Plan approval.

The submitted SDP provides a large setback, over 100 feet of undisturbed wooded area, between residential lot lines and the proposed right-of-way of White House Road, which will provide adequate visual and sound screening. Along the future Harry S Truman Drive, where there is only an approximate 17-foot setback between the proposed right-of-way and residential lot lines, a nine-foot-high noise wall will be provided along with plantings per the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). This will be adequate to provide visual and sound screening for these lots.

Consideration 4 The dwellings in all Development Envelopes shall front on the primary street to the greatest extent possible, with the rears of dwellings oriented toward the interior of the envelopes. Landscape Manual buffering requirements shall apply to any dwellings whose rears face Harry S Truman Drive. Preservation of the existing trees shall be the preferred buffering technique to be supplemented as required by the Landscape Manual.

All dwellings front onto primary streets with the rears oriented toward the interior of the envelopes. The Landscape Manual requirements are met for the dwellings whose rears face Harry S Truman Drive, and existing trees are preserved in other areas as buffers, which is discussed further in Finding 11 below.

9. **Comprehensive Design Plan CDP-0303:** Comprehensive Design Plan CDP-0303 was approved by the Planning Board on March 3, 2005. Subsequently, on October 17, 2005, Comprehensive Design Plan CDP-0303 was approved by the District Council subject to 37 conditions and 2 considerations. The following conditions and considerations of the CDP approval are applicable to the subject SDP and warrant discussion:

1. **Before approval of a specific design plan for the subject property, the applicant shall submit an acceptable traffic signal warrant study to DPW&T, for a possible signal at the intersection of White House Road and Harry S Truman Drive. The applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic, as well as existing traffic, at the direction of DPW&T. If a signal is deemed warranted by DPW&T, then the applicant shall bond the signal before release of building permits for the subject property, and shall install it when directed by DPW&T.**

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A revised traffic signal warrant study was submitted to DPW&T and they found that no signal was warranted.

3. **If any portion of the 50-foot buffer required by condition 13 in the approvals of A-9802 or A-9803 will be used for woodland conservation, then larger caliper trees and permanent protection shall be provided, for the reforestation. The buffer area shall be placed in a permanent conservation easement.**

The current plans shows woodland preservation in the required 50-foot nondisturbance buffers. No reforestation is proposed or required within the 50-foot buffer based on the proposed design.

8. **All subsequent plan submittals for this property, including the preliminary plan of subdivision and the specific design plans, shall further minimize the extent and number of anticipated PMA impacts as each phase of the development process involves more detailed information. Impacts solely associated with the creation of lots, are not allowed.**

Impacts to the PMA are reviewed in detail in the environmental review in Finding 14 below.

12. **The preliminary plan of subdivision application shall include a Phase I noise study addressing potential adverse noise impacts from existing and widened White House Road (A-36) along the northern property boundary.**

At the time of preliminary plan, the noise impact area was determined to be 144 feet from the centerline of White House Road and 228 feet from the centerline of Harry S Truman Drive. This information was found to be acceptable in lieu of the study. Because no lots will be impacted by noise from White House Road, mitigation is not required. The model did show that at least four lots would be impacted by noise associated with Harry S Truman Drive.

For the review of this SDP, a Phase I noise study has been submitted for Harry S Truman Drive. The study not only determines the location of the unmitigated 65 dBA Ldn, it also includes a Phase II assessment that provides recommendations for mitigation that will reduce the noise to an acceptable level. Because this road has not yet been built, the study was based on future modeling that included existing conditions and future site development. The study showed that the unmitigated noise contours at 65 dBA Ldn for Harry S Truman Drive are at approximately 150 feet (ground level) and 190 feet (upper level) from its centerline, which still results in noise impacts to proposed Lots 1, 72, 63, and 64.

To mitigate for the rear yards of these lots, the study recommends a nine-foot-high fence along the rears of the yards. The proposed fence will mitigate noise in the rear yards to below 60 dBA Ldn. The TCP II and SDP show a symbol for a fence on the plan and in the legends. It also appears that the fence is on a homeowners association (HOA) parcel.

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With regard to the upper levels, the study showed that the upper levels of the future homes on the proposed lots will still be impacted by high interior noise levels, and stated that a building shell analysis of the proposed building materials will be needed in order to accurately determine if the structures themselves would mitigate interior noise. At the time of this study, that information was not available to the noise consultant. Prior to issuance of building permits, the noise consultant should be provided with the architectural plans to determine if the materials are sufficient to mitigate interior noise levels to below 45 dBA Ldn.

- 13. The applicant shall convey to the M-NCPPC 14.1 acres of open space, as designated on Exhibit A. The land to be conveyed shall be subject to the conditions in Exhibit C.**

The submitted SDP proposes to convey 19.1 acres of open space to M-NCPPC.

- 14. The applicant shall dedicate 5,003 square feet off-site, as shown on Exhibit B. Before final plat, the applicant shall file for review and approval by Parks and Recreation a deed and metes and bounds description of the dedicated land. The land to be conveyed shall be subject to the conditions in Exhibit C.**

The submitted SDP proposes to convey an off-site area of 5,119 square feet to M-NCPPC, as was shown on Exhibit B.

- 15. The applicant shall construct an eight-foot-wide asphalt trail connector from the end of Street A, to and around the stormwater management pond to be built on dedicated parkland.**

The stormwater management pond on dedicated parkland mentioned is no longer required or proposed. The Department of Parks and Recreation (DPR) reviewed the SDP plans and finds that construction of a trail connector from the subject subdivision to the dedicated parkland is no longer feasible because of the major master-planned road (120-foot-wide Harry S Truman Drive) that now separates the subdivision from the park. DPR staff believes that pedestrian access to the park from the subject property will be accommodated in the future via the master-planned Chesapeake Beach Railroad Trail. At the time of design and construction of the master-planned Harry S Truman Drive extension, a safe at-grade or under-road trail crossing should be provided for the master-planned Chesapeake Beach Railroad Trail. The applicant has provided a future trail connection to the master-planned trail on HOA open space in the southern portion of the subdivision.

- 16. The applicant shall grade the portion of the parkland for the open play field, as shown on DPR Exhibit A.**

The applicant has agreed to grade a portion of the parkland. This issue is discussed further in Finding 10 below.

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17. **The applicant shall construct a stormwater management pond on dedicated parkland, in accordance with applicable standards in the Parks and Recreation Facilities Guidelines. The pond shall be designed as a recreational amenity. For public safety and aesthetic reasons, the slope around the pond shall be gentle, generally 5:1 or less, the pedestrian trail system shall have seating areas, and the area around the pond shall have attractive landscaping.**

A stormwater management pond is no longer necessary on the dedicated parkland; therefore, this condition is no longer applicable.

18. **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 and approved by DPR prior to construction.**

No trails are proposed on the submitted SDP.

19. **Before submission of a specific design plan (SDP), the applicant shall submit for review and approval by DPR a conceptual site plan for the improvements to be constructed on dedicated parkland.**

The applicant has submitted the conceptual site plan for the improvements to be constructed on dedicated parkland. DPR staff reviewed and approved this concept plan.

20. **Construction drawings for the park improvements shall be approved by DPR staff and not be unreasonably withheld, prior to signature approval of the SDP.**

This condition remains in effect.

21. **Before issuance of building permits for 50 percent of the lots, the applicant shall complete all improvements on dedicated parkland.**

The timing mentioned in this condition was modified in the subsequent preliminary plan approval, which is discussed further in Finding 10 below.

22. **Before submission of a final plat of subdivision, the applicant shall enter into a Recreational Facilities Agreement (RFA), for construction of the trail and pond improvements and grading for open play fields on park property. The applicant shall submit three original executed RFAs to the Department of Parks and Recreation (DPR) for their approval three weeks prior to the submission of the final plat. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County.**

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Trail and pond improvements are no longer proposed on park property. The timing mentioned in this condition was reiterated in the subsequent preliminary plan approval, which is discussed further in Finding 10 below.

- 23. The applicant shall submit a performance bond, letter of credit, or other suitable financial guarantee for construction of the park improvements in an amount to be determined by DPR, at least two weeks before applying for a grading permit.**

The timing mentioned in this condition was modified in the subsequent preliminary plan approval, which is discussed further in Finding 10 below.

- 24. Before conveyance of 14.1 acres to M-NCPPC, including a stormwater management pond, the applicant shall enter into joint multiuse stormwater management system maintenance agreements among the applicant, the County Department of Environmental Resources, and the Department of Parks and Recreation, for construction, operation, and maintenance of the stormwater management facility.**

The submitted SDP no longer proposes stormwater management on the dedicated parkland; therefore, this condition is no longer applicable.

- 27. Prior to specific design plan approval, the applicant shall include on the plans an eight-foot-wide, asphalt trail connection from the subject site to the property line for eventual connection to the proposed master plan trail along the Chesapeake Beach Railroad right-of-way, with the concurrence of the Department of Parks and Recreation.**

The submitted SDP proposes an eight-foot-wide trail connection from the subject site to the southern property line for eventual connection to the proposed off-site master plan trail as required by this condition.

- 28. Standard sidewalks shall be indicated on both sides of all internal roads, if approved by the Department of Public Works and Transportation.**

Standard sidewalks are shown on the SDP along both sides of all internal roads.

- 29. The 50-foot buffers along the east and south boundaries shall be labeled as nondisturbance buffers, and a six-foot-high black vinyl clad chain link fence shall be indicated on the plans.**

The submitted SDP proposes the required 50-foot undisturbed buffers along the eastern and southern boundaries. A six-foot-high, vinyl-clad, chain-link fence has been provided along a portion of this buffer, and a six-foot-high, vinyl, tongue and groove privacy fence has been provided along the remainder of the length, behind the residential lots.

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- 30. Before approval of a preliminary plan of subdivision and specific design plan for the site, the trails coordinator shall review and approve the design and location of the trails internal to the site.**

No internal trails are proposed with the subject SDP. Further evaluation of pedestrian connectivity on-site by the trails coordinator can be found in Finding 14 below.

- 31. The required side yard setback in Development Envelopes A through D shall be six feet, and the required side yard setback in Development Envelope E shall be eight feet.**

The submitted SDP conforms to this condition regarding side yard setbacks.

- 33. Before approval of a specific design plan for the project, the following design issue shall be analyzed and provided for, to the extent feasible:**

Appropriate measures to ensure compatibility with the surrounding neighborhood, especially at the periphery of the site, including design techniques such as berming and augmenting screen plantings.

The submitted SDP meets other applicable conditions of approval regarding providing undisturbed wooded buffers along the northern, southern, and eastern boundaries. These techniques will maintain compatibility with the surrounding neighborhood without the need for berming and augmenting screen plantings.

- 34. Before approval of a specific design plan, the applicant shall add a note to the plans that screening in the buffer running on both sides of the stream parallel to White House Road shall be provided, by leaving the wetlands in a natural state, except for the proposed (and approved) crossing.**

The required note is not on the submitted SDP and should be added prior to certification; therefore, this is included as a condition in this approval.

- 35. The public vehicular access to the future master-planned neighborhood park shall be provided from Ritchie Marlboro Road. The access to the park from Kenwood Village shall be limited to pedestrian access only.**

Vehicular access to the park will be provided from Ritchie Marlboro Road or from the future Harry S Truman Drive. The pedestrian access to the park from the subject subdivision will be provided via the master-planned Chesapeake Beach Railroad Trail system.

- 36. Trailhead facilities for Chesapeake Beach Railroad Trail at this location are not to be provided until the master-planned trail is under construction on adjacent property.**

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DPR acknowledges that trailhead facilities for the Chesapeake Beach Railroad Trail will not be provided at this location until the master-planned trail is under construction on adjacent property.

Consideration 1 **At the time of specific design plan review, the interface between the subject property and the farms to the south shall be reviewed in detail, with consideration of the Basic Plan fencing requirement, accommodation of applicable tree conservation requirements, and the request of property owners to the south for additional berming and screening.**

The submitted SDP proposes a 50-foot-wide undisturbed buffer with a six-foot-high, vinyl-clad, chain-link fence and a six-foot-high, vinyl, tongue and groove privacy fence behind the residential lots along the southern boundary. One of the property owners to the south concurred with the proposed bufferyard design.

Consideration 2 **At the time of specific design plan review, recreation facilities for the subdivision shall be reevaluated and redesigned, so that recreation facilities are located near all lots. The facilities must include more than one centralized recreational facility. Existing or planned neighborhood park facilities adjacent to the subject site, and the trail head connection in its vicinity, shall not relieve the applicant of the responsibility to provide adequate recreation facilities proximate to all lots in the proposed subdivision.**

The CDP was approved for 84 residential lots and only 14.1 acres of parkland dedication, whereas the subject SDP proposes only 72 residential lots and 19.1 acres of parkland dedication. Therefore, the Planning Board found that one larger centralized on-site recreational facility is sufficient for the subdivision.

10. **Preliminary Plan of Subdivision 4-06159:** The relevant Preliminary Plan of Subdivision, 4-06159, was approved by the Planning Board on September 13, 2007 subject to 33 conditions. The validity period for the preliminary plan was extended to December 31, 2013 pursuant to County Council Bill CB-8-2011. A final plat for the subject property must be accepted by M-NCPPC before the preliminary plan expires or a new preliminary plan is required. The following conditions of the preliminary plan approval are applicable to the subject SDP and warrant discussion as follows:
 1. **Prior to Planning Board approval of any specific design plan, the applicant shall submit a Phase II work plan for site 18PR871 to the Historic Preservation and Public Facilities Planning Section for review and approval. This work plan shall allow for additional archival research to determine the occupants of sites 18PR870 and 18PR871, and provide for public interpretation of the sites identified on the property, including the Chesapeake Beach Railroad bed, 18PR605. If site 18PR871**

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is found to be eligible for inclusion in the National Register of Historic Places, the site shall be preserved in place or, if this is not feasible, Phase III mitigation should be performed on the site. The applicant shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in a proper manner, prior to approval of any grading permits.

A Phase II work plan was submitted, reviewed, and approved by Historic Preservation (M-NCPPC) staff and the Maryland Historical Trust in February 2012. This issue is discussed further in the archeological review in Finding 14 below.

- 3. In consideration with the specific design plan, a Type II tree conservation plan shall be approved.**

A Type II tree conservation plan (TCPII) was submitted with the subject SDP and is approved with conditions.

- 4. The applicant shall comply with the following concerning their parkland dedication:**

- a. The applicant shall construct a combination of on-site and parkland recreational facilities to be determined at the time of SDP.**

The submitted SDP proposes a combination of on-site recreational facilities and parkland dedication.

- b. The recreational facilities shall be constructed in accordance with the applicable standards in the Parks and Recreation Facilities Guidelines.**

This condition will be enforced at the time of construction; however, the provided details and notes for the recreational facilities appear to be in accordance with the standards.

- c. Detailed construction drawings for recreational facilities on park property including grading plans, sections, equipment, and landscaping schedules shall be submitted to DPR for review and approval prior to submission of any application for building permits in Kenwood Village.**

This condition will be enforced prior to submission of building permits.

- 6. At the time of specific design plan, a detail of the black-vinyl-clad, chain-link fence shall be included on all plans, including the TCPII.**

It should be noted that this fence is the required fencing along the southern and eastern boundaries, and not the noise fence. The TCPII as submitted does not provide a detail of the black, vinyl-clad, chain-link fence and this will need to be added prior to certification.

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11. **Prior to acceptance of the specific design plan application, it shall be inspected to ensure that it includes a Phase II noise study that states the proposed noise mitigation measures and to ensure that these measures are shown on the SDP. The Phase II noise study shall address all traffic-related noise and the location of the mitigation 65 dBA Ldn ground level and upper level contours. If a noise wall is proposed, it must be placed on an HOA parcel and show a minimum of 10 feet of unencumbered area on each side of the wall for future access and maintenance. All rear outdoor activity areas shall be mitigated to 65 dBA Ldn or less and all interior residential areas shall be mitigated to 45 dBA Ldn or less.**

A Phase II noise analysis was included in the Phase I noise study dated January 31, 2013. The analysis recommended a solid fence along the rears of the affected lots (Lots 1, 72, 63, and 64). Further analysis of the building materials will be needed at the time of permit to determine if the building materials used will mitigate for interior noise impacts. The proposed noise fence is shown on a homeowners association (HOA) parcel with a minimum of 10 feet unencumbered on each side of the wall for access and maintenance.

15. **Approval of impacts 1 through 9 to the PMA with the following requirements:**

- a. **Impacts 6-8 shall be revised to reduce the impacts to the fullest extent possible by minimizing the excessive grading shown on the exhibits.**

Impacts 6-8 are associated with the entrance road from White House Road. At the time of preliminary plan review for signature approval, a revised letter of justification with revised exhibits for Impacts 6-8 was submitted. The letter and exhibits indicated that Impact 6 was reduced from 0.57 acre to 0.03 acre; Impact 7 was reduced from 1.39 acres to 1.12 acres; and Impact 8 stayed the same at 0.24 acre.

The revised exhibit was reviewed with the submitted SDP and TCPII. The reductions for Impacts 6 and 7 are in general conformance with the revised exhibits which significantly reduced the excessive grading for the road entrance. Impact 8 shows additional grading adjacent to its original limits. In a discussion with the applicant's engineer on March 12, 2013, it was explained that the additional grading was required by current sediment and erosion control guidelines.

- b. **At the time of Specific Design Plan Impact 9 shall be further evaluated to reduce or eliminate the excessive clearing and grading impacts shall be reduced by eliminating the impact for the access road and the side grading impacts for the road crossing of "Street A."**

The revised statement showed that Impact 9, for an interior road crossing, was increased from 0.59 acre to 0.67 acre. It did not include an explanation as to why the impact increased. A review of the exhibit with the TCPII and SDP shows a similar area of impact, as well as additional grading for Stormwater Pond 2.

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In a discussion with the applicant's engineer on March 12, 2013, it was explained that the additional grading was required by current sediment and erosion control guidelines.

- c. Lots 30-32, 60 and 61 shall be revised to exclude the PMA. No residential lots shall contain any portion of the PMA.**

This condition has been addressed. No portions of the PMA are within Lots 30-32.

It appears that the net decrease in impacts as shown on the TCPH and SDP are no longer consistent with the revised letter of justification and, because the plans show an increase in the impacts for the proposed ponds as a result of additional clearing required by another agency, a summary of the acreages of each impact should be submitted prior to certification.

- 17. At the time of final plat approval, the applicant shall dedicate a minimum of 120 feet for the future alignment of Harry S Truman Drive extended (A-39) as shown applicant's site plan.**

The SDP shows the future alignment of Harry S Truman Drive, a 120-foot-wide right-of-way. Final conformance to Condition 17 will be reviewed and determined at the time of final plat.

- 19. Prior to the issuance of any building permit, the applicant shall conduct a signal warrant study at the intersection of White House Road and Harry S Truman Drive and install said signal if deemed to be warranted, or provide an alternate improvement as deemed necessary by DPW&T.**

The applicant submitted a signal warrant study to DPW&T, which stated that no traffic signal is warranted.

- 20. The applicant shall provide the following improvements along White House Road pursuant to DPW&T specifications:**

- Provision of a deceleration and an acceleration lane along White House Road at the site entrance.**
- Provision of a left-turn bay on westbound White House Road at its intersection with the site access road.**

These improvements will be enforced by DPW&T at the time of permitting; however, the submitted SDP shows the required improvements.

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- 21. In accordance with the adopted and approved Subregion Melwood-Westphalia master plan and the adopted and approved Westphalia sector plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:**
- a. Provide a standard or wide sidewalk along the subject site's entire frontage of White House Road, unless modified by DPW&T. The width and location of the trail/sidewalk will be determined at the time of SDP.**

Due to environmental constraints, DPW&T has not finalized the required improvements along the subject site's frontage of White House Road. Therefore, a condition has been included requiring this be resolved prior to issuance of building permits. Meanwhile, pedestrian access will be provided along this segment of White House Road via an existing wide sidewalk along the north side of the road.

- b. Standard sidewalks shall be indicated on both sides of all internal roads, unless modified by the Department of Public Works and Transportation.**

Standard sidewalks are included on the submitted SDP on both sides of all internal roads.

- c. 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 and approved by DPR prior to construction.**

No trails are proposed on the submitted SDP.

- 22. At the time of SDP, the historic farm roads should be evaluated for use as possible natural surface trail corridors.**

Based on discussions with the Historic Preservation Section, it appears that the historic farm road ran along the approximate alignment of Public Street "A." This road and the adjoining residential lots will be replacing the former farm road. Due to the significant environmental constraints on the site along White House Road, this is one of the few viable points to access the site from the north and it is not feasible to relocate Public Street "A" to a different location in order to preserve the farm road. However, standard sidewalks will be provided along both sides of the planned road to accommodate pedestrians through the subject site.

- 23. The dedication of 19.1± acres to the M-NCPPC as shown on the Department of Parks and Recreation (DPR) Exhibit "A."**

The submitted SDP shows 19.1 acres of dedication to M-NCPPC per Exhibit A.

- 24. The applicant shall dedicate 5,003 square feet of off-site land to M-NCPPC as shown on attached Exhibit "B." Before final plat, the applicant shall submit a deed, metes and bounds description, and certificate of title for the dedicated parkland.**

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The submitted SDP proposes to dedicate an off-site area of 5,119 square feet to M-NCPPC, as was shown on Exhibit B.

27. **The applicant shall construct 10-foot-wide gravel maintenance access road from Ritchie Marlboro Road to the dedicated parkland as shown on attached Exhibit "B". This area shall be graded at the time of mass grading of the project area and reviewed and approved by DPR staff prior to issuance of the first building permit. Prior to the issuance of the 37th building permit, the gravel maintenance road and park gates shall be constructed.**
28. **The applicant shall grade the southern portion of the dedicated parkland and stabilize the area according to local codes and ordinances. DPR staff shall establish the exact boundaries and elevation of park grading at the time of SDP. Park grading shall be completed and inspected by DPR staff prior to issuance of the first building permit.**

These conditions establish timing for improvements on the dedicated parkland that will be enforced at the time of permits. During the SDP review, the applicant approached DPR proposing a fee-in-lieu payment for construction of the gravel maintenance access road and grading of the southern portion of the parkland. The applicant and members of the surrounding community were concerned about possible illegal vehicular access to the undeveloped portion of the parkland, which is located in close proximity to the future residential lots and the adjacent farmland. DPR met with the applicant and members of the community to discuss these concerns and agreed with the concept of a fee in-lieu of the conditioned construction. However, the Planning Board found that the SDP approval could not change these improvements conditioned with the preliminary plan of subdivision. If the applicant wishes to pursue a fee-in-lieu option, as opposed to the construction as required by these conditions, preliminary plan reconsideration would be necessary.

29. **The applicant shall be responsible for any revisions to CDP-0303 necessitated by adoption of conditions of this application, which revisions shall be made administratively.**

Based on the submitted SDP, the Planning Board found that no revisions to CDP-0303 were required at this time.

30. **Tree conservation shall be allowed on dedicated parkland, the exact acreage and location shall be determined at the time SDP.**

The applicant developed a concept plan for future improvements in the park. The developable areas of the parkland are shown to be graded for the future recreational facilities. DPR believes that areas outside of the developable area on dedicated parkland can be placed in tree conservation.

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- 31. At the time of final plat approval, the applicant shall dedicate the necessary land area for the ultimate 120-foot wide right-of-way for White House Road as shown on the preliminary plan.**

The SDP shows the ultimate 120-foot-wide right-of-way for White House Road as shown on the preliminary plan. Final conformance to Condition 31 will be reviewed and determined at the time of final plat.

- 32. The applicant shall make required frontage improvements along White House Road as determined by DPW&T during the permitting process.**

DPW&T has not finalized the required improvements along the subject site's frontage of White House Road. Therefore, a condition has been included requiring this be resolved prior to issuance of building permits.

- 33. At the time of Specific Design Plan review, the relationship of the lots adjacent to the proposed Harry S Truman ROW dedication shall be evaluated to address orientation of the lots and houses to be constructed on the lots, design of cul-de-sacs and internal road design. This review may result in the alteration of the lot pattern, stormwater management ponds, open space parcels and/or internal road design as shown on the approved Preliminary Plan.**

The submitted SDP shows four residential lots, each over 15,000 square feet, with rear yards facing the proposed Harry S Truman Drive right-of-way. These lots are set 18 feet from the right-of-way line, and then the houses themselves are over 25 feet away from the property line, for a total distance of over 40 feet. In addition, there is a nine-foot-high noise wall and substantial plantings provided between the houses and the right-of-way, which should create a sufficient buffer between the roadway and the homes. The Planning Board found that no alteration of the lot pattern was necessary.

- 11. Prince George's County Landscape Manual:** The proposed single-family residential lots in the R-S Zone are subject to Section 4.1, Residential Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements, of the 2010 *Prince George's County Landscape Manual* (Landscape Manual).
- a. Section 4.1, Residential Requirements, requires a minimum of two shade trees and two ornamental or evergreen trees per one-family detached lot smaller than 9,500 square feet; a minimum of three shade trees and two ornamental or evergreen trees per one-family detached lot of 9,500 to 19,999 square feet; and a minimum of four shade trees and three ornamental or evergreen trees per one-family detached lot of 20,000 to 39,999 square feet. The submitted SDP provides the appropriate schedules showing that the requirements of this section are being met.

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- b. Section 4.6, Buffering Developments from Streets, requires that, when rear yards of single-family detached dwellings are oriented toward a street, a buffer area shall be provided between the development and the street. On the subject application, multiple lots' rear yards face Harry S Truman Drive and White House Road, both arterial roadways, requiring a minimum 50-foot-wide buffer planted with 6 shade trees, 16 evergreen trees, and 30 shrubs for every 100 linear feet of property line adjacent to the street. Between the lots and White House Road, the SDP proposes a minimum 135-foot-wide buffer which includes existing trees to be preserved within the environmental areas on-site, which is sufficient to fulfill this requirement. Between the lots and the proposed right-of-way of Harry S Truman Drive, the SDP proposes to provide a 50-foot-wide buffer and required plants, minus the allowed reduction for the provision of the nine-foot-high noise barrier, on the lots.

Additionally, on the subject application, multiple lots' rear yards face internal streets, which are all primary or lower road classifications, and would require a minimum 20-foot-wide buffer planted with 2 shade trees, 8 evergreen trees, and 12 shrubs for every 100 linear feet of property line adjacent to the street. The submitted SDP provides the appropriate schedules showing that the requirements of this section are being met.

- c. Section 4.7, Buffering Incompatible Uses, requires a buffer between adjacent incompatible land uses which includes the existing agriculture uses located to the south and east of the subject site. The landscape plan correctly identifies the Type "B" bufferyard required along these property lines, which includes a 30-foot-wide building setback and a 20-foot-wide landscaped yard planted with 80 plant units per 100 linear feet of shared property line. This requirement is being met along the entire property line by existing woodlands within the 50-foot-wide nondisturbance buffer required by Condition 8 of the zoning map amendments.
- d. Section 4.9, Sustainable Landscaping Requirements, requires certain percentages of native plants be provided on-site, along with no invasive plants, and no plants being planted on slopes steeper than three-to-one. The landscape plan provides the appropriate schedule showing that the requirements of this section have been met.

- 12. **Prince George's County Woodland Conservation and Tree Preservation Ordinance:** The subject application is grandfathered from the environmental regulations in Subtitles 24 and 27 that came into effect on September 1, 2010 because the project has a previously approved preliminary plan of subdivision. The project is also grandfathered from the requirements of Subtitle 25, Division 2, Woodland and Wildlife Habitat Conservation Ordinance because it has a previously approved tree conservation plan.

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. Type I Tree Conservation Plan TCPI/17/04 was approved with CDP-0303 and TCPI/17/04-01 was approved with the

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preliminary plan. A Type II Tree Conservation Plan, TCPII-006-13, was stamped as received February 14, 2013.

Based on the acreage shown on the TCPII, the site has an overall requirement of 23.51 acres. The plan proposes to meet the requirement with 18.18 acres of on-site woodland preservation, 2.42 acres of woodland afforestation/reforestation, and 2.91 acres of fee-in-lieu. Because the remaining requirement of 2.91 acres is over one acre, it must be met with off-site woodland conservation. The worksheet should be revised to remove the 2.91 acres of fee-in-lieu and show it to be met with off-site woodland conservation. Because the acreages are slightly different from those on the approved natural resources inventory (NRI) and TCPI, the worksheet acreages will change, but the difference will be minor.

The plan shows Specimen Trees 48 and 49 to be saved; however, these trees are located within a future right-of-way. The specimen tree chart should be revised to show the disposition for these trees as "removed."

Sheet 33 of the plan set indicates a match line for the extension of the limits of disturbance; however, it does not indicate a sheet number, nor does there appear to be a sheet in the set to match the line. The sheet number for the match line associated with the White House Road improvement should be provided. This approval includes conditions to address these issues.

13. **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 building or grading permit for 1,500 square feet or greater of gross floor area or disturbance. Properties that are zoned R-S are required to provide a minimum of 15 percent of the gross tract area in tree canopy. The subject property is 63.1 acres in size, resulting in a TCC requirement of 9.47 acres. A TCC schedule was provided showing that the requirement is being met on-site by the retention of existing woodlands.
14. **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. **Historic Preservation**—The Planning Board found that the subject SDP will have no effect on identified historic sites, resources, or districts.
 - b. **Archeological Review**

Findings

- (1) The bed of the former Chesapeake Beach Railroad, Archeological Site 18PR605, is located in the southwestern corner of the property. This portion of the property is proposed to be dedicated to M-NCPPC for active parkland. The specific design plan and landscape plan do not show the location of this feature.

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- (2) A Phase I archeological survey was completed on the Kenwood Village property in February 2007. Three archeological sites were identified, 18PR870, 18PR871, and 18PR872. Site 18PR870 is an early to late twentieth century domestic site. Site 18PR871 is a mid-eighteenth to late twentieth century domestic site, which contained two houses. Site 18PR872 is a small prehistoric site of unknown date at the head of a spring. Two historic access roads lead to Sites 18PR870 and 18PR871 off of White House Road. These access roads could possibly be used as recreational trails for the development. The Planning Board concurred with the report's recommendations that no further archeological work is necessary on Sites 18PR870 and 18PR872 due to significant disturbance or lack of research potential. The Planning Board found that since further construction may not be able to avoid Site 18PR871, Phase II investigations should be performed to determine the site's extent and the presence of intact cultural features and middens. The specific design plan and landscape plan do not show the locations of the archeological sites.
- (3) The proposed development will require state and federal wetlands permits. Therefore, the development will be subject to Section 106 review under the National Historic Preservation Act.
- (4) A Phase II work plan was submitted to Historic Preservation staff and to the Maryland Historical Trust (MHT) for review. The Phase II work plan was reviewed and approved by M-NCPPC and MHT in February 2012.

Conclusions

- (1) The applicant should show the locations of the four Archeological Sites, 18PR605, 18PR870, 18PR871, and 18PR872, on the specific design plan and landscape plan.
- (2) The applicant should continue to coordinate the archeological review with M-NCPPC, MHT, and the U.S. Army Corps of Engineers.

Archeological conditions addressing these issues have been included in this approval.

- c. **Community Planning**—This application is consistent with the 2002 *Prince George's County Approved General Plan* Development Pattern policies for the Developing Tier. This application is in conformance with the land use recommendations of the 1994 *Approved Master Plan and Sectional Map Amendment for Melwood-Westphalia (Planning Areas 77 and 78)* since the Planning Board found that this proposal complies with the recommendations in the master plan for planned improvements along White House Road and Ritchie Marlboro Road.

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Initially, it was recommended that the specific design plan should be revised to reflect the location of the noise barrier within a homeowners association (HOA) parcel, provide detail on the appearance of the noise barrier, and show significant plantings between the noise barrier and proposed Harry S Truman Drive. These plantings and the design of the noise barrier would have been reviewed for conformance with the vision of the area as a gateway to the Westphalia sector.

Page 66 of the master plan states that at this location "the use of the cluster subdivision technique of the Comprehensive Design Zone, R-S Category (1.6-2.6 dwelling units per acre) is encouraged to protect environmentally sensitive areas." This plan appears to meet this recommendation. The average of this density range is 2.1 dwelling units per acre. This proposal consists of 72 dwelling units, with a density on the site of the proposed development of 1.16 dwelling units per acre.

The realignment of A-39, Harry S Truman Drive/Ritchie Marlboro Road, is shown on the plan map at this location. At the time the master plan was approved, the District Council determined that the realignment of the segment of Ritchie Marlboro Road south of its intersection with White House Road would be addressed coincident with new development.

The gateway into the Westphalia community at the White House Road/Harry S. Truman intersection should take into account the strategies in the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan). Designated gateways are to be designed to include elements that will help define the site by incorporating elements such as entrance signage, artwork, water features, or timepiece, and landscape design should include both softscape and hardscape elements. Resting, recreational facilities, and other amenities, as appropriate, would also be incorporated into the design. However, the Planning Board found that no improvements are required with the subject application.

It is noted that the current configuration of White House Road and the future location of Harry S Truman Drive represent several issues that will impact gateway features in the area. The entire northern boundary of the subject property is in wetland and floodplain, reducing the amount of area of disturbance that will be permitted for gateway features. In addition, White House Road is not yet constructed to its projected width leaving a barrier between the current roadway and the future gateway area.

One feature of the current proposal is in direct conflict with the sector plan vision for a gateway in this area. A proposed noise fence/wall runs for approximately 620 feet behind four lots. These lots are Lots 1, 72, 62, and 63 on the west side of the residential area. No detail of a noise barrier is included in the plans and no landscaping is proposed on the west side of the barrier. The plan should be revised to reflect a design for the noise fence and landscaping that are compatible with the vision of the area as a gateway. Provision should be made for the continued upkeep and care of the fence and the landscaping.

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However, the Planning Board found no improvements to the noise fence design are required with the subject application.

The area surrounding the proposed noise barrier should be included in property owned and maintained by the HOA. The approved Preliminary Plan of Subdivision (4-06159) recognized the significant noise issues that are represented by the proximity of the homes to proposed Harry S Truman Drive.

The current plan proposes that the noise barrier will be in a "noise fence easement." The site plan should be revised to place the noise barrier into a HOA parcel. Additionally, the homes shown on these lots are within 40 feet of the proposed right-of-way. Evaluation of the location of the homes in relation to the 120-foot-wide arterial roadway should be completed by the Urban Design Section (M-NCPPC). This may result in a loss of lots, a fact that was recognized in the preliminary plan.

In conclusion, the Planning Board found that the noise barrier was proposed within a HOA parcel, that a detail on the appearance of the noise barrier was provided, and that the SDP was not required to show significant plantings between the noise barrier and proposed Harry S Truman Drive.

- d. **Transportation Planning**—The Planning Board found that all of the transportation-related preliminary plan of subdivision conditions were still valid. Additionally, the applicant is proposing a road network that accurately represents the network on which the approved preliminary plan was based. Since all of the preliminary plan conditions are developer-funded, and are tied to the release of building permits, those improvements will be provided in a reasonable period of time.
- e. **Subdivision Review**—An analysis of the site plan's conformance with Preliminary Plan of Subdivision 4-06159 is discussed in detail in Finding 10 and included as conditions in this approval as necessary.

Additionally, the subject site is known as Parcels 65 and 73, and is located on Tax Map 83 in Grid A-1, within the Residential Suburban Development (R-S) Zone for 63.1 acres. The site is currently undeveloped and wooded. The applicant submitted a specific design plan for the development of 72 single-family detached dwellings.

The site is the subject of approved Preliminary Plan of Subdivision 4-06159, and the resolution was adopted by the Prince George's County Planning Board on October 18, 2007 (PGCPB Resolution No. 07-169). The preliminary plan was signature approved on August 7, 2012. The approved preliminary plan is valid until December 31, 2013 pursuant to County Council Bills CB-07-2011 and CB-08-2011. A final plat for the subject property must be accepted by M-NCPPC before the preliminary plan expires or a new preliminary plan is required.

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The SDP proposes 72 residential lots as reflected on the approved preliminary plan. The lot size and layout of Lots 21–26, Lots 32–36, and Lots 41–51 on the SDP are different from the approved preliminary plan. However, the overall lot layout and street pattern on SDP-0805 are not inconsistent with the approved preliminary plan.

Specific Design Plan SDP-0805 is in substantial conformance with approved Preliminary Plan 4-06159 if the comments in Finding 10 have been addressed. Failure of the site plan and record plat to match will result in building permits being placed on hold until the plans are corrected. There are no other subdivision issues at this time.

- f. **Trails**—The Planning Board reviewed the following summarized discussion regarding conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 1994 *Approved Master Plan and Sectional Map Amendment for Melwood-Westphalia* (area master plan) in order to implement planned trails, bikeways, and pedestrian improvements:

There are three master plan trail/bikeway facilities included in the MPOT or area master plan that are in the vicinity of the subject site. These include 1) an eight-foot-wide sidepath along White House Road, 2) an eight-foot-wide sidepath along Harry S Truman Drive extended, and 3) the Chesapeake Beach Rail-Trail just south of the subject site. The sidepath along Harry S Truman Drive extended will be an extension of the existing wide sidewalk along the east side of the road, north of White House Road.

The MPOT includes several policies related to pedestrian access and the provision of sidewalks within designated centers and corridors, as well as other areas in the Developed and Developing Tiers. The Complete Streets section includes the following policies regarding sidewalk construction and the accommodation of pedestrians.

POLICY 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.

POLICY 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

Standard sidewalks are included on both sides of the internal roads. The sidepath or wide sidewalk along Harry S Truman Drive extended will be provided at the time of road construction by DPW&T. It appears that a sidewalk will not be required along the south side of White House Road due to environmental constraints, as discussed below.

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The subject site includes two previous approvals which contain multiple conditions of approval related to bicycle and pedestrian facilities. These are discussed further in Findings 9 and 10 above.

It appears that DPW&T has determined that a wide sidewalk or sidepath will be provided along the north side of White House Road, but that no sidewalk will be provided along the south side due to the sensitive environmental features that abut the road. This should be documented by the applicant as it means that Condition 21a of the preliminary plan will not be met.

The master plan trail or wide sidewalk along Harry S Truman Drive extended will be provided at the time of road construction. No trail construction is required at this time.

The Planning Board found it is appropriate to utilize the future alignment of the Chesapeake Beach Rail-Trail as the park access road. This will serve both the short-term need for access to the dedicated parkland and the long-term need for the master plan trail. This trail will ultimately serve as a major trail connection across central Prince George's County and will provide access from surrounding residential communities to the regional park facilities.

Due to wetlands, steep slopes, and other sensitive environmental features on the subject site immediately to the south of White House Road, it has been determined by DPW&T that no standard or wide sidewalk will be provided on the south side of White House Road. Pedestrians will be accommodated with a wide sidewalk on the north side of White House Road at this location.

Conditions have been included in this approval to address these issues as necessary. DPW&T stated in their referral below that the final required improvements, including sidewalks, along White House Road are still not finalized and this will be required to be resolved prior to issuance of building permits.

- g. **The Department of Parks and Recreation (DPR)**—In a memorandum dated February 27, 2013, DPR provided an analysis of the SDP's conformance to previous conditions of approval having to do with parks issues, which has been incorporated into Findings 9 and 10 above. They found the submitted SDP to be in general conformance with the conditions of approved Comprehensive Design Plan CDP-0303 and Preliminary Plan 4-06159, as they pertain to parks and recreation. Their recommended conditions have been included in this approval as found by the Planning Board.
- h. **Permit Review**—Permit comments regarding the review of the subject SDP have been addressed either by revisions to the plans or through conditions of this approval.
- i. **Public Facilities**—The Planning Board found that the required fire, rescue, and police facilities have been determined to be adequate. Additionally, the SDP will be subject to

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the school facilities surcharge for each dwelling unit, and the proposed development is in water and sewer Category 4, Adequate for Development.

- j. **Environmental Planning**—The Planning Board reviewed a summary of the environmental site description and an analysis of the site plan's conformance with various environmental conditions in Zoning Map Amendments A-9802-C and A-9803-C, Comprehensive Design Plan CDP-0303, and Preliminary Plan of Subdivision 4-06159, and with the applicable environmental ordinance. This analysis is provided in Findings 8, 9, 10, and 12 above.

An approved Natural Resources Inventory, NRI/135/05, was submitted with the application. There is a primary management area (PMA) comprised of streams, stream buffer, wetlands, wetland buffer, 100-year floodplain, and steep slopes on soils with erodibility factors of 0.35 and greater.

The forest stand delineation (FSD) indicates that there are ten forest stands totaling 59.52 acres and 48 specimen trees. The entire net tract area of this property has existing forest cover and 77 percent of the floodplain has existing forest cover. The woodlands on this property, although categorized into ten forest stands by the FSD, can be further grouped into three distinct forest types, including upland mature forest, early succession upland forest, and immature bottomland forest. The upland mature forest and immature bottomland forest stands have the highest retention priority.

There are discrepancies between the acreages shown on the NRI, the TCPI, and the TCPII. The NRI and TCPI show the gross tract area as 63.02 acres, while the TCPII shows it as 63.07 acres. The NRI and TCPI show the total floodplain area as 12.06 acres, while the TCPII shows the total floodplain area as 11.81 acres. The total woodland listed on the NRI and TCPI is 59.52 acres, while the TCPII shows the total woodland as 59.69 acres.

To address these discrepancies, conditions have been included in this approval.

- k. **Prince George's County Fire/EMS Department**—The Prince George's County Fire/EMS Department, in a memorandum dated December 15, 2012, provided standard comments regarding fire apparatus, hydrants, and lane requirements. Those issues will be enforced by the Fire Department at the time of issuance of permits.
- l. **The Department of Public Works and Transportation (DPW&T)**—In a memorandum dated March 7, 2013, DPW&T provided a standard response on issues such as frontage improvements, soils, storm drainage systems, and utilities, in order to be in accordance with the requirements of DPW&T. Those issues will be enforced by DPW&T at the time of issuance of permits. DPW&T indicated that the subject SDP is consistent with approved Stormwater Management Concept Plan 43083-2005-02. Additional comments regarding plan specific issues are summarized as follows:

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The property is located at the intersection of White House Road and Harry S Truman Drive. Right-of-way dedication in accordance with DPW&T's Urban Arterial Road standard is required for White House Road. White House Road is to be improved to a four-lane urban collector along the site frontage. An acceleration and deceleration lane on White House Road westbound from Harry S Truman Drive is required. An eastbound left-turn lane on White House Road to Harry S Truman Drive is also required. Additionally, right-of-way dedication and frontage improvements in accordance with DPW&T's specifications and standards are required for the proposed internal subdivision streets. Frontage improvement on White House Road has not been finalized.

The property bisects the future right-of-way for master-planned A-39 (arterial roadway). This right-of-way is to be dedicated.

The portion of Public Road "A" along the frontage of Lots 20 and 21 is not in accordance with DPW&T specifications and standards. The proposed bulb configuration is not acceptable and must be revised. This item was addressed and the plans updated.

The configuration of Public Street "C" along the frontage of Lots 56 to 59 is also not in accordance with DPW&T specifications and standards. However, the proposed configuration is acceptable based on the low-volume traffic.

Public Street "A" will transition to a 50-foot-wide right-of-way after its intersection with Public Street "C." The 60-foot-wide right-of-way was extended as required by DPW&T and the plans updated.

The SDP was updated to address DPW&T's comments.

- m. **Prince George's County Police Department**—In a memorandum dated December 28, 2012, the Police Department indicated that they had no crime prevention through environmental design (CPTED) concerns for the subject application.
- n. **Prince George's County Health Department**—In a memorandum dated December 21, 2012, the Health Department provided the following summarized comments:
 - (1) There is an increasing body of scientific research suggesting that artificial light pollution can have lasting adverse impacts on human health. Provide details indicating that all proposed exterior light fixtures will be shielded and positioned so as to minimize light trespass caused by spill light.

The submitted SDP notes that full cut-off optic light fixtures shall be used throughout the development and shall be directed downward to reduce glare and light intrusion.

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- (2) Scientific research has demonstrated that a high-quality pedestrian environment can support walking both for utilitarian purposes and for pleasure, leading to positive health outcomes. Indicate how development of the site will provide safe pedestrian access to amenities in the adjacent communities.

The subject SDP proposes sufficient public sidewalks on the subject site that connect to those within the adjacent rights-of-way providing pedestrian access to the surrounding community.

- (3) The site is bounded by an arterial roadway and a future arterial roadway, and therefore, subject to associated noise impacts to occupants of proposed residential and office space uses. Noise can be detrimental to health with respect to hearing impairment, sleep disturbance, cardiovascular effects, psycho-physiologic effects, psychiatric symptoms, and fetal development. Sleep disturbances have been associated with a variety of health problems, such as functional impairment, medical disability, and increased use of medical services even among those with no previous health problems. A noise fence/wall is shown between the future arterial roadway and closest proposed residences. Provide details regarding the fence/wall and any other proposed modifications, adaptations and/or mitigation as necessary to minimize the potential adverse health impacts of noise on the susceptible residential population.

The applicant submitted a noise analysis with the subject SDP, which provided details for the proposed mitigation measures.

- (4) The site is bounded by an arterial roadway and a future arterial roadway, and therefore, subject to associated air quality impacts to occupants of the proposed office/residential space uses. Several large scale studies demonstrate that increased exposure to fine particulate air pollution is associated with detrimental cardiovascular outcomes including increased risk of death from ischemic heart disease, high blood pressure and coronary artery calcification. Additionally, there is an emerging body of scientific evidence indicating that fine particulate air pollution from traffic is associated with childhood asthma. Provide details regarding proposed modifications, adaptations and/or mitigation as necessary to minimize the potential adverse health impacts of air pollutants on the susceptible residential population.

The subject SDP preserves a large amount of wooded environmental features between the proposed residences and the arterial roadway which will help to mitigate air quality issues.

- (5) The public health value of access to active recreational facilities has been well documented. Indicate the location of active recreational facilities within one-quarter mile of the proposed residences.

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Recreational facility requirements were reviewed and established with the previous plan approvals for the subject property, and the subject SDP provides an acceptable level of private recreational facilities relative to the amount of development.

- (6) There are NO existing markets/grocery stores within a half mile radius of this location. A 2008 report by the UCLA Center for Health Policy Research found that the presence of a supermarket in a neighborhood predicts higher fruit and vegetable consumption and a reduced prevalence of overweight and obesity. Additionally, there is an increasing body of scientific research suggesting that community gardens enhance nutrition and physical activity, and promote the role of public health in improving quality of life. The developer should consider setting aside space for a community garden.

The applicant does not propose any retail space with the subject application. Previous approval conditions, along with the large amount of environmental features on-site and the dedication of parkland, leave no feasible area for a community garden.

- (7) During the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Future plans should 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.

This requirement will be enforced at the time of permit; however, a note has been provided on the SDP indicating conformance with these requirements.

- (8) During the construction phases of this project, no noise should be allowed to adversely impact activities on the adjacent properties. Future plans should indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.

This requirement will be enforced at the time of permit; however, a note has been provided on the SDP indicating conformance with these requirements.

- o. **Maryland State Highway Administration (SHA)**—In a memorandum dated December 17, 2012, SHA indicated that the proposed site will be accessed from a county-owned, operated, and maintained roadway and that they had no objections to approval of the subject development.
- p. **Prince George's County Board of Education**—The Board of Education did not provide comments on the subject application.

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- q. **Washington Suburban Sanitary Commission (WSSC)**—In a memorandum dated December 13, 2012, WSSC provided a standard response on issues such as pipe and easement requirements.
 - r. **Verizon**—Verizon did not provide comments on the subject application.
 - s. **Potomac Electric Power Company (PEPCO)**—PEPCO did not provide comments on the subject application.
15. **Required Findings:** Section 27-528 of the Zoning Ordinance sets forth the following criteria for approval of a specific design plan:
- (a) **Prior to approving a Specific Design Plan, the Planning Board shall find that:**
 - (1) **The plan conforms to the approved Comprehensive Design Plan, the applicable standards of the Landscape Manual, and except as provided in Section 27-528(a)(1.1), for Specific Design Plans for which an application is filed after December 30, 1996, with the exception of the V-L and V-M Zones, the applicable design guidelines for townhouses set forth in Section 27-274(a)(1)(B) and (a)(11), and the applicable regulations for townhouses set forth in Section 27-433(d) and, as it applies to property in the L-A-C Zone, if any portion lies within one-half (1/2) mile of an existing or Washington Metropolitan Area Transit Authority Metrorail station, the regulations set forth in Section 27-480(d) and (e);**

The plan conforms to the requirements of CDP-0303 as detailed in Finding 9 above and the Landscape Manual as detailed in Finding 11 above.

- (1.1) **For a Regional Urban Community, the plan conforms to the requirements stated in the definition of the use and satisfies all requirements for the use in Section 27-508 of the Zoning Ordinance;**

The subject project is not a regional urban community. Therefore, the requirements of this subpart are not applicable.

- (2) **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 Program or provided as part of the private development;**

The Planning Board found that the subject development will be adequately served within a reasonable period of time based on the transportation-related conditions in the preliminary plan of subdivision approval.

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The Planning Board reviewed the subject SDP for public facilities including fire, rescue, police, schools, and water and sewer, and found that the development will be adequately served within a reasonable period of time.

- (3) Adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties;**

In a referral dated January 11, 2013, DPW&T stated that the subject SDP is consistent with approved Stormwater Management Concept Plan 43083-2005-02.

- (4) The plan is in conformance with an approved Type 2 Tree Conservation Plan;**

The Planning Board approved Type II Tree Conservation Plan TCPII-006-13, with conditions. Those conditions have been included in this approval. Therefore, it may be said that the plan is in conformance with an approved Type II tree conservation plan.

- (5) The plan demonstrates that the regulated environmental features are preserved and/or restored to the fullest extent possible.**

The project is grandfathered with respect to the environmental regulations contained in Subtitles 24, 25, and 27 that came into effect on September 1, 2010 because the project has a previous preliminary plan approval. Therefore, this requirement is not applicable.

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-006-13), and further APPROVED Specific Design Plan SDP-0805 for the above-described land, subject to the following conditions:

1. Prior to certification of the specific design plan (SDP), the applicant shall:
 - a. Revise the SDP as follows:
 - (1) Add a note that screening in the buffer running on both sides of the stream parallel to White House Road shall be provided, by leaving the wetlands in a natural state, except for the proposed crossing.
 - (2) Clearly show the centerlines for Harry S Truman Drive and White House Road.
 - (3) Show the proposed outfalls for Ponds 1 and 2.
 - b. Revise the architecture to show a minimum of two standard architectural features, such as windows, doors, or fireplace chimneys, arranged in a reasonably balanced design on all

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side elevations and a minimum of three such features on all highly-visible side elevations, which shall include Lots 9, 10, 26, 27, 39, 51, 52, 54, 67, and 68. This should be noted on the SDP and architecture.

- c. Revise the Type II tree conservation plan as follows:
 - (1) Show new tree conservation boundaries as shown on DPR Exhibit A.
 - (2) Add a detail of the proposed black, vinyl-clad, chain-link fence.
 - (3) Show the proposed outfalls for Ponds 1 and 2.
 - (4) Revise all acreages in the worksheet to be consistent with the acreages on the approved natural resources inventory and Type I tree conservation plan, or provide a detailed explanation for the change in acreages for gross tract, existing woodland, and woodland within the floodplain. Revise the summary charts as necessary.
 - (5) Show Specimen Trees 48 and 49 as to be removed.
 - (6) Provide a sheet number for the match line on Sheet 3 where the limit of disturbance continues off-site.
 - (7) Revise the worksheet to remove the 2.91 acres of fee-in-lieu and show it to be met with off-site woodland conservation.
 - (8) Remove the proposed tree line from the plan and legend and only show the existing tree line.
 - (9) Have the revised plan signed and dated by the qualified professional who prepared the plan.
- d. Submit a summary of the acreages of the proposed primary management area impacts as shown on the Type II tree conservation plan and SDP.
- e. Submit to DPR, for review and approval, construction drawings, including a grading plan and details for gravel road construction.
- f. Submit construction drawings for the park improvements for approval by DPR staff.
- g. Label the proposed noise barrier and its height on all affected plans.

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2. A minimum of 60 percent of the approved dwelling units shall have full brick or stone front façades. A tracking chart shall be provided on the coversheet of the specific design plan to account for the masonry façades at the time of building permit.
3. No two identical façades may be located next to or across from one another.
4. At the time of building permit submittal, the permit plans shall label all building setbacks (front, side, and rear yards) on each lot, label garages as single or double-car garages, and list the actual percentage of lot coverage on each lot.
5. Prior to issuance of building permits, the applicant/developer, his heirs, successors, and/ or assignees shall construct or bond to construct a half section of White House Road, including a standard sidewalk, for the entire segment of this roadway through the subject parcel, unless modified by the Department of Public Works and Transportation (DPW&T).
6. Prior to any ground disturbance or approval of any grading permits, the applicant shall:
 - a. Provide a plan, subject to review and approval by the M-NCPPC staff archeologist, for interpretive signage to be erected and public outreach measures (based on the findings of the archeological investigations).
 - b. If Site 18PR871 is found to be eligible for inclusion in the National Register of Historic Places, the site shall be preserved in place or, if this is not feasible, Phase III mitigation should be performed on site. The applicant shall provide a final report detailing the Phase II and/or Phase III investigations to the M-NCPPC staff archeologist.
7. Prior to the issuance of the 47th building permit, the applicant shall install the required interpretive measures for Site 18PR871 and will ensure that all archeological artifacts are curated in a proper manner and deposited with the Maryland Archeological Conservation Lab at the Jefferson Patterson Park and Museum in St. Leonard, Maryland. Proof of disposition of the artifacts shall be provided to Historic Preservation staff.
8. Provide standard sidewalks along both sides of all internal roads, unless modified by the Department of Public Works and Transportation (DPW&T).
9. Regarding the private on-site recreational facilities:
 - a. Prior to approval of final plats, the applicant and the applicant's heirs, successors, and/or assignees shall submit three original executed Recreational Facilities Agreements (RFA) to The Maryland-National Capital Park and Planning Commission (M-NCPPC), Prince George's County Planning Department, Development Review Division (DRD), for construction of the private recreational facilities on-site. Upon approval by the DRD Division, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.

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- b. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee in an amount to be determined by the DRD Division, for construction of the private on-site recreational facilities.
- c. The private on-site recreational facilities shall be constructed prior to issuance of the 43rd building permit.

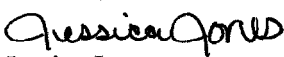
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

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 Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Shoaff, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, March 28, 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:JK:arj


APPROVED AS TO LEGAL SUFFICIENCY
M-NCPPC Legal Department
Date 5/6/13