

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
TTY: (301) 952-4366  
[www.mnccppc.org/pgco](http://www.mnccppc.org/pgco)

File No. SDP-0902/01

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

1. **Request:** The subject application proposes to develop 29 single-family detached lots and 112 single-family attached lots in the section of the Beech Tree development known as East Village, Sections 11 and 13.

	EXISTING	APPROVED
Zone	R-S	R-S
Uses	Vacant	Single-family detached and attached residential
Acreage (in the subject SDP)	29.70	29.70
Lots	0	141

	REQUIRED	APPROVED
29 single-family detached units	58	58
112 single-family attached units	229	472

Norwood (Ryan)	2,925 square feet
Lafayette (Ryan)	2,156 square feet
Lismore (Lennar)	2,468 square feet

3. **Location:** The Beech Tree project site is located on the west side of Robert S. Crain Highway (US 301), south of Leeland Road, in Planning Area 79 and Council District 6. The area covered by the subject application, East Village, Sections 11 and 13, is located on the eastern edge of the subdivision, just south of the intersection of Beechtree Parkway and US 301.

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4. **Surrounding Uses:** The Beech Tree development, as a whole, is bounded on the north by Leeland Road, on the east by Crain Highway (US 301), and on the south and west by residentially-zoned properties (R-A, Residential-Agricultural; R-E, Residential-Estate; and M-X-T, Mixed Use-Transportation Oriented). The area covered by the subject application is bounded to the north, south, and west by other portions of the Beech Tree development, specifically, the operational Presidential Golf Course; to the east by US 301; and to the southeast by the Forest Hills Motel in the R-A Zone.
5. **Previous Approvals:** The overall site is known as Beech Tree, which was rezoned by the Prince George's County District Council on October 9, 1989 (Zoning Ordinance No. 61-1989) from the R-A Zone to the R-S (Residential Suburban Development) Zone through Zoning Map Amendment A-9763-C for 1,765 to 2,869 dwelling units subject to 17 conditions and 14 considerations. On July 14, 1998, Comprehensive Design Plan CDP-9706 was approved by the District Council for the entire Beech Tree development subject to 49 conditions. Following the approval of CDP-9706, three preliminary plans of subdivision were reviewed and approved. Only Preliminary Plan of Subdivision 4-00010, approved by the Prince George's County Planning Board on July 6, 2000 and formalized in PGCPB Resolution No. 00-127, is relevant to the subject property.

Two SDPs for the entire site have also been approved for the Beech Tree development. Specific Design Plan SDP-9905, which was approved by the District Council on October 22, 2000, is a special purpose SDP for community character. Specific Design Plan SDP-0001, which was approved by the District Council on October 30, 2000, is an umbrella approval for architecture for the entire Beech Tree development, which has been revised thirteen times.

The original SDP-0902, for a total of 78 single-family detached lots, was approved by the District Council on November 14, 2011 subject to ten conditions.

6. **Design Features:** The subject site is located in the southwestern quadrant of the intersection of Beech Tree Parkway and Crain Highway (US 301). Traveling west on Beech Tree Parkway from US 301 to reach the site, one would turn south onto Presidential Golf Drive and immediately south of a small portion of the existing golf course, East Village, Section 11 is located to the east of this drive and Section 13 to the southwest. Section 11, as previously approved, includes 29 single-family detached lots accessed off of Presidential Golf Drive and two culs-de-sac that run to the east. This portion of the SDP is not being revised. The proposed lot sizes in East Village, Section 11, range from 6,927 square feet to 14,129 square feet. All of the proposed streets within this section will be public and, therefore, landscaped and lit in conformance with Prince George's County Department of Public Works and Transportation (DPW&T) standards. Architecture for the proposed single-family detached homes will be selected from approved models in the umbrella specific design plan for architecture, SDP-0001.

Section 13, located on the west side of Presidential Golf Drive between it and the golf course, is proposed to be revised from 49 single-family detached lots to 112 single-family attached (townhouse) lots. The northernmost portion of this section contains 16 townhomes with front-load

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garages, arranged in an arched fashion and serviced off of a private drive with two entrances onto Presidential Golf Drive. The southernmost portion of Section 13 contains the remainder of the townhouse lots, all with front-loaded garages, arranged in a rectilinear fashion located west of Presidential Golf Drive and immediately north of the existing golf clubhouse building, parking lot, and access drive. While on-street guest parking spaces are provided within the townhome areas, they are not evenly distributed. For instance, only three are provided in a location convenient to the northernmost 16 townhomes, while 24 are provided convenient to the southernmost 26 townhomes. The SDP should be revised to more evenly distribute on-street parking spaces, while adding more where possible.

The townhouse models included with this SDP, specifically the Norwood and Lafayette models by Ryan Homes and the Lismore by Lennar, have been approved in various other sections within Beech Tree. The proposed models all have a two-car garage and offer various options such as brick façades, shutters, windows, window trim, bay windows, and entrance porches. The proposed design features contribute to the overall superior quality of architecture proposed for this development. Various conditions of approval, similar to those approved in other sections within Beech Tree, have been included in this approval to ensure that the superior quality of architecture is maintained.

There is no signage proposed, as these villages are internal to the Beech Tree subdivision as a whole. Site signage has been reviewed and approved as part of Special Purpose SDP-9905. The site, as part of the Beech Tree development, will have access to the adjacent golf course and all of the other public and private recreational features that were approved with the overall CDP.

7. **Zoning Map Amendment A-9763-C:** On October 9, 1989, the District Council approved Zoning Map Amendment A-9763-C subject to 17 conditions and 14 considerations. Of the considerations and conditions attached to the approval of A-9763, the following are applicable to the review of this SDP:

**Condition 16 The District Council shall review all Specific Design Plans for Beech Tree.**

The case will be sent to the District Council for review.

**Consideration 4 The applicant shall prepare a noise study for approval by the Planning Board. The study shall specify the site and structural mitigation measures incorporated into the development to minimize noise intrusion and prevent noise levels from exceeding 65 dBA (Ldn) exterior and 45 dBA (Ldn) interior.**

A noise study for the subject sections was reviewed and found acceptable with the original SDP approval. The subject revision only involves Section 13, which is not impacted by noise from Crain Highway (US 301).

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**Consideration 5      The applicant shall demonstrate that the proposed development complies with the Patuxent River Policy Plan criteria.**

The preservation of the primary management area (PMA) to the fullest extent possible would address this consideration. The Environmental Planning Section reviewed the PMA impacts approved under the preliminary plan, which appear to have been exceeded during previous SDP approvals. A total of 15.12 acres of PMA impacts outside of the floodplain are included in the overall worksheet for the Beech Tree development as a whole, and the overall worksheet indicates that 0.45 acre of non-floodplain PMA impacts and 0.01 acre of 100-year floodplain impacts are proposed under the current plan. This is discussed further in Finding 15h below.

**Consideration 6.      The applicant shall prepare a detailed soils study to demonstrate that the property is geologically suitable for the proposed development.**

This condition was met by the creation of Condition 1d of PGCPB Resolution No. 98-50, which requires a detailed review of the SDP and the submission of a geotechnical study. A geotechnical report for this portion of the Beech Tree project was submitted and reviewed with the original SDP application. The geotechnical study concluded that, based on the depth of the Marlboro clay beneath the ground surface and the fact that steep slopes are not generally present or proposed in the vicinity of the Marlboro clay outcrops, the presence of Marlboro clay will not significantly impact the design or construction of the improvements proposed.

8. **Comprehensive Design Plan CDP-9706:** Comprehensive Design Plan CDP-9706 for the entire Beech Tree development was approved by the Planning Board on February 26, 1998. Subsequently, on July 14, 1998, CDP-9706 was approved by the District Council subject to 49 conditions. The following conditions of the CDP approval are applicable to the subject SDP and warrant discussion as follows:

6. **Every Specific Design Plan for Beech Tree shall include on the cover sheet a clearly legible overall plan of the Beech Tree project on which are shown in their correct relation to one another all phase or section numbers, all approved or submitted Specific Design Plan numbers, and all approved or submitted Tree Conservation Plan numbers for Beech Tree.**

The coversheet of the SDP contains an overall plan of the Beech Tree project on which are shown phase or section numbers and a chart of approved or submitted SDP numbers. However, to fully satisfy this requirement, minor corrections need to be made to ensure all of the information is correct and up-to-date in accordance with all approvals that have occurred since the original plan was approved. A condition included in this approval requires the applicant to revise this information on the SDP coversheet.

7. **Every Specific Design Plan for Beech Tree shall adhere to Stormwater Management Concept Plan #958009110 or any subsequent revisions. The applicant shall obtain separate Technical Stormwater Concept Plan approvals from DER for each**

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**successive stage of development in accordance with the requirements set forth in Concept Plan #958009110 prior to SDP or Preliminary Plan approval, whichever comes first.**

The above condition requires the applicant to obtain a separate stormwater management concept approval for each successive stage of development prior to SDP or preliminary plan approval. Stormwater Management Concept Plan 37349-2009-00 was issued for East Village, Section 11, and Stormwater Management Concept Plan 5040-2010-01 was issued for East Village, Section 13, subject to conditions which include a 50-foot-wide landscape buffer to residential lots. DPW&T will address the location and planting requirements for this landscape buffer at the time of technical stormwater management approval.

- 14. Pursuant to the conditions imposed by the Prince George's District Council on Zoning Application No. A-9763-C, prior to approval of each Specific Design Plan for residential uses, the applicant shall demonstrate to the satisfaction of the Planning Board and the District Council that prices of proposed dwelling units will not be lower than the following ranges (in 1989 dollars):**

<b>Single-Family Detached:</b>	<b>\$225,000-500,000+</b>
<b>Single-Family Attached:</b>	<b>\$150,000-200,000+</b>
<b>Multifamily dwellings:</b>	<b>\$125,000-150,000+</b>

**In order to insure that the prices of proposed dwelling units are reflective of dollar values for the year in which the construction occurs, each Specific Design Plan shall include a condition requiring that, prior to approval of each building permit for a dwelling unit, the applicant shall again demonstrate that the price of the dwelling unit will not be lower than the ranges above (in 1989 dollars).**

Such condition has been included in this approval.

- 17. The District Council shall review and approve all Specific Design Plans for Beech Tree.**

This case will be scheduled to be heard by the District Council.

- 20. An open space buffer shall be provided where residential development is to be located adjacent to US 301. This buffer shall be at least 200 feet wide, measured from the ultimate right-of-way of US 301, and shall include no structures or paving of any kind (except walls for mitigation of sound, if determined to be necessary). Where no existing trees will be preserved, naturalistic berms and heavy landscaping shall be employed in this buffer. Rear façades of houses directly and highly visible from US 301 shall be designed to include similar architectural features (e.g. shutters, windows, trim elements, dormers, cross gables) as the fronts.**

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The original SDP was found to be in conformance with this condition for the portion of East Village, Section 11, which has frontage on US 301. The subject SDP does not propose any revisions to this section.

24. **All structures shall be fully equipped with a fire suppression system built in accordance with National Fire Protection Association (NFPA) Standard 13D and all applicable County laws and regulations.**

A note requiring such has been included on the subject SDP.

9. **Preliminary Plan of Subdivision 4-00010:** The relevant Preliminary Plan of Subdivision, 4-00010, was approved by the Planning Board on July 6, 2000 subject to 30 conditions. The validity period for the preliminary plan was extended to December 31, 2015 pursuant to County Council Bill CB-70-2013. A final plat for the subject property must be accepted by The Maryland-National Capital Park and Planning Commission (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:

5. **Prior to approval of building or grading permits, the Environmental Planning Section shall review all Technical Stormwater Management Plans approved by the Department of Environmental Resources (DER). The Environmental Planning Section shall work with DER and the applicant to ensure that water quality is provided at all storm drain outfalls.**

The timing mechanism of this condition is prior to approval of permits; however, the design of the stormwater management facilities may significantly impact the design of the SDP. The Planning Board has included a condition in this approval to address the issue of the final design of stormwater management facilities to address this condition.

7. **Prior to issuance of any permits for Beech Tree, the applicant shall demonstrate that all applicable conditions of the State wetland permit have been fulfilled.**

An Army Corps of Engineers 404 Permit and Maryland Department of the Environment water quality certification was obtained for Beech Tree, but has since expired. The submittal of a valid wetlands permit will be required prior to issuance of any further permits which impact streams or wetlands on the subject property.

8. **As part of the submission of a Specific Design Plan (SDP) for any High Risk Area, the applicant, his heirs, successors and/or assigns shall submit a geotechnical report for approval by M-NCPPC Environmental Planning Section, the Prince George's County Department of Public Works and Transportation, and the Prince George's County Department of Environmental Resources. The SDP shall show the proposed 1.5 Safety Factor Line. Adjustments to lot lines and the public rights-of-way shall be**

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**made during the review of the SDP. No residential lot shall contain any portion of unsafe land.**

An analysis of this issue which is discussed further in Finding 15h below.

10. **Specific Design Plan SDP-0902:** Specific Design Plan SDP-0902 is the initial approval of this SDP. The SDP was approved by the District Council on November 14, 2011 subject to ten conditions, which have been included in this approval as necessary.
11. **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; however, the subject application does not meet the requirements of Section 27-515(b), Footnote 29, which reads in part as follows:

**29      Except as provided in Section 27-480(g), for Specific Design Plans for which an application is filed after December 30, 1996, the following restrictions shall apply. Townhouses may comprise not more than the following percentages of the total number of dwelling units included in the Comprehensive Design Plan: in the R-L Zone, twenty percent (20%); R-S, twenty percent (20%); R M, thirty percent (30%); R-U, thirty percent (30%); L-A-C, forty percent (40%); and M-A-C, thirty percent (30%). Multifamily dwelling units may comprise not more than...**

Comprehensive Design Plan CDP-9706 was approved for a maximum of 2,400 dwelling units, which was broken down as 1,680 single-family detached, 480 single-family attached (townhouse), and 240 multifamily (apartment) units as allowed by the R-S zoning. With this submittal, the applicant would exceed the 20 percent limitation on townhouse units by 4.7 percent, for a total of 592 townhouses. When taken in conjunction with the concurrent application SDP-0315-04, the overall Beech Tree development would have a total of 699 townhouse lots, or 29 percent of the original 2,400 units allowed by the CDP. The applicant has filed a variance application from this requirement with this SDP. See Finding 11b for a detailed discussion.
  - b. Section 27-239.03 of the Zoning Ordinance allows the Planning Board or District Council to grant a variance if the following findings can be made. The required findings for a variance as stated in Section 27-230(a) include the following:

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- (1) **A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic condition, or other extraordinary situations or conditions;**

**Applicant's Justification:** The applicant provided the following summarized justification in response to this requirement:

"The subject property that makes up the East Village 11 and 13 sections of Beech Tree consists of approximately 29.7 acres. Said acreage has an exceptional shape that is bisected by the existing Presidential Golf Drive. The uniqueness and non-linear shape of East Village 13 is caused in part by the fact that said land is bordered to the west and the north by two separate holes of the Lake Presidential Golf Course. Thus, the property is 1,305 feet at its widest point and 552 feet at its narrowest. Additionally, portions of said acreage within East Village 13 have exceptional topographic conditions present. This extreme topography results in grades that are 146 feet at its highest elevation and 94 feet at its lowest elevation (a difference of over 50 feet), and creates significant hardships and/or practical difficulties for the applicant in developing the site. This extraordinary variation in the shape and topography of East Village 13 is most conducive for the development of townhouse lots because said dwelling types can be designed in a manner to fit in irregular site dimensions to maximize density (primarily through the ability create 'sticks' of townhomes ranging from 3 units to 6 units). Without approval of the instant variance request, the Applicant would only be able to develop 49 single family detached lots as opposed to 112 townhouse units within the irregularly shaped confines of East Village 13. This reduction in overall yield of units becomes more significant in light of the extraordinary circumstances present at the site.

"Exceptional and/or extraordinary conditions exists by the fact that the applicant is willing to forgo the opportunity to develop 240 multifamily apartments (allowed under the approved Basic Plan, CDP and Preliminary Plan(s)) within Beech Tree if it can obtain approval to develop a similar number of townhouse units within East Village 4, 5 and 13. It is uncontroverted that the applicant received approval to develop up to 10% of its CDP density with multifamily apartments (i.e. 10% of 2,400 units approved in the CDP = 240 units). Further the applicant received approval of several preliminary plans of subdivision that in aggregate had a yield of 2,351 units, including 240 multifamily units. It is essential to point out that East Village 4, 5, 11 & 13 are the only remaining portions of Beech Tree that have either not yet been developed, sold or placed under contract with private builders. The undeveloped portions of East Village 4 are too small to accommodate 240 multifamily units. Likewise, East Village 11 is an inappropriate location for the 240 multifamily units due to its proximity to the Lake Presidential Golf Course club house. East Village 13 is also inappropriate for development of the multifamily units because of its close proximity to the main entrance to the



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community. Of the aforementioned East Village sections, the only logical place to develop the allowed 240 multifamily units would be in East Village 5 due to its central location within the project, proximity to the main community building, and access to Beech Tree Parkway. However, the extreme topography in East Village 5 makes such a development scheme very difficult and burdensome as discussed in SDP-0315-04.

“The applicant is willing to forgo the development of the 240 apartment units within the yet to be developed portions of Beech Tree (i.e. East Villages 4, 5, 11 and 13). However, in order to economically justify the deletion of 240 multifamily apartments from the overall anticipated yield at Beech Tree, the Applicant must obtain approximately the same number units in the form of townhouses (to be located in East Village 4, 5 and 13). Beech Tree already has approval for and/or has constructed 480 townhouses within the community. The aforementioned number of townhouses equals 20 percent of the approved maximum CDP density of 2,400 dwelling units for the Beech Tree. Since Section 27-515, Footnote 29 of the Zoning Ordinance places a limit of 20 percent of the approved CDP density for townhouse units in the R-S Zone; the Applicant must request the instant variance in order to gain the ability to develop additional townhouse units.”

The Planning Board concurs with the applicant's assertion that the subject property has exceptional topographic conditions as required to make this finding. However, the discussion regarding the multifamily units approved with the CDP is not germane to this finding as this SDP approval cannot revise the number or type of residential units approved with the CDP. Multifamily units were never planned for or approved within these sections of Beech Tree. It appears to be correct that East Village, Sections 4, 5, 11, and 13 are the only remaining portions of Beech Tree to be developed, but the approval of this SDP cannot directly prevent the applicant from developing apartment units within another section of Beech Tree. In conclusion, this requirement for approval of a variance is adequately fulfilled by the property's exceptional topographic conditions.

- (2) **The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and**

**Applicant's Justification:** The applicant provided the following summarized justification in response to this requirement:

“The strict application of the 20 percent limit on the number of townhouses in the R-S Zone as set forth in Section 27-515, Footnote 29, would create an exceptional and undue hardship upon the Applicant. The impact of the aforementioned extreme topography and shape of East Village 13 significantly impacts the ability of the applicant to efficiently develop the site with single family detached dwellings or multifamily in a manner that makes any economic sense. Simply put,

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the applicant would lose money trying to develop the site with either other type of dwellings. Specifically, the infrastructure costs (i.e. grading, retaining walls, streets, stormwater management, utilities, etc.) for single family dwellings are very high (in light of the aforementioned topographical and shape challenges) with a relatively low yield in units. Conversely, the practical difficulty and hardships related to the extreme topography and shape of East Village 13 are mitigated by the ability to develop townhouses with a higher unit yield to offset additional site development costs.

“Moreover, the denial of the requested variance would be a practical difficulty and an undue hardship for the applicant as it would be forced to seek development of the previously approved 240 multifamily apartments within the last remaining portions of the East Village that are either geographically inappropriate (i.e. East Villages 4, 11 or 13) or that have extreme site conditions (i.e. East Village 5).”

The Planning Board concurs with the applicant’s assertion that the strict application of the townhouse percentage requirement would present peculiar and unusual practical difficulties for the owner, as they would be required to incur higher infrastructure costs to develop a lesser amount of units, resulting in a deficit. Townhouse development on the subject property will offer the most flexibility in layout to minimize infrastructure costs while also allowing a higher unit yield to offset those costs.

**(3) The variance will not substantially impair the intent, purpose, or integrity of the General or Master Plan.**

**Applicant’s Justification:** The applicant provided the following summarized justification in response to this requirement:

“Allowing the requested variance would not impair the intent of the 2013 Subregion VI Master Plan and Sectional Map Amendment (the ‘Master Plan’) which retained the subject property in the R-S Zone or the 2002 General Plan. Townhomes as a residential use type are permitted by right in the R-S Zone, and the 2002 General Plan places the subject property in the ‘Developing Tier’. Moreover, several references within the Master Plan recommend the continuation of ‘low to moderate density land uses except as part of mixed use development and planned communities.’ (Master Plan p. 58) Approval of the instant variance request would not impair the intent of the Master Plan and would allow Beech Tree to continue to develop as a moderate residential planned community consisting of various styles of single family detached dwellings and townhomes (in terms of square footage, lot sizes, and architecture). Thus the instant variance request, if approved, would not ‘impair’, but promote and implement the intent, purpose(s) and integrity of the Master Plan and the General Plan.”

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The Planning Board concurs with the applicant's assertion that an increase in the percentage of townhomes within Beech Tree will not impair the intent, purpose, or integrity of the 2002 *Prince George's County Approved General Plan* (General Plan) or the master plan. It is in keeping with the goals and policies of both plans in allowing a low to moderate residential density on a R-S-zoned property in the Developing Tier.

In conclusion, the Planning Board approves the requested variance for an increase in the allowed percentage of townhouses, as required by Section 27-515(b), Footnote 29, to 25 percent for this application.

- c. 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 SDPs. See Finding 16 for a detailed discussion of that conformance.
12. **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 certain number of plants for different types of residential lots. The submitted SDP provides the correct schedules showing the requirements being met for the townhouse lots and the smaller (less than 9,500 square feet) single-family detached lots. However, a schedule showing the requirements being met for lots larger than 9,500 square feet is not provided and should be added prior to certification.
  - b. Section 4.6, Buffering Developments from Streets, requires that, when rear yards of single-family detached or attached dwellings are oriented toward a street, a buffer area shall be provided between the development and the street. On the subject application, that includes multiple single-family detached lots for which appropriate landscape schedules are provided on the plan as approved with the original SDP. However, this requirement for buffering the proposed townhouse lots has not been addressed on the SDP. Therefore, a condition requiring this revision has been included in this approval.
  - c. Section 4.7, Buffering Incompatible Uses, requires a buffer between adjacent incompatible land uses, which includes the existing motel site located to the south and east and the existing golf course located to the north, south, and west of the subject site. The landscape plan provides the correct schedules showing the requirements being met. Therefore, there are no additional requirements for this development at this time.
  - 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 provided the appropriate schedule

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showing the requirements being met. However, the plants identified as native in the plant list are not all correct as Ginkgo is identified as native, but American Hophornbeam is not, whereas the opposite is correct. A condition requiring this to be corrected has been included in this approval.

- e. Section 4.10, Street Trees along Private Streets, includes requirements for amount, spacing, type, and locations of street trees along private streets, which are proposed with the subject SDP. Prior to certification, the SDP should be revised to provide the appropriate schedule showing these requirements being met.

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

A forest stand delineation and Type I Tree Conservation Plan, TCPI-073-97, were approved with CDP-9407. A Type II Tree Conservation Plan, TCPII-049-98, was initially approved with SDP-9803 for the golf course, which covered the entire Beech Tree site. As each SDP was approved for the Beech Tree development, TCPII-049-98 was previously revised. With the approval of SDP-0902, a separate Type II Tree Conservation Plan (TCPII-023-10) was developed which was limited to the area of the SDP. A revision to approved TCPII-023-10-01 was submitted with the current application.

The current application is consistent with the prior approval in that the gross tract area is 29.70 acres, the area of 100-year floodplain is 0.25 acre, and the net tract area is 29.45 acres. The revised plan is also consistent with regard to the amount of existing woodlands on the net tract and in the 100-year floodplain. The revised plan then proposes the clearing of 14.13 acres on the net tract and 0.01 acre of PMA on the individual worksheet, and indicates a woodland conservation requirement of 6.87 acres.

The revised TCPII proposes to provide 2.41 acres of on-site preservation and 4.27 acres of afforestation/reforestation, for a total of 6.68 acres of woodland conservation. This does not satisfy the requirement of 6.87 acres and is not handled consistently in the individual worksheet and the overall worksheet. The individual worksheet should be consistent with the number provided in the overall worksheet. A revised TCPII worksheet for TCPII-023-10-01 is required.

The TCPII plan, based on numbers provided in the woodland conservation worksheet, provides for 2.41 acres of on-site woodland preservation and 4.27 acres of on-site afforestation/ reforestation, 0.03 acre of which is proposed as natural regeneration. Natural regeneration is not acceptable adjacent to residential lots because these areas are frequently mowed resulting in elimination of the natural regeneration and must be revised to indicate afforestation/reforestation in these areas; adjacent to residential lots an edge planting treatment of a double row of larger stock, with a

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minimum of one-inch caliper, should be planted. A permanent tree protection device should be placed along the vulnerable edges of all afforestation/reforestation areas. The area of the ten-foot-wide cart path should not be credited as preservation. A revised woodland conservation worksheet for East Village, Sections 11 and 13, and an up-to-date overall woodland conservation summary worksheet for the entire Beech Tree project should be included in the plan sheet.

All adjacent SDPs or developed areas that are not part of this SDP have been correctly identified, so grading onto adjacent properties can be evaluated as consistent with those development cases. This TCPII proposes some grading onto the golf course SDP and the construction of a retaining wall which extends into the golf course. The SDP and TCPII for the golf course (SDP-9803/03) must be evaluated for consistency with the approved plan prior to certificate approval of this SDP.

Afforestation/reforestation areas are proposed that overlap with proposed landscaping on the subject plan. When landscaping and woodland conservation areas overlap, the landscaping elements should be shown on the TCPII plan so coordination can occur between the plantings. If landscape materials are provided in lieu of the whip planting proposed for woodland conservation, then the stocking rate should be equivalent to the requirements of the Woodland Conservation Ordinance of 500 caliper inches per acre. All vulnerable edges of afforestation adjacent to residential lots should be planted using the "edge planting detail" consisting of a double row of whips (one-inch caliper) planted adjacent to the permanent tree protection device. Conditions regarding these issues have been included in this approval.

The 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance requires a variance for the removal of specimen trees; the subject application is grandfathered from this requirement because the project has a previously approved TCP. The separated TCPII submitted with the SDP shows the two specimen trees previously identified on this site to be removed, but because the removal of the two specimen trees is consistent with the approved TCPI, the removal of these trees is supported.

14. **Prince George's County 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 5,000 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 29.70 acres in size, resulting in a TCC requirement of 4.46 acres. A TCC schedule was provided showing that the requirement is being met on-site by the retention of existing woodlands and with proposed plantings.
15. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
  - a. **Community Planning**—This development proposal is consistent with the 2002 *Prince George's County Approved General Plan* (General Plan) Development Pattern policies for the Developing Tier. This development proposal conforms to the 2013 *Approved*

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*Subregion 6 Master Plan and Sectional Map Amendment* (Subregion 6 Master Plan and SMA) recommendations for a residential low land use.

This property is within the Joint Base Andrews (JBA) Interim Land Use Control (ILUC) area. The property is within Imaginary Surface F, establishing a height limit of 500 feet above the runway surface. This property is outside of the 65 and below dBA Ldn noise contours, so noise attenuation is not required. The property is not in an accident potential zone, so no controls on use or density are required. These categories do not prevent any of the proposed development and should be noted on the SDP and all future plans.

The Beech Tree project is zoned R-S, which allows 70 percent single-family detached units, 20 percent single-family attached (townhouse) units, and 10 percent multifamily units. Comprehensive Design Plan CDP-9706 included a maximum of 2,400 dwelling units, which was broken down as 1,680 single-family detached, 480 single-family attached (townhouse), and 240 multifamily (apartment) units. Two preliminary plans of subdivision were approved resulting in a total of 2,351 dwelling units, broken down as 2,111 lots and 240 multifamily units. With this submittal, the applicant will exceed the 20 percent limitation on townhouse units imposed by the R-S zoning. As a result, the applicant has requested a variance to allow greater than 20 percent total townhouse units in the project. Single-family detached units and townhouse units are housing types that are consistent with the vision for the Developing Tier identified in the General Plan and are in conformance with the recommendations for the residential low land use in the Subregion 6 Master Plan. In addition, the applicant has not exceeded the overall density of 2,400 units that was permitted as part of CDP-9706.

The applicant should sequence the current applications SDP-0902-01 and SDP-0315-04 so that the unit tabulation on Sheet 1 of the second SDP reflects the units proposed in the first SDP. The applicant should also correct any math errors in the unit tabulation table so that the total number of units includes proposed units.

The Planning Board considered concerns about the number of units taking access to the community from the Beech Tree Parkway and Crain Highway (US 301) intersection. Due to proximity, the additional units proposed in East Village, Sections 11 and 13, will utilize the Beech Tree Parkway/US 301 intersection. On January 30, 2012, the District Council affirmed the Planning Board's decision in PGCPB Resolution No. 11-97 to secure the dedication by record plat of a second access from the Beech Tree subdivision to Leeland Road prior to approval of the final plats to adjust the lotting pattern in North Village, Section 4. Previously, the applicant was required to construct a second access to Leeland Road. The need for the second access to Leeland Road should be evaluated with each application to ensure that the termination of Lake Forest Drive will not exacerbate traffic flow into and out of the development for all villages using the Beech Tree Parkway/US 301 intersection.

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The Planning Board considered concerns about the trigger for design and construction of the master plan trail through the stream valley park. The trigger for submittal of detailed design plans for the master plan trail is prior to issuance of the 2,000th building permit and the trigger for completing construction of the said trail is prior to issuance of the 2,200th building permit (District Council Order Affirming Planning Board Decision, with Conditions, SDP-0409-02, January 30, 2012). The applicant indicated that they believe they may only construct approximately a total of 2,100 units. If that is the case, then the trigger to construct the trail will never be realized. It is not clear whether or not the applicant posted a bond for this trail improvement.

The Planning Board found that triggers regarding transportation and trails improvements cannot be changed through the subject application at this time, as they are the subject of separate specific SDP approvals. A condition requiring correction of the unit tabulation table has been included in this approval.

- b. **Transportation Planning**—On Thursday June 8, 2000, the Planning Board approved SDP-9907 (PGCPB Resolution No. 00-111). As part of the application for SDP-9907, 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 associated road improvements, and after further consultation with the applicant, the Maryland State Highway Administration (SHA), and DPW&T, the Planning Board concurs with the proposed staging report, with modifications:

**Phase I: The golf course**

1. **Prior to the issuance of the first building permit for the golf course clubhouse, the developer shall have begun construction of the improvements listed below:**
  - a. **Lengthen the northbound US 301 left turn lane at Swanson Road as required by the SHA.** [*This improvement has been met*]
  - b. **Construct a 500-foot-long southbound deceleration lane (include taper) along US 301 at Swanson Road as may be required by the SHA.** [*This improvement has been completed*]
  - c. **Construct a 500-foot-long southbound acceleration lane (including taper) along US 301 from Swanson Road as may be required by the SHA.** [*This improvement has been completed*]

**Phase II: residential development**

2. **Prior to the issuance of any residential building permit, the following improvements shall be in place, under construction, bonded (or letter of**

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credit given to the appropriate agency for construction), 100 percent funded in a CIP/CTP or otherwise provided by the applicant, heirs, successors or assigns:

a. **Leeland Road**

Widen the one-lane bridge approximately 3,500 feet west of US 301 to 22 feet of paving in accordance with DPW&T standards. *[This improvement has not yet begun; however, it has been bonded as per DPW&T]*

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

3. **Prior to the issuance of the one hundred and thirty second (132<sup>nd</sup>) 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. *[This improvement has been completed]***
- b. **Construct internal site connection from Beech Tree Parkway to Leeland Road. *[This improvement has been met]***
- c. **Modify the existing median opening to preclude left turns from eastbound Swanson Road to northbound US 301. *[SHA has signalized this intersection which will allow left turn movements from eastbound Swanson Road to northbound US 301. Consequently, this condition is no longer relevant.]***

**Phase IV: residential development - building permits 1,001- 1,500**

4. **Prior to the issuance of the 1,001<sup>st</sup> 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 Leeland Road to Beech Tree Parkway.**
- b. **Widen northbound US 301 to provide three (3) exclusive through lanes from 1,000 feet south of Leeland Road to 2,000 feet north of Leeland Road**



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- c. **Widen Leeland Road to provide two (2) exclusive left turn lanes and one (1) free flowing right turn lane.**

**Phase V: residential development - building permits # 1,501 - 1,992**

5. **Prior to the issuance of the 1,501<sup>st</sup> 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 2,000 feet south of Trade Zone Avenue to 1,000 feet north of Leeland Road. This improvement will augment an improvement from a previous phase.**

**Phase VI: residential development - building permits # 1,993 - 2,400**

6. **Prior to the issuance of the 1,993rd building permit for any residential unit of the development, a schedule for construction of either (a) the improvements in CIP Project FD669161 or (b) the upgrading of US 301 to a fully controlled access highway between MD 214 and MD 725 shall be provided by the SHA or by DPW&T to the Planning Department.**

On June 27, 2013, the Planning Board approved SDP-9901-01. That approval modified the original staging plan specifically as it pertained to Phase IV. Pursuant to PGCPB Resolution No. 13-77, the new condition for Phase IV is as follows:

1. **Prior to issuance of the 1,001st building permit for any residential unit of the Beech Tree development, the applicant shall provide to the State Highway Administration, a complete set of approved design plans and the necessary bonds and fees for the following improvements:**
  - a. **Widen southbound US 301 to provide three exclusive through lanes from 1,000 feet north of Leeland Road to Beech Tree Parkway.**
  - b. **Widen northbound US 301 to provide three exclusive through lanes from 1,000 feet south of Leeland Road to 2,000 feet north of Leeland Road.**
  - c. **Widen Leeland Road to provide two exclusive left-turn lanes and one free-flowing right-turn lane.**
2. **Prior to issuance of the 1,101st building permit for any residential unit of the development, the developer shall initiate construction of the improvements identified above.**

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**3. Prior to issuance of the 1,251st building permit for any residential unit of the development, the improvements above shall be completed.**

An October 22, 2013 letter from the applicant (Rizzi to Burton), presents a status report of building permits issued in relation to transportation improvements, as required by condition 11 of SDP-9907. According to the applicant, approximately 995 building permits have been issued to date. The pending site plan indicates that, to date, 1,593 dwelling units have been approved through 25 different SDP applications (including revisions). If this application (63 units) is approved, the number of building permits issued could potentially increase to 1,058. It is worth noting that, as of this writing, SDP 0315-04 which proposes an additional 107 dwelling units is currently pending. Should that application be approved, the total permits issued could then reach 1,165. These potential approvals could push the overall development well into Phase IV. To this end, all of the amended improvements associated with Phase IV will still apply as conditions of approval for the subject application. Since most of the improvements associated with Phase IV have begun, the Planning Board found that the subject development will be adequately served within a reasonable period of time if the subject application is approved with conditions for Phases IV–VI.

**Site Layout**

The applicant is proposing Swanscombe Lane terminating as a dead-end street. Given the length of this proposed street and the lack of any turn around capability, the Planning Board found that a hammer-head turn-around should be provided at the end of Swanscombe Lane.

**Conclusions**

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

**Phase IV: residential development - building permits 1,001 - 1,500**

1. Prior to issuance of the 1,001st building permit for any residential unit of the Beech Tree development, the applicant shall provide to the State Highway Administration, a complete set of approved design plans and the necessary bonds and fees for the following improvements:
  - a. Widen southbound US 301 to provide three exclusive through lanes from 1,000 feet north of Leeland Road to Beech Tree Parkway.
  - b. Widen northbound US 301 to provide three exclusive through lanes from 1,000 feet south of Leeland Road to 2,000 feet north of Leeland Road.

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- c. Widen Leeland Road to provide two exclusive left-turn lanes and one free-flowing right-turn lane.
2. Prior to issuance of the 1,101st building permit for any residential unit of the development, the developer shall initiate construction of the improvements identified above.
3. Prior to issuance of the 1,251st building permit for any residential unit of the development, the improvements above shall be completed.

**Phase V: residential development - building permits 1,501 - 1,992**

4. Prior to the issuance of the 1,501<sup>st</sup> 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 exclusive through lanes from 2,000 feet south of Trade Zone Avenue to 1,000 feet north of Leeland Road. This improvement will augment an improvement from a previous phase.

**Phase VI: residential development - building permits 1,993 - 2,400**

5. Prior to the issuance of the 1,993rd building permit for any residential unit of the development, a schedule for construction of either (a) the improvements in CIP Project FD669161 or (b) the upgrading of US 301 to a fully controlled access highway between MD 214 and MD 725 shall be provided by the SHA or by DPW&T to the Planning Department.
6. Any changes to the sequencing of transportation improvements and/or changes to the development thresholds identified in Conditions 1 through 5 above will require the filing of a SDP application, and a new Staging Plan reflecting said changes must be included with application.

These conditions are taken directly from PGCPB Resolution No. 13-77. Therefore, the Planning Board included a condition in this approval that references that approval.

- c. **Subdivision Review**—The Planning Board reviewed an analysis of the site plan's conformance with Preliminary Plan of Subdivision 4-00010, discussed in detail in Finding 9.

This SDP shows 29 single-family dwellings and 112 townhouses for East Village, Sections 11 and 13, while Preliminary Plan 4-00010 was approved for 122 single-family detached lots. The tracking chart shows the overall total of 1,767 units approved by the various SDPs including this SDP and the other pending SDP-0315-04 (East Village,

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Sections 4 and 5) for the Beech Tree Subdivision, which is less than the 2,351 residential lots approved under Preliminary Plans 4-98063 and 4-00010. It appears there are minor errors with the tracking chart. The tracking chart should be revised to reflect the correct approved number of units for East Village (Section 4), South Village (Section 6), East Village (Section 14), and West Village (Sections 2, 4, and 5). The tracking chart should provide a subtotal line for the pending SDP.

The SDP proposes a townhouse layout with individual lots having frontage on parcels to be conveyed to the homeowners association (HOA). It appears that private right-of-way and open space are incorporated into the same parcel on the SDP. The SDP should be revised to delineate separate parcels for the open space and private right-of-way, and clearly label the disposition of the parcels. The private right-of-way should be a separate parcel to ensure that each lot has frontage and meets the setback requirements of the zone.

The SDP delineates ten-foot-wide public utility easements (PUE) along the public rights-of-way, but no PUE is proposed on the private rights-of-way. Section 24-128(b)(12) of the Subdivision Regulations requires that for private roads, a ten-foot-wide PUE be located adjacent to the right-of-way. The SDP should be revised to include PUEs on the individual lots along the private rights-of-way.

Specific Design Plan SDP-0902-01 is in substantial conformance with Preliminary Plan 4-00010 if the above comments have been addressed. The following conditions address subdivision issues:

- (1) Prior to certificate of approval of this SDP, the plan should be revised to:
  - (a) Show the ten-foot-wide PUE abutting all private rights-of-way per Section 24-128(b)(12), or provide an approved color-coded utilities plan.
  - (b) Delineate separate parcels for the open space and private rights-of-way and clearly label the disposition of the parcels. Provide the dimensions for the private right-of-way.
  - (c) Revise the tracking chart to reflect the correct number of units for previously approved SDPs and provide a subtotal of units for the pending SDP.
  - (d) Provide the bearings and distances on all property lines and for each parcel and lot. Dimension the distance between the rows of townhouse lots.
  - (e) Provide the correct description and zone of abutting Parcel B-1 (C-O and R-S Zones).

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- (f) The site stormdrain inlet located on abutting Parcel B-1 (SDP-9803) on Sheet 6 of 7 should be verified.

Failure of the site plan and record plats 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.

These conditions have been included as conditions of this approval.

- d. **Trails**—The area master plan recommends trail or bikeway facilities along both Collington Branch and Leeland Road. Both of these facilities are outside the area covered by the East Village SDP and have been addressed through conditions of approval for other portions of the Beech Tree site. The master plan trail along Collington Branch will be accommodated through Beech Tree with trail construction on M-NCPPC land, trail construction along internal roadways, and trail construction on HOA land adjacent to the lake. The details regarding staging, location, and construction of the master plan trail are covered in several conditions for prior approvals. While this trail does not immediately abut Sections 11 and 13 of East Village, it may impact issuance of building permits for the site. No private HOA trails are proposed on the subject property. The existing golf course separates this part of the development from the open space network. However, pedestrian and bike connections are accommodated via internal sidewalks. A condition regarding bikeway signage is included below. Sidewalks are proposed along some roads on the submitted plans.

The 2009 *Approved Countywide Master Plan of Transportation* (MPOT) includes several policies related to the provision of standard sidewalks. These policies are intended to promote accommodations for all modes of transportation as new roads are constructed or frontage improvements are made. Policies 1 and 2 of the Complete Streets section of the MPOT are copied below:

**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.**

Beech Tree Parkway and Presidential Golf Drive have already been constructed via prior approvals. Beech Tree Parkway includes a standard sidewalk along the north side only. Presidential Golf Drive does not include sidewalks on either side. At the time of SDP-0902 approval, sidewalks along both sides of Presidential Golf Drive and the addition of curb cuts and ramps were recommended. These conditions have been

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incorporated into the revised plans. Standard sidewalks are provided along both sides of all internal roads within Sections 11 and 13 of East Village, consistent with the policies of the MPOT. Curb cuts and ADA (Americans with Disabilities Act) ramps are shown at appropriate locations as previously approved.

From the standpoint of non-motorized transportation, the Planning Board finds that this plan is acceptable, fulfills the intent of applicable master plans and functional plans, fulfills prior conditions of approval, and meets the finding required for a SDP as described in Section 27-285 of the Zoning Ordinance with the following condition:

- (1) Prior to issuance of any building permit, the applicant and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$420 to the Department of Public Works and Transportation (DPW&T) for placement of Class III bikeway signage along Presidential Golf Drive.

This condition has been included in this approval.

- e. **The Department of Parks and Recreation (DPR)**—DPR did not provide comments on the subject application.
- f. **Permit Review**—There are no permit related comments on the subject application.
- g. **Public Facilities**—The Planning Board reviewed the subject SDP and indicated that the required fire, rescue, and police facilities have been determined to be adequate. Additionally, the Planning Board reviewed an analysis of a possible school facilities surcharge for each dwelling unit which was resolved at the time of the preliminary plan, and the proposed development is in water and sewer Category 3, Community System.
- h. **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 A-9763-C, CDP-9706, and 4-00010. This analysis is discussed in detail in Findings 7, 8, and 9.

An approved natural resources inventory (NRI) is not a submittal requirement for this SDP because a preliminary plan was previously approved by the Planning Board which provides the necessary grandfathering. A NRI for East Village, Sections 11 and 13, is not a zoning requirement with the previous SDP or with this revision.

Two approved Stormwater Management Concept Plans (5040-2010-01 for East Village, Section 13; and 37349-2009-00 for East Village, Section 11) were previously issued for this project site and expired on May 3, 2013. Documents submitted with the current application indicate that a new stormwater management concept approval will be required with the current plan. This may necessitate the preparation of a NRI in order to fulfill the requirements of Subtitle 32 of the County Code.

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The site contains significant natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. The Patuxent River Primary Management Area Preservation Area (PMA) is defined in Section 24-101(h)(22) of the Subdivision Regulations as an area to be preserved in its natural state to the fullest extent possible. A Jurisdictional Determination regarding the extent of regulated streams and wetlands was obtained from the U.S. Army Corps of Engineers and was entered into the record of CDP-9407.

The total area of PMA on the Beech Tree property is approximately 329.80 acres. During the review of Preliminary Plan 4-98063 for the golf course, the Planning Board granted variation requests for impacts to 19.43 acres of the PMA. Of the 19.43 acres, 8.43 acres were identified as areas to be replaced by afforesting unwooded areas of the PMA as shown on the approved TCP II for the golf course. During the review of Preliminary Plan 4-99026, the Planning Board granted variation requests for 2.51 additional acres of impacts. During the review of Preliminary Plan 4-00010, the Planning Board granted variations requests for 1.28 additional acres. As required by the approved TCP, all woodland areas cleared will be replaced on-site by afforesting unwooded areas of the PMA.

The total amount of disturbance permitted in the PMA under approved plans is 23.22 acres. The proposed overall worksheet for the Beech Tree development now indicates that the total clearing in the floodplain is 25.68 acres, with an additional 18.75 acres of PMA impacts outside of the floodplain.

The revised TCP II indicates the clearing of 0.01 acre in the PMA as part of the subject SDP, which is consistent with the previous plan approval. It appears that this minor impact is for installation of a stormdrain pipe which was evaluated during the review of the preliminary plan.

These conditions have been included as conditions of this approval.

- i. **Prince George's County Fire/EMS Department**—The Fire/EMS Department did not provide comments on the subject application.
- j. **Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated October 21, 2013, DPIE stated that they had no objection to this SDP revision and 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 DPIE. Those issues will be enforced by DPIE at the time of issuance of permits. DPIE also indicated that the subject SDP is consistent with approved Stormwater Management Concept Plans 37349-2009-00 and 5040-2010-01.

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- k. **Prince George's County Police Department**—In a memorandum dated October 11, 2013, the Police Department indicated that, after visiting the site and reviewing the updated landscape plans, that close supervision should be given to the proper placement of trees being planted in regards to the light poles to avoid undesirable light shielding.

The applicant should take note of this and make efforts to monitor contractors during the installation of the proposed street trees.

- l. **Prince George's County Health Department**—In a memorandum dated October 10, 2013, the Health Department provided the following comments:

- (1) There is an increasing body of scientific research suggesting that artificial light pollution can have lasting adverse impacts on human health. Indicate that all proposed exterior light fixtures will be shielded and positioned so as to minimize light trespass caused by spill light.

The submitted SDP does not specify that full cut-off optic light fixtures will be used throughout the development. Therefore, a condition has been included in this approval requiring this to be specified.

- (2) Noise can be detrimental to health with respect to hearing impairment, sleep disturbance, cardiovascular effects, psycho-physiologic effects, psychiatric symptoms, and fetal development. Crain Highway (US 301) has been identified as a transportation-related noise generator. Noise issues have already been discussed previously for Section 11 and Lots 8 and 9 in Section 13, and mitigation strategies have been implemented.

This is noted.

- (3) 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, higher blood pressure, and coronary artery calcification. Sections 11 and 13 are located less than 1,000 feet from Crain Highway, which is a source of fine particulate air pollution. The applicant should consider options to mitigate exposure to fine particulate air pollution for residences located within 1000 feet of Crain Highway. Options to consider include adequate set-back, tree buffering, and/or installation of HVAC systems that can mitigate exposure to fine particulates.

The subject SDP preserves a large distance with existing and proposed woods between the proposed residences and US 301 which will help to mitigate air quality issues.



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- (4) Proximity of golf course holes to residences in Section 13 may constitute a safety hazard. Ensure an errant ball study shows no adverse impacts to residents and properties in the vicinity.

This issue was addressed by multiple conditions of previous approvals which have been fully conformed with.

- (5) 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 applicant should consider setting aside space for a community garden within this area of the East Village.

Previous approval conditions, along with the large amount of environmental features and steep slopes on-site, leave no feasible area for a community garden.

- (6) The public health value of access to active recreational facilities has been well documented. The applicant proposes hiker-biker trails, health club/fitness center, golf course, equestrian center, tennis courts, swimming pool, softball fields, soccer/football fields, and open space. Access to these active recreation facilities and green space will be a positive health benefit to the residents.

This is noted.

- m. **Maryland State Highway Administration (SHA)**—In a memorandum dated October 1, 2013, SHA indicated that they had no objection to SDP approval and that the Transportation Section needed to verify conformance of off-site road improvements to state highways.
- n. **Washington Suburban Sanitary Commission (WSSC)**—In a memorandum dated October 7, 2013, WSSC provided a standard response on issues such as pipe and easement requirements.
- o. **Verizon**—Verizon did not provide comments on the subject application.
- p. **Baltimore Gas and Electric (BG&E)**—BG&E did not provide comments on the subject application.

- 16. **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**

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**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-9706 as detailed in Finding 8 above and the Landscape Manual as detailed in Finding 12 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 if the approval were made subject to conditions. Those conditions have been included in this approval.

The Planning Board found, in regards to public facilities including fire, rescue, police, schools, and water and sewer, 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 October 21, 2013, DPIE stated that the subject SDP is consistent with approved Stormwater Management Concept Plans 37349-2009-00 and 5040-2010-01.

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

The Planning Board found to approve TCPII-023-10-01, 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 2 tree conservation plan.

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

The Planning Board finds that the site contains regulated environmental features and that the subject SDP demonstrates that the regulated environmental features are preserved and/or restored to the fullest extent possible.

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 (TCPIL-023-10-01), and further APPROVED Specific Design Plan SDP-0902/01, including a Variance from Section 27-515(b), Footnote 29, for the above-described land, subject to the following conditions:

1. Prior to certification of the specific design plan (SDP), the applicant shall:
  - a. Provide a turnaround at the end of Swanscombe Lane.
  - b. Distribute a sufficient amount of on-street parking spaces evenly in locations convenient to each townhouse lot and provide sidewalk connections to the parking spaces, to be reviewed by the Urban Design Section as designee of the Planning Board. Revise the tabulation chart on the coversheet as necessary.
  - c. Show the ten-foot-wide public utility easement abutting all private rights-of-way per Section 24-128(b)(12) of the Subdivision Regulations, or provide an approved color-coded utilities plan.
  - d. Delineate separate parcels for the open space and private rights-of-way and clearly label the disposition of the parcels. Provide the dimension for the private right-of-way.
  - e. Revise the tracking chart to reflect the correct number of units for previously approved SDPs, and provide a subtotal of units for the pending SDP.
  - f. Provide the bearings and distances on all property lines and for each parcel and lot. Dimension the distance between the rows of townhouse lots.
  - g. Provide the correct description and zone of abutting Parcel B-1 (C-O and R-S Zones).
  - h. The site stormdrain inlet located on abutting Parcel B-1 (Specific Design Plan SDP-9803) on Sheet 6 of 7 shall be verified.
  - i. Indicate that all proposed exterior light fixtures will be shielded and positioned so as to minimize light trespass caused by spill light.

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- j. Revise the SDP and tree conservation plan (TCP) coversheets to indicate, on the overall plan of the Beech Tree project, all project areas in their correct relation to one another, all phase or section numbers, all approved or submitted SDP numbers, and all approved or submitted TCP numbers.
- k. Revise the Type II tree conservation plan (TCPII) as follows:
  - (1) Revise natural regeneration to afforestation/reforestation whenever the area is adjacent to a residential lot.
  - (2) All vulnerable edges of afforestation adjacent to residential lots shall be planted using the "edge planting detail" consisting of a double row of whips (one-inch caliper) planted adjacent to the permanent tree protection device.
  - (3) Where landscaping and woodland conservation areas overlap, the landscaping elements shall be shown on the TCPII so coordination can occur between the planting. If landscape materials are provided in lieu of the whip planting proposed for woodland conservation, then the stocking rate shall be equivalent to the requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance of 500 caliper inches per acre.
  - (4) Revise the individual woodland conservation worksheet to correctly calculate the requirement for the site and indicate how the woodland conservation requirement for the site will be provided.
  - (5) Revise and update the overall woodland conservation summary sheet for the entire Beech Tree project, which indicates how the woodland conservation requirement is being provided for the entire site consistent with all approvals to date, and the current revisions proposed for Specific Design Plans SDP-0902 and SDP-0315.
  - (6) Confirm that the location of the retaining wall extending into the golf course is consistent with the approval of that plan, or revise the TCPII for the golf course to be consistent with the current plan prior to certification.
  - (7) Have the revised plan signed by the qualified professional who prepared it.
- l. Specific Design Plan SDP-9803 and its associated TCP shall be revised to adjust the limits and/or include the grading, woodland conservation, landscaping, and stormwater management features proposed on the site as part of the subject application. Any changes to the woodland conservation requirement, or amount provided resulting from the revision of SDP-9803 and TCPII-049-98, shall be correctly reflected in the overall Beech Tree woodland conservation worksheet prior to certification of SDP-0902.

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- m. Provide the correct Section 4.1 landscape schedules showing the requirements being met for all of the residential lots.
- n. Revise the plant list to correctly identify native and non-native plants and adjust the Section 4.9 landscape schedule as necessary.
- o. Revise the landscape plan to provide a Section 4.6 schedule for all townhouse lots with rear yards oriented toward a street, including primary or lower road classifications, excluding alleys.
- p. Revise the landscape plan to provide a schedule for Section 4.10, Street Trees along Private Streets, showing the requirements being met.
- q. Revise and/or add plantings to the rear of all townhouse lots, as necessary, to provide buffering between townhouse lots, or between townhouse lots and adjacent large retaining walls or slopes, to be reviewed by the Urban Design Section as designee of the Planning Board.
- r. Revise the elevations to demonstrate that the first story of the front and side elevations will be brick or masonry on all single-family attached units.
- s. The following number of dwelling units in any horizontal, continuous, attached group of townhouse dwellings shall have a roof feature containing either a reverse gable or dormer window(s):
  - (1) Four dwelling units in any building group containing five or six units; or
  - (2) Three dwelling units in any building group containing four units; or
  - (3) Two dwelling units in any building group containing three units.
- t. At a minimum, the following townhouse lots shall be considered highly-visible and shall have side entry units: 1, 16, 17, 29, 30, 41, 42, 52, 53, 63, 64, 76, 82, and 94.
- u. All garage doors shall have a carriage-style appearance.
- v. At least the following number of dwelling units in any horizontal, continuous, attached group of townhouse dwellings shall have a full front façade (excluding gables, windows, trim, and doors) constructed of brick, stone, or stucco.
  - (1) Four dwelling units in any building group containing five or six units.
  - (2) Three dwelling units in any building group containing four units.

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- (3) Two dwelling units in any building group containing three units.
- w. Every side elevation which is highly visible from the public street shall display significant architectural features as provided in one of the following options:
  - (1) Full brick, stone, stucco, or other masonry treatment, combined with at least three windows, doors, or other substantial architectural features; or
  - (2) Brick, stone, stucco, or other masonry treatment (not including the gable area), combined with no less than four windows or one side entry door.
- 2. Prior to issuance of any grading permits which impact wetlands, wetland buffers, streams, or waters of the U.S., the applicant shall submit valid copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and any associated mitigation plans.
- 3. Prior to certificate approval of this specific design plan, the applicant shall demonstrate to the Urban Design Section as designee of the Planning Board that the prices of the proposed dwelling units will not be lower than the following ranges (in 1989 dollars):

Single-Family Detached:	\$225,000-500,000+
Single-Family Attached:	\$150,000-200,000+
Multifamily dwellings:	\$125,000-150,000+
- 4. Prior to approval of each building permit for a dwelling unit, the applicant shall demonstrate that the price of the dwelling unit will not be lower than the ranges above (in 1989 dollars).
- 5. This development is subject to all of the transportation and phasing conditions of Specific Design Plan SDP-9907-01, or as amended. Any changes to the sequencing of transportation improvements and/or changes to these development thresholds will require the filing of a specific design plan application, and a new staging plan reflecting said changes must be included with the application.
- 6. Prior to issuance of any building permit, the applicant and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$420 to the Prince George's County Department of Public Works and Transportation (DPW&T) for placement of Class III bikeway signage along Presidential Golf Drive.
- 7. Prior to issuance of grading permits for land associated with Specific Design Plan SDP-0902, the applicant shall submit approved technical stormwater management plans to the Environmental Planning Section to confirm that water quality measures have been provided on the plan at all stormdrain outfalls, and that the required landscape buffers from residential lots have been provided. The final approved technical stormwater plan may result in a need for a formal revision to SDP-0902.

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

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Shoaff, with Commissioners Washington, Shoaff, Geraldo and Bailey voting in favor of the motion, and with Commissioner Hewlett recused at its regular meeting held on Thursday, December 19, 2013, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 9th day of January 2014.

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department

Date 12/30/13

Patricia Colihan Barney  
Executive Director

By Jessica Jones / LK  
Jessica Jones  
Planning Board Administrator

PCB:JJ:JK:arj