

## R E S O L U T I O N

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

WHEREAS, in consideration of evidence presented at a public hearing on May 19, 2011, regarding Specific Design Plan SDP-0902 for Beech Tree, East Village Sections 11 and 13, the Planning Board finds:

1. **Request:** The subject application proposes to develop 78 single-family detached lots in the section of the Beech Tree development known as East Village Sections 11 and 13.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	R-S	R-S
Uses	Vacant	Single-family detached
Acreage (in the subject SDP)	29.70	29.70
Lots	0	78

### OTHER DEVELOPMENT DATA—PARKING

	REQUIRED	APPROVED
78 single-family detached units	156	156

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 SDP-0902, East Village Sections 11 and 13, is located on the eastern edge of the subdivision, just south of the intersection of Beechtree Parkway and Robert Crain Highway (US 301).
4. **Surrounding Uses:** The Beech Tree development, as a whole, is bounded on the north by Leeland Road, on the east by Robert 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 SDP-0902 is bounded to the north, south, and west by other portions of the Beech Tree development, to the east by Robert Crain Highway (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 District Council on October 9, 1989 (Zoning Ordinance No. 61-1989) from the R-A Zone to the R-S 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, a Comprehensive Design Plan, CDP-9706, for the entire Beech Tree development was approved by the District Council, 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 Planning Board on July 6, 2000 and formalized in PGCPB Resolution No. 00-127, is relevant to the subject property.

Two specific design plans 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.

6. **Design Features:** The subject site is located in the southwestern quadrant of the intersection of Beech Tree Parkway and 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 includes 29 single-family detached lots accessed off of Presidential Golf Drive and two culs-de-sac that run to the east. The southernmost portion of Section 11 is located immediately northwest of an adjacent property developed with a motel. Section 13 includes 49 single-family detached lots accessed off of Presidential Golf Drive and a horseshoe-shaped loop road that runs to the west. The southernmost portion of Section 13 is located immediately north of the existing golf clubhouse building, parking lot, and access drive. Three lots, located in the southwestern corner of Section 13, have an almost flag-lot-like appearance. However, these lots do meet the lot standards as established with the development's CDP and preliminary plan approvals, and the applicant has arranged the lots and building pads in such a way that no rear yards are exposed or highly visible from the front yard of adjacent lots.

The proposed lot sizes in both sections range from 7,148 square feet to 14,129 square feet. All of the proposed streets within these sections will be public and, therefore, landscaped and lit in conformance with Prince George's County Department of Public Works and Transportation (DPW&T) standards. No new architectural model is included in this SDP. Architecture for the project will be selected from approved models in the umbrella specific design plan for architecture, SDP-0001. There is no signage proposed, as this village is 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.

## COMPLIANCE WITH EVALUATION CRITERIA

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 mandatory 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.

This consideration was addressed in Condition 1.e. of CDP-9706 that requires the approval of a noise study at the time of SDP approval by the Planning Board. A noise study was previously reviewed and approved with SDP-9907, East Village Sections 1, 2, and 3, but a noise study has not been reviewed for East Village Sections 11 and 13, which are located closer to US 301, which is classified as a freeway. A noise study was requested for East Village Sections 11 and 13 to identify the location of 65 dBA Ldn and higher noise contours, and to identify the site and structural mitigation measures to be incorporated into the proposed development to minimize noise intrusion and prevent noise levels from exceeding 65 dBA Ldn in outdoor activity areas and 45 dBA Ldn in the interior of residential units.

A Phase I noise study prepared by Staiano Engineering, Inc. was submitted on December 20, 2010, and a Phase II noise study prepared by Staiano Engineering, Inc. was submitted on March 1, 2011. Both are discussed further in Finding 13 below.

**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. A total of 18.75 acres of PMA impacts, outside of the floodplain, are included in the overall worksheet for the Beech Tree development as a whole, but the overall worksheet indicates that no PMA impacts are proposed within the current SDP. The Type II tree conservation plan (TCP II) submitted with the application indicates that an impact of 0.01 acre is proposed.

**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 1.d. 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, East Village Sections 11 and 13, prepared by Geo-Technology Associates, Inc., dated December 9, 2010 was submitted with the current SDP application.

The geotechnical study was found to be acceptable subject to further review by DPW&T prior to final plat and at the time of permitting. The geotechnical study concluded that, based on the depth of the Marlboro clay beneath the site grades and the fact that steep slopes are not generally present or proposed in the vicinity of the Marlboro clay outcrops, the presence of the Marlboro clay will not significantly impact the design or construction of the improvements proposed.

**Consideration 8      Multifamily and commercial uses, which are more readily adaptable to noise proofing measures, and recreational uses, which are not as sensitive to noise intrusion shall be located in closer proximity to identified noise sources than single-family uses.**

A small portion of the site, East Village Section 11, is adjacent to Crain Highway (US 301), which is a major noise generator. The applicant has preserved an existing wooded buffer in this area, in addition to proposing an area of reforestation where grading is being done, in conformance with Condition 21 of CDP-9706. Further evaluation of the noise issues are discussed in Finding 13 below.

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, Comprehensive Design Plan 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 cover sheet 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 specific design plan 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 would require the applicant to, revise this information on the specific design plan cover sheet.

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 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 37349-2009-00 was issued for East Village Section 11, and Stormwater Management Concept 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.**

The case will be scheduled to be heard by the District Council as a mandatory review.

- 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 facades 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.**

East Village Section 11 includes a small portion of frontage on US 301. The subject SDP shows the ultimate right-of-way dedication line for US 301, along with a minimum 200-foot setback from this to any residential lots. This setback area includes some existing trees to be preserved and a large, graded berm, which is to be reforested. The proposed houses in this area are set 10 to 15 feet below the existing road grade of US 301. This vertical difference, along with the large horizontal setback and existing and proposed plantings, will make the proposed houses barely visible from US 301. Therefore, the subject SDP conforms to this condition.

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.**

This condition has been brought forward as a condition of the subject approval.

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, 2011 pursuant to County Council Bill CB-7-2010. 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 applicant may ask for an extension of the validity period for the preliminary plan beyond December 31, 2011. 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 and this condition has been brought forward as a condition of the subject approval. However, it should be noted that the final design of the stormwater management facilities may significantly impact the design of the SDP and result in the need for a formal revision to the subject SDP.

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

An analysis of this issue is provided in Finding 13 below.

19. **Prior to the issuance of the 1,993<sup>rd</sup> building permit for any residential unit of development, the following improvements shall be in place, under construction, bonded (or letter of 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/US 301 Intersection**  
  
**Construct a fourth southbound through lane along US 301 at Leeland Road to SHA standards.**
  - b. **US 301/Swanson Road Intersection**  
  
**Construct a fourth southbound through lane along US 301 at Swanson Road to SHA standards.**

The applicant is currently in compliance with all requirements for the applicant's participation in the construction of all specified transportation improvements.

10. **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.
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 *Prince George's County 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, and 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. Given the 60 proposed lots smaller than 9,500 square feet and the 18 lots between 9,500 and 19,999 square feet, the subject site would require 174 shade trees and 156 ornamental or evergreen trees. The submitted SDP provides a total of 176 shade trees, 79 ornamental trees, and 77 evergreen trees that fulfill this requirement.
- 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 US 301, a freeway, and would require a minimum 75-foot-wide buffer planted with 8 shade trees, 20 evergreen trees, and 40 shrubs for every 100 linear feet of property line adjacent to the street. The SDP actually proposes a minimum 200-foot-wide buffer, which includes existing trees to be preserved and a large portion of reforestation, which would be sufficient to fulfill this requirement. However, the plan does not provide a schedule to quantify this and should be revised to provide one.

Additionally, on the subject application, multiple lots' rear yards face Presidential Golf Drive, Ed Coffren Place, Burford Lane, and Monksilver Lane, 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 is deficient in providing the required buffering on some proposed lots, specifically, Lots 6 and 21, Block V; Lots 4 and 8, Block W; and Lot 31, Block Y, but the required buffers and numbers of plants are provided on other lots. Therefore, the plan should be revised to provide a Section 4.6 buffer, wherever the rear yard of a single-family detached dwelling is oriented toward a street. Conditions requiring these revisions have 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 correctly identifies that the Type "C" bufferyard required along the property lines adjacent to the motel site, within Section 11, was provided on the motel property as shown on the previously approved Special Exception, SE-4319. Therefore, there are no additional requirements for this development at this time.

The landscape plan also correctly identifies the Type "B" bufferyard required along the property lines adjacent to the existing golf course within Sections 11 and 13. However, the schedules for these buffer yards miscalculate the total number of plant units required as a



reduction is taken for providing a five-foot berm, which no longer qualifies for reducing plant unit requirements. Therefore, the plan should be revised to remove the plant unit reduction for the berm and to provide the additional required plant units. These plant units shall be provided between the following lots and the golf course, as these areas appear to be deficient: Section 11, Lots 1, 3, 4, and 5, Block V; and Section 13, Lots 1, 19, and 20, Block Y. Additionally, since part of these bufferyards are being provided on the golf course property, SDP-9803 should be revised to reflect these yards and the associated plantings. Conditions requiring these revisions have been included in this approval.

- 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; however, it did not include the percentage of native plant materials being provided within each category. The proposed plant list includes many native plants, so the requirement has probably been met; however, the schedule should be completed prior to certification providing the specific quantities. A condition requiring this has been included in this approval.

12. **Woodland and Wildlife Habitat Conservation Ordinance:** The subject property does not have a previously approved specific design plan, but is subject to approved Type II Tree Conservation Plan TCP11/49/98 for the overall Beech Tree site, which has been updated with each section or phase as it is submitted. The current specific design plan application is for the development of East Village Sections 11 and 13 which contains 78 single-family detached dwellings.

The subject application is grandfathered from the requirements in Subtitles 24 and 27 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, Woodland and Wildlife Habitat Conservation Ordinance because it has a previously approved tree conservation plan.

13. **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. **Transportation Planning**—The Planning Board reviewed a background on the proposed staging and associated road improvements:

- Phase I: The golf course
- Phase II: Residential development
- Phase III: Residential development—Building permits 132–1,000
- Phase IV: Residential development—Building permits 1,001–1,500
- Phase V: Residential development—Building permits 1,501–1,992
- Phase VI: Residential development—Building permits 1,993–2,400

The Planning Board also reviewed a discussion of the transportation-related requirements of the approvals of SDP-9907 (Conditions 11, 12, and 13), SDP-0410 (Condition 6), and Preliminary Plan of Subdivision 4-99026 (Condition 18).

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 development, the following improvements shall be completed by the applicant:
  - 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.

Phase V: Residential development—Building permits 1,501–1,992

- (2) Prior to issuance of the 1,501st building permit for any residential unit of the development, the applicant shall 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

- (3) Prior to 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 Central Avenue (MD 214) and Marlboro Pike (MD 725) shall be provided by the Maryland State Highway Administration (SHA) or by DPW&T to the Planning Department.
- (4) Any changes to the sequencing of transportation improvements and/or changes to the development thresholds identified in the above conditions will require the filing of a SDP application, and a new staging plan reflecting said changes must be included with the application.

The conditions have been included in this approval.

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

The subject property is known as Part of Parcel 21, located on Tax Map 85 in Grid B-2, and is 29.70 acres. Parcel 21 is within the Residential Suburban Development (R-S) Zone and is known as East Village Sections 11 and 13 within the Beech Tree subdivision. The site plan shows the entire property boundaries and acreage of Beech Tree subdivision. The applicant submitted this specific design plan for the construction of 78 single-family detached dwellings in East Village Sections 11 and 13.

The proposed specific design plan is not adding or creating any new lots or parcels. This specific design plan shows 78 single-family dwellings for East Village Sections 11 and 13, which is less than the 122 single-family lots that was approved for Sections 11 and 13 under Preliminary Plan 4-00010. The tracking chart shows the overall total of 1,003 single-family units approved by the various specific design plans for the Beech Tree subdivision, which is less than the 1,632 single-family lots that were approved under Preliminary Plans 4-98063 and 4-00010. Specific Design Plan SDP-0902 is in substantial conformance with approved Preliminary Plan 4-00010. There are no other subdivision issues at this time.

- c. **Trails**—From the standpoint of non-motorized transportation, the Planning Board found 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 specific design plan as described in Section 27-285 of the Zoning Ordinance if the following conditions were to be adopted.

- (1) In conformance with *Approved Subregion 6 Master Plan and Sectional Map Amendment*, *Approved Countywide Master Plan of Transportation (MPOT)*, and previous approvals for 4-00010, SDP-0406, CDP-9706, and SDP-0409, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
- (a) Prior to issuance of the 1,400th building permit, an 8 to 10-foot-wide asphalt master plan hiker-biker trail immediately adjacent to the west side of the lake within the community, as agreed to by the Department of Parks and Recreation (DPR) and as required by CDP-9706. As recommended by DPR, this trail shall be 8 feet wide where it is adjacent to roadways and 10 feet wide in all other locations.
  - (b) Prior to issuance of the 2,000th building permit, submit detailed construction plans and details for construction of the balance of the

master plan trail through the stream valley park to DPR for review and approval.

- (c) Prior to issuance of the 2,200th building permit, finish construction on the balance of said master plan trail through the stream valley park.
- (d) Provide standard sidewalks along both sides of all internal roads within the subject application (East Village Sections 11 and 13), unless modified by DPW&T.
- (e) Provide standard sidewalks along both sides of the subject site's frontages of Presidential Golf Drive, unless modified by DPW&T.
- (f) Prior to issuance of any building permit, provide a financial contribution of \$420 to DPW&T for the placement of Class III bikeway signage along Presidential Golf Drive.
- (g) Revise the plans to include curb cuts and ADA (Americans with Disabilities Act) ramps along the sidewalk on the east side of Presidential Golf Drive at Chiddingstone Circle.
- (h) Revise the plans to include curb cuts and ADA ramps along the sidewalks on both sides of Burford Lane at Presidential Golf Drive.

The above conditions 1(a) through (c) are previous conditions of approval from Preliminary Plan 4-00010 that are still applicable and do not need to be repeated within this approval. The other conditions have either been addressed by revisions to the plans or through conditions of this approval.

- d. **Permit Review**—The Permit Review comments have either been addressed by revisions to the plans or through conditions of this approval.
- e. **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.

The Planning Board approved SDP-0902 and TCPII-023-10, subject to environmental conditions that have been included in this approval. The Planning Board also reviewed the following detailed analysis of specific issues:

- (1) An approved natural resources inventory (NRI) is not a submittal requirement for this specific design plan because a preliminary plan was previously approved by the Planning Board which provides the necessary grandfathering.

- (2) This site is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance because the property has previously approved tree conservation plans. A forest stand delineation and Type I Tree Conservation Plan, TCPI-073-97, were approved with CDP-9706. 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 specific design plan was approved for the Beech Tree development, TCPII-049-98 was subsequently revised. With the approval of SDP-0512/02, a separate Type II Tree Conservation Plan, TCPII-023-10, was developed for the subject SDP.

The current application proposes the clearing of 13.55 acres of the net tract, and 0.01 acre of PMA. The separated TCPII proposes to provide 2.91 acres of on-site preservation, and 3.77 acres of afforestation/reforestation, of which 0.36 acre is proposed in natural regeneration on an individual worksheet; however, the numbers proposed on the separated worksheet for TCPII-023-10 are not consistent with the numbers shown on the cumulative worksheet for the entire project. A revised TCPII worksheet for TCPII-023-10 is required.

A cumulative tracking of overall woodland conservation on the site for all of the proposed development activities proposed now indicates a total woodland conservation requirement of 335.66 acres for the Beech Tree development based on 1,184.08 acres of gross tract area and 395.47 acres of clearing.

The cumulative woodland conservation worksheet further indicates that, among all activities proposed, 346.22 acres of on-site woodland conservation has been provided, but this includes the preservation of 23.93 acres of woodlands on the "Middle School Site." As a result, the cumulative amount of "Existing Net Tract Woodland in later phases" drops to minus 12.86 acres, thus the amount of preserved woodland on future phases becomes a negative number with the approval of the next SDP plan beyond East Village Sections 11 and 13.

Further, the overall worksheet includes revisions to the golf course to provide additional woodland conservation that have not been approved. Because conditions of approval were imposed on the overall development that required woodland conservation be provided on-site, the cumulative woodland conservation worksheet must be revised to address the following: the gross tract and net tract areas for all of the development areas must be confirmed with their SDPs; the amount of existing woods and its distribution over the SDPs on-site based on the original FSD submittal must be confirmed; and the amount of clearing proposed within each SDP must be confirmed. This is necessary so that a final woodland conservation requirement for the site can be determined.

The cumulative worksheet must be reviewed to confirm how much woodland conservation is being provided on each individual SDP, and demonstrate how all of the woodland conservation requirement will be met on-site in conformance with Condition 1.b. of the CDP approval.

The TCPII plan, based on numbers provided in the woodland conservation worksheet, provides for 2.91 acres of on-site woodland preservation and 3.77 acres of on-site afforestation/reforestation, 0.36 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 the 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 minimum of one-inch caliper, shall be planted. A permanent tree protection device shall be placed along the vulnerable edges of all afforestation/reforestation areas. The area of the 10-foot-wide cart path shall 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 must be included in the plan set.

All adjacent SDPs or developed areas that are not part of this specific design plan have been correctly identified, so grading onto adjacent properties can be evaluated as consistent with those development cases. The subject TCPII proposes extensive grading onto the golf course SDP. The SDP and TCPII for the golf course (SDP-9803/03) must be submitted for a revision 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 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 Woodland Conservation Ordinance of 500 caliper inches per acre.

- (3) The updated Woodland and Wildlife Habitat Conservation Ordinance (WCO) requires a variance for the removal of specimen trees; however, 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. Because the removal of the two specimen trees is consistent with the approved TCPI, the removal of these trees is approved.

- (4) Subtitle 25, Division 3: Tree Canopy Coverage Ordinance requires a minimum percentage of tree canopy coverage (TCC) on properties that require a tree conservation plan or letter of exemption. Properties zoned R-S are required to provide a minimum of 15 percent of the gross tract area in tree canopy.

The overall Beech Tree development property is able to meet the 15 percent TCC requirement through the use of woodland conservation. A TCC schedule has been added to the TCPII to show how this requirement is being met.

The TCC schedule should be removed from the TCPII and placed on the landscape plan because the TCC requirement is not part of the Woodland and Wildlife Habitat Conservation Ordinance.

- (5) 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 (PMA) Preservation Area is defined in Section 24-101(b)(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-9706.

The total area of the PMA on the Beech Tree property is approximately 329.80 acres. During the review of 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 TCPII for the golf course. During the review of 4-99026, the Planning Board granted variation requests for 2.51 acres of additional impacts. During the review of 4-00010, the Planning Board granted variation requests for 1.28 additional acres. As required by the approved tree conservation plan, 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 the floodplain.

The TCPII indicates the clearing of 0.01 acre of clearing in the PMA as part of the subject SDP. It appears that this minor impact is for the installation of a storm drain pipe which was evaluated during the review of the preliminary plan.

- (6) Crain Highway (US 301) is a significant source of highway noise. Comprehensive Design Plan CDP-9706 contains the following note:

**“The residential building envelopes are conceptual in nature and may be shifted at the approval of the Specific Design Plan when a noise study is approved 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 exceeding 65 dBA (Ldn) exterior.”**

During the review of East Village Phase 1, SDP-9907 and SDP-9908, a noise study was submitted, but the study did not include an evaluation of noise impacts from US 301 on East Village Sections 11 and 13. A Phase I noise study for East Village Sections 11 and 13 prepared by Staiano Engineering, Inc was submitted on December 20, 2010. The study indicated that the 65 dBA Ldn exposure on the subject property extended from US 301 to just west of Presidential Golf Drive, including most of Section 11 and Lots 8 and 9 in Section 13. This study was based on an assumption of flat topography.

As a result of this evaluation, the affected portions of East Village Section 11 were redesigned to lower the elevation so the proposed residential structures would be provided noise shielding. East Village Section 11 also provided shielding for Lots 8 and 9 in Section 13.

A Phase II noise study was prepared and submitted based on the revised grading and a detailed geometric representation of the site features and topography. The analysis found that, with the inclusion of the shielding benefit afforded by the intervening motel building and the modification of the proposed grades and road profiles to facilitate sound attenuation along the eastern portion of Section 11, no additional mitigation is needed to reduce noise levels on the subject lots to below 65 dBA Ldn in outdoor activity areas and 45 dBA Ldn in the interiors of the proposed homes.

- (7) During the review of CDP-9407 in 1995, the Stripeback Darter (*Percina notogramma*), a state endangered fish, was found in the main stem of the Collington and Western Branches.

The Planning Board reviewed SDP-0902 with special regard to A-9763-C and the considerations contained in Planning Board Resolution No. 98-50. All of the recommendations of the State of Maryland Department of Natural Resources, Wildlife and Heritage Division, including a habitat management plan, a water quality plan, and a monitoring program were adopted and approved as part of SDP-9803 for the golf course. Specific Design Plan SDP-0902 is adjacent to and downstream of the lake and adjacent to the golf course.



- (8) On May 6, 1998, the Prince George's County Department of Environmental Resources approved Stormwater Management Concept Plan 988005250. The approval is based on existing conditions of the 100-year floodplain and covers the construction of the lake, golf course, maintenance building, club house, and associated parking. Separate stormwater management concept approval letters were subsequently issued for East Village Sections 11 and 13 (37349-2009-00 and 5040-2010-01) as required by the CDP approval. Review of the technical stormwater management plan prior to the approval of grading permits was also a condition of CDP approval in order to confirm conformance with habitat management and water quality concerns on the site.
- (9) Marlboro clay presents a special problem for development of this site. Consideration 6 of A-9763-C was adopted to address this issue. The greatest concern is the potential for large scale slope failure with damage to structures and infrastructure. Marlboro clay creates a weak zone in the subsurface; areas adjacent to steep slopes have naturally occurring landslides. Grading in the vicinity of Marlboro clay outcrops on steep slopes can increase the likelihood of a landslide. Special treatments are required during the installation of the base layers for all proposed roads. Water and sewer lines laid within the Marlboro clay layer require special fittings. Side-slopes of road cuts through Marlboro clay need special treatment. Special stormwater management concerns need to be addressed when Marlboro clay is present on a site. Footers for foundations cannot be seated in Marlboro clay.

The Planning Board directed that the following note be appended onto CDP-9706:

**"The envelopes shown on this plan are conceptual and may be modified at time of approval of the Specific Design Plan to minimize risks posed by Marlboro Clay. Prior to the approval of any SDP which contains a High Risk Area, a Geotechnical Study, following the "Criteria for Soil Investigations and Reports on the Presence and Affect of Marlboro Clay upon Proposed Developments" prepared by the Prince George's County Unstable Soils Taskforce, shall be submitted for review and approval by the Natural Resources Division and the Prince George's County Department of Environmental Resources to satisfy the requirements of Section 24-131 of the Subdivision Regulations and Section 4-297 of the Building Code."**

The following condition was approved by the Planning Board (Resolution No. 00-127) for 4-00010:

**"As part of the submission of a Specific Design Plan (SDP) for any High Risk Area, the applicant 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 made during the review of the SDP. No residential lot shall contain any portion of unsafe land."**

A geotechnical study for East Village Sections 11 and 13 was submitted for the current application on December 14, 2010. The study concluded that, based on the depth of the Marlboro clay beneath site grades and the absence of steep slopes, the presence of Marlboro clay would not significantly impact the design or construction of the site.

The environmental conditions have been included as conditions of this approval.

- f. **The Department of Public Works and Transportation (DPW&T)**—DPW&T stated that they had no objection to this SDP 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 DPW&T. Those issues will be enforced by DPW&T at the time of the issuance of permits. DPW&T also indicated that the subject SDP is consistent with approved Stormwater Management Concept Plans 37349-2009-00 and 5040-2010-01.
  - g. **Public Facilities**—The required fire, rescue, and police facilities have been determined to be adequate. Additionally, the SDP will be subject to the school facilities surcharge for each dwelling unit, and the proposed development is in water and sewer Category 3, Community System.
14. **Required Findings:** Section 27-528 of the Zoning Ordinance sets forth the following criteria for the 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-9706 as detailed in Finding 8 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, if the approval were made subject to four conditions. Those conditions have been included in this approval.

The Planning Board found that regarding 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 March 24, 2011, DPW&T 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 approved TCP11-023-10, with conditions that have been included in this approval. Therefore, it can be said that the plan is in conformance with an approved Type 2 tree conservation plan.

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

The site contains regulated environmental features and 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 2 Tree Conservation Plan (TCP2-023-10), and further APPROVED Specific Design Plan SDP-0902 for the above-described land, subject to the following conditions:

- I. Prior to certification of the specific design plan (SDP), the applicant shall:
  - a. Provide standard sidewalks along both sides of all internal roads within the subject application, unless modified by the Department of Public Works and Transportation (DPW&T).
  - b. Provide standard sidewalks along both sides of the subject site's frontage of Presidential Golf Drive, unless modified by DPW&T.
  - c. Revise the plans to include curb cuts and ADA ramps along the sidewalk on the east side of Presidential Golf Drive at Chiddingstone Circle.
  - d. Add a general note specifying the dimension and the material of all driveways.
  - e. 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 specific design plan numbers, and all approved or submitted tree conservation plan numbers.
  - f. Add notes to the plan stating that 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.
  - g. Revise the Type II tree conservation plan as follows:
    - (1) Revise natural regeneration to afforestation/reforestation whenever the area is adjacent to a residential lot.
    - (2) Remove the area of the 10-foot-wide cart path from the preservation area.
    - (3) Where landscaping and woodland conservation areas overlap, the landscaping elements shall be shown on the TCP II 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 Woodland Conservation Ordinance of 500 caliber 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 so that there is not a negative quantity for woodland existing on future phases.
  - (6) Add a note to indicate that the overall woodland conservation summary sheet includes a proposed revision to the golf course TCPII, which has not been approved.
  - (7) Revise the TCP name in the signature block to reflect TCPII-023-10.
  - (8) Have the revised plan signed by the qualified professional who prepared it.
- h. A revision to Specific Design Plan SDP-9803 and its associated TCP shall be accepted for review and shall 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.
- i. The Tree Canopy Coverage schedule shall be removed from the TCPII and placed on the landscape plan.
- j. The applicant shall demonstrate that the subject application site is in conformance with the quantity of primary management area (PMA) impacts approved by the Planning Board, or shall provide information with regard to where additional impacts have occurred, and how they will be mitigated on the Beech Tree development.
- k. Complete the Section 4.9 landscape schedule to provide quantities of required and provided native plant materials.
- l. Revise the landscape plan to provide a Section 4.6 schedule for the lots with rear yards facing US 301.
- m. Revise the landscape plan to provide a Section 4.6 buffer wherever the rear yard of a single-family detached dwelling is oriented toward a primary or lower classified road.
- n. Revise the Section 4.7 landscape schedules for Buffer Yard 1 and Buffer Yard 4 to remove the plant unit reduction for a five-foot berm and revise the landscape plan to provide the additional required plant units, preferably between the following lots and the

golf course: Section 11, Lots 1, 3, 4, and 5, Block V; and Section 13, Lots 1, 19, and 20, Block Y.

2. Prior to the 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. Pursuant to the conditions imposed by the Prince George's County District Council on Zoning Application 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):

Single-Family Detached:	\$225,000–500,000+
Single-Family Attached:	\$150,000–200,000+
Multifamily dwellings:	\$125,000–150,000+

In order to ensure that the prices of proposed dwelling units are reflective of dollar values for the year in which construction occurs, 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).

4. Prior to issuance of the 1,001st 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 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.
5. Prior to issuance of the 1,501st building permit for any residential unit of the development, the applicant shall 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.
6. Prior to 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 Central Avenue (MD 214) and Marlboro Pike (MD 725) shall be provided by the Maryland State Highway Administration (SHA) or by DPW&T to the Planning Department.

7. Any changes to the sequencing of transportation improvements and/or changes to the development thresholds identified in Conditions 4 through 6 above will require the filing of a SDP application, and a new staging plan reflecting said changes must be included with the application.
8. Prior to the issuance of any building permit, the applicant and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$420 to DPW&T for the placement of Class III bikeway signage along Presidential Golf Drive.
9. 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.
10. Prior to issuance of grading permits for land associated with SDP-0902 the applicant shall submit approved technical stormwater plans to the Environmental Planning Section to confirm that water quality measures have been provided at all storm drain outfalls and that 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.

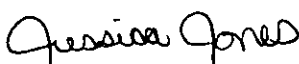
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Cavitt, with Commissioners Squire, Cavitt, Clark, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, May 19, 2011 in Upper Marlboro, Maryland.


Adopted by the Prince George's County Planning Board this 9<sup>th</sup> day of June 2011.

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 5/26/11