

RESOLUTION

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

WHEREAS, in consideration of evidence presented at a public hearing on February 9, 2006 regarding Specific Design Plan SDP-9606/12 for Marleigh, Phase II, the Planning Board finds:

1. **Request:** The subject application requests the construction on public parkland of recreational facilities, including a trail with fitness stations, a gazebo, and landscaping, and elimination of a previously approved segment of a master plan trail.

2. **Development Data Summary**

	EXISTING	PROPOSED
Zone	R-L	R-L
Use(s)	Single-family residential	Single-family residential
Acreage	6.1121 acres	6.1121
Parcels	Block B, Parcel G	Block B, Parcel G

3. **Location:** The site is in Planning Area 71A and Council District 6. More specifically, it is located at 12510 Marleigh Drive, 176 feet south of its intersection with Houndwood Way.
4. **Surroundings and Use:** The subject property is bounded to the east by single-family residential development, to the south by undeveloped land owned by the Christian Hope Ministries, to the west, by single-family residential development and commercial-retail development, and to the north by single-family residential development.
5. **Previous Approvals:** The property was the subject of Basic Plan A-0981, Preliminary Plan of Subdivision 4-95026, Comprehensive Design Plan CDP-9407, and numerous specific design plans. The site is also the subject of Stormwater Management Concept Plan #8008370-1995-01.
6. **Design Features:** The proposed recreational complex would be located on public parkland in the extreme southeastern corner of the subject subdivision with frontage on Marleigh Drive, just south of the existing tennis courts, preteen lot, and sitting area. Pedestrian access would be provided from a trail that currently accesses the preteen lot. The trail leads first to the gazebo, then splits in either direction, forming a landscaped loop from which all the fitness stations may be accessed. The proposed recreational facility would include a 16-foot gazebo with two 6-foot benches and

880 feet of 6-foot-wide asphalt trail with 9 fitness stations. The gazebo is specified as the Dallas

Model (Hexagon-3 tier) and is to be constructed of steel. The benches are proposed to be constructed of recycled plastic. The steel supporting members of the benches would be black in color and the remainder of the bench, the recycled plastic portion, would be a cedar color.

The fitness stations are listed on an identifying sign where each station is listed by number and include the following:

- A sit-up/push-up station
- A chin-up station
- A beam jump touch station
- A curved balance beam
- A parallel bars station
- A handhold/leg lift station
- A beam run station
- A spring-up station

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the R-L Zone and the site plan design guidelines of the Zoning Ordinance.
 - a. The subject application is in conformance with the requirements of Section 27-441, which governs permitted uses in residential zones. The proposed recreational facilities accessory to residential use are a permitted use in the R-L Zone.
 - b. The proposal is also in conformance with the requirements of Section 27-442, Regulations, regarding additional regulations for development in residential districts.
8. **Landscape Manual:** The surrounding residential development is subject to the requirements of Section 4.1 of the *Landscape Manual*. The plan has previously been judged to be in compliance with Section 4.1 of the *Landscape Manual* and the subject specific design plan will not affect that compliance.
9. **Woodland Conservation Ordinance:** The site is subject to the provisions of the Woodland Conservation Ordinance, because it is more than 40,000 square feet in size, contains more than 10,000 square feet of woodlands, and has an approved Type II Tree Conservation Plan (TCPII/77/96). The Environmental Planning Section has recommended approval of the project subject to conditions. Therefore, it may be said that the project is in accordance with the requirements of the Woodland Conservation Ordinance.

10. **Basic Plan A-0981**—Staff has reviewed the project with respect to the requirements of Basic Plan A-0981 and found the plans to be substantially in accordance with those requirements.
11. **Preliminary Plan of Subdivision 4-95026**—Staff has reviewed the project with respect to the conditions of approval placed on the approval of Preliminary Plan of Subdivision 4-95026 and found them to be substantially in accordance with those requirements.
12. **Comprehensive Design Plan CDP-9407**—Staff has reviewed the project with respect to the requirements of Comprehensive Design Plan CDP-9407 and found the plans to be substantially in compliance with the requirements of the approval. Specifically, Condition Number 11 of that approval states:

Prior to the issuance of the 200th building permit, the applicant, his heirs, successors and/or assigns, shall complete construction of the public recreational facilities in the dedicated park. This construction shall commence within six months of completion of the stream crossing providing access to the eastern portion of the site. The facilities shall include but are not limited to two tennis courts, a pre-teen lot, a sitting area and landscaping. The detailed drawings of the park and the recreational facilities shall be reviewed and approved by the Department of Parks and Recreation at the time of a Specific Design Plan for the public park. All recreational facilities to be constructed in the park shall be built in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines.

Should the applicant be successful in gaining Planning Board approval of the subject specific design plan, it may be said that the applicant is in accordance with the requirements of CDP-9407.

13. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

Archeological Review—In revised comments received verbally from the staff archeologist, since the site has already been previously graded, there are no additional archeological issues raised by the subject project and no further archeological investigations shall be required.

Community Planning—In a memorandum dated November 17, 2005, the Community Planning Division stated that there are no master plan or general plan issues related to the subject design plan.

Parks—In comments dated January 19, 2006, the Department of Parks and Recreation (DPR) stated the following:

The applicant proposes deletion of approximately 300 linear feet of trail on homeowners association (HOA) open space land. The community opposes the construction of this section of the trail because of steep slopes, wetlands and the secluded location of the trail. The community has concerns about

the safety, security, liability and maintenance of this trail by the HOA. As an alternative, the applicant, the community and Department of Parks and Recreation staff developed a mutually acceptable alternative including the following:

- a. Deletion of the 300-foot section of the eight-foot-wide trail.
- b. Construction of the six-foot-wide asphalt fitness trail on parkland (Marleigh Neighborhood Park).
- c. Construction of the eight-foot-wide access trail to the gazebo.
- d. Construction of nine fitness stations (manufactured by Landscape Structures, Inc.) along the new trail on public parkland.
- e. Construction of a 16-foot-wide, three-tier, hexagonally shaped metal gazebo (manufactured by Classic Recreational Systems Inc) with two benches on public parkland.
- f. Installation of additional landscaping along the fitness trail.

In summary, DPR staff believes that the construction of the above listed recreational facilities in lieu of a 300-foot recreational trail on HOA land will be of equal or better recreational value to the community.

The Department of Parks and Recreation recommends to the Planning Board that approval of the above SDP-9606/12 be subject to conditions that have been included in the Recommendation section of this report.

Permits—In a memorandum dated September 29, 2005, the Permit Review Section stated that the fitness area, trail and gazebo were not shown on Sheet S17 of 17 and LT17 of 20. Such oversight has been rectified by revisions to the plans. They also asked if the proposed facilities are to be the subject of a recreation facilities agreement and if so, would there be any conditions contained therein that would impact permit issuance. A recreational facilities agreement has been arrived at between the applicant and the Department of Parks and Recreation including a trigger for the construction of the subject recreational facilities. Please see discussion of the recreational facilities agreement above.

Environmental Planning—In a memorandum dated October 13, 2005, the Environmental Planning Section stated:

The site is subject to the provisions of the Woodland Conservation Ordinance because it is more than 40,000 square feet in size and has an approved Type II Tree Conservation Plan (TCPII/77/96). On the revised Tree Conservation Plan, TCPII/77/96-01, the woodland conservation threshold for the site is shown to be 36.03 acres (25 percent of the net tract) and an additional 10.94 acres due to the removal of woodland, for a total minimum of 46.97 acres. The Tree Conservation Plan proposes to meet the requirement with 39.67 acres of on-site preservation, 7.27 acres of reforestation, and an additional 0.35 acre of natural regeneration for a total of 47.29 acres. The TCPII as revised dated December 1, 2000, is in complete compliance with the approved Type I tree conservation plan and DSP, and there are no requirement changes proposed except for minor revisions. The sheet labeled “Path Exhibit” needs a TCPII signature block with the following note: “This plan revises LT-14 and LT-17 of TCPII/77/96 and is included as part of TCPII/77/96-01.” Remove sign block from LT-1, LT-14 and LT-17 and replace with new signature block and type in previous approval. No other significant environmental impacts have been identified or associated with the site.

Recommended Condition: Prior to signature approval of the detailed site plan the following changes are required:

- a. Sheet labeled “Path Exhibit” needs a TCPII signature block with the following note: “This plan revises LT-14 and LT-17 of TCPII/77/96 and is included as part of TCPII/77/96-01.”
- b. Remove sign block from LT-1, LT-14 and LT-17 and replace with new signature block and type in previous application

The Environment Planning Section’s suggestions have been included in the Recommendation section of this report.

The Department of Environmental Resources (DER)—In comments dated September 20, 2005, DER stated that the site plan for Marleigh, Phase II-Specific Design Plan SDP-9606/12 is consistent with approved stormwater concept #8008370-1995-01.

City of Bowie—In a letter dated December 28, 2005, the City of Bowie stated that they have no comment on the project.

11. **Conformance of the Proposed Specific Design Plan with the findings for Approval of a Specific Design Plan (Section 27-528 of the Zoning Ordinance, Planning Board Action):**

The plan conforms to the approved comprehensive design plan and the applicable standards

of the *Landscape Manual*.

Comment: As stated in Finding 8 above, the proposed specific design plan conforms to the approved comprehensive design plan and the applicable standards of the *Landscape Manual*.

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

Comment: Previous findings that the development will be adequately served within a reasonable period of time with existing and programmed facilities will not be affected by this application for modification of recreational facilities in the Marleigh Neighborhood Park.

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

Comment: Compliance with this required finding has been demonstrated in Finding 10 above because the Department of Environmental Resources has stated that the proposed plan is in conformance with Stormwater Management Concept Plan #8008370-1995-01.

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

Comment: The Environmental Planning Section, after reviewing Tree Conservation Plan TCPII/77/96 submitted with the project, has recommended approval of the project, subject to conditions. Please see Finding 10 above. Those recommended conditions have been included in the Recommendation section of this report. Therefore, it may be said that the subject project is in conformance with an approved tree conservation plan.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan (TCPII/77/96-01), and further APPROVED Specific Design Plan SDP-9606/12 for the above-described land, subject to the following conditions:

1. Prior to signature approval of the plans, the following revisions shall be made or required documentation submitted:
 - a. The TCPII signature block and the following note should be added to the plan sheet labeled "Path Exhibit": "This plan revises LT-14 and LT-17 of TCPII/77/96 and is included as part of TCPII/77/96-01."
 - b. The old signature block on the TCPII shall be removed from plan sheets LT-1, LT-14, and LT-17 and replaced with the new signature block. The new signature block should include all previous approvals.

- c. The construction drawings for the improvements on parkland shall be approved by the Department of Parks and Recreation (DPR).
 - d. The applicant shall amend the public recreational facilities agreement (RFA) recorded in land record Liber 10570, Folio 508 to incorporate the following recreational facilities (as shown on SDP-9606/12):
 - (1) Six-foot-wide asphalt fitness trail on public parkland
 - (2) Eight-foot-wide access trail to the gazebo
 - (3) Nine fitness stations (manufactured by Landscape Structures, Inc.) along the new trail on public parkland.
 - (4) 16-foot-wide, three tier hexagonal-shaped metal gazebo (manufactured by Classic Recreational Systems, Inc.) with two benches on public parkland.
 - (5) Additional landscaping along the fitness trail.
 - e. A note shall be added to the plans that the applicant, his successors, and/or assignees shall complete construction of the recreational facilities on parkland no later than September 1, 2006.
 - f. Trail design shall be reconfigured so that a minimum distance of 80 feet is maintained between it and the shared property line with Lot 120. Such redesign shall be accomplished with input from the owner of Lot 120, the Senior Trails Planner, the Parks Department and the Board of Directors of the Marleigh II Subdivision.
- 2. The applicant shall submit three originals of an executed amended public RFA to the Department of Parks and Recreation (DPR) for their approval. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County.
 - 3. Applicant shall submit to DPR a performance bond, a letter of credit or other suitable financial guarantee, for the construction of the additional recreational facilities on parkland in the amount to be determined by DPR, within at least two weeks prior to the issuance of building permit for construction on parkland.

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.

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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 Eley, with Commissioners Squire, Eley and Hewlett voting in favor of the motion, with Commissioner Vaughns absent at its regular meeting held on Thursday, February 9, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 2nd day of March 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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