

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on June 21, 2001, regarding Detailed Site Plan SP-01022 for Frye Property, the Planning Board finds:

1.     Request: The subject application is for the approval of an infrastructure Detailed Site Plan for sixty one (61) single-family detached houses in the R-R (Rural Residential) Zone.
2.     Location: The site is located in Planning Area 60, Council District 01. More specifically, it is situated at the northwest corner of Contee Road and Van Dusen Road.
3.     Surroundings and Use: The subject site was previously used for a sand and gravel mining operation. It is surrounded on four sides by existing woodland. To its north is townhouse development and open space zoned R-M; to its west is Prince George's County Board of Education property zoned R-O-S; to its south and east are roads, Van Dusen Road and Contee Road; further south and east are single-family houses and vacant land both zoned R-R .
4.     Former Approval: The subject site has a previously approved Preliminary Plat and Conceptual Site Plan 4-98020, Type I Tree Conservation Plan (TCPI/14/98) and Stormwater Management Concept Plan, CSD # 988004290.
5.     Site Plan Data (as provided by the applicant)

Existing Zone	R-R
Proposed Development	RR Cluster
Gross Tract Area	34.6 Acres
Area of slopes greater than 25 %	0.00* Acres
Area of 100-year flood plain	0.00 Acres
Cluster Net Tract Area	34.6 Acres
Number of lots permitted (2 Lots/Ac)	68 Lots
Number of lots proposed (Single Family Detached)	61 Lots
Number of flaglots	0 Lots
Total lot area	16.98 Acres
Average lot size	12,125 Square Feet
Steep slopes exceeding 25 %	1.54 Acres

One fourth (25%) of steep slopes	0.38 Acres
Area of steep slopes to be disturbed	1.54 Acres
Cluster open space required	11.20 Acres
Cluster open space required to be outside of SWM facility	7.39 Acres
Cluster open space proposed	11.22 Acres
Cluster open space proposed to be outside of SWM facility	9.23 Acres
Mandatory park dedication required (5%)	1.73 Acres
Mandatory park dedication provided (recreational facilities-in-lieu)	0.00 Acres
Total open space required	11.20 Acres
Total open space provided	11.22 Acres
Total open space to be conveyed to HOA	11.22 Acres

Note: \* Refer to Condition 2.

#### COMPLIANCE WITH EVALUATION CRITERIA:

6. Zoning Ordinance: The subject application has been reviewed for compliance with the requirements in the R-R 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 one-family detached dwellings are a permitted use in the R-R zone.
  - b. The proposal is in conformance with the requirements of Section 27-442, Regulations, concerning net lot area, lot coverage and green area, lot/width frontage, yards, building height and density.
7. Preliminary Plat and Conceptual Site Plan 4-98020: Conditions attached to the approval of Preliminary Plat and Conceptual Site Plan 4-98020 require that the approval of the Detailed Site Plan should be subject to the following findings:

**2. Development of this subdivision shall be in accordance with the approved Stormwater Management Concept Plan, CSD # 988004290**

Comment: DER/Concept Section found in its referral comment that the Detailed Site Plan is consistent with Storm Water Management Concept Plan (approval number of 988004290).

**5. A Type II Tree Conservation Plan shall be approved at time of Detailed Site Plan.**

Comment: A Type II Tree Conservation Plan was submitted with the Detailed Site Plan DSP -01022. The Environmental Planning Section concluded that the TCPII/67/01 meets the requirements of the Woodland Conservation Ordinance and recommended approval of TCPII/67/01 with conditions.

- \_\_\_\_\_10. Prior to the time of Detailed Site Plan approval for the subject property, the applicant shall submit an acceptable traffic signal warrant study to DPW& T and, if necessary, SHA for the intersection of Van Dusen Road and Virginia Manor Road. The applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of DPW&T and/or SHA. If the signal or other needed improvement at that intersection are deemed warranted by DPW&T and/or SHA, the applicant shall bond the signal or other improvements prior to the release of any building permits within the subject property, and install the warranted improvements at a time when directed by the appropriate permitting agency.

Comment: A traffic signal warrant study for the intersection of Van Dusen Road and Virginia Manor Road was submitted with the Detailed Site Plan. The Transportation Section staff noted in his referral comment that the study is acceptable. Any action required by DPW&T in response will be enforced at the time of building permit in accordance with the preliminary plan condition.

- \_\_\_\_\_11. Prior to the time of Detailed Site Plan approval for the subject property, the applicant shall submit an acceptable traffic signal warrant study to DPW&T and, if necessary, SHA for the of Contee Road and Van Dusen Road. The applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of DPW&T and/or SHA. If the signal or other associated improvement at that intersection are deemed warranted by DPW&T and/or SHA, the applicant shall bond the signal or other improvements prior to the release of any building permits within the subject property, and install the warranted improvements at a time when directed by the appropriate permitting agency. Potential physical (in addition to signalization) would include:
- a. \_\_\_\_\_A two-lane approach along eastbound/northbound Van Dusen Road.
  - b. A two-lane approach along northbound/westbound Contee Road.
  - c. A two-lane approach along southbound/eastbound Contee Road.

- d. **Restriping the existing two-lane approach westbound/southbound Van Dusen Road to operate as an exclusive left-turn lane and a shared through/right-turn lane.**

Comment: A traffic signal warrant study for the intersection of Contee Road and Van Dusen Road was submitted with the Detailed Site Plan. The Transportation Section Staff found in his referral comment that the study is acceptable. Any action required by DPW&T in response will be enforced at the time of building permit in accordance with the preliminary plan condition.

13. **The applicant, his heirs, successors and/or assigns shall provide adequate, private recreational facilities in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*.**
14. **A site plan shall be submitted to the Development Review Division (DRD) of the Prince George's County Planning Department, which complies with the standards outlined in the *Parks and Recreation Facilities Guidelines*.**

Comment: The Detailed Site Plan proposes almost the same layout and type of recreational facilities on parcel B, which will be dedicated to the Home Owner's Association (HOA) as those proposed in the approved Preliminary Plat and Conceptual Site Plan 4-98020. These recreational facilities include a park pavilion, a preteen lot (former tot lot), a picnic area and a 5-foot asphalt path that links them together.

A review of the adequacy of the private recreational facilities on the site according to the *Parks and Recreation Facilities Guidelines* indicates that the proposed recreational facilities will be adequate to serve the future residents.

8. Landscape Manual: The proposed development is subject to the requirements of Section 4.1, Residential Requirements, Section 4.6, Buffering Residential Development from Streets, and Section 4.7, Buffering Incompatible Uses, of the *Landscape Manual*.
  - a. The proposal meets the requirements of Section 4.1. Per Section 4.1 b, which governs the planting standards for one-family detached lots that are 20,000 square feet or larger but less than 40,000 square feet, each lot shall be planted with a minimum of three (3) major shade trees and two (2) ornamental or evergreen trees. The development provides 178 shade trees, 102 ornamental trees and 52 evergreen trees.

- b. The proposal provides a 35-foot bufferyard along the southern portion of Contee Road and turning to the northwest along the rear lot lines of lots 1 and 2 in Block A all the way to the Street A in order to fulfill the requirements of Section 4.6, Buffering Residential Development from Streets, because lots 2 and 3 in Block A have rear yards oriented toward a residential collector—Contee Road. There is also Parcel A that will be dedicated to the HOA in between the lots in question and Contee Road. The proposed bufferyard will block the rear yards of lots 2 and 3 from being seen from Contee Road.

The same type and width of bufferyards have been proposed to buffer rear yards of lot 32 in Block A and lots 1,2,28 and 29 in Block B. But the submitted Landscape Plan fails to provide applicable landscape schedules required by the *Landscape Manual*.

- c. The proposal meets the requirements of Section 4.7, Buffering Incompatible Uses. To the west of the proposed development is Prince George's County Board of Education property zoned R-O-S. The submitted Landscape Plan provides a type "C" bufferyard with a minimum 30 feet landscape strip per the requirements of Section 4.7. To its north is townhouse development and open space zoned R-M. Per Section 4.7, a type "A" bufferyard with a minimum 10 feet landscape strip is proposed.
- d. The subject site consists of several eroded areas and existing pond features resulting from a former sand and gravel mining operation. The site also has varied topography. In the Preliminary Plat and Conceptual Site Plan 4-98020, a cluster development design technique has been employed to concentrate buildings in the relatively flat portion of the site to allow the remaining uneven land to be used for recreation, common open space and the preservation of environmentally sensitive features.

The street and spatial pattern that follow the Radburn concept, which was the first U.S. Garden City (1928) in New Jersey, known for its separated vehicular and pedestrian system, cul-de-sac and the public pedestrian way leading to a large "natural" landscape park in the middle of the superblock, well serve the purpose of the cluster development. A looped street aligned at the perimeter of the site which links five residential courts, forms the major on-site vehicular circulation system. A separate trail route, which connects open space and nature features, and a comprehensive sidewalk network constitute the non-vehicular circulation system. In the Preliminary Plat and Conceptual Site Plan 4-98020, a series of water falls and water ponds which incorporate the storm water management facility was proposed as the backbone open space feature of the site.

Other amenities such as entrance signage, a park pavilion, a tot lot (preteen lot in DSP) and a picnic area were also proposed in order to forge a strong “sense of place” for the development. But in the Detailed Site Plan, the unique water feature design has not been included. A series of water ponds in the central open space area in the former Preliminary Plat and Conceptual Site Plan has been reduced to two. The connecting water falls also disappear. Since the water feature is such an important landscape amenity in the public open space of the previously proposed cluster development, the Detailed Site Plan should follow the design concept of the approved Preliminary Plat and Conceptual Site Plan if determined to be feasible.

The Department of Environmental Resources of Prince George’s County will review the SWM facility from the standpoint of hydraulic engineering regarding the construction itself and planting around the SWM structure. Therefore, their final comments on the format of the SWM facility will govern.

- e. The proposed landscape design focuses on public open space, entrance points as well as bufferyards on the property. Landscape planting has been employed as the major design tool to delineate space and define “sense of place.” Especially in the landscape design of the central open space, attention has been given to both creating a naturalistic setting and improving its accessibility.
9. Woodland Conservation Ordinance: The property is subject to the provisions of the Prince George’s County Woodland Conservation Ordinance because the entire site has over 40,000 square feet of gross tract area and contains more than 10,000 square feet of existing woodland.
- a. A Type II Tree Conservation Plan (TCPII/67/01) was submitted with the Detailed Site Plan DSP-01022. The subject site has 1.35 acres of existing woodland. According to the requirements of the *Woodland Conservation Ordinance*, the required woodland conservation is 6.18 acres. The provided woodland conservation is 6.20 acres.
  - b. The submitted TCP II was reviewed by the Environmental Section and found to be in substantial compliance with the approved Type I Tree Conservation Plan (TCPI/14/01). The TCPII will meet the requirements of the *Woodland Conservation Ordinance* after the recommended revisions are made to the plan.
10. Referral Comments: The subject application was referred to all concerned agencies and divisions. Major referral comments are summarized as follows:

- a. The City of Laurel had not responded to the referral request at the time the staff report was written.
- b. The State Highway Administration, in a memorandum dated May 08, 2001, has no objection to the approval of the Detailed Site Plan as submitted.
- c. The subject application was referred to the Transportation Section and in a memorandum dated June 07, 2001, transportation staff noted that:

**“ The site plan is acceptable from the standpoint of access and circulation. Appropriate dedication along Van Dusen and Contee Roads is reflected on the plan.**

**“At the time of Preliminary Plat of Subdivision 4-98020, a number of transportation-related conditions were placed on the property pursuant to a finding of adequate transportation facilities. The status of these conditions are as follow:**

1. **“The condition regarding a second north-bound through lane along Van Dusen Road at Cherry Lane is to be enforced at the time of building permit.**
1. **“Concerning a traffic signal warrant study at the intersection of Van Dusen Road and Virginia Manor Road, the appropriate analyses have been submitted to the County Department of Public Works and Transportation (DPW&T). The study is acceptable, and does indicate that a signal may be warranted. Any action required by DPW&T in response will be enforced at the time of building permit in accordance with the preliminary plan condition; no further recommendations are needed at this time.**
1. **“Concerning a traffic signal warrant study at the intersection of Van Dusen Road and Contee Road, the appropriate analyses have been submitted to the County Department of Public Works and Transportation (DPW&T). The study is acceptable, and does indicate that a signal may be warranted. Any action required by DPW&T in response will be enforced at the time of building permit in accordance with the preliminary plan condition; no further recommendations are needed at this time. The physical improvements cited in the condition at this location will also be enforced at the time of building permit.**

**“In conclusion, the transportation planning staff has no objection to the plan. All transportation-related conditions associated with Preliminary Plat of Subdivision 4-98020 have either been met or will be enforced at the time of building permit.”**

In another memorandum dated June 6, 2001 on Detailed Site Plan Review for Master Plan Trail Compliance, transportation staff identified that the master plan trail required in this development is within Prince George’s County right-of-way. The construction material and specific width for different types of trail within the development were also defined in the referral.

- d. The Environmental Planning Section found in a memorandum, dated June 5, 2001, that:

**“ ... The Type II Tree Conservation Plan (TCPII/67/01) as submitted was reviewed and found to be in substantial compliance with the approved Type I tree Conservation Plan (TCPI/14/01).”**

However, the Environmental Planning Staff indicated several aspects of the submitted TCPII, as stated in the conditions of approval of this report, needed to be revised before the final certification of the approval of TCPII/67/01.



- e. The Subdivision Section reiterated in a memorandum dated May 29, 2001, the applicable conditions attached to the approval of Preliminary Plat and Conceptual Site Plan 4-98020 per the PGCPB Resolution #98-224, File 4-98020. These conditions have been scrutinized during the reviewing process. The concerns raised by the conditions have also been addressed in the finding 7 of this staff report.
  - f. In a memorandum dated May 17, 2001, the Department of Public Works and Transportation of Prince George's County stated that:  
  
**"... Right-of-way dedication and frontage improvement along the frontage of property, in accordance to DPW&T's Standards and Specifications, and the master plan for the area are required. Also a review of the traffic impact study to see the need for acceleration/deceleration access and turn lanes on Contee Road and Van Dusen Road is necessary."**
  - g. The Community Planning Division responded in a memorandum dated May 04, 2001 that the proposal conforms to the master plan recommendations.
  - h. The Soil Conservation Section had not responded to the referral request at the time the staff report was written.
11. This Detailed Site Plan review did not include any review of residential architecture and entrance signage.
12. The Detailed Site Plan, if revised in accordance with the proposed conditions, will represent a reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development from its intended uses.

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 (TCP/67/01) and further APPROVED Detailed Site Plan SP-01022 for the above-described land, subject to the following conditions:

1. Prior to certification of approval of DSP-01022, the applicant shall submit evidence from the Department of Environmental Resources of the final approval of the design of the proposed SWM facilities and the Detailed Site Plan shall also be revised to reflect the approved final layout.
2. Prior to certification of approval of DSP-01022, the applicant shall make the following revisions to the Detailed Site Plan:
  - a. Modify the proposed landscape plan to incorporate properly the applicable landscape schedules per Section 4.6 as required by the *Landscape Manual*.
  - b. Provide the lot reduction details for lot 29.
  - c. Revise Site Data sheet to show correctly the acreage of "Area of slopes greater than 25%."
3.   Prior to certification of the Type II Tree Conservation Plan (II/67/01), the applicant shall make the following revisions to the Tree Conservation Plan:
  - a. Revise the Type II Conservation Plan Worksheet to reflect the correct Gross Tract Area.
  - b. Provide a different shading pattern for areas that are being reforested with landscaping. Provide a note on the TCP drawing regarding how these areas will be maintained, i.e. individual mulch circles around the landscape trees and mowed turf in between or a natural appearance with no maintenance.
  - c. Revise the TCP in calculating the woodland conservation area to eliminate the use of those areas with a minimum width less than 35 feet in the calculation toward meeting the requirements and correct the worksheet accordingly.
  - d. Show the location of the required permanent protective fencing for the reforestation areas. Revise the detail to state that the fencing shall be in place for a minimum of five years. Provide a fencing detail for the reforestation areas adjacent to

lots that is decorative in nature and delineate on the TCP where this type of fencing will be used.

4. Permanent woodland conservation easements shall be provided on the Final Plat of lots 23 and 24 in Block A that clearly delineate the areas of reforestation and preservation. A statement of acknowledgment shall be signed by the prospective buyers of lots 23 and 24 at the time of purchase indicating that the prospective buyers are aware of the permanent woodland conservation easements on those lots. Delete the note from the Reforestation Management Plan notes.
5. At the time when the homeowner's association covenants are written for the subdivision, they shall contain the following restriction: " All reforestation areas shown on the approved TCPII shall remain in a natural state. They shall not be mowed or otherwise maintained. The removal of noxious or invasive plants such as poison ivy or honeysuckle is allowed. This plant removal must be done by hand."
6. Prior to issuance of building permits, the applicant shall submit a revision to this Detailed Site Plan for architectural elevations for approval by the Planning Board. No two units located next to or across the street from each other may have identical front elevations.
7. The applicant shall submit the detailed entrance signage design at the time of the architectural elevation review.
8. At the time of road improvement, the applicant and the applicant's heirs, successors, and/or assigns shall construct the eight-foot wide, asphalt, master plan trail along the subject property's entire road frontage of Van Dusen Road. This trail should be constructed in place of the sidewalk shown on the submitted site plan.
9. Prior to issuance of the 30<sup>th</sup> building permit, the applicant and the applicant's heirs, successors, and/or assigns shall construct all the HOA recreational facilities and trails which shall be six-foot wide and asphalt.

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 @, seconded by Commissioner @, with Commissioners @ voting in favor of the motion, at its regular meeting held on Thursday, June 21, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 21st day of June 2001.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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