

RESOLUTION

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 September 14, 2006, regarding Detailed Site Plan DSP-05052 for Henderson Property, the Planning Board finds:

1. **Request:** The subject application is for approval of a limited detailed site plan for 11 single-family detached dwelling units in the R-R Zone and a variance for the 20-foot rear-yard setback requirement of Section 27-422(e) of the Zoning Ordinance.
2. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	R-R	R-R
Use(s)	Vacant	Residential
Acreage	7.23	7.23
Lots	11	11
Parcels	2	2
Dwelling Units (Detached)	0	11
Building Height (feet)	-	21

ARCHITECTURAL MODEL DATA

Model	Base Finished Area (Square feet)
Atlanta	2,984
Savannah	3,274
Chapel Hill	3,456
Augusta	3,930
Grand Augusta	4,514

3. **Location:** The site is located in Planning Area 70, Council District 5. More specifically, it is situated in the southwest quadrant of the intersection of MD 450 and MD 193. The property consists of 7.23 acres in the R-R Zone.
4. **Surroundings and Use:** The subject property is bounded to the north by MD 450; to the east by Enterprise Road (MD 193) and to the southwest by existing single-family dwellings in the R-R Zone.
5. **Previous Approvals:** The subject site has a Preliminary Plan of Subdivision, 4-04124, which was approved by the Planning Board on January 20, 2005 (PGCPB No. 05-28), and subject to conditions. The subject site has an approved Type I Tree Conservation Plan, TCPI/74/03. The site

also has a Stormwater Management Concept Approval 34128-2003-00, which is valid through January 22, 2007.

6. **Design Features:** The proposed subdivision is accessed via Parallel Road, which terminates in a cul-de-sac. The subject property consists of 7.23 acres in the R-R Zone. The proposed development consists of Lots 1-11 with two-story, single-family detached dwelling units. The applicant proposes five models with various architectural elevations (with options) for the subject site, which include: "Atlanta," "Augusta," "Savannah," "Chapel Hill," and "Grand Augusta" models. However, the site plan only shows the footprint for "Savannah" and "Augusta" with options (Lots 1-4). The proposed models offer several different architectural elevations, which are mainly of traditional architectural style, with varied roof pitches, and decorative architectural elements. Each single-family house has a two-car garage (with optional three-car garage and optional sunroom) as a standard feature and is finished with standard vinyl siding or brick veneer. The side elevations for the models provide a minimum of two standard architectural features. Total gross floor area of the proposed single-family dwellings is between 2,984 and 4,514 square feet.

There is an existing 16-foot-high concrete State Highway Administration noise wall along Annapolis Road (MD 450), which protects the existing homes in the contiguous Holmhurst West Subdivision. The SHA noise wall extends behind Lots 1-3 of the Henderson Property subdivision. The SHA stormwater management facility is located to the north of Lots 1-4. Maintenance access to the storm water pond is directly from the MD 450 right-of-way. The applicant is required by a condition of the Preliminary Plan of Subdivision 4-04124 (PGCPB No. 05-28) to construct a noise wall "compatible" to the SHA noise wall for the remainder of the MD 450 frontage and MD193 frontage (along Lots 1-8 rear property lines). The applicant is proposing to provide a vinyl noise wall five feet, five inches up to ten feet high (depending on the grading contours) along Lots 1-8. The SHA is in agreement that on all lots of exactly 20,000 square feet, the noise wall may be constructed on the property line so as not to reduce the total useable square footage of the lots. A note on the proposed site plan indicates that a 10-foot easement for construction of the noise wall and maintenance of the wall by the homeowners association will be provided along the rear of Lots 1-8. The proposed easement has access from Parallel Road along the stormdrain easement between Lots 3 and 4 via the 20-foot storm drain easement and between Lots 5 and 6 via a 20-foot Washington Suburban Sanitary Commission right-of-way for a waterline.

Condition 5.e. of the Preliminary Plan requires the applicant to dedicate Parcel "B" (6,597 square feet) to the M-NCPPC for a trail connection from the Parallel Road onto Parcel "A," thus providing connection of Holmehurst West Neighborhood Park to the facilities on park property. The applicant is meeting this requirement by providing an 8-foot-wide asphalt trail connection with the adjacent Maryland-National Capital Park and Planning Commission park to the south of the site. However, the applicant should provide the linear feet of the proposed trail in order to establish a bonding amount and triggers prior to the DSP. A condition of approval is included in the recommendation section of this report.

COMPLIANCE WITH EVALUATION CRITERIA

7. **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(b), which governs permitted uses in residential zones. The proposed single-family detached dwellings are a permitted use.
- b. The detailed site plan is in general compliance with the requirements of Section 27-442, Regulations, for development in the R-R Zone, with the following exception for which the applicant has filed a variance application:

Rear-Yard Setback: Section 27-442(e) requires a 20-foot rear-yard setback. The applicant is requesting a variance from the 20-foot rear-yard setbacks for the required noise barrier located on the rear property lines of Lots 3-6.

- c. Per Section 27-230 of the Zoning Ordinance, a variance may only be granted when the Planning Board finds that:

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

Comment: The subject lots are exceptional due to their location at the intersection of MD 450 (a six-lane divided highway) and MD 193 (a four-lane divided highway) and are subject to severe noise impacts generated by traffic on those roads. The SHA has recently widened and improved these state highways and constructed a concrete and brick noise barrier along the south side of the road to protect the existing homes in the contiguous Holmehurst West Subdivision. The preliminary plan of subdivision requires mitigation of these noise impacts by a noise wall. There is also an existing SHA stormwater management facility located to the north of Lots 1-4. Maintenance access to the storm water pond is directly from MD 450 right of way. The location, length and height of the SHA noise wall and the storm water management facility creates uniqueness which justifies the proposed location of noise walls required by a condition of Preliminary Plan approval.

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

Comment: To meet the requirement of Section 27-442(e) of the Zoning Ordinance, the noise wall required to mitigate noise along the rear of Lots 3–6 must be provided with a rear-yard setback of 20 feet. In a justification letter the applicant states: “applying the setback restrictions would be counterproductive to the basic purpose of the required sound attenuation structure, which is to reduce the noise in the rear yards of the proposed residences to a maximum of 65 dBA.” In order to reduce the noise generated by the vehicles traveling past the property on MD 450 and MD 193, the applicant is proposing a vinyl noise

wall on the rear property lines. The height of the proposed noise wall varies from five feet to ten feet, which is in excess of the maximum allowed six feet for a structure, unless it observes the required setback. Since the proposed noise wall exceeds the six foot height, the noise wall must either meet the 20-foot rear yard setback, or it must receive approval of a variance. Such a wall would also be less attractive as viewed from the proposed dwellings on this property and greatly reduce the amount of usable rear yard for homeowners. Thus, a variance from the required 20-foot rear yard setback is justified, and the lack of a variance would create undue hardship for the applicants.

If the variance is not approved, the noise wall will have to be located at the 20-foot rear setback line instead of along the rear property line. If a noise wall of equal height were set back from the rear property lines on Lots 3–6 within the required 20-foot rear yard setback, the effectiveness of the noise wall would be greatly diminished. In order to have the same noise reduction characteristics the noise wall would have to increase in height at a much higher cost to compensate for the additional setback.

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

Comment: In comments dated November 8, 2005, the Community Planning Division stated that the proposed application is not inconsistent with the 2002 *Prince George's County Approved General Plan* development pattern policies for the Developing Tier and conforms to the land use recommendations of the 1993 *Approved Master Plan and Sectional Map Amendment for Glenn Dale-Seabrook-Lanham and Vicinity (Planning Area 70)*. Therefore, it can be said that the variance will not substantially impair the intent, purpose, or integrity of the General Plan or master plan.

8. **Preliminary Plan of Subdivision 4-04124:** The resolution for Preliminary Plan of Subdivision 4-04124, (PGCPB Resolution 05-28) was approved by the Planning Board on March 31, 2005. The following conditions of approval apply to the review of the subject detailed site plan and its accompanying Tree Conservation Plan TCP II. Staff has listed each relevant condition in bold type below and followed it with comment.

2. At the time of review of the LDSP, a Type II tree conservation plan shall be approved.

Comment: The DSP-05052 and TCPII/160/05 have been recommended for approval by the Environmental Planning Section subject to conditions that have been incorporated into the recommendation section of this staff report.

3. Development of this site shall be in conformance with Stormwater Management Concept Plan 24231-2004-00 and any subsequent revisions.

Comment: The subject site has an approved Stormwater Management Concept Plan 34128-2003-00

which is a revision of the approval identified in Condition 3 above. The submitted Storm Water Management Concept Plan will expire on January 22, 2007. The approval letter submitted with this detailed site plan includes a condition that requires a 50-foot-wide landscape buffer to screen the residential homes from the existing stormwater management pond on the north side of these lots. The proposed plan is in conformance with that condition.

5. Prior to approval of the final plat of subdivision a Limited Detailed Site Plan shall be approved by the Planning Board or its designee to:

- a. Ensure noise mitigation measures are established to mitigate noise to 65dBA Ldn from MD 450 and Enterprise Road, and that usable outdoor activity areas outside the 65dBA Ldn-mitigated noise contour are provided. A Phase II noise study shall be submitted.**

Comment: A Phase II noise study was submitted with this Detailed Site Plan. The DSP and TCPII both show the unmitigated 65-dBA Ldn ground and upper level noise contours. In a memorandum dated June 26, 2006, the Environmental Planning Section states the unmitigated 65 dBA Ldn noise wall does not impact structures and that the proposed noise wall provides required mitigation. However, the legend on the TCPII should be revised to provide a corresponding symbol for the noise wall. A condition of approval has been incorporated in the recommendation section of this report.

- b. The noise wall shall be compatible with the SHA noise wall.**

Comment: This condition refers to visual compatibility of the new wall with the SHA noise barrier. The Phase II Noise Study describes the SHA's noise barrier as generally constructed in 20-foot sections, each nominally 16 feet, four inches in height. But the study does not describe the building materials used by SHA for the noise barrier. The applicant is proposing to construct a vinyl noise wall for the Henderson property. The staff recommends providing color drawings of the proposed noise wall to ensure that the color of the vinyl will be compatible with the SHA noise wall to the extent possible.

- c. The noise wall shall not be located on individual homeowners' lots if it reduces the yard area associated with the principal dwelling below 20,000 square feet. In order to maintain minimum 20,000-square-foot lots, a homeowners association parcel may be created to accommodate the noise wall and/or associated berm.**

Comment: The proposed noise barrier is located on the rear property lines of Lots 1-8 and will not reduce the size of the lots below 20,000 square feet. A 10-foot easement has been provided along the wall for construction and perpetual maintenance by the homeowners association. The 10-foot easement has access from Parallel Road along the storm drain easement between Lots 3 and 4 and the waterline easement between Lots 5 and 6. There is no parcel proposed for the Homeowners Association. However, a note on the plan states a homeowners association will maintain the noise wall and the noise wall will be located inside a 10-foot wide homeowners association easement on

Lots 1-8. The applicant proposes to create a homeowners association with appropriate covenants that will make it the homeowners shared responsibility to maintain the wall.

- d. If variances are required (associated with the noise wall), they shall be filed with the LDSP. If not approved, appropriate berming may be necessary, resulting in a loss of lots.**

Comment: A variance for the height of the noise wall to be built on residential lots has been submitted with this Detailed Site Plan application. The applicant states berming is not possible due to the requirement of a 50-foot undisturbed buffer from the right-of-way line. The Limit of Disturbance (LOD) shown for the construction of the noise wall is to be limited to selective clearing only.

- e. Review private recreational facilities on Parcel B to be conveyed to M-NCPPC. Review shall include conformance to the *Parks and Recreational Facilities Guidelines*, establishing a bonding amount and triggers for construction of the trail connection to be constructed by the applicant from Parallel Road onto Parcel A, Holmehurst West Neighborhood Park providing a connection to the facilities on park property.**

Comment: The applicant proposes an asphalt trail for connection to the Holmehurst West neighborhood park. A recreational facilities agreement should be recorded for the construction of the M-NCPPC trail connection with the adjacent M-NCPPC park to the south of the site. The applicant should provide the square yards of the proposed trail in order to establish a bonding amount. As a trigger for construction of the trail, staff proposes the sixth building permit. A condition of approval to this effect is included in the recommendation section of this report.

- f. Review of the lotting pattern to accommodate a more conventional lotting pattern, where side lot lines do not cross into the front yard, in front of the dwellings. Specifically Lot 4, at the end of the cul-de-sac. Revisions to the lotting pattern should result in the dwellings on Lots 4 and 5 being closer to the front street line.**

Comment: In a letter dated May 17, 2005, the Tech Group, Inc. states, "The original layout had a flag lot with a conventional lotting pattern, which was actually the largest in the subdivision. In order to obtain the original number of lots, the lot lines are a little unconventional, however within the requirements of the Zoning Ordinance for this zone." The side lot lines do not cross into front yards in front of the dwellings.

- g. Grading and house sitings to ensure a harmonious relationship between dwellings and the dwellings and the street, and promote more on-site woodland conservation.**

Comment: The proposed grading and house siting provide a harmonious relationship between the dwellings and the street and allow for the maximum amount of on-site woodland conservation. The single-family dwellings on Lots 1-11 will have different architectural elevations to provide a variety of styles and ensure harmonious relationships between the dwellings.

6. Prior to signature approval of the TCPI the plan shall be revised as follows:

- a. Reflect revised preliminary plan per Planning Board hearing of January 20, 2005. Provide the required 40 feet of cleared rear yard area between the dwelling and the forest preservation edge, and show a continuous 50-foot-wide wooded buffer and forest preservation area in relation to the stormwater management pond. After this redesign has been made, adjust the woodland conservation worksheet accordingly.**
- b. After all revisions have been made, have the qualified professional who prepared the plan update the revision box, sign and date it.**

Comment: The 40-foot rear yard on all lots that show woodland conservation, specifically portions of Lots 4, 5, 7, 8, 10, and Lot 11 have been provided. A 20-foot rear yard setback is shown on all lots that show woodland areas to remain but not be counted, specifically Lots 1, 2, 3, a portion of Lots 4, 6, 7, and Lot 9. The applicant is proposing to record a rear 50-foot building restriction line (BRL) on these lots. The 40-foot cleared rear yard area between the dwelling and the forest preservation edge cannot be met on all lots due to the requirement for a 50-foot setback along MD 450 and MD 193. The Environmental Planning Section in a memorandum dated July 21, 2006 stated the TCPI has received the signature approval and all related conditions have been addressed.

11. The applicant, his heirs, successors and/or assignees shall provide a standard sidewalk along both sides of Parallel Road within the subject site, unless modified by DPW&T.

Comment: The existing portion of Parallel Road includes a standard sidewalk along both sides. The applicant is providing a standard sidewalk along both sides of Parallel Road within the subject site.

14. The applicant, his heirs, successors and/or assignees shall to the Park Planning and Development Division submit three (3) original Recreational Facilities Agreements (RFA) for construction of recreational trail facilities on park property.

The RFA shall be approved prior to the approval of final plats. Upon approval by the PP&D the RFA shall be recorded among the county land records and noted on the final plat of subdivision.

Comment: The applicant is proposing an 8-foot-wide asphalt trail, which connects the adjacent Park to the proposed site. The RFA will be approved prior to approval of final plats.

15. Planning Board Hearing-The Planning Board required the review of the lotting

pattern with the Limited Detailed Site Plan (LDSP) to address concerns with the side lot lines on Lot 4 crossing in front of the dwelling. A 40-foot rear yard should be provided on each lot and by modifying the lotting pattern, the dwellings may be able to be pulled forward toward the street to the 25-foot front yard setback. Also included in the review is the grading and house sitings to ensure a harmonious relationship between dwellings and the street, and promote more on-site woodland conservation.

Comment: Currently Lots 5, 7, 8, 10 and 11 have 40-foot rear yards. See above comment regarding Conditions 5.f., 5.g. and 6 above.

9. **Landscape Manual:** The proposed single-family detached houses are subject to Section 4.1 Residential Requirements, and 4.6, Buffering Residential Development from Streets of the Landscape Manual.

The subject 11 one-family detached lots are at minimum 20,000 square feet, but less than 40,000 square feet. According to Section 4.1, the site shall be planted with a minimum of three major shade trees and two ornamental or evergreen trees per lot. The applicant should provide a landscape schedule, for Section 4.1 of the Landscape Manual.

The purpose of Section 4.6 of the Landscape Manual is to “ensure that the rear yard and the lowest story of the rear outside wall of any one-family attached or detached dwelling is screened from the view of any street classified as a collector or higher.” Annapolis Road is an arterial road, which would require a 50-foot-wide landscaped buffer area with plant materials (6 shade trees , 18 Evergreen trees, 40 shrubs) per 100 linear feet of right-of-way. Since there is existing woodland within the buffer area, preservation of that woodland will be allowed to substitute for the required plant materials. Additionally the applicant is providing a noise wall along the north and east property lines, which will interrupt the views of rear yards.

Urban Design staff reviewed the proposed landscape plan and found that the submittals are in general compliance with Section 4.6 of the Landscape Manual. The applicant should provide a landscape schedule, which complies with Section 4.1 of the Landscape Manual.

10. **Woodland Conservation Ordinance:** The property is subject to the provisions of the Prince George’s County Woodland Conservation and Tree Preservation Ordinance because the site has a previously approved Type I Tree Conservation Plan, TCP/74/03. The site contains 5.88 acres of woodland and has a Woodland Conservation Threshold (WCT) is 1.45 acres. The proposed amounts of woodland to be cleared total 5.26 acres. The site’s woodland conservation requirements total 3.38 acres. The applicant is proposing to meet this requirement with 0.62 acres of on-site woodland preservation and 2.76 acres off-site mitigation on another property. In a memorandum dated July 21, 2006, the Environmental Planning Section noted the worksheet on proposed TCP II should be revised to correctly label and provide required identification symbols.
11. **Referral Comments:** The subject application was referred to concerned agencies and divisions.

Major referral comments are summarized as follows:

Historic Preservation: In a memorandum dated November 4, 2005, the Historic Preservation Section stated the proposed site plan has no effect on historic resources.

Archeological Review: In a memorandum dated December 6, 2005, the Archeological Review staff stated:

Phase I archeological survey is recommended by the Planning Department on the above-referenced property. This land is close to and may be part of the antebellum Duvall plantation. The Duvall residence, Marietta (PG: 70-020), is located approximately one-third mile to the north of the subject property. Marietta is listed on the National Register of Historic Places. At one time the Duvall farm was at least 650 acres in size. The Duvall family was slaveholders, and the property should be investigated for remains of residences or burial remains of slaves. Also, prehistoric archeological sites are known to exist in environmental settings similar to that in the project area.

Phase I archeological investigations should be conducted according to Maryland Historical Trust (MHT) guidelines, *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994) and the Prince George's County Planning Board's *Guidelines for Archeological Review* (May 2005), and report preparation should follow MHT guidelines and the *American Antiquity* or *Society of Historical Archaeology* style guide. Archeological excavations should be spaced along a regular 15-meter or 50-foot grid and excavations should be clearly identified on a map to be submitted as part of the report.

Comment: The applicant should submit a Phase I archeological survey for review by the Archeological Section. This condition is included in the recommendation section of this report.

Community Planning: In a memorandum dated November 8, 2005, the Community Planning Division found no master plan issues with this application and indicated that the proposal is consistent with the land use policy of the 1993 *Approved Master Plan and Sectional Map Amendment for Glenn Dale-Seabrook-Lanham and Vicinity (Planning Area 70)*

Transportation Section: In a memorandum dated November 4, 2005, the Transportation Planning Section indicated that the site plan is acceptable.

Subdivision Section: In a memorandum dated December 27, 2005, the Subdivision Section stated the following:

The property is the subject of Preliminary Plan 4-04124, which was approved by the Planning Board on March 31, 2005. The resolution of approval, PGCPB Resolution 05-28 was adopted on March 31, 2005. The property is known as the Henderson Property. The preliminary plan remains in effect until March 31, 2007. There are no other Subdivision

issues at this time.

Comment: The property is subject to the conditions contained in the resolution of approval, PGCPB Resolution 05-28. That resolution contains fifteen conditions. The related conditions to the detailed site plan have been reviewed and included in the recommendation section.

Trails: In a memorandum dated January 5, 2006, the Trails Section offered the following:

BACKGROUND:

The Approved Master Plan and Sectional Map Amendment for Glenn Dale-Seabrook-Lanham and Vicinity (Planning Area 70) includes two master plan trails in the vicinity of the subject site. MD 450 and MD 193 are both designated as master plan trail/bike corridors. The trail along MD 450 has already been constructed by SHA along the north side of the road, opposite from the subject site.

The master plan also recommends that MD 193 be a Class III bikeway south of Lanham-Severn Road. In the vicinity of the subject site, the bikeway is accommodated by existing wide, asphalt shoulders. SHA has also completed some re-striping along MD 193 to further improve bicycle compatibility along this corridor. Staff does not recommend the provision of bikeway signage as part of this subdivision due to the site's relatively small amount of frontage and the fact that the subdivision does not directly access MD 193.

SIDEWALK CONNECTIVITY:

The existing portion of Parallel Road includes a standard sidewalk along both sides. Staff recommends the continuation of this cross section on the subject site's portion of the roadway. Therefore, sidewalks should be constructed along both sides of the road, and not just one, as reflected on the submitted plat.

RECOMMENDATIONS:

Provide a standard sidewalk along both sides of Parallel Road within the subject site, unless modified by DPW&T.

Comment: The applicant provided sidewalk along both sides of Parallel Road within the subject site.

Permits: In a memorandum dated December 30, 2005, the Permit Section offered two comments that have either been addressed by revisions to the plan or included in the recommended conditions below.

Environmental Planning: In an updated memorandum dated July 21, 2006, the Environmental Planning Section reviewed the Detailed Site Plan DSP-05052 and the TCPII/160/05 and recommended approval with conditions. The Environmental Planning Section offered the following:

The Environmental Planning Section has reviewed the revised Detailed Site Plan DSP-05052 and the Type II Tree Conservation Plan, TCPII/160/05, for the above referenced property, stamped as received on July 11, 2006. The Environmental Planning Section recommends approval of DSP-05052 and TCPII/160/05 subject to the conditions found at the end of this memorandum. This memo supercedes all previous memorandums from the Environmental Planning Section.

Background

The Environmental Planning Section previously reviewed plans associated with the subject property. A Special Exception (SE-3858) was approved for proposed Parcel A, where an existing La Petite Academy is located. Preliminary Plan of Subdivision 4-89213 was submitted in 1989 and has expired. In 2003, Preliminary Plan 4-03119 was withdrawn before being acted upon by the Planning Board and it has TCPI/74/03 associated with it. In 2004, the Planning Board approved Preliminary Plan 4-04124 for the creation of 11 lots, including Parcels A, B and TCPI/74/03. The Board's conditions of approval are found in Resolution No. 05-28.

Site Description

The site is located in the southwest quadrant of the intersection of MD 193 and 450. The property contains a total of 7.22 acres and is zoned R-R. Based on 2000 air photos the site is mostly wooded, except for the developed portion where the day care facility is located. Two soil types are associated with the property. These soils include: Collington-fine sandy loam, and Shrewsbury-fine sandy loam. Development constraints associated with Collington soils include some limitation where slopes are found in relation to proposed house foundations. Marlboro clay is not present at this site. Significant environmental features such as streams, wetlands or 100-year floodplain are not located at the site. There are two significant traffic noise generators in vicinity of the site: MD 193 and 450. Noise impacts are anticipated. There are no scenic or historic roads in vicinity of the site. According to the Maryland Department of Natural Resources Natural Heritage Program staff, rare, threatened and endangered species are not associated with this site. According to the adopted Countywide Green Infrastructure Plan, no features from the Plan are associated with the property. The site is also in the Glenn Dale-Seabrook-Lanham Planning Area, the Lottsford Branch watershed of the Patuxent River basin and the Developing Tier of the adopted General Plan.

SUMMARY OF PRIOR ENVIRONMENTAL CONDITIONS OF APPROVAL

The approval of the Preliminary Plan of Subdivision 4-04124 included 15 conditions, 5 of which dealt with environmental issues that were to be addressed during subsequent reviews. These environmental-related conditions to be addressed during the review of the Detailed Site Plan are provided below. The respective conditions are in bold typeface, the associated comments, additional information, plan revisions and recommended conditions are in standard typeface.

Preliminary Plan of Subdivision, 4-04124 conditions to be addressed prior to signature

approval of the TCPI and at DSP review

- 2. At the time of review of the LDSP, a Type II Tree Conservation Plan shall be approved.**

Submittal of the subject DSP included a Type II Tree Conservation Plan, TCPII/160/05 to address this condition. The TCPII has been reviewed and requires revisions. See detailed comments in the Environmental Review section of this memorandum.

- 3. Development of the site shall be in conformance with Stormwater Management Concept Plan 24231-2004-00 and any subsequent revisions.**

A copy of the Stormwater Management Concept Plan Approval Letter was submitted with the DSP. The approval included a condition that requires a 50-foot-wide landscape buffer on proposed Lots 1-4 because an existing SHA stormwater management facility is located to the north of these lots. The buffer will screen the facility from the residential properties. Any future revisions to the Technical Stormwater Management Plan could impact proposed woodland conservation areas shown on the TCPII. To ensure the two plans are compatible, a copy of the approved Technical Stormwater Management Plans should be submitted prior to the issuance of any permit. If revisions to the site's stormwater management facilities impact the TCPII and proposed woodland conservation areas, the plans must be reconciled to eliminate any differences.

The Concept Plan Approval Letter has a different case number on it than the number in condition 3 above. The case number on the approval letter is: 34128-2003-00.

Recommended Condition: Prior to the issuance of any permit, a copy of the approved Technical Stormwater Management Plans shall be submitted. If revisions to the site's stormwater management facilities impact the TCPII and proposed woodland conservation areas, the plans must be reconciled to eliminate any differences.

- 5. Prior to approval of the final plat of subdivision a Limited Detailed Site Plan shall be approved by the Planning Board or its designee to:**

- a. Ensure noise mitigation measures are established to mitigate noise to 65-dBA Ldn from MD 450 and Enterprise Road, and that usable outdoor activity areas outside the 65-dBA Ldn-mitigated noise contour are provided. A Phase II noise study shall be submitted.**

A Phase II noise study was submitted with the DSP to address this condition and it has been reviewed. The DSP and TCPII both show the unmitigated 65-dBA Ldn ground and upper level noise contours. The unmitigated 65 dBA Ldn noise contour does not impact structures and the proposed noise wall provides mitigation. However, the legend on the TCPII does not have a corresponding symbol for the noise wall. See the Environmental Review section of

this memo for the required revision to the TCPII.

- b. The noise wall shall be compatible with the SHA noise wall.**

The Urban Design Section will make a determination regarding this aspect.

- c. The noise wall shall not be located on individual homeowners' lots if it reduces the yard area associated with the principal dwelling below 20,000 square feet. In order to maintain minimum 20,000-square foot lots, a homeowners association parcel may be created to accommodate the noise wall and/or associated berm.**

There is a note on the plan stating a homeowners association will maintain the noise wall and the wall will be located inside a 10 foot wide homeowners association easement on Lots 1-8.

- g. Grading and house sitings to ensure a harmonious relationship between dwellings and the dwellings and the street, and promote more on-site woodland conservation.**

This condition is addressed in the revised plan.

- 6. Prior to signature approval of the TCPI the plan shall be revised as follows:**

Reflect revised preliminary plan per Planning Board hearing date of January 20, 2005. Provide the required 40 feet of cleared rear yard area between the dwelling and the forest preservation edge, and show a continuous 50-foot-wide wooded buffer/forest preservation area in relation to the stormwater management pond. After this redesign has been made, adjust the woodland conservation worksheet accordingly.

- b. After all revisions have been made, have the qualified professional who prepared the plan update the revision box, sign and date it.**

- 9. Prior to signature of the preliminary plan the TCPI shall be revised as follows:**

Show the location, height and materials of the SHA noise barrier.

Show the two noise contour lines (65 dBA Ldn ground noise contours (unmitigated) and the 65 dBA Ldn upper noise contours (unmitigated) distinguishable with corresponding symbols in the legend, similar to how these lines are shown on the revised preliminary plan.

Show the conceptual proposed limits of disturbance for installation of the noise

barrier.

The TCPI has received signature approval and all related conditions have been addressed.

Comment: The Environmental Planning Section has recommended approval conditions for the TCPII/160/05, which have been incorporated in the recommendation section of this report.

Department of Environmental Resources (DER): In a memorandum dated November 4, 2005, the DER stated the site plan, DSP-05052, Henderson Property and VD-05052 is consistent with an approved Storm Water Concept 34128-2005.

Fire Department: In a memorandum dated April 13, 2006, the Fire Department had no objection to the proposed development.

Health Department: In a memorandum dated November 21, 2005, the Environmental Engineering Program offered no comments.

Washington Suburban Sanitary Commission (WSSC): In a memorandum dated November 21, 2005, the DSC Technician stated water and sewer extension would be required. Project DA3846Z04 is an approved project within the limits of this proposed site.

Maryland State Highway Administration: In a memorandum dated December 7, 2005, the State Highway Administration (SHA) offered the following comments:

- Access into the development appears to be via a connection onto Parallel Road. The State Highway Location References identifies Parallel Road as a county-owned and maintained facility.
- Coordination with Prince George's County Department of Public Works and Transportation is required for issues regarding access onto the property.
- In accordance with State Highway Administration-Access Permits guidelines, a permit issued by this agency is necessary for access to the SHA storm water management pond. A storm drain design, plans and computations for post development must be submitted to SHA for review and approval. All improvements within the State right-of-way are subject to SHA requirements.
- With regard to the fence for noise mitigation compliance, the structure location must be a minimum of ten-feet inside the property line. This measure creates a buffer area along the fence line. The ten-foot-wide area along MD 450/MD193 right-of-way bordering the property allows for access to maintain the fence.

Comment: In a revised memorandum dated July 27, 2006, the SHA stated no objection to the

Detailed Site Plan DSP-05052, and TCPII/160/05 approval.

Enterprise Road Corridor: At the time of this writing, the Enterprise Road Corridor had not offered comment on the proposed project.

12. As required by Section 27-285(b) of the Zoning Ordinance, the detailed site plan represents a reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.

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/16/05) and APPROVED Variance Application No. VD-05052, and further APPROVED Detailed Site Plan DSP-05052 for the above-described land, subject to the following conditions:

1. Prior to approval of the Detailed Site Plan, the applicant, his heirs, successors and/or assignees shall:
 - a. Provide total square yardage of the asphalt trail in order to facilitate establishment of a bonding amount for the recreational facility.
 - b. Provide a detail sheet for the noise wall that illustrates a color compatible with the existing SHA noise wall.
 - c. Provide the following note on the plan: "No two units located next to or immediately across the street from each other may have identical front elevations."
 - d. Remove any rear or side options for the "Atlanta" model template.
 - e. Provide the following note on the plan: "A homeowners association (HOA) with appropriate covenants will be established for maintenance of the vinyl noise wall."
 - f. Provide a landscape plan schedule in compliance with Section 4.1 of the Landscape Manual.
 - g. Submit a Phase I archeological survey for review by the Archeological staff.
2. Prior to approval of final plats a Recreational Facility Agreement (RFA) shall be completed and recorded in the Land records of Prince George's County.
3. Prior to issuance of any permit, a copy of the approved Technical Stormwater Management Plans shall be submitted. If revisions to the site's stormwater management facilities impact the TCPII in the proposed woodland conservation areas, the plan shall be reconciled to eliminate any differences.
4. Prior to certificate approval of the DSP-05052, TCPII/160/05 shall be revised as follows:

- a. Show the 15 specimen trees to be removed with an 'X' on the plan and a corresponding symbol in the legend to represent specimen trees to be removed.
 - b. Remove the specimen tree sign symbols on Lots 1 and 4 to provide one sign symbol on each lot in relation to these specimen trees so the signs are at the edge of the woodland treatment area.
 - c. Provide standard TCPII note 5 regarding off-site mitigation.
 - d. Provide optional TCPII notes 1 and 4 regarding required tree protection devices and remove notes 6 and 7 because these are not relevant to this site.
 - e. Show the location of required woodland conservation signage at the appropriate spacing in relation to woodland conservation areas with a corresponding symbol in the legend.
 - f. On sheet 3 provide the three current notes below the woodland conservation signage detail.
 - g. In the legend change the reference to a symbol identified as 'Tree Preservation I' to refer to 'Tree Preservation Device.'
 - h. Label the proposed treatment on Lot 11 for its intended purpose (i.e., Woodland Preserved, Not Counted), show the area to the closest 1/100th of an acre and adjust the worksheet accordingly.
 - i. Add a corresponding symbol to the legend for the noise wall.
 - j. After all these revisions have been made, have the qualified professional who prepared the plan sign and date it.
5. Prior to certificate approval of DSP-05052, TCPII/160/05 shall be further revised as follows:
- a. Provide a note on each sheet of the TCPII to stipulate: "No future substitution to house footprints is allowed for Lots 4, 5, 7 and 8 which increases the lot coverage or which locates any part of a structure any closer to a property line than is shown on the approved detailed site plan."
6. The asphalt trail connecting with Holmehurst West neighborhood park shall be completed prior to the sixth building permit.

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Vaughns, Eley and Parker voting in favor of the motion at its regular meeting held on Thursday, September 14, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 5th day of October 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:NR:bjs