

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed Revision of Site Plan (Minor Change) Application No. 4391/01 requesting the addition of a 15-foot to 17-foot wall, an 8-foot to 10-foot wooden fence, a freestanding identification sign, a revision of TCPII/139/01, and Variance for fences and walls over 6 feet in height and variance for setback from residential and nonresidential zone. in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on June 24, 2004, the Prince George's County Planning Board finds:

- A. **Location and Field Inspection:** The subject property is a 103-acre tract of land located on the south side of Contee Road between Van Dusen Road and US 1. It is also located west of Virginia Manor Road. The property is irregularly shaped and is largely wooded. There are no wetlands or 100-year floodplain associated with the site; however, the headwaters of a stream are located along the eastern portion. The property is in the Indian Creek watershed of the Patuxent River basin.

- B. **Development Data Summary:**

|                 | EXISTING | PROPOSED                         |
|-----------------|----------|----------------------------------|
| Zone(s)         | I-3      | I-3                              |
| Use(s)          | Vacant   | Residential Retirement Community |
| Acreage         | 104.7±   | 104.7±                           |
| Dwelling Units: |          |                                  |
| Attached        | None     | 247                              |
| Detached        | None     | 112                              |
| Multifamily     | None     | 250                              |

- C. **History:** A special exception for a planned retirement community pursuant to Section 27-395 of the Prince George's County Zoning Ordinance was approved on September 24, 2001. The District Council also approved DPLS-269, for 38 of the required 78 parking spaces for the community center. Condition 4 of the special exception approval required a limited detailed site plan to be filed. On March 7, 2002, the Planning Board approved DSP-01049. The Planning Board approved a preliminary plan, 4-01028, on October 11, 2001. Three hundred sixty lots, 23 parcels and 3 outparcels were created. Final plats and record plats followed the preliminary plan approval.
- D. **Master Plan Recommendation:** The property is located within the Developing tier of the 2002 General Plan. Although the subject property lies within Employment Area 5 of the 1990 master plan for Subregion I and was placed in the I-3 Zone in the 1990 sectional map amendment for Subregion

I, the District Council made a legislative determination in the subsequent enactment of CB-89-1999 to allow a planned retirement community in the I-3 Zone by special exception.

- E. **Request:** The applicant has requested a revision to the approved special exception site plan, to construct an eight-foot-high, wooden fence along the common property line with the cemetery; to construct a ten-foot high, wooden fence about 120 feet from Virginia Manor Road; to construct a wall 15 and 17 feet in height along the western property line adjacent to the auto salvage yard; and to add a freestanding sign along US 1. The purpose of the amendments is to screen the proposed community from the view and noise impacts of the adjoining auto salvage yard and to specifically locate a fence previously approved along the cemetery. The location of the proposed sign was approved as part of DSP-01049, and the purpose of this amendment is to make the special exception site plan consistent with the approved detailed site plan.

At the time of the approval of SE 4391, the technical staff report noted that:

**Section 27-296(c)(B)** requires a site plan, drawn to scale, showing all existing and proposed development of the site. It has been our experience that large special exceptions such as this that involve hundreds of dwelling units do not lend themselves well to the degree of specificity usually required. Numerous changes to the site plan can and do occur during the time between approval of the special exception and the actual building of the units due to engineering constraints, unforeseen design flaws and improvements in product. In the past, this has led to a never-ending string of reconsiderations, revisions and amendments to a site plan that was fine in concept but hampered by minutia. Accordingly, it is recommended that this development be subject to Limited Detailed Site Plan review(s) in accordance with Part 3, Division 9, of the Zoning Ordinance. The Plan(s) shall be reviewed for approval by the Planning Board and shall include, in addition to other requirements and guidelines, details of the architecture and interior layout and design of units, additional landscaping, internal circulation, signs, entrance features and layout of townhouse bays.

Therefore, although a conceptual landscape plan was approved as part of the approval of SE-4391, the details of this plan, as well as other details such as the parking schedule, were approved as part of DSP-01049. The requested addition of the wall and the location of the proposed fencing will have some impact on the approved landscape plan as well as the approved Tree Conservation Plan (TCPII/139/01). Final revisions to TCPII/139/01 will be addressed through the conditions of approval enumerated herein. The revisions to the landscape plan are of a minor nature and will be addressed as part of the revision to DSP-01049/02, which is currently pending.

- F. **Neighborhood and Surrounding Uses:** The property is surrounded by the following uses:

North— Across Contee Road is undeveloped land and a single-family residence in the R-R Zone.

East— The Maryland National Memorial Park Cemetery in the R-R and I-3 Zones.

- South— A power line right-of-way and undeveloped land in the I-3 and R-R Zones.
- West— An auto salvage/auction yard and scattered single-family residences in the I-1, I-3 and E-I-A Zones.

The neighborhood is defined by the following boundaries:

- North— Contee Road
- East— Baltimore Avenue (US 1)
- South— Muirkirk Road
- West— Virginia Manor Road/Van Dusen Road

The neighborhood is varied in character, ranging from scattered single-family residences along Contee Road to industrial and auto-related uses along US 1 and Virginia Manor Road. The Maryland National Memorial Park Cemetery, adjoining the subject property, is the single largest use in the neighborhood.

**G. Minor Change Provisions: Sec. 27-325. Minor changes.**

**Minor changes, Planning Board.**

- (1) The Planning Board is authorized to approve the following minor changes:
- (A) An increase of no more than fifteen percent (15%) in the gross floor area of a building;
  - (B) An increase of no more than fifteen percent (15%) in the land area covered by a structure other than a building;
  - (C) The redesign of parking or loading areas; or
  - (D) The redesign of a landscape plan.

The addition of the wall and fence and the freestanding sign constitutes an increase of less than 15 percent of the land area covered by a structure other than a building. These changes and the redesign of the landscape plan fall within the minor revisions that the Planning Board is authorized to approve.

**H. Specific Special Exception Requirements: Sec. 27-395. Planned retirement community.**

**(a) A planned retirement community may be permitted, subject to the following criteria:**

**(1) Findings for approval.**

**(A) The District Council shall find that:**

**(i) The proposed use will serve the needs of the retirement-aged community;**

The proposed use will provide a variety of housing types to the ever-increasing active adult and retirement-aged population designed to meet not only their diverse housing needs but also their social needs as well. The county's Consolidated Plan for Housing and Community Development: FY 2001-2005 section on senior citizen housing lists as one of its specific goals the development of a range of housing options including new construction of single-family townhouses and condominium homes for seniors, as well as planned retirement communities.

**(ii) The proposed use will not adversely affect the character of the surrounding residential community; and**

Although there are several residential uses on the west side of the site, there is no surrounding residential community with a specific character. The Zoning Hearing Examiner and District Council agreed in approving SE-4391 that the planned retirement community will not adversely affect the character of any surrounding residential community.

**(iii) In the R-A Zone, there shall be a demonstrated need for the facility and an existing medical facility within the defined market area of the subject property.**

This section is not applicable. The subject property is zoned I-3.

**(2) Site plan.**

**(A) In addition to the requirements of Section 27-296(c), the site plan shall set forth the proposed traffic circulation patterns.**

The proposed traffic circulation patterns are set forth on the site plan and were approved as part of the original SE-4391.

**(3) Regulations.**

**(A) Regulations restricting the height of structures, lot size and coverage, frontage, setbacks, density, dwelling unit types, and other requirements of the specific zone in which the use is proposed shall not apply to uses and structures provided for in this Section. The**

**dimensions and percentages shown on the approved site plan shall constitute the regulations for a given Special Exception.**

The aforementioned criteria are shown as approved by SE-4391 on applicant's site plan.

- (B) The subject property shall contain at least twelve (12) contiguous acres.**

The property consists of 104.7± contiguous acres, fulfilled by SE-4391.

- (C) The average number of dwelling units per acre shall not exceed eight (8) for the gross tract area.**

The planned retirement community proposes a maximum density of 650 units on 104 acres, which averages to approximately 6.5 units per acre, which is less than the allowed density. This density was approved by the Zoning Hearing Examiner and District Council in SE-4391.

- (D) In the R-A Zone, buildings shall not exceed three (3) stories.**

The property is located in the I-3 Zone. Therefore, this requirement does not apply.

- (E) In the I-3 Zone, the following shall apply:**

- (i) The gross tract area shall be a minimum of ninety (90) acres with at least 25% of its boundary adjoining residentially-zoned land or land used for residential purposes;**

The subject property consists of 104.7± gross acres with approximately 61 percent of its boundary adjoining residentially zoned land or land used for residential purposes. Therefore, this requirement was met as part of the approval of SE-4391.

- (ii) The property shall have at least one hundred fifty (150) feet of frontage on, and direct vehicular access to, a public street;**

The property has 660 feet of frontage on and direct vehicular access on Contee Road, a public street. This requirement was met as part of the approval of SE-4391.

- (iii) All buildings shall be set back a minimum of seventy-five (75) feet from all non-residentially-zoned boundary lines or satisfy the requirements of the Landscape Manual, whichever is greater; and**

The *Landscape Manual* requires a minimum setback of 50 feet for a residential use adjacent to an industrial use. The plan provides for a building setback of 75 feet from all non-residentially zoned property. The *Landscape Manual* requires a minimum building setback of 30 feet for a residential use adjacent to a cemetery. The plan provides for a minimum setback of 40 feet from the cemetery and all residentially zoned property. The *Landscape Manual* requires a minimum building setback of 40 feet for a residential use adjacent to a public utility and the plan proposes a 75-foot setback. Since the proposed amendments are structures, not buildings, no changes are proposed to these requirements.

**(iv) The property shall be located within two (2) miles of mass transit, regional shopping, and a hospital.**

The property was found to be centrally located to mass transit, retail and health care. There is a park and ride located on the northbound side of US I within a half mile of the site. The Laurel Regional Hospital and Mariner nursing care facility are both located less than one mile from the property. The Laurel Center Mall and Laurel Lakes Mall are located less than two miles from the site. Therefore, this requirement was met as part of the approval of SE-4391.

**(F) In the I-3 and C-O Zones, townhouses shall comply with the design guidelines set forth in Section 27-274(a)(11) and the regulations for development set forth in Section 27-433(d).**

All of the single-family attached units will meet the above-referenced design guidelines and regulations as demonstrated by the approval of DSP-01049 and SE-4391.

**(4) Uses.**

**(A) The planned retirement community shall include a community center or meeting area, and other recreational facilities which the District Council finds are appropriate. These recreational facilities shall only serve the retirement community. The scope of the facilities shall reflect this fact. The Council may only permit a larger facility which serves more than the retirement community if the facility is harmoniously integrated with the retirement community and the surrounding neighborhood. All recreational facilities shall be constructed prior to, or concurrent with, the construction of the residential units, or in accordance with a schedule approved by the District Council;**

The proposed community includes a 13,000-square-foot clubhouse and a host of other recreational and social clubs. The amenities in the clubhouse include a fitness center, indoor and outdoor pools, sports lounge, billiards room, card and craft rooms, a business center, library, catering kitchen, decorative waterfalls, reception lounge, massage room and whirlpool bath. There will also be two tennis courts and a three -mile trail system on site, as well as a mail pavilion that will provide daily

pick-up service, a country store, and a morning coffee bar. Additionally, four distinct neighborhood parks are located throughout the community. A full-time Lifestyles Director will also be on-site to serve the residents.

- (B) Retail commercial uses, medical uses, health care facilities, and other uses which are related to the needs of the community may be permitted.**

None of these uses are proposed and none were approved as part of SE-4391.

**(5) Residents' age.**

- (A) At least one (1) resident of each household shall be at least fifty (50) years old, unless the applicant can demonstrate that a lesser minimum age requirement should be approved. No permanent resident of the planned retirement community shall be under eighteen (18) years old. Covenants setting forth the minimum age of the residents shall be submitted with the application. The covenants shall be approved by the District Council, and shall be filed in the land records at the time the subdivision plat is recorded. No change in the minimum age shall be permitted, unless both the covenants and the Special Exception have been amended.**

The planned retirement community is an age-qualified development designed to cater to active seniors. It will have occupancy restrictions under the Housing for Older Persons Act of 1995. Specifically, occupancy requirements mandate that one person aged 55 or older permanently occupy a dwelling unit. The applicant will further prohibit permanent occupancy to anyone under the age of 19.

**(6) Recreational facilities.**

- (A) Covenants guaranteeing the perpetual maintenance of recreational facilities, and the community's right to use the facilities, shall be submitted with the application. The covenants shall be approved by the District Council, and shall be filed in the land records at the time the subdivision plat is recorded. If the recreational facilities are to be part of a condominium development, a proposed condominium declaration showing the recreational facilities as general common elements shall be approved by the District Council, and shall be recorded (pursuant to Title II of the Real Property Article of the Annotated Code of Maryland) at the time the subdivision plat is recorded.**

These requirements were met by the applicant as part of the approval of SE 4391.

- I. **Parking Regulations:** A total of 1,883 parking spaces were approved as provided under the DSP-01049. This includes 78 required spaces for the community center, 24 spaces for the mail pavilion, and 121 surface parking spaces for visitors.
- J. **Landscape Manual Requirements:** The *Landscape Manual* requirements were met and approved under DSP-01049. A revision of DSP-01049/02 is currently pending.
- K. **Zone Standards:**

Variances are necessary to implement both the proposed fencing and noise wall. The proposed fencing along the southern border of the site and adjacent to the cemetery requires a waiver of Section 27-465(a) as to the location of the fence more than 6 feet in height in a side yard, as well as a variance of 49.6 feet from Section 27-474(b). The proposed noise wall necessitates a variance of a waiver of Section 27-465(a) as to the location of a wall more than six feet in height in a side yard and a variance of 19.6 feet from Section 27-474(b).

**(a) A variance may be only granted when the District Council finds that:**

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

Even though the subject property is zoned I-3, it is approved to be used for residential purposes. A heavy industrial use, an auto salvage yard, adjoins the subject property on its western boundary. The unusual zoning of the subject property and the resulting juxtaposition of these two uses create an extraordinary situation. The developer of the planned retirement community needs to screen this heavy industrial use from the future residents of the planned retirement community and protect them from the noise emanating from the facility. Thus, a wall of 15 and 17 feet in height is proposed. Profiles for the walls depicting the relationship of the residential and industrial properties have been submitted as part of the plan set. This information demonstrates both the screening that can be achieved and the manner in which existing noise levels can be attenuated by the proposed wall.

Acoustic information from Staiano Engineering is attached demonstrating the rationale for the proposed heights of the wall. The calculations in this report show that, without mitigation, the State of Maryland residential daytime noise limit is likely to be exceeded. However, this limit is achieved by constructing a 15- and 17-foot high noise barrier wall along the intervening property line.

To the south, the property adjoins the Maryland National Memorial Park Cemetery. An eight-foot high, sight-tight fence is desired in order to provide separation between the planned retirement community and the cemetery. The fence has an undulating design. The eight-foot height is by the definition of height in the Prince George's County Zoning Ordinance—that is, to the top of the fence posts. Given the fence design and height definition, an eight-foot-high fence is needed to screen the



views from the single-family and villa homes into the abutting cemetery. The fencing was approved as part of the special exception 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; and**

Strict application would result in undue hardship upon the future owners of the planned retirement community in that they would be forced to view and hear the activities at the auto salvage yards from their homes. According to the Staiano Engineering report, the auto salvage activities consist of a weekly public auto auction, in which an auctioneer calls to buyers using a public address (PA) system loudspeaker. At other times, a yard operator uses a two-engine powered forklift to move the incoming and outgoing vehicles about the yard. The forklift movements and noise from the PA system during the weekly auctions would impose exceptional hardship upon future owners in that they would be subjected to noise levels that far exceed state noise limit requirements. In order to meet the residential noise criterion and mitigate noise burdens, a barrier of sufficient height is needed. Without these barriers, future owners also will not be able to provide adequate visual separation and security between their properties and the cemetery and auto salvage yards.

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

The Zoning Hearing Examiner (and District Council) found the planned retirement use to be in conformance with the Subregion I master plan as part of the approval of the SE-4391. The addition of the wall and fence will not alter this finding as they are clearly beneficial to the health, safety and welfare of the planned retirement community. Therefore, it is requested that the wall and fence be allowed in the indicated yards at setbacks less than that required by the Zoning Ordinance.

**L. Sign Regulations:**

**Section 27-614 (a) Free standing signs.**

- (3) In the I-3 Zone, signs may be located anywhere that the Planning Board deems appropriate, subject to the height limitations below.**

**Section 27-614 (b) Height.**

- (1) The maximum height of signs [in the I-3 zone] shall not be greater than the lowest point of the roof of any building in the employment park.**

**Section 27-614 (c) Area.**

- (4) In the I-3 Zone, the area of the sign shall be not more than one (1) square foot for each five (5) lineal feet of street frontage along the street on which the sign faces.**

The freestanding signs meet the sign regulations and are shown on the site plan. The detailed site plan approved on March 7, 2002, includes both of these signs as to their exact location, dimensions and associated landscaping. The sign on Contee Road was shown on the original SE-4391 site plan, but its location was revised to the location shown on the approved detailed site plan. The sign on US 1 was approved as part of the detailed site plan, but was not shown on the special exception site plan. This revision places that sign on the special exception site plan as well.

**M. Conditions of Approval of SE 4391**

Condition No. 2 requires any revision of the conceptual special exception site plan to be submitted to the Zoning Hearing Examiner for approval, prior to the issuance of permits. This requirement is a condition of approval of the requested revision.

**N. Required Findings:**

**Section 27-317(a) of the Zoning Ordinance provides that a special exception may be approved if:**

- (1) The proposed use and site plan are in harmony with the purposes of this Subtitle.**
- (2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle.**

As demonstrated by the approved site plan, the use is in conformance with all applicable requirements and regulations of the Subtitle. The proposed amendments, the wall and fencing, require variances for their construction. The requirements for the variance approvals and the applicant's fulfillment of them are detailed herein.

- (3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or in the absence of a Master Plan or Functional Map Plan, the General Plan.**

The 1990 master plan for Subregion I recommends an industrial park use of the subject property. The site is in the I-3 Zone, which permits planned retirement communities as special exception uses. M-NCPPC found in its technical staff report for SE-4391 (pp.14-15) that "The mix of uses proposed and the substantial buffers provided will ensure compatibility with surrounding properties. Therefore, the proposed use will not substantially impair the integrity of the Master Plan".

The Zoning Hearing Examiner in SE-4391 elaborated on this same finding stating (decision, p. 9):

"The instant application does not substantially impair the intent of the Subregion I Master Plan. 'Substantial' is generally defined as 'considerable; ample large'. *Webster's New World Dictionary* (Second College Edition). Although the Master Plan recognized the use of the subject property as an employment park, it also noted that there should be housing provided

for seniors and the immediate problems in developing an employment park. Allowing these few acres to be developed as a Planned Retirement Community does not result in a ‘considerable’ or ‘large’ impairment of the Master Plan. Accordingly, the structure found in section 27-317(a)(3) is satisfied.”

The District Council adopted the decision of the Zoning Hearing Examiner as its findings of fact and conclusions of law in approving SE-4391. Therefore, the planned retirement community will not impair the integrity of the master plan.

**(4) The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area.**

The use is residential in nature and there are no environmental concerns or impacts associated with this use. Therefore the proposed use will continue to not adversely affect the health, safety or welfare of the residents or workers in the area.

A letter dated December 5, 2003, from Staiano Engineering, Inc., has also been submitted and reviewed. The letter includes information labeled “Preliminary Sound Level Calculation—Summary” based on noise levels coming from the adjacent auto salvage yard. Noise emissions representative of a forklift and electronic backup alarm have been predicted at several receptor locations on Lots 6, 26 and 27 at the subject site. In the calculations summary, projected sound levels of noise from the forklift on all three lots exceed 70 dBA (and ranged from 67 to 73 dBA). The proposed 15-foot-high noise wall will attenuate noise impacts from the adjacent property to acceptable standards.

**(5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.**

The site is surrounded by mostly residentially zoned property. The property is conveniently located near regional shopping, mass transit and a hospital. The proposed layout of the site with its generous setbacks and innovative design will bring to the area a much-needed use that will blend harmoniously with the surrounding community. As such, the planned retirement community is found not be detrimental to the use or development of the adjacent properties or the general neighborhood.

**(6) The proposed site plan is in conformance with an approved Tree Conservation Plan.**

The approved TCPII/139/01 on file in the Environmental Planning Section has been reviewed in relation to the areas where the noise wall and fence are proposed on the revised TCPII. Both locations are within designated Tree Conservation Areas as part of the on-site woodland preservation requirements associated with this site. A total of 23.98 acres of off-site mitigation was part of the site’s requirements in 2001 at this phase of the development review process. Based on the 2:1 ratio for off-site mitigation, a total of 47.96 acres is required. Documentation in the subject TCPII file indicates that the off-site mitigation was provided in 2002 for a total of 43.42 acres in TCPII/86/02. In this instance there is a shortage of 4.54 acres that remain to be provided to meet this requirement

in TCPII/139/01. This off-site mitigation must be provided in this /01 revision to the TCPII so that there is no shortage.

Construction of the proposed noise wall and the fence within the Tree Conservation Areas requires a revision to the TCPII. TCPII/139/01 should be revised to show the limits of disturbance and how the site will be graded for the installation of both structures. The TCPII worksheet must be revised to subtract the amount of proposed disturbance (clearing) for the installation of both structures, because based on the proposed locations of the wall and the fence, additional clearing is required in woodland conservation areas.

The woodland conservation requirements for the site have changed since the approval of the TCPII in 2001. The revision to the TCPII should include providing for all additional off-site mitigation required, both that required for the subject revisions and the 4.54 acres that were not previously accomplished. County permits will be required for both the noise wall and fence, and the off-site mitigation must be accomplished prior to the issuance of any permits for the work in SE-4391/01.

In the approval of TCPII/139/01, 4 of 14 general notes were included regarding plant landscaping and reforestation proposed at the site. Because the site had Virginia Pine as the dominant tree species, it was determined that during the clearing phase all Virginia Pines greater than 5 inches in diameter that were located within 25 feet of the final proposed limit of disturbance or within the boundary of the property were to be removed. Landscaping where the trees were removed is intended to count toward the site's woodland conservation requirements. These four General Notes read as follows:

- “#11. Landscape plant locations take precedence over reforestation plantings. Reforestation plant material should be used to infill areas around the landscape material.
- “#12. ‘Upland plant mix’ is to be used when installing plants within the reforestation areas.
- “#13. All Virginia Pines (*Pinus virginiana*) greater than 5” in diameter which are located within 25 feet of the final proposed limit of disturbance or within the boundary of the property shall be removed.
- “#14. Each area where Virginia pine is removed will be evaluated (by a representative of PHR&A as well as DNR) after cutting to determine if supplemental planting is needed. If it is determined that minimum stocking levels have not been met, then a supplemental planting plan will be submitted to the Environmental Planning Section for their approval.”

At this point in the development of the site, it is unclear whether #14 has been satisfied. Verification that this aspect of the TCPII must be provided prior to the issuance of any additional permits for the proposed work in SE-4391/01. The documentation can be provided in the form of meeting minutes from a site meeting between PHR&A and the Department of Environmental Resources (the note erroneously referred to DNR and not DER). After the information from the site meeting has been provided to Environmental Planning, staff will determine whether a supplemental planting plan is

required in General Note #14 on TCPII/139/01. If the determination is made that the supplemental planting plan is required, said plan should be submitted no later than the first planting season after the installation of the noise wall and the fence.

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 above-noted application, subject to the following conditions:

1. Prior to the issuance of any permits for the proposed work in SE-4391/01, submit a revised TCPII with the following:
  - a. Show the locations of both the noise wall and the fence, the limits of disturbance, and how the site will be graded for the installation of both structures.
  - b. Revise the worksheet to reflect the correct figures for clearing and off-site mitigation requirements.
  - c. Have the revised plans signed and dated by the qualified professional who prepared the plans
2. PHR&A and Department of Environmental Resources staff (site inspector) shall conduct a joint site visit to determine whether a supplemental planting plan is required in General Note #14 on TCPII/139/01. Minutes from the meeting will be sent to the Environmental Planning Section which will determine if a supplemental planting plan will be required. Said plan should be submitted no later than the first planting season after the installation of the noise wall and the fence.
3. Prior to issuance of any additional permits, verification shall be provided that all off-site woodland conservation required has been obtained.
4. Prior to the issuance of building permits, a revision to the DSP-01049 Landscape Plan shall be approved in accordance with the standards of the *Landscape Manual*.

5. The revised site plan shall be submitted for approval by the Zoning Hearing Examiner, prior to issuance of permits.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the Circuit Court for Prince George's County, Maryland within thirty (30) days of 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 Eley, seconded by Commissioner Harley with Commissioners Eley, Harley, Squire, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, June 24, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 24th day of June 2004.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:CW:rmk

(Revised 8/9/01)