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Detailed Site Plan Alternative Compliance

**DSP-08035
AC-10010**

Application	General Data	
Project Name: Norbourn Property Location: Southwestern quadrant of the intersection of Marlboro Pike and Woodyard Road. Applicant/Address: Woodyard Land, LLC. 2200 Defense Highway, Suite 101 Crofton, MD 21114	Planning Board Hearing Date:	09/16/10
	Staff Report Date:	09/08/10
	Date Accepted:	11/06/09
	Planning Board Action Limit:	Waived
	Plan Acreage (after dedication):	27.50
	Zone:	R-T
	Dwelling Units:	165
	Gross Floor Area:	N/A
	Planning Area:	77
	Tier:	Developing
	Council District:	09
	Election District	15
	Municipality:	N/A
	200-Scale Base Map:	208SE09

Purpose of Application	Notice Dates	
165 single-family attached metropolitan dwelling units.	Informational Mailing:	01/01/09
	Acceptance Mailing:	11/04/09
	Sign Posting Deadline:	08/17/10

Staff Recommendation		Staff Reviewer: Ruth Grover, A.I.C.P. Phone Number: 301-952-4317 E-mail: Ruth.Grover@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Detailed Site Plan DSP-08035
Type 2 Tree Conservation Plan TCP2-058-09
Alternative Compliance AC-10010
Norbourn Property

The Urban Design staff has reviewed the detailed site plan for the subject property and presents the following evaluation and findings leading to a recommendation of APPROVAL with conditions as described in the recommendation section of this report.

EVALUATION

The detailed site plan was reviewed and evaluated for conformance with the following criteria:

- a. The requirements of the Zoning Ordinance in the R-T (Townhouse) Zone.
- b. The requirements of Zoning Map Amendment A-9977.
- c. The requirements Preliminary Plan of Subdivision 4-07086.
- d. The requirements of the *Prince George's County Landscape Manual*.
- e. The requirements of the Woodland and Wildlife Habitat Conservation Ordinance.
- f. Referral comments.

FINDINGS

Based upon the analysis of the subject application, the Urban Design staff recommends the following findings:

1. **Request:** The subject application is for 165 single-family attached metropolitan dwelling units in the R-T Zone.

2. **Development Data Summary**

	EXISTING	PROPOSED
Zone	R-T	R-T
Use(s)	Vacant	One-family Metropolitan Dwellings
Acreage	27.50	27.50 (after dedication)
Parcels	1	20
Number of Lots/Units	0	165

OTHER DEVELOPMENT DATA

	Parking Schedule	
Description	Required	Provided
165 Units (2.04 Units)	337	
Handicap Spaces (301 to 400 = 8 spaces)	8	
Garages (2 spaces per)		330
Driveway (2 exterior per)		330
On Street Parking (including 8 handicap spaces)		96
Total	345	756

3. **Location:** The site is in Planning Area 77, Council District 9. More specifically, it is located in the southwestern quadrant of the intersection of Marlboro Pike and Woodyard Road.
4. **Surrounding Uses:** The subject property is bounded to the north by Marlboro Pike, with residential development and open space beyond; to the east by Woodyard Road with residential development beyond; to the south by single-family detached residential development and parkland; and to the west by single-family detached residential development.
5. **Previous Approvals:** The site is the subject of Zoning Map Amendment A-9977 which was approved with no conditions by the County Council, sitting as the District Council, on July 23, 2007. Preliminary Plan of Subdivision 4-07086 was approved by the Planning Board subject to 35 conditions and the resolution (PGCPB No. 08-99) was adopted on July 24, 2008. Pursuant to County Council Bill CB-8-2009, the preliminary plan for 165 townhouse lots and 19 parcels remains valid until December 31, 2010, and CB-7-2010 subsequently further extended the validity of the preliminary plan until December 31, 2011.
6. **Design Features:** In an unusual configuration, existing Marlboro Pike bounds the subdivision to the north and the ultimate alignment of Marlboro Pike cuts through the subdivision at its southern end, with Woodyard Road providing an eastern boundary. While these two roads are public in nature, the majority of the road/alley network in the subdivision is private. Public Road I, however, is an exception to this rule and provides an outlet from the subdivision in the southwestern corner of the site to Richmanor Terrace of the adjacent subdivision, Windsor Park, to the south. Many of the roads cut through the subdivision in a diagonal fashion (northeast to southwest or northwest to southeast). Private Road A, however, follows a curvilinear route from the northern to the southern end of the subdivision.

The site design for the subdivision is dense with most of the land area not devoted to the street/alley network or stormwater management facilities lotted out. There is minimal open space and little room left between townhouse sticks. The stormwater ponds on both the eastern and western sides are enhanced by three proposed fountains each and a gazebo on their northern ends. The proposed gazebo on the eastern side of the property is significantly larger than the one on the western side and is complemented by other recreational facilities including a second large gazebo, a 10-foot-wide trail, a tot lot, and a picnic area on its western and southern sides. A number of small parcels throughout the subdivision are indicated to be dedicated to the homeowners association. A single parcel known as Parcel N, in the southeastern portion of the subdivision and measuring 53,820 square feet, is noted to be dedicated to The Maryland-National Capital Park and Planning Commission (M-NCPPC) to be utilized as part of a proposed 130-foot by 200-foot open play area. The recreational facilities for the proposed subdivision are concentrated on the eastern periphery of the site, but for a gazebo on the northern end of the two stormwater management ponds and one on the western side of the stormwater management pond on the eastern side of the site. The recreational facilities are offered to meet the base requirement of the formula utilized for determining the value of recreational facilities to be provided in subdivisions. That is, whereas the value of facilities to be provided is calculated at \$169,650, the applicant is providing approximately \$188,500. However, their placement along Woodyard Road is questionable, both because of noise and because they cannot be conveniently reached from all lots in the subdivision. Placement of the tot lot, picnic area, and gazebo would be better at the center of the subdivision in order to make the facilities more accessible to more lots and to remove them from the noise generation of Woodyard Road. A side benefit of such relocation would be to remove the need for and the expense of construction of noise attenuation structures and the expense of the third gazebo. Therefore, staff suggests that the proposed tot lot and picnic area be relocated to Block C and that Lots 21–26 be removed. A recommended condition below would relocate the tot lot and picnic area to the quieter interior of the subdivision, where they would be more conveniently reachable from more of the lots in the subdivision.

The architecture for the project is limited to the Jefferson and Lincoln models, with four different elevations offered for each model. Typical footprints for the units indicate two simple rectangles, the middle unit measuring 22 feet by 40 feet, or 2,640 square feet, and the end unit measuring 24 feet by 40 feet, or 2,880 square feet. Both are specified as “slab units, 3 stories above grade, with front and rear loaded garages.” The front elevations indicate simple traditional townhouse design, not that specified in the Zoning Ordinance for metropolitan dwelling units.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the R-T 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 regulates uses in residential zones. The proposed metropolitan dwelling unit development is a permitted use in the R-T Zone.

- b. The subject application is not in conformance with Section 27-433, which regulates uses in the R-T Zone. Though the subject project conforms with the requirements of the following basic standards for development in the R-T Zone, it does not meet the more exacting standards set out for metropolitan dwelling units:

Minimum Net Lot Area	2,200
Maximum Lot Coverage	50%
Maximum Height	40 Feet
Minimum Lot/Width Frontage	22 Feet
Minimum Front Yard	25 feet
Minimum Side Yard	*
Minimum Rear Yard	25 Feet

Note: For one-family metropolitan dwelling units, specific individual yards are not required. Instead, at least 800 square feet per lot shall be allocated for front, side, or rear yard purposes; however, the actual yard area may be reduced to not less than 500 square feet for the purpose of providing steps, terraces, and open porches (decks) which project into the otherwise required yard area.

The proposed architecture is limited to two models and falls short of the stated purpose of the R-T Zone as expressed in Section 27-433(a)(2)(B), i.e. to encourage variety in the design and mix of dwelling unit types. Additionally, they do not meet the standards specified in Section 27-433(d)(8) for metropolitan dwelling units which include design with a single, architecturally-integrated “Front Wall” constructed of a minimum of 100 percent (defined to exclude only garage door areas, windows, or doorways) of high-quality materials such as brick or stone and employing other distinctive architectural features. Rather, the architecture is unenhanced by the predominant use of brick and lacks the addition of other distinctive architectural features. The required single architecturally-integrated “Front Wall” is replaced by standard staggered townhouse sticks. The proposed architecture is not in keeping with the requirements of the Zoning Ordinance for metropolitan dwelling units.

- c. The proposal is generally in conformance with the requirements of Section 27-442, Regulations, regarding other/relevant regulations for development in residential zones.
8. **Zoning Map Amendment A-9977:** Zoning Map Amendment A-9977 was approved without conditions by the District Council as Zoning Ordinance No. 8-2007 on July 23, 2007, rezoning approximately 27.50 acres of land from the Rural Residential (R-R) Zone, to the Townhouse (R-T) Zone. The proposed rezoning was to allow the development of metropolitan dwelling units at a maximum density of six dwelling units per acre. In their decision on the rezoning, the District Council stated that metropolitan dwelling units are consistent with the visions, goals, and policies for the Developing Tier, to maintain a pattern of low- to moderate-density suburban residential communities. Further, they stated that the negative impacts of the proposed master plan improvements on the surrounding roadways were not adequately taken into account at the time of the 1994 Approved Master Plan and Sectional Map Amendment for Melwood-Westphalia (Planning Areas 77 and 78) which placed the property in the R-R Zone. The District Council stated that development of the subject property with metropolitan dwelling units would provide a

transition and buffer between the high-density developments to the north and east and the existing lower-density subdivisions south of the site.

9. **Preliminary Plan of Subdivision 4-07086:** Preliminary Plan of Subdivision 4-07086 was approved by the Planning Board and the resolution (PGCPB Resolution No. 08-99) adopted on July 24, 2008. Pursuant to CB-8-2009, the preliminary plan for 165 townhouse lots and 19 parcels remains valid until December 31, 2010, and CB-7-2010 subsequently further extended the validity of the preliminary plan until December 31, 2011. The preliminary plan that was certified, however, contained 20 parcels, which is the number the detailed site plan reflects. The resolution of approval contains 35 conditions. Twenty-six of those conditions (Condition 2–5; 9–11; 13–17; 19–24; 27; and 29–35), were identified in referral comments offered on the subject detailed site plan. Of those, the relevant conditions are included in bold face type below, followed by staff comment. Relevant conditions for the purpose of this review are those to be considered and fulfilled at the time of approval of the relevant detailed site plan, not those triggered at a later stage of the development review process:

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

Comment: In a memorandum dated September 1, 2010, the Environmental Planning Section recommended approval of Type 2 Tree Conservation Plan TCP2-058-09 with conditions. Those conditions have been included in the recommendation section of this report. Therefore, if the Planning Board approves the TCP2 as recommended, it may be said that the applicant has complied with this requirement.

3. Development of this site shall be in conformance with Stormwater Management Concept Plan, No. 43660-2007-00 and any subsequent revisions.

Comment: In a memorandum dated December 10, 2009, the Department of Public Works and Transportation (DPW&T) stated that the proposed detailed site plan is in conformance with approved Stormwater Management Concept Plan 43660-2007-00. Therefore, the application is in conformance with this requirement of the approval of the preliminary plan of subdivision.

4. The applicant, the applicant's heirs, successors and/or assignees shall construct an eight-foot-wide, Class II asphalt trail in accordance with SHA standards along the property's entire street frontage of Woodyard Road (MD 223) unless modified by the State Highway Administration.

Comment: Recommended Condition 1(d) below requires that the applicant, prior to signature approval, indicate an eight-foot-wide trail along the subject site's Woodyard Road (MD 223) frontage, to be constructed in accordance with State Highway Administration (SHA) standards.

5. The applicant, the applicant's heirs, successors and/or assignees shall provide standard sidewalks along both sides of all internal streets (excluding alleys), unless modified by the Department of Public Works and Transportation, at the time of issuance of street construction permits.

Comment: Recommended Condition 1(e) below would require that the applicant provide five-foot sidewalks with accessible ramps along both sides of all internal private roads that contain dwelling unit walk-out access. This both fulfills and exceeds the requirements of the above preliminary plan condition. The recommended condition also would require that the

sidewalks be clearly labeled and their width indicated. Requirements regarding these private sidewalks are to be established in the subject approval and may not be modified by DPW&T.

- 9. Prior to final plat approval, the applicant, the applicant's heirs, successors and/or assignees shall have a detailed site plan approved by the Planning Board in accordance with Part 3, Division 9, of the Zoning Ordinance. The Planning Board shall determine at the time of detailed site plan whether dwelling units and lot areas shall be removed from the required Landscape Manual buffer area or if approval of alternative compliance or a departure from design standards is permitted.**

Comment: If the subject application is approved by the Planning Board, the applicant shall have complied with the first requirement of the above condition. If the alternative compliance being considered together with the subject detailed site plan is approved, it may be said that the second component of the above requirement has been fulfilled.

- 15. The applicant shall allocate appropriate and developable areas for the private recreational facilities on homeowners association (HOA) open space land. The private recreational facilities shall be reviewed by the Urban Design Section of DRD for adequacy and property siting in accordance with the standards outlined in the Park and Recreation Facilities Guidelines at the time of detailed site plan approval.**

Comment: The recreational facility package has been reviewed by the Urban Design Section and found to be adequate. However, the siting of the facilities is adjusted by recommended conditions below in response to concerns voiced by the Environmental Planning Section that the facilities are located too close to noise-generating roadways. Should the subject detailed site plan be approved together with the recommended conditions, it may be said that the private recreational facilities are adequately sited in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*.

- 22. The construction drawings for the recreational facilities on public parkland shall be reviewed and approved by the DPR staff prior to approval of the detailed site plan.**

Comment: In a memorandum dated March 22, 2010, the Prince George's County Department of Parks and Recreation (DPR) stated that they had reviewed drawings for the recreational facilities on parkland and found them acceptable.

- 27. Prior to the acceptance of the detailed site plan, the package shall be evaluated to ensure that it includes a Phase II noise study which details how interior noise levels will be mitigated to 45 dBA Ldn or less for interior areas, and to 65 dBA Ldn for all rear outdoor activity areas. If a noise wall is proposed, it shall be placed on an HOA parcel with a minimum of ten feet of unencumbered area on each side of the wall for future access and maintenance.**

Comment: This condition of approval was complied with prior to acceptance of the detailed site plan.

- 29. The applicant, the applicant's heirs, successors and/or assignees shall provide the Historic Preservation Section with scaled and detailed graphic documentation of the layout of the existing farmstead prior to its demolition.**

Comment: In a memorandum dated November 25, 2009, the staff archeologist stated that with the submission of the final Phase I archeological report to the Historic Preservation staff, Condition 29 of PGCPB Resolution No. 08-99 had been fulfilled.

- 35. At the time of detailed site plan, the final determination of the design of existing Marlboro Pike, west of MD 223 shall be determined (i.e., whether it connects to MD 223 as exists, or ends in a cul-de-sac with no connection), and the transportation improvements shall be reviewed (and adjusted accordingly) to ensure that adequacy is maintained. Documentation of the final determination of the design of Marlboro Pike, along with any resulting changes, shall be submitted by the applicant.**

Comment: In a memorandum dated December 22, 2008, the Transportation Planning Section noted that nothing was submitted by the applicant in response to this condition and the plans make no indication that existing Marlboro Pike would be closed to MD 223. Therefore, the Transportation Planning Section noted the presumption that existing Marlboro Pike would remain open matches the assumption made by the traffic study, and transportation-related preliminary plan Conditions 32, 33, and 34 (compliance with which is triggered at later stages in the development review process) are fully consistent with this presumption. Further, they stated that there is no need to adjust the conditions in response to this condition, and that it would appear that the overall intent of the condition had been met.

In a memorandum dated April 19, 2010, the Subdivision Section suggested that Findings 8 and 14 of PGCPB Resolution No. 08-99 should be considered in the approval of the subject detailed site plan review. Each finding is listed below and followed by staff comment.

Finding 8. Plan Comments (in part)

The 1994 Melwood-Westphalia Master Plan shows a relocation of Marlboro Pike, C-629, traversing the southeast and southern portion of the site. The facility is correctly reflected on this plan, and is proposed for dedication to provide access and circulation within the site and to adjacent properties.

The same master plan shows P-614, an extension of Richmanor Terrace to new Marlboro Pike. This connection was recommended as a means of providing alternative access for communities south of the subject property. This connection was seen as very important in providing an alternative to MD 223 for access to those subdivisions, and as traffic has grown along MD 223, that need has been increased. The P-614 connection is adequately reflected on this plan.

MD 223 is a master plan arterial facility. It appears that sufficient right-of-way consistent with master plan requirements has been either deeded or otherwise obtained. Therefore, no further dedication along MD 223 is required of this plan.

The SHA has reviewed the submitted traffic study and that agency offered several concerns:

- **The site trip distribution provided by SHA is more consistent with other studies than the distribution used in this study. Nonetheless, the distribution used by this applicant was deemed acceptable at the time of scoping, and is accepted as the basis for making findings for the subject application.**

- **Incorrect lane configurations were used at two intersections within the study area. At both locations, the lane configurations were verified with aerial information prior to referring the traffic study; these have been confirmed with newer aerial photographs since that time and it is believed that the intersections were analyzed correctly.**
- **Regarding the issue of whether concurrent northbound and southbound left-turn movements can be accommodated if a dual southbound left-turn lane is implemented, design issues that will be addressed by the applicant when the improvements are designed, and permitted by SHA.**
- **Weaving would be a concern between the MD 4 Off-Ramp and the Marlboro Pike intersection, and requested that a weaving analysis be done as a part of the traffic study. Given the brief time remaining for review of this application along with the legitimacy of the concern, the weave has been analyzed. Under total traffic conditions, it is determined that the weave operates at LOS B in the AM peak hours and LOS E in the PM peak hours. It should be noted that the “Guidelines” cite no standard regarding a policy level-of-service for weaving sections, and therefore, is not a finding for adequacy. It would be observed that the upper limit of LOS E is generally considered to represent a capacity situation; therefore, it would be stated the weave between the MD 4 Off-Ramp is operating at or near capacity.**

Comment: In a memorandum dated December 11, 2009, the Transportation Planning Section indicated that the dedication along the future alignment of C-629, new Marlboro Pike, and Richmanor Terrace was consistent with the preliminary plan. Regarding SHA’s concerns reflected in the above finding, the Transportation Planning Section stated that the property in question was the subject of a 2008 traffic study and was given subdivision approval pursuant to a finding of adequate transportation facilities made in 2008 during the review of Preliminary Plan of Subdivision 4-07086 and may not be revisited at the time of detailed site plan.

- 14. Urban Design—The Urban Design Section has reviewed the revised preliminary plan of subdivision for the Norbourne Property. On July 23, 2007, the District Council approved the rezoning of subject property from the R-R Zone to the R-T Zone for the development of metropolitan dwelling units in accordance with Section 27-433(d) of the Zoning Ordinance.**

Conformance with the Landscape Manual

Along the property’s west and south boundary areas, where the subject property is adjacent to the existing or future single-family detached houses, a Section 4.7 bufferyard is required. However, several private roads are within the bufferyard along the site’s west boundary areas. Alternative Compliance must be obtained for any intrusion into the required bufferyard at the time of detailed site plan.

Comment: The subject detailed site plan is accompanied by a recommendation on an alternative compliance application which, if approved, would satisfy this concern.

Private Recreational Facilities

For 165 single-family attached units in Planning Area 77, a total value of approximately \$190,000 in private recreational facilities is recommended for this subdivision. The applicant should identify the location for the on-site recreational facilities. Specific type, quantity, orientation of the on-site recreational facilities will be reviewed at the time of detailed site plan.

Comment: The Urban Design Section has evaluated the recreational facilities package and found that it met the dollar amount recommended through calculation of the standard formula routinely utilized for determining expected contribution in monies expended on recreational facilities.

Other Design Issues

- a. In order to improve the on-site vehicular circulation, staff recommends extension of private road “A” on Parcel J to relocated Marlboro Pike, which is a public street.**
- b. Visitor parking spaces should be provided and should be strategically located to serve each building cluster.**
- c. Two private streets, Private Roads B and E, end as a stubbed street without providing any turn-around treatment. Turning treatment should be provided at the ends of the private streets to facilitate vehicle movement.**

Comment: In a revised memorandum dated June 28, 2010, the Transportation Planning Section determined that the subject project fulfilled the requirements of transportation-related preliminary plan conditions applicable at the time of approval of the subject detailed site plan. They also stated that the on-site circulation pattern was generally acceptable, but suggested that insofar as its design was affected by suggestions offered by the Department of Public Works and Transportation (DPW&T) at a January 21, 2010 meeting, that either direct confirmation from DPW&T should be required prior to signature approval or the Transportation Planning Section’s comments specified in their memorandum regarding Private Road A, Private Road B, Private Alley 1, and Private Alley 2 should be adopted. Further, they stated that private alley signage should be placed so that they would not be considered and utilized as through streets.

In closing, the Transportation Planning Section offered comment on master planned Marlboro Pike (C-629), the extension of Richmanor Terrace (P-614), and MD 223 stating that C-629 and P-613 are correctly reflected on the plan. Further, they stated that dedication would be accomplished in accordance with Condition 31 of the preliminary plan and that, since right-of-way consistent with master plan requirements had been obtained, no further dedication along MD 223 would be required. They said that the subject property was the subject of a 2008 traffic study and was given subdivision approval pursuant to a finding of adequate transportation facilities made in 2008 during the review of Preliminary Plan of Subdivision 4-07086.

10. **Prince George’s County Landscape Manual:** The proposed development is subject to the following requirements of the *Prince George’s County Landscape Manual*: Section 4.1, Residential Requirements; Section 4.6, Buffering Residential Development from Streets; and

Section 4.7, Buffering Incompatible Uses. Staff has reviewed the submitted landscape plans and found that, while the plans conformed to the requirements of Section 4.1, they did not entirely conform to the requirements of Sections 4.6 and 4.7.

Further, Condition 9 of the approval of Preliminary Plan of Subdivision 4-07086 (PGCPB Resolution No. 08-99) for the subject property stipulated that, at the time of approval of the detailed site plan, it would be decided whether dwelling units and lot areas shall be removed from the buffer area required by the Landscape Manual or if an alternative compliance or a departure from design standards might be approved. The applicant fulfilled this condition by pursuing an alternative compliance application, which is recommended for approval as a companion case to the subject detailed site plan application.

More specifically, that application requested relief from the strict application of Sections 4.6, Buffering Residential Development from Streets and 4.7, Buffering Incompatible Uses of the Landscape Manual due to the configuration of master plan roadways (relocated Marlboro Pike) and two stormwater management ponds located at the perimeter of the site.

The request for relief from Section 4.6 was along the eastern property boundary where a portion of the rear elevations of the townhouse units will be oriented to the right-of-way of Woodyard Road, which is an arterial roadway. The embankment of the stormwater management pond is designed to abut the roadway and cannot be planted. Therefore, the required plant units have been relocated to the opposite side of the pond, closer to the townhouse units. An annual and perennial wildlife food mix is proposed to be planted along the roadway edge.

Development of the subject property also requires an “A” type bufferyard along the western property boundary because the subject development of metropolitan townhouses is adjacent to single-family detached homes. This is the subject of the second and third requests for alternative compliance. The plant units have been relocated to accommodate required roads and stormwater management ponds.

The second request for alternative compliance is for relief from the requirements of Section 4.7 along the western property boundary, north of relocated Marlboro Pike. A stormwater management pond is proposed to be located along the northwestern property line and the embankment is located adjacent to the property line. The plant units have been moved from one side of the pond to the opposite side closest to the townhouses, as the plant units cannot be placed on the dam embankment. An annual and perennial wildlife food mix is proposed to be planted along the embankment and property line.

The third request is for relief from the requirements of Section 4.7 along the western property boundary, south of relocated Marlboro Pike. A proposed future homeowner’s parcel is adjacent to single-family detached homes and a public road, which connects to the property to the south. The proposed road and sidewalk encroach into the required ten-foot landscape bufferyard. The plant units associated with this bufferyard have been placed within the parcel where possible and on the opposite side of the road for the length in which alternative compliance has been requested.

The Alternative Compliance Committee concluded and the Planning Director endorsed that the additional building setback and landscaping provided to accommodate required roadways and stormwater management ponds for development of the property along the eastern and western property boundaries would be equal or better than normal compliance in terms of quality, effectiveness, durability, hardiness, and ability to fulfill the design criteria as set out in Section 3 of the Landscape Manual. Therefore, the Alternative Compliance Committee recommended

approval of, and the Planning Director endorsed the recommendation for, alternative compliance with respect to the required landscaping pursuant to Sections 4.6 and 4.7, along the eastern and western property lines respectively.

The above alternative compliance recommendation has been appropriately reflected on the submitted plans. If alternative compliance is approved by the Planning Board, it may be said that the subject project conforms to the requirements of the Landscape Manual.

11. **The Woodland and Wildlife Habitat Conservation Ordinance:** The property is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance because the property has a previously approved Type 1 Tree Conservation Plan, TCP1-007-08 and a Type 2 tree conservation plan is required.

The Environmental Planning Section has reviewed the submitted TCP2-058-09 and recommended approval with conditions. Those conditions have been included in the recommendation section of this report. If the subject application is approved as recommended in this respect, it may be said that the subject project is in conformance with the requirements of the plan and is in general compliance with the Woodland and Wildlife Habitat Conservation Ordinance.

12. **Public Utility Easement (PUE):** In accordance with Sections 24-128(b)(12) for private roads, and 24-122(a) when utility easements are required by a public utility company, the subdivider shall include the following statement in the dedication documents recorded on the record plat: "Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3708 at Folio 748."

The detailed site plan correctly delineates a ten-foot public utility easement along the public/private right-of-way. However, a number of infrastructure improvements are located within the PUE and should be removed unless specific approval is granted by all utility companies, including Verizon, Baltimore Gas or Electric Company (BGE) or Potomac Electric Power Company (PEPCO), and Comcast.

A recommended condition below would require the applicant, at the time of final plat, to dedicate a ten-foot PUE along all public and private rights-of-way, or as approved by the utility companies, including Verizon, BGE or PEPCO, and Comcast.

13. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
- a. **Historic Preservation**—In comments dated November 18, 2009, the Historic Preservation Section stated that the proposed detailed site plan for 165 townhouse units in the R-T Zone will have no effect on identified historic sites, resources or districts.
 - b. **Archeological Review**—In a memorandum dated November 25, 2009, the staff archeologist offered the following:
 - (1) The subject property includes Norbourne Farm (77-003), a late 19th century dwelling associated with the William D. Bowie and Richmond Irving Bowie families. This house was built for Richmond Irving Bowie in the late 1870s or early 1880s. The 1878 Hopkins map is the first historical map that shows a house at this location. The property was originally proposed for inclusion in the

Historic Sites and Districts Plan in 1981, but ultimately was not included in the inventory of historic resources associated with the plan. Therefore, the property is not currently subject to the Prince George's County Historic Preservation Ordinance (Subtitle 29 of the County Code).

- (2) In addition to the main house, the property also includes 13 outbuildings of varying ages and materials that are located west and south of the dwelling. The house and outbuildings are in poor condition and most of the southern area of the property has been impacted by the construction of a trailer park on the property.
- (3) Condition 29 of PGCPB Resolution No. 08-99 dated July 24, 2008, states: "The applicant, the applicant's heirs, successors and/or assignees shall provide the Historic Preservation Section with scaled and detailed graphic documentation of the layout of the existing farmstead prior to its demolition."
- (4) A Phase I archeological survey was completed on the 30.42-acre property in 2006. A total of 346 shovel test pits were excavated across the property to identify any cultural remains or features on the property. No archeological sites were identified in the survey. The southern portion of the property was disturbed by the construction of a trailer park in that area. A final report, A Phase I Archeological Survey of the Sauerwein Property, Prince George's County, Maryland, Preliminary Plan 06-164, File A-9977, has been received by the Historic Preservation and Public Facilities Planning Section and was accepted on February 22, 2007. No further work was recommended on the Norbourne property since no archeological sites were identified. Staff concurs with the report's findings that no further archeological work is necessary on the property. The county archeological requirements for this property have been fulfilled.

Conclusion

- (1) The layout of the Norbourne Farm and photographs of the house and outbuildings are provided in the final Phase I archeological report. With the submission of these materials, Condition 29 of PGCPB Resolution No. 08-99 has been fulfilled. Because all traces of the Norbourne Farm and Bowie family occupancy of the property will be removed during development, staff concludes that because of the historic significance of the property, this history should be reflected in the new community in the form of street names that reflect the property's history and significance.
- (2) Section 106 review may also require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when state or federal monies or permits are required for a project.

Recommended Conditions

- (1) Prior to signature approval of the detailed site plan, the applicant shall work with the staff of the Historic Preservation Section to develop street names for the property that reflect its historic significance.

- (2) If necessary, the applicant and the applicant's heirs, successors, and/or assignees, shall coordinate all Section 106 review with the Historic Preservation Section, the U.S. Army Corp of Engineers, and the Maryland Historical Trust. The National Historic Preservation Act Section 106 requires federal agencies to take into account the effects of the development on historic resources, to include archeological sites.

The staff archeologist's recommended conditions have been included in the recommendation section of this report.

- c. **Community Planning South Division**—In a revised memorandum dated May 4, 2010, the Community Planning South Division stated that the land use proposed by this application is consistent with the 2002 *Prince George's County Approved General Plan* Development Pattern policies for a Regional Center in the Developing Tier, and conforms to the recommendations of the 2009 Subregion 6 Master Plan and Sectional Map Amendment recommendations for a residential medium land use. The Community Planning Division particularly mentioned that Marlboro Pike is recommended for relocation and to be upgraded to a four-lane collector and that a floating symbol for a future park site of 0 to 40 acres in the southern portion of the site in the Subregion 6 Master Plan. Please see comments below from the Transportation Planning Section and the Department of Parks and Recreation (DPR) for a discussion of the subject project's conformance to these aspects of the relevant master plan. In closing, the Community Planning Division noted a gap at the end of Private Roads E and A (Parcel U as shown on Sheet 6 of the plans). It was stated that if sidewalks or pedestrian paths are not provided at this juncture, residents of Blocks D and G would create their own path while walking to Marlboro Pike Relocated or the adjacent park. A recommended condition below would assist in bridging the identified gap in the proposed pedestrian network.
- d. **Transportation Planning Section**—In a revised memorandum dated June 28, 2010, the Transportation Planning Section stated that their previous memorandum (December 11, 2009) made a determination that the plan would comply with transportation Conditions 30 through 35 associated with that plan approval. More specifically, they stated that Conditions 30 through 34 concerned issues of dedication and off-site improvements, all of which would need to be satisfied at later stages of review. Condition 35, they said, however, is a little more complicated in that it requires that a determination be made, at the time of detailed site plan, of whether existing Marlboro Pike will continue to connect to MD 223 or end in a cul-de-sac at MD 223. The condition furthermore requires that transportation conditions required for adequacy be reviewed and adjusted as necessary. Finally, the condition requires that the applicant submit documentation of the final design of Marlboro Pike along with any changes to the conditions. Nothing was submitted, however, by the applicant in response to this condition. The plans make no indication that existing Marlboro Pike would be closed at MD 223; therefore, the presumption that Marlboro Pike would remain open matches the assumption made by the traffic study and preliminary plan Conditions 32, 33, and 34 are fully consistent with this presumption. In conclusion on this matter, the Transportation Planning Section stated that there is no need to adjust the conditions in response to this condition and that it would appear that the overall intent of the condition had been met.

The Transportation Planning Section also noted that few changes were made to the on-site circulation pattern in response to comments made regarding the same in the December 11, 2009 memorandum. Instead, the applicant submitted a write-up of a

meeting on January 21, 2010 with the Department of Public Works and Transportation (DPW&T) that indicates that corrective changes to the plans are not needed or designed. The Transportation Planning Section stated that, while it is appropriate to defer to DPW&T in these matters, the write-ups were prepared by representatives of the applicant and have not been directly confirmed by DPW&T. Therefore, they requested that any agreement made with DPW&T regarding changes to this plan be confirmed by DPW&T prior to signature approval of the plan and suggested that this could be accomplished either by a countersignature on the minutes of the January 21, 2010 meeting or by DPW&T's submission of a confirmatory email. Otherwise, the following comments and changes to the plan should be incorporated:

- Private Road A should be connected to C-629 via Private Road E opposite Private Road F. In lieu of this connection, a cul-de-sac turnaround may be provided.
- The hammerhead turnarounds at the ends of Private Road B and Private Alley 1 (adjacent to the landscape buffer next to Belmont Crest) are non-standard in design and must be redesigned.
- Private Alley 2 must be upgraded to a private street with the standard private road width. This alley serves a number of off-street parking spaces, a function which goes beyond the definition of a private alley in Subtitle 27. As an alternative, the off-street parking should be moved elsewhere within the development.

Further, the Transportation Planning Section stated that signage must be placed at the entrances to all private alleys indicating that they are private service entrances and not through streets.

The Transportation Planning Section then offered a review of master planned Marlboro Pike (C-629), Extension of Richmanor Terrace (P-614), and MD 223 and stated that C-629 and P-613 are correctly reflected on the plan and that dedication would be dedicated in accordance with Condition 31 of the preliminary plan and that sufficient right-of-way consistent with master plan requirements has been obtained, so no further dedication along MD 223 would be required as part of this plan.

Lastly, the Transportation Planning Section stated that the subject property was the subject of a 2008 traffic study, and was give subdivision approval pursuant to a finding of adequate transportation facilities made in 2008 during the review of Preliminary Plan of Subdivision 4-07086.

In closing, the Transportation Planning Section deemed the site plan to be acceptable from a standpoint of transportation conditions upon either a confirmation by DPW&T of the conclusions of the January 21, 2010 meeting with DPW&T staff prior to signature approval of the plan or provision of the three changes noted above. It is also conditional upon the placement of signage at the entrances to all private alleys indicating that they are private service entrances and not through streets. Conditions to this effect have been included in the recommendation section of this report.

- e. **Subdivision Review Section**—In a revised memorandum dated April 19, 2010, the Subdivision Review Section noted that the property is the subject of Preliminary Plan of

Subdivision 4-07086, approved by the Planning Board and the resolution (PGCPB No. 08-99) adopted on July 24, 2008 and that, pursuant to CB-8-2009, the preliminary plan for 165 townhouse lots and 19 parcels (although the certified plan contains 20), remains valid until December 31, 2011. Additionally, they included a discussion of the relevant conditions of approval (Conditions 2–5, 9, 11, 13–23, 27, 29–35). Please see Finding 9 above for a more detailed discussion of those conditions. They also included a discussion of Findings 8 and 14 of the approval of Preliminary Plan of Subdivision 4-07086 relevant to the approval of the detailed site plan. Likewise, please see Finding 9 above for a more detailed discussion of these findings. Lastly, they offered the following plan comments:

- (1) The DSP should contain the following finding and condition, which is generally required with the preliminary plan of subdivision. The site plan proposes PUEs of five feet wide which are generally unacceptable to the utility companies.

Additional Finding

Public Utility Easement—In accordance with Sections 24-128(b)(12) for private roads, and 24-122(a) when utility easements are required by a public utility company, the subdivider shall include the following statement in the dedication documents recorded on the record plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3708 at Folio 748.”

The detailed site plan correctly delineates a ten-foot public utility easement along the public/private right-of-way. However, a number of infrastructure improvements are located within the PUE and should be removed unless specific approval is granted by all utility companies, including Verizon, BGE or PEPCO, and Comcast.

Comment: Such finding has hereby been incorporated into the subject technical staff report and a recommended condition of approval requires that all infrastructure improvements located within the PUE be removed, unless specific approval for such intrusions is granted by all affected utility companies. Such special approval shall be required to be submitted in written form to the Urban Design Section as designee of the Planning Board.

Recommended Condition

- At the time of final plat, the applicant shall dedicate a ten-foot public utility easement along all of the public and private rights-of-way.

Comment: The recommended condition has been added to the recommendation section of this report.

- (2) The applicant proposed a number of entrance feature easements with the preliminary plan which are not reflected on the DSP and should be. Section 27-624 of the Zoning Ordinance provides specific guidance for the DSP regarding entrance features. The DSP also has some information that should be corrected. Specifically, the entrance feature easement on Parcel Q is not labeled on Sheet 6 where it is delineated, but on Sheet 5 above the match line and should be corrected.

Comment: These oversights have been addressed by recommended conditions.

- (3) Section 27-282(e)(7) of the Zoning Ordinance requires that the detailed site plan include the easement locations of all utilities including water/sewer and storm drains. The DSP does not label or delineate the stormdrain easements and width and should. The plan should be reviewed for conformance to this submittal requirement.
- (4) The site plan legend should be revised to include the stormdrain.
- (5) The minimum lot size approved with the preliminary plan is 2,200 square feet, which is reflected on the DSP.
- (6) The width of Parcel C at Private Road B should be provided. The site plan should provide distances for all parcels.
- (7) The width of Parcel A on Sheet 4 of the DSP between Lots 4 and 5, Block A, has been reduced from 22 feet as shown on the preliminary plan to 12 feet on the DSP. The adequacy of this width for the sidewalk and appropriate treatment should be determined with the DSP, and may be inconsistent with the preliminary plan as proposed.
- (8) The western terminus of Private Road B and Private Alley 1 was of concern with the preliminary plan and should be evaluated for adequacy with this DSP, as noted on the approved preliminary plan.
- (9) The approved preliminary plan depicted parallel parking spaces on Private Road A between Lots 9, Block A and Lot 1, Block D, which are not shown on the DSP. The appropriateness of this parking arrangement should be determined with the DSP.
- (10) The parking lot on Parcel D, adjacent to Lot 8, Block C, extends into the required ten-foot PUE and should be relocated unless the applicant can provide the concurrence of all affected utility companies for the parking lot location.
- (11) The width of Parcel C between Lots 12 and 13, Block D, on Sheet 5 has been reduced from 22 feet to 20 feet with the DSP.
- (12) Staff would recommend a utility coordination meeting prior to approval of the DSP.

In conclusion, the Subdivision Review Section stated that it appeared that a number of revisions could be necessary to the DSP and noted that their comments should be able to be addressed with minor adjustments to the plans and additional clarifications. In closing, they stated that the detailed site plan would be in substantial conformance with the preliminary plan if their comments were addressed, as determined appropriate, prior to approval. Conditions have been included below to address the comments of the Subdivision Review Section.

- f. **Trails**—In a revised memorandum dated May 13, 2010, the senior trails planner stated that the subject detailed site plan was reviewed for conformance with the Approved Countywide Master Plan of Transportation (MPOT), and the 1994 *Approved Master Plan and Sectional Map Amendment for Melwood-Westphalia (Planning Areas 77 and 78)* and based his recommendations on current or proposed conditions.

As background, he stated that the area master plan and the MPOT contain a recommendation for a bikeway along Old Marlboro Pike/Marlboro Pike (C-629), from Dower House Road to Woodyard Road. Old Marlboro Pike/Marlboro Pike (C-629) is a master-planned, four-lane, 80-foot-wide roadway.

The area master plan recommends a trail along Woodyard Road (MD 223). This trail has been approved for construction as part of the nearby Equestrian Estates development (DSP-03005). The trail will be constructed along MD 223 for the entire frontage of Equestrian Estates. Equestrian Estates is approximately 1,500 linear feet south of the subject property. This trail will be parallel to the road and within the public right-of-way, but behind the curb. Staff recommends that the trail be constructed along the subject application's entire frontage of MD 223, consistent with the Equestrian Estates approval. This trail will also provide access to the adjacent parkland owned by The Maryland-National Capital Park and Planning Commission (M-NCPPC) in the Windsor Park subdivision.

There is a public use hiker-equestrian easement shown on the adjacent Belmont Crest development (4-03060). This easement connects to the Windsor Park subdivision to the south and does not impact the subject property. Consistent with the Belmont Crest approval, staff also recommends that standard sidewalks be provided along both sides of all internal roads including the realignment of Marlboro Pike. Although the internal roads are proposed to be private, sidewalks are still appropriate due to the approvals of the adjacent property and the density of the subject application.

Woodyard Road (MD 223) is recommended for a shared-use sidepath from MD 4 to Livingston Road in the MPOT. As stated in the master plan, a shared-use sidepath or wide sidewalk is recommended along this rapidly developing corridor in southern Prince George's County. Currently, sidewalks are fragmented or missing in many areas. There has been consistent feedback from the community that safe pedestrian facilities are needed along this heavily traveled and rapidly developing corridor. This trail will provide safe access to numerous schools and park facilities, as well as link adjoining residential communities.

The MPOT does not recommend a specific type of bikeway for C-629. West of the subject site, the road has been constructed with standard sidewalks. The area master plan recommends that bikeway corridors be implemented when road improvements occur (p. 153).

The senior trails planner then offered a review of the trails-related conditions of Preliminary Plan of Subdivision 4-07086. Please see Finding 9 for a more detailed discussion of the relevant trails-related conditions of the preliminary plan of subdivision.

With respect to sidewalks, the senior trails planner stated that the applicant has provided sidewalks along both sides of the internal roads. It is difficult to tell the exact location of all of the sidewalks because the sidewalks are not labeled or highlighted, and the match

lines of the plan's pages mask some of the road edges. The detailed site plan should be revised to show all of these road edges clearly on the plan so that the proposed sidewalks can be evaluated by technical staff for adequacy.

The senior trails planner then stated that the eight-foot-wide asphalt trail provided by the applicant begins at the northern portion of the site at Road B as part of a ten-foot-wide stormwater pond access road. The trail splits off and runs behind the units on Block D and terminates at Road A. The trail picks up again on the west of the play area, south of the relocated Marlboro Pike, and terminates in the adjacent community park in the Windsor Park subdivision to the south.

It is unclear why the applicant has not provided a continuous trail along Woodyard Road (MD 223) per the condition of preliminary plan approval. Staff recommends that a trail be provided along the entire length of Woodyard Road (MD 223) to be consistent with the prior approval to the south of this location. Woodyard Road (MD 223) is recommended for a shared-use sidepath from MD 4 to Livingston Road in the Master Plan of Transportation. As stated in the master plan, a shared-use sidepath or wide sidewalk is recommended along this rapidly developing corridor in southern Prince George's County. There has been consistent feedback from the community that safe pedestrian facilities are needed along this heavily traveled and rapidly developing corridor. This trail will provide safe access to numerous schools and park facilities, as well as link adjoining residential communities. Currently, sidewalks are fragmented or missing in many areas.

The internal trail connection already proposed within the subdivision can be provided in addition to the sidepath along Woodyard Road (MD 223) to maximize recreation opportunities. The internal proposed trail connection to the Windsor Park subdivision to the south is acceptable and appears to be adequate for the proposed use. The detail of the trail shown on the details page should be updated to show how it meets AASHTO (American Association of State Highway and Transportation Officials) standards for clearance and grading.

Finally, the plan does not contain a recommendation for the bikeway along Marlboro Pike as is recommended in the Melwood-Westphalia master plan. Staff recommends that, to implement this bikeway, the applicant should provide "Share the Road" signs in accordance with county requirements and a financial contribution to DPW&T for the placement of this signage.

Comment: The senior trails planner's recommendations have been included as suggested conditions of approval below.

- g. **The Department of Parks and Recreation (DPR)**—In a memorandum dated March 22, 2010, DPR stated that they had reviewed the subject project for conformance with the parks-related requirements of approved Preliminary Plan 4-07086 and the Park and Recreation Facilities Guidelines and offered comments. Please see Finding 9 for a more detailed discussion of the relevant parks-related conditions of the preliminary plan approval.
- h. **Permit Review Section**—In a memorandum dated November 24, 2009, the Permit Review Section offered numerous comments that have either been addressed by revisions to the plans or in the recommended conditions below.

- i. **Environmental Planning Section**—In a revised memorandum dated September 1, 2010, the Environmental Planning Section offered the following background for the project.

The area included in the subject application was previously reviewed by the Environmental Planning Section in conjunction with the approval of Zoning Map Amendment A-9977. The Prince George's County Planning Board heard the rezoning case for the subject site on July 6, 2006 and approved the rezoning of the site from Rural Residential (R-R) to Townhouse (R-T). Additionally, the Environmental Planning Section stated that they had previously reviewed the subject property as Natural Resources Inventory NRI/071/07, Preliminary Plan 4-07086, and Type 1 Tree Conservation Plan TCP1-007-08, which were approved by PGCPB Resolution No. 08-99.

The Environmental Planning Section described the site as a 27.50-acre parcel located in the R-T Zone, on the southwest corner of Marlboro Pike and Woodyard Road, south of Marlboro Pike and west of Woodyard Road. The site contains a small pocket of non-tidal wetlands and associated buffer located on the western border of the property. This site is not within the designated network of the *Approved Countywide Green Infrastructure Plan*. Woodyard Road, classified as an arterial, is an anticipated source of traffic-generated noise. No scenic or historic roads are affected by this application. According to the Maryland Department of Natural Resources, Wildlife and Heritage Service, no rare, threatened, or endangered species occur on this or on adjacent properties. According to the *Prince George's County Soil Survey*, the predominant soil types on-site are in the Adelphia and Westphalia series. The site is located in the Developing Tier according to the General Plan.

The Environmental Planning Section then commented on the environmentally-related preliminary plan conditions 2, 3, 10, 24, 26, and 27. Please see Finding 9 for a more detailed discussion of the above conditions that are relevant at the time of approval of a detailed site plan for the project.

The Environmental Planning Section's relevant suggested conditions have been included in the recommendation section of this report.

- j. **Fire/EMS Department**—In a memorandum dated December 8, 2009, the Prince George's County Fire/EMS Department offered information on required access for fire apparatus, private road design, and the location and performance of fire hydrants.

- k. **The Department of Public Works and Transportation (DPW&T)**—In a memorandum dated December 10, 2009, DPW&T stated the following:

Right-of-way dedication and frontage improvements, in accordance with DPW&T Urban Primary residential road specifications and standards would be required along the project's Marlboro Pike frontage and any proposed internal subdivision streets, consistent with the approved master plan for this area.

A signal warrant study is required at the proposed major and four-lane collector roadway intersections, as well as at its intersections with primary residential roadways. Road right-of-way shall vary at the signalized intersection in order to provide exclusive turning

lanes. Roadways are to be fully coordinated with the proposed roadway connections of the developments adjacent to the subject property.

Any proposed and/or existing master plan roadways, including the interchange roadways at MD 223 and those that lie within property limits, must be coordinated with the SHA, M-NCPPC, and DPW&T and may involve right-of-way reservation, dedication and/or road construction in accordance with DPW&T's Specification and Standards.

The relocated urban four-lane collector road for Marlboro Pike (C-629), as shown on the applicable area master plan, lies within the proposed subdivision. Right-of-way dedication and roadway improvements along the frontage are required as is coordination with SHA for the proposed intersection of MD 223 and relocated Marlboro Pike (C-629). The proposed detailed site plan is consistent with approved Stormwater Management Concept Plan 43660-2007-00, dated January 3, 2008.

- l. **Maryland State Highway Administration (SHA)**—At the time of this writing, staff has not received comment from SHA.
 - m. **Washington Suburban Sanitary Commission (WSSC)**—At the time of this writing, staff has not received comment from WSSC.
 - n. **Verizon and PEPCO**—In an email dated December 11, 2009, Verizon and PEPCO stated that the applicant must show a public utility easement crossing all private roads and alleys and may not contain any entrance features, and that any paths or trails may cross, but not run coincident with, the easement for any extent. Additionally, the applicant must document receipt of approval of all signatory utilities on the easement document recorded at Liber 3703, Folio 748 for any and all public utility easements that measure less than ten feet wide.
14. 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 of Subtitle 27, Part 3, Division 9 of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

Additionally, as required by Section 27-285(b)(4), the detailed site plan and the tree conservation plan, as submitted, have preserved the regulated environmental features of the site to the fullest extent possible.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Detailed Site Plan DSP-08035, Type 2 Tree Conservation Plan TCP2-058-09, and Alternative Compliance AC-10010 for Norbourne Property with the following conditions:

1. Prior to certificate approval of this detailed site plan, the applicant shall revise the plans for the project and/or submit additional required documentation as indicated:
 - a. The applicant shall work with the staff of the Historic Preservation Section (M-NCPPC) to develop street names for the property that reflect its historic significance.

- b. The applicant shall revise the plans to show all road edges clearly so that the adequacy of road edges and planned sidewalks can be evaluated and, if necessary, plans for trails and sidewalks shall be adjusted per instructions from the senior trails planner as designee of the Planning Board.
- c. The applicant shall revise the plans to show an eight-foot-wide asphalt trail to be constructed along the subject site's Woodyard Road (MD 223) frontage in accordance with SHA standards.
- d. The applicant shall revise the plans to indicate five-foot-wide sidewalks with accessible ramps along both sides of all internal private roads or alleys that contain dwelling unit walk-out sidewalk access. Such sidewalks shall be clearly labeled on the plans and their width dimensioned.
- e. The applicant shall provide five-foot-wide sidewalks with accessible ramps along relocated Marlboro Pike unless modified by DPW&T.
- f. The applicant shall revise the detail of the trail shown on the details page to depict how it meets side clearance and grading standards for multi-use pathways per AASHTO guidelines and standards for trail construction shown on page 150 of the 1994 Melwood-Westphalia master plan.
- g. The applicant shall revise the parking schedule on Sheet 1 of the detailed site plan to differentiate between the number of handicap and the number of van accessible handicap spaces.
- h. The applicant shall provide a detail sheet as Sheet 7 of the detailed site plan set and on it include the details, including dimensions, of standard parking, standard handicap parking, van-accessible handicap parking spaces, and other site plan details.
- i. The applicant shall dimension the actual setbacks (front and rear; side, if applicable) for all proposed attached single-family dwelling units.
- j. The applicant shall provide green area calculations on the site plan demonstrating that each lot has the minimum 800 square feet required. Such calculations shall be set forth per lot in a chart to be located on the detail sheet (Sheet 7).
- k. The applicant shall clarify the following with respect to the six-foot noise wall and seven-foot noise wall at the rear of Lots 9 through 17:
 - (1) Provide a legible color detail of the wall and include it on the detail sheet.
 - (2) Provide top-of-wall and bottom-of-wall elevations on the site.
 - (3) Provide the total height of each wall including safety fence/railing, if required, on the site plan.

Final design of said noise wall shall be approved by the Environmental Planning and Urban Design Sections as designees of the Planning Board.

- l. The applicant shall identify two or more units that have the potential to be developed as handicap-accessible units through barrier free design.
- m. The applicant shall dimension the handicap parking spaces and demonstrate where they shall be located on the plan and how they will be marked. Such detail shall be provided on Sheet 7 of the detailed site plan set.
- n. The applicant shall show the main entrance structure/gateway signs drawn to scale on the site plan, set back from the roadway to maintain unobstructed lines of vision for 500 feet in all directions of travel.
- o. The applicant shall demonstrate on the landscape plan that landscaping attractive year-round is provided around the base of the entrance structure/gateway sign. The final design of said landscaping shall be approved by the Urban Design Section as designee of the Planning Board.
- p. The applicant shall submit a copy of a signed maintenance agreement placing responsibility for maintaining the permanent gateway sign on the homeowners association, or other entity or person designated in such agreement, and approved by the Prince George's County Department of Environmental Resources.
- q. The applicant shall revise the plans to indicate a six-foot-high, non-white, non-wood, low-sheen, durable privacy fence on the individual lots along the eastern property line of Lots 1 through 4, Block K, to be maintained by the owners of these lots.
- r. The applicant shall revise the plans to include a color detail for the retaining wall, specifying the materials to be utilized along the southern boundary of the site. Such detail shall be approved by the Urban Design Section as designee of the Planning Board.
- s. The plans shall be revised to correctly show the location of the unmitigated 65 dBA Ldn noise contour.
- t. The picnic area and tot lot between Lots 35 and 36, Block D and the gazebo between Lots 8 and 9, Block B shall be relocated centrally to Block C, out of the 65 dBA Ldn noise contour and out of the direct view and danger of the off-site roadways. These recreational facilities shall be shown in the location currently occupied by Lots 21–26, which shall be removed from the plan. The proposed noise walls which had been provided for these uses shall be removed from the plans. The revisions described above shall also be made to the TCP as applicable.
- u. The placement of the noise attenuation fences for Block D, Lots 9 through 17 and Block D, Lot 35 shall be revised to place solid, board-on-board fences, or the equivalent, on the lot lines in the rear of the units. A detail for these fences shall be placed on the DSP. The design shall be certified by an acoustic engineer that the fences are able to reduce noise levels to 65 dBA Ldn for these outdoor activity areas. The design of said noise attenuation fences shall be approved by the Environmental Planning and Urban Design Sections as designees of the Planning Board.

- v. The Department of Parks and Recreation shall provide, in writing, a statement of whether or not they desire to have a noise wall constructed for the proposed recreational facility on Parcel T. If it is to be constructed, it shall be shown on the DSP to be located between the public utility easement and the footprint of the ball field.
- w. The stub-out of Private Road A shall be redesigned into a connection to existing Marlboro Pike and designed to the satisfaction of the Transportation Planning Section as designee of the Planning Board, unless deemed undesirable by the State Highway Administration.
- x. Signage shall be placed at the entrances to all private alleys indicating that they are private service entrances and not through streets. Such signs shall be indicated on the detailed site plan and a color detail for such signage shall be included on the plan set detail sheet. Such signage shall be approved by the Transportation Planning and Urban Design Sections as designees of the Planning Board.
- y. All infrastructure improvements located within the ten-foot PUE indicated along the public/private rights-of-way shall be removed from the PUE unless specific approval is granted in writing by all relevant utility companies, including, but not limited to Verizon, BGE or PEPCO, and Comcast.
- z. The applicant shall demonstrate that entrance feature easements are sufficient to accommodate the proposed entrance features or redesign the easements so they provide sufficient land areas for the subject entrance features. Such design shall be approved by the Urban Design Section as designee of the Planning Board.
- aa. Easement locations, whether or not on private lots, for all utilities including water/sewer and storm drains shall be delineated and labeled on the detailed site plan in accordance with Section 27-282(e)(7) of the Zoning Ordinance.
- bb. All parcels shall be dimensioned.
- cc. Lot 5, Block 4 shall be eliminated and Lot 6 shall be widened into end unit width so as to provide the minimum 22 feet shown on the preliminary plan of subdivision (instead of the 12 feet shown on the detailed site plan), and to provide additional green space and visual relief from the wall of townhouses lining Marlboro Pike. The applicant shall provide additional landscaping in this parcel to be owned by the homeowners association to further enhance views from Marlboro Pike. Final design of said landscaping shall be approved by the Urban Design Section as designee of the Planning Board.
- dd. The landscaping along the southern boundary of Lot 47 and the stub-out of Private Road A near Marlboro Pike shall be increased so as to afford privacy for the townhouse located on that lot and so as to enhance views from Marlboro Pike. Final design of said landscaping shall be approved by the Urban Design Section as designee of the Planning Board.
- ee. The design of the intersection of (the western terminus) of Private Road B and Private Alley I shall be approved by the Transportation Planning Section as designee of the Planning Board.
- ff. The applicant shall include parallel parking spaces on Private Road A between Lot 9,

Block A, and Lot 1, Block D, as shown on the preliminary plan of subdivision, the same number elsewhere on the detailed site plan, or provide a justification acceptable to Urban Design staff as designee of the Planning Board as to why such parking spaces should not be included. Lots shall be eliminated if necessary in order to provide this additional parking included in the relevant preliminary plan.

- gg. The applicant shall either redesign the parking lot on Parcel D, Block C, adjacent to Lot 8, so that no part of it extends into the PUE, or procure and submit to Urban Design staff, written concurrence of all affected utility companies that they approve of its placement in the PUE. One or more lots shall be eliminated if necessary to accommodate the parking lot outside of the PUE. If lot 8 is eliminated for this purpose, Lot 7 shall be widened to the width of all end units included on the site plan.
- hh. Parcel C between Lots 12 and 13 on Block D (Sheet 5) shall be increased in width from 20 to the 22 feet as shown on the preliminary plan of subdivision. A lot shall be eliminated if necessary to accommodate this increase. The applicant shall provide additional landscaping in the green area. Final design of the landscaping shall be approved by the Urban Design Section as designee of the Planning Board.
- ii. The applicant shall submit to Urban Design staff, as designee of the Planning Board, a plan indicating the placement of all involved utilities on the site. Such plan must be approved by all affected utilities.
- jj. The applicant shall correct the notes on the cover sheet of the detailed site plan set to correctly reflect the total area to be conveyed to the HOA and M-NCPPC. Indication on the Site Data Chart that mandatory dedication of parkland is “none” shall be corrected to read “to be dedicated.” Likewise, General Note 2 shall be corrected so that “to be determined” is replaced with the correct acreage.
- kk. Note 5 of the General Notes on Sheet 1 of the detailed site plan shall be revised as follows: “There are 165 proposed single-family attached units and lots, and 20 proposed parcels on this detailed site plan.” Said note shall be finally corrected in accordance with the requirements of the Planning Board’s approval, which may include the removal of certain lots.
- ll. All fencing included in the project and specified as “board on board” shall be replaced with a “non-white, non-wood, low-sheen durable material.” Details of such fencing shall be approved by the Urban Design Section as designee of the Planning Board and, if utilized for noise attenuation, the Environmental Planning Section as designee of the Planning Board.
- mm. The applicant shall revise the detailed site and landscape plans to ensure that each block is correctly identified by its letter nomenclature.
- nn. Any agreement made with DPW&T regarding changes to this plan shall be confirmed by DPW&T by a countersignature of a representative of DPW&T on the minutes of the January 21, 2010 meeting or a confirmatory email from a representative of DPW&T. Otherwise, the following comments and changes to the plan shall be incorporated:
 - (1) Private Road A shall be connected to C-629 via Private Road E, opposite Private Road F, or a cul-de-sac turnaround shall be provided in lieu of this connection.

Design of such connection shall be approved by the Transportation Planning Section as designee of the Planning Board unless said connection is denied or the design found unacceptable by SHA, in which case, connection shall not be made or the design reconfigured to meet SHA requirements.

- (2) The hammerhead turnarounds at the ends of Private Road B and Private Alley 1 (adjacent to the landscape buffer next to Belmont Crest) shall be designed as in accordance with standard design criteria to the satisfaction of the Transportation Planning Section.
- (3) Private Alley 2 shall be upgraded to a private street with the standard private road width as it serves a number of off-street parking spaces, a function which goes beyond the definition of a private alley in Subtitle 27 or off-street parking located along it shall be moved elsewhere within the development.

The above redesign shall be approved by the Transportation Planning Section as designee of the Planning Board.

oo. The TCP2 shall be revised to:

- (1) Remove the following note shown on Sheet 5 of 6 located to the left of the woodland conservation worksheet: "Note: Afforestation areas 1, 3 shall provide one inch or greater caliper stock at the outer edges."
- (2) Eliminate the use of afforestation on the site if revisions resulting from the relocation of the proposed recreational facilities result in a total afforestation area that is less than 0.85 acre.

pp. All proposed architecture shall be removed from the subject application.

2. Prior to the issuance of building permits for the units to be constructed on Lots 1 through 4, Block K, the applicant shall schedule a pre-construction meeting and proceed with construction of the public park facilities. Clearing and grading on parkland and installation of signage announcing a future public park shall constitute construction.
3. At the time of final plat, the applicant shall dedicate a ten-foot public utility easement along all public and private rights-of-way, or as approved by the utility companies and reflected on the approved DSP.
4. At the time of building permit issuance, applications for building permits for lots shown on the detailed site plan as Lots 7–9, Block A; Lots 1–19, Block D; and Lots 27–47, Block D shall contain a certification to be submitted to M-NCPPC, prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less.
5. Prior to the issuance of the first building permit, all approved afforestation/reforestation areas shall conform to PGCPB Resolution No. 08-99, Condition 26:

"All afforestation/reforestation and associated fencing shall be installed prior to the issuance of the first building permit. Certification prepared by a qualified professional

may be used to provide verification that the afforestation and fence installation have been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing for each afforestation area, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.”

6. All approved afforestation areas shown shall be placed in conservation easements at the time of final plat and the following note shall be placed on the plat:

“Certain of the conservation easements on this plat include afforestation areas which are proposed to be planted so that they may regenerate as perpetual woodlands in fulfillment of woodland conservation requirements and precludes any disturbance or installation of any structure within specific areas shown on the approved Tree Conservation Plan. Failure to comply will mean a violation of an approved Type 2 Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance.”
7. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans shall be submitted to the M-NCPPC, Planning Department.
8. Prior to the signature approval of the TCP2, solid, board-on-board fences or the equivalent shall be placed on the lot lines in the rear of the units for Block D, Lots 9 through 17 and Block D, Lot 35. A detail for the design of these fences shall be certified by an acoustic engineer that the fences are able to reduce noise levels to 65 dBA Ldn for these outdoor activity areas. The detail shall be placed on the TCP2.
9. The applicant and the applicant’s heirs, successors, and/or assignees shall coordinate all required Section 106 review with the Historic Preservation Section (M-NCPPC), the U.S. Army Corp of Engineers, and the Maryland Historical Trust, National Historic Preservation Act, if required. If not so required, the applicant shall submit a written indication of the same from the Historic Preservation Section.
10. The applicant and the applicant’s heirs, successors, and/or assignees shall provide four “Share the Road” signs in accordance with county requirements and a financial contribution of \$840 to DPW&T for the placement of this signage, unless modified by DPW&T. Where road frontage improvements are required by DPW&T, wide asphalt shoulders are encouraged. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit.
11. Prior to the issuance of the first building permit for the project, the applicant shall have successfully approved by the Planning Board an application for revised architecture fulfilling the requirements of the Zoning Ordinance for metropolitan dwelling units.