

July 30, 2009

MEMORANDUM

TO: Prince George's County Planning Board

VIA: Steve Adams, Urban Design Supervisor

FROM: James Jordan, Senior Planner

SUBJECT: Detailed Site Plan for Infrastructure, SP-00002
Tree Conservation Plan, TCP II/40/00
Trumps Hill

The Urban Design staff has reviewed the Detailed Site Plan, SP-00002, for Trumps Hill. Based on that review and the findings of this report, the Development Review Division recommends APPROVAL, with conditions.

EVALUATION

This Detailed Site Plan was reviewed and evaluated for compliance with the following criteria:

1. The Official Plan for Marlton and the 1990 Detailed Development Plan.
2. The Approved Preliminary Plat of Subdivision, 4-98001.
3. The requirements of the Zoning Ordinance in the R-80 and R-P-C Zone, including the requirements of the Prince George's County *Landscape Manual*.
4. The requirements of the Prince George's County Woodland Conservation Ordinance.
5. Referrals.

FINDINGS

Based upon the analysis and evaluation of the subject Detailed Site Plan SP-00002, the staff recommends the following findings:

1. Location - The subject property is located approximately 700 linear feet east of the intersection of Crain Highway (US 301) and North Marlton Avenue. The proposed

subdivision is bounded to the north, east, and west by a mixture of vacant and occupied detached single-family lots, all zoned R-80/R-P-C; and to the south by the North Marlton Avenue right-of-way.

2. The Proposed Development - The purpose of this Detailed Site Plan for infrastructure is to allow the construction of stormwater and sewer facilities, and to rough grade the site, per Section 27-286(b). The plan also includes the lot layout and proposed landscaping. The subject application is for approval of 17 single-family detached lots on 8.40 acres. The application does not include any proposed architecture, and is therefore limited to infrastructure only. Condition 3 has been added in the Recommendation section of this report which requires approval of architectural elevations by the Planning Board prior to release of any building permits.
3. Background - The R-P-C Zone was approved for Marlton by the District Council on February 26, 1969. The Official Plan and a Detailed Development Plan for Marlton were approved by the Planning Board on July 21, 1970. The plans established the overall density, the amount of land to be dedicated to M-NCPPC and the amount of open space. The Marlton Official Plan and the Detailed Development Plan were amended on April 2, 1990, with District Council approval of A-9730-C and A-9731-C. These properties comprised approximately 433 acres of the total 1,586 acres in the Official Plan and amended the densities accordingly. The revised Official Plan was adopted by the Planning Board on October 10, 1990.
4. The Approved Master Plan - The 1993 Subregion VI Study Area Master Plan includes this property in an extensive area of Low Suburban Residential development within the Marlton community. No other specific proposals in the Master Plan affect development of this immediate area. The 1993 SMA subsequent to the Master Plan retained the previous zoning pattern, R-P-C (R-80), for the subject property. No Master Plan issues are presented by this application.
5. The Approved Preliminary Plat - Preliminary Plat 4-98001 for the subject property was approved by the Planning Board on October 8, 1998 (PGCPB No. 98-156A). The overall lotting pattern, circulation pattern and access points shown on the site plan are in general conformance with the approved Preliminary Plat 4-98001. Below are the specific conditions warranting discussion pertaining to conformance to Detailed Site Plan review and the approved Preliminary Plat:

- a. **For Lots 9, 10 and 11, the limited Detailed Site Plan (DSP) shall include a review of elements affecting views from the historic site and entrance drive.**

Comment: See finding No. 8 for discussion.

- b. **For Lots 9 and 10, the Detailed Site Plan, in addition to typical review, shall examine the roof pitch for visibility from the adjoining historic site. Consideration shall be given to limiting roof pitch to the lowest pitch possible in accordance with the building code. In addition, plant materials planted in the landscaped buffer on Lots 9 and 10 between the proposed homes and the**

historic site shall be larger than that required to create a more immediate buffer. The exact size of these plant materials shall be determined at the Detailed Site Plan stage.

Comment: The subject plan provides for a significant increase in quantity of plant materials, above that which is required by the Landscape Manual, along the property lines of the subject lots adjacent to the historic site. Although the number of plant units are increased, staff is concerned that the size of the proposed plant units are not larger than that required, per the subject condition. Therefore, it is recommended that proposed shade trees be 3"-3 1/2" caliper, and evergreen trees be 10-12 feet-high minimum on Lots 9 and 10.

6. The site development data is as follows:

Zoning	R-P-C/R-80
Proposed Use	Single-Family Detached Homes
Number of Lots Proposed	17
Site Area	8.40 acres
Minimum Lot Size Allowed	9,500 sq. ft.
Minimum Lot Size Proposed	9,620 sq. ft.
Average Lot Size	12,278 sq. ft.

7. Conformance With the Requirements of the Zoning Ordinance in the R-80 Zone, including the requirements of the Prince George's County *Landscape Manual*. The proposed plan is in general conformance with development regulations for the R-80 Zone in terms of density and lot size and represents a reasonable alternative for satisfying the Site Design Guidelines of Section 27-274, particularly as it applies to infrastructure only, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use. With the proposed conditions, the plan also prevents offsite property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare and economic well-being for grading, reforestation, woodland conservation, drainage, erosion and pollution discharge. The grading, drainage, erosion and pollution discharge have been evaluated by the Prince George's County Department of Environmental Resources and have been found acceptable. DER must find compliance with Division 3, Section 4 of the County Code, Grading, Drainage and Erosion Control. The purpose of this Division is as follows:

Sec. 4-270. Purpose.

The purpose of this Division is to prevent property damage, protect living resources, and prevent environmental degradation to safeguard the public's health, safety, welfare, and economic well-being by establishing minimum requirements for

grading, reforestation, woodland conservation, drainage, erosion control, and pollution discharge and control on land and to watercourses within Prince George's County, Maryland, and to establish procedures by which these requirements are to be administered and enforced. It is the further purpose of this Division to implement the provisions of the Environment Article - Title 4, Subtitle 1 of the Annotated Code of Maryland, so as to safeguard the natural resources of the County and of the State of Maryland by controlling erosion and sediment deposition on lands and in waters within the watersheds of the State and to prevent their pollution.

The Division includes detailed technical sections including such topics as Soils Investigation Report, Site Grades, Completion of Ground (4-217), Preparation of Ground (4-219), Waste Materials, Fill, Slopes, On-Site Drainage, Completion of Site Development, and Grading, Drainage and Erosion Control Standards.

These regulations require that all waste materials, including root mats, stumps, construction material and litter, be removed from the site. The ground must be properly prepared for permanent vegetative growth, and must be fertilized, seeded, mulched, sodded, planted, watered and maintained until growth is well established. The slopes must be steep enough to prevent ponding but not so steep as to cause erosion or slope failure. All surface waters must be prevented from damaging the face of all earth surfaces. Division 3 also incorporates other standards, including ASTM Standards for Soils; Subtitle 23, ■Roads and Side-walks,• The Prince George's County Stormwater Management Design Manual; Soil Survey of Prince George's County; and Maryland Standards and Specifications for Soil Erosion and Sediment Control. Reforestation and Woodland Conservation is discussed in Finding No. 7 below.

The subject plan was referred to the office of Soil Conservation District, and a response dated October 26, 2000 provided the following comments:

■Potentially erosive stormdrain outfall across from Lots 3 and 4. Potentially erosive gully behind Lots 13-17 (i.e., designated conservation area). Significant fill required to build houses on Lots 13-17; 3:1 slopes up to houses potentially erosive. Soils appear to be of the Westphalia series which are extremely erosive. We currently have a Sediment Control Plan in for review (SC#156-00). In light of the above we may not be able to approve grading and outfalls as shown.●

Given the concerns stated by the Soil Conservation District, staff believes that an additional review of the proposed plan is necessary prior to any construction, grading, clearing, etc. on the subject property. Therefore, it is recommended that prior to the issuance of any permits the subject plan shall be referred again to the Soil Conservation District for review with respect to the above-mentioned comments. A revision to the Detailed Site Plan may be required.

Sections 4.6, Buffering Residential Development from Streets, and 4.1, Residential Requirements, apply to the subject site. Staff is concerned about conformance to the requirements of Section 4.1 of the *Landscape Manual*. Section 4.1 provides the minimum

amount of plant materials required on individual lots, specifically that lots between 9,500 and 20,000 square feet have two (2) shade trees and one (1) ornamental or evergreen and lots between 20,000 and 40,000 square feet have three (3) shade trees and two (2) evergreens or ornamentals per lot. Fourteen of the seventeen proposed lots do not have any landscaping proposed on the plan. Therefore, it is recommended that the plans be revised prior to signature approval to provide the necessary plant materials to meet the minimum requirements of Section 4.1 of the *Landscape Manual*.

Upon revision of the plans, the landscape plans will be in full conformance with the requirements of the *Landscape Manual*.

8. Conformance with Woodland Conservation Ordinance - The proposed development is subject to the provisions of the Woodland Conservation Ordinance because the site is more than 40,000 square feet and contains more than 10,000 square feet of woodland. In a memorandum (Stasz to Jordan) from the Environmental Planning Section dated November 24, 1998, the following comments were provided:

■A Tree Conservation Plan, TCP II/40/00 has been submitted for review. The plan proposes 2.31 acres of on-site preservation and .92 acres of reforestation, a total of 3.17 acres, to meet the minimum requirement of 3.15 acres.

■As a matter of policy we do not recommend any woodland conservation within 40' of the rear of structures on lots less than 20,000 square feet. The reforestation areas on Lots 1-8 are in part contrary to this policy. The plan proposes the planting of small caliber stock on these lots. It is our experience that new landowners object to the unsightliness of such plantings, especially when they are on the lots. We are cognizant of Historic Resources concerns with buffering the new development from the adjacent historic site.

■We recommend that landscaping materials, such as those proposed for Lots 9-11, be used on Lots 1-8 in lieu of the currently proposed small caliber stock. Since it is likely that the planting density will not meet the requirement of 1000 seedlings per acre, we will give credit for the landscape plantings on a proportional basis. Any deficit should be met by a fee-in-lieu.

■TCP II should be revised prior to signature certification to substitute landscape materials on Lots 1-8 and revise the Worksheet to include an appropriate fee-in-lieu.

■The streams referred to in Condition 4 of PGCPB.Res.98-156(A) are not shown on the plan. In the Environmental Planning Section file is a letter to Mr. Gary R. Butson, Capitol Development Design, Inc. from Richard K. Spencer, Chief, Potomac Basin Permit Section, U.S. Army Corps of Engineers: *A field inspection was conducted on February 13, 1998 and March 5, 1998. This inspection indicated that no waters of the United States, including jurisdictional wetlands, were found on the property as depicted on the enclosed plans.▲ [copy attached]. In light of this information, staff have determined that no Conservation Easement is required.

■Per Condition 5 of PGCPB.Res.98-156(A), a slope stability analysis, prepared by MAFI Associates, Inc. and dated May 1998, has been submitted and reviewed. The grading proposed in the DSP is satisfactory.●

TCPII/40/00 is recommended for approval, and conditions of approval can be found in the Recommendation Section of this staff report.

9. Historic Preservation: The subject application was referred to the Historic Preservation Section and in a memorandum (Pearl to Jordan) dated April 7, 2000 the following comments were provided:

■A Preliminary Plan for subdivision (#4-90112) was submitted in 1990 for the same 8.41 acres as in the current proposal. At that time, 22 lots were proposed, and the Historic Preservation Commission (HPC) made several recommendations regarding (a) the entrance lane, (b) lots in open space, and (c) buffering of the entrance lane and of the rear (west) boundary of the Environmental Setting. Preliminary Plan #4-90112 was never implemented.

■A Preliminary Plan for subdivision (#4-98001) was submitted and reviewed in 1998, proposing 17 building lots and 3 parcels (not to be developed). The proposed lots ranged in size from 9500 square feet to 22,200 square feet. Lots 9, 10 and 11 share a boundary with the Trumps Hill Historic Site, but a landscape buffer/reforestation area will separate and protect the Historic Site from the developing lots. Sight lines between the Historic Site and the houses to be built on Lots 9, 10, and 11, requested at the time of this preliminary plan submittal, showed that the new houses would not have an adverse visual impact on the adjoining Historic Site.

■In January 2000 a Rough Grading permit (9602-99-G) for the Trumps Hill development was submitted. Preservation staff signed off on this grading permit, reinforcing the indications on the rough-grading plan, i.e., that the houses to be built on Lots 9 and 10 must be one-story, and that the house to be built on Lot 11 must be 10 feet from the forest conservation easement.

■**The Planning Board Resolution (98-156) for Subdivision 4-98001 includes the following condition:**

■*For Lots 9, 10, and 11, the limited Detailed Site Plan (DSP) shall include a review of elements affecting views from the historic site and entrance drive.*

■**SP-00002 has been submitted, showing the elevations and landscape buffering of Lots 9, 10 and 11 of the Trumps Hill subdivision.**

■**The Site Plan shows that the house to be built on Lot 11 will be more than 10 feet from the forest conservation buffer, and that the houses to be built on Lots 9, 10 and 11 will not have an adverse visual impact on the adjoining Historic Site.●**

Conditions of approval can be found in the Recommendation Section of this staff report.

10. Urban Design: The Urban Design Staff has reviewed the subject plan and offers the following comments. For the most part the revised plan presents a well-defined lotting pattern and layout. A minimal number of rear elevations face or are visible from any public right-of-way. Staff is concerned with several aspects of the proposed plan, as noted in the following comments:
 - a. The subject plan does not provide a boundary that defines the limits of disturbance. As submitted, it appears that the applicant is proposing to grade outside the boundaries of the site, along the west property line between Parcel A and Lot 17. Staff is concerned that the subject development plan provides for grading and construction of a portion of the stormwater drainage system on adjacent properties. The applicant has not demonstrated that there exist any legal agreements, easements, etc., between himself and the adjoining property owners that would allow for disturbance and/or construction to occur on the adjacent properties as shown on the plan. Also, the boundaries and limits of the adjacent properties to the west are not well defined, which makes the absolute determination of whether grading and construction are proposed on adjacent properties difficult. Therefore, it is recommended that prior to signature approval the applicant shall either demonstrate that legal agreements between himself and adjacent property owners have been reached that will allow for grading and construction outside the given boundaries of the site along the west property line, and provide clear documentation of the boundaries/limits of the adjacent properties to the west, or revise the plan such that no disturbance, grading/construction occurs outside of the boundaries of the proposed subdivision.
 - b. The historic property, Trumps Hill, is south of and adjacent to the subject property. Preservation of the environmental setting with respect to the historic property is a major consideration in the review of the proposed plan. The historic house is accessed from Trumps Hill Road, and the entrance drive to the historic house traverses the east side of proposed Lot 11, which abuts the right-of-way at Trumps Hill Road along its east property line. The proposed plan provides for no disturbance of the existing entrance drive or the trees which line the driveway. The applicant has indicated that the portion of Lot 11 which is occupied by the existing entrance drive be dedicated to the public right-of-way of Trumps Hill Road for the purpose of preserving the existing physical conditions of the historic property, Trumps Hill. Staff believes the said approach is evidence of sensitivity with respect to the acknowledged efforts to preserve the environmental setting for the historic property.
 - c. Architecture is not a part of this application. The plans show approximate house locations, but no specific options or details. Since this application is a Detailed Site Plan for Infrastructure only, this is appropriate. It is recommended that the applicant submit a Detailed Site Plan for architecture at a later date to be approved by the Planning Board.
11. The subject property has an approved Stormwater Management Concept Plan (CSD # 908004400), which was approved on May 11, 1998.

12. In order to insure that prospective purchasers in this subdivision are made aware of the existence of an approved Detailed Site and Landscape Plans, these plans must be displayed in the developer's office.
13. The subject application was referred to all applicable agencies and divisions; no significant issues were identified. Minor plan revisions were recommended by the Permit Review Section, and the Department of Public Works & Transportation provided comments for designated roadway improvements within the right-of-way. Condition 1.f. reflects Permit Review recommendations. The plans should address the right-of-way improvement comments at the time of the review of permits.

RECOMMENDATIONS

Based upon the evaluation of the subject plan, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Detailed Site Plan, SP-00002 and Tree Conservation Plan TCPII/40/00, with the following conditions:

1. Prior to certificate of approval the Detailed Site Plan and Type II Tree Conservation Plan shall be revised as follows:
 - a. Provide plant materials on each lot to demonstrate conformance to the requirements of Section 4.1, Residential Requirements, of the Landscape Manual.
2. Provide 3"-3.5" caliper shade trees and 10-12 foot-high evergreen trees, minimum size plant materials, on Lots 9 and 10.
3. Provide large-stock plant materials on Lots 1-8 similar in location and quantities to that provided on Lots 9-11. Species, quantities, size, and location to be determined and approved by staff of the Environmental Planning Section as designee of the Planning Board.
4. Provide a fee-in-lieu on the Woodland Conservation Worksheet, as necessary, to be determined and approved by staff of the Environmental Planning Section as designee of the Planning Board.
5. Provide dimensions to demonstrate that the house on Lot 11 is a minimum of 10 feet from the forest conservation buffer.
6. Provide evidence that a legal agreement, easement, etc., between the applicant and adjacent property

owners has been executed that will allow for grading and construction outside the boundaries of the subject property, and clearly indicate the boundaries/limits of adjacent properties to the west; or remove all notations that delineate disturbance, grading/construction, outside of the subject property's boundaries. A Detailed Site Plan revision may be required.

7. Provide lot coverage and setbacks on all lots.
2. In order to insure that prospective purchasers in this subdivision are made aware of the existence of a Detailed Site Plan approved by the Planning Board, these plans shall be displayed in the builder's sales office.
3. Prior to the issuance of any permits, a Detailed Site Plan for architecture shall be approved by the Planning Board. The subject Detailed Site Plan shall also include review of potential areas of soil erosion and steep slopes at stormdrain outfalls and on individual lots. The Detailed Site Plan shall be referred to the Soil Conservation District office for review.