



Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

DETAILED SITE PLAN

DSP-04083

Application	General Data
Project Name: Brock Hall Location: On the western side of the Philadelphia, Baltimore and Washington Railroad right-of-way on Brock Hall Drive, approximately 705 feet east of its intersection with Dunbarton Drive. Applicant/Address: Oxbridge Development at Brock Hall, LLC 600 Jefferson Plaza Rockville, MD 20851-0000	Date Originally Accepted: 02/10/2005
	Planning Board Action Limit: Not Applicable
	Plan Acreage: 29.65
	Zone: R-E
	Dwelling Units: 18
	Square Footage: N/A
	Planning Area: 79
	Tier: Developing
	Council District: 06
	Municipality: N/A
	200-Scale Base Map: 205SE13

Purpose of Application	Notice Dates
Residential subdivision including 18 single-family detached dwellings, on remand from the District Council per final decision dated March 21, 2006.	Adjoining Property Owners Previous Parties of Record Registered Associations: 12/20/2004 (CB-12-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed: 08/22/2006

Staff Recommendation		Staff Reviewer: Ruth Grover, A.I.C.P.	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

July 30, 2009

MEMORANDUM

TO: Prince George's County Planning Board

VIA: Steve Adams, Urban Design Supervisor

FROM: Ruth Grover, Senior Planner

SUBJECT: Detailed Site Plan DSP-04083 (TCPII/37/05)
Brock Hall Residential Subdivision for 18 single-family detached dwellings,
on Remand from the District Council.

The Planning Board approved a detailed site plan for Brock Hall on April 7, 2005. A resolution formalizing that approved was adopted on May 12, 2005 and mailed out on May 17, 2005. On November 28, 2005, the District Council reviewed the project and remanded it to the Planning Board. Each reason for the remand listed by the District Council is included in boldface type below, followed by staff response:

The administrative record is incomplete, in describing how new dwellings on the subject property and how street furnishings and details in the new development will be compatible with existing residential development in the immediate neighborhood. The Planning Board shall hear evidence and decide whether the design of the applicant's proposed house models will enhance or detract from the present character of the immediate neighborhood.

Comment: Staff has visited the site, reviewed a neighborhood analysis of the surrounding area and evaluated the additional six architectural models submitted by the applicant. The neighborhood, as defined in the District Council's remand order dated December 5, 2005, is within 3,000 feet of the subject property. The site visit, as well as the offered materials, revealed diverse architectural styles and material choices in the vicinity of the project site. Houses included both one-story and two-story models and utilized brick among other materials. The additional architectural models submitted by the applicant include three one-story models (the Cedar, the Lakemont and the Tiger Lily) and three two-story models (the Westminster, the Wyatt and the Wellington.) During the first 90 days, the applicant proposes to offer the one-story models exclusively on three lots, and two-story models exclusively on the balance of the site. After that initial 90-day period, the applicant would continue to offer the one-story models on the three lots, but would be able to offer any of the approved two-story products, as well.

The inclusion of a variety of architectural materials, though varying from the applicant's previous proffer of 100 percent brick fronts, is more in line with the existing neighborhood fabric and, therefore, more in

concert with the preliminary plan condition that the architecture of the subdivision be compatible with the existing neighborhood.

Staff would suggest that offering the one-story models on four instead of three lots for 120 instead of 90 days, will increase the likelihood that one or more one-story models will actually be purchased and built, thus enhancing compatibility of this development with the architecture in the surrounding area. Additionally, in order to ensure that the one-story product is not clustered, but is dispersed through the subdivision, staff recommends that the lots designated for the one-story product be specified as lots 3, 5, 8 and 11. Therefore, staff has recommended a condition below that reflects these more rigorous requirements.

Please see the discussion following the next point of the order of remand for information on street furnishings.

In particular, the Planning Board shall determine whether the proposed street layout and proposed street lighting will or will not add to the quality of the immediate residential community, within about 3,000 feet of the subject property.

Comment: The proposed layout is substantially similar to the existing street layout in the vicinity of the subject site. Blocks are irregular in shape and lot size is generally relatively large. One of the proposed roads in the subdivision extends from existing Brock Hall Drive to a terminus in a cul-de-sac, with an additional cul-de-sac extending southward from it, offering frontage for an additional five lots. An additional three lots are located on a cul-de-sac proposed to extend southward from existing Dunbarton Drive. In addition, the applicant has communicated with the Department of Public Works and Transportation to obtain a commitment that street lights and sidewalks will not be required for the subject development as stated in a letter dated June 1, 2005, from Haitham Hijazi to Elizabeth Hewlett, making the subdivision more compatible with the surrounding neighborhood. They were unsuccessful, however, in a request to have open section instead of curb and gutter (closed section) utilized in the community. The Department of Public Works and Transportation cited drainage requirements, as well as continuity with the adjacent Brock Hall Estates subdivision, as the basis of their decision to require closed section streets.

The Planning Board shall determine whether purchasers of new homes in the residential project should be provided additional information about the subdivision and the neighborhood, at the time they sign purchase-and-sale agreements. If so, the Board should state those recommendations, or add conditions, as appropriate, so that the new recommendations or conditions can be considered by the District Council.

Comment: As required by CB 60-2005, potential purchasers will be provided information regarding tree conservation requirements and possible resultant sanctions for deviation from those requirements prior to signing a purchase and sale agreement. Potential purchasers will also be provided with a copy of the resolutions approving the Brock Hall project so that they are fully aware of the conditions imposed on the project by the Planning Board. The distribution of this additional material is ensured by a recommended condition below.

The applicant shall rename the project, with Board approval, to reflect native trees in the vicinity, and not with reference to the existing “Brock Hall” subdivision.

Comment: Applicant has proffered the name “The Oaks” for the subdivision. The suggested name meets the above requirements as Oak trees are native to the vicinity of the subject site and the name does not include “Brock Hall”. The name is required to be added to the plans and utilized by the subdivision

by a required condition below. Should the Planning Board approve the project as recommended, subject to conditions, the applicant will have complied with this point of the Order of Remand.

The applicant shall prepare a plan for Board review, to show tree-save areas on each residential lot, and to describe measures to be approved for future sales, so that purchasers are notified that tree-save areas may not be disturbed. The tree-save plan may be approved by Planning Board or staff at a designated time, one that does not delay subdivision recording or the sale of lots.

Comment: The Type II Tree Conservation Plan submitted with this application clearly shows the “tree save” areas on each proposed lot. The plan contains a variety of notes, concerning such items as hazardous trees and invasive plants, that describe what may and may not be done in the designated tree save areas. CB-60-2005 was enacted after the review of the Detailed Site Plan by the District Council. This requires that at the time of signing a contract to purchase a property, the seller must provide a copy of the approved tree conservation plan and have the prospective buyer sign a document acknowledging that failure of the owner of the property to protect the woodland in a Tree Conservation Area may result in a fine and an obligation to restore the woodland or mitigate the damage to the woodland through the payment of money or other appropriate means. The applicant has proffered, by a letter dated March 9, 2006, to add a special provision into the HOA documents to enable the HOA to monitor compliance. In a memorandum dated September 7, 2006, the Environmental Planning Section stated that, in their opinion, The Type II Tree Conservation Plan and provisions of CB-60-2005 satisfy the requirements of Condition E of the Order of Remand.

The applicant shall describe how it will work with staff to designate conservation easement areas, to enforce (through the HOA for the project) the restrictions in the easements.

Comment: The approved preliminary plan includes a condition that conservation easements be shown on the final plats. The conservation easements will contain the streams, wetlands and associated buffers. All of the conservation easement areas are contained within designated woodland conservation areas. The conservation areas are also shown on the Type II Tree Conservation Plan. The TCP II shows the placement of permanent signage to delineate the woodland conservation areas. The applicant has proffered, by a letter dated March 9, 2006 (copy attached), to add a special provision into the HOA documents to enable the HOA to monitor compliance. In a memorandum dated September 7, 2006, the Environmental Planning Section stated that the requirements of Condition F of the Order of Remand had, in their opinion, been addressed.

The applicant shall also describe how it will ensure a wide variety of housing types, by use of various types of façade covering or styling, and how it will review (or has reviewed) with DER alternative stormwater management techniques.

Comment: The applicant has added the following models to the approved architecture for the project: Tiger Lilly, Cedar B, and Lakemont (one-story models) and the Westminster, Wyatt, and Wellington (two-story models). In addition, the applicant has proffered that a variety of architectural materials are going to be made available for all models, including brick, shingles, siding, stone and stucco. Such proffer is reflected in a recommended condition below. In addition, the applicant has submitted evidence, copy attached, that it has reviewed alternative stormwater management techniques with the Department of Environmental Resources. A memorandum dated April 16, 2006, from Richard Thompson to Michael Nagy (copy attached) contained minutes from a meeting held March 6, 2006, with the Department of Environmental Resources regarding low impact alternatives for the proposed stormwater management ponds. The conclusion of that memorandum is that none of the low-impact stormwater management techniques considered would be appropriate for the subject project.

Residents and others in the Brock Hall neighborhood should be allowed to register as persons of record, on remand.

Comment: The applicant has undertaken a mailing, and provided Urban Design staff with proof of same, to all residents and others living in the Brock Hall community, a notice of their right to register as persons of record preceding or at the Planning Board public hearing on the remand.

RECOMMENDATION

Based on the foregoing evaluation and analyses of the remand order, the Urban Design staff recommends that the Planning Board adopt the previous findings of DSP-04083 as expressed in PGCPB Resolution No. 05-89 and the additional findings above, and REAPPROVE Brock Hall DSP-04083 and TCPII/37/05 with previous conditions of DSP-04083, except for condition 1a of that approval, as expressed in PGCPB Resolution No. 05-89 and the following additional conditions:

1. Prior to signature approval of the plans the applicant shall make the following revisions:
 - a. A note shall be added to the plans stating: “No two units located next to or across the street from each other may have identical front elevations.”
 - b. The two stormwater management ponds, if sanctioned by the Department of Environmental Resources, shall be revised to add landscaping with native plant species so they will be a visual amenity to the subdivision and compatible with the surrounding woodland. Such redesign shall be approved by the Urban Design Section as designee of the Planning Board.
 - c. A note shall be added to the plans stating: “Houses shall be sited so as to create at least a forty foot usable back yard, a forty foot set back from all limits of disturbance and in accordance with the following set back requirements:
Front: 35 feet
Side: 25 feet
Rear: 40 feet”
 - d. A note shall be added to the plans stating: “Potential purchasers of the lots in the subject subdivision shall be provided with information regarding tree conservation requirements including Council Bill CB-60 prior to signing a purchase and sale agreement.”
 - e. Applicant shall revise the plans to reflect “The Oaks” as the new name for the subdivision and a note shall be added to the plans obligating the developer to utilize the name “The Oaks” for the subdivision in perpetuity.
2. Prior to certification of the subject detailed site plan, the TCPII shall be revised to:
 - a. Move the structure on Lot 2 closer to the cul-de-sac.
 - b. Move the structures on lots 12–15 closer to the cul-de-sac.
 - c. Correct the worksheet.
 - d. Have the revised plan signed and dated by the qualified professional who prepared the plan.

3. The Cedar, the Lakemont and the Tiger Lily one-story architectural models shall be offered exclusively on lots 3, 5, 8, and 11 as specified on Exhibit A (attached) for 120 days from the onset of sales, and after that time, non-exclusively, together with the other architecture approved for the site, that shall include three additional two-story models (the Westminster, the Wyatt, and the Wellington).
4. When distributing materials to potential purchasers regarding tree conservation requirements pursuant to CB-60-2005, the applicant shall distribute a copy of the resolutions approving the Brock Hall project so that purchasers are fully aware of the conditions imposed on the project by the Planning Board or District Council.
5. The applicant shall make a variety of materials available for the architectural models in the proposed subdivision, including brick, shingles, siding, stone, and stucco.