



*Note: Staff reports can be accessed at <http://mncppc.igmp2.com/Citizens/Default.aspx>.*

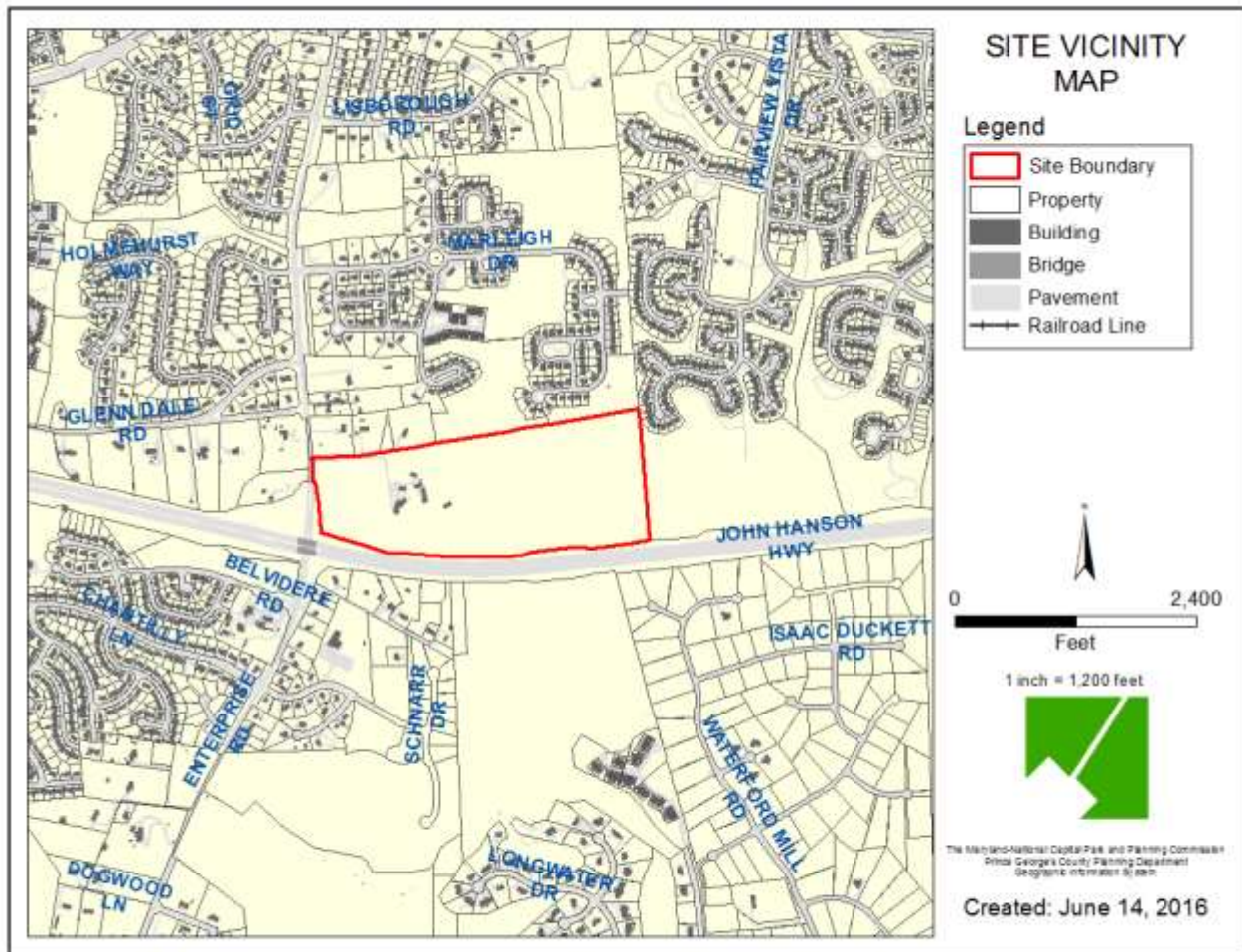
## Special Exception

## SE-4785

Application	General Data	
<b>Project Name:</b> Traditions at Beechfield–Enterprise Road  <b>Location:</b> Northeast quadrant of MD 193 (Enterprise Road) and US 50 (John Hanson Highway).  <b>Applicant/Address:</b> Greenlife Property Group, LLC. 2410 Evergreen Road, Suite 200 Gambrills, MD 21054  <b>Property Owner:</b> Greenlife Property Group, LLC. 2661 Riva Road, Suite 300 Annapolis, MD 21401	Planning Board Hearing Date:	10/19/17
	Staff Report Date:	10/05/17
	Date Accepted:	02/13/17
	Planning Board Action Limit:	N/A
	Plan Acreage:	83.68
	Zone:	R-E
	Lots/Parcels:	133/25
	Dwelling Units:	583
	Gross Floor Area:	5,000
	Planning Area:	71A
	Council District:	06
	Election District	07
	Municipality:	N/A
	200-Scale Base Map:	206NE11

Purpose of Application	Notice Dates	
Special exception for a planned retirement community (major revision to prior SE-4529).	Informational Mailing:	06/22/16
	Acceptance Mailing:	02/10/17
	Sign Posting Deadline:	N/A

<b>Staff Recommendation</b>		<b>Staff Reviewer:</b> Christina Pompa/Whitney Chellis <b>Phone Number:</b> 301-952-4325 <b>E-mail:</b> Whitney.Chellis@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		



THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE’S COUNTY PLANNING BOARD

**TECHNICAL STAFF REPORT**

TO: The Prince George’s County Planning Board  
The Prince George’s County District Council

FROM: Sherri Connor, Acting Supervisor, Subdivision and Zoning Section  
Development Review Division

SUBJECT: **Special Exception Application No. SE-4785**  
**Traditions at Beechfield–Enterprise Road**

REQUEST: **Special exception for a planned retirement community (major revision to prior SE-4529).**

RECOMMENDATION: **Approval with conditions**

---

NOTE:

The Planning Board has scheduled this application for a public hearing on the agenda date of October 19, 2017. The Planning Board also encourages all interested persons to request to become a person of record for this application.

Requests to become a person of record should be made in writing and addressed to The Maryland-National Capital Park and Planning Commission, Development Review Division, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. Please call 301-952-3530 for additional information.

---

## FINDINGS

- A. **Location and Field Inspection:** The special exception boundary includes approximately 83.68 acres of land situated north of US 50 (John Hanson Highway), east of MD 193 (Enterprise Road), and west of an open-space parcel owned by the Fairwood Community Association, Inc. The subject property is south of open-space owned by the Marleigh Community Association, Inc.; land owned by The Maryland-National Capital Park and Planning Commission (M-NCPPC); and single-family homes. The subject property is currently improved with two vacant homes and outbuildings associated with prior agricultural activities and is currently zoned Residential-Estate (R-E). Wetlands, streams, 100-year floodplain, and steep slopes occur on the property. The property has been fallow, allowing the invasive Bradford pear tree to volunteer extensively on the property. Similarly, beaver activity has impounded the previous agricultural ditch, resulting in an expansion of wetland resources over time.

- B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	R-E	R-E
Use(s)	Vacant	Planned Retirement Community (583 dwelling units & a 5,000 sq. ft. Community Building)
Acreage	83.68	83.68
Parcels/Lots	Parcel 3 (1)	133 lots and 25 parcels
Dwelling Units	2 (to be razed)	583

- C. **History:** The property is known as Tax Parcel 3 on Tax Map 53 in Grids E2 and F2, and Tax Map 54 in Grid A-2, recorded among the Prince George's County Land Records in Liber 36831 at folio 561. The Prince George's County Planning Board previously approved Special Exception SE-4529 (Zoning Ordinance No. 8-2008) for the Enclave at Beechfield, which included the approval of 400 independent living units comprised of 250 multifamily and 150 townhouses dwelling units in a condominium regime. A subsequent Preliminary Plan of Subdivision, PPS 4-08043, was also approved by the Planning Board with 37 conditions (PGCPB Resolution No. 08-193). This major revision (SE-4785) to the previously approved SE-4529 was required because of the substantial changes proposed by the applicant. The changes include: more diversity in the dwelling unit mix, addition of an assisted living facility, the division of land into lots and parcels with a change in the configuration previously approved, and to internally shift dwelling unit types on the site from that which was previously approved. The changes to the land use and plan will provide for three levels of care for the future residents, including independent, assisted, and ambulatory care for aging in place. The proposal to subdivide the property will provide for a variety of ownership types including fee-simple ownership.

The previous Special Exception, SE-4529, was approved with a condition that required approval of a limited detailed site plan (DSP) for building exteriors. Pursuant to this condition, Detailed Site Plan DSP-09008 was filed on September 29, 2009, but was never approved and is currently dormant but should be withdrawn by the applicant. Per the applicant, as a result of the recession, the project did not proceed to construction. Notwithstanding, both the special exception and PPS remain valid. The applicant purchased the property in 2015 and now desires to proceed with development of the planned retirement community, as further described in the applicant's amended statement of justification (SOJ) dated August 1, 2017.

D. **Previous Special Exception SE-4529 Approval:** On March 28, 2008, the Notice of Final Decision of the District Council was issued in Zoning Ordinance No. 8-2008 for approval, with 13 conditions (in bold). The following is an analysis of those conditions as they may relate to the instant application:

1. **Before permits may be issued for any part of the subject property, the applicant shall file and receive approval of a limited detailed site plan for building exteriors, including identification of all builders for the planned retirement community project. This limited detailed site plan shall be filed on or before 30 June 2009 and shall not be effective until approved by both the Planning Board and the District Council.**

The District Council stated in ZO-08-2008 that “[T]he Council agrees that, with completion of the limited DSP and full DSP procedures required in the conditions stated below, all site plan requirements for this planned retirement community special exception are fully met. In particular, all development details for each building site and all architectural renderings will have been incorporated into the record, and all details and renderings will have been reviewed and approved by the Council.”

The approval of a DSP is not required by the Zoning Ordinance and is not recommended by staff based on the ability to find conformance with the required findings without a DSP.

2. **Before permits may be issued for any part of the subject property, and after approval of the limited detailed site plan for building exteriors, the applicant shall receive approval of a full detailed site plan, as provided in Part 3, Division 9, of the Zoning Ordinance, and as described in the conditions below.**

The approval of a DSP is not required by the Zoning Ordinance and is not recommended by staff based on the ability to find conformance with the required findings without a DSP.

3. **The site plan shall state general development standards (e.g., building heights, setbacks, and parking) for building envelopes, to indicate the type of use specifically intended at that location, the vehicular access points, and the traffic circulation.**

The special exception site plan proposes appropriate bulk regulations, which are discussed further in this report. On-site circulation and access was evaluated with this application, as discussed further in this report.

4. **In the detailed site plan for the proposed development, particular attention shall be paid to architecture, location of structures, grading, and environmental features. The following guidelines shall be observed during the review of the detailed site plan:**

- a. **A variety of housing types shall be offered;**
- b. **Townhouse or villa units shall be no more than two stories in height, with at least 65 percent of the living area located on the first floor;**

- c. **Architectural elevations for all products must be coordinated and must depict a substantial enduring presence, such as brick or other lasting material;**
- d. **Barrack style building layout shall be prohibited; and**
- e. **The rear of dwelling units shall not be visible from Enterprise Road.**

The site plan submitted with the special exception addresses the issues identified above, as appropriate. The layout proposed by the applicant is supported by staff, with conditions, as discussed further in this report. The applicant filed architecture with the special exception for the assisted living facility and has not submitted any additional architecture. While architecture is not a submittal requirement for a special exception, staff does support the architecture submitted.

- 5. **All recreation (indoor and outdoor) facilities shall be clearly delineated on the site plan. Recreational facilities shall include (but are not limited to) a swimming pool, tennis courts, and exercise facilities. In addition, a substantial trail system shall be provided on site.**

The applicant has set forth the proposed recreational package in their amended SOJ dated August 1, 2017, as discussed further, and found to be adequate to serve the residents of the development.

- 6. **Prior to the issuance of any permits, the applicant shall submit copies of all federal and State wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans that impact jurisdictional wetlands, wetland buffers, streams, or waters of the U.S.**

This condition is recommended.

- 7. **Prior to approval of the detailed site plan, the TCP II shall be revised to incorporate a design concept for the stormwater management ponds that addresses all comments received from the Maryland Department of the Environment and the Corps of Engineers regarding the placement of the pond off-line and the naturalization of the existing farm ponds.**

Stormwater management and a complete review of environmental impacts is discussed in this report. The applicant has an approved stormwater management concept plan, and staff is recommending approval of the Type 2 tree conservation plan (TCP2), as discussed further in this report.

- 8. **Prior to approval of the preliminary plan, the Type I TCP shall show the conceptual locations of the features necessary to reduce noise levels to State standards for outdoor activity areas.**

The applicant has filed, and staff is recommending approval of, a TCP2 with this application.

9. **Prior to approval of the detailed site plan, a Phase II noise impact study shall be submitted to the Environmental Planning Section. The TCP II noise impact study shall be submitted to the Environmental Planning Section. The TCP II shall show the location of the noise mitigation features necessary to reduce noise levels to State standards (65 dBA Ldn for outdoor activity areas and 45 dBA Ldn for interior living areas).**

The applicant has filed a Phase I and II noise study with this application, which has been reviewed with specific findings and conditions recommended in this report.

10. **Prior to submittal of the Type II TCP, a Certified Arborist shall evaluate specimen tree #2 to determine the viability of preserving this tree at post development. This reevaluation shall include a complete condition analysis, including an evaluation by a climber in the tree. Written recommendations shall be provided to M-NCPPC's Environmental Planning Section, and the final analysis shall be included on the Type II TCP. All recommendations for treatment, if the tree is recommended for preservation, shall be completed by the applicant. Specimen trees 6-11 shall also receive a condition analysis, and the arborist shall provide written recommendations regarding whether these trees should be preserved or removed.**

The applicant has requested a variance for the removal of specimen trees on-site that have each been evaluated, as discussed further in the Variance section of this report. A condition analysis was provided with the variance request.

11. **An exclusive southbound left-turn lane, an exclusive northbound right- turn lane, and a northbound acceleration lane on MD 193 shall be constructed at the site access road. Additional pavement and/ or a southbound bypass lane on MD 193 shall be constructed at the site access point, if required by SHA.**

Transportation was analyzed for the development based on a traffic study filed by the applicant. The Transportation Planning Section found that all of the critical intersections will operate at acceptable levels of service, as discussed further in this report and in the transportation referral dated May 3, 2017 (Masog to Pompa).

12. **A traffic signal warrant study at MD 193 at Chantilly Lane shall be completed, and a traffic signal shall be installed, if signal warrants are met, after review by SHA.**

Transportation was analyzed for the development based on a traffic study filed by the applicant. The Transportation Planning Section found that all of the critical intersections will operate at acceptable levels of service, as discussed further in this report and in the Transportation referral dated May 3, 2017 (Masog to Pompa).

13. **A Phase I archeological survey shall be submitted for review by the Historic Preservation and Public Facilities Planning Section, before any further approvals or permits.**

Archeological analysis was conducted on-site based on conditions of the existing PPS. The applicant will be filing a new PPS where archeological analysis will continue, as discussed further in this report and in the Historic Preservation Section referral dated August 29, 2017 (Stabler to Pompa).

The previous conditions of approval for SE-4529 have been addressed in this report and conditions recommended, as appropriate.

- E. **Request–Special Exception:** The applicant requests a special exception, as described in detail, in the amended SOJ dated August 1, 2017 for the following age-restricted uses (583 total dwelling units):

- 71 fee-simple single-family attached units (TH 28 feet wide)
- 62 fee-simple single-family detached units
- 108 condominiums in four multifamily buildings
- 150 independent living rental apartments
- An elderly care facility with 100 independent rental apartments, 60 assisted living units, and 32 care home units
- 5,000 square foot community center and outdoor swimming pool

- F. **Neighborhood and Surrounding Uses:**

The site is surrounded by the following uses:

- North—** Single-family detached residences in the R-E Zone and open space in the Residential Low Development (R-L) Zone
- East —** Single-family detached residences in the Mixed Use Community (M-X-C) Zone
- South—** Single-family detached residences in the Residential-Agricultural (R-A) Zone
- West—** Single-family detached residences in the Rural Residential (R-R) Zone

The neighborhood continues to be defined by staff and the applicant (amended SOJ), as it was by the District Council in SE-4529, by the following boundaries:

- North—** Open space owned by the Marleigh Community Association, Inc.; land owned by M-NCPPC; and three single-family homes
- East—** An open space parcel owned by the Fairwood Community Association, Inc.
- South—** US 50 (John Hanson Highway)
- West—** MD 193 (Enterprise Road)

- G. **Specific Special Exception Requirements:** The special exception required findings (Sections 27-317 and 27-395 of the Zoning Ordinance) were evaluated based on the record which includes referrals, site and landscape plans, a tree conservation plan, architectural elevations, a transportation circulation exhibit, and the following:



1. Amended Statement of Justification dated August 1, 2017,
2. Traditions at Beechfield Phase I & II Noise Analysis (August 28, 2017),
3. Statement of Justification for Impacts to Regulated Environmental Features (August 30, 2017),
4. Statement of Justification for Variance for Removal of Specimen Trees (August 30, 2017),
5. Traffic Impact Study Dated July 22, 2016,
6. A signed Natural Resources Inventory (NRI-041-08-01), and
7. Statement of Justification for Variance for Forest Enhancement Credit.

The following are the required findings for approval of a special exception, in general, with the Prince George's County Code cited in **bold** followed by staff comments.

**Section 27-317-Required findings.**

**(a) A special exception may be approved if:**

**(1) The proposed use and site plan are in harmony with the purposes of this Subtitle.**

The purposes of this subtitle include the following 15 requirements from Section 27-102 of the Zoning Ordinance. An analysis has been provided for each of the 15 requirements. Based on the analysis, the proposed planned retirement community, at the proposed location, has been deemed to be in harmony with the purposes of this Subtitle, as discussed below.

**Section 27-102. – Purposes.**

**(a) The purposes of the Zoning Ordinance are:**

**(1) To protect and promote the health, safety, morals comfort, convenience, and welfare of the present and future inhabitants of the County;**

With the conditions of approval recommended below, the proposed use and special exception plan will be in harmony with the purposes of the Zoning Ordinance. The purposes seek generally to protect and promote the health, safety, morals, comfort, convenience, and welfare of present and future inhabitants of the County. A planned retirement community, with a variety of residential uses, is proposed within and to serve a neighborhood that is largely residential.

As the population continues to age, providing residential options to senior citizens which are safer, comfortable, and designed to specifically address their convenience and welfare will become important. The *Plan*

*Prince George's 2035 Approved General Plan* (Plan Prince George's 2035) recognizes that the senior population is the fastest growing segment of the County's population and that these seniors will be seeking a diverse dwelling unit type that minimizes maintenance costs. The proposed uses will assist in providing high-quality housing and care options for seniors.

**(2) To implement the General Plan, Area Master Plans, and Functional Master Plans;**

The proposed project implements the vision and strategies of Plan Prince George's 2035 and the 2006 *Approved Bowie and Vicinity Master Plan and Sectional Map Amendment* (Bowie and Vicinity Master Plan and SMA), which call for context-sensitive infill, low- to medium-density development, and high-quality senior citizen housing, as discussed further. As such, the proposed development implements the recommendations of the master plan and General Plan, and as further set forth in the findings of this report, the applicant's amended SOJ dated August 1, 2017, the referral section, and in the record.

**Conformance with the 2017 Green Infrastructure Plan**

The site contains regulated and evaluation areas of the 2017 *Countywide Green Infrastructure Plan* (Green Infrastructure Plan), a County functional master plan. This area is comprised of a stream system with a very wide floodplain and an extensive wetland network. The area has been significantly impacted due to upstream development, specifically the installation of a culvert bridge in a subdivision north of the site. The placement of a culvert bridge in this area could further impact an already stressed stream system, which has shown significant degradation over the years due to high stormwater discharge, resulting in erosion and loss of vegetation within the wooded floodplain.

The current Green Infrastructure Plan does not map network gap areas, as the previous 2005 plan did. Instead, it allows for the opportunity to identify network gaps at a smaller scale through the land development process. Based on an evaluation of the site and the adjacent areas, the stream valley to the east is owned by the Fairwood Homeowners Association (HOA) and is protected by a platted conservation easement. The stream valley to the north is owned by the Marleigh HOA and is also protected by a platted conservation easement. The land area east of the Marleigh HOA easement and north of the subject site is a neighborhood park owned by M-NCPPC. The on-site stream system where these off-site streams meet, as well as its floodplain, present an opportunity to meet the environmental policies and strategies of the Bowie and Vicinity Master Plan and SMA and the Green Infrastructure Plan by establishing a contiguous ecological connection, limiting unnecessary disturbance, establishing woodlands, preserving and enhancing existing habitat, and possibly restoring parts of the stream valley naturally.

To accomplish this, the woodland conservation threshold must be met on-site. At a minimum, woodland should be enhanced and/or planted in the upland areas adjacent to the stream valley. Planting within the floodplain is not encouraged due to beaver activity.

As discussed, the applicant proposed forest enhancement and wetland mitigation. These areas will be fenced to ensure its successful progression. Most of the primary management area (PMA) will be preserved and placed in a protective conservation easement. Subject to the conditions recommended, the special exception is found to conform to the Green Infrastructure Plan.

### **Conformance to the Master Plan of Transportation**

The special exception application has been reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), a functional master plan, and the appropriate area master in order to implement planned trails, bikeways, and pedestrian improvements.

The MPOT and area master plan recommend a shared-use sidepath and designated bike lanes along MD 193 (see MPOT map). The MPOT includes the following text regarding this recommendation:

**MD 193 Shared-Use Side path and Designated Bike Lanes: Provide continuous pedestrian and bicycle accommodations along MD 193 with either a wide sidewalk or side path for pedestrians and recreational cyclists, and wide curb lanes, bike lanes, or shoulders for on-road bicyclists. MD 193 is a major east/west corridor in northern Prince George's County and provides access to many schools, parks, and commercial areas. Pedestrian safety along the corridor is a concern and the provision of facilities to safely accommodate pedestrians and bicyclists is a priority. (page 26)**

The Transportation Planning Section recommends the construction of a shared-use sidepath along the site's frontage of MD 193. This is consistent with frontage improvements made to the north of the site along the frontage of the Marleigh development. Designated bike lanes can be provided within the dedicated right-of-way at the time of road resurfacing or improvement.

The MPOT reaffirms the need for sidewalks within new developments, and as frontage improvements are made, by including several policies related to pedestrian access and the provision of sidewalks. The Complete Streets section includes the following policies regarding sidewalk construction, the accommodation of pedestrians, and provision of complete streets:

**Policy 1: Provide standard sidewalks along both sides of all new road construction.**

**Policy 2: All road frontage improvements and road capital improvement projects shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.**

Sidewalks are provided along both sides of most roads. Staff recommends that sidewalks be provided on both sides of all public streets and private streets, unless pedestrian and vehicular conflict would occur where townhouse driveways are located. One additional sidewalk and crosswalk connection is recommended along Private Road CT-A that will connect the elderly care facility with the proposed sidewalk along Public Road A.

Subject to the findings and conditions recommended, the special exception is found to conform to the MPOT.

**(3) To promote the conservation, creation, and expansion of communities that will be developed with adequate public facilities and services;**

Public facilities include transportation, recreational facilities, water and sewer service, police, and fire and rescue services. The transportation and recreational facilities are discussed further in this report.

In a referral dated August 25, 2017, the Special Projects Section offered the following comments on fire, rescue, police, and school public facilities:

- a. The current police facilities are adequate to serve the project.
- b. The proposed project is served by Glenn Dale Fire/EMS, Company 818, a first-due response station (a maximum of seven minutes travel time) located at 11900 Glenn Dale Boulevard. The Deputy Fire Chief, Dennis C. Wood, Emergency Services Command of the Prince George's County Fire/EMS Department, stated in writing that, as of August 24, 2017, the project is within a seven-minute travel time from the first due station.
- c. There are no Prince George's County Capital Improvement Plan projects for public safety facilities proposed near the subject site.
- d. The special exception has been reviewed for impact on school facilities, and staff concludes that the project is exempt from a review for schools because it is a planned retirement community.
- e. The 2008 *Water and Sewer Plan* placed this property in water and sewer Category 4, Community System Adequate for Development.

Based on the analysis and findings contained in this report, adequate public facilities will exist.

**(4) To guide the orderly growth and development of the County, while recognizing the needs of agriculture, housing, industry, and business;**

The proposed project implements the vision and strategies of Plan Prince George's 2035 and the Bowie and Vicinity Master Plan and SMA, which call for context-sensitive infill, low- to medium-density development, and high-quality senior citizen housing. Growth in areas planned for growth can help reduce development pressure in areas planned for resource or agricultural preservation. The proposed land use is a permitted use in the R-E Zone and is consistent with the recommendations of the master plan for this area, as set forth in this report and the applicant's amended SOJ dated August 1, 2017.

**(5) To provide adequate light, air, and privacy;**

The proposed planned retirement community has been designed to provide adequate light, air, and privacy by preserving open space on-site and including buildings that do not exceed four stories in height.

The development will conform to the requirements for tree canopy coverage (Subtitle 25), the Prince George's County Woodland Conservation and Wildlife Habitat Ordinance (WCO), the 2010 *Prince George's County Landscape Manual* (Landscape Manual), and the Zoning Ordinance, as applicable. Conformance with these requirements will ensure that the special relationships proposed will provide for adequate open space, and provide appropriate buffers both internally and with abutting properties and streets.

**(6) To promote the most beneficial relationship between the uses of land and buildings and protect landowners from adverse impacts of adjoining development;**

A planned retirement community, with a variety of residential uses, is proposed within and to serve a neighborhood that is largely residential. The applicant has proposed a variety of land uses with over 40 acres of open space and preservation of environmental features. The special relationship proposed between the open space and built environment on-site and on abutting properties takes advantage of proposing the high-density multifamily dwelling abutting US 50 and MD 193, and gradually reducing density abutting properties to the east and north, and as further described in the applicant's amended SOJ dated August 1, 2017.

**Noise**

The site has frontage along US 50 (a master-planned freeway), as well as frontage on MD 193 (a master-planned arterial roadway), both of which are regulated for noise.

A Phase I and II noise report dated August 28, 2017 was prepared by Phoenix Noise & Vibration, LLC. The study considered roadway noise from US 50 and MD 193, and was based on on-site sampling and computer modeling. The study determined that nearly the entire site will be exposed to unmitigated noise levels above 65 dBA Ldn at ground level, and that the entire site will be exposed to unmitigated noise levels above 65 dBA Ldn at upper levels.

It should be noted that reducing exterior noise impacts above 75 dBA Ldn to an interior level of 45 dBA Ldn usually requires significant modifications to typical standard residential building construction at a considerable cost, and that the higher the noise impact is above 75 dBA Ldn, the more difficult and expensive the modifications will be to achieve 45 dBA Ldn. Unmitigated upper-level noise levels between 75 and 80 dBA Ldn have been identified for portions of all four proposed multifamily buildings currently shown closest to US 50. The report indicates that a detailed evaluation of the building shell construction was not completed because builders have not yet been selected and architectural drawings are not yet available. However, Drawing 7 of the report shows building surfaces with future noise impact levels shown, as well as an outline of enhanced building materials. All proposed residential buildings will require further analysis in the form of a building shell analysis to determine what specific modifications to building architecture and materials will be necessary to maintain interior noise levels below the state standard of 45 dBA Ldn. Shielding of other buildings shall not be considered. All building permits will be required to include a certification by a professional engineer with competency in acoustical analysis, based on a building shell analysis and the building materials included in the permit, stating the noise source(s), the sequence of construction (if any), that building shells of structures have been designed to reduce interior noise levels to 45 dBA Ldn or less, and that the building materials provided in the permit package meet the requirements specified in the building shell analysis.

The report indicates that mitigation of outdoor activity areas to below 65 dBA Ldn, for the currently proposed site layout, would require a noise barrier between 26 and 32 feet high and run the entire length of the southern property line, with portions located beyond the southern and eastern property lines. The report states that this option is not reasonable or feasible and suggests an alternative method of evaluating outdoor noise levels based on an average daytime noise level analysis (Leq). The report states that the mitigation goal should be to achieve 66 dBA Leq because this is the level used by the Maryland State Highway Administration (SHA) when determining noise impact for a roadway project. Ldn is the day-night average noise level, averaged over a 24-hour period, and includes a 10 dB 'penalty' to sound levels measured from 10:00 p.m. to 7:00 a.m. The Ldn measurement is the state standard that is used for evaluation of development projects in the County. Leq is the equivalent-continuous integrated sound level, averaged over a given time period. The Leq used for this report was measured from 7:00 a.m. to

10:00 p.m. Staff agrees with the use of the Leq in this instance, due to the site constraints and the development layout proposed, with mitigation.

The report indicates that, at a meeting on May 16, 2017, the noise barrier shown on Drawing 6 of the report was presented and that it was agreed upon by staff and the applicant that this noise barrier is not a feasible or desired option. Staff requested that a noise report be provided to demonstrate that noise mitigation could be accomplished and how it would be done.

The noise report submitted has demonstrated mitigation of outdoor activity areas based on Leq measurements. The report indicates that outdoor activity areas for the proposed pool, as well as the rear of a stick of townhouses (Lots 9–12) and the side of another stick of townhouses (Lot 8), would require mitigation. The report indicates that localized noise barriers surrounding the pool and on the back and side of the proposed townhouse lots would mitigate these areas to below 66 dBA Leq, which is acceptable.

The report also provides a brief evaluation of noise with respect to the state standard of 65 dBA Ldn. Drawing 6 of the noise report shows the location of three noise barriers; one 32 feet high and the other two at 26 feet high. The report indicates that the barriers would be needed to mitigate outdoor activity areas on the site to below the 65 dBA Ldn standard. The report then lists the following reasons why the barriers were not pursued:

- A significant height requirement for the barriers with respect to the change in elevation from US 50;
- A portion of the barrier would be beyond the southern property line (on SHA property) to avoid having the noise barrier cross the stream;
- And a portion of the barrier would be beyond the eastern property line.

Staff would like to note that at least one other development within close proximity to the subject site (along US 50) was subject to noise considerations and mitigation efforts, has been built, and homeowners have complained of noise. While the County has not yet adopted an official noise regulation with respect to new development, the policy has been to evaluate noise and mitigate to an extent practicable, based on site constraints, layout, and use (building type).

Based on the submitted information and the recommended conditions, the environmental-related findings of a special exception will be met.

- (7) To protect the County from fire, flood, panic, and other dangers;**

The site has been designed to preserve the natural environmental features, such as wetlands and floodplain, while allowing development in areas that are suitable for development. Development will be subject to review for erosion and sediment control and stormwater management to ensure that development of this site will not result in on-site or downstream flooding. Building sprinklering will be addressed at the time of building permit.

#### **Erosion and Sediment Control**

The County requires the approval of an erosion and sediment control plan. The TCP must reflect the ultimate limits of disturbance, not only for installation of permanent site infrastructure, but also for the installation of all temporary infrastructure, including erosion and sediment control measures. A copy of the erosion and sediment control technical plan must be submitted so that the ultimate limits of disturbance for the project can be verified and shown on the TCP. Prior to issuance of the first permit, the erosion and sediment control plan shall be submitted. The limits of disturbance shall be consistent between the plans.

#### **Stormwater Management**

The proposed special exemption plan meets the intent of the Stormwater Management Concept Plan, 21432-2016, submitted on May 13, 2016 (related Concept Plan 4665-2005-00 originally approved on February 14, 2005). The proposed project will require environmental site design, to the maximum extent practicable, in accordance with the requirements of the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). An approved site development fine grading permit from DPIE is required to include environmental site design, to the maximum extent practicable. All stormwater management facilities/drainage systems are to be constructed in accordance with the Prince George's County Department of Public Works and Transportation (DPW&T) and the Department of the Environment's (DoE) requirements. Approval of all facilities is required prior to permit issuance.

Based on the findings contained in this report and the applicant's amended SOJ dated August 1, 2017, protection will be provided.

#### **(8) To provide sound, sanitary housing in a suitable and healthy living environment within the economic reach of all County residents;**

The following mix of residential uses is proposed for the Traditions at Beechfield–Enterprise Road project:

- 74 fee-simple single-family attached units
- 60 fee-simple single-family detached units
- 108 condominiums in 4 multifamily buildings



- 150 independent living rental apartments
- An elderly care facility with 100 independent rental apartments, 60 assisted living units, and 32 care home units

The mix of residential uses proposed for the project will be available within a range of price points, which should maximize the opportunity for senior residents of the County to access Traditions at Beechfield–Enterprise Road. There will be rental and ownership options.

**(9) To encourage economic development activities that provide desirable employment and a broad, protected tax base;**

With the addition of an elderly care facility to include 100 independent rental apartments, 60 assisted living units, and 32 care home units, this project will provide desirable employment options, while expanding the County’s tax base.

**(10) To prevent the overcrowding of land;**

The project is thoughtfully planned, impacts to on-site natural resources have been minimized, and an invasive species management plan and forest enhancement are proposed. The development conforms to the maximum densities and does not exceed the allowable 8 dwelling units per gross track area with 583 dwelling units proposed, to prevent the overcrowding of land consistent with the recommendations of the master plan and General Plan.

**(11) To lessen the danger and congestion of traffic on the streets, and to insure the continued usefulness of all elements of the transportation system for their planned functions;**

The Transportation Planning Section found, in its referral dated May 3, 2017 (Masog to Pompa), that all critical intersections will operate acceptably under total traffic in both peak hours. The referral noted that, while delay is high at both unsignalized intersections, the approach volumes are relatively low and each intersection passes the three-part test. A trip cap consistent with the trip generation assumed for the site, 83 AM and 115 PM peak-hour vehicle trips, will be recommended at the time of PPS.

The application is supported by a traffic study dated July 2016, provided by the applicant and referred to SHA, DPW&T, and DPIE. Comments from the County have been received and are included in the record. The findings and recommendations are based upon a review of materials and analyses conducted by the Transportation Planning Section, consistent with the “Transportation Review Guidelines, Part 1.”

The Transportation Planning Section finds, based on the analysis contained in the May 3, 2017 referral (Masog to Pompa), that the special exception use meets the required special exception finding and would not pose any unanticipated safety issues on adjacent roadways, subject to conditions.

**(12) To insure the social and economic stability of all parts of the County;**

The proposed planned retirement community is within an area of the County designated for growth and characterized by residential development. The neighborhood will be well served by the proposed use, which will serve the needs of the retirement-aged community through rental and ownership options that allow residents to age in place. With the addition of an elderly care facility to include 100 independent rental apartments, 60 assisted living units, and 32 care home units, this project will provide desirable employment options that will expand the County's tax base and contribute to the County's economic and social stability.

**(13) To protect against undue noise, and air and water pollution, and to encourage the preservation of stream valleys, steep slopes, lands of natural beauty, dense forests, scenic vistas, and other similar features;**

The project is thoughtfully planned, impacts to on-site natural resources have been minimized, and an invasive species management plan and forest enhancement are proposed as set forth in the Environmental Planning Section referral dated September 11, 2017 (Reiser to Pompa). Extensive stormwater management is proposed on-site to minimize water pollution. The site contains PMA that is proposed to be protected, to the extent practicable, as discussed further. Noise has been further evaluated and discussed in this report, as supported by the submittal of a Phase I and II noise study.

**(14) To provide open-space to protect scenic beauty and natural features of the County, as well as to provide recreational space; and**

The proposed project is preserving over 40 percent of the site as open space. The open space areas contain a wide variety of natural features. The applicant is proposing to enhance several of the existing wooded areas by removing invasive species (Bradford pear) and replanting with native, non-invasive species. The applicant also proposes wetland mitigation to off-set impacts for the stream crossing. The applicant is working with DPIE to find a stream crossing engineering solution that minimizes impacts to the stream and wetlands. To allow the applicant to minimize impacts, on August 3, 2017, DPIE issued a waiver allowing the Urban Secondary Residential Roadway 100.67 crossing the stream and wetlands to be modified from a 50-foot right-of-way width to a 38-foot right-of-way width. Based on the environmental analysis contained in this report, the applicant's amended SOJ, and the Environmental

Planning Section referral dated September 11, 2017 (Reiser to Pompa), the scenic and natural features (as they extend onto and off-site) have been protected. As discussed further, open space is being provided for recreational space to serve the residents.

**(15) To protect and conserve the agricultural industry and natural resources.**

This project is in an area of the County where growth is anticipated and planned via Plan Prince George's 2035 and the Bowie and Vicinity Master Plan and SMA. Allowing development in areas planned for growth, which has adequate existing infrastructure, can help reduce development pressure in areas planned for resource or agricultural preservation.

**Section 27-317(a) Required Findings Continued:**

**(2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle.**

The development has been reviewed for conformance to the additional following regulations, as applicable:

1. **2010 Prince George's County Landscape Manual**—Section 27-405.01(a)(7) of the Zoning Ordinance requires conformance to the buffering and screening requirements of the Landscape Manual, as set forth in the Urban Design referral dated May 5, 2017 (Bishop to Pompa). Prior to certification, the application must conform to the Landscape Manual, and an alternative compliance application was not filed with this application.
2. **Tree Canopy Coverage**—The subject project is not exempt from the Prince George's County Tree Canopy Coverage Ordinance, and should meet the requirements of the ordinance. Specifically, the minimum tree canopy coverage requirement for the R-E Zone is 20 percent. The plans should reflect the appropriate coverage amount and include a schedule showing the minimum requirements to meet the requirements for tree canopy coverage.

While revised landscaping plans were submitted by the applicant on August 1, 2017, the tree canopy coverage calculations were not revised. Prior to certification, the landscape plans should be revised to demonstrated compliance with the Tree Canopy Coverage Ordinance.

3. **Parking Regulations**—Section 27-568 of the Zoning Ordinance provides the parking requirements for the planned retirement community use. The applicant has included a parking schedule on Sheet 1 of the special exception plan that provides the parking rate for each use, multiplied by the number of units by use. The total required parking spaces for the use is 506, and the applicant proposes 969 spaces, which exceeds the requirement. Two loading spaces are required and two spaces are provided.

4. **Sign Regulations**—Signs are regulated by Part 12 of the Zoning Ordinance. The applicant has included sign location information on the special exception plan for the various uses on the site, which is adequate for the special exception application. Sign details will be reviewed at the time of building permit.
5. **Aviation Policy Area (APA)**—The subject property is partially located within Aviation Policy Area 6 (APA 6) for Freeway Airport, which should be indicated on the site plan. Part 10B, Division 1, of the Zoning Ordinance contains regulations for development within an aviation policy analysis zone (APA 6). The underlying density is the same as the underlying zone (Section 27-548.38) and there are no use or development restrictions. Section 27-548.39(b) requires that every application for permit and PPS shall demonstrate compliance with the height restrictions of Section 27-548.42(b). This section restricts the height of residential structures to no greater than 50 feet, unless the applicant demonstrates compliance with FAR Part 77 of the Federal Aviation Regulations. For that portion of the property located within APA 6, Section 27-548.43(a) requires a General Aviation Airport Environment Disclosure Statement to be included as an addendum to the contract for sale of any residential property. In addition, Section 27-548.43(b)(1) requires that subdivisions that have an HOA demonstrate, prior to approval of the final plat of subdivision, that the Declaration of Covenants for the property includes proper disclosure that the subdivision is within one mile of a general aviation airport. The recorded Declaration of Covenants, liber/folio, will be noted on the final plat. This requirement will be further reviewed at the time of PPS.

With the recommended conditions, the proposed use will be in conformance with all the applicable requirements and regulations of the Zoning Ordinance. The applicant has submitted additional or revised information throughout the review process. While there are a number of issues to be addressed prior to special exception plan certification, none of the required revisions are anticipated to be fatal to the project if addressed.

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

The proposed project implements the vision and strategies of Plan Prince George's 2035 and the Bowie and Vicinity Master Plan and SMA, which call for context-sensitive infill, low- to medium-density development, and high-quality senior citizen housing. The proposed land use is consistent with the master plan and applicable functional master plans.

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

Based on the review contained within this report and the applicant's amended SOJ, including an analysis of the studies filed and set forth in the referral documents in the record, there are no adverse impacts identified that are not addressed through the recommended conditions.

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

The proposed planned retirement community is within an area of the County designated for growth and characterized by residential development. The neighborhood will be well served by the proposed use, which will serve the needs of the retirement-aged community through rental and ownership options. The development has been designed to conform to all applicable regulations, with conditions which are in place to offset any detrimental effects. The land use proposed is a permitted use in the zone.

**(6) The proposed site plan is in conformance with an approved Type 2 Tree Conservation Plan.**

This site is subject to the provisions of the WCO because there is an approved Type I Tree Conservation Plan, TCPI/07/99, associated with the site. As currently required for special exception applications, a Type 2 Tree Conservation Plan (TCP2-014-2017) was submitted with the subject application. There are a number of revisions necessary to the TCP prior to certificate approval, as conditioned in the Recommendation section of this report.

The woodland conservation threshold for this 83.68-acre property is 25 percent of the net tract area or 15.28 acres. The total woodland conservation requirement, based on the amount of clearing proposed, is 19.90 acres. This requirement is proposed to be satisfied with 6.42 acres of on-site preservation, 1.28 acres of on-site reforestation, 2.09 acres of landscape credits, 5.89 acres of forest/habitat enhancement (typically credited at 0.25:1), and the remainder of the requirement is proposed to be met with off-site woodland conservation credits. The applicant has shown the 5.89 acres of forest/habitat enhancement at a 1:1 credit ratio and has submitted a variance application, including an SOJ to support the request. The variance for forest habitat enhancement credits is evaluated below.

The Environmental Planning Section has reviewed the site plans for Special Exception SE-4785 and Type 2 Tree Conservation Plan TCP2-014-2017 and finds that the site plan is in conformance with the TCP2, with conditions.

**(7) The proposed site plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

A signed Natural Resources Inventory (NRI-041-08-01) was submitted with the application. The site contains 100-year floodplain, wetlands, streams, and steep slopes that comprise the PMA. A forest stand delineation was updated with the -01 revision to the NRI and indicates the presence of three forest stands labeled as Stands A, B, and C and 100 specimen trees identified on the site.

**Regulated Environmental Features**

This site contains regulated environmental features that are required to be preserved and/or restored to the fullest extent possible. The on-site regulated environmental features include streams, stream buffers, wetlands, wetland buffers, 100-year floodplain, and steep slopes. Section 27-296(c)(1)(L) of the Zoning Ordinance requires the submittal of “A statement of justification describing how the proposed design preserves and restores the

regulated environmental features to the fullest extent possible.” An SOJ and exhibit were submitted and reviewed as part of this application.

Impacts to the regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for stormwater management facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the regulated environmental features. Stormwater management outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, stormwater management facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with the County Code.

An SOJ for the proposed impacts was stamped as received by the Environmental Planning Section on August 1, 2017. The special exception proposes impacts to the PMA in order to install a road and utility crossing, a water line loop connection, storm drain outfalls, sewer connection, and minimal site grading. These impacts total 76,523 square feet (1.76 acres) of PMA impact and are considered necessary to the orderly development of the subject property. These impacts cannot be avoided because they are required by other provisions of the County and State codes. The plan shows the preservation, restoration, and enhancement of the remaining areas of PMA.

The SOJ and associated exhibits reflect five proposed impacts to regulated environmental features associated with the proposed redevelopment; however, minor encroachments into the PMA are shown on the TCP2 and have not been requested, and the temporary impacts associated with wetland mitigation and forest/habitat enhancement areas has not been accounted for. These impacts will need to be evaluated at the time of PPS. According to the approved NRI, the 83.68-acre site contains a total of 30.04 acres of existing PMA (approximately 36 percent of the site).

#### **Impact 1–Outfall**

This request totals 510 square feet (0.01 acre) and is for the installation of a stormwater management outfall. This PMA disturbance will affect wetland buffer. The location of the outfall has been designed to discharge into existing areas of conveyance in order to meet best practices and route discharge back to the stream, while limiting erosion at the discharge point. Staff supports Impact 1 for the proposed outfall.

#### **Impact 2–Outfall, Grading, and Sewer Connection**

This request totals 5,248 square feet (0.12 acre) and is for the installation of a stormwater management outfall, grading, and a sewer connection. The grading is associated with the installation of a micro-bioretenion facility and will disturb steep slopes. The outfall and sewer connection will disturb wetland buffer. The sewer connection will also impact floodplain. The location of the outfall has been

designed to discharge into existing areas of conveyance in order to meet best practices. The co-location of the sewer minimizes disturbance. The proposed grading is needed for the installation of a micro-bioretenention facility. Staff supports Impact 2 for the proposed outfall, grading, and sewer connection.

### **Impact 3– Road Crossing and Utility Connection**

This request totals 66,136 square feet (1.52 acres) of PMA and 204 linear feet of stream, and is for the installation of a road crossing with a co-located water line. This impact will affect wetlands, wetland buffers, stream, stream buffer, floodplain, and steep slopes. Several crossing designs were analyzed as part of this application. Many meetings were held with various stakeholders, including the applicant and their representatives and County agencies, to discuss this major impact to regulated environmental features and how the impact could be reduced. The location of the proposed crossing is at the narrowest portion of the floodplain and stream valley, and is the location of an old farm crossing that has been washed out.

In the SOJ, the applicant has analyzed three crossing options labeled as a standard crossing (Option 1), an environmental road crossing with culvert (Option 2), and an environmental road crossing with bridge (Option 3). The applicant is proposing to move forward with Option 2; the environmental road crossing with culvert. This option utilizes a reduced right-of-way section to minimize the permanent impacts associated with the crossing. The applicant has also designed the temporary impacts for construction access, to the minimum practicable. This option proposes to redirect the existing stream permanently in order to allow a crossing design that is perpendicular to the stream, as required by stormwater management regulations. The culvert is proposed to be constructed off-line and, once completed, and the stream will be redirected to flow through the culvert. Typically, streams are temporarily redirected while a culvert is installed and, once construction is complete, is allowed to flow back through its original channel. Allowing the channel to flow naturally during construction should reduce sedimentation in the stream during the construction process, and redirecting the stream permanently to run perpendicularly through the culvert is needed for proper culvert function.

Wetland and stream impacts are proposed to be mitigated on-site at 1:1 per the U.S. Army Corps of Engineers (USACE) and the Maryland Department of the Environment (MDE) requirements, and are subject to their permitting approval. These temporary impacts should be evaluated as part of the PPS. Staff supports Impact 3 for the proposed environmental road crossing with culvert and co-located water line.

### **Impact 4–Storm Drain Pipe**

This request totals 1,937 square feet (0.04 acre) and is for the installation of a storm drain pipe that is proposed to run from an inlet to a bioretention facility. This PMA disturbance will affect steep slopes. The proposed storm drain pipe is proposed to be located between several lots and an area that will be temporarily disturbed for the installation of forest/habitat enhancement. Staff supports Impact 4 for the proposed storm drain pipe installation.

### **Impact 5–Water Line Loop Connection**

This request totals 2,692 square feet (0.06 acre) of PMA and 21 linear feet of stream, and is for the installation of a water line loop connection. The installation of the pipe will disturb wetlands, wetland buffer, stream, and stream buffer. The water line connection is needed to maintain consistent water pressure and movement throughout the development. The proposed water line runs through an area that will be temporarily disturbed for the installation of forest/habitat enhancement. Staff supports Impact 5 for the proposed water line installation.

Based on the level of design information available at the present time, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the impact exhibits and the recommended conditions. The impacts are for the installation of a road and utility crossing, a water line loop connection, storm drain outfalls, sewer connection, and minimal site grading. Any additional temporary impacts for forest enhancement, or permanent impacts due to technical engineering requirements, shall be evaluated as part of the PPS.

At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated PMA, except for any approved impacts, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat.

Prior to issuance of any permits which impact wetlands, wetland buffers, streams or waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans. Based on the recommended conditions of approval contained within this report, the environmental-related findings of a special exception will be met.

The proposed application has made every effort to meet the integrity of the applicable master plan environmental recommendations, to the extent possible. The applicant proposes a major forest enhancement project to address the significant invasive population of Bradford pear. This project will include the removal of this and other invasive species in all accessible areas. These areas will be replanted with native species and serve as an educational attraction for residents and visitors.

The following are the requirements for the approval of the special exception for a planned retirement community in the R-E Zone, with the County Code cited in **bold** followed by staff comments.

### **Section 27-395 – Planned retirement community**

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

(1) **Findings for approval.**

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

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



The proposed planned retirement community is providing a variety of senior housing including single-family detached, single-family attached, independent multifamily, assisted living, and memory care. The wide variety of residential uses proposed will serve the needs of the retirement-aged community through rental and ownership options.

As stated in the amended SOJ dated August 1, 2017, the original approved special exception was found to meet the needs of the retirement-aged community just by providing two housing options (150 single-family attached and 250 condominium apartments). The proposed special exception expands the number of housing options. The proposed revision will introduce 62 single-family detached units to the housing mix. The proposed community will reduce the number of townhouses to 71, while adding the 62 single-family detached units. The proposed community will also provide a mix of 150 independent living rental apartments and 108 multifamily condominium units, rather than the 250 condominiums previously approved. The elderly care facility building will include 100 independent living apartments, 60 assisted living units, and 32 home care units, for a total dwelling unit count of 583 for the entire planned retirement community. The new variety in dwelling unit types will result in a variety of ownership interests. The additional housing options will better serve the senior housing market by providing the opportunity for seniors to age in place, accommodate seniors with different financial needs (rental vs. ownership) and allow a broader number of the existing community members to stay in the community as they age. For these reasons, staff finds that the proposed use will serve the needs of the retirement-aged community.

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

Traditions at Beechfield has been laid out to blend amicably with the highway use and residential character of the surrounding community, as it proposes a transitional land use format (i.e., from the highway to the south to detached single-family and open space to the north). The property is predominantly abutted by two major roadways (US 50 to the south and MD 193 to the west), which create a substantial barrier for properties further south and west. The eastern border of the property is largely undevelopable (except for the northeast corner), and abutting the northern property line is primarily homeowner open space associated with the Marleigh community. The effect upon the adjoining and surrounding properties would not be unique and different than is inherently associated with a planned retirement community in the R-E Zone. By proposing a variety of housing types, which is typical in a planned retirement community for aging in place, the applicant is able to transition the intensities with the highest density (multifamily) along the major roadways, then moving east from attached to single-family dwellings. The planned retirement community at this location does not create any adverse impacts on the health, safety, or welfare, on the surrounding community than the effects normally inherent with this use.

if it were located elsewhere in the R-E Zone, as described in the applicant's amended SOJ dated August 1, 2017 and in this report.

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

This is not applicable, as the subject property is located in the R-E Zone

**(2) Site plan.**

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

The primary traffic circulation patterns are shown on the special exception site plan and on an illustrative plan that has been provided showing a proposed secondary road system. The traffic circulation patterns have been analyzed and found to be acceptable, as set forth in the transportation finding of this report and in the applicant's amended SOJ dated August 1, 2017.

The applicant is proposing the use of a combination of public and private streets. The Zoning Ordinance and Subdivision Regulations require that each lot have frontage on and direct access to a public street, unless authorized pursuant to Subtitle 24, Subdivision Regulations. Section 24-128(b)(11) of the Subdivision Regulations provides for the use of private streets in the R-E Zone, subject to certain design standards, unless further modified by a variation with the PPS. The use of private streets and the specific standards will be address at that time as it relates to the on-site traffic circulation patterns.

Public streets are subject to approval by the operating agency and will be further reviewed at the time of PPS, where the dedication of public streets and the use of public streets will be determined.

**(3) Regulations.**

- (A) Regulations restricting the height of structures, lot size and coverage, frontage, setbacks, density, dwelling unit types, and other requirements of the specific zone in which the use is proposed shall not apply to uses and structures provided for in this Section. The dimensions and percentages shown on the approved site plan shall constitute the regulations for a given Special Exception.**

A Development Standards table has been provided on Sheet 1 of the special exception plan that provides for acceptable bulk standards for the project. The design standards provide for a built environment on the individual lots that results in less individual yard areas for the different housing types, which staff believes is appropriate in a planned retirement community. The standards and reduced lot sizes will result in less maintenance responsibilities on the individual lot owners, while providing ample common open space.

The lot standards table incorrectly indicates that modifications to the table can be requested at the time of DSP. In this case, a DSP is not required. Staff would recommend that the applicant revisit the lot standards table to provide some minor flexibility in lot size so that a minor deviation from the standard would not result in the need for a revision of the special exception site plan. Staff finds the lot sizes too ridged and should be rounded to the next whole number. For example, instead of a minimum lot size for a single-family dwelling of 4,797 square feet, as proposed, staff would recommend 4,800 square feet if it is determined that this modification will not result in an appreciable reduction in the amount of open space.

The applicant should clarify the maximum height, as it relates to the standard being modified “unless otherwise noted.” The height should be clearly established in the development standards. The applicant has not provided any standards for accessory structures and should. All lots should be subject to a standard for frontage on a street to avoid the requirement for easements or other covenants for private driveways across HOA open space to the private streets. The applicant should be aware that the development will be subject to the Landscape Manual (Section 27-328.02). Based on a referral memorandum dated May 5, 2017 (Bishop to Pompa), the plans do not reflect conformance to Sections 4.2, 4.3, 4.6, and 4.7 of the Landscape Manual, and must. Conformance could result in other modifications to the layout.

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

The property is approximately 83.91 contiguous acres.

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

The gross tract area is approximately 83.68 acres, and when multiplied by 8, equals 669 dwelling units. A total of 583 dwelling units are proposed, which is less than the 669 units allowed. A calculation and corresponding note shall be added to the special exception plan.

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

This is not applicable, as the subject property is located in the R-E Zone.

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

- (i) The gross tract area shall be a minimum of ninety (90) acres with at least twenty-five percent (25%) of its boundary adjoining residentially-zoned land or land used for residential purposes;**
- (ii) The property shall have at least one hundred fifty (150) feet of frontage on, and direct vehicular access to, a public street;**

- (iii) **All buildings shall be set back a minimum of seventy-five (75) feet from all nonresidentially-zoned boundary lines or satisfy the requirements of the Landscape Manual, whichever is greater; and**
- (iv) **The property shall be located within two (2) miles of mass transit, regional shopping, and a hospital.**
- (v) **In the I-3 and C-O Zones, townhouses shall comply with the design guidelines set forth in Section 27-274(a)(11) and the regulations for development set forth in Section 27-433(d).**

These requirements do not apply, as the property is located in the R-E Zone and not the Planned Industrial/Employment Park (I-3) Zone.

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

This requirement does not apply, as the property is located in the R-E Zone and not the I-3 or Commercial Office (C-O) Zones.

**(4) Uses.**

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

The amended SOJ dated August 1, 2017 includes the following information, which addresses the requirements contained in Section 27-395(a)(4)(A) of the Zoning Ordinance:

“The proposed Planned Retirement Community will include a community center with approximately 5,000 square feet. The community center will include a pool. The Smith/Packett facility will include its own amenities as well, including a putting green and bocce ball court. Internal to the Smith/Packett facility will be additional amenities, including an elegant dining room, theater, pub, on-site fitness center, library/computer lab and a beauty/barber shop. In addition to these amenities, residents of the Smith/Packett facility will also enjoy a state-of-the-art emergency call system, a 24-hour concierge, scheduled transportation services to shopping and medical services as well as weekly housekeeping and apartment maintenance.”

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

The Smith/Packett facility is proposed to have a beauty/barber shop included to provide services to the residents. No medical uses or health care services, other than those associated with the assisted living facility, are proposed.

**(5) Residents' age.**

- (A) Age restrictions in conformance with the Federal Fair Housing Act shall be set forth in covenants submitted with the application and shall be approved by the District Council, and filed in the land records at the time the final subdivision plat is recorded.**

According to the amended SOJ, age restrictions will be established through the recordation of covenants in the land records of Prince George's County. A copy of a draft covenant was included in the submittal package as Exhibit A, for approval by the District Council. A condition requiring that the age-restricted covenants be approved by the District Council and filed in the land records of Prince George's County has been recommended. To ensure notice to future owners, the liber and folio of the covenants is recommended to be reflected on the final plat prior recordation.

**(6) Recreational facilities.**

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

The SOJ indicates that the community will have an HOA, which will ensure the maintenance of all common areas, including the community center and the associated recreational amenities. A condition requiring that the covenants for the perpetual maintenance of recreational facilities and the community's right to use the facilities be approved by the District Council and filed in the land records of Prince George's County, prior to record plat, has been recommended. The applicant submitted a copy of the draft Declaration of Covenants with the application, as required.

- H. **Variances:** The following two variances are requested with this application. A variance for the removal of specimen trees (Section 25-122(b)(1)(G)) and a variance to allow additional forest habitat enhancement credits (Section 25-122(d)(5)(A)) above that normally allowed. Staff has evaluated the variances based on the findings below and recommends approval.

1. **Specimen Tree Removal**—Type 2 tree conservation plan applications are required to meet all of the requirements of Subtitle 25, Division 2, which includes the preservation of specimen trees (Section 25-122(b)(1)(G)). Every effort should be made to preserve the trees in place, considering the different species' ability to withstand construction disturbance (refer to the Construction Tolerance Chart in the Environmental Technical Manual for guidance on each species' ability to tolerate root zone disturbances).

If there remains a need to remove any of the specimen trees, after careful consideration has been given to the preservation of the specimen trees, a variance from Section 25-122(b)(1)(G) is required. Applicants can request a variance from the provisions of Division 2 of Subtitle 25, the WCO, provided all of the required findings in Section 25-119(d) can be met. An application for a variance must be accompanied by an SOJ stating the reasons for the request and how the request meets each of the required findings. A Subtitle 25 Variance Application and SOJ in support of a variance were stamped as received by the Environmental Planning Section on February 13, 2017.

The SOJ requests the proposed removal of 47 of the existing 101 specimen trees located on-site. Specifically, the applicant seeks to remove Trees 1–6, 11–12, 50–56, 61–66, 68–70, 76–80, 83–98, and 101. The TCP and Specimen Tree Removal exhibit show the location of the trees proposed for removal. A majority of the trees proposed to be removed are species that are not tolerant of construction, such as yellow poplar, and/or are in fair to poor condition. A majority of the trees proposed to be removed are also located centrally on the site, within the most developable area of the site. The site design has been slightly modified from the original submittal in an effort to preserve more specimen trees; however, the need remains to remove 47 trees for the current site design.

Staff supports the removal of 47 specimen trees based on the findings below; however, several specimen trees are proposed to remain within close proximity of the proposed limit of disturbance. Trees 7, 57–60, 67, and 71–75 should be monitored during and after the construction process to ensure their long-term survival.

**(A) Special conditions peculiar to the property have caused the unwarranted hardship;**

The property is 83.68 acres and contains approximately 30.04 acres of PMA comprised of streams, wetlands, floodplain, buffers, and steep slopes. This represents approximately 36 percent of the overall site area, which limits the developable area. The developable area is further restricted by an existing cemetery. These existing conditions are peculiar to the property. Specimen trees have been identified in both the upland and lowland PMA areas of the site. The applicant is proposing to remove a majority of the open grown specimen trees and a few along the edge of woodland. To further restrict development of the non-wooded upland areas of the site would cause unwarranted hardship.

**(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas;**

The proposed retirement community includes housing options that align with the uses permitted in the R-E Zone, as well as the vision for such zones as described in the master plan. Based on the unique characteristics of the property, enforcement of these rules would deprive the applicant of the right to develop the property in a similar manner to other properties zoned R-E in the area.

**(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants;**

If other constrained properties encounter trees in similar locations on a site, the same considerations would be provided during the review of the required variance application.

**(D) The request is not based on conditions or circumstances which are the result of actions by the applicant;**

The existing site conditions or circumstances, including the location of the specimen trees, are not the result of actions by the applicant.

**(E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and**

The request to remove the trees does not arise from any condition on a neighboring property.

**(F) Granting of the variance will not adversely affect water quality;**

All proposed land development activities will require sediment control and stormwater management measures, to be reviewed and approved by the County.

Prior to certification of the TCP2, a specimen tree management plan and monitoring schedule shall be added to the TCP2 to outline the maintenance requirements for the long-term survival of the following trees: 7, 57–60, 67, and 71–75.

The required findings of Section 25-119(d) have been adequately addressed for the removal of Specimen Trees 1–6, 11–12, 50–56, 61–66, 68–70, 76–80, 83–98, and 101.

2. **Forest Habitat Enhancement Credit**—An SOJ in support of a variance request from Section 25-122(d)(5)(A) of the WCO was stamped as received on August 30, 2017. The request is to allow additional forest/habitat enhancement credits above the 0.25:1 ratio allowed by the County Code. Specifically, the applicant is requesting a 1:1 credit ratio.

The areas proposed for enhancement credits exceed over 90 percent of invasive species in those areas. Typical eradication methods for selective treatment would be costly and will likely not be successful. The applicant proposes to mechanically clear the areas to replant with native vegetation, and provide a four-year management plan which includes the standard reforestation management, as well as invasive species management. Notes and specifications regarding invasive species management have been provided on the TCP2. Section 25-122(d)(5)(B) states:

**Security: To receive credit for habitat enhancement a five-year management plan must be prepared as part of the TCP2 following the guidelines provided in the Technical Manual. If the additional credit is sought, habitat enhancement shall be bonded at an amount determined according to the direction provided in the Technical Manual and the proposed management plan activities.**

The bond amount will be determined at the time of permit, in accordance with the Environmental Technical Manual.

Section 25-119(d) of the WCO contains six required findings [text in **bold**] to be made before a variance can be granted. The SOJ submitted seeks to address the required findings for additional forest/habitat enhancement credits.

**(A) Special conditions peculiar to the property have caused the unwarranted hardship**

This property has been dormant for the past several years and the previous agricultural fields have begun to regenerate; this regeneration consists almost exclusively of invasive Bradford and/or Calorie pear. The extensive amount of invasive species on the site is a peculiar site condition.

**(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas**

Removal of invasive species is encouraged for the overall health of a site ecosystem. Due to the significant amount of invasive species located in the areas proposed for additional enhancement credit, the cost of removal, replacement, and management warrant additional credits.

**(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants**

If other properties containing such a significant amount of invasive species occur, the same considerations would be provided.

**(D) The request is not based on conditions or circumstances which are the result of actions by the applicant**

The existing conditions or circumstances are not the result of actions by the applicant.

**(E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property**

The request for additional enhancement credits does not arise from any condition on a neighboring property.

**(F) Granting of the variance will not adversely affect water quality**

All proposed land development activities will require sediment control and stormwater management measures, to be reviewed and approved by the County.



The required findings of Section 25-119(d) have been adequately addressed for the granting of forest/habitat enhancement credit at a 1:1 ratio. At the time of grading permit for the forest/habitat enhancement area shown on the TCP2, the bond amount for the forest/habitat enhancement area shall be determined in accordance with the Environmental Technical Manual.

The required findings of Section 25-119(d) have been adequately addressed for the granting of forest/habitat enhancement credit at a 1:1 ratio.

- I. **Zone Standards:** Per Section 27-395(a)(3)(A) of the Zoning Ordinance, regulations restricting the height of structures, lot size and coverage, frontage, setbacks, density, dwelling unit types, and other requirements of the specific zone in which the use is proposed shall not apply to uses and structures provided for in this Section. The dimensions and percentages shown on the approved site plan shall constitute the regulations for a given special exception.

A Development Standards table has been provided on Sheet 1 of the special exception plan that provides for acceptable bulk standards for the project. As indicated in the findings above (Section 27-395(a)(3)(A)), staff recommends several revisions to the bulk regulations tables prior to certification.

- K. **Referrals:** The following additional referral comments were received for the special exception application and set forth in the record in referral memorandums:

1. **Plan Prince George's 2035**—This property is located in an area that is designated as an Established Community on the Plan Prince George's 2035 Growth Policy Map. Established Communities are areas appropriate for context-sensitive infill and low- to medium-density development.

**Sector Plan:** The 2006 Bowie and Vicinity Master Plan and SMA describes the proposed project as within the Pointer Ridge Mixed-Use Activity Center, described on page 11 of the master plan. The plan recommends the following strategies:

1. **Active senior citizen developments should be provided according to the following design guidelines:**
  - a. **Development should be located to provide easy access to commercial and cultural centers of the Bowie and vicinity planning area.**
  - b. **Development should include linkages to shopping and services in the Bowie Regional Center or mixed-use activity centers.**
  - c. **Development should be of sufficient size to provide amenities, such as indoor parking or garages, gardens, plazas, swimming pools or common eating areas. and provide a mix of land uses to promote around-the-clock activity.**
  - d. **Development should have direct access to a collector road or greater to allow easy access for emergency medical services.**

- e. **Development should be served by public transit or shuttle buses to shopping and services in the Bowie Regional Center or mixed-use activity centers.**
- f. **Prior to approval of new development, a market analysis should be conducted that evaluates and satisfactorily demonstrates the need for senior housing within one mile of a proposed site.**
- g. **Development should occur at locations in accordance with the guidelines of the Bowie and Vicinity Master Plan and/or at locations deemed appropriate by the District Council.**
- h. **Senior housing should be provided in locations proximate to existing residential communities.**
- i. **All such active senior adult residential development should be subject to site plan review.**

The proposed planned retirement community project implements the vision and strategies of Plan Prince George's 2035 and the Bowie and Vicinity Master Plan and SMA, which call for context-sensitive infill, low- to medium-density development, and high-quality senior citizen housing. The applicant's amended SOJ dated August 1, 2017 and the submitted site, landscape, and circulation plans address the design standards recommended above.

2. **Subdivision Section**—A referral dated March 16, 2017 (Conner to Pompa) contains additional recommendations that should be addressed and have been included in the Recommendation section of this report. A PPS is required for the division of this property into lots and parcels from the previous single-parcel condominium regime. Additional review related to adequate public facilities, noise, and archeology will be evaluated at that time.

The Subdivision Section also noted that failure of the site plan and record plat to match (including bearings, distances, and acreage) will result in permits being placed on hold until the plans are corrected.

3. **Environmental Planning Section**—The Environmental Planning Section has reviewed the special exception application and provided a memorandum dated September 11, 2017 (Reiser to Pompa) that included the additional findings for approval of the special exception:

#### **Background**

The Environmental Planning Section previously reviewed the following applications and associated plans for the subject site:

Review Case Number	Associated Tree Conservation Plan Number	Authority	Status	Action Date	Resolution Number
SE-4529	TCPI-07-99	District Council	Approved	3/24/2008	ZO No. 8-2008
4-08043	TCPI-07-99-02	Planning Board	Approved	12/18/2008	08-193
NRI-041-08	N/A	Planning Director	Approved	8/29/2008	N/A
NRI-041-08-01	N/A	Planning Director	Approved	10/20/2015	N/A
DSP-09008	N/A	Planning Board	Pending (to be withdrawn)	N/A	N/A

### **Grandfathering**

The project is subject to the environmental regulations contained in Subtitles 24, 25, and 27 of the County Code that came into effect on September 1, 2010 because the project requires a new PPS.

### **Site Description**

The 83.68-acre property in the R-E Zone is located in the northeast quadrant of MD 193 (Enterprise Road) and the US 50 (John Hanson Highway) overpass. A review of available information, and as shown on the approved NRI, indicates that 100-year floodplain, wetlands, streams, and steep slopes are found to occur on the property. The site does not contain any wetlands of special state concern. The site is located in the Northeast Branch watershed, as identified by the Prince George's County Department of the Environment, and within the Western Branch watershed of the Patuxent River basin, as identified by the Maryland Department of Natural Resources (DNR). The Northeast Branch is identified in the Bowie and Vicinity Master Plan and SMA as a secondary corridor. The Western Branch is identified by DNR as a stronghold watershed. The on-site stream is not a Tier II water, nor is it within a Tier II catchment. The predominant soils found to occur, according to the U.S. Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS), and Web Soil Survey (WSS), include the Adelphia-Holmdel, Collington-Wist, Collington-Wist-Urban land, Udorthents, and Widewater and Issue soils. According to available information, Marlboro and Christiana clays are not found to occur on this property. According to available information from the DNR Natural Heritage Program, rare, threatened, and endangered species are not found to occur on-site. The site fronts on MD 193, an MPOT designated arterial roadway, and fronts on US 50, a designated freeway. Both roadways are regulated for noise, with respect to residential uses. Enterprise Road is an historic roadway in the vicinity of this property. According to the Green Infrastructure Plan, the site contains regulated areas and evaluation areas. The site is located within the Established Communities of the Growth Policy Map and Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map, as designated by Plan Prince George's 2035.

### **Previously Approved Conditions**

The subject site has previously-approved development applications; however, the current proposal is considered a new special exception application. The previously-approved conditions of approval are not applicable to this application and no previously-approved conditions will be carried forward.

### **Master Plan Conformation and Conformance with the Required Findings for a Special Exception**

The site is located within the Bowie and Vicinity Master Plan and SMA. It is mapped as regulated and evaluation areas within the Green Infrastructure Plan. The application is subject to the required findings for a special exception, including demonstration of preservation and/or restoration of the regulated environmental features in a natural state, to the fullest extent possible. The project is subject to the provisions of the WCO, as well as the current 100-year Floodplain Ordinance, stormwater management regulations, and erosion and sediment control requirements.

### **Bowie and Vicinity Master Plan and SMA**

The Bowie and Vicinity Master Plan and SMA contains environmentally-related policies and strategies that are applicable to the subject application.

### **Policy 1: Protect, preserve and enhance the identified green infrastructure network within the master plan area.**

#### **Strategies:**

- 1. Use designated green infrastructure network to identify opportunities for environmental preservation and restoration during the development review process.**

The site contains regulated and evaluation areas of the Green Infrastructure Plan that are comprised of streams, wetland, and floodplain. The most significant impact to this area is for a stream crossing accessing the northeast portion of the site. The applicant is proposing to enhance several of the existing wooded areas by removing invasive species (Bradford pear) and replanting with native, non-invasive species. In addition to forest enhancement of the green infrastructure areas, the applicant also proposes wetland mitigation in lieu of impacts for the stream crossing.

- 2. Protect primary corridors (Patuxent River and Collington Branch) during the development review process to ensure the highest level of preservation and restoration possible, with limited impacts for essential development elements. Protect secondary corridors (Horsepen Branch, Northeast Branch, Black Branch, Mill Branch, and District Branch) to restore and enhance environmental features and habitat.**

Map 7 (page 188) of the Bowie and Vicinity Master Plan and SMA identifies the on-site stream system as a secondary corridor, which is the main stem of the Northeast Branch within the Western Branch watershed. Restoration is being provided, to the extent possible, by providing wetland creation and forest enhancement in existing degraded areas.

- 3. Carefully evaluate land development proposals in the vicinity of identified Special Conservation Areas (SCA) (the Beltsville Agricultural Research Center to the north, along with the Patuxent Research Refuge; Belt Woods in the western portion of the master plan area; and the Patuxent River) to ensure that the SCAs are not impacted and that connections are either maintained or restored.**

This site is not located within, or in the vicinity of, a special conservation area.

**4. Target public land acquisition programs within the designated green infrastructure network in order to preserve, enhance or restore essential features and special habitat areas.**

The site contains an extensive stream valley that connects to the Marleigh Subdivision to the north. It is also adjacent to a large tract of undeveloped land in the Fairwood Subdivision to the east. Both of these areas are part of their community's HOA. It is expected that the environmental area of the subject property will also be part of an HOA. These tracts of land together should be considered for public acquisition; however, it should be noted that this particular area, outside of necessary permanent impacts, will be the subject of preservation, restoration, and enhancement, and will be placed in a conservation easement for long-term protection.

**Policy 2: Restore and enhance water quality in areas that have been degraded and preserve water quality in areas not degraded.**

**Strategies:**

- 1. Implement the strategies contained in the Western Branch Watershed Restoration Action Strategy (WRAS).**
- 2. Add identified mitigation strategies from the Western Branch WRAS to the countywide database of mitigation sites.**
- 3. Encourage the location of necessary off-site mitigation for wetlands, streams, and woodlands within sites identified in the Western Branch WRAS and within sensitive areas that are not currently wooded.**

This site is in the Western Branch Watershed Restoration Action Strategy (WRAS) area. The on-site stream is the confluence of two major branches of headwaters, which combine on-site to form the main stem of the Northeast Branch, and is identified in the WRAS as part of the Upper Northeast Branch.

The final WRAS report for Western Branch, prepared by the Prince George's County Department of Natural Resources and the City of Bowie, was issued in 2004 and presented the findings of a stream corridor assessment and recommended implementation strategies for restoring or enhancing problematic areas. The report issued this stream segment a basin condition score of "poor." It was identified as one of the top six priority watersheds for protection and conservation. "These subwatersheds constitute considerable forested Greenways, endangered flora and fauna and include the 'Heart of Western Branch'."

During several meetings with the applicant, including a site visit, it was noted that the site has been severely impacted by beaver activity, primarily the loss of woodlands within the floodplain. Several areas surrounding this segment of stream, primarily outside of the floodplain, will receive restoration in the form of invasive species removal, habitat restoration, wetland mitigation, and forest enhancement.

**4. Ensure the use of low impact-development techniques to the extent possible during the development process.**

The proposal has not yet received stormwater concept approval. The submitted unapproved concept plan shows the use of numerous micro-bioretenment facilities, as well as submerged gravel wetlands, to meet the current requirements of environmental site design, to the maximum extent practicable.

In addition to these low-impact stormwater controls, the plan also proposes a culvert bridge to access a portion of developable land on the east side of the site. The use of culverts is not considered a low-impact technique; however, in several meetings with DPIE, the use of an environmentally-sensitive culvert bridge was preferred.

Concept approval will be required prior to Planning Board approval of the PPS.

**5. During the development review process evaluate streams that are to receive stormwater discharge for water quality and stream stability. Unstable streams and streams with degraded water quality should be restored, and this mitigation should be considered as part of the stormwater management requirements.**

As part of the culvert bridge construction, the project will realign part of the stream to ensure safe conveyance. Proposed stream impacts, mitigation, and restoration are discussed in the Environmental Review section.

**6. Encourage the use of conservation landscaping techniques that reduce water consumption and the need for fertilizers or chemical applications.**

Woodland planting will consist of the use of native species. Species selection should be based on the ability to reduce water consumption and the need for fertilizers or chemical applications.

**7. Minimize the number of parking spaces and provide for alternative parking methods that reduce the area of impervious surfaces.**

The plan proposes surface parking for multifamily facilities, as well as private garages for single-family lots. The use of a garage for the multifamily facilities should be considered.

**8. Reduce the area of impervious surfaces during redevelopment projects.**

Only a small portion of the approximately 82-acre property is developed. The remainder of the property has never been developed, although most of it has been actively mowed in the past. An increase in impervious surface is expected due to the nature of the project, consisting of several single-family and multifamily units.

**Policy 3: Protect and enhance tree cover within the master plan area.**

**Strategies**

**1. Encourage the planting of trees in developed areas and established communities to increase the overall tree cover.**

2. **Provide a minimum of ten percent tree cover on all development projects. This can be met through the provision of preserved areas or landscape trees.**
3. **Establish street trees in planting strips designed to promote long-term growth and increase tree cover.**
4. **Establish tree planting adjacent to and within areas of impervious surfaces. Ensure an even distribution of tree planting to provide shade to the maximum amount of impervious areas possible.**

This proposal is for a new development. Conformance with the most current WCO is required. At a minimum, the woodland conservation threshold should be met on-site. The required woodland conservation threshold of 25 percent and the required tree canopy coverage of 20 percent exceeds the recommended 10 percent tree canopy cover.

**Policy 4: Reduce overall energy consumption and implement more environmentally sensitive building techniques.**

**Strategies:**

1. **Encourage the use of green building techniques that reduce energy consumption. New building designs should strive to incorporate the latest environmental technologies in project buildings and site design. As redevelopment occurs, the existing buildings should be reused and redesigned to incorporate energy and building material efficiencies.**
2. **Encourage the use of alternative energy sources such as solar, wind, and hydrogen power. Provide public examples of uses of alternative energy sources.**

The use of green building techniques and energy conservation techniques should be encouraged, as appropriate.

**Policy 5: Reduce light pollution and intrusion into residential, rural, and environmentally sensitive areas.**

**Strategies:**

1. **Encourage the use of alternative lighting technologies for athletic fields, shopping centers, gas stations, and car lots so that light intrusion on adjacent properties is minimized. Limit the total amount of light output from these uses.**
2. **Require the use of full cut-off optic light fixtures for all proposed uses.**
3. **Discourage the use of streetlights and entrance lighting except where warranted by safety concerns.**

The minimization of light intrusion from this site into the PMA and adjacent residential communities should be addressed. The use of alternative lighting technologies and the limiting of total light output should be demonstrated at the time of DSP. Full cut-off optic light fixtures should be used.

**Policy 6: Reduce adverse noise impacts to meet State of Maryland noise standards.**

**Strategies:**

- 1. Evaluate development proposals using Phase I noise studies and noise models.**
- 2. Provide adequate setbacks for projects located adjacent to existing and proposed noise generators.**
- 3. Provide the use of approved attenuation measures when noise issues are identified.**

The site fronts on US 50, which is a designated freeway, and MD 193, which is a designated arterial road. Both of these roads generate sufficient traffic, which make noise impacts a concern. Additionally, the eastern portion of the site is within APA 6 associated with the Freeway Airport.

A noise study has been submitted. Details of the noise study, as well as recommendations for mitigation, are provided in the findings of this report.

**Policy 7: Protect wellhead areas of public wells.**

**Strategies:**

- 1. Retain land uses that currently exist within the wellhead areas of existing public wells.**
- 2. Continue monitoring water quality.**
- 3. Consider the development of alternative public water provision strategies, such as public water connections, to eventually eliminate public wells.**

This site is not located within a wellhead protection area.

- 4. Urban Design Section—**In a referral dated May 5, 2017 (Bishop to Pompa), the Urban Design Section evaluated the site and landscape plan for conformance to the Landscape Manual. Prior to certification, the landscape plan must conform to the Landscape Manual or alternative compliance should be approved. Section 27-328.02 of the Zoning Ordinance requires that all landscaping required for a special exception be approved at the same time of the special exception and that it comply with the Landscape Manual.

The special exception is subject to the Landscape Manual because the project is new construction. The subject project is within the geography designated as the Developing Tier and is subject to Sections 4.1, 4.2, 4.3, 4.4, 4.6, 4.7, 4.9, and 4.10 of the Landscape Manual.



## Site Design Recommendations

- a. The long linear organization of the single-family lots, Lots 1–19 and 23–33, is generally undesirable. To improve the visual interest and character of the streetscape and lotting pattern, staff recommends that a diversity of house types, with variable options, be provided.
- b. Additionally, staff notes that the spacing between the rear yard of the single-family homes and the townhouse units measures 25 feet. The private alley providing access to the townhouse units is within 10 feet of the single-family homes. Additional plantings or screening should be added to buffer these lots from the adjacent townhouse units, to the extent practicable.
- c. As stated in the Parking section of this report, Section 27-579 of the Zoning Ordinance requires the loading space and driveway to be a minimum of 50 feet from residentially-zoned properties. The plans indicate that the elderly care facility locates the loading beyond 50 feet from the property line, but the access to the loading space is within 25 feet of the property line. However, Section 27-395(a)(3)(A) states that setbacks are established as shown on the special exception site plan. Therefore, the provision of Section 27-579 does not apply.

## Architecture

Architecture is not a required submittal with the review of a special exception. In this case due, due to the proximity of the site to US 50 and MD 193, the applicant did submit architecture for the assisted living facility, which was reviewed by the Urban Design Section and found to be acceptable.

5. **Historic Preservation Section**—The property is the subject of an approved PPS (4-08043), and will be subject to the review and approval of a new PPS for the division of the property into lots and parcels. Sections 24-121 and 24-135.01 of the Subdivision Regulations will apply to the development of this property with the review of the previous and new PPS. A Phase I archaeological survey was conducted on the subject property in August and September 2008 and two Archeological Sites (18PR955 and 18PR956), including a cemetery, were identified.

While these regulations are not required with the review of the special exception, the recommendations for the PPS may impact the layout and lotting pattern, including the limits of disturbance and areas of preservation, all ultimately impacting the special exception site and landscape plan. In a referral dated March 8, 2017 (Stabler to Pompa), the Historic Preservation Section provided a memorandum with findings and recommended conditions related to further archeological requirements at the time of the new PPS.

Section 24-135.02 of the Subdivision Regulations provides guidelines for the protection and preservation of historic cemeteries within development projects. The location of the cemetery is described in deed records and also appears on a 1954 road plat. The applicant's SOJ has indicated that the community will have an HOA. At the time of PPS, the applicant should clarify if the HOA will be responsible for maintaining the Duckett Family Cemetery in perpetuity. Prior to any ground disturbance, the applicant should

locate and stake the edges of the cemetery in the field. The applicant should comply with all other requirements as noted in Section 24-135.02. Previous conditions of PPS 4-08043 are still applicable to the development of this property, until a new PPS is filed. Appropriate conditions from the PPS have been brought forward with this special exception.

6. **Permit Review Section**—In a memorandum dated March 27, 2017, the Permit Review Section made the following additional comments:

- a. The parking schedule does not indicate handicap-accessible parking requirements.
- b. Access to the loading space at the rear of the elderly care facility appears to be within 50 feet of residentially-zoned property and the adjacent proposed residential lots.
- c. Sign details have not been provided for all of the various signs shown.

Include handicap-accessible parking calculations and the number of handicapped spaces provided on the special exception plan. Per Section 27-395(a)(3)(A) of the Zoning Ordinance, the loading facilities requirements do not apply to a planned retirement community. Signs are regulated by Part 12 of the Zoning Ordinance. The applicant has included sign location information on the special exception plan for the various uses on the site, which is adequate for the special exception application. Sign details will be reviewed at the time of building permit.

7. **Prince George's County Department of Parks and Recreation (DPR)**—In a memorandum dated March 15, 2017, DPR provided the following comments:

- a. There are no impacts on adjacent parkland.
- b. At the time of preliminary plan of subdivision, the recreational facilities agreements shall be required for private on-site recreational facilities and the public connector trail to the adjacent Marleigh Neighborhood Park.

At the time of PPS, the applicant shall provide the recreational facilities agreements required for private on-site recreational facilities, and an analysis will be required for the possible public connector trail to the adjacent Marleigh Neighborhood Park.

8. **Prince George's County Soil Conservation District (SCD)**—In a letter dated September 5, 2017 (Tarr to Pompa), SCD provided comments and recommendations that will be addressed by the applicant at the time of construction document review and approval by SCD.

9. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated September 3, 2017 (Giles to Pompa), DPIE's Site/Road Plan Review Division provided comments and recommendations that have been address with this application, to the extent appropriate. The recommendations will be addressed by the applicant at the time of construction document review and approval by DPIE.

10. **Maryland State Highway Administration (SHA)**—An access permit will be required for the improvements taking place within the SHA right-of-way.
11. **Prince George’s County Health Department**—The Environmental Engineering/Policy Program of the Health Department provided a memorandum dated March 9, 2017 (Kpadeh to Pompa), which encourages the applicant to seek out retail/commercial tenants which will serve the residents, and the addition of community gardens. These uses are permitted, but not required or currently proposed with this application.
12. **Enterprise Road Corridor Development Review District Commission**—The following comments were received in a letter dated April 6, 2017 (Brown to Pompa), followed by staff comments.

“The Enterprise Road Corridor Development Review District Commission (ERCDRDC) appreciates the opportunity to review and to provide comments and recommendations for your consideration.

- “a. Traditions at Beechfield-Enterprise Road-SE-4785 is on 83.9 acres of land in the R-E Zone, in the northeast quadrant of the intersection of US 50 and MD 193 (Enterprise Road), Glenn Dale area of Prince George’s County Maryland.
- “b. Traditions at Beechfield-Enterprise Road is currently proposing the Development of 76 townhouses, 62 single-family detached, 108 apartment style condominiums, 150 independent living rental apartments, 100 senior rental Apartments, 60 assisted living and 32 care home.
- “c. The Prince George County Council sitting as the District Council, approved the application proposing the development of a planned retirement community consisting of 400 units (250 condominiums and 150 townhouses), the ordinance No.8-2008 on March 25, 2008 under the ordinance No.8-2008 Special Exception with conditions.

“The Enterprise Road Corridor Development Review District Commission would like to provide comments on the condition of the resolution and make recommendations that are related to its core mission:

- “a. According to the Traffic study ‘the site trips of this proposed development added, the MD 193/MD 450 intersection would operate at LOS D with a CLV of 1,423 in the AM peak hour, and at LOS D with a CLV of 1,420 in the PM peak hour. Excess delays occur at the unsignalized intersections of MD 193/MD 953 (Glenn Dale Road) and MD 193/Chantilly Lane.’ The commission members express that the traffic condition is already back to back during the AM and PM peak traffic periods and request a complete traffic signal warrant study at this location and install a traffic signal if signal warrants are met after review by SHA.”

The Transportation Planning Section found, in its referral dated May 3, 2017, that all critical intersections operate acceptably under total traffic in both peak hours. The referral noted that, while delay is high at both unsignalized intersections, the approach volumes are relatively low and each intersection passes the three-part test. A trip cap consistent with the trip generation assumed for the site, 83 AM and 115 PM peak-hour vehicle trips, will be recommended at the time of PPS.

- “b. A substantial trail system shall be shown which provides connections to both internal private streets, on-site recreational facilities, and the abutting parkland. The trail system shall be designed in a manner which reduces and/or eliminates impacts to the on-site sensitive environmental features to the greatest extent possible. The Commission concurs.”

Pedestrian circulation on-site will be accommodated via an extensive sidewalk network and a trail connection to the M-NCPPC Marleigh Neighborhood Park to the north. In addition, the Transportation Planning Section recommends the construction of a shared-use sidepath along the site’s frontage of MD 193, as well as a sidewalk/crosswalk connection linking the elderly care facility with the proposed sidewalk along Public Road A. These recommendations have been incorporated within the recommended conditions at the end of this report.

- “c. Noise impacts from both MD 193 and US 50 are anticipated in relation to both indoor and outdoor activity areas.”

The Environmental Planning Section reviewed a Phase I and Phase II noise study dated August 28, 2017 by Phoenix Noise and Vibration, as further discussed in this report, and have made specific recommendations to address noise with the special exception.

- “d. Development should include linkages to shopping and services in the Bowie Regional Center or mixed-use activity centers.”

The applicant’s amended SOJ dated August 1, 2017 (page 18) states that one of the amenities for residents will be scheduled transportation services to shopping and medical services.

- “e. Development should have direct access to a collector road or greater to allow easy access for emergency medical services.”

The proposed development has direct access to MD 193, which is designated as an arterial road in the MPOT.

- “f. Development should be served by public transit or shuttle buses to shopping and services in the Bowie Regional Center or mixed-use activity centers.”

The applicant’s amended SOJ dated August 1, 2017 (page 18) states that one of the amenities for residents will be scheduled transportation services to shopping and medical services.

- “g. Senior housing should be provided in locations proximate to existing residential communities.”

The large majority of properties in the vicinity of the subject property contain existing residential uses.

- “h. Countywide Green Infrastructure Plan Conformance.”

The site contains regulated and evaluation areas of the Green Infrastructure Plan that is comprised of streams, wetland, and floodplain. The most significant impact to this area is for a stream crossing accessing the northeast portion of the site. The applicant is proposing to enhance several of the existing wooded areas by removing invasive species (Bradford pear) and replanting with native, non-invasive species. In addition to forest enhancement of the green infrastructure areas, the applicant also proposes wetland mitigation in lieu of impacts for the stream crossing.

“i. Request buffer between abutting surrounding communities and MD 193.”

The project is subject to conformance with the Landscape Manual, with conditions, which includes buffering of incompatible uses on abutting properties.

“j. Request that the main boulevard extend beyond the traffic roundabout.”

This comment has been addressed. The roundabout has been replaced with a four-way intersection, per the requirements of DPIE. The boulevard affect (divided) terminates at the first north-south intersection at private Roads D and E.

“The Commission recommends the approval of Traditions at Beechfield-Enterprise Road-SE-4785 application.”

The Traditions at Beechfield–Enterprise Road special exception application, with conditions, addresses the recommendations of the Enterprise Road Corridor Development Review District Commission.

N. **Public Comment**—As of the writing of the report, no public comment has been received.

## CONCLUSION

A special exception use is considered compatible with uses permitted by-right within the zone, as long as specific criteria are met. The standard for determining whether to grant a special exception is whether the use would cause an adverse effect upon adjoining and surrounding properties, unique and different, in kind or degree than that inherently associated with the use, regardless of its location within the zone. Based on the applicant’s amended SOJ dated August 1, 2017, the referrals contained in the record, and the findings contained in this report with conditions, staff finds that the application meets the required findings and regulations for approval (Sections 27-317 and 27-395 of the Zoning Ordinance) of the special exception. Therefore, staff recommends APPROVAL of Special Exception Application No. SE-4785, Type 2 Tree Conservation Plan TCP2-014-2017, a Variance from Section 25-122(b)(1)(G) for specimen tree removal, and a Variance from Section 25-122(d)(5)(A) for forest habitat enhancement credits, subject to the following conditions:

1. Prior to certification, the applicant shall revise the special exception plan to include handicap-accessible parking calculations and the number of handicapped spaces provided.
2. In accordance with Section 27-395(a)(5)(A) of the Prince George’s County Zoning Ordinance, the applicant shall provide age-restricted covenants, in conformance with the Federal Fair Housing Act, and the covenants shall be approved by the District Council and filed in the land records of Prince George’s County prior to record plat. The liber and folio of the covenants shall be reflected on the final plat prior to recordation.

3. Prior to certification, the applicant shall revise the special exception plan to remove the parcel designation from the proposed public street and to label the area “To be Dedicated to Public Use,” with the acreage and square footage of the area of dedication and dimension of the street width provided.
4. Prior to certification, the applicant shall revise the special exception plan to reconfigure Parcels 3 and 6 to meet the 300-foot lot depth requirement, pursuant to Section 24-121(a)(4) of the Subdivision Regulations.
5. Prior to certification, the applicant shall revise the special exception plan to provide continuous 10-foot-wide public utility easements along both sides of all public streets and at least one side of all private streets, unless a variation to these standards is approved by the Prince George’s County Planning Board at the time of approval of the preliminary plan of subdivision.
6. Private recreational facilities shall be found to be superior, or equivalent, to those that would have been provided under the provisions of mandatory dedication. The development and maintenance of private recreational facilities shall be ensured in accordance with Section 24-135(b) of the Subdivision Regulations and Section 27-395(a)(6)(A) of the Zoning Ordinance.
7. Prior to certification, the applicant shall revise the special exception plan to provide details for a proposed enclosure for the cemetery and provisions for adequate access and maintenance determined, in accordance with Section 24-135.02 of the Subdivision Regulations.
8. Prior to certification, the applicant shall revise the special exception plan to clarify the uses proposed, and correct the labeling of rooms versus dwelling units on the cover sheet of the special exception plan.
9. A minimum dedication of 70 feet from centerline along MD 193 (Enterprise Road) shall be demonstrated by the applicant at the time of preliminary plan of subdivision.
10. The applicant shall provide an asphalt shared-use path along the subject site’s entire frontage of MD 193 (Enterprise Road), unless modified by the Maryland State Highway Administration.
11. The applicant shall provide a sidewalk/crosswalk connection linking the elderly care facility with the proposed sidewalk along Public Road A.
12. The applicant shall demonstrate conformance to Sections 4.2, 4.3, 4.4, 4.6 and 4.7 of the 2010 *Prince George’s County Landscape Manual* prior to plan certification.
13. Prior to certification, the applicant shall revise the special exception plan to provide appropriate screening for the loading and trash facilities from residential properties and from roadways, specifically, the loading area shown at the independent living apartments which has not been adequately screened from the public road.
14. Prior to certification, the applicant shall revise the special exception plan to provide standard sidewalks or paths along both sides of the public and internal private streets, except where the public spine road narrows to cross the environmentally-sensitive area to access the easternmost portion of the site, or if it is determined at the time of preliminary plan of subdivision that no sidewalk is required in a specific location.

15. Prior to certification, the applicant shall revise the special exception plan to add a note and calculation to the plan indicating that the average number of dwelling units per acre shall not exceed eight units per acre for the gross tract area.
16. At the time of review of the preliminary plan of subdivision, the applicant shall evaluate increasing the spacing between the rear yard of the single-family homes and the townhouse units, measuring 25 feet, between the two neighborhoods to increase privacy.
17. Prior to certification, the applicant shall revise the special exception plan to add additional plantings or screening to buffer single-family detached lots from the adjacent townhouse units and private alleys.
18. Prior to certification, the applicant shall revise the special exception landscape plan to demonstrate conformance to the Prince George's County Tree Canopy Coverage Ordinance.
19. Prior to signature approval of the Type 2 tree conservation plan, the applicant shall revise the plan as follows:
  - a. Provide the standard general information table and the site statistics table on the cover sheet.
  - b. Show all existing site features on the plan and label the proposed disposition.
  - c. Label the proposed lot line dimensions.
  - d. Adjust the limit of disturbance to reflect access to, and the work proposed in, the areas of forest/habitat enhancement.
  - e. Add the following standard details to the plan:
    - (1) planting distribution (Detail 12)
    - (2) tree maintenance calendar (Detail 13)
    - (3) container and ball and burlap detail (Detail 14)
    - (4) staking and guying (Detail 18)
  - f. Revise Note 8 to identify US 50 (John Hanson Highway) as a freeway.
  - g. Revise invasive species Note A to remove the language regarding 'prepared by' and 'dated.'
  - h. Remove the wetlands hatching.
  - i. Show all existing and proposed utilities on the plan.
  - j. Show the critical root zones of all specimen trees at the required 1.5 times the diameter at breast height.
  - k. Have the plans signed and dated by the qualified professional who prepared them.

20. Prior to plan certification, the applicant shall revise the landscape plan to show the overlapping areas being counted as woodland conservation credits.
21. Prior to signature approval of the Type 2 tree conservation plan (TCP2) for this site, documents for the required woodland conservation easements shall be prepared and submitted by the applicant to the Environmental Planning Section, for review by the County Office of Law and submission to the County Land Records for recordation. The following note shall be added to the standard TCP2 notes on the plan as follows:

“Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded in the Prince George’s County Land Records at Liber \_\_\_\_\_ Folio \_\_\_\_\_. Revisions to this TCP2 may require a revision to the recorded easement.”
22. Prior to issuance of the first grading permit, copies of the recorded easement documents with the approved liber and folio shall be provided to the Environmental Planning Section by the applicant. The liber and folio of the recorded woodland conservation easement shall be added to the Type 2 tree conservation plan.
23. At the time of grading permit for the forest/habitat enhancement area shown on the Type 2 tree conservation plan, the bond amount for the forest/habitat enhancement area shall be determined, in accordance with the Environmental Technical Manual.
24. Prior to signature approval of the Type 2 tree conservation plan (TCP2), the applicant shall revise the TCP2 to include interpretive signage at a minimum of three locations along the edge of forest/habitat enhancement areas. The plan shall provide sign details and locations.
25. Prior to release of the bond for Forest Enhancement Areas 4 and 5 (located on the eastern side of the stream and as shown on the Type 2 tree conservation plan):
  - a. Specimen Trees 7, 57–60, 67, and 71–75 shall be evaluated for long-term survival as a result of construction. If determined to be hazardous, the trees shall be removed.
  - b. The wetland mitigation work required for the stream crossing shall be completed. Photos of the mitigation areas shall be provided to the Environmental Planning Section.
26. At the time of final plat, a conservation easement shall be provided by the applicant and described by bearings and distances. The conservation easement shall contain the delineated primary management area, including all temporary impacts for forest enhancement, stream, and wetland mitigation. Areas of approved permanent impacts shall be excluded from the easement. The Environmental Planning Section shall review the easement prior to approval of the final plat. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed. Temporary disturbances are allowed for the installation of forest enhancement.”



27. Prior to issuance of any permits which impact wetlands, wetland buffers, streams, or waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
28. Prior to plan certification, a revised Phase II noise report shall be submitted by the applicant to fully evaluate the location, height, and materials required to mitigate all outdoor activity areas to the standard of 66 dBA Leq or less. The mitigation shall not include the use of proposed buildings as noise reduction barrier.
29. Prior to approval of building permits for all residential buildings on-site, a building shell analysis shall be prepared by an acoustical engineer and provided by the applicant to determine what specific modifications to building architecture and materials will be necessary to maintain interior noise levels below the state standard of 45 dBA Ldn.
30. Prior to plan certification, all plans shall be revised by the applicant to reflect the approved outdoor noise mitigation measures including location, height, and materials.
31. Prior to the approval of building permits for all residential buildings on-site, a copy of the proposed list of building materials shall be provided by the applicant to an acoustical engineer for each of the models in the affected areas. The acoustical engineer shall then prepare a certification, which shall be included in the permit, based on the building materials and a building shell analysis stating the following:
  - a. The date and company who prepared the building shell analysis upon which the certification is based
  - b. The noise source(s)
  - c. The builder, model, and materials proposed
  - d. That building shells of structures have been designed to reduce interior noise levels to 45 dBA Ldn or less
  - e. That the building materials provided in the permit package meet the requirements specified in the building shell analysis.
32. Prior to signature approval of the Type 2 tree conservation plan, an approved stormwater concept shall be submitted by the applicant. The limits of disturbance shall be consistent between the plans.
33. Prior to issuance of the first permit, the final erosion and sediment control plan shall be submitted by the applicant. The limits of disturbance shall be consistent between the plans.
34. Prior to any ground disturbance or the issuance of a grading permit, the applicant and the applicant's heirs, successors, and/or assignees shall submit a plan for Phase III archeological investigations. The plan shall provide for the avoidance and preservation of the resources in place or shall provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archaeologist, must follow *The Standards and Guidelines for Archeological Investigations in Maryland*, and must be presented in a report following the same guidelines.

35. Prior to issuance of any building permits, the applicant shall provide an interpretive sign for the property that summarizes the results of the archeological investigations. The location and wording shall be subject to approval by the staff archeologist of the Historic Preservation Section.
36. Prior to any ground disturbance or the approval of any grading permits, the applicant shall provide a final report detailing the Phase III investigations and ensure that all artifacts are curated in a proper manner.
37. Prior to approval of the preliminary plan of subdivision, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that the Duckett Family Cemetery shall be preserved and protected in accordance with Section 24-135.02 of the Subdivision Regulations, including:
  - a. Arrangements for perpetual maintenance. A perpetual maintenance easement shall be prepared and attached to the legal deed (i.e. the parcel delineated to include the cemetery).
  - b. Evidence of the recording of this easement shall be provided to the Planning Board or its designee prior to approval of the final plat.
38. Prior to acceptance of the preliminary plan of subdivision, the applicant shall demonstrate that the boundaries of the cemetery have been delineated and that the corners have been staked in the field.
39. Prior to approval of any grading permits or ground disturbance, the applicant shall protect the Duckett Family Cemetery with "super silt fence," which shall remain in place until the permanent cemetery fencing or walls are in place and the appropriate interpretive markers are installed, inspected, and approved by the Historic Preservation Section.
40. Prior to approval of the final plat, an access easement shall be established by the applicant which extends from the Duckett Family Cemetery to MD 193 (Enterprise Road). The easement is intended to protect the visitation rights of relatives of the deceased.
41. Prior to certification, the applicant shall revise the special exception plan to add a note indicating intent to conform to construction activity dust control requirements, as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.