

RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with approval of Specific Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on October 28, 2004, regarding Specific Design Plan SDP-04011 for The Preserve at Piscataway, Lusby Village West and East, the Planning Board finds:

1. **Request:** This Specific Design Plan, SDP-0401, for Lusby Village East and West is for 214 single-family detached lots and 51 single-family attached lots. The specific design plan includes a site plan, a tree conservation plan, a landscape plan, and detail sheets. Architecture is not being reviewed with this application, as Specific Design Plan SDP-0202, the umbrella application for architectural elevations for the single-family detached units, has already been approved for the overall development known as the Preserve. The plans will be revised at a later date to add architectural elevations for the single-family attached units.

2. **Development Data Summary**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone(s)	R-L	R-L
Use(s)	Single-family	Single-family
Acreage	119.45 acres	119.45 acres
Lots	0	265
Square Footage/GFA	0	N/A
Dwelling Units:		
Attached	0	51
Detached	0	214
Multifamily	0	0
<b>Total Dwelling Units</b>	<b>0</b>	<b>265</b>

**Other Development Data**

Parking Required for Townhouses	
51 units x 2.04 spaces	105 spaces
Parking Provided for Townhouses	107 spaces

3. **Location:** This specific design plan (SDP-0401) for Lusby Village East and West is located in Planning Area 84, south of the intersection of Floral Park Road and Danville Road.
4. **Surroundings and Use:** The subject 119.45 acres are the fourth phase of the overall

development of the project known as the Preserve. To the west is the Edelen Village North and South portion of the project. To the south is the Danville Estates portion of the project. This development proposes two access points to Danville Road and will connect to both Edelen Village and Danville Estates.

5. **Previous Approvals:** On September 14, 1993, the County Council, sitting as the District Council for the part of the Maryland-Washington Regional District in Prince George's County, adopted CR-60-1993 approving the master plan and the sectional map amendment for Subregion V in Prince George's County. Comprehensive Design Zone Amendment Three (Zoning Applications A-9869 and A-9870), known as Villages at Piscataway, rezoned 858.7 acres in the R-A Zone to the R-L Zone (Residential-Low Development, 1.0 to 1.5 du/acre) and 19.98 acres to the L-A-C Zone (Local Activity Center—Village Center). The basic plan was approved with 39 conditions and 11 considerations. The base residential density of the R-L Zone was approved as 818 dwelling units; the maximum residential density in the R-L Zone was approved as 1,000 dwelling units.

On March 24, 1994, the Prince George's County Planning Board reviewed and approved a comprehensive design plan (CDP-9306) for the subject property known as Villages at Piscataway, as described in PGCPB No. 94-98. The comprehensive design plan (CDP) was approved with 36 conditions. The CDP included the entire 878.7 acres of land zoned R-L and L-A-C to be developed as a village community with a golf course component. The CDP approved 202 single-family detached units and 64 single-family attached units in Glassford Villages, the area of the subject application.

On June 23, 1994, the Prince George's County Planning Board reviewed and approved a master preliminary plan of subdivision (4-94017), Villages at Piscataway, for the entire acreage of the site, as described in PGCPB No. 94-213. The master preliminary plan of subdivision was approved with 20 conditions. That preliminary plan subsequently expired.

On November 14, 1996, the Prince George's County Planning Board reviewed and approved a detailed preliminary plan of subdivision (4-96047) for Villages at Piscataway, Glassford Villages, for approximately 74 acres of the site, as described in PGCPB No. 96-301. The preliminary plan of subdivision was approved with 15 conditions. The preliminary plan approved 195 single-family detached units and 46 single-family attached units in Glassford Villages. That preliminary plan has subsequently expired.

On February 4, 1999, the Prince George's County Planning Board reviewed and approved a specific design plan for infrastructure, SDP-9804, for Glassford Villages, North and South, based on the previously approved preliminary plan, 4-96047. The specific design plan was approved for 176 single-family detached homes. The final plats of subdivision were reviewed and approved for the subject property on January 10, 2002. On January 16, 2003, the Planning Board approved a revision to the specific design plan, SDP-9804/01.

On June 17, 2003, the Planning Board approved preliminary plan 4-03027 for the Preserve for 836 dwelling units, which includes the area that is the subject of this application. Variation requests for impacts to sensitive environmental features and a revised Type I Tree Conservation

Plan, TCP-I/9/94-02, were included in that approval.

On June 24, 2004, the Planning Board approved Specific Design Plans for Edelen Village North and South and Danville Estates.

## **COMPLIANCE WITH EVALUATION CRITERIA**

### **Basic Plan Conformance**

6. The specific design plan for Lusby Village East and West, as modified by the conditions, will be in conformance with the basic plan for zoning map amendments A-9869 and A-9870 and with the 39 conditions and 11 considerations of CR-60-1993. Specific conditions that warrant discussion regarding conformance of this specific design plan, SDP-0401, with the basic plan are considered below:

- 4. Phase I archeological survey with possible Phase II and Phase III follow-up shall be undertaken prior to any groundbreaking activity in the vicinity of the old village including the area of road construction. The boundaries of the area needing archeological survey can be set at time of CDP approval.**

In the review of the comprehensive design plan by the Planning Board, the following condition was adopted in order to assure that the basic plan condition above was adhered to:

- 4. Prior to approval of any grading permit for the golf course, for the construction of New Piscataway Road, or for any development north and west of New Piscataway Road within the boundaries of the Comprehensive Design Plan, the following shall be accomplished:**
  - a. The applicant, his heirs, successors and/or assigns, shall complete the Phase I archeological survey for the entire archeological survey area.**
  - b. The Phase I archeological survey shall be reviewed and accepted by staff of the Historic Preservation Section.**
  - c. The exact boundaries of any areas where Phase II and Phase III surveys will be required will be mapped and agreed upon by the applicant and the Historic Preservation Section.**

**Prior to any grading permits for any area where a Phase II or Phase III archeological survey is agreed upon, that survey shall be completed by the applicant, his heirs, successors and/or assigns, and shall be reviewed and accepted by staff of the Historic Preservation Section.**

Further, on this same subject is the following condition of the preliminary plan of subdivision:

- 3. Prior to the issuance of grading permits for any area where a Phase III archeological survey is required (sites 470B, 476, 496, 516, 521 and 531 as identified on the preliminary plan), the survey shall be reviewed and accepted by the Historic Preservation Section.**

Comment: The subject application includes an additional archeological site (18PR482) for which Phase III investigation will be conducted by the applicant. This site, along with other sites not included in this application, is included in the applicant's April 2003 Data Recovery Plan. The Data Recovery Plan described both the methods of site investigation to be used during Phase III and a proposed plan for the coordination of findings between interested agencies, public outreach, and the dissemination of information to the general public. The Planning Department's archeologist has reviewed the applicant's Data Recovery Plan and finds that it is consistent with standard professional practices as outlined in Schaffer & Cole, 1994. The above condition requires that the Phase III investigation be conducted, and the findings reviewed by M-NCPPC staff prior to the issuance of any construction-related grading permits in the vicinity. This condition should be included as part of all subsequent applications. Condition 4 of the Recommendation section will protect the archeology site (18PR482).

- 9. The site shall be developed using the neo-traditional concepts as presented in the Basic Plan application.**

Comment: The plans reflect some of the neo-traditional concepts presented in the Basic Plan, specifically the use of small green areas located along the street system; however, most of the small lot, single-family detached, grid pattern design of Glassford Village has been modified by later approvals, conforming to more traditional suburban development patterns.

- 17. Construct the relocation of MD 223 (A-54) through the subject property as a four-lane arterial facility with the phasing for the initial construction of the first two lanes and the subsequent construction of the last two lanes to be determined at the time of subdivision. The alignment for A-54 shall:**
  - a. Conform to SHA design standards**
  - b. Tie into the existing MD 223 bridge over the Piscataway Creek**
  - c. Be reviewed by the Transportation and Public Facilities Planning Division**

Comment: The alignment of A-54 (also termed Piscataway Road extended) has been coordinated with the State Highway Administration (SHA) and the Department of Public Works and Transportation (DPW&T). The alignment includes the construction of the initial two lanes through the subject property. Condition 17 of the basic plan approval in CR-60-1993 includes a statement that phasing of the construction of the third and fourth lanes of A-54 through the subject property would be determined at the time of subdivision. During review of preliminary plan 4-94017, the phasing for the initial two lanes of A-54 was determined in connection with a finding of adequacy, and the full right-of-way was required to be dedicated in order to allow the

responsible operating agency the flexibility to determine when additional lanes would be constructed. It has been shown through traffic analyses that the third and fourth lanes are not required in order to meet transportation adequacy during the time that the site would be built out. DPW&T, under the authority granted by Subtitle 23, can require bonding of two lanes, four lanes, or whatever typical section that agency deems necessary within the right-of-way. For this reason, it is determined that the intent of the condition in obtaining a four-lane roadway along the A-54 alignment has been met by requiring the needed right-of-way. DPW&T, or whatever transportation agency ultimately controls this right-of-way, has the authority to determine the construction timing of the third and fourth lanes.

**29. The developer, his successors and/or assignees, shall work with community representatives and M-NCPPC staff to find a suitable organization to accept responsibility for preserving and protecting the Edelen House (Bailey Mansion).**

Comment: M-NCPPC declined to accept ownership of the Edelen House. At the time of the CDP, a tentative agreement was reached between the Department of Parks and Recreation, the Historic Preservation Section, and the developer to sell a 3.2-acre tract of land containing the historic Edelen House to a private party who intended to preserve the property and restore it for use as a residence/bed and breakfast. However, that scenario never came to fruition. There is a clear rational nexus between requiring the applicant to provide a public benefit feature, i.e., the preservation and restoration of a designated Historic Site, relative to the benefit of deriving density from the site. The applicant agreed to provide a report of the structural integrity of the house, including any hazardous materials within the structure, to determine how monies should be spent in making the property an attractive real estate investment for reuse. For further discussion on this same issue, see Finding 8, CDP Conditions 44 and 45.

**36. A contribution shall be made to the Historic Piscataway Preservation Grant and Loan Fund, which shall be used for the preservation of buildings in the Village. At the time of each residential permit issuance, the applicant shall contribute \$400 to the fund.**

Comment: This condition is reiterated in this SDP in order to ensure the collection of the contribution at the time of review of the building permits.

## **CONSIDERATIONS**

**4. Woodland conservation of 35 percent should be a Phase II design consideration as well as the preservation of a large contiguous wooded area in the southern portion of the site.**

Comment: The approved Type I Tree Conservation Plan, TCPI/09/94-01, proposes woodland conservation of 276.72 acres. The above condition has been met through the provision of woodland conservation at 35.5 percent. All required woodland conservation must be met on-site. The plan proposes extensive preservation of priority woodland including preservation on large lots. The Type I Tree Conservation Plan does not allow woodland conservation areas on lots less

than 20,000 square feet in area, does not allow the use of fee-in-lieu, and does not permit the use of an off-site easement. The proposed TCPII is in general conformance with the approved TCPI. Woodland Conservation is discussed in more detail in Finding 9 below.

**6. A wetlands report shall be approved by the Natural Resources Division prior to approval of the Phase II Comprehensive Design Plan.**

A wetlands report was included as part of the CDP submission and was reviewed and approved by the Environmental Planning Section.

**Comprehensive Design Plan Conformance**

7. This specific design plan was reviewed for conformance with the approved comprehensive design plan, CDP-9306. The staff has reviewed the staging plan of the Comprehensive Design Plan and found the following information regarding the timing and construction of the amenities on the site. Part III, titled The Plan Proposal, chapter I.) Staging and Construction Schedule, established the staging of the development as follows:

Stage One – R-L Area

**640 dwelling units**

Provision of the following recreational facilities:

- Golf Course
- Trail
- Two Village Greens
- One Playground
- Two Sitting Areas
- Entrance area treatment along New Piscataway Road
- Construction of stormwater management facilities, as needed
- Water/sewer construction, as needed
- Construction of portion of main spine roads

Comment: All of the recreational facilities have been included in the CDP Condition 32 (see below) and the timing of the construction of those facilities is assured through the recordation of recreational facilities agreements (RFA). However, the main issue raised is the timing of the construction of the golf course, which is not covered under the private RFAs; because it is anticipated to be commercially owned and operated, it will not be part of the future homeowners association facilities, which are the only amenities covered under RFAs. The timing of the construction of the golf course should be addressed at this time. The following is a summary of the previous number of units approved:

Glassford Village, North and South	176
Glassford Village South Addition	24
Edelen Village North and South	256
Danville Estates	<u>126</u>
Total units	582

The total number of units proposed within Lusby Villages is 265 units, bringing the total number of units beyond the threshold of 640 units. The applicant has stated that they want to depart from the original proposal for the timing of the construction of the golf course. The following is the applicant's argument as provided by Andre J. Gingles, of Gingles LLC., in an e-mail to Susan Lareuse, dated August 25, 2004, against attaching a condition of approval to the plan that would mandate a specific timing for the construction of the golf course:

“The approved CDP does not include a ‘condition’ or ‘consideration’ or ‘finding’ relative to mandating the completion of the golf course at a specific time in the development. I think it is very relevant the approved CDP provides timing conditions specifically regarding some of the ‘recreational amenities’ proposed by the developer (including a bonding schedule) and does not for others, such as the golf course. The golf course is part of the ‘open space’ being provided as a part of the development. While I agree, the CDP proposes that some of the open space would be used for ‘recreational development’, all conditions relevant to this future development concern architecture and design of the course. In sum, we feel the most important element was the ‘open space’—which is being provided—and this recognizes the timing of subsequently developing that open space was a secondary concern.

“As you are aware, Greenvest has moved forward with some initial design and done this, in part, to satisfy issues within the CDP. Golf course development has peaked in recent years and existing courses have struggled to remain financially solvent, hence the recent activity and development proposals for three existing golf courses in the County. Greenvest is continuing to seek a developer/operator for this part of the development. This timing may or may not occur by completion of the residential development. Fairway Hills in Columbia is an instance wherein the entire Running Brook Village (which surrounded several of the golf holes) was completed prior to the construction of the course. Nevertheless, the open space was existent and provided an essential amenity until the circumstances dictated financial stability existed sufficient for the golf course to move forward. We feel the approved CDP allows for similar treatment at the Preserve. Unlike Cross Creek and the pending Fairlands proposal, the CDP approval conditions are primarily aimed at ensuring the existence of the open space and have left to the Developer and market conditions the timing of the development of the course. Thus Greenvest believes, strongly, the implementation of any regarding the timing of development of the golf course would modify the Board's intent as explicitly expressed in its CDP Resolution.”

The staff disagrees with the applicant's opinion that a condition contained in the resolution relating to the timing of the golf course is necessary in order to enforce the timing element proffered in the CDP text. Further, all of the exhibits of this project, including the basic plan and the comprehensive design plans, included the golf course as a major component of the development of the site. If the development of the residential component of the project is allowed

to be built-out with a golf course that is never implemented on the site, there is no guarantee that the course will ever be constructed and thus no way to ensure that the intent of the basic plan and comprehensive design plan are fulfilled. This raises the question of whether the applicant should be required to petition the District Council for a revision to the basic plan to eliminate the golf course and to determine if the open space component that would result from not developing the golf course is of equal worth to the community and the county. The staff believes that the applicant should either accept a condition requiring development of the golf course (prior to the release of more than 640 dwelling units), or the applicant should revise the comprehensive design plan to adjust the time frame related to the issuance of building permits, or the applicant should petition the District Council to eliminate the golf course component of the project and all conditions of the approval associated with it. The applicant's argument that market conditions should prevail is not reasonable in that once all of the building permits are released for the project, the applicant may simply leave the project since there are no financial assurances to require the applicant to continue to be involved with the project, let alone find a commercial entity to operate the golf course. Therefore, the staff recommends that prior to the issuance of the 640<sup>th</sup> building permit for the entire development, the construction of the golf course shall be complete and open for use. Alternatively, the applicant may petition the District Council for an amendment to the Basic Plan to eliminate the golf course or amend the Comprehensive Design Plan to revise the timing of the completion of the golf course.

Other specific conditions that warrant discussion regarding conformance (besides those previously discussed relative to the basic plan conditions) are considered below:

- 8. Prior to the approval of each Specific Design plan, the Trails Coordinator shall determine which streets, if any shall be designated "bikeways." The applicant, his heirs, successors and/or assigns, shall indicate on the plan, following consultation with the Trails Coordinator and the Department of Public Works and Transportation (DPW&T), at which locations along the "bikeway" streets appropriate signs (or other appropriate treatment) shall be installed.**

Comment: In conformance with Condition 8 of CDP-9306, bikeway signage is recommended along Danville Road, Hardy Tavern Drive, and Saint Mary's View Road.

- 9. A 100-year floodplain study or studies shall be approved by the Flood Management Section of the Department of Environmental Resources (DER) for each drainage area greater than 50 acres in size. Prior to approval of each Specific Design Plan or detailed Preliminary Plat of Subdivision, whichever comes first, a floodplain study shall be approved for any floodplain that is adjacent to or affecting the area of the plan.**

Comment: A floodplain study (FPS-960029) has been approved by the Prince George's County Department of Environmental Resources. The approved 100-year floodplain is shown on the plans. No further action is required.

- 10. A Stormwater Management Concept Plan shall be approved by DER prior to approval of the first Specific Design Plan or the first detailed Preliminary Plat of Subdivision, whichever comes first.**

Comment: Conceptual stormwater management plans (CSD #11092 thru 11095-2004-00 and 11104-2004-00) have been approved by the Prince George's County Department of Environmental Resources for the five ponds on this portion of the site. No further action is required.

- 11. Prior to approval of the master Preliminary Plat of Subdivision, the applicant, his heirs, successors and/or assigns, shall submit a geotechnical report verifying the presence or absence of Marlboro clay in the southwest portion of the property in accordance with DER criteria. In areas where it is determined that Marlboro clay might affect structural stability, a detailed geotechnical report shall be submitted for review and verification by the Natural Resources Division prior to approval of any detailed Preliminary Plat of Subdivision.**

Comment: A soils report was submitted with 4-96047. That study indicated that Marlboro clay occurs on the site between elevations 40 to 55. A more detailed study was submitted with SDP-9804. Marlboro clay is discussed in more detail in Finding 9 below.

- 13. Prior to submittal of each Specific Design Plan, the applicant, his heirs, successors and/or assignees, shall field locate the specimen trees specified by the Natural Resources Division.**

Comment: All specimen trees are shown on the Type II Tree Conservation Plan.

- 14. Prior to submission of each Specific Design Plan, the applicant, his heirs, successors and/or assignees, shall confer with the Natural Resources Division regarding appropriate wildlife management measures to be employed in the portion of the development which is the subject of that Specific Design Plan.**

Comment: A wildlife management plan for the entire Preserve at Piscataway project has been submitted. The plan includes the preservation of wooded stream corridors, retention of wooded lots that have a low area-to-edge ratio, and the use of best-management practices for stormwater management to provide for water quality control and avoid excessive water quantity flows. Although there is an extensive internal roadway system, green space areas provide for retention of most of the existing wildlife corridors. No further action is required.

- 26. Prior to certificate approval, the following additional standards and requirements shall be added to the CDP text or plans:**

- c. A master street tree planting framework shall be provided which specifies a street tree type and typical tree spacing for each street in the villages and in**

**Danville Estates.**

Comment: The master plan of street trees indicates the use of a variety of shade trees within the public right-of-way. This specific design plan correctly reflects the approved master plan of street trees. The sizes are proposed at 2½- to 3-inch caliper. The average distance between street trees is 35 feet on center. The staff recommends that the Planning Board adopt a condition requesting that DPW&T approve street trees in accordance with the master plan of street trees.

- 32. The private recreational facilities shall have bonding and construction requirements as follows, all of which shall be incorporated in recreational facilities agreements (as specified in the *Parks and Recreation Facilities Guidelines*) prior to Final Plat of Subdivision.**

Facility	Bond Posted (or other suitable financial guarantee, suitability to be judged by the General Counsel's Office of M-NCPPC)	Construction Completed
Village Green in Bailey Village (including "focal point" and any children's play area)	Prior to release of any building permits in Bailey Village.	Prior to release of 50% of the residential building permits in Bailey Village, or permits for the first 20,000 square feet of office or retail, whichever comes first.
Tennis Complex in Glassford Village South	Prior to release of any building permits in any village.	Prior to release of the 500th residential building permit for the development as a whole.
Village Green in Edelen Village South (including "focal point" and any children's play areas)	Prior to release of any building permits in Edelen Village South.	Prior to release of 50% of the building permits in Edelen Village South.
Swimming Center in Edelen Village North	Prior to release of the 250th building permit in any village.	Prior to release of the 500th residential building permit for the development as a whole.
<b>Village Green in Lusby Village (including "focal point" and any children's play areas)</b>	<b>Prior to release of any building permits in Lusby Village.</b>	<b>Prior to release of 50% of the building permits for Lusby Village.</b>

Comment: A Recreational Facilities Agreement (RFA) will be required to be recorded at the time of the final plat for these lots. The RFA will include a construction schedule for the development of a gazebo sitting area within Lusby Village and a tot-lot to be incorporated into the green area surrounded by the townhouse units. Further, the plans must be revised to provide details and specifications for the tot lot.

8. **Preliminary Plan Conformance:** The property is the subject of Preliminary Plan 4-03027, PGCPB Resolution No. 03-122, adopted by the Planning Board on June 17, 2002. The preliminary plan remains valid for six years from the date of the Planning Board's adoption of the resolution, or until June 17, 2008, in this case. The preliminary plan was approved with 47 conditions. The following conditions that have not been discussed elsewhere in this report apply to the review of this SDP.

4. **The applicant, his heirs, successors and/or assignees shall provide for the continuous occupancy of the Edelen House Historic Site 84-23-06. The applicant shall work with the Historic Preservation staff to ascertain methods of informing prospective purchasers and tenants of the availability of the property.**

Comment: The applicant is currently in compliance with this condition. The Edelen House Historic Site (84-23-06) is currently occupied as the applicant's on-site offices for the development. This condition should be included as part of all subsequent applications.

6. **An errant golf ball study shall be submitted at the time the specific design plan review for land adjacent to the golf course.**

Comment: The subject application has land adjacent to the golf course, specifically Hole 8 is next to the development, but the plans do not demonstrate conformance. Staff recommends the applicant provide the errant golf ball study for review prior to signature approval.

8. **The following items shall be addressed prior to the approval of the SDP that includes the following:**

- d. **The single-family detached units located along the main spine road through the development should front on the spine road.**

Comment: Staff recommends that the houses on corner lots front on the most heavily traveled street, where possible.

- e. **The residential lots located at each entrance shall be large enough to accommodate the fronting of the unit toward the entrance road.**

Comment: The plans provide for the units to diagonally front the intersection, which is a satisfactory resolution of the intent of this condition to place the front façade of the structure at a prominent location to the entrance.

14. **The applicant, his heirs, successors and/or assignees shall provide the Historic Preservation staff with evidence of items a. through f. below, which may include copies of contracts, work orders, completion orders, and receipts.**

- a. **Maintenance of exterior security lighting and a fire/burglar alarm system equipped with motion detectors and window and door sensors.**
- b. **Maintenance of “No Trespassing” signs at the street and around the environmental setting at locations determined by the Historic Preservation staff and the applicant.**
- c. **Provide an updated inspection report by a qualified professional of the current condition of the Historic Site (inclusive of the roof, walls, chimneys, windows, doors and foundations of the main house and all significant outbuildings and structures within the environmental setting). The report shall include recommendations for repair if needed in order to preserve the integrity of the physical features.**
- d. **Provide routine maintenance of utilities inclusive of heating, plumbing and electrical systems.**
- e. **The applicant shall provide evidence of maintenance of fire insurance on the house.**
- f. **Provide evidence of good faith efforts made to locate a suitable organization or individual to take responsibility for the Edelen House Historic Site and any plans to find a suitable steward for the property. The developer shall also provide the Historic Preservation Commission with evidence of the current structural integrity and physical condition of the property with cost estimates for significant repair items identified.**

**The applicant, his heirs, successors and/or assignees shall continue to provide this information (which shall be included in a report to be provided to the Historic Preservation staff every six months beginning on or before July 30, 2002) until the Historic Site (Edelen House Historic Site 84-23-06) is restored or adaptively reused.**

Comment: The applicant is currently in compliance with the condition above; the required periodic status reports have been submitted according to the established schedule. This condition should be included as part of all subsequent applications.

15. **Prior to the issuance of each residential building permit, the applicant, his heirs, successors and/or assignees shall provide evidence of contribution of \$400.00 to the Piscataway Preservation Grant and Loan Fund.**

Comment: Each building permit within the Preserve is reviewed for compliance with Condition 15. The funds generated by these contributions to the Piscataway Preservation Grant and Loan Fund (Piscataway Preservation Corporation) are collected and managed by an escrow agent retained by the applicant for this purpose. This condition should be carried forward and included

as part of all subsequent applications.

- 17. The applicant should demonstrate that the Piscataway Preservation Corporation has received approval of provisional nonprofit 501(c)(3) status from the Internal Revenue Service, if it is obtained.**

Comment: This condition was developed to potentially provide for tax-deductible contributions to the Piscataway Preservation Corporation (PPC). Since the permit fee of \$400.00 per building is required by a Planning Board condition, it would be considered as a required expense even in the absence of the PPC and could not be considered a voluntary, charitable, and tax-deductible contribution. Therefore, a Section 501(c)(3) determination under federal tax regulations is not appropriate. The applicant has demonstrated that the Piscataway Preservation Corporation has been incorporated under the Annotated Code of Maryland as a not-for-profit or nonstock equity entity. This condition should no longer be included as part of any subsequent development applications.

- 19. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffer, excluding those areas where variation requests have been approved, and be reviewed by the Environmental Planning Section prior to certification. The following note shall be placed on the record 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.”**

Comment: This condition remains in effect.

- 20. Prior to the issuance of any permits which impact jurisdictional 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.**

The applicant has obtained wetlands permits CENAB-OP-RMS (Villages at Piscataway) 95-63445-7 from the U.S. Army Corps of Engineers and 95-NT-0129/199563445 from the Maryland Department of the Environment.

- 22. The following note shall be placed on the Final Plat of Subdivision:**

**“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/9/94-02), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation**

**Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy.”**

Comment: This condition remains in effect.

- 28. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall provide a financial contribution of \$410.00 to the Department of Public Works and Transportation for the placement of a bikeway sign(s) along Road A, designated a Class III Bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If the Department of Public Works and Transportation declines the signage, this condition shall be void.**
- 29. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall provide a financial contribution of \$420.00 to the Department of Public Works and Transportation for the placement of a bikeway sign(s) along Medinah Ridge Road, designated a Class III Bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If the Department of Public Works and Transportation declines the signage, this condition shall be void.**

Comment: These conditions will be carried forward to the SDP in order to ensure enforcement.

- 32. The applicant, his heirs, successors and or assignees shall provide standard sidewalks along both sides of internal public streets unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.**

Comment: Standard sidewalks are recommended along both sides of all internal roads as reflected on the SDP. This will help to safely accommodate pedestrians on the site

- 40. The applicant, his heirs, successors and/or assignees shall, in cooperation with DPW&T and Planning Department staff, implement strategies that will maintain lower speeds on certain internal streets within the subject property. These include:**
- b. Road A, as labeled on the plan**

Comment: Along St. Mary's View Road, a traffic circle is shown, which is consistent with the intent of this condition regarding the roadway connecting Parcels D, E, and F.

- 41. The Specific Design Plan shall address specific issues of circulation and access raised by the Planning Department staff and DPW&T and shall review for consideration the following:**
- b. Provide designs for the traffic circles to DPW&T for review and design**

**approval, incorporating improved channelization within the current right-of-way or with slight modifications to the right-of-way, at the following locations:**

**(3) Road A and Road J**

Comment: The design of this traffic circle is part of this plan, and must have the concurrence of DPW&T prior to construction.

- c. Redesign all substandard curves, with consideration of the three following options: (A) redesign the roadway with a minimum 200-foot roadway centerline radius, with parking to be prohibited along the inside of the curve; (B) redesign the roadway to utilize 90-degree turns, subject to the design requirements discussed in Condition 42a above; (C) redesign the roadway to utilize cul-de-sacs instead of the continuous curving roadway. The final design shall be subject to approval by DPW&T, and is required at the following locations:**

**(3) Road L and Road M**

Comment: The design of the tightly curved roadways was revised. Road L was changed to indicate a 225-foot minimum centerline curvature, which meets DPW&T minimum standards. Road M was designed with a 200-foot minimum centerline curvature with parking prohibited on one side, and must have the concurrence of DPW&T prior to construction.

- d. All townhouses (except Bailey Village Lots 22-30, Block D) fronting on public streets shall, if a garage is provided, have the garage fronting on and receiving access from a private alley.**

Comment: All townhouses either front upon private streets or have garages served by private alleys, in accordance with the requirements of this condition.

- e. The plans shall be revised to display horizontal curve alignment data at all needed locations.**

Comment: The needed data is displayed on the plan.

**44. At the time of submittal of the first SDP for Preliminary Plan 4-03027, the applicant, his heirs, successors and/or assignees shall:**

- (a) Create an "Edelen House Improvement Disbursement Fund" in the amount of \$150,000. The purpose of the fund is to make internal and external improvements (excluding new landscaping) to the Edelen House Historic Site (84-23-06) that enhances the historic and architectural integrity of the**

**structure. These improvements, excluding routine maintenance and those maintenance items outlined in Condition 3 (a-f) of SDP 9804-01 as approved, may include but are not limited to repairs to exterior features such as roofs, doors, windows and wooden and masonry elements, and the installation of upgraded plumbing, heating, electrical, water and sewer services.**

- (b) Submit to the Historic Preservation Commission for approval, a list of potential improvements to be paid for through disbursements from the Edelen House Improvement Disbursement Fund. All improvements to the Edelen House Historic Site (84-23-06) paid for by the Edelen House Improvement Disbursement Fund shall be approved by the Historic Preservation Commission and, as appropriate, be approved through the Historic Area Work Permit process. The applicant and the Historic Preservation Commission may, by mutual agreement, modify the list of improvements to be paid for through the Edelen House Improvement Disbursement Fund.**

Comment: The applicant has developed a list of repairs to be carried out with funds from the Edelen House Improvement Disbursement Fund and these work items were reviewed and approved by the Historic Preservation Commission on May 18, 2004, through the applicant's Historic Area Work Permit application. This condition has been fulfilled.

- 45. Prior to the submittal of the 177<sup>th</sup> residential building permit for the development or 12 months from the date of the Planning Board's adoption of this preliminary plan, whichever is earlier, the applicant, his heirs, successors and/or assignees shall complete all agreed-upon improvements to the Edelen House Historic Site (84-23-06) to be paid for through disbursements from the Edelen House Improvement Disbursement Fund. As evidence of the completion of the improvements, the applicant shall provide the Historic Preservation Commission with a description of the work and itemized receipts.**

Comment: The applicant's Historic Area Work Permit application for improvements to be implemented through the Edelen House Improvement Disbursement Fund (HAWP #10-04) was reviewed by the Historic Preservation Commission on May 18, 2004, as stated above. According to Condition 45, the applicant must complete the improvements prior to the issuance of the 177<sup>th</sup> building permit or June 17, 2004 (12 months from the adoption of the Planning Board's approval of Preliminary Plan 4-03027), whichever occurs first. The Planning Board's condition provides for either a date-specific or the building permit deadline. If the applicant does not meet the date stated in the condition, the condition does not specify the consequence of not meeting the date. However, if the applicant does not meet the deadline prior to the issuance of the 177<sup>th</sup> building permit, then no additional permits will be recommended for approval by M-NCPPC to the Department of Environmental Resources. This is the most effective way to monitor and enforce conditions of approval. It has been recognized by the staff that conditions relating to specific dates are not enforceable and allow delinquency on the part of the applicant with no repercussions.

## REFERRAL RESPONSES

9. The Environmental Planning Section has reviewed the revised specific design plan for the Preserve at Piscataway –Lusby Village, SDP-0401, and the Type II Tree Conservation Plan, TCPII/68/04, stamped as accepted for processing on June 14, 2004. The Environmental Planning Section recommends approval of SDP-0401 and TCPII/68/04 subject to conditions.

This specific design plan for the Preserve at Piscataway–Lusby Village, containing 114.42 acres in the R-L Zone, is located in Planning Area 84, primarily south of Floral Park Road and west of Danville Road. According to current air photos about 90 percent of the site is wooded. Floral Park Road, Piscataway Road, and Danville Road are designated historic roads. There are no nearby noise sources. The proposed use is not expected to be a noise generator. There are streams, wetlands and floodplain associated with Piscataway Creek in the Potomac River watershed on-site. No species listed by the State of Maryland as rare, threatened or endangered are known to occur in the general region. The Prince George’s County Soils Survey indicates that the principal soils on the site are in the Aura, Beltsville, Bibb, Elkton, Galestown, Othello, and Sassafra soils series. Marlboro Clay is known to occur on the site. The site is in the Developing Tier according to the General Plan.

- a. This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. The Subregion V Master Plan indicates that there are substantial areas designated as Natural Reserve on the site. As noted on page 136 of the Subregion V Master Plan:

“The Natural Reserve Area is composed of areas having physical features which exhibit severe constraints to development or which are important to sensitive ecological systems. Natural Reserve Areas must be preserved in their natural state.”

The Subregion V Master Plan elaborates on page 139:

“The Natural Reserve Areas, containing floodplain and other areas unsuitable for development should be restricted from development except for agricultural, recreational and other similar uses. Land grading should be discouraged. When disturbance is permitted, all necessary conditions should be imposed.”

To be in conformance with the Subregion V Master Plan, new development should preserve to the greatest extent possible the areas shown as Natural Reserve. For the purposes of this review, the Natural Reserve includes the expanded stream buffer and any isolated sensitive environmental features.

The Specific Design Plan and Type II Tree Conservation Plan show streams on the site, the required minimum 50-foot stream buffers, wetlands, the required 25-foot wetland buffers, a 100-year floodplain, all slopes exceeding 25 percent, all slopes between 15 and 25 percent, and an expanded stream buffer.

The SDP proposes impacts to stream buffers and wetland buffers. Impacts to these buffers are prohibited by Section 24-130 of the Subdivision Regulations unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. All of the impacts proposed on SDP-0401 were granted variations by the Planning Board during the review and approval of Preliminary Plan 4-03027. No further action regarding sensitive environmental features is required in regard to this SDP review.

- b. This site is subject to the provisions of the Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in size and has more than 10,000 square feet of woodland. A Tree Conservation Plan is required.

A Forest Stand Delineation was reviewed with CDP-9306. A revised Forest Stand Delineation was reviewed with 4-94017. A Type I Tree Conservation Plan (TCPI/9/94) was approved with CDP-9306. A revision to the Type I Tree Conservation Plan (TCPI/9/94-01) was approved with 4-94017. A revision to the Type I Tree Conservation Plan (TCPI/9/94-02) was approved with 4-03027. The Type I Tree Conservation Plan provides for all woodland conservation requirements to be met on-site and does not allow woodland conservation areas on lots less than 20,000 square feet in area, the use of fee-in-lieu, or the use of an off-site easement.

A Type II Tree Conservation Plan (TCPII/68/04) was submitted with this application. This TCPII includes only 114.42 acres of the entire 793.2-acre project. This portion contains 110.26 acres of upland woodland and 3.64 acres of floodplain woodland. The plan proposes clearing 88.24 acres of upland woodland and clearing of 0.26 acre of floodplain woodland. The plan proposes on-site preservation of 22.28 acres and afforestation of 0.76 acre for a total of 30.24 acres; however, there are errors in the worksheet. Based upon the acreages of existing woodland on the net tract and the area of woodland proposed for clearing, only 22.02 acres of woodland will remain. This error is also shown in the worksheet where it lists 0.26 acre of woodland retained but not part of any requirement. The plans show 22.02 acres of designated woodland preservation areas and 0.76 acre of reforestation for a total of 22.78 acres; however, the plans also show woodland retained but not part of any requirement.

The design of the woodland conservation areas is in complete conformance with TCPI/9/94-02. Except for areas where variation requests were approved during the approval of Preliminary Plan of Subdivision 4-03027, all priority woodland areas are to be preserved. Many areas where grading and clearing of woodland in expanded stream buffers has been approved will be reforested.

The cover sheet for the TCPII shows the location of each previously approved specific design plan and their companion Type II Tree Conservation plans. A tracking chart clearly calculates the overall woodland conservation for the project. The overall project remains in compliance with Consideration #4 of A-9869 and A-9870, CR-60-1999,

September 14, 1993, and provides for woodland conservation of 35 percent as well as the preservation of a large contiguous wooded area in the southern portion of the site.

Recommended Action: The Environmental Planning Section recommends approval of TCPII/68/04 subject to the following condition:

Prior to certification of the Specific Design Plan, the Type II TCP worksheet on Sheet 2 of 15 shall be revised to accurately reflect the area of woodland cleared, the woodland conservation requirement, the area of woodland retained on-site as part of the requirement, the area of woodland retained but not part of any requirement, and the total woodland conservation provided for this phase. The tracking table on Sheet 1 of 15 shall be revised to reflect the changes to the worksheet on Sheet 2. The revised plan shall be signed and dated by the qualified professional who prepared the plan.

- c. Marlboro clay is known to occur on the site. A soils report was submitted with 4-96047. That study indicated that Marlboro clay occurs on the site between elevations 40 to 55. A more detailed study was submitted with SDP-9804. Because of the elevation of the clay and local topography, slope failure is not an issue. Footers for foundations cannot be set in Marlboro clay. Marlboro clay is unsuited as a sub-base material for roads. Due to the high elevation in this portion of the property, Marlboro clay should not be a factor for foundations or roads. No further action regarding Marlboro clay is required with regard to the review of this SDP.
- d. Floral Park Road, Piscataway Road, and Danville Road are designated historic roads. Proposed applications on or adjacent to scenic and historic roads are reviewed for conformance with *Design Guidelines and Standards for Scenic and Historic Roads* prepared by the Prince George's County Department of Public Works and Transportation.

The approved Type I Tree Conservation Plan shows a band of woodland conservation averaging about 100 feet wide along Danville Road in this portion of the overall project. In order to make required road improvements, some existing woodlands will be removed. The Type II Tree Conservation Plan should show reforestation of these areas that utilizes a mix of native species and contains a significant percentage of ornamental species such as redbud and serviceberry.

Recommended Condition: Prior to certification of the Specific Design Plan, the Type II TCP shall be revised to show reforestation of areas graded as part of the required road improvements for Danville Road.

- e. The Prince George's County Soils Survey indicates that the principal soils on the site are in the Aura, Beltsville, Bibb, Elkton, Galestown, Othello, and Sassafras soils series. Condition 17 of PGCPB No. 94-213, File No. 4-94017, June 24, 1994, was specifically included to require future review of areas where highly erodible soils occur on slopes in excess of 15 percent. Aura, Beltsville, Elkton, and Othello soils are highly erodible.

Discussion: This information is provided for the applicant's benefit. No further action is needed as it relates to this Specific Design Plan review. A soils report may be required by the Prince George's County Department of Environmental Resources during the permit process review.

- f. A Stormwater Management Concept Plan, CSD#8008470-1994-01, has been approved by the Prince George's County Department of Environmental Resources. The current plans show stormwater management facilities that are consistent with that approval. No further action regarding the stormwater management is required with regard to this specific design plan review.

The Environmental Planning Section recommends approval of SDP-0320.

The Environmental Planning Section recommends approval of TCPII/68/04 subject to the following conditions:

- Prior to certification of the specific design plan, the Type II TCP worksheet on Sheet 2 of 15 shall be revised to accurately reflect the area of woodland cleared, the woodland conservation requirement, the area of woodland retained on-site as part of the requirement, the area of woodland retained but not part of any requirement, and the total woodland conservation provided for this phase. The tracking table on Sheet 1 of 15 shall be revised to reflect the changes to the worksheet on Sheet 2. The revised plan shall be signed and dated by the qualified professional who prepared the plan.
- Prior to certification of the specific design plan, the Type II TCP shall be revised to show reforestation of areas graded as part of the required road improvements for Danville Road.

Comment: These conditions are included in the Recommendation section of this report.

10. The Historic Preservation and Public Facilities Planning Section has reviewed the original specific design plan for adequacy of public facilities and concluded the following:

- The existing fire engine service at Allentown Fire Station, # II Company 47, located at 10900 Fort Washington Road, has a service travel time of 7.64 minutes, which is beyond the 3.25-minute travel time guideline.
- The existing ambulance service at Allentown Fire Station, # II Company 47, located at 10900 Fort Washington Road, has a service travel time of 7.64 minutes, which is beyond the 4.25-minute travel time guideline.
- The existing paramedic service at Allentown Fire Station, # II Company 47, located at 10900 Fort Washington Road, has a service travel time of 7.64 minutes, which is beyond the 7.25-minute travel time guideline.

- The existing ladder truck service at Accokeek Fire Station, Company 24, located at 16111 Livingston Road, has a service travel time of 6.67 minutes, which is beyond the 4.25-minute travel time guideline.

The above findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system shall be provided in all new buildings proposed in this specific design plan, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.

The staff of the Historic Preservation and Public Facilities Planning Section found that the planned Brandywine Special Study Area Fire Station will be the first station that will provide fire and rescue service to this development. In order to mitigate the response time deficiencies, the staff recommends that the applicant participate in providing a fair-share contribution toward the construction of the Brandywine Special Study Area Fire Station. The fair-share contribution was previously calculated during the analysis of preliminary plat of subdivision 4-03072. The contribution is \$479 per dwelling, permit and the fair-share fee for commercial/historic uses, \$7646.50, shall be paid prior to the issuance of the first building permit for nonresidential uses.

### **Police Facilities**

The proposed development is within the service area for Police District V-Clinton. The Planning Board's current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of January 2, 2004, the county had 823 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed mixed-use development (commercial, residential, historic).

11. The Transportation Planning Division finds that the subject application does conform to the approved subdivision plans, the approved comprehensive design plan and the approved basic plan from the standpoint of transportation. Furthermore, the transportation staff finds that the development will be adequately served within a reasonable period of time with existing or programmed transportation facilities, or with transportation facilities to be provided as a part of the subject development.

The subject property is required to make roadway improvements pursuant to a finding of adequate public facilities made in 2003 and supported by a traffic studies and analyses done in 1994 and 2002. These conditions are enforceable with the submission of building permits. All required signal warrant studies required for submittal prior to SDP approval have been submitted.

12. The following specific design plan was reviewed for conformance with the Countywide Trails Plan and/or the appropriate area master plan in order to provide the master plan trails.

The Adopted and Approved Subregion V Master Plan recommends three master plan trail facilities that impact the Preserve of Piscataway development. The master plan recommends a trail facility along Floral Park Road, a trail in or adjacent to the PEPCO right-of-way, and a master plan bikeway along Danville Road. These and other pedestrian related issues have been addressed in previous approvals, including Basic Plans A-9869, A-9870, CDP-9306, SDP-9804 and 4-03027. CDP-9306 and 4-03027 recommend an eight-foot-wide, asphalt trail along the subject property's frontage of Floral Park Road from Piscataway Road to the entrance into Bailey Village (CDP Condition 6). This facility is off the subject application.

CDP-9306 also recommended the provision of the master plan trail along the PEPCO right-of-way (Condition 7). This appears to be reflected in the submitted preliminary plan with the provision of Parcels F and G. This facility is reflected on the submitted SDP, but is mostly off the subject application.

SDP-9804 recommends an eight-foot-wide, asphalt master plan trail along the north side of Piscataway Road relocated. This facility does not impact the subject application.

The bikeway along Danville Road can be addressed by the placement of Share the Road signage and the provision of wide, asphalt shoulders along the subject property's frontage. In conformance with Condition 8 of CDP-9306, bikeway signage is also recommended along Hardy Tavern Drive and Saint Mary's View Road.

Finally, in keeping with the modified grid street pattern and village concept, sidewalks are recommended along both sides of all internal roads. This is consistent with prior approvals and should safely facilitate pedestrian movement within the site. Standard sidewalks are reflected along both sides of all internal roads. This will help to facilitate safe pedestrian access to the nearby park/school site.

In conformance with the Adopted and Approved Subregion V Master Plan, Basic Plans A-9869, A-9870, CDP-9306, and SDP-9804, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:

- a. Designate Danville Road as a Class III bikeway with appropriate signage. Because Danville Road is a county right-of-way, the applicant, and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$420 to the Department of Public Works and Transportation for the placement of this signage. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit. If road frontage improvements are required by DPW&T, seven-to ten-foot-wide asphalt shoulders are recommended to accommodate bicycle traffic (CDP-9306 Consideration #20).

- b. Per Condition 8 of CDP-9306, it is recommended that Saint Mary's View Road also be designated as a Class III bikeway with appropriate signage. Because Saint Mary's View Road will be a county right-of-way, the applicant, and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$420 to the Department of Public Works and Transportation for the placement of this signage. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit.
  - c. Per condition 8 of CDP-9306, it is also recommended that Hardy Tavern Drive be designated as a Class III bikeway with appropriate signage. Because Hardy Tavern Drive will be a county right-of-way, the applicant, and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$420 to the Department of Public Works and Transportation for the placement of this signage. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit.
  - d. Construct a multiuse (hiker-biker-equestrian) trail within the entire length of Parcels F and G. This trail should be constructed in conformance with Park Trail Standards as shown on page 163 of the Adopted and Approved Subregion V Master Plan. If necessary due to TCP considerations, the equestrian portion of this trail can be reduced to no less than four feet in width. A ramped curb cut shall be provided where this trail intersects with Danville Road. This trail is reflected on the submitted plat, but is largely off the subject application.
  - e. Construct standard sidewalks along both sides of all internal roads. These sidewalks will provide safe pedestrian access to the park/school site on the subject property.
  - f. Where the trail and sidewalks intersect with roadways, they shall be ramped to the street to allow ADA access.
13. The plans propose grading within the property along Danville Road at a 2:1 slope. The Grading Ordinance does not allow for grades on residentially zoned lands to be steeper than 3:1, unless a waiver is granted by the Department of Environmental Resources. The applicant could change the grades to 3:1 slope but this would cause the further removal of existing trees along Danville Road. Although the staff would support the waiver, the final decision lies with DER and therefore the staff recommends that the applicant seek a waiver prior to signature approval of the plans. The treatment of the area graded would be to reforest with emphasis on native ornamental trees, in order to improve the views of the area from the roadway.
14. The plan conforms to the approved comprehensive design plan and the applicable standards of the *Landscape Manual*. The subject application demonstrates conformance to Section 4-1 of the *Landscape Manual*.
15. As explained in Findings 10 and 11 above, the development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the

appropriate Capital Improvement Program or provided as part of the private development.

16. Adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties as demonstrated through the Stormwater Management Concept Plan (CSD #11092 thru 11095-2004-00 and 11104-2004-00) and has been approved by the Prince George's County Department of Environmental Resources for the five ponds on this portion of the site.
17. The plans proposed for the development of single-family attached lots conform to the applicable design guidelines for townhouses set forth in Section 27-433(d) in regard to the maximum number of units in a row and the width of the dwelling units. The architectural elevations will be required to be submitted for review prior to the release of any building permits for the townhouses. At that time, the design guidelines relating to minimum gross living area and architectural detailing shall be demonstrated.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan (TCP/II/68/04), and further APPROVED Specific Design Plan SDP-0401 for the above-described land, subject to the following conditions:

1. The initial half-section of Piscataway Road extended (otherwise known as A-54, the relocation of MD 223 through the subject property) shall be open to traffic between Livingston Road and existing MD 223 to Floral Park Road prior to the issuance of the 186th residential building permit within the subject property.
2. In order to alleviate the negative impact on fire and rescue services due to inadequate service, an automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.
3. The applicant shall provide a fee to Prince George's County that shall serve as a fair-share contribution toward the construction of the Brandywine special study area station and acquisition of an ambulance and paramedic unit. The fee amount is based upon the construction cost of the station (\$1,275,000) and the purchase price of an ambulance (\$129,000) and paramedic unit (\$129,000), divided by the total amount of population and employees within the proposed service area at projected buildout in 2006 (10,024). The fair-share fee for residential development of \$479 per dwelling unit shall be paid prior to the approval of each permit, and the fair-share fee for commercial/historic uses of \$7,646.50 shall be paid prior to the issuance of the first building permit for nonresidential uses.
4. Prior to the issuance of grading permits for any land disturbing activity within 50 feet of archeological site 18PR482, the final report of the Phase III archeological investigations shall be

reviewed by the Historic Preservation Commission and accepted by the Historic Preservation and public Facilities Planning Section.

5. The applicant, his heirs, successors and/or assignees shall provide for the continuous occupancy of the Edelen House Historic Site 84-023-06. The applicant shall work with the Historic Preservation staff to ascertain methods of informing prospective purchasers and tenants of the availability of the property.
6. The applicant, his heirs, successors and/or assignees shall provide the Historic Preservation staff with evidence of items a. through f. below, which may include copies of contracts, work orders, completion orders, and receipts.
  - a. Maintenance of exterior security lighting and a fire/burglar alarm system equipped with motion detectors and window and door sensors.
  - b. Maintenance of “no trespassing” signs at the street and around the environmental setting at locations determined by the Historic Preservation staff and the applicant.
  - c. Provide an updated inspection report by a qualified professional of the current condition of the property (inclusive of the roof, walls, chimneys, windows, doors, and foundations of the main house and all significant outbuildings and structures within the environmental setting). The report shall include recommendations for repair if needed in order to preserve the integrity of the physical features.
  - d. Provide routine maintenance of utilities inclusive of heating, plumbing, and electrical systems.
  - e. The applicant shall provide evidence of maintenance fire insurance on the house.
  - f. Provide evidence of good faith efforts made to locate a suitable organization or individual to take responsibility for the Edelen House Historic Site and any plans to find a suitable steward for the property. The developer shall also provide the Historic Preservation Commission with evidence of the current structural integrity and physical condition of the property with cost estimates for significant repair items identified.

The applicant, his heirs, successors and/or assignees shall continue to provide this information (which shall be included in a report to be provided to the Historic Preservation staff every six months beginning on or before July 30, 2002) until the historic site is restored or adaptively reused.

7. Prior to the issuance of each residential building permit, the applicant, his heirs, successors and/or assignees shall provide evidence of contribution of \$400.00 to the Piscataway Preservation Grant and Loan Fund.
8. Prior to signature approval of the plan, the following information or modifications shall be made:

- a. The width of all private streets shall be dimensioned as no less than 22 feet and alleys shall be dimensioned as no less than 18 feet wide.
  - b. Each sheet of the SDP shall provide reference to all parcels and to whom the parcel is to be dedicated/conveyed.
  - c. The plans shall be revised to include a playground within the green area surrounded by townhouses. The plans shall also provide for the details and specifications for the playground.
  - d. The plans shall be revised so that corner lots either front on the most heavily traveled street or are placed diagonally toward the intersection, if topographic conditions allow.
  - e. The applicant shall obtain a waiver from the Department of Environmental Resources in order to allow the 2:1 slope proposed along Danville Road, or the plans shall be revised to conform to the maximum allowable slope of 3:1.
9. Prior to the issuance of any building permits for the construction of single-family attached units, the applicant shall file a revision to the plans to submit the architecture proposed for the single-family attached units.
  10. Prior to the issuance of the first building permit for the subject application, the applicant shall demonstrate approval of the paving plans by DPW&T, and the street trees within the right-of-way shall be in general conformance to the master plan of street trees, particularly in regard to size (2½- to 3-inch caliper) and spacing (approximately 35 feet on center).
  11. The applicant, his heirs, successors and/or assignees shall display in the sales office all of the plans approved by the Planning Board for this subdivision, including all exterior elevations of all approved models, the specific design plan, tree conservation plan, landscape plan, and plans for recreational facilities.
  12. The applicant, his heirs, successors and/or assignees shall demonstrate, by means of a tracking chart, that a minimum of 25 percent of the single-family detached units shall have front porches.
  13. Prior to the issuance of building permits, plans shall indicate that houses on corner lots shall either front on the most heavily traveled street or be placed diagonally on the lot, unless topographic conditions do not allow.
  14. Prior to the submittal of the 177<sup>th</sup> residential building permit for the overall development, the applicant, his heirs, successors and/or assignees shall complete all agreed-upon improvements to the Edelen House Historic Site (84-23-06) to be paid for through disbursements from the Edelen House Improvement Disbursement Fund. As evidence of the completion of the improvements, the applicant shall provide the Historic Preservation Commission with a description of the work and itemized receipts.

15. Designate Danville Road as a Class III bikeway with appropriate signage. Because Danville Road is a county right-of-way, the applicant, and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$420 to the Department of Public Works and Transportation for the placement of this signage. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit. If road frontage improvements are required by DPW&T, seven- to ten-foot-wide asphalt shoulders are recommended to accommodate bicycle traffic.
16. Designate Saint Mary's View Road as a Class III bikeway with appropriate signage. Because Saint Mary's View Road will be a county right-of-way, the applicant, and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$420 to the Department of Public Works and Transportation for the placement of this signage. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit.
17. Designate Hardy Tavern Drive as a Class III bikeway with appropriate signage. Because Hardy Tavern Drive will be a county right-of-way, the applicant, and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$420 to the Department of Public Works and Transportation for the placement of this signage. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit.
18. The applicant, his heirs, successors and/or assignees shall provide standard sidewalks along both sides of internal public streets.
19. Where the trail and sidewalks intersect with roadways, they shall be ramped to the street to allow ADA access.
20. The following is a list of additional development standards that shall be included and added to the cover sheet of this SDP:
  - a. Setbacks for garages and accessory buildings on through lots.
  - b. Minimum distance between end buildings for the townhouses.
  - c. Setback requirements for open decks and porches.
  - d. Amount of encroachment allowed for bay windows, chimneys, vestibules, areaways (above grade), etc., into the building restriction lines, if any.
21. Revise plans to include driveway aprons and/or the curb cuts for all of the townhouse units.
22. Prior to certification of the specific design plan, the applicant shall submit a letter of consent from the Department of Parks and Recreation agreeing to afforestation on lands to be dedicated or the Type II tree conservation plan shall be revised to remove afforestation on lands to be dedicated.

23. Prior to certification of the Specific Design Plan, the Type II TCP worksheet on sheet 2 of 15 shall be revised to accurately reflect the area of woodland cleared, the woodland conservation requirement, the area of woodland retained on-site as part of the requirement, the area of woodland retained but not part of any requirement, and the total woodland conservation provided for this phase. The tracking table on sheet 1 of 15 shall be revised to reflect the changes to the worksheet on sheet 2. The revised plan shall be signed and dated by the qualified professional who prepared the plan.
24. Prior to certification of the Specific Design Plan, the Type II TCP shall be revised to show reforestation of areas graded as part of the required road improvements for Danville Road. Reforestation shall include larger size stock and incorporate native ornamentals in the mix of planting materials.
25. Prior to the issuance of the 818<sup>th</sup> residential building permit for the entire project, one of the following shall be accomplished:
  - a. The golf course shall be fully constructed and open for use.
  - b. The Basic Plan shall be amended to delete the golf course and eliminate all conditions relating to the golf course.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the Circuit Court of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Harley, seconded by Commissioner Eley, with Commissioners Harley, Eley, Squire, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, October 28, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 18th day of November 2004.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:SL:rmk