

RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on December 9, 2004, regarding Detailed Site Plan DSP-04041 for Fort Washington Acres, the Planning Board finds:

1. **Request:** The subject application proposes the development of 72 single-family detached lots utilizing the cluster design alternative. The site consists of 79.86 acres in the R-R Zone. Four flag lots are proposed.
2. **Development Data Summary**

	EXISTING	PROPOSED
Zone(s)	R-R	R-R
Use(s)	Vacant	Single-family detached
Acreage	79.86	79.86
Lots	0	72
Parcels	0	A, B, C & D
Square Footage/GFA	N/A	N/A
Dwelling Units:		
Attached	0	0
Detached	0	72
Multifamily	0	0

Cluster Development Data

Gross Tract Area	79.86 acres
Areas of Slopes Greater than 25%	0.10 acre
Areas Within Existing 100-Year Floodplain	37.46 acres
Cluster Net Tract Area (Gross – F.P. – 25% Slope)	42.30 acres
Number of Lots Permitted at 2.0 du/acre	84 lots
Number of Lots Proposed	72 lots
Number of Flag Lots Proposed	4 lots
Minimum Lot Size Permitted:	10,000 sq. ft.
Minimum Lot Size Proposed:	10,000 sq. ft.
Cluster Open Space Required	11.16 acres

2/3 of the Required Cluster Open Space to be outside of the 100-Year Floodplain and Stormwater Management Facilities	7.47 acres
Cluster Open Space Proposed Outside the 100-Year Floodplain and Stormwater Management Facilities	13.18 acres
Total Cluster Open Space Provided	28.69 acres
Total Open Space Provided	54.40 acres
Mandatory Dedication Required (Private Recreational Facilities Provided)	0.00 acres
Open Space to be Conveyed to the Homeowners Association	54.40 acres
Open Space to be Conveyed to M-NCPPC	0.00 acres
Open Space to be Conveyed to Prince George's County	0.00 acres

<u>Modification in Dimensional Standards Permitted in Cluster</u>	<u>Standard in Zone</u>	<u>Allowed</u>	<u>Proposed</u>
27-442(c) Net Lot Coverage	25%	30%	30%
27-442(d) Lot width at Building Line	80'	75'	75'
Lot Frontage Along Street Line	70'	50'	50'
Lot Frontage Along Cul-de-sac	60'	50'	50'

3. **Location:** The property is located in the northwest quadrant of the intersection of Indian Head Highway (MD 210) and Swan Creek Road.

COMPLIANCE WITH EVALUATION CRITERIA

4. **Preliminary Plan of Subdivision 4-03138:** The Detailed Site Plan is in conformance with the Preliminary Plan, 4-03138, and applicable conditions. The following conditions of the Preliminary Plan warrant discussion:

6. **In addition to normal review, the Detailed Site Plan review shall include:**

- a. **A further evaluation of the methods of woodland conservation proposed and the species of plant material to ensure long-term survival. All tree planting will be required to be installed during the first planting season after the start of construction.**

- b. Landscaping and buffering for the gazebo, taking into account the views of commercial properties across Livingston Road.**
- c. Half of all lots shall have a minimum width of 80 feet and 25 percent of lots shall have a minimum width of 100 feet at the building line.**
- d. The use of flag lots and the new lotting pattern shown on the proposed conceptual site plan presented at the public hearing may only be permitted if the Planning Board can find at the time of detailed site plan that these layout changes are in conformance with all applicable requirements of Section 24-138.01 and Section 24-137(d) of the Subdivision Regulations.**

See Finding 7 below for discussion of Condition 6.a.

Condition 6.b. above has been met. The applicant has sited the gazebo so that it is not in view of the commercial properties across Livingston Road. It is sited behind a stand of existing woodlands to be saved, with additional accent landscaping provided.

Condition 6.c. above has been met. The applicant has provided a chart on the coversheet of the site plan that shows that 74.9 percent of the lots have a minimum width of 80 feet and 42.2 percent of the lots have a minimum width of 100 feet at the building line.

With regard to condition 6.d above, the applicant has provided four flag lots on the site plan. See Finding 5 below for a discussion of Section 24-137(d), Cluster regulations. With regard to Section 24-138.01, Flag lot regulations, the following findings are required:

Section 24-138.01(f)(1)

- (A) The design is clearly superior to what would have been achieved under conventional subdivision techniques.**

Comment: The overall design of the subdivision, including the use of flag lots, is clearly superior to a conventional subdivision because the layout clusters the lots on the usable portions of the property while preserving environmentally sensitive lands. The design integrates usable open space areas into the layout for private recreational facilities to be incorporated.

- (B) The transportation system will function safely and efficiently.**

Comment: The Transportation Planning Section has indicated by referral dated October 11, 2004, that the site plan is acceptable. Moreover, the flag lots have been designed so that the driveways will function safely and efficiently.

- (C) The use of flag lots will result in the creative design of a development that blends harmoniously with the site and with adjacent development.**

Comment: The flag lots have been designed to blend harmoniously into the development. Two of the flag lots back up to the wooded on-site floodplain; the other two flag lots abut vacant residentially zoned land.

- (D) The privacy of adjoining property owners has been assured in accordance with the evaluation criteria (of Section 24-138.01(e)).**

Comment: The proposed flag lots meet the evaluation criteria. The flag lots have been designed to have a courtyard effect with the adjacent standard lots. Care has been taken to ensure that the houses are oriented so that the fronts of the flag lot homes are not facing the rear yards of the standard lots.

- 8. The applicant, his heirs, successors, and/or assignees shall provide adequate, private recreational facilities in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines* and subject to the following:**

- a. The applicant, his heirs, successors, and/or assignees shall allocate appropriate and developable areas for the private recreational facilities on homeowners association (HOA) open space land. The private recreational facilities shall be reviewed by the Urban Design Review Section of DRD for adequacy and property siting prior to approval of the preliminary plan by the Planning Board.**
- b. A site plan shall be submitted to the Development Review Division (DRD) of the Prince George's County Planning Department, which complies with the standards outlined in the Parks and Recreation Facilities Guidelines.**
- c. Submission of three original, executed Recreational Facilities Agreements (RFA) to DRD for their approval, three weeks prior to a submission of a final plat. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.**
- d. Submission to the DRD of a performance bond, letter of credit or other suitable financial guarantee, in an amount to be determined by DRD, within at least two weeks prior to applying for building permits.**

The developer, his successor and/or assigns shall satisfy the Planning Board that there are adequate provisions to assure retention and a future maintenance of the proposed recreational facilities.

The applicant has provided private recreational facilities consisting of a school-age playground with five benches; a single, unlit tennis court with three benches; an open play area; a wooden gazebo; and 2,000 linear feet of trails. The amount of recreational facilities required by this development, based on the “Formula for Determining the Value of Recreational Facilities to be Provided in Small Subdivisions (for Populations up to 1000)” for 72 dwelling units in Planning Area 80, is \$ 82,246. The amount of facilities provided for the development, based on the recommended bond amounts for recreational facilities by the Department of Parks and Recreation, is \$217,800.00, broken down as follows:

1 single tennis court (unlit)	\$55,000.00
1 school-age playground	\$60,000.00
8 benches (\$600.00 ea.)	\$4,800.00
2,000 LF 6’ wide asphalt trail	\$70,000.00
1 open play area	\$8,000.00
1 gazebo	\$20,000.00

All recreational facilities should be constructed prior to the issuance of the 50th building permit.

5. **Section 24-137, Cluster Regulations:** The Detailed Site Plan is in conformance with the cluster regulations of the Subdivision Ordinance and meets the criteria for approval in Section 24-137(g).

With regard to criterion 10, the main entrance to the subdivision has been designed to be a 120-foot right-of-way with a 40-foot-wide landscaped median separating the incoming and outgoing traffic. Attractive brick walls with signage and wrought iron fencing flank both sides of the entrance. Attractive landscaping has been provided under and to the sides of the monument signage. For the lots backing onto Livingston Road, a 40-foot-wide existing tree save area has been provided on the lots, screening them from the road. There is also a secondary entrance to the subdivision just south of the main entrance. Accent landscaping should be provided at the secondary entrance as well.

The cluster regulations require the review of the architectural elevations for exterior finish materials for the purpose of eliminating monotony of front elevations and to encourage a variety of architectural styles. The applicant is proposing the following architectural models by Cypress Homes and Vendemia & DeCesaris Builders:

House Type	Square Footage with All options*
<u>Cypress Homes</u>	
Aspen	4,078 sq. ft.
Hickory	3,865 sq. ft.
Redwood	4,012 sq. ft.

Juniper 3,996 sq. ft.

Vendemia & DeCesaris Builders

Sycamore 4,011 sq. ft.

*Finished square footage

All of the above models offer a variety of architectural details and exterior finish materials such as brick, siding, stucco or stone. Each model offers several different front elevations with a variety of roof pitches and styles, and all offer two-car garages. Prior to certification of the detailed site plan, side elevations for the models should be revised to provide a minimum of two standard architectural features.

6. **Zoning Ordinance:** The Detailed Site Plan is in conformance with the requirements of Section 27-428 of the Zoning Ordinance, which regulates development in the R-R Zone, and is also in conformance with the applicable sections of the Prince George's County *Landscape Manual*.

REFERRALS

7. In a memorandum dated November 29, 2004 (Stasz to Wagner), the Environmental Planning Section offered the following comments:

Site Description

The 79.86-acre property in the R-R Zone is located on the west side of Livingston Road and north of Swan Creek Road. There are streams, wetlands and 100-year floodplain associated with Broad Creek in the Potomac River Watershed. No significant areas of steep slopes with highly erodible soils or areas of severe slopes occur on the property. There are no nearby sources of traffic-generated noise. The proposed development is not a noise generator. According to the *Prince George's County Soil Survey* the principal soils on the site are in the Beltsville, Bibb, Iuka, Keyport, Othello and Sassafras soils series. Marlboro clay is not found to occur in the vicinity of this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication titled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic or historic roads in the vicinity of the property. The site is in the Developing Tier according to the adopted General Plan.

Review of Previously Approved Conditions

The following text addresses previously approved environmental conditions related to the subject applications. The text in **BOLD** is the actual text from the previous cases or plans.

PGCPB No. 04-93, File No. 4-03138, adopted June 10, 2004:

1. Prior to signature approval of the Preliminary Plan:

a. The Preliminary Plan and Type I Tree Conservation Plan shall be revised to:

- (1) Avoid all impacts to the wetland and wetland buffer at the end of Red Hill Court.**
- (2) Show a maximum of 0.005 acre (217.8 square feet) of disturbance to the steep slopes.**

b. The Type I Tree Conservation Plan shall be revised to:

- (1) To avoid all impact to the wetland and wetland buffer at the end of Red Hill Court.**
- (2) Show the new limit of disturbance.**
- (3) Remove all woodland conservation from lots.**
- (4) Revise and label “stream buffer” to read “expanded buffer.”**
- (5) Revise the worksheet as required.**
- (6) Have the revised plan signed and dated by the qualified professional who prepared the plan.**

Comment: The changes have been made and the Type I TCP has been certified.

5. A Type II Tree Conservation Plan shall be approved in conjunction with the Detailed Site Plan.

Comment: A Type II Tree Conservation Plan has been submitted with this application and is reviewed in detail below.

6. In addition to normal review, the Detailed Site Plan review shall include:

- a. A further evaluation of the methods of woodland conservation proposed and the species of plant material to ensure long-term survival. All tree planting will be required to be installed during the first planting season after the start of construction.**

Comment: This issue is reviewed in detail as part of the Type II Tree Conservation Plan.

Environmental Review

As revisions are made to the plans submitted, the revision boxes on each plan sheet shall be used to describe what revisions were made, when, and by whom.

- a. This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. The Subregion VII master plan indicates that there are substantial areas designated as Natural Reserve on the site. As noted on page 42 of the Subregion VII 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.”

For the purposes of this review, these areas include the expanded stream buffer and any isolated sensitive environmental features.

Wetlands, minimum 25-foot wetland buffers, streams, minimum 50-foot stream buffers, a 100-year floodplain, all areas with severe slopes, and all areas with steep slopes containing highly erodible soils are shown on the Detailed Site Plan and the Type II Tree Conservation Plan.

Condition 7 of PGCPB. No. 04-93 reads: “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 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.”

The expanded stream buffer is correctly shown on the Detailed Site Plan and the Type II Tree Conservation Plan.

The plan proposes impacts to the expanded stream buffers and wetlands 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. Even if approved by the Planning Board, the applicant will need to obtain federal and state permits prior to the issuance of any grading permit. The additional permit review will assure that the impacts are minimized and that there will be

no detrimental effects to public safety, health or welfare, or be injurious to other property. Staff notes that the existing sanitary sewer main is entirely within the expanded stream buffer and that the topography of the site controls stormwater drainage patterns. Two impacts were approved during the review of Preliminary Plan 4-03138.

Impact #1 is to the expanded stream buffer for the construction of a stormwater management facility to serve the proposed development. Because of the topography of the site, the outfall must be placed within the expanded stream buffer.

Impact #2 is for a sanitary sewer connection from the proposed development to an existing sewer main. The alignment of the sewer is constrained by the topography of the site. The required connections are to the existing sewer main that is wholly within the expanded stream buffer. The details of construction will be reevaluated by the Washington Suburban Sanitary Commission during the review of the construction permits to further reduce impacts.

Condition 2 of PGCPB No. 04-93 reads:

“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 impacts shown on the Type II Tree Conservation Plan are consistent with those approved by PGCPB. No. 04-93.

Comment: No further action regarding sensitive environmental features is required.

- b. A Modified Forest Stand Delineation (FSD) was reviewed with Preliminary Plan 4-03138. The FSD is detailed within the proposed development area in the eastern portion of the site and simplified in the western portion of the site where no development is proposed. The FSD indicates that the entire upland portion of the site is forested, but only 7.22 acres of the 37.48 acres of 100-year floodplain are forested. Three specimen trees were identified. The FSD was found to satisfy the requirements of the Prince George’s County Woodland Conservation and Tree Preservation Technical Manual.

Comment: No further action regarding the Forest Stand Delineation is required with regard to this Preliminary Plan of Subdivision review.

- c. The property is subject to the Prince George’s County Woodland Conservation and Tree Preservation Ordinance it is larger than 40,000 square feet in area and contains more than 10,000 square feet of woodland. A Tree Conservation Plan is required.

The revised Type II Tree Conservation Plan proposes clearing 30.05 acres of the existing 44.95 acres of upland woodland and clearing 0.05 acre of the existing 9.41 acres of woodland within the 100-year floodplain. The woodland conservation threshold has been correctly indicated as 8.99 acres and the woodland conservation requirement has been correctly calculated as 17.43 acres. The plan proposes to meet the requirement by providing 5.69 acres of on-site preservation and 16.52 acres of on-site afforestation for a total of 22.21 acres.

The plan proposes a unique opportunity to afforest 100-year floodplain in a priority area as defined in the Prince George's County Woodland Conservation and Tree Preservation Policy Document. This afforestation will create contiguous woodland where none currently exists in a location that will forward the goals of the Subregion VII master plan, the adopted General Plan and the Maryland Greenways Plan. The planting will greatly enhance the environmental value of the stream valley in this neighborhood. No designated woodland conservation areas are on any lots.

The plan contains several technical errors. The acreages for existing net tract woodland, existing woodland within the 100-year floodplain, area of woodland not cleared, and woodland retained not part of any requirement are incorrect and should read 44.95, 9.41, 11.38 and 5.69 respectively; however, these errors do not affect any other calculations in the worksheet. TCP Note 5 on sheet 14 of 14 refers to the "Forest Resources Unit," a branch of government that has not existed for more than ten years. The plan does not specify when planting is to commence or be completed.

Condition 6 of PGCPB No. 04-93 reads:

"In addition to normal review, the Detailed Site Plan review shall include:

- "a. A further evaluation of the methods of woodland conservation proposed and the species of plant material to ensure long-term survival. All tree planting will be required to be installed during the first planting season after the start of construction."

The plan proposes planting red maple, tulip poplar, red oak, green ash, white ash, black gum, sycamore, and flowering dogwood within the 100-year floodplain/wetland complex. Red oak, white ash, and flowering dogwood are not appropriate species for planting in wet areas and a combination of willow oak, pin oak, and bald cypress should be substituted.

Recommended Action: The Environmental Planning Section recommends approval of TCPII/145/04 subject to the following condition:

- (1) Prior to certification of the Detailed Site Plan, the Type II Tree Conservation Plan shall be revised to:

- (a) Correct the acreages for existing net tract woodland, existing woodland within the 100-year floodplain, area of woodland not cleared, and woodland retained not part of any requirement to read 44.95, 9.41, 11.38 and 5.69 respectively
 - (b) Correct TCP note #5 to read:

“The location of all Tree Protective Devices (TPDs) shown on this plan shall be flagged or staked in the field prior to the preconstruction meeting with the Sediment and Erosion Control Inspector from DER. Upon approval of the flagged or staked TPD locations by the inspector, installation of the TPDs may begin. TPD installation shall be completed prior to installation of initial sediment controls. No cutting or clearing of trees may begin before final approval of TPD installation.”
 - (c) Specify a planting schedule
 - (d) Substitute a combination of pin oak, willow oak, and bald cypress for white ash, red oak, and flowering dogwood
 - (e) Have the revised plan signed and dated by the qualified professional who prepared the plan.
- d. According to the *Prince George’s County Soil Survey* the principal soils on the site are in the Beltsville, Bibb, Iuka, Keyport, Othello and Sassafra soils series. The most significant limitations associated with these soils include high water tables and impeded drainage that would have the greatest impact on sites requiring septic systems; however, public water and sewer are proposed. Additionally, the development has been clustered in the portion of the site containing soils that pose no special problems for development.
- Discussion: This information is provided for the applicant’s benefit. No further action is needed as it relates to this prepreliminary plan of subdivision review. A soils report may be required by the Prince George’s County Department of Environmental Resources during the permit process review.
- e. A Stormwater Management Concept Plan, CSD#37008-2003-00, proposes the use of low impact development.
- Comment: No further action regarding stormwater management is required with regard to this Preliminary Plan of Subdivision review.

SUMMARY

The Environmental Planning Section recommends approval of DSP-04041.

The Environmental Planning Section recommends approval of TCPII/145/04 subject to Condition 1 in the Recommendation section.

8. In a memorandum dated May 10, 2004 (Masog to Wagner), the Transportation Planning Section indicates that the site plan is acceptable and notes that Conditions 13 and 15 of the Preliminary Plan will be enforced at the time of building permit.
9. As required by Section 27-285(b) of the Zoning Ordinance, the Detailed Site Plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

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 (TCPII/145/04) and further APPROVED Detailed Site Plan DSP-04041 for the above-described land, subject to the following conditions:

1. Prior to certification of the Detailed Site Plan, the Type II Tree Conservation Plan shall be revised to:
 - a. Correct the acreages for existing net tract woodland, existing woodland within the 100-year floodplain, area of woodland not cleared and woodland retained not part of any requirement to read 44.95, 9.41, 11.38 and 5.69 respectively
 - b. Correct TCP note #5 to read:

“The location of all Tree Protective Devices (TPDs) shown on this Plan shall be flagged or staked in the field prior to the pre-construction meeting with the Sediment and Erosion Control Inspector from DER. Upon approval of the flagged or staked TPD locations by the Inspector, installation of the TPDs may begin. TPD installation shall be completed prior to installation of initial Sediment Controls. No cutting or clearing of trees may begin before final approval of TPD installation.”
 - c. Specify a planting schedule
 - d. Substitute a combination of pin oak, willow oak, and bald cypress for white ash, red oak, and flowering dogwood

- e. Have the revised plan signed and dated by the qualified professional who prepared the plan.
2. Prior to certification the following revisions shall be made to the Detailed Site Plan:
 - a. Side elevations for the architectural models shall be revised to provide a minimum of two standard architectural features.
 - b. Accent landscaping shall be provided at the secondary entrance.
 3. All recreational facilities shall be constructed prior to the issuance of the 50th building permit.
 4. A minimum of 50 percent of all dwellings shall have brick front elevations.
 5. No two units with identical front elevations may be located across from one another.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council 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 Squire, seconded by Commissioner Vaughns, with Commissioners Squire, Vaughns, Eley and Hewlett voting in favor of the motion, and with Commissioner Harley absent, at its regular meeting held on Thursday, December 9, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 6th day of January 2005.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator