

C O R R E C T E D R E S O L U T I O N

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 June 8, 2006, regarding Specific Design Plan SDP-0505 for Renard Lakes, the Planning Board finds:

1. **Request:** The subject specific design plan is for the approval of 315 single-family detached dwelling units and 78 single-family attached dwelling units on 167.84 acres in the R-S Zone.
2. **Development Data Summary**

	EXISTING	PROPOSED
Zone(s)	R-S	R-S
Use(s)	Sand and Gravel Mining, Asphalt	Single-family detached, Single-family attached
Acreage	167.84	167.84
Lots	0	393
Parcels	0	7
Dwelling Units		
Attached	0	78
Detached	0	315

3. **Location:** The subject property, consisting of 167.84 acres, is located on the west side of US 301 (Crain Highway), north of its intersection with Dyson Road. Access to the property is proposed along Dyson Road. The property has approximately 1,200 feet of frontage along Dyson Road.

4. **Surroundings and Use:** The property is surrounded by the following uses:

North—PEPCO transmission line right-of-way and R-O-S (Reserved Open Space) zoned land owned by the Maryland Veterans Commission.

East—Developed and vacant properties in the I-1 (Light-Industrial) Zone and US 301, Robert Crain Highway, beyond the industrial properties.

South—Dyson Road and commercial uses in the C-M (Commercial-Miscellaneous) Zone along the south side of Dyson Road.

West—Piscataway Creek Stream Valley Park owned by M-NCPPC, zoned R-O-S and R-R (Rural Residential). The county recycling drop-off facility is located on the 3.7±

acre, southernmost R-R parcel across from Missouri Avenue. The M-NCPPC police firearms range is located on the north central portion of the 182.1±-acre R-O-S parcel.

The Subregion V master plan places the property in the Gwynn Park neighborhood of the North Village of the Brandywine Community. Piscataway Creek and the PEPCO transmission line right-of-way to the north, US 301 to the east, and MD 5 to the west define the triangular-shaped neighborhood.

5. **Previous Approvals:** On November 3, 2005, the Planning Board reviewed the amended Basic Plan A-9970 and recommended that the plan be approved with conditions (PGCPB Resolution No. 05-229). The Prince George’s County District Council approved Zoning Map Amendment A-9970 and the accompanying basic plan for the subject site (Zoning Ordinance No. 3-2006) on February 13, 2006, subject to 14 conditions and 2 considerations for a range of 251 to 405 dwelling units. The District Council issued its final conditional zoning approval on March 28, 2006, subject to the applicant accepting the conditions of approval in writing.

On March 9, 2006, the Planning Board adopted Comprehensive Design Plan CDP-0503 subject to 23 conditions for a maximum of 408 dwelling units. The District Council gave notice on April 27, 2006, that it elected not to review the CDP and, therefore, the Planning Board’s decision of approval with conditions stands as final

On February 23, 2006, the Planning Board approved Preliminary Plan 4-05048 (PGCPB Resolution No. 06-33) subject to 34 conditions.

6. **Design Features:** The proposed specific design plan consists of 315 single-family detached dwelling units with a variety of lot and dwelling unit sizes, 78 single-family attached townhouses, the construction of a master-planned hiker/biker and equestrian trails, and private recreational facilities.

The architecture consists of the following single-family detached and single-family attached townhouse models and their corresponding base finished square footage:

	SFD		SFA (Townhouses)
Clifton Park	4,433 SF	Carnegie	1,812 SF
Hyde Park	3,716 SF	Fairgate	1,600 SF
Knightsbridge	3,979 SF		
Monticello	4,923 SF		
Mount Vernon	5,338 SF		
Wynterhall	3,723 SF		
Avalon	2,935 SF		
Balmoral	3,893 SF		
Courtland	2,877 SF		
Highgrove	3,576 SF		
Monarch	4,948 SF		

Oberlin	2,632 SF
Faulkner	3,279 SF
Kipling	3,061 SF
Tolstoy	3,596 SF
Waverly	3,189 SF
Zachary	2,249 SF

Building materials for the architecture include a combination of brick, stone, vinyl siding, asphalt shingles and standing-seam metal roofs, and a variety of styles and roof pitches. A landscape entry feature has been provided at the main entrance of the development at Dyson Road.

CONFORMANCE WITH EVALUATION CRITERIA

7. **Basic Plan:** The proposed specific design plan is in conformance with Basic Plan A-9970 and all applicable conditions of approval.
8. **Zoning Ordinance:** The proposed development is in conformance with the Zoning Ordinance and the requirements of the R-S Zone.
9. **Comprehensive Design Plans:** The Planning Board adopted Comprehensive Design Plan CDP-0503 on March 9, 2006, with 23 conditions. The specific design plan is in general conformance with the CDP. The following conditions warrant discussion:
 4. **At the time of specific design plan the applicant will be required to conduct traffic signal warrant studies at the US 301/Dyson Road intersections and will be responsible for the construction of traffic signals at both locations if required by the State Highway Administration. The applicant will be responsible for any additional signage and pavement markings, and the lengthening of turn lanes on US 301 and Dyson Road as required by SHA and/or DPW&T. If the applicant determines that either or both signals are not warranted, the applicant shall develop alternative physical improvements for implementation if either or both intersections remain unsignalized. Such information shall be submitted at the time of specific design plan, and the transportation staff recommendation shall indicate the improvements—either signalization or physical improvements—to be bonded with SHA.**

The applicant completed a traffic signal warrant study for the US 301/Dyson Road intersections and submitted the study to SHA. SHA determined that a signal was not currently justified based on existing traffic conditions but potentially could be justified at a later time. SHA recommended that the applicant be conditioned to make the following physical improvements and conduct a follow-up traffic signal warrant study after the occupancy of 50 percent of the Renard Lakes development. These should be conditions of the specific design plan and a note should be placed on the final plats about the requirement for follow-up traffic signal warrant study:

- A. **US 301/Dyson Road (Southbound US 301)**—Widen the eastbound approach on Dyson Road from the shared one through/one right lane approach to one through lane and one right-turn lane approach.
- B. **US 301/Dyson Road (Northbound US 301)**—Widen the eastbound approach on Dyson Road from the shared one left/one through lane approach to one left-turn lane and one through lane approach.
- C. **US 301/Dyson Road Intersections (Northbound and Southbound US 301)**—Complete a follow-up traffic signal warrant study after the occupancy of 50 percent of the Renard Lakes development (combined single-family dwellings and/or townhouses). The follow-up study should include the operational impact of the median acceleration lanes on US 301. Upon review of the subsequent traffic signal warrant study, SHA will make a final determination for the traffic signals at the US 301 southbound/Dyson Road and the US 301 northbound/Dyson Road intersections.

8. Prior to acceptance of the applicable specific design plans, the following shall be shown on the plans:

- a. **The Community Building shall be shown as a minimum of 2,500 square feet, in addition to the outdoor swimming pool's required interior spaces within the building.**

The applicant has met the above requirements.

- b. **The swimming pool shall be no less than 25 meters long and 40 feet wide with a 30-foot by 30-foot training area.**

The applicant has met the above requirements.

- c. **Provide a 10-foot bufferyard along the entire length of the western property line. Bufferyard shall be expanded to 50-foot wide along the western property line contiguous to the M-NCPPC police firing range and the Recycling Center. The bufferyard along the entire length of the western property line shall be dedicated to the homeowners association.**

The applicant has met the above requirements.

- d. **Remove lots from four areas approximately 150 feet long, at the approximate location of lots 274-276 and 300-302 along the western side of the main street and lots 85-87 and 157-159 on the eastern side. Maintain green spaces within these areas with existing woodland and additional ornamental trees and landscaping.**

The applicant has met the above requirements. Additional ornamental trees and landscaping should be provided in green spaces.

- e. **Provide a fence that is approximately 8 feet in height and constructed of building materials other than wood. The fence shall be designed with architectural character and detail that is neighbor friendly on one side facing the residential structures. Locate the fence within the designated HOA area parallel to the western property line. Tree planting shall be provided in the bufferyard to soften the appearance of the fence.**
9. **On the appropriate specific design plan, the applicant shall provide the following:**
- a. **Construct the eight-foot-wide master plan trail along the subject property's entire frontage of Dyson Road (the ultimate 80-foot right-of-way), unless modified by DPW&T.**
 - b. **Provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T.**
 - c. **All internal HOA trails shall be asphalt and eight feet in width. If wet areas must be traversed, suitable structures (bridging or boardwalk) shall be provided.**
 - d. **Provide additional trail connections from the culs-de-sac in the southern portion of the subject site as follows:**
 - (1) **The fitness trail shall be extended the entire way around the lake, providing bridging or boardwalk across the area of wetlands if necessary, and careful siting at the base of the Lots 21 and 22.**
 - (2) **A trail connection between Public Street A and Public Street B. Street B shall also include a trail connection to the trail around the lake. This trail shall be accommodated on an open space window between lots where it connects to Public Streets A and B (between Lots 19 and 20 on Public Street A and between Lots 23 and 24 on Public Street B).**
 - (3) **All trails shall be accommodated on either HOA land or dedicated parkland. No trails or trail connectors shall be shown on private lots.**
13. **A revised Phase II noise study shall be submitted with the specific design plan. The revised noise study shall show the mitigated 65 dBA Ldn noise contours at ground**

level and at the second-story level on the TCPII. The locations of all proposed berms, walls and/or other type of constructed noise barriers shall be shown on the Type II TCP. No portion of any noise wall shall be on any residential lot. The TCPII shall show sufficient clearing to install and maintain all noise mitigation structures. The location and appearance of the required noise attenuation structures shall be reviewed and approved with the specific design plan and Type II Tree Conservation Plan.

- 17. Prior to the approval of a specific design plan for architectural elevations, the following shall be demonstrated:**
 - a. The most visible side elevations of single-family detached or attached units on corner lots and other lots whose side elevation is highly visible to significant amounts of passing traffic shall have a minimum of three architectural features such as windows, doors and masonry fireplace chimneys, and these features shall form a reasonably balanced and harmonious composition.**
 - b. All single-family detached dwellings shall not be less than 2,200 square feet of finished living area.**
 - c. No two houses directly adjacent to each other or across the street from one another should have the same elevation.**
 - d. Brick end walls shall be used on highly visible end units of townhouses, to be determined at the time of the specific design plan.**
 - e. No less than 60 percent of the detached units shall have full brick fronts.**
- 19. Every specific design plan shall include on the cover sheet, a clearly legible overall plan of the project on which are shown in their correct relation to one another all phase or section numbers, all approved or submitted specific design plan numbers, all approved or submitted tree conservation plan numbers, and the number and percentage.**

The applicant has met the above requirements of CDP Conditions 9,13,17, and 19. Additionally, the most visible side elevations of dwelling units on corner lots or other lots whose side or rear elevation is highly visible to public rights-of-way should employ a minimum of three standard architectural features on those elevations, such as windows, doors and fireplace chimneys, and these features shall form a reasonably balanced composition.

- 10. Preliminary Plan of Subdivision:** The Planning Board approved Preliminary Plan 4-05048 (PGCPB Resolution No. 06-33) with 34 conditions on February 23, 2006. The specific design

plan is in general conformance with the approved preliminary plan. Conditions of approval that warrant discussion are as follows:

Conditions 4, 5, 6, 11, 13, 17, and 20 related to environmental issues are discussed in Finding 13 below.

Conditions 32 and 34 related to the Department of Parks and Recreation is discussed in Finding 17 below.

Conditions 3, 4, 5, 6 and 7 related to transportation issues are discussed in Finding 14 below.

Conditions 30 and 32 are in regard to private recreational facilities. The site plan is in general conformance to this requirement.

11. ***Landscape Manual:*** The proposal is subject to the requirements of Section 4.1 (Residential Requirements) and Section 4.6 (Buffering the Rear Yards of Lots from Streets) and Section 4.7 (Buffering Incompatible Uses) of the *Landscape Manual*. The landscape plan generally meets the requirements of the *Landscape Manual*.
12. **Woodland Conservation Ordinance:** The Environmental Planning Section recommends approval of the Type II Tree Conservation Plan (TCPII/42/06) submitted with the specific design plan for conformance with the Woodland Conservation Ordinance. For further information with regard to the Environmental Planning Section's comments, see Finding 13 below.

REFERRAL COMMENTS

13. In a memorandum dated May 18, 2006 (Stasz to Estes), the Environmental Planning Section provided the following comments:

Background

The Environmental Planning Section has reviewed the subject property in the following applications: (1) rezoning from the I-1 Zone to the R-S Zone, A-9970, (2) Comprehensive Design Plan CDP-0503 with the companion Type I Tree Conservation Plan, TCPI/25/05, and (3) Preliminary Plan 4-05048 and the companion Type I Tree Conservation Plan, TCPI/25/05-01. Each of these applications was approved with conditions. Preliminary Plan 4-05048 and the companion Type I Tree Conservation Plan, TCPI/25/05-01, have received signature approval. This specific design plan must be approved prior to final plat.

Site Description

The 167.84-acre property in the I-1 Zone is located northwest of the intersection of US 301 and Dyson Road. There are streams, wetlands and 100-year floodplains, and associated areas of steep

slopes with highly erodible soils and areas of severe slopes on the property. US 301 is a nearby existing source 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 Aura, Beltsville, Bibb, Chillum, Croom, Galestown, Leonardtown, Made Land, Ochlockonee, Rumford, Sandy Land and Sassafras series; however, portions of the site were mined for sand and gravel after the publication of the "Prince George's County Soil Survey." 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 entitled "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. No designated scenic or historic roads are affected by this development. This property is located in the Piscataway Creek watershed in the Potomac River basin. 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. 05-229, File No.A-9970

4. An approved Natural Resources Inventory shall be required as part of any application for a Comprehensive Design Plan.

Comment: An approved natural resources inventory (NRI), NRI/030/05, was submitted with the application.

5. As part of any application for a Natural Resources Inventory, a soils study shall be submitted. The study shall clearly define the limits of past excavation and indicate all areas where fill has been placed. All fill areas shall include borings, test pits, and logs of the materials found. Borings and test pits in fill areas shall be deep enough to reach undisturbed ground.

Comment: A soils reported dated August 31, 2005, was submitted. The report includes a map showing the locations of 30 test pits and logs for each site and has laboratory analyses of representative samples. Additionally, the report contains recommendations for the future development of the site based upon the soils described in the report. Staff have reviewed the report in detail and determined that with proper reclamation, the proposed layout of streets and lots can be safely accomplished.

6. A Phase I Noise Study shall be required as part of any application for a Comprehensive Design Plan. The Comprehensive Design Plan and TCPI shall show all unmitigated 65 dBA Ldn noise contours associated with traffic-generated noise, and the TCPI shall show conceptually how noise will be mitigated to 65 dBA Ldn or less.

Comment: A Phase II noise study was submitted with the CDP. Staff is satisfied that this methodology for calibration of noise measuring devices is consistent with standard approved practices. The study clearly demonstrates the need for a noise attenuation structures. The unmitigated 65 dBA Ldn noise contour is shown on the preliminary plan and TCPI.

Consideration 1.

The comprehensive design plan shall avoid impacts to sensitive environmental features. If avoidance is not possible, the impacts shall be the minimum necessary to support the development concept as a whole and shall be located where previous impacts have occurred, to the fullest extent possible. To avoid permanent impacts to the stream system for a road crossing, an entrance serving the isolated eastern portion of the site shall be fully investigated and utilized if possible.

Comment: This consideration was addressed during the review of variation requests that were submitted with Preliminary Plan 4-05048. Impacts to sensitive environmental features are discussed in detail in the environmental review section below.

PGCPB No. 06-31, File No. CDP-0503

- 11. The Preliminary Plan of Subdivision shall ensure that no part of any conservation easement is on any residential lot.**

Because this is a comprehensive design zone and the residential lots are small, no portion of any lot should be encumbered with a restrictive easement. Conservation easements are restrictive because they severely limit the use of the land. The Preliminary Plan of Subdivision requires that no part of any conservation easement is on any residential lot and has been carried forward on this application. Portions of the expanded stream buffers are incorrectly shown on the SDP and TCPII. Specifically, the errors are in the vicinity of the cul-de-sac of Street "B". Because of these errors, at least three lots contain areas that should be placed in conservation easements, in conflict with Condition 11.

Recommended Condition: Prior to certification of the SDP, the SDP and TCPII shall be revised to ensure that no part of any conservation easement is on any residential lot. This may result in the loss of lots.

Recommended Condition: The final plats shall ensure that no part of any conservation easement is on any residential lot.

- 13. A revised Phase II noise study shall be submitted with the specific design plan. The revised noise study shall show the mitigated 65 dBA Ldn noise contours at ground level and at the second-story level on the TCPII. The locations of all proposed berms, walls and/or other type of constructed noise barriers shall be shown on the**

Type II TCP. No portion of any noise wall shall be on any residential lot. The TCPII shall show sufficient clearing to install and maintain all noise mitigation structures. The location and appearance of the required noise attenuation structures shall be reviewed and approved with the specific design plan and Type II Tree Conservation Plan.

Discussion: The TCPII shows the location of the proposed noise barrier and includes sufficient clearing to install and maintain the structure. The barrier and all areas required to maintain it are located on HOA property and not on any individual lot. The mitigated noise contour shown on the TCPII indicates that no outdoor activity area on any lot and no residential structures will be significantly impacted by traffic-generated noise. No further action regarding traffic-generated noise is required.

PGCPB No. 06-33, File No. 4-05048

- 2. In conjunction with the specific design plan, a Type II tree conservation plan shall be approved.**

Discussion: A Type II tree conservation plan has been submitted with this application and is discussed in the environmental review section below.

- 3. Development of this site shall be in conformance with stormwater management concept plan 29913-2005-00 and any subsequent revisions.**

Comment: The Type II TCP shows stormwater management facilities to control water quantity and quality for the proposed development. These facilities are consistent with Stormwater Management Concept Plan 29913-2005-00.

- 17. The specific design plans shall show the use of all best management practices and design techniques to minimize impacts to expanded stream buffers that have been approved by the preliminary plan. Any new impacts not approved with the current application will require a new preliminary plan application.**

Discussion: The TCPII shows several impacts to expanded stream buffers that were not approved during the review and approval of Preliminary Plan 4-05048. On sheet 13 the grading on the west side of Private Road "C" extends about 50 feet into an expanded stream buffer; however, no variation request was submitted for this impact during the review and approval of Preliminary Plan 4-05048. On sheets 15 and 18 grading for lots near the end of the cul-de-sac of Street "B" intrudes into expanded stream buffers on lots 18, 19, 22 and 23. Impacts to sensitive environmental features are discussed in detail in the environmental review section below.

- 20. The location and appearance of the required noise attenuation structures shall be reviewed and approved with the specific design plan and Type II tree conservation plan.**

Discussion: The TCPII shows the location of the proposed noise barrier and includes sufficient clearing to install and maintain the structure. The barrier and all areas required to maintain it are located on HOA property and not on any individual lot. The mitigated noise contour shown on the TCPII indicates that no outdoor activity area on any lot and no residential structures will be significantly impacted by traffic-generated noise. No further action regarding traffic-generated noise is required.

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.

1. An approved natural resources inventory (NRI), NRI/030/05, was submitted with the application. This site contains natural features 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.”

For the purposes of this review, the natural reserve includes all expanded stream buffers and isolated wetlands and their buffers. The expanded stream buffers that were established during the review of the NRI are not correctly shown on the specific design plan and the Type II tree conservation plan. Portions of the expanded stream buffers are incorrectly shown in the vicinity of the cul-de-sac of Street “B.”

Impacts to significant environmental features that are required to be protected by Section 24-130 of the Subdivision Regulations are proposed. The design should avoid any impacts to streams, wetlands, or their associated buffers unless the impacts are essential for the development as a whole. The applicant was advised on October 28, 2005, that this site is unusual because it is an un-reclaimed mining operation. A limit of grading required for reclamation of the mining site, even if no further development is proposed, should be clearly indicated. Because the reclamation is required for the existing site, any

grading required for reclamation will not require a variation request because it is a pre-existing condition inherent to this particular property. The exhibits clearly indicate the areas that will be impacted by the grading for reclamation of the mining operation.

Variation requests with exhibits for 14 impacts were received on January 17, 2005, and reviewed with Preliminary Plan 4-05048. Of those proposed impacts, 7 were fully approved, 4 were approved in part, and 3 were denied by the Planning Board. The SDP and TCPII show the fully approved impacts, show minimized impacts for the impacts that were approved in part, and eliminated the three impacts that were denied; however, the TCPII shows several impacts to expanded stream buffers that were not approved during the review and approval of Preliminary Plan 4-05048. On sheet 13 the grading on the west side of Private Road "C" extends about 50 feet into an expanded stream buffer; however, no variation request was submitted for this impact during the review and approval of Preliminary Plan 4-05048. On sheets 15 and 18, grading for lots near the end of the cul-de-sac of Street "B" intrudes into expanded stream buffers on Lots 18, 19, 22 and 23.

Because this is a comprehensive design zone and the residential lots are small, no portion of any lot should be encumbered with a restrictive easement and Condition 11 of CDP-0503 was created to ensure that this does not occur. Conservation easements are restrictive because they severely limit the use of the land. The preliminary plan of subdivision requires that no part of any conservation easement be on any residential lot and has been carried forward on this application.

Recommended Condition: Prior to certification of the SDP, the SDP and TCPII shall be revised to eliminate all impacts that were not granted variation requests with the review and approval of Preliminary Plan 4-05048.

2. According to the "Prince George's County Soil Survey," the principal soils on the site are in the Aura, Beltsville, Bibb, Chillum, Croom, Galestown, Leonardtown, Made Land, Ochlockonee, Rumford, Sandy Land and Sassafra series; however, portions of the site were mined for sand and gravel after the publication of the "Prince George's County Soil Survey."

Due to the unknown nature of the soils and the limitations associated with these areas, a soils report addressing the soil structure, soil characteristics, and foundation stability is required in order to allow analysis of the site with regard to the findings of Section 24-131 of the Subdivision Regulations.

A soils report dated August 31, 2005, was submitted. The report includes a map showing the locations of 30 test pits and logs for each site and has laboratory analyses of representative samples. Additionally, the report contains recommendations for the future development of the site based upon the soils described in the report.

Staff have reviewed the report in detail and determined that with proper reclamation, the proposed layout of streets and lots can be safely accomplished.

Discussion: This information is provided for the applicant's benefit. The Prince George's County Department of Environmental Resources will require a soils report in conformance with CB-94-2004 during the permit process review.

3. The property is subject to the requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because TCPI/25/05 was approved with Comprehensive Design Plan CDP-0503. A revised Type I Tree Conservation Plan, TCPI/25/05-01, was approved with Preliminary Plan 4-05048.

The Type II Tree Conservation Plan, TCPII/42/06, has been reviewed and found to require revisions. The plan proposes clearing 52.52 acres of the existing 84.07 acres of upland woodland and clearing 0.10 acre of the existing 8.56 acres of woodland in the 100-year floodplain. The woodland conservation threshold for this property is 29.24 acres. Based upon the proposed clearing, the woodland conservation requirement is 42.47 acres. The plan proposes 24.17 acres of on-site preservation, 12.93 acres of on-site planting, and the use of fee-in-lieu for the remaining 5.37 acres.

The plan shows adequate clearing of woodland on all proposed lots to provide outdoor activity areas; however, the plan also notes that woodland has been retained on lots but not as part of any requirement. Should a property owner desire to clear any of these retained woodlands, a revision to the Type II TCP would be required and a payment of a fee-in-lieu would be needed to account for the clearing of additional woodland. In order to avoid multiple changes to the TCPII, the plan at this time should calculate all woodland on lots as cleared, even if they are retained at this time. This would permit a property owner to treat the retained woodlands in any manner they deem appropriate without having to first obtain a revised TCPII or pay a fee-in-lieu.

On sheets 6 and 8, the plan improperly proposes planting on small lots that would be used to meet the requirements of the Woodland Conservation Ordinance.

As noted previously, woodland clearing is shown in portions of expanded stream buffers where no variation requests were granted.

The plan proposes planting within a floodplain and wetland area, planting area 1 of 4.53 acres, that is currently impacted by beavers. Planting in this area would be a fruitless endeavor because the trees would not survive. This area cannot be used for on-site planting to meet any requirement of the Woodland Conservation Ordinance.

There is a detail showing permanent fencing to be placed along planting areas; however, the location of the fencing is not shown in the legend or on the plans. Because there are significant areas that will need to be planted, the timing of planting these areas is a

concern.

Fee-in-lieu is the last option provided by the “Prince George’s County Woodland Conservation and Tree Preservation Policy Document” to meet woodland conservation requirements. Other options must be explored before fee-in-lieu can be used. As noted earlier, conservation easements should not be located on small residential lots; this will provide an opportunity to increase on-site preservation. There are also areas of expanded stream buffers that could be planted.

The *Countywide Green Infrastructure Plan* indicates the presence of regulated areas and evaluation areas on the site. The regulated areas contain the same features as the natural reserve as defined in the Subregion V Master Plan. The evaluation areas are the forested areas contiguous with the regulated areas. With the recommended changes, the TCPII will be in conformance with the *Countywide Green Infrastructure Plan* and the Woodland Conservation Ordinance.

Recommended Condition: Prior to certification of the specific design plan, the Type II tree conservation plan shall be revised to:

- a. Provide at a minimum the woodland conservation threshold on-site through additional preservation and on-site planting.
- b. Calculate all woodland on lots as cleared.
- c. Eliminate grading into areas where variation requests have not been granted.
- d. Ensure that conservation easements will not be on residential lots.
- e. Remove planting area 1 as contributing to meeting any requirement.
- f. Remove planting areas on lots as contributing to meeting any requirement.
- g. Recalculate the woodland conservation requirement.
- h. Show the permanent fencing for planting areas in the legend and on the plans.
- i. Add the following note to each sheet of the TCPII that shows reforestation/afforestation areas:

“All reforestation/afforestation areas adjacent to lots and split-rail fencing along the outer edge of all reforestation/afforestation areas shall be installed prior to the building permits for the adjacent lots.”
- j. Provide off-site woodland conservation, not fee-in-lieu, only as needed.

- k. Have the revised plan signed and dated by the qualified professional who prepared the plan.

14. In a memorandum dated May 17, 2005 (Jenkins to Estes), the Transportation Planning Section offered the following comments:

The Transportation Planning Section has reviewed the application referenced above. The application is for a residential subdivision of 322 single-family dwelling units and 80 townhouses located in the northwest corner of Dyson Road and US 301 (Crain Highway). The site consists of 167.84 acres of land in the I-1 Zone. Access to the site will be from Dyson Road.

Preliminary Plan 4-05048 for Renard Lakes was presented to the Planning Board on February 2, 2006, and was approved with conditions by PGCPB Resolution No.06-33 on February 23, 2006. Comprehensive Design Plan CDP-0503 was also presented to the Planning Board on February 2, 2006, and was approved by PGCPB Resolution No.06-31 on March 9, 2006. Transportation related conditions are set forth below.

- 3. At the time of building permit the applicant shall be required to provide improvements at the intersection of US 301 and MD 381 (Brandywine Road).**

These transportation improvements at the intersection of US 301 and MD 381 are required at the building permit stage, not at the specific design plan stage.

- 4. At the time of specific design plan the applicant will be required to conduct traffic signal warrant studies at the US 301/Dyson Road intersections and will be responsible for the construction of traffic signals at both locations if required by the State Highway Administration. The applicant will be responsible for any additional signage and pavement markings, and the lengthening of turn lanes on US 301 and Dyson Road as required by SHA and/or DPW&T. If the applicant determines that either or both signals are not warranted, the applicant shall develop alternative physical improvements for implementation if either or both intersections remain unsignalized. Such information shall be submitted at the time of specific design plan, and the transportation staff recommendation shall indicate the improvements-either signalization or physical improvements-to be bonded with SHA.**

The applicant completed a traffic signal warrant study for the US 301/Dyson Road intersections and submitted the study to SHA. SHA determined that a signal was not currently justified based on existing traffic conditions but potentially could be justified at a later time. SHA recommended that the applicant be conditioned to make the following physical improvements and conduct a follow-up traffic signal warrant study after the occupancy of 50 percent of the Renard Lakes development. These should be conditions of the specific design plan and a note should be placed on the final plats about the requirement for follow-up traffic signal warrant study:

- A. **US 301/Dyson Road (Southbound US 301)**—Widen the eastbound approach on Dyson Road from the shared one through/one right lane approach to one through lane and one right-turn lane approach.
- B. **US 301/Dyson Road (Northbound US 301)**—Widen the eastbound approach on Dyson Road from the shared one left/one through lane approach to one left-turn lane and one through lane approach.
- C. **US 301/Dyson Road Intersections (Northbound and Southbound US 301)**—Complete a follow-up traffic signal warrant study after the occupancy of 50 percent of the Renard Lakes development (combined single-family dwellings and/or townhouses). The follow-up study should include the operational impact of the median acceleration lanes on US 301. Upon review of the subsequent traffic signal warrant study, SHA will make a final determination for the traffic signals at US 301 southbound/Dyson Road and US 301 northbound/Dyson Road intersections.

The State Highway Administration's letter, dated April 10, 2006, is attached.

- 5. **At the time of submission of the final plat the applicant will be responsible for the dedication of 40 feet from the master plan centerline of Dyson Road.**

This is shown on the submitted SDP and must be reflected on the final plat.

- 6. **At the time of building permit the applicant will be required to provide for an acceleration lane, deceleration lane, and a left turn lane at the site's proposed access point along Dyson Road.**

These improvements are not shown on the submitted SDP. The actual turn lanes are not depicted on the SDP and will need to be approved by DPW&T during that agency's access review process. If there are any additional right-of-way needs along Dyson Road, they must be coordinated by the applicant with DPW&T.

- 7. **Prior to signature approval of the Comprehensive Design Plan, the applicant must provide evidence that alternative design plans for the two intersections of Dyson Road at the southbound and northbound lanes of US 301 have been submitted to the State Highway Administration as required by Condition 7 of the Zoning Hearing Examiner's decision of December 28, 2005 (A-9970, Renard Lakes).**

The applicant submitted alternative design plans for the two intersections of Dyson Road at US 301 to SHA, meeting this condition.

A note must be placed on the final plat indicating the requirement for the follow-up traffic signal warrant study after 50 percent occupancy of the residential units at Renard Lakes.

In consideration of the above review, the transportation staff finds that the subject application does indeed conform to the approved subdivision plan, the approved comprehensive design plan and the approved basic plan from the standpoint of transportation if improved with the following condition:

1. At the time of the issuance of the 202nd residential building permit, the applicant shall be required to submit to the State Highway Administration a revised traffic signal warrant study that shall include a new traffic count and consideration of the operational impact of the median acceleration lanes on US 301. The final plat shall include this condition.

To summarize, 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, 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.

15. In a memorandum (Harrell to Estes), the Public Facilities Planning Section offered the following comments:

The Historic Preservation and Public Facilities Planning Section have reviewed this specific design plan. In accordance with the provisions of Section 27.528 (a)(2) of the Zoning Ordinance which specifically states:

That 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.

The specific design plan SDP-0505 calls for the construction of 402 residences on a 167.84-acre site in the RS-Zone.

Fire and Rescue

The Prince George's County Planning Department has determined that this preliminary plan is within the required seven-minute response time for the first due fire station, Brandywine Company 40, using the *Seven-Minute Travel Times and Fire Station Locations Map* provided by the Prince George's County Fire Department.

The required fire and rescue facilities have been determined to be adequate

Police Facilities

The Prince George's County Planning Department has determined that this specific design plan is located in District V, Clinton. The response standard is 10 minutes for emergency calls and 25

minutes for nonemergency calls. The test is based on a rolling average for the preceding 12 months. The specific design plan application was accepted for processing by the Planning Department on March 8, 2006

	Date	Emergency Calls	Nonemergency
Acceptance Date	01/05/05-3/8/06	12.96	23.03

The police response time requirements for emergency calls were not met, and a public safety mitigation fee was assessed at the time of approval of the preliminary plan of subdivision, which was approved on January 26, 2005. The actual fee to be paid will depend upon the year the grading permit is issued and is subject to an adjustment on an annual basis in accordance with the percentage change in the consumer price index for all urban consumers.

16. In a memorandum dated April 3, 2006 (Benfield to Estes), the Countywide Planning Division offered the following comments:

Phase IA archeological investigations were completed on the above-referenced property and the final report, Phase IA Archeological Assessment of the Renard Lakes Property, Prince George’s County, Maryland, Prince George’s County Project Review No. CDP-0503, was received on November 2, 2005. No archeological sites were identified, and most of the property was disturbed. No further archeological work is required on the subject property. However, additional work may be required by the Maryland Historical Trust as part of the Section 106 process.

Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties to include archeological sites. This review is required when federal monies, federal properties, or federal permits are required for a project.

17. In a memorandum dated May 23, 2006 (Asan to Estes), the Department of Parks and Recreation offered the following comments:

The Department of Parks and Recreation (DPR) staff has reviewed the submitted specific design plan and finds that the following conditions of previous approvals are applicable to the above application:

Comprehensive Design Plan CDP-0503, Condition 2 states: Prior to certification of CDP-0503, the \$2,750,000.00 monetary contribution and payment schedule and any escalation adjustments shall be mutually agreed upon by DPR and the applicant in writing. If parties cannot reach an agreement, DPR staff shall advise the Planning Board of the proposed schedule during the consideration of the first SDP.

Comprehensive Design Plan CDP-0503, Condition-21 states: Prior to the 100th building permit, the applicant shall tender the balance of the \$2,750,000 monetary contribution to the Department of Parks and Recreation.

Comment: The applicant submitted a payment schedule to DPR for review and approval on April 26, 2006. The applicant proposed a contribution of \$750,000 prior to the first building permit and \$10,000 per lot for the first 200 lots. Comprehensive Design Plan CDP-0503, Condition 21, requires that the balance of the \$2,750,000 monetary contribution should be paid prior to the 100th building permit. DPR staff recommends that the applicant should contribute \$750,000 prior to the first building permit and \$20,000 per lot for the first 100 lots, for a total monetary contribution of \$2,750,000.00. If required escalation adjustments must be made, we recommend that the amount of each payment be proportionally increased. A representative of the applicant has verbally agreed with this proposal.

In addition, Condition 2, of the CDP-0503 states: "Prior to certification of CDP-0503, the \$2,750,000.00 monetary contribution and payment schedule and any escalation adjustments shall be mutually agreed upon by DPR and the applicant in writing.

Comment: DPR staff proposes that escalation adjustments shall be made beginning from the date of the first payment (\$750,000) and that the remaining amount due should be evaluated and adjusted for inflation on an annual basis using the consumer price index (CPI). A representative of the applicant has verbally agreed with this proposal.

Condition 2 of the CDP-0503 also requires that the payment schedule and escalation adjustments shall be mutually agreed upon by DPR and the applicant in writing.

Comment: DPR staff believes that the applicant and M-NCPPC should enter into a "Monetary Contribution Agreement." The agreement should be submitted to DPR for review and approval by the DPR Legal and Finance Department staff six weeks prior to submission of the final plat. Upon approval by DPR, the agreement should be recorded in land records of Prince George's County.

Condition 8.e. of CDP-0503 states: Prior to acceptance of the applicable specific design plans, the following shall be shown on the plan: Provide a fence that is approximately eight feet in height and constructed of building materials other the wood. The fence shall be designed with architectural character and detail that is neighbor friendly on one side facing the residential structures. Locate the fence within the designated HOA area parallel to the western property line. Tree planting shall be provided in the buffer yard to soften the appearance of the fence.

Condition 20 of the CDP-0503 states: With the submission of the first SDP, the applicant shall submit to the Development Review Division and the Department of Parks and Recreation for their review, and for approval by the Planning Board, drawings for the eight-foot-high fence along the western property line.

Comment: The applicant proposes installation of an eight-foot-high vinyl privacy fence. The applicant submitted SDP plans showing the location of the fence and website information about the fence. Although DPR staff finds the concept of the fence is acceptable, the submitted

information is insufficient to evaluate the quality of the material and installation method. DPR staff recommends that the applicant be required to submit a sample of the fence material and details for installation prior to certification of SDP-0505.

Condition 22 of the CDP-0503 states: Fee in lieu of mandatory dedication of parkland shall be paid prior to recording the subdivision and shall be placed in community account 842906.

Condition 32 of the Preliminary Plan 4-05048 states: In accordance with Section 24-134 and 24-135 of the Subdivision Regulations, the fulfillment of the mandatory dedication of parkland requirements is in addition to any contribution or construction of on-site recreational facilities required for the fulfillment of density increments for the development of this property. With the review of the specific design plan, a determination of the facilities and monetary contribution required for the fulfillment of mandatory dedication shall be made.

Comment: DRD staff reviewed the private recreational facilities on HOA land and finds that proposed recreational facilities had been required for fulfillment of density increments for the development of this property. No additional recreational facilities are proposed beyond what was specified for the award of density increments approved as part of CDP-0503. Therefore, DPR staff are of the opinion that the applicant should make a payment in lieu of mandatory dedication of parkland in accordance with Section 24-135 of the Subdivision Regulations. The fee should be paid prior to recording the subdivision and shall be used by M-NCPPC to purchase or improve parkland for the benefit of the future residents.

Urban Design Comments: The Department of Parks and Recreation staff conditions have been incorporated into the recommendation section of this staff report.

18. In a memorandum dated April 17, 2006 (Hunter to Estes), the Community Planning Division offered the following comments:
 - A. The property subject to this application was rezoned from the I-1 Zone to the R-S Zone by application A-9970 on March 28, 2006.
 - The Planning Board and District Council determined that the land use proposed by this application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier.
 - The Planning Board and District Council determined that the land use proposed by this application is in conformance with the residential planning guidelines (pp. 45-54) of the 1993 Approved Subregion V Master Plan and SMA instead of the employment-industrial land use recommendation on the land use map.
 - B. There are master plan design guidelines for residential development (pp.52-54) that pertain to review of this application.

PLANNING ISSUES

The District Council adopted the recommendations of the Zoning Hearing Examiner with respect to A-9970 and approved the requested rezoning from the I-1 to the R-S Zone, subject to a number of conditions. The specific goals in the Developing Tier that supported the map amendment are to maintain a pattern of low- to moderate-density land uses (except in Centers and Corridors), reinforce existing suburban residential neighborhoods, and to preserve and enhance environmentally sensitive areas.

The Planning Board found that the low-suburban residential planning guidelines on page 52-54 of the master plan specifically encourage the type of development proposed by the applicant. The density proposed for Renard Lakes is also in full accordance with ranges set forth on page 48 of between 1.6 and 2.6 dwelling units per acre for single-family attached and detached units.

The basic plan also fulfills a number of the objectives of the master plan for living areas including:

- The removal of incompatible uses (i.e., sand and gravel mining and an asphalt mixing plant) within living areas,
- Preservation of natural and scenic assets as an integral part of residential areas to enhance the character, quality and livability of the subregion.
- Provision of a wide range of housing opportunities and neighborhood choices that meet the needs of different age groups, family sizes, lifestyles and incomes.

The master plan design guidelines (pp. 52-54) that pertain to review of residential uses on this site include:

1. Living areas should contain no uses or activities that are incompatible with the residential activities.
5. Living areas should be preserved and upgraded where appropriate, through the use of conservation and rehabilitation programs, and the environmental deficiencies should be corrected either through rehabilitation or removal.
10. Buffering in the form of landscaping, open space, attractive fencing, and/or other creative site planning techniques should be utilized to protect residential areas from commercial, industrial and other incompatible uses.
13. Residential and related uses fronting on major highways and scenic roads should conform to a particularly high standard of design both as individual structures and as they blend in among other buildings.

14. Developers shall be encouraged to preserve natural amenities such as streams, flood plain and wooded areas, and to incorporate these natural features into the environmental pattern of residential areas to serve as open space and to define and link together the living areas.
15. Housing shall be prohibited in unsafe areas such as wetlands, flood plains, and unstable soils, and should be designed to minimize storm water runoff, erosion and sedimentation.
16. Recreation areas, school facilities, and activity centers should be designed or redesigned upon future expansion or renovation to serve as social focal points in residential areas.
18. Residential structures should be designed in harmonious relationships to one another, to the terrain and to adjacent roadways, and should be situated to create interesting, useable spaces.
19. Homes should be located to minimize site disturbance. Wherever possible, they should not be placed in the center of open fields or on ridgelines. They should be sited at the edges of fields and in wooded areas with minimum tree cutting to minimize visual impact. Treed areas between the home and the street should be retained.
22. Multifamily development should have direct access to arterial or collector roads and should not have primary access through single-family residential streets.
23. Living areas should include appropriate sites for senior citizen housing and related facilities in locations that can provide a human scale through adequate outdoor space and can be serviced by social and welfare programs. Ideally they should be located at sites that can provide convenient connections to shops, public transportation and other needs of the elderly. The best options are in the immediate vicinity of recommended activity center shopping areas.
25. Homes should be sufficiently set back from roads in order to preserve scenic viewsheds and to maintain the rural character. The views from the road should be protected through provision of landscaping where necessary.
19. In a memorandum (Berger to Estes) dated March 31, 2006, the Historic Preservation Planning Section stated that the proposed project would have no effect on historic resources.
20. In a memorandum (Stone to Estes) dated March 29, 2006, the Permit Review Section offered numerous comments. Those comments have either been addressed by revisions to the plans or in recommended conditions below.
21. In a memorandum dated April 13, 2006 (Chellis to Estes), the Subdivision Section offered the following comments:

This referral is a supplemental memorandum to the referral of March 28, 2006. The previous referral memorandum requested signature approval of the preliminary plan prior to the Planning Board approval of the SDP. That referral comment remains.

The property is the subject of Preliminary Plan 4-05048, approved by the Planning Board on February 2, 2006. The resolution of approval, PGCPB Resolution No. 06-33 was adopted on February 23, 2006. The preliminary plan remains valid until February 23, 2008, or until a final record plat is approved.

The property is subject to the conditions contained in the resolution of approval. That resolution contains 34 conditions. The following conditions relate to the review of the detailed site plan (DSP). Additional staff comments have been provided as necessary:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
 - d. Conform to the signature approved CDP-0503 and A-9970 or as modified by the District Council approval.
 - f. Replace the two regulation tables with the lot standards table proposed with the CDP. The preliminary plan should clearly demonstrate conformance to these design standards.
 - g. Label the ultimate right-of-way of each public and private street and alley.
 - h. Create a homeowners association open space parcel to contain the wall required for buffering by the ZHE and Planning Board.
 - i. Delineate the location of the service road.
 - j. Clearly demonstrate conformance on the preliminary plan to these design standards of the approved CDP.

Comment: A draft preliminary plan was submitted for review, prior to signature. The above items were not adequately addressed. In fact, the maximum allowable townhouses is 20 percent, and the applicant exceeds that by one. Subtitle 27 does not allow the rounding up of density.

The resolution of approval for CDP-0505 provides an allowable breakdown of lot sizes for the single-family detached units. The preliminary plan submitted does not demonstrate conformance and does not provide the approved lot standards table as requested.

The preliminary plan should be revised to label the right-of-way width of all streets, public and private. Dimension the width of Parcel C abutting the M-NCPPC firearms range.

3. Development of this site shall be in conformance with stormwater management concept plan 29913-2005-00 and any subsequent revisions.
4. Construct the eight-foot-wide master plan trail along the subject property's entire frontage of Dyson Road (the ultimate 80-foot right-of-way), unless modified by DPW&T.
5. In conjunction with the street construction, standard sidewalks along both sides of all internal roads shall be provided to replace the ability for pedestrian circulation resulting from the deletion of that portion of the HOA trail on Parcel C, specified in Condition 6.
6. All internal HOA trails shall be asphalt. The eight-foot width proposed on the submitted preliminary plan is acceptable. If wet areas must be traversed, suitable structures (bridging or boardwalk) shall be provided. The HOA trail on Parcel C shall be deleted and replaced with standard sidewalks on both sides of all internal streets. Except that portion of the HOA trail shall be constructed extending from Public Street M to Parcel F, at a location to be determined with the review of the SDP.
7. The specific design plan shall reflect additional trail connections from the cul-de-sac in the southern portion of the subject site. Additional trail connections that shall be provided include:
 - a. The fitness trail should be extended across the lake, by the construction of a bridge or boardwalk extending from Public Street B in the vicinity of Lots 21 and 22, to the main recreation area.
 - b. A trail connection between Public Street A and Public Street B. This trail should be accommodated on an open space window between lots where it connects to Public Streets A and B. This HOA land can be accommodate between Lots 19 and 20 on Public Street A and between Lots 23 and 24 on Public Street B.
8. All trails shall be accommodated on either HOA land or dedicated parkland. No trails or trail connectors shall be shown on private lots.

Comment: The trails coordinator should comment on conformance to the conditions for proper siting of the trail locations, materials, and widths.

10. **At the time of specific design plan**, the applicant will be required to conduct traffic signal warrant studies at the US 301/Dyson Road intersections and will be responsible for the construction of traffic signals at both intersections of Dyson Road at US 301 if required by the State Highway Administration. The applicant will also be responsible for any additional signage and pavement markings, and the lengthening of turn lanes on US 301 and Dyson Road, as required by SHA and/or DPW&T. This condition includes any alternative physical improvements required by SHA at US 301 and Dyson Road if either

or both intersections remain unsignalized. The improvements—either signalization or physical improvements—must be bonded and permitted with SHA and/or DPW&T.

Comment: Emphasis added.

11. At the time of submission of the final plat, the applicant will be responsible for the dedication of 40 feet from the master plan centerline of Dyson Road.
14. Prior to approval signature, the preliminary plan of subdivision shall be revised to ensure that no part of any conservation easement is on any residential lot.

Comment: Based on review of the preliminary plan, this condition has been addressed. However, the Environmental Planning Section should review for conformance on the Type I tree conservation plan. Signature approval of the Type I TCP is required prior to the signature approval of the preliminary plan.

15. Prior to the issuance of any permits that 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.
16. The following impacts are hereby approved in concept as illustrated on the exhibits received January 17, 2006: Impact A for the stormwater pond outfall; that portion of Impact B associated with the sanitary sewer connection; that portion of Impact E associated with the sanitary sewer installation; Impact F for the stormwater pond outfall; Impact G for the installation of a sanitary sewer connection; that portion of Impact K associated with the sanitary sewer installation; Impact L for the installation of the trail to connect public street M to Parcel F; and Impact N for the installation of a sanitary sewer line and stormwater outfall. Prior to signature of the preliminary plan, the Type I tree conservation plan shall be revised to eliminate all impacts that are not approved.

Comment: Signature approval of the preliminary plan any Type I tree conservation plan should occur prior to the approval of the SDP.

17. The specific design plans shall show the use of all best management practices and design techniques to minimize impacts to expanded stream buffers that have been approved by the preliminary plan. Any new impacts not approved with the current application will require a new preliminary plan application.
18. Prior to signature of the preliminary plan, the NRI, preliminary plan, and TCPI shall be revised to show the correct alignments of all existing utilities. The area within the sanitary sewer easement shall not be used to contribute to any required woodland conservation. The preliminary plan and TCPI shall be revised to show that no lot is encumbered by any existing sewer easement.

Comment: It appears that the alignment of the existing sewer line has been adjusted to reflect the actual alignment running north south. Staff would note, however, that the sewer easement alignment extend west from the stream valley across Lots 6 and 7, Block G, and Lots 6 and 7, Block F, essentially making the lots unbuildable. The sewer extension and 20-foot easement should be shifted accordingly on the preliminary plan prior to signature approval. Careful review of the extent of the easements alignments should occur with the SDP.

19. Prior to signature approval of the preliminary plan, the preliminary plan and the TCPI shall be revised to show the unmitigated 65 dBA Ldn and the conceptual mitigated 65 dBA Ldn.

Comment: Clearly label the 65 dBA Ldn, mitigated and unmitigated. The font used to label this on the preliminary plan is not legible.

20. The location and appearance of the required noise attenuation structures shall be reviewed and approved with the specific design plan and Type II tree conservation plan.
21. Prior to signature approval of the preliminary plan, the Type I tree conservation plan shall be revised to:
 - a. Provide, at a minimum, the woodland conservation threshold on-site through additional preservation and on-site planting.
 - b. Ensure that all noise attenuation structures are constructed on HOA property.
 - c. Show the clearing required to install noise attenuation structures.
 - d. Ensure that conservation easements will not be on residential lots.
 - e. Provide at least 40 feet of cleared area behind every residential structure without clearing any part of any stream buffer.
 - f. Recalculate the woodland conservation requirement.
 - g. Plant additional areas of expanded stream buffers that are not currently wooded or that were cleared because of required mining reclamation.
 - h. Correct the alignment of the existing sanitary sewer and remove the area of the easement from contributing to required woodland conservation.
 - i. Provide off-site woodland conservation, not fee-in-lieu, only as needed.
 - j. Replace the standard notes with the following:

- i. This plan is conceptual in nature and is submitted to fulfill the woodland conservation requirements 4-05048. The TCPI will be modified by a Type II tree conservation plan in conjunction with the approval of a detailed site plan, a specific design plan, and/or a grading permit application.
 - ii. The Type II tree conservation plan will provide specific details on the type and location of protection devices, signs, reforestation, afforestation, and other details necessary for the implementation of the Woodland Conservation Ordinance on this site.
 - iii. Significant changes to the type, location, or extent of the woodland conservation reflected on this plan will require approval of a revised Type I tree conservation plan by the Prince George's County Planning Board.
 - iv. Cutting, clearing, or damaging woodlands contrary to this plan or as modified by a Type II tree conservation plan will be subject to a fine not to exceed \$1.50 per square foot of woodland disturbed without the expressed written consent from the Prince George's County Planning Board or designee. The woodlands cleared in conflict with an approved plan shall be mitigated on a 1:1 basis. In addition, the Woodland Conservation replacement requirements (1/4:1, 2:1, and/or 1:1) shall be calculated for the woodland clearing above that reflected on the approved TCP.
 - v. Property owners shall be notified by the developer or contractor of any woodland conservation areas (tree save areas, reforestation areas, afforestation areas, or selective clearing areas) located on their lots or parcels of land and the associated fines for unauthorized disturbances to these areas. Upon the sale of the property, the owner/developer or owner's representative shall notify the purchaser of the property of any woodland conservation areas.
- k. Have the revised plan signed and dated by the qualified professional who prepared the plan.

Comment: Signature approval of both the preliminary plan and Type I TCP should occur prior to the approval of the SDP.

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/25/05-01), 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 Ordinance. This property is subject to the notification provisions of CB-60-2005.”

23. Prior to signature approval of the preliminary plan, the applicant shall submit evidence that the property is not encumbered by prescriptive or descriptive easements that are to the benefit of other properties. If encumbered, that applicant shall submit evidence that the rights and privileges associated with those easements will not be interrupted with the development of this property. If appropriate, the applicant shall provide evidence of the agreement of those benefited properties to the abandonment or relocation of said easements.

Comment: This condition has been addressed by letter dated March 23, 2006 (Wigfield to Chellis).

24. Prior to signature approval of the preliminary plan, the District Council shall issue a final zoning decision in rezoning case A-9970. If the applicant obtains approval of the rezoning from I-1 to R-S, the record plat shall carry a note that development of this property is subject to A-99707 and CDP-0503 and any subsequent amendments. A new preliminary plan of subdivision shall be required for development proposed that does not conform to A-99707, CDP-0503 and/or is substantially different from this preliminary plan.

Comment: The applicant should submit a copy of the final zoning decision.

25. The SDP shall locate any noise wall and berming for mitigation of traffic generated noise and any fencing along the west property line, required as a condition of approval of A-9970 or CDP-0503 on open space land to be conveyed to a homeowners association, and not on individual homeowners lots.
27. Review of the specific design plan **shall include a critical review** of the circulation and standards of the private streets that extend from the main spine road, across the dam at the north end of an internal lake feature, to the amenity complex and the townhouses located in the east central portion of the site. This review should be done in coordination with the Department of Public Works and Transportation (DPW&T) and the Fire Department for street standards to adequately and safely serve the residences.

Urban Design Comment: The Transportation Planning staff indicated that the private road arrangement appears to be acceptable and typical of other townhouse communities. It is also of the staff's opinion that the Department of Public Works and Transportation (DPW&T) has jurisdiction over the final approval of private roads.

32. In accordance with Section 24-134 and 24-135 of the Subdivision Regulations, the fulfillment of the mandatory dedication of parkland requirements is in addition to any contribution or construction of on-site recreational facilities required for the fulfillment of density increments for the development of this property. **With the review of the specific design plan**, a determination of the facilities and monetary contribution required for the fulfillment of mandatory dedication shall be made.

Urban Design Comment: The Department of Parks and Recreation has addressed the fulfillment of the mandatory dedication of parkland in Finding 17 and recommended conditions below.

33. Review of the specific design plan shall include:

- a. Conditions requiring the use of historically appropriate street names.

Urban Design Comment: Historic names were submitted and approved by the Historic Preservation Section staff for 23 street names.

- b. Identification and location of historically notable site features with the preservation of these features, where feasible.

Urban Design Comment: The Historic Preservation staff determined no identification and location of historically notable site features.

- c. Revised Phase IA archeological report with evidence of the input of the Robinson family descendants.

Urban Design Comment: A revised Phase IA archeological report was completed as noted in above Finding 16.

- d. Placement of signage markers describing the history of the property.

Urban Design Comment: A Markers Program has not been submitted. The condition of PGCPB Resolution 06-33 will be incorporated into the recommendation section of this staff report.

Plan Comments:

The following is a Transportation Finding of the Planning Board:

The current proposal is for a total of 404 single-family attached and detached residential units. Proposed Public Street "C" is depicted as the main residential roadway serving the development. Staff conducted an informal traffic study of the internal traffic loading on the streets shown on the site plan assuming the one access point on Dyson Road. The internal roadway widths appear to meet the criteria in the DPW&T's Neighborhood

Traffic Management Program except for the main access roadway, or Public Street "C." From the point where the average daily traffic volume (ADTs) would exceed 3,000, the roadway section needs to be 52 feet in width rather than 36 feet, as shown on the site plan. The point at which the project volume would exceed 3,000 ADTs appears to be approximately 1,100 feet from the centerline of Dyson Road. Public Street C would need to be 52 feet in width from this point south to Dyson Road, with a transition of 188 to 375 feet extending north from this point where the 36-foot roadway would begin.

Urban Design Comment: The Transportation finding referenced above is provided on the specific design plan.

There are no other subdivision issues at this time.

22. In a memorandum dated May 22, 2006 (Shaffer to Estes), the trails planner of the Transportation Planning Section offered the following comments:

The following master plan trail facilities impact, or are in the vicinity of the subject site:

- A proposed Class II Trail along Dyson Road.
- A proposed trail within the adjacent PEPCO right-of-way.
- A proposed trail along A-613.

The trail along A-613 will be completed at the time of road construction. The GIS master plan right-of-way layer indicates that this planned road is just to the west of the subject property. No recommendations are made at this time regarding this proposal. The trail facility will be provided as part of road construction, and it appears the road will be off the subject site.

No recommendations are made regarding the planned trail within the PEPCO right-of-way. Due to liability concerns, PEPCO does not want to encourage or promote trail use within the right-of-way at this time.

The approved Subregion V Master Plan designates Dyson Road as a planned trail corridor. Several previously approved subdivisions along Dyson Road have required the construction of this master plan trail. These include the approved preliminary plans for 4-99048, 4-03130, and 4-04093. Upon its completion, this trail will provide safe bicycle and pedestrian access to the nearby Gwynn Park High School, Gwynn Park Middle School, and a portion of the Piscataway Creek Stream Valley Park.

At the time of the preliminary plan, the following trail connections were recommended to improve the walkability of the site and improve the recreational opportunities at the lake.

- A trail connection between Public Street A and Public Street B (as labeled on the

preliminary plan).

- A complete trail around the proposed lake. This additional trail segment would greatly increase the attractiveness of the trail at the pond, would provide a loop trail opportunity for residents wanting a short walk around the pond, and improve the overall connectivity of the culs-de-sac with the rest of the development.

These trail connections are reflected on the submitted site plan.

The trails should compliment the internal sidewalk network and provide a variety of options for residents walking in the development. Sidewalks are included along both sides of all internal roads. However, there are several road intersections and cross walk locations where curb cuts are not reflected on the SDP. Staff recommends that ADA-compliant curb cuts be provided at all sidewalk/road intersections and crosswalk locations.

23. The Department of Public Works and Transportation (DPW&T) (Abraham to Estes, April 11, 2006) has provided a standard memorandum regarding street trees, lighting, sidewalks, embankments, storm drainage system, and soil investigation. The requirements of the DPW&T will enforced at time of permit.
24. The Department of Environmental Resources (Rea to Estes, April 13, 2006) has stated that the site plan for Renard Lakes SDP-0505 is consistent with approved stormwater concept plan 29913-2005.
25. The State Highway Administration (SHA) (Foster to Estes, March 20, 2006) has stated that SHA has no objection to Specific Design Plan SDP-0505 approval.

Recommendation:

In conformance with the approved Subregion V Master Plan and prior approvals along the Dyson Road corridor, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:

1. Construct the eight-foot-wide master plan trail along the subject property's entire frontage of Dyson Road (the ultimate 80-foot right-of-way), unless modified by DPW&T.
2. Provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T. Provide ADA-compatible curb cuts and ramps at all sidewalk/road intersections and crosswalk locations.
3. All internal HOA trails shall be asphalt. The minimum eight-foot width proposed on the SDP is acceptable.
4. Provide the trail around the lake within Parcel A, as indicated on the submitted SDP. The

trail around the lake and the trail connectors shall be constructed prior to the issuance of building permits for Lots 21 and 22 of Block A.

5. Provide the trail connection between Public Street A and Public Street B, indicated on the submitted SDP. This trail shall be constructed prior to the issuance of building permits for Lots 19 and 20 of Block D and Lots 23 and 24 of Block A.

26. **Conformance of the Proposed Specific Design Plan with the findings for approval of a Specific Design Plan (Section 27-528, Planning Board Action).**

The plan conforms to the approved Comprehensive Design Plan and the applicable standards of the Landscape Manual, and for Specific Design Plans for which an application is filed after December 30, 1996, with the exception of the V-L and V-M Zones, the applicable design guidelines for townhouses set forth in Section 27-274(a)(1)(B) and (a)(11), and the applicable regulations for townhouses set forth in Section 27-433(d) and, as it applies to property in the L-A-C Zone, if any portion lies within one-half (1/2) mile of an existing or Washington Metropolitan Area Transit Authority Metrorail station, the regulations set forth in Section 27-480(d) and (e);

As stated in Findings 9 and 11, the proposed specific design plan will be in conformance with the approved comprehensive design plan and the applicable standards of the *Landscape Manual* when the conditions in the recommendation section are met.

The development will be adequately served within a reasonable period of time with existing or programmed facilities either shown in the appropriate Capital Improvement Program or provided as part of the private development.

As explained in Findings 14 and 15 above, this required finding has been met.

Adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties.

Compliance with this requirement has been demonstrated as discussed in Finding 13 above.

The Plan is in conformance with an approved Tree Conservation Plan.

Compliance with this requirement has been demonstrated as discussed in Finding 13 above.

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/46/06), and further APPROVED Specific Design Plan SDP-0505 for the above-described land, subject to the following conditions:

1. Prior to certification of the SDP, the SDP and TCPII shall be revised to ensure that no part of any conservation easement is on any residential lot. This may result in the loss of lots.
2. The final plats shall ensure that no part of any conservation easement is on any residential lot.
3. Prior to certification of the SDP, the SDP and TCPII shall be revised to eliminate all impacts that were not granted variation requests with the review and approval of Preliminary Plan 4-05048.
4. Prior to certification of the specific design plan, the Type II tree conservation plan shall be revised to:
 - a. Provide, at a minimum, the woodland conservation threshold on-site through additional preservation and on-site planting.
 - b. Calculate all woodland on lots as cleared.
 - c. Eliminate grading into areas where variation requests have not been granted.
 - d. Ensure that conservation easements will not be on residential lots.
 - e. Remove planting area 1 as contributing to meeting any requirement.
 - f. Remove planting areas on lots as contributing to meeting any requirement.
 - g. Recalculate the woodland conservation requirement.
 - h. Show the permanent fencing for planting areas in the legend and on the plans.
 - i. Add the following note to each sheet of the TCPII that shows reforestation/afforestation areas:

“All reforestation/afforestation areas adjacent to lots and split rail fencing along the outer edge of all reforestation/afforestation areas shall be installed prior to the Building Permits for the adjacent lots.”
 - j. Provide off-site woodland conservation, not fee-in-lieu, only as needed.
 - k. Have the revised plan signed and dated by the qualified professional who proposed the plan.
5. Prior to certification of the specific design plan, signature approval of the preliminary plan Type I

conservation plan shall occur.

6. Construct the eight-foot-wide master plan trail along the subject property's entire frontage of Dyson Road (the ultimate 80-foot right-of-way), unless modified by DPW&T.
7. Provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T. Provide ADA-compatible curb cuts and ramps at all sidewalk/road intersections and crosswalk locations.
8. All internal HOA trails shall be asphalt and a minimum of eight feet wide.
9. Provide the trail around the lake within Parcel A, as indicated on the submitted SDP. The trail around the lake and the trail connectors shall be constructed prior to the issuance of building permits for Lots 21 and 22 of Block A.
10. Provide the trail connection between Public Street A and Public Street B, indicated on the submitted SDP. This trail shall be constructed prior to the issuance of building permits for Lots 19 and 20 of Block D and Lots 23 and 24 of Block A.
11. US 301/Dyson Road Intersections (northbound and southbound US 301)—Complete a follow-up traffic signal warrant study after the occupancy of 50 percent of the Renard Lakes development (combined single-family dwelling and/or townhouses). The follow-up study shall include the operational impact of the median acceleration lanes on US 301. Upon review of the subsequent traffic signal warrant study, SHA will make a final determination for the traffic signals at US 301 southbound/Dyson Road and US 301 northbound/Dyson Road intersections.
12. The specific design plans shall show the use of all best management practices and design techniques to minimize impacts to expanded stream buffers that have been approved by the preliminary plan. Any new impacts not approved with the current application will require a new preliminary plan application.
13. Prior to signature approval, the SDP shall be revised as follows:
 - a. One of every four parking spaces for the physically handicapped shall be designated as a van accessible space. If all spaces are van accessible, please note as such on the site plan.
 - b. Within the recreational parking data, the uses within the community building shall be included. Those uses shall be broken down by use as well as the required parking per use.
 - c. Depressed curbing or ramps shall be provided for all parking for the physically handicapped. An accessible route shall be provided as well.
 - d. Clarify the discrepancy in the recreational facility parking data that states a total of six parking for the physically handicapped are being provided although only four are labeled

as such.

- e. Include four parking spaces per court within the recreational parking data.
 - f. Provide the parking required for the pool within the recreational parking data.
 - g. Provide a brick façade tracking chart to demonstrate compliance to the required 60 percent brick façades as described in Condition 17e. of CDP-0503.
 - h. Provide top and bottom wall elevations on all walls.
 - i. Provide fencing and height of fencing around pool and courts as well as any other required fencing.
 - j. Provide building dimensions, to include all options, on all typical footprints.
 - k. Provide building height on typical footprints.
 - l. If decking is permitted within the townhomes, please demonstrate this as an option on the townhome typical footprints.
 - m. Identify residential planting requirements as “4.1” residential planting requirements.
 - n. Section 4.6 (Screening Rear Yards From Roadways) will be required for rear lots oriented toward US 301. A minimum of a 75-foot-wide buffer shall be demonstrated on the site plan. A 4.6 schedule shall be provided. If existing woodlands fulfill the plant requirement for buffer, indicate as such on the schedule.
 - o. Indicate uses on all adjacent/abutting I-1 property. Depending on the use, a bufferyard equivalent to a Section 4.7 buffer shall be provided.
 - p. Provide correct zoning on the site plan. Current zone is now R-S as approved by A-9970.
 - q. Provide information on methods to be used for notifying contract purchasers of the adjacent firearms range.
 - r. Provide evidence of county or State Highway Administration approval of the monument sign located within the right-of-way. Per Section 27-593(a)11, Prohibited Signs, “Signs which are placed on a municipal, county or state street right-of-way, except those of, or authorized by, public authorities or agencies, unless specifically authorized elsewhere in this part.”
14. Prior to certification of the specific design plan, the following revisions or information shall be provided:

- a. The placement of signage markers describing the history of the property.
 - b. A table on the specific design plans providing the associated descriptions of each signage marker.
15. Prior to issuance of building permits, the most visible side elevations of dwelling units on corner lots or other lots whose side or rear elevation is highly visible to public rights-of-way shall employ a minimum of three standard architectural features on those elevations, such as windows, doors, and fireplace chimneys, and these features shall form a reasonably balanced composition.
16. Prior to issuance of building permits:
- a. All building setbacks, front, sides and rear shall be shown on the site plan.
 - b. The actual percentage of lot coverage, per lot, shall be provided on the site plan.
 - c. Proposed house types and elevations shall be identified on the lot.
17. All recreational facilities shall be incorporated in recreational facilities agreements (as specified in the *Parks and Recreation Facilities Guidelines*) prior to final plat of subdivision. Bonding *and construction of recreational facilities shall *[occur prior to issuance of permits for the development pod where the facility is located. Facilities shall be constructed prior to the issuance of the 30th building permit in the pod in which the facilities are located] *be in accordance with the following schedule.

*Denotes Correction

Underlining indicates new language

[Brackets] indicate deleted language

<u>*PHASING OF AMENITIES</u>		
FACILITY	BOND	FINISH CONSTRUCTION
<u>Outdoor recreation facilities associated with the community building</u>	<u>Prior to the issuance of the 100th building permit overall</u>	<u>Complete by 200th building permit overall</u>
<u>Community Building and pool</u>	<u>Prior to the issuance of the 100th building permit overall</u>	<u>Complete before the 200th building permit overall</u>
<u>Pocket Parks (including Playgrounds) within each phase</u>	<u>Prior to the issuance of any building permits for that phase</u>	<u>Complete before 50% of the building permits are issued in that phase</u>
<u>Trail System</u>		<u>Complete before the 200th building permit overall</u>
<p><u>It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction details become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify construction sequence due to exact location of sediment ponds or utilities, or other engineering necessity. The number of permits allowed to be released prior to construction of any given facility shall not be increased by more than 25%, and an adequate number of permits shall be withheld to assure completion of all of the facilities prior to completion of all the dwelling units.</u></p>		

18. The applicant shall contribute \$750,000 prior to the first building permit and \$20,000 per lot for the first 100 lots, for a total monetary contribution of \$2,750,000.00 (or more if escalation adjustments are required). The payments shall be made prior to application of each of the first 100 building permits.
19. Beginning from the date of the 50th building permit, the remaining balance due shall be adjusted for inflation on an annual basis using the consumer price index (CPI).
20. The applicant and M-NCPPC shall enter into a “Monetary Contribution Agreement.” The agreement shall be submitted to DPR for review and approval by the Legal and Finance Department staff six weeks prior to submission of the final plat. Upon approval by DPR, the agreement shall be recorded in land records of Prince George’s County.
21. Prior to certification of the SDP-0505 plans, the applicant shall submit a sample of the eight-foot-high fence material and details of installation to DRD and DPR staff for review and approval. The details of fence installation, manufacturers name, address and contact information shall be provided on the plan.

*Denotes Correction

Underlining indicates new language

[Brackets] indicate deleted language

22. Prior to certification of the SDP-0505 plans, the applicant shall submit a sample of the noise barrier wall material and manufacturer cut sheets. Details of installation and elevation of noise barrier wall shall be provided on the plan.

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 Clark, with Commissioners Squire, Clark, Vaughns, Eley and Parker voting in favor of the motion at its regular meeting held on Thursday, June 8, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 15th day of June 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:EE:bjs