

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 September 20, 2007 regarding Detailed Site Plan DSP-06091 for Yaman's Estates, the Planning Board finds:

1. **Request:** The subject application is for approval of a detailed site plan for three single-family detached dwelling units in accordance with the requirements of Condition 7 of the approval of Preliminary Plan 4-06017 as reflected in PGCPB Resolution No. 06-250. The site consists of 3.05 acres in the R-R Zone.

2. **Development Data Summary**

	EXISTING	PROPOSED
Zone	R-R	R-R
Use(s)	Vacant	Residential
Acreage	1.98	1.98
Number of lots	3	3
Parcel	0	0
Dwelling Units	0	3

3. **Location:** This site is in Planning Area 83, Council District 9. More specifically it is located on the south side of Bryan Point Road, approximately 1,000 feet east of Farmington Road.
4. **Surrounding and Uses:** The subject site is bounded to the north by Bryan Point Road and an existing private school beyond, and bounded to the east and west by property in the R-R Zone and to the south by Dyer Drive.
5. **Previous Approvals:** The Preliminary Plan of Subdivision 4-06017 was approved by the Planning Board on November 9, 2006 (PGCPB Resolution No. 06-250), with eight conditions. The subject site has an approved Type I Tree Conservation Plan, TCPI/79/04. The site also has a Stormwater Management Concept Plan Approval 23544-2004-00, which expires on August 9, 2010.
6. **Design Features:** The subject site is a triangular property consisting of three lots with frontage on and accessed from Bryan Point Road. The subject property consists of 1.98 acres of land in the R-R Zone. This proposed development consists of three 2-story, single-family detached dwellings located on the southwest side of Bryan Point Road. Total base finished area of the proposed single-family houses is between 1,445 and 2,366 square feet. Architectural elevations are not subject to review in this limited detailed site plan. The Planning Board would have to approve any required variances on Lots 1-3 of the subject property.

The Subregion V Master Plan designated Bryan Point Road adjacent to the subject property as a scenic road in 1993. The applicant provided photos of existing trees on site. The applicant provided three access options to the lots in an effort to preserve the road's scenic characteristics, particularly the arching leaf tunnel formed by mature trees on either side of the existing road. Preserving the wooded roadway segment helps in retaining the character of Accokeek's rural areas at the eastern end of Bryan Point Road. There is an existing 40-foot scenic easement along the front of the proposed single-family dwelling units which will provide a substantial buffer from the road. In an e-mail dated August 14, 2007, DPW&T stated their review of the site indicates "that Bryan Point Road is a rural 2-lane road and DPW&T will keep the width of roadway paving as is and only require the subject property developer to mill and overlay the existing paving along the frontage of the development, where necessary. No road widening is proposed with the development."

The applicant proposed three entry-way layout options for the site. Option "A" layout proposes to combine the driveway aprons of Lots 2 and 3 with Lot 1 having a single entrance way. Option "B" layout proposes to combine the driveways of Lot 1 and 2 with Lot 3 having a single driveway. Combining entrance driveways will create a greater discontinuity along the frontage of the street and will cause the removal of a cluster of trees that are contributing to the arching leaf tunnel along Bryan Point Road. Option "C" layout proposes to have single access points for each individual lot. This option appears to be the least intrusive on the wooded area along the road and is the best option for preserving the mature trees on site. The applicant provided photos of the site along each proposed access point with a photo layout plan indicating the existing trees on site. The proposed driveways for option "C" are placed in such a way as to remove the least number of mature trees on site. This is the option recommended for approval by the staff.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the R-R Zone and the site plan design guidelines of the Zoning Ordinance.
 - a. The subject application is in conformance with the requirements of Section 27-428(b), which governs permitted uses in the R-R Zone. The proposed single-family detached units are a permitted use in the R-R Zone.
 - b. The proposal is also in conformance with the requirements of Section 27-428(c), Regulations, regarding additional regulations for development in the R-R Zone.
8. **Preliminary Plan of Subdivision, 4-06017:** Preliminary Plan 4-06017 with PGCPB Resolution No. 06-250 was approved and adopted by the Planning Board on November 9, 2006. The following conditions of approval apply to the review of the subject detailed site plan. The condition is included in bold type with staff's comments following each subsection of the condition in regular type.

2. A Type II Tree Conservation Plan shall be approved in conjunction with the detailed site plan.

Comment: A Type II Tree Conservation Plan, TCPII/057/07, has been reviewed and recommended for approval by the Environmental Planning Section for the subject site.

3. Development of this site shall be in conformance with the Stormwater Management Concept Plan.

Comment: The subject site has an approved Stormwater Management Concept Plan 23544-2004-00, which expires on August 9, 2010. In a memorandum dated August 2, 2007, the Environmental Planning Section stated the Type II tree conservation plan shows the use of individual drywells for each proposed structure in conformance with the Stormwater Management Concept Plan 2354-2004-00.

7. Prior to issuance of any building permits, the applicant, his heirs, successors and/or assignees shall have a detailed site plan approved by the Planning Board. The detailed site plan shall include:

a. The preservation of scenic Bryan Point Road, including further evaluation of access points/driveways.

Comment: The Bryan Point Road corridor is characterized as predominantly woodland with some agricultural fields flanked by forests, hedgerows and fencing, and with glimpses of Piscataway Creek and its tributaries. The applicant provided photos of the site that show the existing mature trees on site. The applicant proposes three entrance points for the subject site (one for each lot), which will result in minimal removal of mature trees on site and preserve the scenic character of Bryan Point Road. The existing mature trees, which will most likely be removed by the proposed access driveways, consist of a 12-inch diameter pine tree and a 6-inch diameter oak tree (which is dead) on Lot 2 and two oak trees, 4 and 10 inches in diameter, on Lot 3. The proposed single-family dwelling units will have 40-foot scenic easement in the front, which will provide a significant buffer from the street.

b. The preservation of the arching leaf tunnel formed by the mature trees located on both sides of Bryan Point Road, and compliance with CR-113-1992, and the "Design Guidelines and Standards for Scenic and Historic Roads."

Comment: On November 10, 1992, the County Council approved Council Resolution CR-113-1992 designating the Bryan Point Road as a scenic road pursuant to Subtitle 23, Section 23-192(b)(17)(H). This section states: "a scenic road, as defined therein, is a public or private road which provides scenic views along a substantial part of its length through natural or manmade features such as forest or extensive woodland, cropland,

pasturage, or meadows; distinctive topography, including outcroppings, streambeds, or wetlands; traditional building types; historic sites; or roadway features such as curving, rolling roadway alignment and leaf tunnels.” Preservation of existing trees and rural road character along the Bryan Point Road frontage of the subject property is vital to maintaining the entryway image. The applicant completed a site feature inventory of existing trees on site including 17 photographs for the proposed entrance points. The single-family dwellings on each lot are setback as far as possible from the roadway in addition to the existing 40-foot scenic easement fronting Bryan Point Road. Also, the location of three proposed entry ways will ensure the preservation of the scenic road by removing the least number of mature trees and preserving the arching leaf tunnel along this segment of Bryan Point Road.

c. Any road improvements within the right-of-way that have been requested by the Department of Public Works and Transportation.

Comment: In a memorandum dated June 18, 2007, DPW&T stated that right-of-way dedication and roadway improvements for Bryan Point Road along the frontage of the property in accordance with DPW&T’s standards for a scenic and historic rural residential road are required. Also, refacing of the entire width of Bryan Point Road along the frontage of the property will be required. In an e-mail dated August 14, 2007, DPW&T stated that they will keep the width of the roadway paving as is and only require the applicant to mill and overlay the existing paving along the frontage of the development. No road widening is proposed or will be required along this development.

d. The location of utilities, and their method of placement shall be reviewed by the Environmental Planning Section and the utility companies to minimize disturbance along the scenic right-of-way.

Comment: The individual house connects to the existing sanitary sewer and water lines shown on the detailed site plan will not create a disturbance to the scenic right-of-way of Bryan Point Road. A copy of the site plan was sent to Verizon and PEPCO. However, at the time of the writing of this report no comment was received from these public utility companies.

e. The completed Phase I archaeological investigation.

Comment: In a memorandum dated June 19, 2007, the Historic Preservation and Public Facilities Section stated the Phase I archeological report, “A Phase I Intensive Archeological Survey of the Yaman’s Estate Subdivision, Bryan’s Point Road, Accokeek, Prince George’s County, Maryland, Preliminary Plan #4-06017,” was received on November 30, 2006. No archeological sites were identified on the property.

9. **Landscape Manual:** The proposed development is subject to Section 4.1, Residential Requirements of the *Landscape Manual*.
- a. Section 4.1, Residential Requirements, requires that Lots 1-3 shall be planted with a minimum of three shade trees and two ornamental or evergreen trees per lot. The subject site consists of three lots. The area of Lots 1-3 ranges from 24,821 square feet to 29,801 square feet, which is less than 40,000 square feet. The site plan for Lots 1-3 is in conformance with the requirements of the *Landscape Manual*.

Urban Design staff reviewed the proposed landscape plan and found that the submittals are in general compliance with the applicable sections of the *Landscape Manual*.

10. **Woodland Conservation Ordinance:** The property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the property has an approved Type I Tree Conservation Plan. A Type I Tree Conservation Plan (TCPI/079/04) was approved with the preliminary plan of subdivision 4-06017 by PGCBP Resolution No. 06-250. A Type II Tree Conservation Plan, TCPII/057/07, was submitted with the detailed site plan application and was recommended for approval by Environmental Planning Section.
11. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

Historic Preservation: In a memorandum dated June 1, 2007, the Historic Preservation and Public Facilities Planning Section stated the subject detailed site plan has no effect on any Historic Resources.

Archeological Review: In a memorandum dated June 19, 2007, the Historic Preservation and Public Facilities Planning Section stated the Phase I archeological report, "A Phase Intensive Archeological Survey of the Yaman's Estate Subdivision, Bryan's Point Road, Accokeek, Prince George's County, Maryland" was submitted for its review. No archeological sites were identified on the property. Condition 8 of the preliminary plan of approval has been fulfilled. No further archeological investigations are required on the Yaman's Estates.

Community Planning: In a memorandum dated July 5, 2007, the Community Planning South Division offered the following:

- This application is not inconsistent with the 2002 General Plan development pattern policies for the Developing Tier.
- This application is located along a master plan designated scenic road. Subdivision design, access and house placement should conform to the scenic and historic road guidelines to ensure preservation of the scenic road characteristics along Bryan Point Road.

- This application is in the Accokeek Development Review District. Pursuant to Section 27-687 of the Zoning Ordinance, the Accokeek Development Review District Commission should be listed as a party of record at the address below.

Planning Issues

The scenic road designation for Bryan Point Road was granted by the County Council in 1992 via CR-113-1992. This resolution directed that scenic road guidelines, prepared by the Department of Public Works and Transportation (DPW&T), be used to preserve specific roadway characteristics. On the opposite side of Bryan Point Road from the subject property is an example of successful implementation of the scenic road guidelines where the preservation of the road's scenic characteristics was achieved along with the development of the school. The eastward expansion of the master plan's scenic road designation, encompassing the frontage of the subject property, was in response to citizen testimony about this particular section of Bryant Point Road and resulted in identification of an arching leaf tunnel formed by mature trees on either side of the existing road. Effectively, this wooded archway comprises a distinctive entryway into the more rural area of the Moyaone Reserve and Piscataway National Park. Preservation of existing trees and rural road characteristics along the Bryant Point Road frontage of the subject property is vital to maintaining this archway and entryway image. The strategy to preserve this wooded roadway segment also helps to retain the character of Accokeek's rural areas at the eastern end of Bryan Point Road, where some smaller lot subdivision development has occurred.

The intent of the scenic road guidelines is to preserve the scenic characteristics of such roads when development occurs. Homes that use Bryan Point Road for their access should be set back as far as possible from the roadway and the design of access drives should follow the DPW&T's scenic road guidelines. These guidelines provide a practical strategy for preserving the scenic character of Bryan Point Road.

Comment: The access to the proposed single-family detached dwellings is setback as far as possible from Bryan Point Road and the design of the three access drives will remove the least number of existing mature trees along the road. Also the 40-foot scenic easement along Bryan Point Road frontage will ensure preservation of the scenic character of the road.

Transportation: In a memorandum dated June 8, 2007, the Transportation Planning Section stated the proposed site plan is acceptable. The site is not within or adjacent to any master plan transportation right-of-way.

Subdivision: At the time of the writing of this report, no comment was received from the Subdivision Section.

Trails: In a memorandum dated July 5, 2007, the Transportation Planning Section stated that no master plan trails issues identified in the Approved Subregion V Master Plan or the 1985 Equestrian Addendum to the Approved Countywide Trails Plan impact the subject site. Roads in the vicinity of the subject site (including Bryan's Point Road) are open section with no sidewalks.

There are no master plan trail recommendations.

Parks: In a memorandum dated June 21, 2007, the Department of Parks and Recreation offered no comments.

Permits: In a memorandum dated June 21, 2007, the Permits Section offered the following comment:

1. The house on Lot 1 appears to be located within the required side yard. A variance will be required for the five feet in which the house extends into the side yard.

Comment: The applicant revised the house template on the site plan and is shown to be located within the required setback. Thus a variance from the required side yard is not necessary.

Environmental Planning: In a memorandum dated August 2, 2007, the Environmental Planning Section offered the following comments:

The Environmental Planning Section previously reviewed Preliminary Plan 4-04148 and TCPI/79/04 for the subject property. Those applications were withdrawn before being heard by the Planning Board. Preliminary Plan 4-06017 and TCPI/079/04 were approved by PGCPB Resolution No. 06-250. The proposal is for three lots in the R-R Zone. This detailed site plan is required by Condition 7 of PGCPB Resolution No. 06-250 to specifically address the preservation of the character of Bryan Point Road.

Site Description

The 1.98-acre property in the R-R Zone is located on the south side of Bryan Point Road approximately 1,000 feet east of its intersection with Farmington Road. The entire site is forested. There are no streams, wetlands, or 100-year floodplain on the property. The site eventually drains into Piscataway Creek in the Potomac River watershed. There are no areas of steep slopes with highly erodible soils and severe slopes 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 and Mattapex 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, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. Bryan's Point Road is a designated historic road. The site is in the Developing Tier according to the 2002 General Plan.

Environmental Issues Addressed in the Subregion V Master Plan

The master plan does not indicate any environmental issues for this property.

Conformance with the *Countywide Green Infrastructure Plan*

According to the *Countywide Green Infrastructure Plan*, the property is not within the designated network.

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. The plain text provides the comments on the plan's conformance with the conditions.

PGCPB No. 06-250, File No. 4-06017

- 2. 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 discussed in detail in the environmental review section below.

- 3. Development of this site shall be in conformance with the Stormwater Management Concept Plan, # 23544-2004-00 and any subsequent revisions.**

Comment: The Type II tree conservation plan shows the use of individual drywells for each proposed structure in conformance with Stormwater Management Concept Plan 23544-2004-00.

- 7. Prior to issuance of any building permits, the applicant, his heirs, successors and/or assignees shall have a detailed site plan approved by the Planning Board. The detailed site plan shall include:**

- a. The preservation of scenic Bryan Point Road, including further evaluation of access points/driveways.**

Comment: This condition is discussed in the Environmental Review Section below.

- b. The preservation of the arching leaf tunnel formed by the mature trees located on both sides of Bryan Point Road, and compliance with CR-113-1992, and the "Design Guidelines and Standards for Scenic and Historic Roads."**

Comment: This condition is discussed in the Environmental Review Section below.

- d. The location of utilities, and their method of placement shall be reviewed by the Environmental Planning Section and the utility companies to minimize disturbance along the scenic right-of-way.**

Comment: The individual house connects to the existing sanitary sewer and water lines shown on the DSP will create no new disturbance to the scenic right-of-way of Bryan Point Road.

Environmental Review

1. The Subregion V Master Plan designated Bryan Point Road adjacent to this property as a scenic road in 1993. The master plan's scenic road designation for this part of Bryan Point Road was a slight expansion of an earlier designation for the western part of Bryan Point Road granted by Council in 1992 via CR-112-1992. The eastward expansion encompassing the frontage of the subject property was made to preserve the arching leaf tunnel formed by mature trees on either side of the existing road.

Effectively, this wooded archway comprises a distinctive entryway into the more rural area of the Moyaone Reserve and Piscataway National Park just to the west. These woods also help to retain some of the character of Accokeek's rural areas at this eastern end of Bryan Point Road where some smaller lot subdivision development has occurred. Preservation of existing trees and rural road character along the Bryan Point Road frontage of the subject property is vital to maintaining the archway and entryway image. This approach was used for development of the private school located across Bryan Point Road from the subject property, where preservation of road character was successfully achieved and development was accommodated. The subdivision design, access, and house location should be carefully evaluated to ensure preservation of the scenic road character.

The "Design Guidelines and Standards for Scenic and Historic Roads" provides guidance for the review of applications that could result in the need for roadway improvements. This portion of roadway was previously reviewed by staff of the Department of Public Works and Transportation and M-NCPPC as part of 4-96092, the property on the north side of Bryan Point Road directly opposite the subject property. The determination was made that a 40-foot-wide scenic easement was appropriate to retain the historic quality of Bryan Point Road and screen the new development from the roadway. The 40-foot-wide woodland conservation area is reflected on TCPI/51/96 and TCPII/42/98. A site features inventory including 17 photographs was submitted with this application. Three layouts for proposed driveways have been analyzed. Staff concurs that the three individual entrances provide the best alternative because the individual accesses will remove fewer of the mature trees that create the arching leaf tunnel along this segment of Bryan Point Road.

Comment: The plan provides 40-foot-wide landscape buffers adjacent to the 10-foot public utility easement parallel to the land to be dedicated for Bryan's Point Road to retain views along the historic road and the arching leaf tunnel formed by the mature trees.

2. The property is subject to the requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the property has an approved Type I tree conservation plan.

Type II Tree Conservation Plan TCPII/057/07 has been reviewed. The plan proposes clearing 1.43 acres of the existing 1.99 acres of woodland. The woodland conservation threshold is 0.40 acre and the woodland conservation requirement has been correctly calculated as 0.76 acre based on the clearing currently proposed. The plan proposes to meet the requirement by providing on-site woodland conservation of 0.56 acre and the use of a fee-in-lieu for 0.20 acre.

All of the woodland conservation is situated to ensure preservation of the scenic road character of Bryan Point Road and satisfies Conditions 7.a. and 7.b. of PGCPB Resolution No. 06-250.

Comment: The Environmental Planning Section recommends approval of TCPII/057/07.

3. According to the "Prince George's County Soil Survey," the principal soils on the site are in the Beltsville and Mattapex series. Beltsville soils are in hydrologic soils Group C and have a K factor of 0.43, indicating a potential for impeded drainage and high erodibility on steep slopes. Mattapex soils are in hydrologic soils Group C, are highly erodible, have impeded drainage, and have perched water tables.

Discussion: This information is provided for the applicant's benefit. No further action is needed as it relates to this pre-preliminary plan of subdivision review. 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.

SUMMARY

The Environmental Planning Section recommends approval of DSP-06091 and TCPII/057/07.

Fire Department: In a memorandum dated July 7, 2007, the Prince George's County Fire/EMS Department stated no objection to the proposed development.

Department of Public Works and Transportation (DPW&T): In a memorandum dated June 18, 2007, the DPW&T offered the following:

- The property is located along the south side of Bryan Point Road, approximately 1,000 feet east of its intersection with Farmington Road.
- Bryan Point Road is a scenic roadway. Right-of-way dedication and roadway improvements for Bryan Point Road along the frontage of the property in accordance with DPW&T's standards for a scenic and historic rural residential road are required.

Resurfacing of the entire width of Bryan Point Road along the frontage of the property will be required.

- Full width, two-inch mill and overlay for all county roadway frontages are required.
- Conformance with street tree and street lighting standards is required.
- All storm drainage systems and facilities are to be in accordance with DPW&T's requirements.
- The proposed site development has an approved concept plan number, 23544-2004, approved July 19, 2004.
- Compliance with DPW&T's utility policy is required. Proper temporary and final patching and the related mill and overlay in accordance with the established DPW&T's policy and specifications for utility installation and maintenance permits are required.
- Existing utilities may require relocation and/or adjustments. Coordination with the various utility companies is required.
- All improvements within the public right-of-way as dedicated to the county are to be in accordance with the County Road Ordinance, DPW&T's Specifications and Standards, and the American with Disabilities Act.

Comment: In an e-mail dated August 14, 2007, DPW&T stated their review of site indicates that "Bryan Point Road is a rural two-lane road and DPW&T will keep the width of roadway paving as is and only require the subject property developer to mill and overlay the existing paving along the frontage of development where necessary. No road widening is proposed with the development."

Washington Suburban Sanitary Commission (WSSC): In a memorandum dated June 15, 2007, WSSC provided these comments:

Water and sewer extension will be required for the proposed development and Project DA4095Z05 is an approved project within the limits of this proposed site. Also, on-site pumping will be required for basement service.

Maryland State Highway Administration (SHA): In a memorandum dated June 20, 2007, SHA stated no objection to the proposed site plan.

Verizon: At the time of the writing of this report no comment was received from Verizon.

PEPCO: At the time of the writing of this report no comment was received from PEPCO.

Accokeek Development Review District Commission (ADRDC): In a letter dated July 31, 2007, ADRDC stated no objection to the proposed development on the subject site.

12. 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 (TCP/II/57/07) and further APPROVED Detailed Site Plan DSP-06091 for the above-described land, subject to the following conditions:

1. Prior to certificate approval of the detailed site plan, the plan shall be revised to include notes as follows:
 - a. Owners of Lots 1-3 shall be notified prior to execution of the sales contract that addition of decks, sunrooms, etc., to the rear yard may require a variance.

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, Cavitt and Parker voting in favor of the motion at its regular meeting held on Thursday, September 20, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 11th day of October 2007.

R. Bruce Crawford
Executive Director

By Frances J. Guertin
Planning Board Administrator