

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 April 10, 2008, regarding Specific Design Plan SDP-0607/01 for Acton Park, Phase II, Parcel J, the Planning Board finds:

1. **Request:** The subject application is for approval of a revision to the specific design plan for grading and infrastructure of Parcel J.

Development Data Summary

	EXISTING	PROPOSED
Zone	R-S	R-S
Use(s)	Vacant	Vacant
Acreage (in the subject SDP)	2.01	2.01
Parcel	4	1

2. **Location:** The subject site is located on the southeast side of Enterprise Road (MD 193), approximately 2,000 feet south of John Hanson Highway (US 50) in Planning Area 74A, Council District 6, and is in the Developing Tier.
3. **Surroundings and Use:** The subject site is located in the northwestern portion of the Acton Park site. The site is bounded to the north by a soccer field in the Acton Park subdivision; to the east and south by vacant lands in the R-S (Residential Suburban Development) Zone, which are part of the Acton Park Phase I development; and to the west by single-family detached homes in the R-S Zone, some of which are part of the Acton Park development.
4. **Previous Approvals:**

On February 15, 1986, the District Council adopted A-9496 (Resolution No. 6-1985) and amended the zoning map amendment by rezoning the subject property, consisting of 83.50 acres, from the R-A Zone to the R-S Zone subject to four conditions and 11 considerations.

On July 10, 1986, the Planning Board approved Comprehensive Design Plan CDP-8603 (PGCPB Resolution No. 86-259) subject to six conditions.

On October 2, 1986, the Planning Board approved Preliminary Plan 4-86133 subject to seven conditions. This preliminary plan subsequently expired. On February 24, 2007, the approved Preliminary 4-04149 (PGCBP Resolution No. 05-41) for 76 lots and 13 parcels subject to 25

conditions. On February 22, 2007, the Planning Board granted a one-year extension of the preliminary plan and it will remain valid until February 24, 2008, or until a final plat is approved.

On January 3, 2008, the Planning Board approved Detailed Site Plan SDP-0607 for development of 12 single-family detached dwelling units, a soccer field, and infrastructure for the stormwater management facilities and a road extension subject to 15 conditions.

The subject SDP has an approved Stormwater Management Concept Approval Plan, 8768-2003-01, which is valid through November 9, 2009. The subject site has an approved Type II Tree Conservation Plan, TCPII/069/07. The Environmental Planning Section recommended approval with a condition for submitted TCPII/023/08.

Design Features: The proposed SDP is solely for grading and infrastructure (installation of a water line) on Parcel J, Block E, adjacent to the approved soccer field. The Planning Board previously approved SDP-0607 for development of 12 single-family detached dwellings in the northeastern portion of Acton Park, and a soccer field and associated parking and infrastructure in the northwestern portion of Acton Park. Parcel J is accessed from Enterprise Road (MD 193) via Chantilly Lane and is located in the southwest quadrant of the intersection of Chantilly Lane and Schnarr Drive. A subsequent specific design plan will be submitted for approval by the Planning Board at a later date when the final layout and architecture have been designed by the applicant.

COMPLIANCE WITH EVALUATION CRITERIA

5. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the R-S Zone (Residential Suburban Development) and the site plan design guidelines of the Zoning Ordinance. The subject application is in conformance with the requirements of Section 27-512, which governs permitted uses in the R-S Zone.
6. **Zoning Map Amendment A-9496:** On February 15, 1986, the District Council approved Zoning Map Amendment A-9496, subject to four conditions and 11 considerations, of which the following are applicable to the review of this SDP and warrant discussion as follows:
 2. **Prior to the issuance of permits for development of the site there shall be no grading or cutting of trees, except on a selective basis by permission of the Prince George's County Planning Board for purposes of forestry management; or by the Washington Suburban Sanitary Commission when necessary for water or sewer lines. All major stands of trees shall be delineated on the comprehensive design and specific design plans and the developer shall demonstrate to the satisfaction of the Planning Board why it is necessary to remove any mature or specimen trees.**

Comment: In a memorandum dated March 20, 2008, the Environmental Planning Section stated the site has a TCPI that was approved by the Planning Board with Preliminary Plan of Subdivision 4-04149. A Type II tree conservation plan has been submitted with this application. The site has a forest stand delineation (FSD) that shows the location of all woodland and

specimen trees. Woodland treatment is discussed in the Environmental Review Section of this memo.

3. A floodplain study shall be submitted to the Department of Public Works and Transportation for approval prior to Phase II.

Comment: The site has an approved 100-year floodplain study. According to the memo dated March 20, 2008, the floodplain limits are correctly reflected on the TCPII.

7. Areas of 25 percent slope or greater not be disturbed by the new construction.

Comment: No areas of 25 percent slope or greater exist within the subject portion of the development.

11. In order to maintain the good drainage of the site, natural drainage swales shall be preserved along with maintenance of open space areas along the stream.

Comment: According to the memorandum dated March 20, 2008, the Environmental Planning Section stated there are no natural swales associated with this phase of development. This consideration will be addressed in future phases of development for other areas of the site.

7. **Comprehensive Design Plan CDP-8603:** Comprehensive Design Plan CDP-8603 as approved includes a maximum of 80 dwelling units, a community church, and community open space on 84.83 acres in the R-S Zone.

Comprehensive Design Plan CDP-8603 was approved with six conditions, of which the following is applicable to the subject SDP and warrants discussion as follows:

6. The applicant shall be prohibited from grading or clearing any portion of the property governed by the approved Acton Park CDP except as authorized by a specific design plan in conformity with the Acton Park CDP.

Comment: This condition has been carried forward as a recommended condition of approval of the specific design plan.

8. **Preliminary Plan of Subdivision 4-04149:** Preliminary Plan of Subdivision 4-04149 was approved by the Planning Board on February 24, 2005, subject to 25 conditions, of which the following are applicable to the review of the subject SDP and warrant discussion as follows:

2. A Type II tree conservation plan shall be approved with the specific design plan.

Comment: A Type II Tree Conservation Plan, TCPII/023/08, has been submitted. The Environmental Planning Section recommended approval with conditions for the TCPII/023/08.

3. Development of this site shall be in conformance with the Stormwater Management Concept Plan 8768-2003-00 and any subsequent revisions.

Comment: The site has valid Stormwater Management Concept Approval 8768-2003-01.

9. **Zoning Ordinance:** The subject SDP is in compliance with the applicable requirements of the Zoning Ordinance as follows:

a. The proposed infrastructure for Parcel J in the Acton Park development is in compliance with the previously approved SDP and the requirements of the R-S Zone as stated in Sections 27-511, 512, 513 and 514 of the Zoning Ordinance.

b. Section 27-528 requires the following findings for approval of a specific design plan:

(a) Prior to approving a specific design plan, the Planning Board shall find that:

(1) 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 Zones, if any portion lies within one-half (1/2) mile of an existing or Washington Metropolitan Area Transit Authority Metrorail station, the regulation set forth in Section 27-480(d) and (e);

Comment: The proposed specific design plan is for grading and infrastructure of Parcel J, Block E. The subject revision proposes minor changes to Specific Design Plan SDP-0607. Therefore, the plan will continue to conform to the approved comprehensive design plan and the applicable standards of the *Landscape Manual*.

(2) 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.

Comment: Findings for adequate public facilities were made in conjunction with the preliminary plan and the original specific design plan. As only grading of the property and no other specific use is proposed in the subject SDP, the subject development will continue to be adequately served within a reasonable period of time with existing or programmed facilities.

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

Comment: The subject SDP will not alter the findings made for the original specific design plan that adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties. The applicant submitted with this SDP a stormwater management concept plan, approval No. 8768-2-003-01. Therefore, adequate provisions have been made for draining surface water and ensuring that there are no adverse effects on the subject property or adjacent properties

(4) The plan is in conformance with an approved tree conservation plan.

Comment: A Type II Tree Conservation Plan. TCPII/023/08, has been submitted with this SDP and TCPII/023/08 has been found to meet the requirements of the Woodland Conservation and Tree Preservation Ordinance according to the review by the Environmental Planning Section. The Environmental Planning Section recommended approval of the subject SDP and TCPII/023/08 subject to seven conditions, which have been incorporated in the recommendation section of this report.

10. **Specific Design Plan SDP-0607:** The corrected resolution for SDP-0607 was approved by the Prince George's County Planning Board (PGCPB Resolution No. 07-228(C)) on January 3, 2008, with 15 conditions. The SDP-0607 was for development of 12 single-family detached dwellings, a soccer field, and infrastructure. The proposed application is in compliance with the approved SDP-0607.
11. **Landscape Manual:** In a memorandum dated February 28, 2008, WSSC stated Parcel J contains stormwater management ponds. The proposed SDP for a minor revision of Parcel J for grading and infrastructure is exempt from the *Landscape Manual*.
12. **Woodland Conservation and Tree Preservation Ordinance:** In a memo dated March 20, 2008, the Environmental Planning Section stated the property is subject to the Prince George's County Woodland Conservation and Tree Preservation Ordinance because there are previously approved tree conservation plans for the site. Type II Tree Conservation Plan TCPII/023/08 has been reviewed and recommended for approval.
13. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

Environmental Planning: in a memorandum dated March 20, 2008, the Environmental Planning Section offered the following:

The Environmental Planning Section has reviewed Specific Design Plan SDP-0607-01 and the Type II Tree Conservation Plan (TCPII/023/08), stamped as received on February 12, 2008. The

Environmental Planning Section recommends approval of SDP-0607/01 and TCPII/023/08, subject to the recommended conditions in this memorandum. This memo supersedes all previous memoranda from this section on this application.

Background

This subject of this application is part of an 82.50-acre site that was previously reviewed by the Environmental Planning Section in conjunction with the approvals of Comprehensive Design Plan CDP-8603; Preliminary Plans of Subdivision 4-86133, 03110 and 4-04149; and Specific Design Plan SDP-8719. TCPI/46/92 was approved with 4-04149.

Preliminary Plan of Subdivision 4-04149 was approved by the Planning Board on February 3, 2005. This preliminary plan was for an 82.50-acre site with 76 lots and nine parcels. The overall site has portions that have been approved as part of previous specific design plan applications and associated Type II tree conservation plans. SDP-9207 and TCPII/137/92 were approved for the development of a church on Parcel 6 of the overall site. The most recent approval was for Phase I of this development (SDP-0607 and TCPII/069/07), consisting of 27.55 acres for 12 residential lots and one parcel.

The subject SDP is for Phase II, containing 2.01 acres of the overall 82.50-acre site. The scope of review in SDP-0607/01 is for the grading and infrastructure of Parcel J and is covered by TCPII/023/08.

Site Description

The 82.50-acre site in the R-S Zone is located on the east side of Enterprise Road at its intersection with Chantilly Lane. A review of available information indicate that streams, wetlands, 100-year floodplain, areas of steep slopes with highly erodible soils, and severe slopes are found to occur within the limits of this application. John Hanson Highway (US 50) and Enterprise Road (MD 193) have been identified as transportation-related noise generators; however, traffic-related noise will not impact this portion of the site. The soils found to occur according to the Prince George's County Soil Survey include Bibb silt loam, Collington fine sandy loam, Ochlocknee sandy loam, and Shrewsbury fine sandy loam. These soils generally have no limitations that would affect the proposed application with the exception of the Bibb soils that are associated with the stream. According to available information, Marlboro clay is not found to occur on 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. This property is located in the Northeast Branch watershed of the Patuxent River basin and in the Developing Tier as reflected in the 2002 approved General Plan. The east and southeast portions of the overall site contain regulated areas, evaluation areas, and network gaps within the designated network of the *Countywide Green Infrastructure Plan*; however, the portion of the site that is the subject of this SDP is not within the network.

Summary of Previous Conditions of Approval

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

Conditions of Basic Plan A-9496

2. **Prior to issuance of permits for development of the site there shall be no grading or cutting of trees except on a selective basis by permission of the Prince Georges County Planning Board for purposes of forestry management; or by the Washington Suburban Sanitary Commission when necessary for water and sewer lines. All major stands of trees shall be delineated on the Comprehensive Design Plan and Specific Design Plans and the developer shall demonstrate to the satisfaction of the Planning Board why it is necessary to remove any mature or specimen trees.**

Comment: The site has an approved TCPI that was approved by the Planning Board with Preliminary Plan of Subdivision 4-04149. A Type II tree conservation plan has been submitted with this application. The site has a forest stand delineation that shows the location of all woodland and specimen trees. Woodland treatment is discussed in the environmental review section of this memo.

3. **A floodplain study shall be submitted to the Department of Public Works and Transportation for approval prior to Phase II.**

Comment: The site has an approved 100-year floodplain study. The floodplain limits are correctly reflected on the TCPII.

Considerations of Basic Plan A-9496

7. **Areas of 25 percent slope or greater not be disturbed by the new construction.**

Comment: The limits of the application do not contain areas of 25 percent slopes or greater.

11. **In order to maintain the good drainage of the site, natural drainage swales shall be preserved along with maintenance of open space areas along the stream.**

Comment: There are no natural swales associated with this phase of development. This consideration shall be addressed with future phases of development for other areas of the site.

Preliminary Plan of Subdivision 4-04149 and PGCPB No. 05-41

2. A Type II Tree Conservation Plan shall be approved with the specific design plan.

A Type II Tree Conservation Plan (TCPII/023/08) has been submitted.

11. Review of the specific design plan (SDP) shall include the following:

- a. Provide at least 40 feet of unencumbered area from the rear of the conceptual house pads for construction of the single-family dwellings, to ensure the long-term protection of the preserved woodland and to allow for future changes in housing types that may impact the clearing and grading around each house.**

Comment: This phase of development is for infrastructure only. No house pads are proposed on this application.

- b. Either combine Lots 20 and 21, Block C to avoid impacts to the wetlands buffer on Lot 21 and revise the limit of disturbance to ensure that a 40-foot active rear yard area can be achieved, or redesign the layout of other lots to eliminate impacts for the sole purpose of lot grading. If the 40-foot-wide areas cannot be achieved, these lots shall be eliminated and used as woodland conservation.**

Comment: This condition shall be addressed in a future phase.

13. Prior to signature approval of the preliminary plan, a copy of the floodplain study shall be submitted, and the preliminary plan and TCPI shall be revised to delineate the limits as reflected in that document. An approved floodplain study may be required with the review of the SDP and referred to DPW&T.

Comment: An approved 100-year floodplain study dated June 17, 2005, has been submitted. The limits of this application do not contain any portion of the 100-year floodplain.

17. The Type II Tree Conservation Plan shall show the locations of all proposed structures, including the proposed dry wells. No additional clearing shall be permitted for the installation of these structures.

Comment: This condition has been addressed on the current plan. The approved Stormwater Management Concept Plan (29764-2005-00) is correctly reflected on the plan for this phase of development.

25. The woodland conservation proposed on the rear of Lots 5 and 6 (TCPI/46/92-01)

shall be retained at a minimum of 40 feet wide and shall be reflected on all subsequent plans of development. A 40-foot building restriction line shall be reflected on the final plat on Lots 5 and 6, from the common boundary line with Parcels 126 and 145, and labeled as a “buffer” to ensure woodland preservation.

Comment: Lots 5 and 6 are not within the limits of this application.

Environmental Review

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

- a. The property is subject to the Prince George’s County Woodland Conservation Ordinance because the site has previously approved tree conservation plans for this site. The Type II Tree Conservation Plan (TCPII/023/08) has been reviewed.

The overall 82.50-acre property in the R-S Zone has a woodland conservation threshold of 20 percent, or 14.97 acres, and a woodland conservation requirement of 21.26 acres based on the calculations provided in the TCPI.

The TCPII for the subject application does not propose any on-site woodland conservation. The requirements established by TCPI/046/92-01 will be met in other phases of the development. Because the site was approved under a single TCPI that does not contain a phased worksheet and the development is proceeding in phases, the worksheet for the TCPII is required to be prepared in a phased format, showing each TCPII as a separate column. The applicant should be aware that if, by the time the last phase is developed, the overall requirements cannot be met in conformance with the approved TCPI, revisions to that plan may be required.

The current phased worksheet accompanying the TCPII proposes to meet the requirement by providing 5.58 acres of on-site preservation in Phase I, 0.31 acre of reforestation in Phase I, and 28.37 acres of preservation on future phases of development that will eventually be cleared. The proposed TCPII is in conformance with the approved Type I tree conservation plan for this site.

Some technical revisions are required. Show the standard TCPII notes on the plan. On the worksheet, correctly show the associated plan number and phase number for each of the phases referenced in the worksheet. On the cover sheet, clearly label and identify the limits of other phases or applications that have been previously approved on the overall site. Show the tree protection devices on the plan and in the legend. Remove the wetland symbol from the legend. Label the future right-of-way on the south side of Parcel J.

The plan shows grading and clearing outside the limits of disturbance, outside the limits of the SDP application, and outside the limits of this phase of the TCP. The plan must be

revised to separately identify clearing areas outside the limits of the application and the phase and or parcel/lot it is on. The label for each of the woodland clearing areas must show the related SDP (current or future) or previously approved application it is associated with. In the worksheet, the plan number must separately show SDP-0607 and SDP-9207 as phases to reflect the previously approved clearing for those phases. Any clearing on a lot or parcel that is not part of a designated application must be shown as a separate phase until that application is submitted.

In summary, the Environmental Planning Section recommends approval of SDP-0607/01 subject to two conditions.

Department of Public Works & Transportation (DPW&T): In a memorandum dated March 20, 2008, DPW&T offered the following:

- The property is located on the southeast side of Enterprise Road (MD 193), approximately 2,000 feet south of John Hanson Highway (MD 50). MD 193 is a state-maintained roadway, therefore, coordination with the Maryland State Highway Administration is necessary. Additionally, right-of-way dedication and frontage improvements in accordance with DPW&T's specifications and standards are required for the proposed internal subdivision streets.
- Conformance with the DPW&T street tree and street lighting specifications and standards is required.
- Sidewalks are required along all roadways within the property limits in accordance with Sections 23-105 and 23-135 of the county Road Ordinance.
- All storm drainage systems and facilities are to be in accordance with DPW&T's specifications and standards requirements.
- All improvements within the public rights-of-way, as dedicated for public use to the county, are to be in accordance with the county's Road Ordinance, DPW&T's specifications and standards, and the Americans with Disabilities Act.
- Full-width, two-inch mill and overlay for all existing county roadway frontages is required.
- 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 Specification for Utility and Maintenance Permits" are required.
- The proposed site development is consistent with the approved Stormwater Management Concept Plan No. 8768-2003-01, dated November 9, 2006.

- A soils investigation report that includes subsurface exploration and a geotechnical engineering evaluation for public streets is required.
- Any proposed and/or existing master plan roadways that lie within the property limits must be addressed through coordination between The Maryland-National Capital Park and Planning Commission and DPW&T and may involve rights-of-way reservation, dedication and/or road construction in accordance with DPW&T's specification and standards.
- An access study shall be conducted by the applicant and reviewed to determine the adequacy of access point(s) and the need for construction of an acceleration/deceleration lane.
- Stormwater management facilities to include recreation features and visual amenities are to be technically approved prior to permit issuance.
- A review of the traffic impact study to determine the adequacy of access point(s) and the need for acceleration/deceleration and turning lanes is required.
- Existing utilities may require relocation and/or adjustments. Coordination with the various utility companies is required.
- Adjustments to street lighting, where necessary to accommodate the improvements constructed under this scenario, are required.
- Street construction permits are required for improvements within public roadway rights-of-way.

Comment: It should be noted that DPW&T enforces these requirements through a separate permitting process.

Washington Suburban Sanitary Commission (WSSC): In a memorandum dated February 28, 2008, WSSC stated Parcel J on the subject property contain stormwater management ponds.

Electric Utilities (BG&E): In a memorandum dated February 18, 2008, BG&E stated no objection to the subject SDP.

Verizon: As of writing of this report no comment was received from Verizon.

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/23/08), and further APPROVED Specific Design Plan SDP-0607/01 for the above-described land, subject to the following conditions:

1. Prior to certification of the specific design plan, the TCPII shall be revised to show a plan view of a phase key that shows and labels the areas of previously approved applications for this site and the areas of future phases. The plan shall be revised to separately identify each clearing area outside the limits of the application. The label for each of the woodland clearing areas must show the phase number, SDP number, parcel/lot number, and the acreage. In the worksheet, the previously approved phases of development (SDP-0607 and SDP-9207) must be separately shown in their own columns to reflect the previously approved clearing for the overall site. Any clearing on a lot or parcel that is not part of a designated application must be shown in an additional column to be labeled as a future phase of development.
2. Prior to certification of the specific design plan, the TCPII shall be revised as follows:
 - a. Show the standard TCPII notes on the plan.
 - b. Show the associated plan number and phase number for each of the phases referenced in the worksheet.
 - c. Show the tree protection devices on the plan and in the legend.
 - d. Remove the wetland symbol from the legend.
 - e. Show and label the future right-of-way on the south side of Parcel J.
 - f. Revise the worksheet as necessary.
 - g. Have the plans signed and dated by the qualified professional who prepared them.

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

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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 Cavitt, seconded by Commissioner Vaughns, with Commissioners Cavitt, Vaughns and Parker voting in favor of the motion, and with Commissioners Squire and Clark absent at its regular meeting held on Thursday, April 10, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of May 2008.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

OSR:FJG:NR:bjs