

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 20, 2017, regarding Specific Design Plan SDP-1202-04 for Canter Creek, Phase 2, the Planning Board finds:

1. **Request:** The subject application is for approval of a specific design plan (SDP) for Phase 2 of the Canter Creek development, which proposes 143 single-family detached dwelling units. The subject application includes 12 architectural models to be built by Mid-Atlantic Builders and 22 architectural models to be built by Ryan Homes. All 32 models by the two builders were previously approved in Specific Design Plan SDP-1202-01 for Phase 1.

2. **Development Data Summary:**

	<b>EXISTING</b>	<b>APPROVED</b>
Zone(s)	R-S/M-I-O	R-S/M-I-O
Uses	Vacant	Single-Family Detached/ Residential
Parcels	5	5
Total Acreage	342.38	342.38
Area of Phase Two	54.80 acres	54.80 acres
Disturbed Area	59.84 acres	59.84 acres

3. **Location:** The subject property is located on the west side of Frank Tippett Road, approximately 1,000 feet south of its intersection with Rosaryville Road, in Planning Area 82A, within Council District 9.
4. **Surrounding Uses:** To the north of the overall subject property is the Williamsburg Estates single-family home subdivision in the One-Family Detached Residential (R-80) Zone and a single-family detached lot in the Rural Residential (R-R) Zone. In the northeastern corner, the subject property surrounds the R-R-zoned Merrymount Equestrian Center, which is located on a separate parcel and under separate ownership. Across Frank Tippett Road, to the east, are several undeveloped parcels, two churches, and a single-family detached residential development, the Brookwood subdivision, in the R-R Zone. To the south of the subject property are the Graystone at Marlborough and Conger single-family home subdivisions and an undeveloped lot in the R-R Zone. To the west of the subject property is a 404-acre undeveloped property in the Reserved Open Space (R-O-S) Zone, which is owned by the Maryland Environmental Services.

The specific area of this subject SDP for the 143 lots is located in the central portion of the Canter Creek overall community and can be accessed from the previously approved development in Phase 1, at the southern end of the development, as well as a new entrance from Frank Tippet Road.

5. **Previous Approvals:** The overall site, formerly known as TLBU Property, was rezoned by the District Council on May 14, 1990 (Zoning Ordinance No. 25-1990) from the Residential-Agricultural (R-A) and R-R Zones to the Residential Suburban Development (R-S) Zone through Zoning Map Amendment (Basic Plan) A-9738-C, subject to 9 conditions and 16 considerations.

Comprehensive Design Plan CDP-9007 and Type I Tree Conservation Plan TCPI-110-90 were submitted for review, but were withdrawn before being heard by the Planning Board. Preliminary Plan of Subdivision 4-00064 and TCPI-110-90 for the proposed development of the property (in accordance with County Council Bill CB-94-2000) for a private university, a 250-room hotel and conference center, and dormitories, was approved by PGCPB Resolution No. 01-79(A).

A Type II Tree Conservation Plan, TCPII-002-02, was approved for Parcel 1 and Outparcel A on January 17, 2002 with no associated development application.

On November 18, 2008, Comprehensive Design Plan CDP-0701 and a revision to the Type I Tree Conservation Plan, TCPI-110-90-01, were approved by the District Council, subject to 31 conditions. This approval superseded Comprehensive Design Plan CDP-9007.

Preliminary Plan of Subdivision 4-07005 and Type I Tree Conservation Plan TCPI-110-90-02 was disapproved by the Planning Board on July 17, 2008 for lack of conformance with the 2005 *Approved Countywide Green Infrastructure Plan* (Green Infrastructure Plan). By letter dated September 23, 2008, the applicant requested reconsideration for the purpose of addressing the Prince George's County Woodland Conservation and Tree Preservation Ordinance and the Green Infrastructure Plan and adjusting the lotting pattern to accommodate the same. On October 30, 2008, the Planning Board approved the request for reconsideration based on "good cause" associated with conformance with the Green Infrastructure Plan and the Woodland Conservation Ordinance.

On October 29, 2009, the Planning Board heard testimony regarding the reconsideration and approved Type I Tree Conservation Plan TCPI-110-90-02 and Preliminary Plan 4-07005 subject to conditions contained in PGCPB Resolution No. 08-112(A).

On October 25, 2012, the Planning Board reviewed Specific Design Plan SDP-1202 for Canter Creek, Phase 1 for infrastructure only and adopted PGCPB Resolution No. 12-102 on November 1, 2012. On November 19, 2012, the District Council elected to review the case and on February 12, 2013 the District Council remanded the case back to the Planning Board for additional consideration and information. On April 25, 2013, the Planning Board considered

additional evidence and approved the SDP with one additional condition for a total of 17 conditions, and amended findings in response to the Order of Remand.

On May 29, 2014, the Planning Board reviewed Specific Design Plan SDP-1202-01 for 106 lots and architectural elevations and approved the plans subject to conditions contained in PGCPB Resolution No. 14-46(c). Subsequently, one revision to Specific Design Plan SDP-1202-03 for architecture by Ryan Homes was approved by the Planning Director with no conditions. Another revision to Specific Design Plan SDP-1202-05 for architecture was also approved by the Planning Director for the Mid-Atlantic Builders with no conditions.

On March 9, 2017, the Planning Board reviewed Specific Design Plan SDP-1605 for Infrastructure for Canter Creek, Phases II, III and IV and approved the plans subject to conditions as contained in PGCPB Resolution No. 17-38. The site also has an approved Stormwater Management Plan, 8327602-2000-06, which is valid through May 4, 2017.

6. **Design Features:** The proposed development consists of Lots 55-74, Block A; Lots 1-14, Block C; Lots 15 -50, Block D; Lots 1-28, Block E; Lot 1 Block F; Lots 1-2, Block G; Lots 1-25, Block H; Lots 1-13, Block I; Lots 1-18, with two-story, single-family detached dwelling units. The subject application proposes 12 models by Mid-Atlantic Builders and 23 models by Ryan Homes. Many of the Mid-Atlantic models range from a base square footage of 2,451 to 3,859 and feature varied rooflines and roof types, a variety of façade options including full or partial brick and siding front façades and partial stone façades. Other features include cross gables, dormers, bay and double-bay windows, and two-car front-load garages with an optional side-load garage. Three-car garages are also available. Living area extensions include spa bath, morning room, guest and/or owner suite, in-law suite, library, California gourmet kitchen, sunroom, and screened lanai.

The Ryan Homes models range from a base square footage of 1,715 to 3,439. Full or partial brick and siding is available; partial stone and shake siding are also options. Rooflines are broken by gables, reverse gables, and optional dormers, porches and living area extensions. Options also include side-load and three-car garages, luxury owner suite, great room, “bonus” room, and morning room.

The submitted site plan shows the Mid-Atlantic and Ryan Homes proposed house types, but any house type could be built on any lot, as long as it fits within the required setbacks. All the proposed models offer several different front elevations with varied roof types and decorative architectural elements, such as shutters and enhanced trim. Some elevations lack sufficient roof variation or front façade articulation and have, for that reason, been conditioned in this approval to either be enhanced or removed from the approved set. Each dwelling has a standard front-load garage and multiple other options as described above. Most of the side elevations for the Mid-Atlantic models provide a minimum of two standard architectural features. The Ryan Home models generally include two standard endwall features, with the exception of a few models. Conditions have been included in this approval for both builders to provide additional features where they provide balance. As previously stated, all 32 models by both Ryan Homes and

Mid-Atlantic Builders have been approved in Phase 1. The requirements discussed below are part of the prior approval.

No two identical front elevations should be located next to or across the street from one another and a minimum of two standard endwall features in a balanced composition should be proposed on all house models.

For corner and highly-visible lots, a minimum of four standard endwall features combined with full brick, stone or stucco should be provided in a balanced composition, including lots in this SDP as follows:

- Block A: Lots 55, 73
- Block C: Lots 29, 38, 44, 45, 50
- Block D: Lots 14, 15, 28
- Block E: Lot 1
- Block F: Lots 1, 2
- Block G: Lots 1, 7, 8, 24
- Block H: Lots 1, 10
- Block I: Lots 1, 6, 7, 10, 18

Above-grade foundation walls should either be clad with finish materials compatible with the primary façade design, or shall be textured or formed to simulate a finished material such as brick, decorative block, or stucco.

These requirements have been included in this approval to ensure that all models have the minimum number of architectural features and aesthetic appeal.

**Architectural Model Data:**

Mid-Atlantic Model	Square footage	Elevations
Amherst	3,859 sq. ft.	1206, 1208, 1210, 1212, 1214, 1216
Aspen	2,747 sq. ft.	1501/1502, 1505, 1509/1510, 1513/1514, 1531
Casina	2,451 sq. ft.	202, 206, 210, 214
Modena	2,517 sq. ft.	302, 304, 306, 310, 314
Monticello	3,227 sq. ft.	1601/1602, 1609/1610, 1617/1618, 1626/1676, 1631, 1652, 1658, 1660, 1668, 1672/1630, 1676, 1678, 1680/1682
Orvieto	2,660 sq. ft.	402, 406, 410, 414
Sierra	3,675 sq. ft.	1801/1802/1852, 1805/1806/1856, 1809/1810/1860, 1811/1812/1862, 1815/1816/1866, 1866*
Signoria	3,306 sq. ft.	702, 704, 706, 708

<b>Mid-Atlantic Model</b>	<b>Square footage</b>	<b>Elevations</b>
Somerset	3,294 sq. ft.	501/502, 505/506, 519/520, 521/522, 523/524, 538, 550, 556, 560, 572, 574, 576
Sorrento	3,404 sq. ft.	602, 604, 606, 608, 610
Torino	3,383 sq. ft.	1302, 1304, 1306, 1308, 1310
Windsor	3,032 sq. ft.	1401/1402, 1405/1405, 1408, 1409/1410, 1411/1412, 1416, 1420, 1424, 1428, 1434, 1436

<b>Ryan Models</b>	<b>Base Square Footage</b>	<b>Elevations</b>
Brentwood	1,788 sq. ft.	A, B, C, K, L
Carolina Place	1,715 sq. ft.	A, B, C, K, L
Castleton	2,074 sq. ft.	A, B, C, K, L
Chantilly Place	2,054 sq. ft.	A, B, C, K, L
Courland Gate	2,902 sq. ft.	A, B, C, D, E, K, L
Florence	2,112 sq. ft.	A, B, C, D, E, K, L, M, N
Genoa	2,380 sq. ft.	A, B, K, L, M
Jasmine Grove	2,746 sq. ft.	A, B, C, K, L
Jefferson Square	2,761 sq. ft.	A, B, C, D, K, L
Lincolnshire	2,656 sq. ft.	A, B, C, K, L
Milan	2,528 sq. ft.	A, B, C, D, E, K, L, M, N
Naples	2,760 sq. ft.	A, B, C, D, E, K, L, M, N
Oberlin Terrace	2,737 sq. ft.	A, B, C, D, K, L
Palermo	2,553 sq. ft.	A, B, C, D, E, K, L, M, N
Ravenna	2,560 sq. ft.	A, B, C, D, E, K, L, M, N
Rome	3,060 sq. ft.	A, B, C, D, E, K, L, M, N
Sheffield	2,341 sq. ft.	A, B, C, K, L
Springhaven	1,952 sq. ft.	A, B, C
Torino	3,439 sq. ft.	A, B, C, N
Venice	2,224 sq. ft.	A, B, C, D, E, K, L, M, N
Verona	2,822 sq. ft.	A, B, C, D, E
Victoria Falls	2,472 sq. ft.	A, B, C, D, E, K, L

**COMPLIANCE WITH EVALUATION CRITERIA**

- Zoning Map Amendment (Basic Plan) A-9738-C:** On May 14, 1990, the District Council approved Basic Plan A-9738-C, subject to nine conditions and 16 considerations. Of the conditions and considerations attached to the approval of A-9738-C, the following are applicable to the review of this SDP:

### **Conditions**

**1. Land uses shall be only as shown on the Basic Plan.**

The subject SDP is for single-family detached development, which is in conformance with the approved land use of the Basic Plan.

**2. The minimum lot size for the proposed development shall be 8,000 square feet. Those lots adjacent to the Williamsburg Estates subdivision, Piscataway Creek and Dower House Pond Branch shall be a minimum of 10,000 square feet.**

The subject SDP appears to be in conformance with this condition. The minimum lot size in the proposed development is over 8,100 square feet for an interior lot. Some lots adjacent to open space parcels and Piscataway Creek appear to exceed the 10,000-square-foot minimum lot-area requirement, however, the plans must be revised to provide a lot size chart indicating the proposed sizes of all lots. A condition has been included in this approval.

**6. The Equestrian Center and facilities and equestrian trails shall be designed, located and approved prior to any other approvals by plan, plat or permit.**

The previously approved SDP-1202 for infrastructure showed the equestrian center as existing and proposed the design and construction of the two equestrian trails located within the main part of the subject property. The other two proposed equestrian trails will be located on the proposed Maryland-National Capital Park and Planning Commission (M-NCPPC) parkland and constructed with public funding.

### **Considerations**

**1. The applicant shall prepare a tree stand delineation plan for approval by the Natural Resources Division. Where possible, major stands of trees shall be preserved, especially along streams, adjoining roads and property lines.**

A forest stand delineation was submitted with the approved Natural Resources Inventory (NRI-015-07). The approved TCPI shows the preservation of woodlands along streams and adjoining roads and preserves a major forest stand identified by the NRI as Forest Stand "D". This is in conformance with this consideration because it preserves a major stand of trees adjacent to a stream and property lines, and preserves additional woodland along Piscataway Creek.

**2. The applicant shall submit a 100-year floodplain study and a stormwater management concept plan for approval by the Department of Environmental Resources (DER).**

A 100-year floodplain study was approved for the subject property on November 20, 1989. A Stormwater Management Concept Plan, 8327602-2000-06, has been approved by the Department of Permitting, Inspections and Enforcement (DPIE). A letter from Dawit Abraham, Associate Director, DPW&T, dated September 22, 2009, indicated that Floodplain Study FPS 900058, previously approved on November 20, 1989 is still valid.

- 3. A minimum 50-foot-wide buffer shall be retained along all streams. This area shall be expanded to include the 100-year floodplain, wetlands, steep slopes and areas of erodible soils.**

In conformance with the above consideration, the approved NRI and submitted TCPII show all of the required expanded stream buffers on the property.

- 4. The character and visual image of Frank Tippett Road shall be protected and maintained as equestrian/suburban through design techniques such as trees, berms, and vegetative buffers. The layout of building lots and internal streets shall be planned so that the rear of view of houses will not be clearly visible from Frank Tippett Road.**

Specific Design Plan SDP-1202 provided landscaping and buffering along Frank Tippett Road, which will maintain the suburban character of the area of Phase 1. The current site plan proposes lots with rear yards visible from Frank Tippett Road. As a condition of this approval, the plans shall be revised to indicate the buffering techniques between the above homes proposed in Phase 2 and the roadway to ensure that no lots will be clearly visible from the roadway.

- 6. Design of the equestrian trails shall be in accordance with the Park and Recreation Facilities Guidelines and shall preserve mature trees.**

The previously approved SDP-1202 for infrastructure showed the equestrian trails and proposed the design and construction of four equestrian trails. Two of the proposed equestrian trails will be located on the proposed M-NCPPC parkland, and constructed with public funding. A portion of the other two are located within this phase of development for the subject application. The Planning Board has provided detailed analysis of these trails and provided conditions which have been included in this approval.

- 8. The stormwater management facility may be located on park dedication land, providing the facility is designated as multi-purpose wet pond and upgraded with landscaping and recreational amenities.**

There are no stormwater management ponds proposed on dedicated parkland. The two ponds shown on Parcels G and I are not included in the subject SDP and were previously approved as part of SDP-1202 for infrastructure.

**10. The width of building lots adjacent to Frank Tippett Road shall be in accordance with those for the R-R Zone.**

The current SDP proposes residential lots adjacent to Frank Tippett Road on the northern and southern side of Passage Drive, specifically Lot 1, Block I, and Lot 50, Block C. The requirement for the width of these lots is 100 feet, and the applicant shows a lot width less than the required amount, and should revise the plan in accordance with the consideration. A condition has been included in this approval.

**12. All structures shall be fully sprinklered in accordance with National Fire Protection Association Standard 13 and all applicable County laws.**

This condition is included in this approval.

8. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the R-S and Military Installation Overlay (M-I-O) Zones and the site plan design guidelines of the Zoning Ordinance.
- a. The subject application is in conformance with the applicable requirements of Section 27-511, Purposes; Section 27-512, Uses; Section 27-513, Regulations; and Section 27-514, Minimum Size Exceptions, governing development in the R-S Zone.
  - b. Section 27-548.50 of the Zoning Ordinance sets forth criteria for the M-I-O Zone. The subject property is located within the Joint Base Andrews M-I-O Zone area. The western portion of the property is within Height Surface E, establishing a height limit of approximately 439 feet above the runway surface which should be noted and graphically depicted on the SDP and any other future development plans. All the proposed single family detached houses are lower than 50 feet in height and therefore meet the requirements of the M-I-O Zone.
  - c. Section 27-528(a) of the Zoning Ordinance sets forth the following criteria for approval of an SDP:
    - (a) **Prior to approving a Specific Design Plan, the Planning Board shall find that:**
      - (1) **The plan conforms to the approved Comprehensive Design Plan, the applicable standards of the Landscape Manual, and except as provided in Section 27-528(a)(1.1), 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);**

The plan conforms to the requirements of CDP-0701 as detailed in Finding nine and the 2010 *Prince George's County Landscape Manual* (Landscape Manual) as detailed in Finding 13 below.

- (2) **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, provided as part of the private development or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, participation by the developer in a road club;**

The subject SDP shall be revised to provide a cross section and construction detail for the equestrian trail (see a detailed discussion for Consideration 6). The SDP meets this requirement.

- (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;**

The applicant provided a copy of a current approved Stormwater Management Concept Plan, 8327602-2000-06, which was approved on August 29, 2016. The SDP satisfies this requirement.

- (4) **The plan is in conformance with an approved Type 2 Tree Conservation Plan;**

The Planning Board approved Type II Tree Conservation Plan TCPII-013-2017, subject to conditions. Those conditions have been included in this approval. Therefore, the plan is in conformance with an approved Type II tree conservation plan.

- (5) **The plan demonstrates that the regulated environmental features are preserved and/or restored to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

In a memorandum dated March 28, 2017, the Environmental Planning Section stated the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible, and impacts shown are consistent with the impacts approved at time of preliminary plan for Phase 2.

Therefore, the site is grandfathered from this requirement because the project has a previously approved preliminary plan.

- d. The subject SDP is in general conformance with the applicable site design guidelines in Section 27-274 of the Zoning Ordinance.
9. **Comprehensive Design Plan CDP-0701:** Comprehensive Design Plan CDP-0701 for the subject property was approved on November 18, 2008 by the District Council, subject to 31 conditions. The following conditions of the CDP approval are applicable to the review of subject SDP and warrant discussion, as follows:

- 10. Provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T.**

Standard sidewalks were shown on both sides of all internal roads in the subject SDP.

- 16. Prior to the approval of a specific design plan, the applicant shall provide a plan for any interpretive signage to be erected and public outreach measures (based on the findings of the Phase I, Phase II, or Phase III archeological investigations). The location and wording of the signage and public outreach measures shall be subject to approval by the Historic Preservation Commission and M-NCPPC staff archeologist. The installation of the signage and the implementation of public outreach measures shall occur prior to the issuance of the first building permit for the development.**

A small number of artifacts were recovered from the Phase II investigations of Site 18PR996, which is located within the area of SDP-1202, but the applicant could still prepare interpretive signage that discusses the role of slavery on large plantations in Prince George's County. Phase II investigations have not been completed on Site 18PR971, which is located within the planned Phase III of the subject development. Discussion of interpretive signage and a condition requiring the installation of signage on the site should occur after the archeological investigations are completed on Site 18PR971.

- 17. Prior to the approval of a specific design plan for the portion of the developing property adjacent to the Joshua Turner House (Historic Site No. 82A-017), the applicant shall consider the impact of proposed development in this area on the historic site by submitting plans that address the buffering requirements of the Prince George's County Landscape Manual, the layout of streets and street lighting, the pattern of building lots, the orientation of buildings, and the specific character and materials of the proposed architecture that may be visible from Joshua Turner House.**

The subject SDP is adjacent to the Joshua Turner House Historic Site (82A-017). The applicant submitted a viewshed study, as well as current photographs from the historic site to the area where development is proposed in Phase 2. The developing lots are not adjacent to the historic site and, therefore, are not subject to the buffering requirements of the Landscape Manual. The applicant has proposed to provide additional landscaping along the rear yards of the single-family houses to the south of the historic site. The proposed houses to the southwest of the historic site will be adequately buffered by the existing vegetation.

- 19. The Preliminary Plan of Subdivision and all subsequent plans shall ensure that no part of any conservation easement is on any residential lot. When the TCP II is formulated with the SDP, consideration shall be given to the placement of woodland conservation areas into permanent, recorded conservation easements because they will not be located on residential lots.**

No part of the expanded stream buffer, which will be placed into conservation easements at the time of final plat, is located on a residential lot in the current TCPII application. There are areas of “woodland retained-assumed cleared” located on portions of several residential lots which will not be credited as woodland conservation. Although these areas will not be placed into a woodland conservation easement, specific protection of the woodland conservation areas proposed are conditioned in this approval. At the time of certification of the SDP, a woodland and wildlife habitat conservation easement shall be recorded over all perpetual credited woodland conservation within the limits of the phase being approved, and the liber and folio shall be added to the TCPII in an appropriate note.

- 28. Prior to approval of a Specific Design Plan, the following shall be demonstrated:**

- a. That portion of the property adjacent to Frank Tippett Road shall be supplemented with plant materials or other screening.**

The subject plans shall be revised to indicate a proposed landscape buffer consisting of evergreen and deciduous trees and shrubs of 100 feet in width along the Frank Tippett Road frontage, north of Passage Drive to extend to a distance such that the rear yards of lots within Block I are not visible from Frank Tippett Road.

- b. No driveways shall have direct access to Frank Tippett Road. All access shall be from the internal roadway system.**

All driveway accesses are shown from the internal roadway system.

- c. Design of the equestrian trails shall be in accordance with the Park and Recreation Facilities Guidelines and shall preserve mature trees.**

The subject SDP shall be revised to provide a cross section and construction detail for the equestrian trail (see detailed discussion for Consideration 6).

- d. **The width of building lots adjacent to Frank Tippett Road shall be 70 feet at the street line.**

The subject SDP does not propose any residential building lots adjacent to Frank Tippett Road.

- e. **Those lots adjacent to the Williamsburg Estates subdivision, Piscataway Creek and Dower House Pond Branch shall be a minimum of 10,000 square feet.**

The subject plan has been reviewed for conformance with the applicable portion of this condition (which does not include the area adjacent to the Williamsburg Estates subdivision). The SDP meets the requirement.

29. **All structures shall be fully sprinklered in accordance with National Fire Protection Association Standard 13 and all applicable County laws.**

This requirement has been included as a condition of this approval.

10. **Preliminary Plan of Subdivision 4-07005:** Preliminary Plan of Subdivision 4-07005 was approved by the Planning Board on October 29, 2009, subject to 35 conditions. The relevant conditions of the preliminary plan approval that are applicable to the review of this SDP warrant discussion as follows:

2. **A Type II tree conservation plan shall be approved at the time of specific design plan (SDP).**

A Type II tree conservation plan (TCPII) was submitted and approved with the subject SDP.

3. **Development of this site shall be in conformance with the Stormwater Management Concept Plan, 8327602-2000-04 and any subsequent revisions.**

Stormwater Management Concept Plan, 8327602-2000-04 has been revised as Stormwater Management Concept Plan, 8327602-2000-06 which is valid through May 4, 2017. General Note 11 on the SDP reflects the current Stormwater Management Concept Plan number.

22. **Prior to Planning Board approval of a specific design plan which includes 18PR971 and/or 18PR996, the applicant and the applicant's heirs, successors and/or assignees shall provide a plan for:**
  - a. **Evaluating the resources at the Phase II level, or**
  - b. **Avoiding and preserving the resources in place.**

The subject SDP does not include archeological Site 18PR971. Phase II investigations were completed on Site 18PR996 and no further work was required. Four copies of the final report were submitted to Historic Preservation staff and accepted as complete on January 6, 2010.

- 25. The applicant and the applicant's heirs, and/or assignees, shall coordinate all Section 106 review with the Historic Preservation Section (M-NCPPC), the US Army Corp of Engineers, and the Maryland Historical Trust. National Historic Preservation Act Section 106 requires Federal agencies to take into account the effects of the development on historic resources, to include archeological sites.**

The Environmental Planning Section will coordinate the protection of historic resources with the Historic Preservation Section during Section 106 review for proposed disturbances to wetland, wetland buffers, streams, and Waters of the U.S. This condition has been carried forward as a condition of approval of this SDP.

- 35. All structures shall be fully sprinklered in accordance with National Fire Protection Association (NFPA) Standard 13 and all applicable County laws.**

This condition is included in in this approval.

11. **Specific Design Plan SDP-1605 for Infrastructure, PGCPB Resolution No. 17- 38:** Specific Design Plan SDP-1605 for the subject property was approved by the Planning Board on March 14, 2017, subject to four conditions. The following conditions of the SDP-1605 approval are applicable to the subject SDP and warrant discussion as follows:

- 3. At the time of certification for any SDP except for an SDP for infrastructure only, a woodland and wildlife habitat conservation easement shall be recorded over the credited woodland conservation within the limits of the phase or phases being approved, and the liber and folio shall be added to the TCPII in an appropriate note.**

The subject SDP is not for infrastructure only, and will be required to provide a recorded woodland and wildlife habitat conservation easement over the credited woodland conservation, within the limits of the subject phase, including the liber and folio to the TCPII in an appropriate note. A condition referencing this has been included in this approval.

- 4. Prior to approval of any further SDP application for the site beyond one that is limited to stormwater management infrastructure, the NRI site statistics and SDP site statistics shall be reconciled.**

The subject SDP is not limited to stormwater management infrastructure, and will be required to provide revised NRI site statistics and SDP site statistics for the appropriate phase of the project. A condition referencing this has been included in this approval.

12. **Specific Design Plan SDP-1202-01, PGCPB Resolution No. 14-46(C):** Specific Design Plan SDP-1202-01 for the subject property was approved by the Planning Board on May 15, 2014, and administratively corrected on June 10, 2014, subject to 20 conditions. The following conditions of the SDP-1202-01 approval are applicable to the subject SDP and warrant discussion as follows:

7. **No two identical models shall be located next to or across the street from one another.**
8. **No less than 50 percent of the total number of units shall have full brick front façades.**
9. **No more than 15 percent of the total number of units shall have full vinyl siding façades.**
10. **All architecture approved in this specific design plan for Phase One shall be permitted in subsequent phases of the development.**

The subject SDP is proposing the same set of architectural models as those previously approved with SDP-1202-01. Conditions 7–9 shall be carried forward and are included in this approval

13. **Prince George’s County Landscape Manual:** Per Section 27-528(a)(1) of the Zoning Ordinance, an SDP must conform to the applicable standards of the 2010 *Prince George’s County Landscape Manual* (Landscape Manual). The proposed development of residential lots is subject to conformance with Section 4.1 (Residential Requirements) and Section 4.9 (Sustainable Landscaping Requirements) of the Landscape Manual. The applicant has provided the required landscaping and landscape schedules for Sections 4.1. and the submitted SDP provides the required schedule and notes showing the requirements being met for proposed landscaping per Section 4.9.

- a. **Section 4.1, Residential Requirements**—The applicant has provided schedules for the landscaping on the lots in compliance with Section 4.1. A schedule indicates that, for lots measuring up to 9,500 square feet, the applicant is required to provide two shade trees and two ornamental or evergreen trees for each lot. The applicant is proposing a total of 160 shade trees, 78 ornamental, and 80 evergreen trees, which is less than the required number of ornamental or evergreen trees, so the Section 4.1 schedule shall be revised to show conformance.

However, the schedule for lots between 9,500 and 19,999 square feet requires the applicant to provide three shade trees and two ornamental or evergreen trees for each lot. The applicant is proposing a total of 189 shade trees, 60 ornamental, and 68 evergreen trees, which includes additional ornamental or evergreen trees, and meets the total number of required ornamental or evergreen trees on the site for this SDP.

- b. **Section 4.9, Sustainable Landscaping Requirements**—Section 4.9 requires that a certain percentage of plants within each plant type (including shade trees, ornamental trees, evergreen trees, and shrubs) be native species (or the cultivars of native species). The minimum percentage of each plant type required to be native species and/or native species cultivars is specified below:

Shade trees	50%
Ornamental trees	50%
Evergreen trees,	30%
Shrubs	30%

A Section 4.9 schedule should be provided demonstrating conformance to the above. The applicant has proposed native plantings in excess of the requirement by providing:

Shade trees	87%
Ornamental trees	86%
Evergreen trees,	60%

Therefore, the application satisfies the requirements of Section 4.9.

14. **Prince George's County Tree Canopy Coverage Ordinance**—The subject project is not exempt from the Tree Canopy Coverage Ordinance and should meet the requirements of the ordinance. Specifically, the minimum tree canopy coverage requirement for the R-S Zone is 15 percent. The plans should reflect the required coverage amount and include a schedule showing the fulfillment of the requirements for tree canopy coverage. A condition has been included in this approval.

15. **Prince George's County Woodland Conservation and Tree Preservation Ordinance:** The property is subject to the requirements of the Woodland Conservation and Tree Preservation Ordinance because the site is more than 40,000 square feet in size and contains more 10,000 square feet of existing woodland. This site also has a previously approved Type II tree conservation plan for Phase 1 that has been implemented, and a revised Type II tree conservation plan (TCPII) for the construction of stormwater management infrastructure for Phases 2, 3, and 4, which is to be implemented prior to May 4, 2017.

The TCPII plan submitted with the current SDP application for Phase 2 has been assigned a new TCPII number, which will be associated with Phase 2 development. All future development phases going forward will also be assigned an individual TCPII number. The development of Phase 1 will retain the number TCPII-002-02 with any future revisions.

The phased woodland conservation worksheet for the overall development submitted on the plan indicates that the gross tract area of the application is 342.38 acres, with 93.75 acres of 100-year floodplain, with a net tract area of 248.63 acres. The woodland conservation threshold for the site

is 49.73 acres. With replacement for cumulative clearing of 46.99 acres of woodlands, 1.07 acres of wooded 100-year floodplain, the woodland conservation requirement for the site is 63.07 acres of woodland conservation.

With the current development phase, the requirement will be met with 71.28 acres of on-site preservation, which exceeds the current requirement.

The TCPII requires additional information and technical revisions to bring it into conformance with the requirement of the applicable Woodland Conservation Ordinance and Environmental Technical Manual prior to certification of the SDP, and are listed in this approval.

16. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

- a. **Historic Preservation**—The subject property includes 342.38 acres (zoned R-S) and is located on the west side of Frank Tippet Road, approximately 1,000 feet south of its intersection with Rosaryville Road. The subject application includes the architecture for 143 single-family detached lots in Phase 2 of the Canter Creek development.

#### **Historic Preservation Findings**

- (1) The subject property does not include any identified historic resources, but is adjacent to the Joshua Turner House (Historic Site 82A-017, located at 8801 Frank Tippet Road (Tax Map 118 A-2).

The Joshua Turner House, built in the 1880s, is a two and one-half story, cross-gable frame dwelling with paneled gable peaks and a twentieth-century stucco covering. The house was built for Joshua J. Turner, a Baltimore entrepreneur who specialized in agricultural fertilizers. The house, which also exhibits elegant Victorian interior trim, is significant as the late 19th century country house of a successful businessman, and for its fine Queen Anne style decorative detail. The Historic Site's Environmental Setting includes approximately five acres (Part of Parcel 91).

- (2) The Joshua Turner House Historic Site has included an equestrian training and riding facility operated by its current owners for approximately 30 years. This equestrian operation, Merrymount, has relied for a portion of its operations on areas within the Canter Creek property, through cooperative agreements between the owners of Merrymount and the owners of the adjacent property. Over time, Merrymount has become a prominent local and regional equestrian facility. The portion of the subject property that includes some of the Merrymount facilities is adjacent to the area within the subject application.



- (3) The applicant submitted a viewshed study that depicts the elevation of the Joshua Turner Historic Site in relation to the proposed new construction. This study indicates that the proposed single-family houses to be constructed to the south and southwest of the historic site will not be visible from the historic site. In addition, the applicant submitted current photographs taken from the Joshua Turner Historic Site looking toward the area where the new development included in Phase 2 of Canter Creek will be located. There is sufficient vegetation within the environmental setting of the Joshua Turner Historic Site to provide screening from the new development.

### **Archeology**

- (1) Phase I archeological investigations were conducted on the subject property in May 2009. Four copies of the final Phase I report were submitted and were approved by Historic Preservation staff on August 6, 2009. Three archeological sites were identified in the survey. Site 18PR971 is an early twentieth century domestic site; Site 18PR972 consists of the ruins of a twentieth century tenant farm house and adjacent barn; and Site 18PR973 is a dense scatter of brick that likely represents a nineteenth century tobacco barn that had been destroyed by the late twentieth century. No further work was recommended on any of the archeological sites. The Planning Board found that no additional archeological work is necessary on Sites 18PR972 and 18PR973.
- (2) The Planning Board did not concur with the report's conclusion that no additional work was necessary on Site 18PR971. Site 18PR971 represents a late nineteenth to early twentieth century tenant house, a common property but one not well studied archeologically in Prince George's County. The Planning Board noted that Phase II investigations should be conducted on Site 18PR971 to determine if any intact cultural deposits or features are present. Site 18PR971 is near the limits of disturbance for the proposed infrastructure.

### **Historic Preservation Conclusions**

The following text addresses previously approved historic preservation conditions related to the subject application. The text in **BOLD** is the actual text from the resolution as approved. Comments are in regular typeface. The property was the subject of Comprehensive Design Plan CDP-0701 (approved by the District Council on November 18, 2008) and Preliminary Plan 4-07005 (approved by the Planning Board on October 29, 2009).

Based on the applicant's viewshed study, current photographs showing current vegetation and existing conditions on the Joshua Turner Historic Site, and the placement of additional landscaping at the rear of the single-family houses to the south of the historic site, the proposed development should have minimal impact on the viewshed of the historic site.

The Planning Board approved Specific Design Plan SDP-1202-04, Canter Creek Phase 2, with no conditions.

- b. **Community Planning**—This application is consistent with *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035) for residential development within the growth boundary, and conforms to the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* (Subregion 6 Master Plan and SMA) recommendations for residential-low land use.

Dedication of a portion of this property (western side and southeast corner) as a future M-NCPPC Stream Valley Park, connected to a future M-NCPPC community park on the southern portion of the site. In addition, the Subregion 2 Master Plan calls for sidewalks and bikeway improvements along Frank Tippet Road from Rosaryville Road to Robert Crain Highway (US 301).

- c. **Transportation Planning**—The Planning Board indicated that, as of this approval, none of the transportation-related conditions approved with Preliminary Plan 4-07005 (PGCPB Resolution No. 08-112(A)) have been met and, therefore, still remain valid and found the following:

On October 29, 2009, the Planning Board approved the Preliminary Plan of Subdivision (4-07005) for the subject property. Based on Resolution No. 08-112(A), the development was approved with several transportation-related conditions. Among those are the following:

19. **Prior to the issuance of any building permit, the following improvements shall be in place, under construction, bonded (or letter of credit given to the appropriate agency for construction), 100 percent funded in a CIP/CTP or otherwise provided by the applicant and the applicant's heirs, successors or assigns:**

- a. **At the intersection of Rosaryville Road & Gambier Drive**

**Conduct a traffic signal warrant study, and install traffic signal if deemed to be warranted and approved by DPW&T**

- b. **At the intersection of Rosaryville Road and Williamsburg Drive**

**Conduct a traffic signal warrant study, and install traffic signal if deemed to be warranted and approved by DPW&T**

**c. At the intersection of Rosaryville Road and Frank Tippett Road**

**Provide a 475-foot double left-turn bay plus a 120-foot taper on the northbound approach.**

**Provide a second receiving lane along westbound Rosaryville Road, the length and taper to be determined by DPW&T**

- 20. Prior to the issuance of building permits, the applicant and the applicant's heirs, successors and/or assignees, shall pay a pro-rata share of the road improvements along Piscataway/Woodyard Road (MD 223) at Rosaryville Road, as described in the Prince George's County Capital Improvement Program for CIP No. FD669451: 2008-2013 (MD 223 Widening). The pro rata share shall be payable to Prince George's County, with evidence of payment provided to the Planning Department with each building permit application. The pro rata share shall be \$812.00 per dwelling unit x (Engineering News Record Highway Construction Cost Index at the time of building permit application) / (Engineering News Record Highway Construction Cost Index for the second quarter 2001).**
- 33. At the time of final plat the applicant, his heirs, successors and/or assignees shall dedicate a 10-foot public utility easement (PUE) along all the public rights-of-way.**
- 34. The applicant and the applicant's heirs, successors, and/or assignees shall dedicate right-of-way of 40 feet from the center line of Frank Tippett Road at the time of final plat. Dedication of right-of-way along Old Frank Tippett Road shall be in accordance with the approved preliminary plan, as determined appropriate by DPW&T.**

As of this writing, none of the conditions above have been met and, therefore, all of those conditions remain valid.

**Site Layout Review**

Upon review of the pending application, the applicant is proposing a road network that represents the network on which the approved preliminary plan was based. Regarding on-site circulation, staff has no issues.

- d. Subdivision Review**—The Planning Board reviewed an analysis of the site plan's conformance with Preliminary Plan of Subdivision 4-07005.

The site is part of the Canter Creek subdivision, approved pursuant to Preliminary Plan of Subdivision (PPS) 4-07005 (PGCPB Resolution No. 08-112(A)). The PPS, for 342.20 acres and 410 lots for single-family dwellings, is valid until December 31, 2017 at

which time all the lots in the subdivision must be platted or an extension of the validity period granted. The PPS validity period has been extended via legislation adopted by the County Council, since the approval of the PPS in 2009. The Planning Board did approve a variation for impacts to the expanded buffer pursuant to Section 24-130 of the Subdivision Regulations.

The CDP established a minimum lot size of 8,000 square feet. The lots located adjacent to the Williamsburg Estates Subdivision, the Piscataway Creek and the Dower House Pond Branch, have a minimum lot size of 10,000 square feet. All the lots approved on the PPS exceeded the minimum standard, and range in size from 8,024 to 15,080 square feet. All the lots on the PPS meet the minimum lot width at the front street line of 25 feet and the minimum lot width at the front building line of 60 feet, at the front building setback of 20 feet, as established by the CDP.

Eight parcels were approved. Four parcels (Parcels B, C, G and H) are to be conveyed to the homeowners association (HOA) and total 61.47 acres. Two parcels (Parcels D and E) were conveyed to M-NCPPC and total 120.83 acres. The last two parcels (Parcels A and F) are to be retained by the applicant and total 36.09 acres.

Parcels D and E, which were conveyed to M-NCPPC, are a combination of land required for the fulfillment of the mandatory dedication requirement (a minimum of 17 acres), and donated land. The applicant dedicated Parcel E (25 acre, exceeding the minimum) for mandatory dedication which is in conformance to Section 24-134 of the Subdivision Regulations. Parcel E is a large centrally located area of land, for a future active park. Parcel E contains wetlands, but includes developable land for purposes of the fulfillment of mandatory dedication. The second parcel, Parcel D is 95.83 acres and contains the Piscataway Creek and Dower House stream valleys. These stream valleys create an important opportunity to implement two master plan trail connections. The applicant has proffered, and donated these areas to M-NCPPC to provide for the implementation of the trail system on public land, and as conditioned by the approved Basic Plan (A-9738-C). The SDP reflects tie in grading on the park property in several locations. This "off-site" grading on park property is subject to the review of a mandatory referral and should not be approved with the subject SDP. The SDP was referred to the Department of Parks and Recreation for comment, however, that office met with the applicant but did not provide comment of the subject SDP.

Parcel F is 32.85 acres and is in the northeast quadrant of the property, east of Phase 2, and surrounds the abutting Merrymount Equestrian Center located on Parcel 91. Parcel 91 is the environmental setting for an historic site known as the Joshua Turner House (82A-17) and is an active equestrian facility. The equestrian center has an agreement (dated July 12, 2008), with the applicant for the continued and cooperative use of 16.63 acres of Parcel F for equestrian purposes. Currently several accessory barns, pastures, a riding rink, and equestrian trails are located on proposed Parcel F. The agreement provides for the continuation of the equestrian use on Parcel F, as long as the

equestrian center remains. A portion of an equestrian trail system serving Merrymount currently exists on Parcel F and is to remain. A larger portion of the existing equestrian trail exists where lots are proposed within the subdivision. That portion of the trail is to be relocated onto Parcel C (HOA) to create a loop connection for use by the HOA and Merrymount Equestrian Center, to the Piscataway and Dower House Stream Valley public trail system. This extension and repair of the existing equestrian trail to remain, will be implemented by the applicant. The extension of the existing equestrian trail onto Parcel C (HOA) will be a private trail, and serve the proposed development and the Merrymount Equestrian Center. There is no use proposed on Parcel F at this time. If a use is proposed it must be within the overall trip cap for the development.

The land uses for the approved Basic Plan (A-9738-C) are for single-family detached units, a day care facility and an equestrian use. Comprehensive Design Plan CDP-0701 was approved by the District Council on November 18, 2008 with conditions. The PPS was found to conform with the approved basic plan and comprehensive design plan. Please note that the bearing and distances must be reflected on the SDP prior to signature approval and must match the record plats. Permits will be placed on hold until the plans are corrected. There are no other subdivision issues.

- e. **Trails**—The Planning Board reviewed the SDP application referenced above for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and/or the appropriate area master/sector plan in order to implement planned trails, bikeways, and pedestrian improvements.

Type of Master Plan Bikeway or Trail

Municipal R.O.W.*	<u>          </u>	Public Use Trail Easement	<u>          </u>
PG Co. R.O.W.*	<u>  X  </u>	Nature Trails	<u>          </u>
SHA R.O.W.*	<u>          </u>	M-NCPPC – Parks	<u>  X  </u>
HOA	<u>          </u>	Bicycle Parking	<u>          </u>
Sidewalks	<u>  X  </u>	Trail Access	<u>          </u>

\*If a master plan trail is within a city, County, or state right-of-way, an additional two to four feet of dedication may be required to accommodate construction of the trail.

The Planning Board has reviewed the SDP application referenced above for conformance with the MPOT and/or the appropriate area (Subregion 6 Master Plan and SMA) in order to implement planned trails, bikeways, and pedestrian improvements. The Planning Board has included conditions in this approval.

**Review Comments (Master Plan Compliance and Prior Approvals)**

The Canter Creek project site is located west of Frank Tippett Road, east of Piscataway Creek, and north of Dower House Creek. The property was formerly known as the TLBU property and is zoned R-S. The application is within the area covered by the Subregion 6 Master Plan and SMA and the MPOT.

**Background**

Specific Design Plan SDP-1202-04 covers Phase 2 of the previously approved and Canter Creek development. Numerous prior approvals exist that relate the provision of sidewalks and trail facilities. Furthermore, prior conditions of approval addressed the network of equestrian trail on the subject site and their continued use by the adjacent equestrian center. The Subregion 6 Master Plan and SMA includes three master plan trail issues that impact the subject site. Stream valley trails are proposed along both Piscataway Creek and Dower House Branch. Frank Tippett Road is designated as a master plan bike/trail corridor. The master plan trails issues and internal connectivity were addressed via the SDP for infrastructure, as well as the approvals for Preliminary Plan, CDP, and Basic Plan. The prior approvals all contained a large amount of detailed analysis regarding the trails network and included many subsequent conditions of approval related to the trail network. The master plan trails that impact the subject site are summarized below.

- Piscataway Creek Stream Valley Trail
- Dower House Branch Stream Valley Trail
- Master plan bikeway along Frank Tippett Road

Land has been dedicated along both Piscataway Creek and Dower House Branch to accommodate the master plan trails along both stream valleys. Frontage improvements and prior conditions of approval address the bikeway improvements and signage along Frank Tippett Road.

The Zoning Map Amendment also references Exhibit 44, which is a November 10, 1988 memorandum from Bruce Hancock to Helen Payne on A-9738. Basic Plan A-9738-C Condition 5(e) required that all trails be in conformance with Exhibit 44. In summary, Exhibit 44 made the following recommendations:

- Continue the use agreement between the subject site and Merrymount Equestrian Center for the continuing use of the land around the equestrian center for equestrian uses. This is reflected on the submitted plans and appropriate agreement between the involved parties is referenced in the conditions of approval.

A copy of the required agreement has been provided and recorded in the land records.

- *East-West Trail.* This trail connection will begin at the Equestrian Center and extend across the property's northern edge. This trail is reflected on the submitted plans and will be constructed by the applicant.

This trail is reflected on prior approvals, but is beyond the limits of Phase 2.

- *Piscataway Creek Trail.* The applicant is dedicating the necessary land to accommodate the future construction of this master plan trail. A more detailed analysis of the constraints, opportunities, and environmental features along the corridor will have to be evaluated in more detail to determine the appropriate alignment of this trail along its entire length. The submitted plans reflect the dedication necessary to accommodate the trail at the time it is constructed through an M-NCPPC Capital Improvement Program (CIP) project. Exhibit 44 notes that the master plan trail will provide access to both the north and south.
- *Trail connection to Maryland Environmental Services.* Exhibit 44 reads, "The current practice is to ford Piscataway Creek at the point about midway south along its length. A spur trail should be provided from the main trail to a suitable spot where horses are able to safely ford the stream".
- *Dower House Branch Trail.* The applicant is dedicating the necessary land to accommodate the future construction of this master plan trail. The Department of Parks and Recreation (DPR) anticipates that this trail will be constructed via a CIP project. Exhibit 44 also discusses trail connections to Rosaryville State Park. It is noted that the master plan trail along Dower House Branch will be the primary route to the state park, although some informal connections may continue to be used.

Land has been dedicated to M-NCPPC for all the above referenced trail connections. These trails will be constructed by the Department of Parks and Recreation (DPR) in the future, as funding allows. Existing natural surface trails on the dedicated parkland can continue to be used, per the use agreement. DPR currently has no funding allocated for additional trail construction along either Piscataway Creek or Dower House Branch at this location.

- *Tributary Trail.* Exhibit 44 also requires a trail along the tributary running from Dower House Branch to behind the Equestrian Center. The submitted plans include this trail and will be constructed by the applicant.

The Planning Board found that the submitted plans show the Tributary Trail within the limits of Phase 2, with the location shown on the plans following an existing driveway. This trail is currently in use by equestrians from the adjacent Merrymount Center. The location and alignment reflected on the plans is acceptable and meets the intent of prior conditions of approval. Additionally, as part of this review, the Planning Board noted that

the sidewalk network serving the proposed residential units be amended to reflect ADA curb cuts and ramps at all sidewalk and road intersections prior to certification, in addition to adding a segment of sidewalk along Dressage Drive. The Planning Board found that all prior conditions of approval regarding master plan trail facilities still apply, and have included these conditions in this approval.

- f. **Prince George's County Department of Parks and Recreation (DPR)**—In an e-mail dated March 27, 2017, DPR stated that they reviewed the above referenced SDP and did not have any issues with Phase 2 of the development.
- g. **Permit Review**—Permit review comments have been addressed via revisions to the SDP or included as conditions of this approval.
- h. **Environmental Planning**—The Planning Board provided an analysis of the SDP and Type II tree conservation plan (TCPII) for conformance with various environmental requirements as follows:

The Planning Board noted that the above SDP and TCPII for Phase 2 of the Canter Creek development was stamped as received by the Environmental Planning Section on January 31, 2017.

The Planning Board approved SDP-1202-04 and TCPII-013-2017, subject to the conditions listed at the end of this approval.

#### **Grandfathering**

The subject application is grandfathered from the requirements of Subtitles 24 and 27 that came into effect on September 1, 2010 because the project has a previously approved preliminary plan. The project is also grandfathered from the most recent requirements of Subtitle 25, Division 2, the Woodland and Wildlife Habitat Conservation Ordinance because it has a previously approved TCP.

#### **Site Description**

The overall development is a 342.38-acre property in the R-S Zone is bounded by Piscataway Creek on the west, Frank Tippet Road on the east and Dower House Branch on the south. There are streams, wetlands and 100-year floodplains on the property associated with Piscataway Creek in the Potomac River watershed. 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 Adelphia, Aura, Beltsville, Bibb, Chillum, Croom, Fallsington, Iuka, Marr, Matapeake, Ochlockonee, Sassafra, Shrewsbury and Westphalia series. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, a Sensitive Species Project Review Area as delineated on the SSPRA GIS layer is found to on this property. No designated scenic or historic roads are affected by this development. The site is located within the Established Communities Area of the



Growth Policy Map and Environmental Strategy Area 2 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map, as designated by Plan Prince George's 2035. Evaluation areas and network gaps are identified on the Green Infrastructure Plan. The site is located within a priority funding area.

Phase 2 consists of 59.84 acres of the overall 342.38-acre development.

**Conformance with the Conditions of Approval for Specific Design Plan SDP-1605 (PGCPB Resolution No. 17-38)**

The Planning Board approved Type II Tree Conservation Plan TCPH-002-02-03 and Specific Design Plan SDP-1605 on March 9, 2017, subject to the following environmental conditions, which are shown in **bold** typeface followed by Planning Board comment.

3. **At the time of certification for any specific design plan (SDP), except for an SDP for infrastructure only, a woodland and wildlife habitat conservation easement shall be recorded over the credited woodland conservation within the limits of the phase or phases being approved, and the liber and folio shall be added to the Type II tree conservation plan in an appropriate note.**

Recordation of a woodland and wildlife habitat conservation easements shall be required with the current application, which is not limited to infrastructure.

4. **Prior to approval of any further specific design plan (SDP) application for the site, beyond one that is limited to stormwater management infrastructure, the natural resources inventory site statistics and SDP site statistics shall be reconciled.**

Reconciliation of the NRI and SDP site statistics shall be required with the current SDP application, which is not limited to infrastructure.

**Environmental Review**

**Natural Resources Inventory and Existing Conditions**

A revised Natural Resources Inventory NRI-030-05-01 was signed by the Environmental Planning Section on June 30, 2008. The environmental features shown on the revised NRI plan have been correctly reflected on the revised SDP and TCPH. The signed NRI contains a forest stand delineation which describes four forest stands totaling 183.06 acres (53 percent of the property), with Stand "D" being of special interest. There are 135.90 acres of upland woodlands and 47.16 acres of woodlands within the 100-year floodplain, based on the 1989 floodplain delineation. Sixteen specimen trees were identified which suggests that logging may have occurred in the past. Of the 16 specimen trees, nine are noted to be in poor condition and none are significant under county or state ordinances.

Stand “A” contains 93.13 acres of bottomland forest dominated by red maple, sweetgum and yellow poplar, with an average diameter at breast height of 11.9 inches. Thirteen specimen trees occur in this stand. This stand is almost wholly within the expanded stream buffers addressed in Consideration 3 of A-9738-C, the buffers required by Section 24-130 of the Subdivision Regulations, and the regulated areas shown on the Green Infrastructure Plan, and has a very high priority for preservation.

Stand “B” contains 37.37 acres of early successional mixed hardwoods dominated by red oak, sweetgum and yellow poplar with an average diameter at breast height is 5.3 inches. Aerial photography indicates that this stand was previously in pasture or agricultural use, but by 1965 these areas were no longer being cultivated and beginning to generate into woodland.

Stand “C” contains 8.36 acres of early successional woodland dominated by Virginia pine and red oak with an average diameter at breast height is 8.6 inches. Aerial photography from 1965 shows that these areas previously in pasture or agricultural use had begun to regenerate into woodland. Only one specimen tree occurs in these stands.

Stand “D” contains 44.20 acres of upland hardwoods dominated by white oak, yellow poplar, hickory, American beech and red oak with an average diameter at breast height of 14.3 inches. Two specimen trees occur in this stand, which contains a high diversity of tree species, shrub species and native herbaceous species. The stand forms an upland connection between the mainstem of Piscataway Creek on the west to the headwaters of the stream on the east. On September 7, 2007 staff of the MD DNR Natural Heritage Program and the Environmental Planning Section conducted a field visit. Stand “D” was extensively studied and determined to be a “rich woods,” which is an uncommon designation within any portion of the Maryland Coastal Plain. This type of woodland is exceptional because small patches of this type of woodland are rarely encountered and many of the understory species are uncommon. Stand “D” is entirely within a designated evaluation area of the Green Infrastructure Plan. Because of the age of this woodland, the high plant diversity in all elements of its structure, the size of this uncommon woodland type, continuity with the Piscataway Creek stream valley and inclusion within the evaluation area of the Green Infrastructure Plan, this stand has a very high priority for preservation.

Although the NRI is past the usual five-year validity period, the current application was not required to submit an updated NRI with the current application.

The site statistics of the Natural Resources Inventory, NRI-015-07, show minor inconsistency with those proposed on the Type II Tree Conservation Plan TCPII-002-02 and subsequent revisions, and with Type II Tree Conservation Plan TCPII-013-2017. The Planning Board notes that the NRI site statistics shall be reconciled with the SDP site statistics for Phases 1 and 2, and with the site statistics provided in the phased woodland

conservation worksheet, prior to certification of the current SDP application. Conditions have been included in this approval.

### **Rare, Threatened and Endangered Species (RTEs) and Wildlife Habitat Conservation**

According to information obtained from the Natural Heritage Program, Maryland Department of Natural Resources Natural Heritage Program, a Sensitive Species Project Review Area (SSPRA) occurs on the subject property.

A state-listed endangered species, few-flowered tick-trefoil (*Desmodium pauciflorum*) was discovered within Stand “D” on a field visit in 1990. Although this species was not found on the September 7, 2007 field visit by staff, it is not to be construed that the species no longer occurs on the site, even though the plant has not been physically located, it may still occur in this area, and if the woodlands are preserved, it may be physically located in the future, making Forest Stand “D” a high priority for preservation.

At the time of preliminary plan, it was recommended that all woodland conservation areas proposed on-site, except for those on property to be dedicated to the M-NCPPC Department of Parks and Recreation, be included in delineated conservation easements on the final plats. The entire woodland conservation requirement will be met on-site with high priority woodland preservation in environmentally sensitive areas.

### **Regulated Environmental Features**

The 342.38-acre property in the R-S Zone is bounded by Piscataway Creek on the west, Frank Tippett Road on the east and Dower House Branch on the south. There are streams and stream buffers, wetlands and wetland buffers and 100-year floodplains on the property associated with Piscataway Creek in the Potomac River watershed. There are regulated environmental features within a delineated primary management area (PMA) within the current application for the development of Phase 2.

### **Impacts to Regulated Environmental Features**

With this application, impacts to significant environmental features that are required to be protected by Section 24-130 of the Subdivision Regulations required variation requests in conformance with Section 24-113 of the Subdivision Regulations.

Variation requests for nine impacts were submitted and evaluated with Preliminary Plan of Subdivision 4-07005. The Planning Board supported all nine variation requests for the reasons stated below.

- (1) Impact 1 was for the installation of an outfall for a stormwater management facility.

- (2) Six of the proposed impacts were to allow connection of new development to existing sanitary sewer lines that are wholly within the expanded stream buffers (Impacts 2, 3, 5, 6, 8 and 9).
- (3) Impacts 4 and 7 are for installation of the public roads that will allow access and services to most the property. All impacts for outfalls for stormwater management ponds have been shown.

The impacts to the expanded stream buffer/PMA shown on the revised SDP and TCPII with the currently proposed activity are in general conformance with those approved at time of preliminary plan review and those approved with the previous SDP and TCPII approval. No additional environmental impacts were requested with the current application, and none have been identified during the review process of the current application. The location of the proposed tributary trail has been placed over the old roadbed of an existing driveway to minimize disturbance.

#### **Woodland Conservation**

The property is subject to the requirements of the Woodland Conservation and Tree Preservation Ordinance because the site is more than 40,000 square feet in size and contains more 10,000 square feet of existing woodland. This site also has a previously approved Type II tree conservation plan for Phase 1 that has been implemented, and a revised TCPII for the implementation of stormwater management infrastructure for Phases 2, 3, and 4, which is to be implemented prior to May 4, 2017.

The TCPII plan submitted with the current SDP application for Phase 2 has been assigned a new TCPII number which will be associated with Phase 2 development. All future development phases going forward will also be assigned an individual TCPII number. The development of Phase 1 will retain the number "TCPII-002-02" with any future revisions.

The phased woodland conservation worksheet for the overall development submitted on the plan indicates that the gross tract area of the application is 342.38 acres, with 93.75 acres of 100-year floodplain, with a net tract area of 248.63 acres. The woodland conservation threshold for the site is 49.73 acres. With replacement for cumulative clearing of 46.99 acres of woodlands, 1.07 acres of wooded 100-year floodplain, the woodland conservation requirement for the site is 63.07 acres of woodland conservation.

With the current development phase, the requirement will be met with 71.28 acres of on-site preservation, which exceeds the current requirement. The TCPII requires additional information and technical revisions to bring it into conformance with the requirement of the applicable Woodland Conservation Ordinance and Environmental Technical Manual prior to certification of the SDP. The conditions are included in this approval

### **Soils**

According to the *Prince George's County Soil Survey* (1967) the principal soils on the site are in the Adelphia, Aura, Beltsville, Bibb, Chillum, Croom, Fallsington, Iuka, Marr, Matapeake, Ochlockonee, Sassafra, Shrewsbury and Westphalia series. Development has been placed in areas where the soils should not pose special problems for foundation or drainage. This information is provided for the applicant's benefit. A soils report based on the most current soils survey may be required by Prince George's County during the permit review process.

### **Stormwater Management**

A valid approved Stormwater Management Concept Letter (8327602-2000-06) and associated plans were submitted with the current application, which expires on May 4, 2017.

Condition 26 of Comprehensive Design Plan CDP-0701 required that the SDP show the use of forebays with proposed stormwater management plan. The current SDP and TCPII show the use of forebays in accordance with the requirements of the Maryland Department of Environment's *Stormwater Management Design Manual*.

No additional information with regards to stormwater management is required with the current application.

### **Summary of Findings**

The Planning Board approved Specific Design Plan SDP-1202-04 and Type II Tree Conservation Plan TCPII-013-2017, subject to the recommended findings and conditions that have been included in this approval.

- i. **Public Facilities**—The Planning Board reviewed this SDP in accordance with Section 27-528(a)(2) of the Zoning Ordinance, which states that:

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

### **Fire and Rescue**

The Planning Board reviewed this SDP for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(C) and (E) of the Subdivision Regulations.

Section 24-122.01(e) (1) (E) states that "A statement by the Fire Chief that the response time for the first due station near the property proposed for subdivision is a maximum of seven (7) minutes travel time. The Fire Chief shall submit monthly reports chronicling actual response times for call for service during the preceding month." The proposed

project is served by Clinton Fire/EMS, Company 825, a first due response station (a maximum of seven minutes travel time), located at 9025 Woodyard Road.

**Capital Improvement Program (CIP)**

The Prince George’s County Approved Capital Improvement Program for Fiscal Years 2016–2021 provides funding to complete a major renovation of the existing facility at 9025 Woodyard Road.

The above referenced findings are in conformance with the 2008 *Approved Public Safety Facilities Master Plan* and the “Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities.”

**Police Facilities**

This SDP is in District V, Clinton. Police facilities have been determined to be adequate.

**Schools**

**Single-Family Detached**

Affected School Clusters #	Elementary School Cluster 6	Middle School Cluster 6	High School Cluster 6
Dwelling Units	143	143	143
Pupil Yield Factor	.177	.095	.137
Subdivision Enrollment	25	14	20
Actual Enrollment	5,318	1,695	2,911
Total Enrollment	5,343	1,709	2,931
State Rated Capacity	6,487	2,457	4,013
Percent Capacity	82%	70%	73%

County Council Bill CB-31-2003 established a school facilities surcharge in the amounts of \$12,000 per dwelling for the subject application. Council Bill CB-31-2003 allows for the surcharges to be adjusted for inflation and the current amount is \$15,628 to be paid at the time of issuance of each building permit. The school facilities surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

**Water and Sewerage Findings**

Section 24-122.01(b)(1) states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.” The 2008 *Water and Sewer Plan* placed this property in water and sewer Category 3, Community System.

- j. **Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE)**—DPIE did not provide comments on the subject project.
- k. **Prince George’s County Health Department**—The Health Department did not provide comments on the subject project.
- l. **Prince George’s County Police Department**—The Police Department did not provide comments on the subject project.
- m. **Prince George’s County Fire/EMS Department**—In a memorandum dated March 23, 2017 the Office of the Fire Marshal provided standard comments regarding fire apparatus, hydrants, and lane requirements. Those issues will be enforced by the Fire/EMS Department at the time of issuance of permits.
- n. **Verizon**—Verizon did not provide comments on the subject project.
- o. **Potomac Electric Power Company (PEPCO)**—PEPCO did not provide comments on the subject project.
- p. **Washington Suburban Sanitary Commission (WSSC)**—WSSC did not provide comments on the subject project.

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-013-2017), and further APPROVED Specific Design Plan SDP-1202-04 for the above-described land, subject to the following conditions:

- 1. Prior to certification of the specific design plan (SDP), the applicant shall revise the plans as follows:
  - a. Provide a lot size chart for the 143 lots proposed demonstrating a minimum lot size of 8,000 square feet and that lots adjacent to Piscataway Creek are a minimum of 10,000 square feet.
  - b. Indicate a sidewalk along the frontage of Frank Tippett Road (unless modified by the Prince George’s County Department of Public Works and Transportation) and connect the proposed sidewalks along Passage Drive.
  - c. The equestrian trails shall be designed in accordance with the *Park and Recreation Facilities Guidelines*. Alignment of the trails (the Tributary and East-West Trails) shall preserve mature tree specimens as much as possible. The developer shall be responsible for clearing the trails to a width of 12 feet with a vertical clearance of 12 feet. The trail surface shall be eight feet wide, of compacted earth with stumps removed and shall afford

dry passage. The use of geofabrics may be necessary in wet areas, applied beneath a gravel base course. Fords at stream crossings shall afford safe footing for horses and the approach slopes be minimized to prevent erosion.

- d. The plans shall be revised to reflect the appropriate canopy coverage amount and include a schedule showing the minimum requirements to meet the requirements for tree canopy coverage, or provide a note that the requirements of the Prince George's County Tree Canopy Coverage Ordinance were met by Phase 1.
- e. The Type II tree conservation plan (TCPII) shall be revised as follows:
  - (1) Revise the limits of the TCPII to match the limits of the current SDP for Phase 2 with the assigned TCP2 number TCPII-013-2017. Phase 1 shall retain the TCPII number "TCPII-02-02," and the remaining phases of this plan will also be given unique TCPII numbers.
  - (2) On all plan sheets, provide the most current TCP2 approval block, the correct TCPII number and complete the required information.
  - (3) On the coversheet:
    - (a) Complete the site statistics table with complete information related to Phase 2, and consistent with site statistic information used in the phased woodland conservation worksheet.
    - (b) On the Key Map, clearly delineate the boundaries of individual phases, and label the appropriate TCP2 numbers associated with the phases.
    - (c) Revise the note at the top of the legend to indicate that each SDP for individual phases shall have a unique TCPII number.
  - (4) On Sheet 2 of 25:
    - (a) Revise the Phased Woodland Conservation Worksheet to provide correct TCPII number, revision numbers, applicable ordinance, phase or plan names, and status.
    - (b) Add an "Individual TCP2 Worksheet for a TCP2 with a prior TCP2 Worksheet," which addresses the woodland conservation requirement for Phase 2, and how it is fulfilled for all phases.
    - (c) Use the revised phased worksheet, which provides additional information about the individual phases.



- (d) Relabel the phased woodland conservation worksheet as “Canter Creek OVERALL.”
  - (e) Relabel the woodland summary table as the Woodland Conservation Summary Table.
  - (f) Remove the Woodland Preservation Table for Phases 3 and 4 infrastructure from the sheet, or relabel the table and add an additional Woodland Conservation Summary Table for Phase 1.
- (5) On all applicable sheets:
- (a) Label all match lines appropriately.
  - (b) Label all phase lines appropriately.
  - (c) Include a limit of disturbance in all sheet legends
  - (d) Include a legend on all plan sheets.
  - (e) Add a woodland conservation sheet summary to each plan sheet.
  - (f) In the legend, correct the spelling of “M-NCPPC.”
  - (g) In the legend, revise “proposed woodland preservation sign” to “woodland conservation sign.”
  - (h) Provide an individual woodland conservation sheet summary table.
  - (i) Clearly label the existing driveway which is proposed as the location of the proposed tributary trail at least once on each sheet, and add a note that indicates the proposed tributary trail location is based on an existing driveway and no new impacts to the primary management area are proposed.
- (6) Adjust all quantities and calculations to reflect the required revisions.
- (7) Have the revised plan signed and dated by the qualified professional who prepared the plan.
- (8) A woodland and wildlife habitat conservation easement shall be recorded over all perpetual credited woodland conservation within the limits of the phase being approved, and the liber and folio shall be added to the TCPII in an appropriate note.

- (9) The NRI site statistics, the SDP site statistics, and the site statistics provided in the phased woodland conservation shall be reconciled.
  - f. Revise the plans to include the locations of the trail signage along the Tributary Trail at Passage Drive, and include details and specifications for this signage. These signs shall state: "Private trail for use by residents of Center Creek and guests of the Merrymount Equestrian Center only; Please respect the rights of private owners."
  - g. Revise the plans to include a raised crosswalk on Passage Drive at the location of the trail crossing, unless modified by DPW&T. A detail meeting DPW&T specification shall be included on the plans.
  - h. Revise the plans to include a detail for the cross section for the Tributary Trail. This cross section shall be in conformance with the *Park and Recreation Facilities Guidelines*.
  - i. Revise the site plan to graphically indicate the location of the Military Installation Overlay (M-I-O) Zone area.
  - j. Provide landscaping and buffering between the rears of the homes and Frank Tippett Road, to be reviewed and approved by the Urban Design Section as the designee of the Planning Board.
2. No two identical front elevations shall be located next to or across the street from one another.
  3. A minimum of two standard endwall features in a balanced composition shall be indicated on all house models.
  4. A minimum of four standard endwall features shall be provided on corner and highly-visible lots in a balanced composition, including Lots 55 and 73, Block A; Lots 29, 38, 44, 45 and 50, Block C; Lots 14, 15, 28, Block D; Lots 1, Block E; Lots 1 and 2, Block F; Lots 1, 7, 8, and 24, Block G; Lots 1 and 10, Block H; and Lots 1, 6, 7, 10, 18, and Block I.
  5. No less than 50 percent of the total number of units shall have full brick front façades.
  6. No more than 15 percent of the total number of units shall have vinyl siding façades.
  7. All structures shall be fully sprinklered in accordance with National Fire Protection Association Standard 13 and all applicable County laws.
  8. Prior to issuance of the 250th building permit, the applicant shall construct the segment of the Tributary Trail south of Passage Drive, as required by Exhibit 44 of approved Zoning Map Amendment A-9738-C.

9. Prior to issuance of the 275th building permit, the applicant shall construct the East-West Trail and the segment of the Tributary Trail north of Passage Drive, as required by Exhibit 44 of approved Zoning Map Amendment A-9738-C.
10. The applicant and the applicant's heirs, successors, and/or assignees shall coordinate all Section 106 review with the M-NCPPC Countywide Division Historic Preservation Section, the U.S. Army Corp of Engineers, and the Maryland Historical Trust. National Historic Preservation Act Section 106 requires Federal agencies to take into account the effects of the development on historic resources, to include archeological sites.

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 Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner, Geraldo, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, April 20, 2017, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 11th day of May 2017.

Patricia Colihan Barney  
Executive Director

By Jessica Jones  
Planning Board Administrator