

Case No.: CDP-0302

Applicant: M/I Schottenstein
Homes, Inc.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL

ORDER AFFIRMING PLANNING BOARD DECISION
WITH ADDITIONAL CONDITION

IT IS HEREBY ORDERED, after review of the administrative record, and after hearing oral argument, that the Planning Board's decision in Resolution PGCPB No. 03-250, to approve a comprehensive design plan, CDP-0302, for 357 single-family dwellings on R-S Zone property described as approximately 210.73 acres of land on the west side of US 301, approximately one mile north of its intersection with MD 725, Upper Marlboro, is hereby:

AFFIRMED, for the reasons stated in the Planning Board's resolution, whose decision is hereby adopted as the findings of fact and conclusions of law of the District Council.

Affirmance of the Planning Board's decision is subject to the following conditions.

1. At the time of preliminary plan, the applicant shall dedicate all rights-of-way for A-61, F-10 as identified by the Planning Department. The applicant shall also provide a new traffic study that includes an analysis of the Trade Zone Ave/US 301 intersection.
2. Prior to the issuance of any building permit, the following improvements shall be in place, under construction or bonded and permitted.

US 301/Leeland Road

- a. Construct a third northbound and southbound through lane along US 301.
- b. Construct an eastbound triple left turn lane along Leeland Road for approximately 375 feet and a free-flowing right-turn lane.
- c. Construct a fourth southbound through lane along US 301 beginning at a point approximately 500 feet north of Leeland Road and extending to a point approximately 2,600 feet south of Leeland Road (to Swanson Road).

US 301/Village Drive

- a. Construct a third northbound and southbound through lane along US 301.
- b. Widen Village Drive (westbound) to provide four (4) lanes; two (2) exclusive left-turn lanes, an exclusive through lane, and a free-flowing right-turn lane.

US 301/MD 725

- a. Construct a third northbound and southbound through lane along US 301.
 - b. Construct a fourth southbound through lane along US 301.
 - c. Restripe westbound approach to provide a second through lane.
3. In order to alleviate the negative impact on fire and rescue services due to the inadequate engine service, a fire suppression system shall be installed in all residential structures in accordance with National Fire Protection Association Standard 13D and all applicable Prince George's County laws.
 4. Prior to the submittal of the Specific Design Plan, all specimen trees located within 50 feet of the limit of disturbance shall be surveyed and reevaluated for retention potential. The specimen tree shall be shown on the SDP at their surveyed locations along with their respective critical root zone.

5. Prior to certification of the Comprehensive Design Plan, the following note shall be added to each sheet of the TCPI and a table shall be added to the plan that provides a detailed listing of all PMA impacts, an identifying number or letter, the area of the proposed impact and the area of forest disturbed by the proposed impact: "Woodland cleared within the Patuxent River Primary Management Area Preservation Area shall be mitigated on site at a ratio of 1:1 and shown on the Type II Tree Conservation Plan."
6. Prior to the issuance of any permits that impact jurisdictional wetlands, wetland buffers, streams or Waters of the US, the applicant shall submit copies of all federal and State wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
7. Prior to certification of the Comprehensive Design Plan, Type I Tree Conservation Plan TCPI/30/03 shall be revised to clarify the exact acreage of woodland clearing within the PMA. This clearing and the associated impacts will be evaluated further during the review of the preliminary plan of subdivision. The TCPI shall be revised as needed to preserve the PMA to the fullest extent possible.
8. At the time of the preliminary plan of subdivision, the geotechnical report will need to address the 1.5 safety factor line and all other aspects of Marlboro clay.
9. Prior to certification of the Comprehensive Design Plan (CDP), the CDP and the TCPI shall be revised to show the location of the 65dBA (Ldn) noise contour as identified by the Phase I noise study.
10. Prior to certification of the CDP, Type I Tree Conservation Plan TCPI/30/03 shall be revised as follows:
 - a. Revise the worksheet to show the acreage of existing woodland on the net tract correctly.
 - b. Revise the plans to show the proposed stormwater management outfalls to convey the treated water to the existing stream channels.
 - c. Clarify the exact acreage of woodland clearing within the PMA. This clearing and the associated impacts will be evaluated further during the review of the preliminary plan

of subdivision. The TCPI shall be revised as needed to preserve the PMA to the fullest extent possible.

- d. Add the following note to the TCPI: "The TCPI submitted for review with the preliminary plan of subdivision shall clearly show the proposed trail locations."
 - e. Add a legend to each sheet of the TCP that shows each of the symbols used on the plan.
 - f. Make other revisions as necessary to address revisions noted above.
 - g. Have the revised plans signed and dated by the licensed landscape architect, licensed forester, or MD-DNR qualified professional who prepared the plans.
11. Prior to the approval of the Specific Design Plan, all species identified by the Maryland Department of Natural Resources (DNR) Natural Heritage Program as rare, threatened or endangered that are found to occur on the site shall be surveyed and accurately located according to DNR protocol. The SDP shall be designed to eliminate any impacts to specific habitats and/or populations. Prior to approval of the SDP, the forest stand delineation for the site shall be revised to show the location of the specific habitats and/or populations.
 12. Land to be dedicated to M-NCPPC for the master-planned Collington Branch stream valley park shall include 100-year floodplain and floodplain buffers as shown on attached Exhibit "A."
 13. Recreational facilities on park property shall be designed and constructed in accordance with the applicable standards in the *Parks and Recreation Facilities Guidelines*.
 14. Construction drawing for the recreational facilities on parkland shall be reviewed and approved by Department of Parks and Recreation staff prior to SDP approval.
 15. All trails shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed by DPR.

16. The handicapped accessibility of all trails shall be determined during SDP review.
17. At least one suitable vehicular access to the land being dedicated shall be provided from a primary residential street, to be determined at the time of preliminary plan of subdivision.
18. All additional accesses to the parkland from development pods, school and recreation facilities shall be at least 40 feet wide, or otherwise required.
19. All primary and secondary roads shall be standard sidewalks on a least one side.
20. All primary and secondary roads shall be developed in accordance with the 1999 American Association of State Highway and Transportation Officials Guidelines for the Development of Bicycle Facilities, where feasible.
21. All HOA trails shall be six feet wide and made of asphalt.
22. The most visible side elevations of dwelling units on corner lots or other lots whose side or rear elevation is highly visible to public rights-of-way shall employ a minimum of three standard architectural features on those elevations, such as windows, doors and fireplace chimneys, and these features shall form a reasonably balanced composition.
23. The community center shall be provided with distinctive details, be equally attractive from all four sides, and incorporate a high-pitched roof, masonry exterior and facade articulation, unless alternative design treatments can be demonstrated to achieve the same high quality of design and appearance.
24. At the time of the first Specific Design Plan for residential areas, the applicant shall submit and obtain Planning Board approval of a special purpose Specific Design Plan devoted to elements of streetscape including but not limited to street trees, entry monuments, signage, and special paving at important intersections. This SDP shall also address utilizing distinctive landscape treatments to emphasize important focal points, intersections, and trail heads.
25. The following recreational facilities (or equivalent) shall be provided and reviewed at the time of SDP review for each phase:

Facility	Location	Completion of Construction
2 Picnic Areas	Community Building	Prior to release of 150 th BP
1 Open Play Area	US 301 Buffer	Prior to release of 25 th BP
4 Sitting Areas	1 @ Community Building	Prior to release of 150 th BP
	1 @ US 301 Buffer	Prior to release of 25 th BP
	1 @ Neighborhood "F"	Prior to release of 300 th BP
	1 @ Neighborhood "D"	Prior to release of 300 th BP
1 Tot Lot	Neighborhood "D"	Prior to release of 300 th BP
1 Multiage Play Area	Community Building	Prior to release of 150 th BP
Private Trails		In phase with development
Community Building (with meeting rooms and fitness equipment)		Prior to release of 150 th BP

26. All recreational facilities shall be incorporated in recreational facilities agreements (as specified in the *Parks and Recreation Facilities Guidelines*) prior to final plat of subdivision. Bonding of recreational facilities shall occur prior to issuance of permits for the development pod where the facility is located.
27. The applicant shall provide a usable 3.5-acre site for the community building. The cul-de-sac in Neighborhood "A" may have to be reduced in size or eliminated to ensure that a usable area is provided for the community building.
28. The area on the north side of the US 301 entrance road shall contain an open play area, designed and constructed in accordance with *Parks and Recreational Facilities Guidelines*.
29. The community building shall include an area for parking based on the number of spaces required by Part 11 of the Zoning Ordinance.
30. This open space area on either side of the main access road off of US 301 shall not be a manicured green grassy area, but shall contain native grasses, wildflowers and shrubs for an attractive rural appearance.
31. The following design standards shall be added to the face of the CDP plan:
 - a. Variations to the lot development standards may be granted by the Planning Board or its designee at the time of Specific Design Plan in order to protect natural features or to accommodate infrastructure.

- b. All yards abutting a street shall be considered to be front yards. Only one yard shall be considered to be a rear yard, and it shall be opposite a front yard. All other yards are side yards.
- c. Covered open porches, steps, and stoops may extend up to eight feet beyond the front setback line. Paved walks may extend beyond the front setback line without any distance restrictions.
- d. Enclosed porches must be located fully behind all setback lines. Screening, latticework, jalousie windows and other nonweather-tight visual screens shall be considered as enclosure for this restriction.
- e. Eaves, bay windows, chimneys, and decorative features such as attached lamps string courses, cornices, and brackets, may extend beyond all setback lines by up to two feet.
- f. Construction that shall be used in determining the lot coverage shall include principal buildings (including covered porches and decks), accessory buildings and driveways. Uncovered and unenclosed porches, decks, patios, paved walks and swimming pools shall not be counted toward maximum lot coverage. Uncovered and unenclosed porches, decks, and patios whose surface is within three feet of finished grade shall be set back at least two feet from side and rear lot lines. Uncovered and unenclosed porches, decks, and patios whose surface is greater than three feet above finished grade shall be located behind the setback lines.
- g. Building height shall be measured from the average grade along the elevation facing the street to the midpoint between the eave and the peak of sloped roofs.
- h. The maximum number of stories shall not include basements where the grade at the front elevation is less than five feet below the first floor elevation.
- i. Accessory buildings shall not be located in any yard adjacent to a street. Accessory buildings shall be located at least two feet from side or rear lot lines.

- j. Fences shall not be constructed in any front yards, or nearer to a street than a point six feet to the rear of the front-most house corners (not including open covered porches).

k.

Neighborhood	A, B, C, D	All	All
Lot Standard	Small	Medium	Large
Minimum Lot Size (square feet)	5,000	6,000	7,500
Minimum Lot Width at Street (feet)	25	25	25
Minimum Lot Width at Front Building Line (feet)	50	60	80
Front Yard Setback (feet)	20	20	20
Side Yard Setback (feet)	5	5	5
Rear Yard Setback (feet)	15	15	15
Maximum Building Height (feet)	35	35	35
Maximum Building Height (stories)	3	3	3
Maximum Lot Coverage (percent)	65	60	55

32. All lots adjacent to the Beech Tree golf course shall be a minimum of 7,500 square feet.
33. The three smallest models (Emory I, Oxford I, Syracuse) shall have a minimum of 2,400 square feet gross floor area.
34. All flag lots shall be eliminated.
35. Wherever feasible, a tree save buffer shall be placed between lots, as approved by the staff of the Urban Design Section.

Ordered this 26th day of April, 2004, by the following vote:

In Favor: Council Members Knotts, Bland, Exum, Hendershot, Peters and Shapiro

Opposed:

Abstained:

Absent: Council Members Dean, Dernoga and Harrington

Vote: 6-0

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

By: _____
Tony Knotts, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council