

Case No.: DSP-18039
Townes at Peerless

Applicant: Peerless Avenue Associates, LLC

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

FINAL DECISION — APPROVAL OF DETAILED SITE PLAN

Pursuant to Section 25-210 of the Land Use Article, Md. Ann. Code, Section 27-290 of the Prince George's County Code, the District Council issues the final decision in Detailed Site Plan Application Number 18039 ("DSP-18039"). The District Council finds that the Planning Board's approval of DSP-18039 was not arbitrary, capricious, or otherwise illegal. The District Council adopts, except as otherwise stated herein, the findings and conclusions set forth by the Planning Board in Resolution No. 19-37 ("PGCPB No. 19-37").

PGCPB No. 19-37, recommending approval of Type 2 Tree Conservation Plan TCP2-003-2019 and DSP-18039, which proposes a Detailed Site Plan for 14 two-family, 12 three-family, and 36 multifamily dwelling units, for a total of 62 dwelling units, and approximately 3,000 square feet of commercial/retail space, located on the west side of US 301 (Robert Crain Highway), approximately 0.15 mile north of its intersection with MD 725 (Marlboro Pike), in Planning Area 79, in Councilmanic District 6, more specifically known as 4505 Crain Highway, Upper Marlboro, is hereby AFFIRMED.¹

Approval of DSP-18039 and Type 2 Tree Conservation Plan, TCP2-003-2019, are subject to the following conditions:

¹ Departure from Design Standards 651 (DDS-651), a companion case, was approved by Planning Board in Resolution No. 19-38 (PGCPB No. 19-38).

1. Prior to certification of this detailed site plan (DSP), the following revisions shall be made, or information shall be provided:
 - a. Revise the primary identification sign to include additional architectural elements and a brick base to match that of the building and move it out of the public utility easement. Final design of and material choices for the sign shall be approved by the Urban Design Section as designee of the Planning Board.
 - b. Provide physical elements, such as fencing or landscaping, to more clearly define a separation between the residential and commercial portions of the development, and incorporate the wayfinding sign into this design, where appropriate, to be reviewed and approved by the Urban Design Section as designee of the Prince George’s County Planning Board.
 - c. Revise the on-site loop trail specifications to a minimum six feet in width and natural surface of compressed wood chips or gravel.
 - d. Provide a wider buffer between the trail and the sidewalk along the south side of Peerless Avenue, and extend the trail further to the east and west, as grading allows.
 - e. Revise the detail for the fence around the dumpsters and loading space to a composite material.
 - f. Delineate a 25-foot building restriction line from the limits of Marlboro clay, along the northern portion of the site on all plans.
 - g. Revise the Type 2 Tree Conservation Plan (TCP2), as follows:
 - (1) Add “TCP2-003-2019” to the approval block and to the worksheet.
 - (2) Add a note stating, “All existing debris shall be removed from the woodland preservation areas and all proposed impact areas shall have all nuisance debris (bottles, cans, plastics and metal objects) removed.”
 - (3) Have the revised plan signed and dated by the qualified professional who prepared it.

- h. Provide site plan notes, as follows:

“During the demolition and construction phases, this project will conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.”

“During the demolition and construction phases, this project will conform to construction activity noise control requirements as specified in the Code of Maryland Regulations (COMAR).”

“All play equipment shall comply with the requirements of the Consumer Product Safety Commission (CPSC) and the American Society for Testing and Materials (ASTM). All play areas shall comply with the requirements of the Americans with Disabilities Act and with the *Parks and Recreation Facilities Guidelines*.”

- i. Delineate and label right-of-way widths on all plans.
- j. Label the centerline of Peerless Avenue.
- k. Revise the parcels on the Type 2 tree conservation plan to reflect the parcel and outlot designations approved in the preliminary plan of subdivision.
- l. Provide two-way access into the commercial parking lot from Peerless Avenue, if approved by the operating agency, or provide evidence that there are no acceptable alternatives to the operating agency.
- m. Provide a minimum of three standard endwall features, not including service doors, with full brick on the second-floor level of highly visible elevations, which are both ends of Building C, the eastern elevation of Building B, and the western elevation of Building A. Other elevations on Building C, shall be constructed of brick extending upwards from the first-floor through the second-floor level on a minimum of three sections or fields on the upper three levels. Front elevations of the two and three family buildings (Buildings A and B) shall be constructed of a minimum of 50 percent brick finishes. Final design of the architecture shall be approved by the Urban Design Section of the Planning Board.

- n. Recertify the preliminary plan of subdivision certified in error.
 - o. Work with the technical staff, as designee of the Planning Board, to finalize the alignment and length of the looped natural surface trail south of Peerless Avenue.
2. Prior to signature of the Type 2 tree conservation plan (TCP2), the required woodland conservation easements shall be prepared and submitted to the Environmental Planning Section for review by the Office of Law and submitted for recordation to the Office of Land Records. The following note shall be added to the standard TCP2 notes on the plan, as follows:
- “Woodlands preserved, planted, or regenerated in fulfillment of on-site woodland conservation requirements have been placed in a Woodland and Wildlife Habitat Conservation Easement recorded in the Prince George’s County Land Records at Liber Folio. Revisions to this TCP2 may require a revision to the recorded easement.”
- 3. Prior to issuance of the grading permit, copies of the recorded easement documents, with the liber and folio, shall be provided to the Environmental Planning Section, and the liber and folio of the recorded woodland conservation easement shall be added to the Type 2 tree conservation plan.
 - 4. Prior to issuance of any residential building permit, all of the recreational facilities shall be bonded and, prior to issuance of the 18th residential building permit, all of the facilities shall be complete.
 - 5. Prior to approval of any residential building permit, the applicant shall provide a noise certification prepared by a professional engineer, with competency in acoustical analysis, stating that the interior noise levels have been reduced to 45 dBA Ldn or less through the proposed building materials, for the portions of the residential buildings within the unmitigated 65 dBA Ldn or higher noise impact area.

ORDERED this 18th day of June, 2019, by the following vote:

In Favor: Council Members Anderson-Walker, Davis, Dernoga, Glaros, Harrison, Hawkins, Ivey, Streeter, Taveras, and Turner.

Opposed:

Abstained:

Absent: Council Member Franklin.

Vote: 10-0.

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: _____
Todd M. Turner, Chair

ATTEST:

Donna J. Brown
Acting Clerk of the Council