

Case No.: SDP-0413

Applicant: M/I Homes of DC, LLC

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

ORDER AFFIRMING PLANNING BOARD DECISION

IT IS HEREBY ORDERED, after review of the administrative record, that the Planning Board's decision in Resolution PGCPB No. 05-179, approving with conditions a specific design plan showing 114 single-family residential dwellings, on property described as about 210.79 acres of land in the R-S Zone, fronting on the west side of US 301, approximately 900 feet south of the intersection with Village Lane, in Upper Marlboro, is hereby:

AFFIRMED, for the reasons stated by the Planning Board in its resolution, which are 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. Prior to certification of the specific design plan, the following revisions or information shall be provided or inserted:
  - (a) All side and rear elevations shall be revised, so that at least three standard architectural features, such as windows, doors, and fireplace chimneys, are shown on those elevations.
  - (b) Additional landscaping, including ornamental and evergreen trees, shrubs, and space for annual plantings, shall be provided on either side of the entrance to the community-building parcel and along the foundation of the community building.
  - (c) The berm along US 301 shall be revised with naturalistic contours, to reach maximum height of about 140 feet above sea level. The berm shall be planted with naturalistic plantings and native grasses, wildflowers, and shrubs, as specified in condition 30 of CDP-0302.

2. To alleviate the potential negative impact on fire and rescue services, an automatic fire suppression system shall be provided in all new buildings proposed in this development, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.
3. At least 90% of the single family detached units shall have a full front façade (excluding gables, windows, trim, and doors) constructed of brick, stone, or stucco, or shall be treated with a full-width front porch. All chimneys shall be constructed of brick or stone. All side elevations directly facing the public street shall be designed with materials and details in a manner consistent with the front elevation. All side elevations which are highly visible from the public street, as a result of being angled on a corner lot, or which project forward from the two neighboring houses more than 20 feet, shall display significant architectural features which contribute to the design aesthetic of the unit. Significant architectural features include, but are not limited to, bay projections, wraparound porches, sunrooms, conservatories, pergolas, and other architectural embellishments consistent with the architecture defined in the front elevation of the unit.
4. 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.
5. The following design standards are applicable to this development:
  - (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 purposes of 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 subject to lot coverage restrictions includes 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) In determining the number of stories, basements are not included, if 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).

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

6. Prior to certification of the specific design plan, the TCP II shall be revised , as follows:
  - (a) Have the worksheet account for 1:1 replacement of woodland cleared within the PMA outside of the 100-year floodplain.
  - (b) Clearly show the boundaries of Phase I and Phase II.

- (c) Have the revised plan signed and dated by the qualified professional who prepared the plan.
- 7. Prior to issuance of any building permits, the applicant, his heirs, successors or assigns, shall pay to Prince George's County the following contribution, to be applied to improvements along US 301:
 

A fee calculated as \$497.84 per residential DU X (the most recent FHWA Highway Construction Cost Composite Index four-quarter average available at time of building permit application)/(the FHWA Annual Highway Construction Cost Composite Index for 2<sup>nd</sup> quarter, 1989).
- 8. Prior to the issuance of the first building permit other than for model homes, the applicant shall submit a staging plan to the Planning Board for construction of the necessary improvements to US 301, for all stages of the proposed development. The staging plan must (1) identify the improvements to be constructed with the funds provided by the applicant and the County's CIP project for all stages of the proposed development, and (2) identify the process by which the funds will be drawn and used to pay for construction of the improvements. The staging plan as submitted to the Planning Board must be acceptable to SHA and to staff and will be referenced in approval conditions for subsequent stages of the proposed development.
- 9. Prior to approval of grading permits, the applicant shall identify archeological resources in the project area by providing a report on the Phase I archeological investigations.
  - (a) Archeological excavations should be placed along a grid and excavations should be placed no greater than 20 feet or 50 meters apart. The Phase I archeological investigation should follow *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole, 1994), and the draft and final reports should follow report and editorial standards in *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole, 1994), and the American Antiquity or Society for Historical Archeology style guide, and cite whether a submittal is a draft report or final report on the cover and inside cover page of the document, along with the relevant development case numbers.
  - (b) Evidence of M-NCPPC concurrence with the final Phase I report and recommendations is required prior to Planning Board review of this case.
  - (c) If a permit from the Army Corps of Engineers is required, the applicant will be required to comply with Section 106 of the National Historic Preservation Act of 1966 (NHPA) Revised.
- 10. Prior to certificate of approval of the SDP-0413 plans, the applicant shall revise the SDP to include adjacent parkland and construction drawings for the entire master planned trail. DPR staff shall review and approve those plans prior to certificate of approval of the SDP-0413.

11. The applicant shall submit three original, executed public recreational facilities agreements (RFA) to DPR for review and approval, three weeks prior to a submission of any final plats. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
12. Prior to certification of approval of the SDP-0413 plans, DPR and Public Works and Transportation staff shall review the proposed sign locations on the north side of Sir Edward's Drive from Captain Perry Court to Coakley Lane, on the west side of Coakley Lane from Sir Edward's Drive to Doralshire Court, and on the north side of Doralshire Court. The applicant shall provide the written decision of DPW&T requiring the signs to the Urban Design Section prior to certificate approval of the DSP. If DPW&T determines that "no parking" signs are inappropriate on these streets, the proposed 50-foot right-of-way shall be widened to 60 feet.

Ordered this 14<sup>th</sup> day of November, 2005, by the following vote:

In Favor: Council Members Dean, Bland, Campos, Dernoga, Exum, Harrington, Hendershot, Knotts and Peters

Opposed:

Abstained:

Absent:

Vote: 9-0

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: \_\_\_\_\_  
Samuel H. Dean, Chairman

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council