

Case No: SE-4785
Traditions at Beechfield-Enterprise Road

Applicant: Greenlife Property Group, LLC

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

ZONING ORDINANCE NO. 11 - 2018

AN ORDINANCE to approve Special Exception 4785, TCP2-014-2017, and the Landscape Plan.

WHEREAS, Application SE-4785 was filed to request permission to use approximately 82.68 acres of R-E (Residential – Estate) zoned land located in the northeast quadrant of MD 193 (Enterprise Road) and US 50 (John Hanson Highway) for a Planned Retirement Community. The subject property is known as Tax Parcel 3 on Tax Map 53 in Grids E2 and F2, and Tax Map 54 in Grid A-2, recorded in the Prince George's County Land Records in Liber 36831 at Folio 561. Applicant also requests non-zoning variances to the requirements in Sections 25-122(b)(1)(G) and 25-122(d)(5)(A) of the County Code. These variances are requested in order to remove specimen trees and allow additional forest habitat enhancement credits, respectively. Applicant also requests approval of TCP2-014-2017; and

WHEREAS, the application was advertised and the property posted prior to public hearing, in accordance with all requirements of law; and

WHEREAS, a few individuals appeared in opposition to the Application; and

WHEREAS, the Planning Board (Exhibit 47) did not elect to schedule a hearing on the application and in lieu thereof adopted the Technical Staff Report's recommendations of approval with conditions (Exhibit 28); and

WHEREAS, the Zoning Hearing Examiner held an evidentiary hearing on the application on December 13, 2017; and

WHEREAS, at the close of the hearing the record was left open to allow the Applicant to submit several items. Staff was also allowed the opportunity to respond to Applicant's suggested conditions of approval. The last of the items were received on February 22, 2018 and the record was closed; and

WHEREAS, the Zoning Hearing Examiner recommended approval of SE-4785, TCP2-014-2017, and the Landscape Plan on February 27, 2018; and

WHEREAS, the District Council held a hearing to consider the Examiner's recommendations on July 2, 2018; and

WHEREAS, having considered the record and the recommendations of the Examiner, the District Council concurs with the Examiner that SE-4785, TCP2-014-2017, and the Landscape Plan should be approved subject to certain conditions.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. Special Exception 4785, TCP2-014-2017, and the Landscape Plan are APPROVED, subject to the following conditions:

1. Prior to the issuance of permits the following revisions shall be made to the Special Exception Site Plan or the Type 2 Tree Conservation Plan, as applicable, and the revised site Plans shall be submitted to the Zoning Hearing Examiner for review, approval and inclusion in the record:
 - a. The Applicant shall revise the special exception site plan to include handicap-accessible parking calculations and the number of handicapped spaces provided.
 - b. The Applicant shall revise the special exception site plan to remove the parcel designation from the proposed public street and to label the area "To be dedicated to Public Use," with the acreage and square footage of the area of dedication and dimension of the street width provided.

- c. The Applicant shall revise the special exception site plan to reconfigure Parcels 3 and 6 to meet the 300-foot lot depth requirement, pursuant to Section 24-121(a)(4) of the Subdivision Regulations.
- d. The Applicant shall revise the special exception site plan to provide continuous 10-foot-wide public utility easements along both sides of all public streets and at least one side of all private streets, unless a variation to these standards is approved by the Prince George's County Planning Board at the time of approval of the preliminary plan of subdivision. A copy of the resolution approving any variation shall be submitted to the Office of the Zoning Hearing Examiner for inclusion in the record.
- e. The Applicant shall revise the special exception site plan to provide details for a proposed enclosure for the cemetery and provisions for adequate access and maintenance determined, in accordance with Section 24-135.02 of the Subdivision Regulations.
- f. The Applicant shall revise the special exception site plan to clarify the uses proposed, and correct the labeling of rooms versus dwelling units on the cover sheet of the special exception site plan.
- g. The Applicant shall provide a sidewalk/crosswalk connection linking the elderly care facility with the proposed sidewalk along Public Road A.
- h. The Applicant shall revise the Landscape Plan to demonstrate conformance to Sections 4.2, 4.3, 4.4, 4.6 and 4.7 of the 2010 *Prince George's County Landscape Manual* prior to plan certification.
- i. The Applicant shall revise the special exception site plan to provide appropriate screening for the loading and trash facilities from residential properties and from roadways, specifically, the loading area shown at the independent living apartments which has not been adequately screened from the public road.
- j. The Applicant shall revise the special exception site plan to provide standard sidewalks or paths along both sides of the public and internal private streets, except where the public spine road narrows to cross the environmentally-sensitive area to access the easternmost portion of the site, or if it is determined at the time of preliminary plan of subdivision that no sidewalk is required in a specific location.
- k. The Applicant shall revise the special exception site plan to add a note and calculation to the plan indicating that the average number of dwelling units per acre shall not exceed eight units per acre for the gross tract area.

- l. The Applicant shall revise the special exception site plan to add additional plantings or screening to buffer single-family detached lots from the adjacent townhouse units and private alleys.
- m. The Applicant shall revise the special exception landscape plan to demonstrate conformance to the Prince George's County Tree Canopy Coverage Ordinance.
- n. The Applicant shall revise the Type 2 Tree Conservation Plan as follows:
 1. Provide the standard general information table and the site statistics table on the cover sheet.
 2. Show all existing site features on the plan and label the proposed disposition.
 3. Label the proposed lot line dimensions.
 4. Adjust the limit of disturbance to reflect access to, and the work proposed in, the areas of forest/habitat enhancement.
 5. Add the following standard details to the plan:
 - (A) planting distribution (Detail 12)
 - (B) tree maintenance calendar (Detail 13)
 - (C) container and ball and burlap detail (Detail 14)
 - (D) staking and guying (Detail 18)
 6. Revise Note 8 to identify US 50 (John Hanson Highway) as a freeway.
 7. Revise invasive species Note A to remove the language regarding 'prepared by' and 'dated.'
 8. Remove the wetlands hatching.

9. Show all existing and proposed utilities on the plan.
 10. Show the critical root zones of all specimen trees at the required 1.5 times the diameter at breast height.
 11. Have the plans signed and dated by the qualified professional who prepared them.
- o. The Applicant shall revise the landscape plan to show the overlapping areas being counted as woodland conservation credits.
 - p. Documents for the required woodland conservation easements shall be prepared and submitted by the Applicant to the Environmental Planning Section, for review by the County Office of Law and submission to the County Land Records for recordation. The following note shall be added to the standard TCP2 notes on the plan as follows:

“Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site 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.”
 - q. The Applicant shall revise the TCP2 to include interpretive signage at a minimum of three locations along the edge of forest/habitat enhancement areas. The plan shall provide sign details and locations.
 - r. A revised Phase II noise report shall be submitted by the Applicant to fully evaluate the location, height, and materials required to mitigate all outdoor activity areas to the standard 66 dBA Leq or less. The mitigation shall not include the use of proposed buildings as noise reduction barriers.
 - s. All plans shall be revised by the Applicant to reflect the approved outdoor noise mitigation measures including location, height, and materials.
 - t. An approved stormwater concept shall be submitted by the Applicant. The limits of disturbance shall be consistent between the plans.
 - u. Prior to issuance of any building permits, the applicant shall provide an interpretive sign for the property that summarizes the results of the archeological investigations. The location and wording shall be subject to approval by the staff archeologist of the Historic Preservation Section, and shown on the revised Special Exception Site Plan.

- v. The Applicant shall revise the special exception to remove the 1-acre area of the Duckett Family Cemetery from the site plans.
 - w. The Applicant shall add a note indicating intent to conform to construction activity dust control requirements, as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.
 - x. Pursuant to Section 27-395(a)(4)(B), a note detailing all of the recreational amenities provided to the residents of the Elderly Care Facility shall be added to the site plan.
 - y. The subject property shall be outlined in red on the revised Special Exception Site Plan, as required in Section 27-296 of the Zoning Ordinance.
 - z. The notation "NOT FOR CONSTRUCTION" shall be removed from the Special Exception Site Plan.
2. In accordance with Section 27-395(a)(5)(A) of the Zoning Ordinance, the Applicant shall file the covenants (presented in the record as Exhibit 18) in the land records of Prince George's County prior to record plat. The liber and folio of the covenants shall be reflected on the final plat prior to recordation.
 3. At the time of Preliminary Plan of Subdivision, private recreational facilities shall be found to be superior, or equivalent, to those that would have been provided under the provisions of mandatory dedication. The development and maintenance of private recreational facilities shall be ensured in accordance with Section 24-135(b) of the Subdivision Regulations and Section 27-395(a)(6)(A) of the Zoning Ordinance.
 4. A minimum dedication of 70 feet from centerline along MD 193 (Enterprise Road) shall be demonstrated by the Applicant at the time of preliminary plan of subdivision.
 5. The Applicant shall provide an asphalt shared-use path along the subject site's entire frontage of MD 193 (Enterprise Road), unless modified by the Maryland State Highway Administration.
 6. At the time of review of the preliminary plan of subdivision, the Applicant shall evaluate increasing the spacing between the rear yard of the single-family homes and the townhouse units, measuring 25 feet, between the two neighborhoods to increase privacy. Any resulting increase shall not require an amendment to the Special Exception Site Plan, but a copy of the Planning Board's resolution approving this revision shall be submitted to the Office of the Zoning Hearing Examiner for inclusion in this record.

7. Prior to issuance of the first grading permit, copies of the recorded woodland conservation easement documents with the approved liber and folio shall be provided to the Environmental Planning Section by the Applicant. The liber and folio of the recorded woodland conservation easement shall be added to the Type 2 tree conservation plan.
8. At the time of grading permit for the forest/habitat enhancement area shown on the Type 2 tree conservation plan, the bond amount for the forest/habitat enhancement area shall be determined, in accordance with the Environmental Technical Manual.
9. Prior to release of the bond for Forest Enhancement Areas 4 and 5 (located on the eastern side of the stream and as shown on the Type 2 tree conservation plan):
 - a. Specimen Trees 7, 57-60, 67 and 71-75 shall be evaluated for long-term survival as a result of construction. If determined to be hazardous, the trees shall be removed.
 - b. The wetland mitigation work required for the stream crossing shall be completed. Photos of the mitigation areas shall be provided to the Environmental Planning Section.
10. At the time of final plat, a conservation easement shall be provided by the Applicant and described by bearings and distances. The conservation easement shall contain the delineated primary management area, including all temporary impacts for forest enhancement, stream, and wetland mitigation. Areas of approved permanent impacts shall be excluded from the easement. The Environmental Planning Section shall review the easement prior to approval of the final plat. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed. Temporary disturbances are allowed for the installation of forest enhancement.”
11. Prior to issuance of any permits which impact wetlands, wetland buffers, streams, or waters of the U.S., the Applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
12. Prior to approval of building permits for all residential buildings on-site, a building shell analysis shall be prepared by an acoustical engineer and provided by the Applicant to determine what specific modifications to building architecture and

materials will be necessary to maintain interior noise levels below the state standard of 45 dBA Ldn.

13. Prior to the approval of building permits for all residential buildings on-site, a copy of the proposed list of building materials shall be provided by the Applicant to an acoustical engineer for each of the models in the affected areas. The acoustical engineer shall then prepare a certification, which shall be included in the permit, based on the building materials and a building shell analysis stating the following:
 - a. The date and company who prepared the building shell analysis upon which the certification is based;
 - b. The noise source(s);
 - c. The builder, model, and materials proposed;
 - d. That building shells of structures have been designed to reduce interior noise levels to 45 dBA Ldn or less; and
 - e. That the building materials provided in the permit package meet the requirements specified in the building shell analysis.
14. The limits of disturbance shown on any erosion and sediment control plan shall not exceed the limits of disturbance shown on the approved Type 2 tree conservation plan.
15. Prior to any ground disturbance or the issuance of a grading permit, the Applicant and the Applicant's heirs, successors, and/or assignees shall submit a plan for Phase III archeological investigations. The plan shall provide for the avoidance and preservation of the resources in place or shall provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archaeologist, must follow *The Standards and Guidelines for Archeological Investigations in Maryland*, and must be presented in a report following the same guidelines.
16. Prior to any ground disturbance or the approval of any grading permits, the Applicant shall provide a final report detailing the Phase III investigations and ensure that all artifacts are curated in a proper manner.
17. Prior to approval of the preliminary plan of subdivision, the Applicant and the Applicant's heirs, successors, and/or assignees shall demonstrate that the Duckett Family Cemetery shall be preserved and protected in accordance with Section 24-135.02 of the Subdivision Regulations, including:

- a. Arrangements for perpetual maintenance. The homeowners association declaration of covenants shall include a provision requiring that the homeowners association perpetually maintain the cemetery located adjacent to MD 50. An exhibit shall be included in the declaration which delineates the location of the cemetery parcel.
18. Prior to acceptance of the preliminary plan of subdivision, the Applicant shall demonstrate that the boundaries of the cemetery have been delineated and that the corners have been staked in the field.
19. Prior to approval of any grading permits or ground disturbance, the Applicant shall protect the Duckett Family Cemetery with “super silt fence,” which shall remain in place until the permanent cemetery fencing or walls are in place and the appropriate interpretive markers are installed, inspected, and approved by the Historic Preservation Section.
20. Prior to approval of the final plat, an access easement shall be established by the Applicant which extends from the Duckett Family Cemetery to MD 193 (Enterprise Road). The easement is intended to protect the visitation rights of relatives of the deceased.
21. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency’s access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
 - a. Complete a traffic signal warrant study for the intersection of MD 193 at Chantilly Lane and install a traffic signal if, after review by SHA, the signal warrants are met and the installation of the signal is approved by SHA. If a signal warrant study has already been completed at the intersection, SHA may waive the need for a new study.
22. Prior to the issuance of building permits for any buildings other than the proposed independent living/assisted living/memory care facility, the Applicant shall obtain approval of all proposed architectural elevations in accordance with Section 27-325(n).
23. Prior to the issuance of buildings permits for the independent living, assisted living and memory care building (outlined in blue on Exhibit 56), the elevations shall be revised as follows:
 - a. Revise the elevations (Exhibit 25 a-c) to show that a minimum of 60% of the building facade shall consist of brick, excluding balconies and gables. The percentage of brick, excluding balconies and gables, shall not be less than 60%. Provide a chart demonstrating the percentage of each facade

treatment to demonstrate compliance with this condition.

- b. Revise the elevations and site plan to reflect a larger porte cochere on Elevation A-South-AL Entry included in Exhibit 25 to provide additional protection from inclement weather.
- c. Revise the elevations to conform to the current Maryland Building Performance Standards applicable to Assisted living facilities, which may include minor changes to the building footprint.
- d. The western elevation facing Enterprise Road shall not be less than 64% brick.

The revised elevations shall be submitted to the Zoning Hearing Examiner for review, approval and inclusion in the record. The facility shall be constructed in accordance with the approved elevations.

[Note: the Special Exception Site Plan and Landscape Plan are Exhibits 45(a) – (h) and 46 (a) – (j).]

SECTION 2. This Ordinance shall take effect on the date of its enactment.

Enacted this 9th day of July, 2018, by the following vote:

In Favor: Council Members Davis, Franklin, Harrison, Lehman, Taveras, and Turner.

Opposed:

Abstained:

Absent: Council Member Glaros, Patterson, Toles.

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: _____
Dannielle M. Glaros, Chair

ATTEST:

Redis C. Floyd
Clerk of the Council