

A M E N D E D R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

*[WHEREAS, in consideration of evidence presented at a public hearing on May 12, 2005, regarding Detailed Site Plan DSP-04072 for Dodge Park, the Planning Board finds:]

*WHEREAS, DSP-04072 for infrastructure for Dodge Park was approved by the Planning Board on May 12, 2005, and PGCPB Resolution No. 05-117 was adopted on June 9, 2005; and

*WHEREAS, on July 11, 2005, the District Council elected to review this case; and

*WHEREAS, on October 24, 2005, the District Council voted to remand the case to the Planning Board in accordance with Section 27-290 of the Zoning Ordinance; and

*WHEREAS, on April 24, 2006, the District Council revised the Order of Remand in order to allow the Planning Board and the Planning Director to approve this detailed site plan administratively with modifications to the on-site recreational facilities; and

*WHEREAS, in consideration of evidence presented at a second public hearing on November 30, 2006 regarding DSP-04072 for infrastructure for Dodge Park, the Planning Board declined to delegate authority to the Planning Director to approve the detailed site plan administratively, and made the following amended findings:

FINDINGS

Based upon the evaluation and analysis of the subject detailed site plan, the Urban Design Review staff recommends the following findings:

1. **Request:** The subject application is for approval of an infrastructure detailed site plan for 16 single-family semi-detached dwelling units.

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2. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	R-T	R-T
Use(s)	Vacant	Residential
Acreage	4.05	4.05
Number of lots	18	16

OTHER DEVELOPMENT DATA

	Required	Provided
Total Parking Spaces	33 (2.04 spaces per dwelling unit)	33

3. **Location:** The subject property is located in the northeast quadrant of the intersection of Hubbard Road and Dodge Park Road, in Planning Area 72 and Council District 5.
4. **Surroundings and Use:** The proposed development is bounded on the west and south sides by the rights-of-way of Dodge Park Road and Hubbard Road. To the east of the property is Dodge Park Elementary School and to the north of the site is property in the I-1 Zone. Across Hubbard Road to the west is property in the R-18 Zone and across Dodge Park Road to the south is property in the R-T Zone.
5. **Previous Approvals:** The 1993 sectional map amendment for Landover and vicinity master plan retained the subject property in the R-T Zone. The subject site has a previously approved preliminary plan of subdivision, 4-04008 (Resolution PGCPB No. 04-213), including a Type I Tree Conservation Plan, TCPI/30/04. The site also has a Stormwater Management Concept Approval, #39594-2003-00, which is valid through March 3, 2007.
6. **Design Features:** A 100-year floodplain bisects the site into eastern and western portions with two limited buildable envelopes. Each envelope has eight units in four building footprints. The units in the western portion are accessed via two access points off Hubbard Road and the units in the eastern portion are accessed via one access point off Dodge Park Road. A stormwater management pond is located in the western part at the end of the internal street. An entrance feature has been proposed at the intersection of Hubbard Road and Dodge Park Road. An on-site recreation area, which contains a tot-lot and a sitting area is located at the entrance area of the western portion of the subject site.

The western part of the site is adjacent to the existing stream valley to the west that is approximately 10 feet lower than the building envelope. The proposed internal street serving the western part immediately adjacent to the edge of the stream valley. The applicant proposes a key stone wall with a one-foot landscape strip between the street curb and the edge of the

stream valley. The site plan also shows a split-rail fence on top of the retaining wall. The Urban Design staff believes that an additional traffic safety measure should be put in place to safeguard the residents' cars from running into the stream valley. A condition of approval has been proposed in the recommendation section of this report to require the applicant to submit a traffic safety barrier to be installed along the edge of the stream valley to be reviewed and approved by the Urban Design Section as the designee of the Planning Board.

7. **Recreational Facilities:** At the time of Preliminary Plan of Subdivision 4-04008 approval, the Department of Parks and Recreation recommended provision of private on-site recreational facilities for the fulfillment of the requirements for mandatory dedication of parkland in accordance with Section 24-135(b) of the Subdivision Regulations. Per the current formula for determining the value of recreational facilities to be provided in subdivisions, for 16 single-family dwelling units in Planning Area 72, a recreation facility package of approximately \$17,800.00 is required. *[The applicant has provided an on-site recreation area containing a play structure and two benches, but the monetary value of the facilities has not been documented in order to demonstrate that the on-site recreational facility package meets the requirement for this development.] *In response to the Order Remand from the District Council, the applicant has contributed \$30,000.00, which is above the minimum required recreational obligation of approximately \$17,800.00 for this site, toward the construction of new recreational facilities on the neighboring Dodge Park Elementary School site. In exchange, the applicant has requested that the previously provided on-site recreational facilities be removed from the site plan. As of the writing of this report, Dodge Park Elementary School has confirmed in writing that the above-mentioned monetary contribution has been made by the applicant.

*In light of the contribution to the Dodge Park Elementary School required by the Order of Remand, the Urban Design Section recommends [A] a condition of approval [has been proposed] in the *revised recommendation section of this report to require the applicant to remove the previously approved private recreational facilities from the detailed site plan. [provide evidence that the proposed package meets the value standards for this development]

COMPLIANCE WITH EVALUATION CRITERIA

8. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the R-T Zone and the site plan design guidelines of the Zoning Ordinance.

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- a. The subject application is in conformance with the requirements of Section 27-441(b), which governs permitted uses in residential zones. The proposed single-family attached dwellings are a permitted use in the R-T Zone.
 - b. The proposal is also in conformance with the requirements of Section 27-442, Regulations, regarding net lot area, lot coverage and green area, lot/width frontage, yards, building height, and density.
9. **Preliminary Plan of Subdivision 4-04008:** Preliminary Plan of Subdivision 4-04008 was approved by the Planning Board (PGCPB 04-213) on September 9, 2004, subject to 14 conditions. The conditions that are attached to the approval of Preliminary Plan of Subdivision 4-04008 and are relevant to the subject detailed site plan review warrant discussion as follows:

2. A Type II Tree Conservation Plan shall be approved at the time of approval of the DSP.

Comment: A Type II Tree Conservation Plan TCPII/11/05 has been submitted with this application. The Environmental Planning Section has reviewed the tree conservation plan and recommended approval with one condition in a memorandum dated February 8, 2005 (Metzger to Zhang). TCPII/11/05 will be heard by the Planning Board along with the subject infrastructure detailed site plan.

3. A detailed site plan (DSP) is required pursuant to Section 27-433 of the Zoning Ordinance and in accordance with Part 3, Division 9, prior to the approval of the final plat of subdivision and the issuance of any permits for disturbance of the site. Review of the DSP shall include but not be limited to the following:

- a. **Ensuring full pedestrian connections from all of the lots with the private on-site recreational facilities and the sidewalk on the south side of Dodge Park Road extended for ultimate access to the school site. Connections shall be either on a public sidewalk within the public rights-of-way or on-site hard surface trails. If sidewalks are not required on Hubbard Drive and Dodge Park Road by DPW&T, the site plan must accommodate on-site hard surface trails that may result in a loss of lots.**

Comment: A standard five-foot-wide sidewalk has been proposed along the site's frontages of Hubbard Road, Dodge Park Road and its extension to the school site. The proposed pedestrian connections are within the public rights-of-way per concurrence of Department of Public Works and Transportation (telephone conversation with the District Engineer). The sidewalks connect each lot and provide access to the proposed on-site private facility area on the eastern portion of the site.

- b. **Interior noise levels not to exceed 45 dBA for all dwelling units. A Phase II noise study may be required.**

Comment: Since this is an infrastructure detailed site plan, there are no architectural models submitted with this application. Compliance with this condition will be reviewed at the time of full-scale detailed site plan when architectural models are available. This condition will be carried forward as a condition of approval for this application.

- c. **Because of the close proximity of the dwellings to the street, natural material barriers (stone, brick, etc.) should be provided along the public street frontages to define the residential edge.**

Comment: Since this is an infrastructure detailed site plan, nothing regarding this condition has been proposed with this application. Compliance with this condition will be reviewed at the time of full-scale detailed site plan for the site. This condition will be carried forward as a condition of approval for this application.

- d. **Entrance feature and landscaping at the intersection of Hubbard Drive and Dodge Park Road.**

Comment: A residential gateway sign has been proposed with this application at the intersection of Hubbard Drive and Dodge Park Road. The gateway sign is made of concrete and with cast stone sign face. However, no sign face area and landscaping information has been provided. Two conditions of approval have been proposed in the Recommendation section of this report to require the applicant to provide sign face calculation and landscaping on the plan.

- e. **Private on-site recreational facilities to complement those amenities found on the abutting Dodge Park Elementary School site and the abutting Dodge Park Neighborhood Park.**

Comment: *[The private on-site recreational facilities as shown in the above Finding 7 include a play structure and two benches, which are intended for younger children and less active citizens. The facilities are complementary to those amenities found on the Dodge Park Elementary School site and the abutting Dodge Park Neighborhood Park.]

*As discussed above, the applicant has made a \$30,000.00 monetary contribution toward the construction of new recreational facilities on the neighboring Dodge Park Elementary School site and has accordingly asked to remove the previously provided play structure and two benches from the site plan. The Urban Design Section believes that the applicant's proposal to fulfill the recreational facility requirement is acceptable, because the proffered monetary contribution is much more than the required recreational obligation for this site, which is approximately \$17,800.00 in value. The \$30,000 contribution will be used at the school, which is immediately adjacent. In addition, the subject site is small and would barely accommodate the previously approved facilities. If the on-site recreational facilities are removed, two previously approved conditions of the detailed site plan related to the on-site facility,

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*specifically Conditions 2 (d) and 6 as contained in Planning Board Resolution PGCPB No. 05-117, would no longer be applicable.

- f. **To ensure permanent preservation of the conservation easement, a two-rail, split-rail fence or equivalent should be installed along the entire western boundary of the conservation easement. The Type II tree conservation plan shall reflect the placement of the fence or equivalent along the western boundary of the conservation easement and will provide a detail for the fence. The timing for installation and the exact location of the fence shall be determined with the review of the DSP.**

Comment: A two-rail split-rail fence has been shown along the entire eastern boundary of the conservation area, but no fence has been shown along the western boundary of the conservation area as required by this condition. A condition of approval has been proposed in the recommendation section of this report to require the fence be placed along the western boundary of the tree conservation area.

8. **Development shall be in conformance with the approved Stormwater Management Concept Plan #39594-2003-00, and any subsequent revisions.**

Comment: The Department of Environmental Resources (DER) has reviewed the subject detailed site plan and concluded in a memorandum dated February 9, 2005 (Nicole to Zhang) that the site plan for Dodge Park is consistent with the approved Stormwater Management Concept Plan #39594-2003-00.

10. **Woodland Conservation Ordinance:** This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet, there are more than 10,000 square feet of existing woodland on-site, and there is a previously approved Type I tree conservation plan, TCPI/30/04.
 - a. A Forest Stand Delineation (FSD) has been submitted with this proposal and been found to address the requirements for Detailed Forest Stand Delineation in compliance with the Woodland Conservation Ordinance. No further information is required with this DSP application.
 - b. A Type II Tree Conservation Plan, TCPII/11/05, has been reviewed with this detailed site plan and been found to satisfy the requirements of the Woodland Conservation

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Ordinance. The plan shows the requirement being met with 1.04 acres of on-site preservation and 0.11 acres of reforestation for a total of 1.15 acres of woodland conservation area as required for this site.

11. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
 - a. The Community Planning Division, in a memorandum dated February 9, 2005, noted that this application is consistent with the 2002 General Plan Development Pattern policies for the Developed Tier and also conforms to the recommendations of the 1985 Approved Suitland-District Heights and Vicinity Master Plan.
 - b. The Transportation Planning Section, in a memorandum dated January 31, 2005, raised a concern about the location of the required parking spaces.

Comment: Even though the subject application is for infrastructure for 16 single-family semi-detached dwellings, the detailed site plan shows building footprints with one-car garages and driveways connecting to streets. The required parking spaces for this development can be easily accommodated by the garages and the connecting driveways. However, CB-82-2003, an Ordinance concerning parking in front yards of dwellings, does not allow any parking space, parking area, or parking structure other than a driveway no wider than its associated garage, carport, or other parking structure to be built in the front yard of a dwelling, except for a townhouse or multifamily dwelling, in the area between the front street line and the sides of the dwelling. In addition, no side yards of any lots are wide enough for a parking space. Given the many constraints on the site, the only viable option for developing the subject site for semi-detached single-family dwellings is to design a model with a minimum one-car garage. A condition of approval has been proposed in the recommendation section to require the applicant to use architectural models with a minimum one-car garage.

In a separate memorandum from the Transportation Planning Section dated February 28, 2005, on detailed site plan review for master plan trail compliance, the trails planner noted that the Adopted And Approved Landover and Vicinity Master Plan designates Hubbard Road as a Class III bikeway with appropriate signage. The trails planner recommends that the applicant provide a financial contribution of \$210 to the Department of Public Works and Transportation (DPW&T) for the placement of the signage because Hubbard Road is a county right-of-way. In addition, since the existing Dodge Park elementary school is adjacent to the subject site, the trails planner also recommends that the applicant construct standard sidewalks along the subject site's frontages of Hubbard Road and Dodge Park Road, unless modified by DPW&T. The recommendations of the Transportation Planning Sections have been incorporated into the Recommendation section of this report.

- c. In a memorandum dated February 17, 2005, the Subdivision Section staff noted that the property has a previously approved Preliminary Plan of Subdivision 4-04008, which was approved by the Planning Board on September 9, 2004. The preliminary plan remains valid until October 7, 2006, or until a final record plan is approved. The Subdivision Section also provides a detailed discussion on the applicable conditions that are relevant to the review of this detailed site plan. See Finding 9 above for more discussion.
 - d. The subject application was also referred to the Department of Environmental Resources (DER). In a memorandum dated February 9, 2005, the staff noted that the site plan for Dodge Park is consistent with the approved Stormwater Management Concept Plan #39594-2003.
 - e. The Environmental Planning Section, in a memorandum dated February 8, 2005, recommended approval of infrastructure Detailed Site Plan DSP-04072 and Type II Tree Conservation Plan TCPII/11/05, subject to one condition that has been incorporated into the Recommendation section of this report.
 - f. The Permit Section, in a memorandum dated February 4, 2005, provided 20 comments on the site plan regarding compliance with both the *Landscape Manual* and Zoning Ordinance. All relevant comments have been either incorporated into the Recommendation section of this report as conditions of approval or addressed through the revised plan.
 - g. The Department of Parks and Recreation, in a memorandum dated January 24, 2005, provided no comments on this application because no public recreational facilities are involved.
 - h. The Department of Public Works and Transportation (DPW&T) had not responded to the referral request at the time the staff report was written.
12. **Compliance with the *Landscape Manual*:** The subject application is an infrastructure detailed site plan. Pursuant to Section 27-286 (b), the review of an infrastructure detailed site plan should be focused on grading, stormwater management, tree conservation areas, sediment and erosion control, and utilities such as sewer and water. The application's compliance with the requirements of the *Landscape Manual* is normally not an issue at this time because the purpose of an infrastructure detailed site plan is to allow the applicant to go forward with grading the property and making infrastructure improvements before all the architectural details are complete. However, the applicant has submitted a landscape plan with this application and has requested alternative compliance from two requirements of the *Landscape Manual*. The proposed development is subject to Section 4.1, Residential Requirements, Section 4.6, Buffering Residential Development from the Streets, and Section 4.7, Buffering Incompatible Uses, of the *Landscape Manual*.
- a. Per Section 4.1 (f), the proposed semidetached dwellings should provide a minimum of 1.5 major shade trees and one ornamental or evergreen tree per dwelling unit. The

application proposes 16 units and provides 27 shade trees and 22 ornamental/evergreen trees. The application complies with the requirements of Section 4.1.

- b. The application is subject to Section 4.6 because the rear yards of four dwelling units are located parallel to Hubbard Road, which is a collector road by classification. Alternative Compliance from the requirements of Section 4.6 has been requested concurrently with this application.
- c. The application is also subject to Section 4.7 because the site is adjacent to an existing elementary school to the west that is defined as a medium impact use per Section 4.7. Alternative Compliance from the requirements of Section 4.6 has been requested concurrently with this application.

At the time the staff report was written, the above Alternative Compliance from the requirements of both Section 4.6 and 4.7 had been recommended for approval to the Planning Board by the Planning Director (See Alternative Compliance staff report AC-05005), subject to one condition that has been incorporated into the conditions of approval for this infrastructure detailed site plan.

- 13. This limited Detailed Site Plan for infrastructure satisfies the site design guidelines as contained in Section 27-274, prevents off-site property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare and economic well-being for grading, reforestation, woodland conservation, drainage, erosion and pollution discharge.

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/11/05) *, Alternative Compliance Application AC-05005, and further APPROVED Detailed Site Plan DSP-04072 for the above-described land, subject to the following conditions:

- 1. Prior to certificate approval of this detailed site plan, the applicant shall
 - a. Revise the detailed site plan, landscape plan and Type II tree conservation plan to show split rail fence along the western boundary of the tree conservation areas.
 - b. Provide the following notes on the site plan:

“Any dwelling units for this site shall have a minimum of a one-car garage.”

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“The gateway sign shall be set back to maintain 500 feet of sight lines in all directions of travel.”

- c. Provide gateway sign face area information on the site plan.
 - d. Revise the site plan notes to reflect the 2.69-acre Net Tract Area and the 0.45-acre street dedication.
 - e. Remove the Dodge Park Road “Dedication to Public Use by PB WWW 42 P26 60” from the site plan.
 - f. Revise the plan to show that the single parking space provided at the end of the internal street in the eastern envelope is a handicapped van accessible space.
 - g. Revise the plan to show the bearings and distances for all property lines.
 - h. Submit a design of a safety barrier to be installed along the edge of the existing stream valley to be reviewed and approved by the Urban Design Section as the designee of the Planning Board.
 - *i. Remove the previously approved private recreational facilities from the detailed site plan and/or landscape plan.
2. At time of the full-scale detailed site plan, the applicant shall
- a. Demonstrate that interior noise levels for all dwelling units will not exceed 45 dBA. A Phase II noise study may be required.
 - b. Provide natural material barriers (stone, brick, etc.) along the public street frontages to define the residential edge.
 - c. Provide year-round attractive landscaping around the base of the gateway sign.
 - [d. Provide evidence that the proposed on-site recreation facility package satisfies the minimum value requirement for this development.]
- *d.[e.] Include the approved Landscape Plan and the Alternative Compliance (AC-05005) as a component of the application package. Limited revisions to the Landscape Plan may be allowed due to building footprints, or other considerations.

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3. Prior to issuance of any permits, the applicant, and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of Class III bikeway signage along Hubbard Road.
 4. Prior to issuance of any building permits, the applicant shall record a new final plat to reflect the lot line adjustment as approved in the subject detailed site plan. *[The proposed on-site recreational facilities shall be bonded at time of final plat.]
 5. Prior to issuance of building permits for Lots 1, 3, 5, and 7 of Dodge Park, a declaration or covenant for the purpose of fulfilling Section 4.6 of the Landscape Manual shall be recorded in the Land Records of Prince George's County.
- *[6. Prior to issuance of the 16th building permit, the proposed on-site private recreational facilities as discussed in Finding 7 shall be completed.]
- *6.[7.] Prior to issuance of the first Use and Occupancy permit for units in each buildable envelope of the site, the two-rail, split-rail fence in each respective envelope shall be installed.

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.

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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 Eley, seconded by Commissioner Vaughns, with Commissioners Eley, Vaughns, Squire, Clark and Parker voting in favor of the motion, at its regular meeting held on Thursday, November 30, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 7th day of December 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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