

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 April 7, 2005 regarding Detailed Site Plan DSP- for Brock Hall, the Planning Board finds:]

*WHEREAS, DSP-04083 for Brock Hall, was approved by the Planning Board on April 7, 2005, and PGCPB Resolution No. 05-89 was adopted May 12, 2005; and

*WHEREAS, on June 13, 2005, the District Council elected to review this case; and

*WHEREAS, on November 28, 2005, the District Council voted to remand the case to the Planning Board in order to allow all interested persons to become parties of record, to examine architectural compatibility, house siting, to decide on a different name for the subdivision, and other matters, and

*WHEREAS, in consideration of evidence presented at a second public hearing on September 21, 2006 regarding DSP-04083 for Brock Hall, the Planning Board made the following amended findings:

1. **Request:** The subject application requests the approval of a detailed site plan for the development of a residential subdivision including 18 single-family detached dwellings in the R-E Zone.

2. **Development Data Summary**

	EXISTING	PROPOSED
Zone	R-E	R-E
Use(s)	Vacant	Residential Subdivision
Acreage	29.65	29.65
Parcels	1	1
Lots	0	18

3. **Location:** The site is in Planning Area 79, Council District 6. More specifically, it is located on the western side of the Philadelphia, Baltimore and Washington Railroad right-of-way on Brock Hall Drive, approximately 705 feet east of its intersection with Dunbarton Drive.

*Denotes Amendment
Underlining indicates new language

[Brackets] indicate deleted language

4. **Surroundings and Use:** The subject property is bounded to the east by the Philadelphia, Baltimore and Washington Railroad lines and to the north, west and south by single-family residential development.
5. **Previous Approvals:** Preliminary Plan of Subdivision 4-03132 was approved by the Planning Board on May 20, 2004. PGCPB Resolution No. 04-114 was adopted by the Planning Board on May 20, 2004, formalizing that approval. TCP I/78/03 was approved for the site together with the preliminary plan of subdivision. The site is also the subject of Stormwater Management Concept 40604-2003-00, approved by the Department of Environmental Resources on October 25, 2004, effective until October 24, 2007.
6. **Design Features:** The proposed subdivision is relatively small, involving the development of 18 single-family dwellings accessed from two separate directions. The portion accessed from the west from Brock Hall Drive terminates in a cul-de-sac, as does the only other road extension serving this section of the subdivision, Hayasdan Court, branching off Brock Hall Drive to the south. Together, the two streets provide frontage for 14 lots. The other three lots in the subdivision are accessed from the north via Willoughby Road that also terminates in a cul-de-sac.

Indicated below are the various model homes proposed to be offered for sale in the Brock Hall residential subdivision and their total base finished area:

Model	Total Base Finished Area (Square Feet)
Independence	3,120
James Monroe	3,254
Francis Scott Key II	2,712
John Rutledge	2,705
Molly Pitcher	2,702
Abraham Clark II	2,482
The Victory	2,523
Barrington Manor	4,421
Dorchester (WD-2000)	3,640
Wellington	4,100
Aaron Burr	4,388

Staff has reviewed the submitted architecture for the proposed project and found it to be acceptable and compatible with the architecture of the surrounding area.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the

requirements in the R-E Zone and the site plan design guidelines of the Zoning Ordinance.

- a. The subject application is in conformance with the requirements of Section 27-441, which governs permitted uses in residential zones. The proposed residential subdivision is a permitted use in the R-E Zone.
 - b. The proposal is also in conformance with the requirements of Section 27-442, Regulations, regarding additional regulations for development in residential zones.
8. **Preliminary Plan of Subdivision 4-03132:** Preliminary Plan of Subdivision 4-03132 was approved by the Planning Board on May 20, 2004. PGCPB Resolution No. 04-114 was adopted by the Planning Board on May 20, 2004, formalizing that approval. The following conditions of approval apply to the review of the subject detailed site plan and its accompanying Tree Conservation Plan TCP II. Staff has listed each relevant condition in bold type below and followed it with comment.

4. **A Stormwater Management Concept Plan has been submitted but not yet approved. To ensure that development of this site does not result in on-site or downstream flooding, this concept plan must be approved prior to signature approval of the preliminary plan. Development must be in accordance with this approved plan.**

Comment: In comments dated February 23, 2005, the Department of Environmental Resources stated that the proposed development is consistent with the approved stormwater concept plan.

12. **Prior to signature approval of the Type II Tree Conservation Plan at the time of review of the detailed site plan, the proposed grading for PMA impacts associated with the grading on Lots 3, 5, and 6 and those associated with pond 1 shall be further evaluated and reduced by tightening up the proposed grading where feasible and/or through the use of retaining walls.**

Comment: In comments dated March 22, 2005, the Environmental Planning Section, noting that retaining walls to tighten grading impacts to the PMA have not been proposed, stated that the impact to the PMA originally proposed for the grading on lot 3 had been eliminated and the magnitude of impacts originally proposed for grading on lots 5 and 6 had been reduced. They further noted, however, that the use of two small retaining walls could further reduce the impact and preserve additional woodland along the stream valley. A condition to this effect recommended by the Environmental Planning Section has been included in the recommendation section of this report.

13. **At time of final plat, a building restriction line shall be delineated 150 feet from the centerline of Popes Creek Railroad Line for Lots 1 and 2 if approved by the Planning Board. The following note shall be placed on the plat:**

“The building restriction line placed adjacent to the railroad tracks prohibits the placement of structures due to the effect of vibration from the tracks on the integrity of foundations.”

Comment: The proposed building restriction line is respected by the current configuration of home sites on the subject detailed site plan.

14. Prior to the approval of grading or building permits, the Planning Board or its designee shall approve a Detailed Site Plan (DSP). Review shall include:

a. Preservation of existing woodlands and specimen trees.

Comment: The Environmental Planning Section, in a memorandum dated March 22, 2005, stated that the Type II tree conservation plan provides for preservation of existing woodlands and specimen trees.

b. Architectural compatibility with the existing neighborhood.

Comment: Staff has reviewed the proposed architecture and found it compatible with the architecture existing in the vicinity of the proposed project.

c. House siting.

Comment: House siting has been found to require minor adjustment to provide more generous rear yards. This has been provided for in the recommended conditions below.

d. Further minimizing impacts to the PMA.

Comment: As per comments offered by the Environmental Planning Section, such impacts have been reduced by eliminating grading on Lot 3 and redesign of Pond 1 and reducing grading impacts on Lots 5 and 6. The Environmental Planning Section stated that impacts could be further reduced by providing retaining walls on Lots 4 and 5 that are recommended in Condition 1i below.

Finding 15: As reflected in Finding 15 of the approving resolution, at the public hearing for the preliminary plan of subdivision relevant to the subject site for 4-03132, the applicant made the following three proffers.

a. The applicant shall provide 100 percent brick fronts.

Comment: Pursuant to recommended condition 1a, applicant shall add a note to all architectural elevation drawings submitted and approved for the subject project that all architecture for the subject residential subdivision shall have 100 percent brick fronts.

b. The applicant shall provide all required tree conservation on site.

Comment: The Environmental Planning Section, in its memorandum regarding the project dated March 22, 2005, stated the 10.28 acres required for tree conservation is proposed to be satisfied by 10.53 acres of on-site preservation. Hence, the applicant has fulfilled proffer 15b made at the time of the approval of the preliminary plan of subdivision by providing all required tree conservation on site.

c. The applicant shall work with DPW&T to negotiate that no street lights, no sidewalks, and open section streets be required. The citizens, the Planning Board, and the applicant agree that development should not include sidewalks or street lights and the street should be constructed with an open section if agreed to by DPW&T.

Comment: Condition 1b below ensures that the applicant has worked with DPW&T to receive approval of no street lights, no sidewalks, and open section streets in the development.

9. **Landscape Manual:** The proposed development is subject to the requirements of Sections 4.1 and 4.7 of the Landscape Manual. The applicant has provided the appropriate schedules on the submitted landscape plan.

The Schedule 4.1 included on the submitted landscape plan indicates that for the nine lots proposed at greater than 40,000 square feet each, four shade and three ornamental or evergreen trees would be required and for the remaining nine lots measuring between 20,000 and 39,999 square feet, three shade and two ornamental or evergreen trees would be required. For the 18 lots in the subdivision, this would equal a total of 63 required shade trees and 45 ornamental and evergreen trees. The applicant has met the requirement by providing exactly 63 shade trees and 23 ornamental and 22 evergreen trees for a total of 45 trees.

The Schedule 4.7 included on the submitted landscape plan indicates that the rail lines adjoining the subdivision to the east require a "D" bufferyard in order to buffer the proposed development from the adjacent incompatible use. As per the requirements of the Landscape Manual, a "D" bufferyard requires a 50-foot minimum building setback and a 40-foot minimum landscape yard. Because the linear feet required along the property line and right-of-way measures 374 feet and 100 percent of the bufferyard is being fulfilled by existing woodland, the 599 plant units in the existing buffer strip substitute for the required plantings.

After review of the submitted landscape plan against the requirements of the Landscape Manual, the Urban Design staff finds that the submittals are in compliance with the applicable sections of the Landscape Manual.

10. **Woodland Conservation Ordinance:** This property is subject to the provisions of the Woodland Conservation Ordinance because it has an approved Type I tree conservation plan at

the time of the approval of the preliminary plan of subdivision for the subject site. Tree Conservation Plan TCPII/37/05 has been reviewed and recommended for approval subject to conditions together with the subject detailed site plan.

11. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

Historic Preservation—At the time of this writing, the Historic Preservation Planning Section has not offered comment on the subject project.

Archeology—In an e-mail dated March 10, 2005, the staff archeologist has stated that no archeology investigation would be required for the subject project.

Community Planning—In a memorandum dated February 18, 2005, the Community Planning Division stated that the subject application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier and that it conforms to the 1993 Subregion VI Study Area Master Plan's principles and guidelines for land use, density, and location of land uses.

Transportation—In comments dated February 14, 2005, the Transportation Planning Section noted that the right-of-way relevant to the subject project is an existing 50-foot right-of-way. Further, they stated that the subject plan is acceptable from the standpoint of transportation. With respect to the requirements of the approval of the relevant preliminary plan of subdivision, they stated that the sole transportation-related condition contained therein is enforceable at the time of building permit, not detailed site plan review.

Subdivision—In comments dated March 7, 2005, the Subdivision Section stated that the property is the subject of Preliminary Plan 4-03132, approved by the Planning Board on May 20, 2004. The resolution of approval, PGCPB Resolution 04-114, was adopted on July 8, 2004, and the preliminary plan of subdivision remains valid until July 8, 2006, or until a final record plat is recorded. Please see Finding 8 of this staff report for a further discussion of the conditions of that approval relevant to the subject project.

Trails—In comments dated March 14, 2005, the senior trails planner stated that there are no master plan trails issues identified in the adopted and approved Subregion VI Master Plan that impact the subject site. A master plan trail is recommended along the Western Branch. However, this stream valley is on the other side of the railroad from the subject site and does not impact the proposed project. Lastly, he stated that the existing roads in the vicinity of the subject site are open section with no sidewalks.

Permits—The Permit Review Section offered numerous comments on the subject project that have either been addressed by revisions to the plans or in the recommended conditions below.

Public Facilities—In a memorandum dated March 24, 2005, the Public Facilities Planning

Section stated that the proposed project would be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, paramedic, and ladder truck services. Additionally, the Public Facilities Planning Section stated that police service would be adequate to serve the population generated by the proposed residential development. These observations are for information only, as there is no required finding regarding adequacy of public facilities in connection with a detailed site plan.

Environmental Planning—In a memorandum dated March 22, 2005, the Environmental Planning Section offered the following:

SUMMARY OF PRIOR ENVIRONMENTAL CONDITIONS OF APPROVAL

The approval of the preliminary plan of subdivision included numerous conditions, several of which dealt with environmental issues that were to be addressed during subsequent reviews. The environmental conditions to be addressed during the review of the detailed site plan are indicated below. The respective conditions are in bold type, the associated comments are in standard type, and additional information, plan revisions and recommended conditions are in italics.

Preliminary Plan of Subdivision, 4-03132, PGCPB. No. 04-114, July 8, 2004.

- 2. Prior to the issuance of permits, a Type II Tree Conservation Plan shall be approved and shall ensure that clearing is minimized to the extent possible, but not to conflict with grading necessary for development.**

Comment: The Type II Tree Conservation Plan, discussed in detail in the Environmental Review section below, provides for minimal clearing that does not impede reasonable development of the site.

- 4. A Stormwater Management Concept Plan has been submitted but not yet approved. To ensure that development of this site does not result in on-site or downstream flooding, this concept plan must be approved prior to signature approval of the preliminary plan. Development must be in accordance with this approved plan.**

The Stormwater Management Concept Plan, CSD 40604-2003-00, was approved by the Prince George's County Department of Environmental Resources on October 25, 2004. The plan requires on-site ponds to control water quality, recharge, channel protection, overbank flood protection, and control of 100-year storm volumes. Because of the presence of Marlboro clay, stormdrain pipes that are above or run through Marlboro clay must be rubber-gasketed.

Comment: The stormwater management facilities shown on the detailed site plan conform to those required by the approved Stormwater Management Concept Plan, CSD 40604-2003-00.

- 12. Prior to signature approval of the Type II Tree Conservation Plan at the time of review of the DSP, the proposed grading for PMA impacts associated with the grading on Lots 3, 5, and 6 and those associated with pond #1 shall be further evaluated and reduced by tightening up the proposed grading where feasible and/or through the use of retaining walls.**

Comment: Retaining walls to tighten grading impacts to the PMA have not been proposed. Impacts to the PMA are discussed in detail in the Environmental Review section below.

- 14. Prior to the approval of grading or building permits, the Planning Board or its designee shall approve a Detailed Site Plan (DSP). Review shall include:**

- a. Preservation of existing woodlands and specimen trees.**

Comment: The Type II Tree Conservation Plan, discussed in detail in the Environmental Review section below, provides preservation of existing woodlands and specimen trees.

- d. Further minimizing impacts to the PMA.**

Comment: Impacts to the PMA are discussed in detail in the Environmental Review section below.

ENVIRONMENTAL REVIEW

As revisions are made to the plans submitted, the revision boxes on each plan sheet shall be used to describe what revisions were made, when, and by whom.

The detailed forest stand delineation (FSD) submitted with Preliminary Plan of Subdivision 4-03132 and was found to address the requirements for a detailed FSD in accordance with the "Prince George's County Woodland Conservation and Tree Preservation Technical Manual." This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because it has an approved Type I tree conservation plan.

The Type II Tree Conservation Plan, TCPII/37/05, has been reviewed. This 29.65-acre site with a net tract area of 26.05 acres has a woodland conservation threshold of 25 percent, or 6.51 acres. In addition, there is a 3.77-acre replacement requirement for clearing above the WCT, clearing in the 100-year floodplain, and off-site clearing for the

sewer outfall. The 10.28-acre requirement is proposed to be satisfied by 10.53 acres of on-site preservation. The proposed woodland conservation areas preserve most of the significant environmental features on the site and generally avoid forest fragmentation.

At the time of review of the preliminary plan of subdivision, 40-foot-deep rear outdoor activity areas were discussed in detail. At the time of the public hearing on this case, the applicant's attorney assured the Planning Board that the useable rear yard areas could be attained through revisions and the provision of a greater level of detail. The siting of all houses should result in a minimum of 30 feet from the proposed house footprints to woodland conservation areas and, where possible, 40 feet should be provided.

With three exceptions, each lot will have a cleared 40-foot-deep rear yard activity area. The house on proposed Lot 2 could be moved 25 feet closer to the cul-de-sac without violating the required building restriction lines or impacting the overall design and create a reasonable rear yard outdoor activity area approximately 30 feet deep. Clearing behind the structure on Lot 2 is not feasible because it would remove priority woodland within the PMA. The house on Lot 12 could be moved 10 feet closer to the cul-de-sac and improve the rear yard outdoor activity area from a depth of 30 feet to a depth of 40 feet. Any attempt to grade behind the structure on Lot 12 would remove a significant area of woodland on-site and off-site because of the engineering necessity to tie in grades to the existing slopes. The house on Lot 13 has a proposed rear yard activity area approximately 30 feet deep; however, moving it closer to the cul-de-sac would aid in saving the specimen northern red oak but create a visual impact from Lot 15. Moving all of the structures on Lots 12-16 closer to the cul-de-sac may result in larger rear yard activity areas and better relationships between the structures.

There are some technical errors in the worksheet that need to be corrected. The area of woodland cleared should read 14.13 and not 14.95. The woodland conservation required should read 10.28 and not 10.49. The area of woodland not cleared should read 11.35. The area of woodland retained not part of any requirements should read 0.82 and not 0.00.

Recommended Action: The Environmental Planning Section recommends approval of TCPII/37/05 subject to the following condition:

1. Prior to certification of the detailed site plan, the TCPII shall be revised to:
 - a. Move the structure on Lot 2 closer to the cul-de-sac.
 - b. Move the structures on Lots 12-16 closer to the cul-de-sac.
 - c. Correct the worksheet.

- d. Have the revised plan signed and dated by the qualified professional who prepared the plan

Recommended Condition: Prior to the approval of the first building permit, the Type II tree conservation plan shall be revised to reflect all proposed house footprints. All changes to house footprints shall be reviewed by the Environmental Planning Section to ensure that each lot will have useable outdoor activity areas.

2. Streams, wetlands, 100-year floodplain, steep slopes with highly erodible soils, and severe slopes are found on this property. These features, along with their respective buffers, compose the Patuxent River Primary Management Area (PMA) that has been accurately shown on the detailed site plan and the Type II tree conservation plan. The Subdivision Ordinance, Section 24-130(b)(5), requires that the PMA be preserved in a natural state to the fullest extent possible.

The preliminary plan of subdivision proposed seven distinct impacts to the PMA including impacts for infrastructure and impacts solely for grading lots to create reasonable yard areas. The Planning Board approved three of the impacts unconditionally, denied one impact, and approved three impacts with the condition that they be further reviewed as part of a limited detailed site plan to further minimize impacts.

The impact to the PMA originally proposed for the grading on Lot 3 has been eliminated. The magnitude of impacts originally proposed for grading on Lots 5 and 6 has been reduced; however, the use of two small retaining walls could further reduce the impact and preserve additional woodland along the stream valley. Pond 1 has been redesigned to create impact only for the required outflow structure.

Recommended Condition: Prior to certification of the detailed site plan, the detailed site plan and the TCPII shall be revised to provide retaining walls on Lots 4 and 5 to further reduce impacts to the PMA and preserve additional woodland on-site.

The conditions recommended by the Environmental Planning Section as a result of their analysis and review of the case have been included in the recommended conditions below.

Department of Environmental Resources (DER)—In comments dated February 23, 2005, the Department of Environmental Resources stated that the site plan for Brock Hall (DSP-04083) is consistent with approved stormwater concept 40604-2003.

Fire Department—At the time of this writing, the Prince George's County Fire Department has not offered comment on the subject project.

Department of Public Works and Transportation (DPW&T) —At the time of this writing, DPW&T has not offered comment on the subject project.

Washington Suburban Sanitary Commission (WSSC)—In comments dated February 25, 2005, the Washington Suburban Sanitary Commission stated that a water extension will be required, that DA4083Z05 is an approved project within the limits of the proposed site, and that the project engineer should submit a Phase 2 system integrity package for review. The WSSC included appropriate contact information in their offered comments.

Maryland State Highway Administration (SHA)—In comments dated February 14, 2005, SHA stated that their office had no objection to DSP-04083 approval.

The Town of Upper Marlboro—At the time of the writing of this staff report, the Town of Upper Marlboro has not offered comment on the proposed project.

- *12. On November 28, 2005, the District Council reviewed the project and remanded it to the Planning Board. Each reason for the remand listed by the District Council is included in boldface type below, followed by staff response:

The administrative record is incomplete, in describing how new dwellings on the subject property and how street furnishings and details in the new development will be compatible with existing residential development in the immediate neighborhood. The Planning Board shall hear evidence and decide whether the design of the applicant's proposed house models will enhance or detract from the present character of the immediate neighborhood.

Comment: Staff has visited the site, reviewed a neighborhood analysis of the surrounding area and evaluated the additional six architectural models submitted by the applicant. The neighborhood, as defined in the District Council's remand order dated December 5, 2005, is within 3,000 feet of the subject property. The site visit, as well as the offered materials, revealed diverse architectural styles and material choices in the vicinity of the project site. Houses included both one-story and two-story models and utilized brick among other materials. The additional architectural models submitted by the applicant include three one-story models (the Cedar, the Lakemont and the Tiger Lily) and three two-story models (the Westminster, the Wyatt and the Wellington.) During the first 90 days, the applicant proposes to offer the one-story models exclusively on three lots, and two-story models exclusively on the balance of the site. After that initial 90-day period, the applicant would continue to offer the one-story models on the three lots, but would be able to offer any of the approved two-story products, as well.

*Denotes Amendment

Underlining indicates new language

[Brackets] indicate deleted language

The inclusion of a variety of architectural materials, though varying from the applicant's previous proffer of 100 percent brick fronts, is more in line with the existing neighborhood fabric and,

therefore, more in concert with the preliminary plan condition that the architecture of the subdivision be compatible with the existing neighborhood.

Staff would suggest that offering the one-story models on four instead of three lots for 120 instead of 90 days, will increase the likelihood that one or more one-story models will actually be purchased and built, thus enhancing compatibility of this development with the architecture in the surrounding area. Additionally, in order to ensure that the one-story product is not clustered, but is dispersed through the subdivision, staff recommends that the lots designated for the one-story product be specified as lots 3, 5, 8 and 11. Therefore, staff has recommended a condition below that reflects these more rigorous requirements.

Please see the discussion following the next point of the order of remand for information on street furnishings.

In particular, the Planning Board shall determine whether the proposed street layout and proposed street lighting will or will not add to the quality of the immediate residential community, within about 3,000 feet of the subject property.

Comment: The proposed layout is substantially similar to the existing street layout in the vicinity of the subject site. Blocks are irregular in shape and lot size is generally relatively large. One of the proposed roads in the subdivision extends from existing Brock Hall Drive to a terminus in a cul-de-sac, with an additional cul-de-sac extending southward from it, offering frontage for an additional five lots. An additional three lots are located on a cul-de-sac proposed to extend southward from existing Dunbarton Drive. In addition, the applicant has communicated with the Department of Public Works and Transportation to obtain a commitment that street lights and sidewalks will not be required for the subject development as stated in a letter dated June 1, 2005, from Haitham Hijazi to Elizabeth Hewlett, making the subdivision more compatible with the surrounding neighborhood. They were unsuccessful, however, in a request to have open section instead of curb and gutter (closed section) utilized in the community. The Department of Public Works and Transportation cited drainage requirements, as well as continuity with the adjacent Brock Hall Estates subdivision, as the basis of their decision to require closed section streets.

The Planning Board shall determine whether purchasers of new homes in the residential project should be provided additional information about the subdivision and the neighborhood, at the time they sign purchase-and-sale agreements. If so, the Board should state those recommendations, or add conditions, as appropriate, so that the new recommendations or conditions can be considered by the District Council.

*Denotes Amendment

Underlining indicates new language

[Brackets] indicate deleted language

Comment: As required by CB 60-2005, potential purchasers will be provided information regarding tree conservation requirements and possible resultant sanctions for deviation from those requirements prior to signing a purchase and sale agreement. Potential purchasers will also be provided with a copy of the resolutions approving the Brock Hall project so that they are fully aware of the conditions imposed on the project by the Planning Board. The distribution of this additional material is ensured by a recommended condition below.

The applicant shall rename the project, with Board approval, to reflect native trees in the vicinity, and not with reference to the existing “Brock Hall” subdivision.

Comment: Applicant has proffered the name “The Oaks” for the subdivision. The suggested name meets the above requirements as Oak trees are native to the vicinity of the subject site and the name does not include “Brock Hall”. The name is required to be added to the plans and utilized by the subdivision by a required condition below. Should the Planning Board approve the project as recommended, subject to conditions, the applicant will have complied with this point of the Order of Remand.

The applicant shall prepare a plan for Board review, to show tree-save areas on each residential lot, and to describe measures to be approved for future sales, so that purchasers are notified that tree-save areas may not be disturbed. The tree-save plan may be approved by Planning Board or staff at a designated time, one that does not delay subdivision recording or the sale of lots.

Comment: The Type II Tree Conservation Plan submitted with this application clearly shows the “tree save” areas on each proposed lot. The plan contains a variety of notes, concerning such items as hazardous trees and invasive plants, that describe what may and may not be done in the designated tree save areas. CB-60-2005 was enacted after the review of the Detailed Site Plan by the District Council. This requires that at the time of signing a contract to purchase a property, the seller must provide a copy of the approved tree conservation plan and have the prospective buyer sign a document acknowledging that failure of the owner of the property to protect the woodland in a Tree Conservation Area may result in a fine and an obligation to restore the woodland or mitigate the damage to the woodland through the payment of money or other appropriate means. The applicant has proffered, by a letter dated March 9, 2006, to add a special provision into the HOA documents to enable the HOA to monitor compliance. In a memorandum dated September 7, 2006, the Environmental Planning Section stated that, in their opinion, The Type II Tree Conservation Plan and provisions of CB-60-2005 satisfy the requirements of Condition E of the Order of Remand.

*Denotes Amendment

Underlining indicates new language

[Brackets] indicate deleted language

The applicant shall describe how it will work with staff to designate conservation easement areas, to enforce (through the HOA for the project) the restrictions in the easements.

Comment: The approved preliminary plan includes a condition that conservation easements be shown on the final plats. The conservation easements will contain the streams, wetlands and associated buffers. All of the conservation easement areas are contained within designated woodland conservation areas. The conservation areas are also shown on the Type II Tree Conservation Plan. The TCPII shows the placement of permanent signage to delineate the woodland conservation areas. The applicant has proffered, by a letter dated March 9, 2006 (copy attached), to add a special provision into the HOA documents to enable the HOA to monitor compliance. In a memorandum dated September 7, 2006, the Environmental Planning Section stated that the requirements of Condition F of the Order of Remand had, in their opinion, been addressed.

The applicant shall also describe how it will ensure a wide variety of housing types, by use of various types of façade covering or styling, and how it will review (or has reviewed) with DER alternative stormwater management techniques.

Comment: The applicant has added the following models to the approved architecture for the project: Tiger Lilly, Cedar B, and Lakemont (one-story models) and the Westminster, Wyatt, and Wellington (two-story models). In addition, the applicant has proffered that a variety of architectural materials are going to be made available for all models, including brick, shingles, siding, stone and stucco. Such proffer is reflected in a recommended condition below. In addition, the applicant has submitted evidence, copy attached, that it has reviewed alternative stormwater management techniques with the Department of Environmental Resources. A memorandum dated April 16, 2006, from Richard Thompson to Michael Nagy (copy attached) contained minutes from a meeting held March 6, 2006, with the Department of Environmental Resources regarding low impact alternatives for the proposed stormwater management ponds. The conclusion of that memorandum is that none of the low-impact stormwater management techniques considered would be appropriate for the subject project.

Residents and others in the Brock Hall neighborhood should be allowed to register as persons of record, on remand.

Comment: The applicant has undertaken a mailing, and provided Urban Design staff with proof of same, to all residents and others living in the Brock Hall community, a notice of their right to register as persons of record preceding or at the Planning Board public hearing on the remand.

*Denotes Amendment

Underlining indicates new language

[Brackets] indicate deleted language

*13[12]. As required by Section 27-285(b) of the Zoning Ordinance, the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

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/37/05) and further APPROVED Detailed Site Plan DSP-04083 for the above-described land, subject to the following conditions:

1. Prior to signature approval of the plans, the following revisions shall be made to the plans or the additional items submitted:
 - *[a. The following note shall be added to all architectural elevations submitted and approved for the subject project: "All architecture for the subject residential subdivision shall have 100 percent brick fronts."]
 - *a. [b.] The applicant shall submit acceptable documentation to Urban Design staff as designee of the Planning Board that the applicant has worked with the Department of Public Works and Transportation (DPW&T) to negotiate that no street lights, no sidewalks, and open section streets be required. Such features shall be included in the subject development unless altered by DPW&T .
 - *b. [c.] Correct the number of lots listed on the 4.1 Landscape Manual schedule from 128 to 18 and from the R-R Zone to the R-E Zone.
 - *c. [d.] Lots 6 and 11 shall be revised so as to meet the 120-foot width at the front building line.
 - *d. [e.] If floodplain is found on any lots included in the subject plan, applicant shall provide the gross lot area, floodplain area, and the net lot area for those lots on the plans.
 - *e. [f.] Applicant shall include a note in the plans indicating the driveway material for the proposed project.
 - *f. [g.] Building restriction lines.

*Denotes Amendment

Underlining indicates new language

[Brackets] indicate deleted language

- *g.[h.] Prior to certification of the detailed site plan, the TCP II shall be revised to:
- i. Move the structure on Lot 2 closer to the cul-de-sac.
 - ii. Move the structures on Lots 12-16 closer to the cul-de-sac.
 - iii. Correct the worksheet.
 - iv. Have the revised plan signed and dated by the qualified professional who prepared the plan.
- *h.[i.] Prior to certification of the detailed site plan, the detailed site plan and the TCP II shall be revised to provide retaining walls on Lots 4 and 5 to further reduce impacts to the PMA and preserve additional woodland on-site.
- *i.[j.] Applicant shall work with staff to revise the plant list to include exclusively native plants.
- *j. A note shall be added to the plans stating: "No two units located next to or across the street from each other may have identical front elevations."
- *k. The area around the two stormwater management ponds, if sanctioned by the Department of Environmental Resources, shall be revised to add landscaping with native plant species so they will be a visual amenity to the subdivision and compatible with the surrounding woodland. Such redesign shall be approved by the Urban Design Section as designee of the Planning Board.
- *l. A note shall be added to the plans stating: "Houses shall be sited so as to create at least a forty foot usable back yard, a forty foot set back from all limits of disturbance and in accordance with the following set back requirements:
Front: 35 feet
Side: 25 feet
Rear: 40 feet"
- *m. A note shall be added to the plans stating: "Potential purchasers of the lots in the subject subdivision shall be provided with information regarding tree conservation requirements including Council Bill CB-60-2006 and regarding the Primary Management Area (PMA) as well, prior to signing a purchase and sale agreement."

*Denotes Amendment

Underlining indicates new language

[Brackets] indicate deleted language

- *n. Applicant shall revise the plans to reflect “The Oaks” as the new name for the subdivision and a note shall be added to the plans obligating the developer to utilize the name “The Oaks” for the subdivision in perpetuity.
- *o. Use Don Egolf redbud in the planting list; if readily available in the nursery trade.
- 2. Prior to approval of each building permit:

 - a. The Type II tree conservation plan shall be revised to reflect all proposed house footprints. All changes to house footprints shall be reviewed by the Environmental Planning Section to ensure that each lot will have useable outdoor activity areas.
 - b. A chart with the lot coverage for all lots shall be included on the coversheet.
 - c. Actual front, side and rear yard setbacks shall be indicated on the plans for all lots.
- *3. The Cedar, the Lakemont and the Tiger Lily one-story architectural models shall be offered exclusively on lots 3, 5, 8, and 11 as specified on Exhibit A (attached) for 120 days from the onset of sales, and after that time, non-exclusively, together with the other architecture approved for the site, that shall include three additional two-story models (the Westminster, the Wyatt, and the Wellington).
- *4. When distributing materials to potential purchasers regarding tree conservation requirements pursuant to CB-60-2005, the applicant shall distribute a copy of the resolutions approving the Brock Hall project so that purchasers are fully aware of the conditions imposed on the project by the Planning Board or District Council.
- *5. The applicant shall make a variety of materials available for the architectural models in the proposed subdivision, including brick, shingles, siding, stone, and stucco.

*Denotes Amendment
Underlining indicates new language
[Brackets] indicate deleted language

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.

* * * * *

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 Vaughns, seconded by Commissioner Squire, with Commissioners Vaughns, Squire and Parker voting in favor of the motion, with Eley opposing the motion, and with Commissioner Clark absent at its regular meeting held on Thursday, September 21, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 19th day of October 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:RG:[rmk]*bjs