

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 December 3, 2009, regarding Detailed Site Plan DSP-08046 for Temple Hills, Phase II, the Planning Board finds:

1. **Request:** This application proposes to build 14 single-family detached houses.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	R-80	R-80
Use(s)	Vacant	Single-family detached residential
Acreage	14.9973	14.9973
Dwelling Units	0	14

House Model	Base finished floor area	Maximum finished floor area
Camelot	2,332 square feet	3,212 square feet
White Oak	2,081 square feet	2,952 square feet
Franklin	2,464 square feet	3,146 square feet
Princeton	2,061 square feet	2,806 square feet

3. **Location:** The site is located at the end of the existing Joel Lane, which is proposed to be extended through the subject property. This area is currently wooded and is the site of a multibranched stream system with associated slopes.
4. **Surrounding Uses:** To the north, the subject property borders the Brinkley Towers multifamily development. To the south and east, the adjoining properties are single-family detached lots in the R-80 Zone. Immediately east of the subject property, the adjacent lots are undeveloped lots which are owned by the applicant and are part of Phase I of the Temple Hills development. To the west, the property adjoins a vacant parcel in the R-80 Zone.
5. **Previous Approvals:** The subject property was the subject of Preliminary Plan of Subdivision 4-07016, which was approved by the Planning Board on October 25, 2007.

6. **Design Features:** The site plan proposes 14 single-family detached dwellings on the site. Joel Lane will be extended from its current terminus into the subject property, providing access to a public street for the proposed houses. Significant grading and two culvert crossings will be required in order to extend Joel Lane and develop the site.

The proposed houses are generally located at a consistent setback from the street, on regularly-sized lots that meet the zoning standards of the R-80 Zone. There are three lots in the southeast portion of the subject site (proposed lots 1, 2, and 3) that have varying setbacks and unusual lot depth due to a segment of stream which originates in the rear of lots 1 and 2 and flows northwards along the property line between the two lots. The woodlands and expanded buffer associated with this stream segment, which are natural features required to be preserved, constrict the house placement on these lots, resulting in deep setbacks from the street for the proposed houses on lots 1 and 3, on either side of a house on lot 2 with a smaller setback.

The proposed houses include four models, the Camelot, the White Oak, the Franklin, and the Princeton, each of which includes a two-car garage. The review of architecture is beyond the scope of this detailed site plan, which is focused on the lotting pattern and the usable yard areas around the structures.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** In the R-80 Zone, single-family detached houses are a permitted use, and are subject to standard lot placement regulations including a minimum 25-foot front yard setback, 20-foot rear yard setback, and an eight-foot side yard setback with the two side yards totaling a minimum of 17 feet. The minimum lot width at the street line is 50 feet, and the minimum lot width at the front building line is 75 feet. The proposed houses meet all of these requirements.
8. **Preliminary Plan of Subdivision 4-07016:** This plan was approved by the Planning Board on October 25, 2007, subject to nine conditions. Detailed site plan review is required by Condition 3 of the preliminary plan:

3. **Prior to approval of the final plat, a detailed site plan shall be approved by the Planning Board. The plan must use field-run topography and include actual footprints of proposed structures. The review shall focus on useable yard areas (20-foot side and 40-foot rear) and the orientation of structures. Loss of lots may occur.**

As required by this condition, the site plan is based on field-run topography and shows the footprints of proposed house types. The usable yard area standards are based on the guidance of the Environmental Planning Section and are intended to minimize the likelihood that the natural areas will be disturbed both during the construction process and also after the house is occupied. The yard areas allow construction equipment to move around the sides of the house, and also provide outdoor recreation space for the homeowners. If inadequate yard areas are provided, workers or residents may be more likely to expand their activities into the natural areas. In

general, the required 20-foot side yards and 40-foot rear yards have been provided, but there are some places in lots 1, 2, 3, and 6 where woodland preservation areas are within 20 or 40 feet of the side or rear of the proposed houses. It appears that slight adjustments to the house siting on lots 1–3 and a small amount of woodland clearance of lot 6 would correct this problem. Conditions of approval have been implemented to achieve this.

It is possible that the future homeowners may choose to add decks to their houses. Rear decks are allowable provided that they do not intrude into the natural areas themselves, because they also provide usable outdoor space for the homeowners. Side decks would be more problematic because they could obstruct passage around the sides of the house and defeat the purpose of the 20-foot usable side yards. Therefore, any future decks shall only be permitted in the rears of the lots and shall not intrude into the natural areas.

It should be noted that the lots, particularly in the southeast corner of the site, do not allow for much flexibility either in the placement of the houses or in the size of the houses. Large adjustments to either house placement or size would violate zoning standards or would intrude into the usable yard areas, placing the structures unacceptably close to the natural features and inviting disturbance of those features. Therefore, it is important that the houses should be constructed in accordance with the final approved detailed site plan, and house substitutions or siting adjustments shall not be permitted except by revisions to the site plan.

9. ***Prince George's County Landscape Manual:*** The site is subject to Sections 4.1 and 4.7 of the *Prince George's County Landscape Manual*.

Section 4.1 requires plantings to be provided in residential developments. For single-family detached lots between 9,500 square feet and 19,999 square feet in area, each lot must provide two shade trees and one ornamental or evergreen tree. For lots between 20,000 and 39,999 square feet, each lot must provide three shade trees and two ornamental or evergreen trees. The landscape plan shows each lot providing at least two shade trees and one ornamental tree, but five of the lots exceed 20,000 square feet in size and must provide additional trees as required by the Landscape Manual. In some cases, additional plantings have been provided on these larger lots, but the plan and the landscape schedules must be revised to show that the larger lots are each meeting the higher planting standards as required.

Section 4.7 requires buffering between incompatible uses. As most of the surrounding uses are single-family detached houses, they are compatible with the proposed usage of the subject property. However, the property directly to the north is a multifamily residential development, requiring a type B bufferyard (a 30-foot building setback and 20-foot landscaped yard with at least 80 plant units per 100 linear feet of bufferyard) between the properties along this property line. The 30-foot setback has been provided, and there are existing woodlands along portions of the property line. The plan must be revised to show sufficient plantings along the property line and demonstrate that the required bufferyard will be provided.

10. **House Placement:** In general, the proposed site plan represents a reasonable arrangement of houses given the space restrictions imposed by the natural features on the site. Although Lots 1, 2, and 3 in particular have very restricted developable areas and would not be suitable for larger houses or different house placements, with slight adjustments as contained in the conditions of approval, the minimum yard areas will be met. The proposed houses on Lots 1–4 will have staggered setbacks, as Lots 2 and 4 are proposed to have setbacks of approximately 30 feet from the right-of-way, while the house on Lot 1 will be set back nearly 120 feet, and the house on Lot 3 will be set back approximately 170 feet. This could lead to an awkward arrangement with the house on Lot 3 facing into the back yards of Lots 2 and 4, and the house on Lot 1 facing into the back yard of adjacent Lot 24 (a platted but currently unbuilt lot on the existing segment of Joel Lane). The applicant has sought to address this issue with plantings along the common property lines of Lots 2, 3, and 4, in order to create some degree of seclusion. The intervening natural features will buffer Lot 1 from Lot 2, and the applicant has proposed a line of trees to buffer Lot 24 from Lot 1. However, because of the presence of an existing storm drain pipe along this property line, the applicant has actually proposed to place the new trees on the property of Lot 24. The applicant will be required to create an easement on Lot 24 for these trees, which is feasible as the applicant owns both lots.

#### REFERRAL AGENCIES AND DIVISIONS

11. **Conformance to the Preliminary Plan of Subdivision:** Preliminary Plan of Subdivision 4-07016 was approved and the resolution (PGCPB Resolution No. 07-199) was adopted on November 15, 2007. The validity period for this application has been extended by County Council Bills CB-7-2009 and CB-8-2009. This preliminary plan is valid through December 31, 2010. The Planning Board approved the preliminary plan with the following conditions:
  1. **At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffers, excluding those areas where variation requests have been approved, and be reviewed by the Environmental Planning Section prior to approval. 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.”**
  2. **Prior to the issuance of any permits which impact jurisdictional wetlands or wetland buffers, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.**

The expanded stream buffer, proposed floodplain easement and wetlands are shown on this plan, but are not clearly labeled and appear disjointed. There are a number of places where topographic lines are not clearly numbered.

3. **Prior to approval of the final plat, a detailed site plan shall be approved by the Planning Board. The plan must use field-run topography and include actual footprints of proposed structures. The review shall focus on useable yard areas (20-foot side and 40-foot rear) and the orientation of structures. Loss of lots may occur.**

To arrive at this condition, the Planning Board made the following finding:

**The Environmental Planning Sections notes that even if impacts to the expanded stream buffers are approved, certain lots will be significantly encumbered with conservation easements and have design issues. Lot 1, 5 and 6 do not provide the necessary space for construction or useable side (20 feet) or rear (40 feet) yard areas. In addition, Lot 1 will be required to have the structure placed in a location that will have it front into the rear of existing Lot 24. After subtracting the area of the conservation easement, the useable lot area of proposed Lot 2 will be less than 9,500 square feet. The structure on proposed Lot 3 will be looking into the rear yards of proposed Lots 2 and 4. In light of these design challenges, staff recommends that prior to final plat of subdivision a detailed site plan be approved by the Planning Board. The plan should use field-run topography and include actual footprints of proposed structures and shall focus on useable yard areas (20-foot side and 40-foot rear) and the orientation of structures. Loss of lots may occur.**

On the present DSP, it does not appear that the proposed locations of any structures have been changed. The northeast border of Lot 14 has been adjusted, but that appears to accommodate a change to the storm drain that is discussed below.

4. **The following note shall be placed on the final plat of subdivision:**

**“Development is subject to restrictions shown on the approved Type I tree conservation plan (TCPI/098/04), or as modified by the Type II tree conservation plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved tree conservation plans for the subject property are available in the offices of The Maryland-National Capital Park and Planning Commission.”**

5. **Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 8.16± acres of open space land (Parcels A-B). Land to be conveyed shall be subject the following:**

- a. **Conveyance shall take place prior to the issuance of building permits.**
- b. **A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.**
- c. **All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.**
- d. **The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.**
- e. **Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and storm drain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.**
- f. **Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.**
- g. **Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.**
- h. **The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.**

Item f of this condition requires design of the storm drain outfalls to avoid adverse impacts to the homeowner's association (HOA) land. The applicant was granted three variations for impacts to the expanded stream buffer. In most places, the buffer and the HOA property overlap.

- 6. **A Type II tree conservation plan shall be approved in conjunction with the detailed site plan.**
- 7. **Prior to approval of the final plat of subdivision the applicant, his heirs, successors and or assignees shall pay a fee-in-lieu of parkland dedication.**

- 8. Development of the site shall be in conformance with the approved stormwater management concept plan (CSD 42317-2004-00) or any approved revision thereto.**
- 9. The applicant shall provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T.**

A sidewalk does not appear on the plans along the north side of Joel Lane between the eastern edge of the property and the driveway of Lot 14.

### **Variations**

In the preliminary plan, the applicant was approved for three variations to allow the construction of storm drain outfalls, sewer lines, roadway and driveways in the expanded stream buffer. The applicant appears to exceed the areas of disturbance allowed in the variations.

The features of variation 1—The storm drain outfall and sewer line at the cul-de-sac located on the southwest end of the property - appear to comply with the variation that was approved. The storm drain outfall does not extend past the existing sewer line.

The features of variation 2—The storm drain outfall, stream culvert and road located in the center of the property - appear to be rotated from the original position on the TCPI and preliminary plan. The length of the culvert does not appear to have been increased. The storm drain does not appear on this plan.

The features of variation 3—The storm drain outfall across Joel Lane from Lot 1 and the driveway for Lot 1 - appear much larger than the 12,639 square feet of expanded buffer disturbance that was approved. The applicant shall provide further information to show that the outfalls comply with the approved variation.

This DSP shows a fourth location where construction is proposed within the expanded stream buffer. A storm drain has been inserted to the northeast side of Lot 14 along its border with homeowner's association Parcel B. The storm drain continues past the boundary of the property and along the undeveloped right-of-way (ROW) for Judy Lane to meet a connection at Temple Boulevard. Approximately 140 linear feet of this pipe are within the expanded buffer on the property. This storm drain appears to replace one on the preliminary plan that ran between Lots 13 and 14, which did not encroach into the expanded buffer.

The Urban Design Section commented that the plan includes deviations from the variations approved at the time of the preliminary plan, but the Environmental Planning Section has determined that the proposed variations are acceptable and are in general conformance with those approved with the preliminary plan. Therefore, the DSP is in substantial conformance with the approved preliminary plan.

12. **Trails Review:** There are no master plan trails that staff has identified in the 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area (SMA)* that would directly impact the subject site. But the sector plan includes a strategy to “provide neighborhood sidewalk connections to schools, parks, and activity centers” (sector plan, page 71). Maryland-National Capital Park and Planning Commission (M-NCPPC) owns several parcels of undeveloped parkland in the vicinity of the subject site. The existing Samuel Chase Elementary School at 5700 Fisher Road, Temple Hills, Maryland, is located approximately ¼ mile south of the subject application.

The proposal includes sidewalks along both sides of Joel Lane, and there are existing sidewalks on Joel Lane near the intersection of Temple Boulevard, but these do not extend to the subject site. Sidewalk improvements, such as the ones on the applicant’s proposal will improve accessibility to the elementary school. In general, sidewalk improvements will encourage walking.

13. **Community Planning Review:** This application is consistent with the 2002 General Plan Development Pattern goals for the Developed Tier by ensuring that infill development enhances established neighborhoods and preserving and restoring sensitive environmental features.

This application conforms to the residential, low-density land use recommendation of the 2006 approved Henson Creek-South Potomac master plan and SMA.

14. **Transportation Planning Review:** The access and circulation are acceptable. The site is not within or adjacent to any master plan roadway facilities. The Preliminary Plan of Subdivision 4-07016, contains no outstanding transportation-related conditions.

15. **Environmental Planning Review:** The Environmental Planning Section previously reviewed Preliminary Plan of Subdivision 4-04101 and Type 1 Tree Conservation Plan TCPI/098/04 for the subject property; however, they were withdrawn before being heard by the Planning Board. Preliminary Plan of Subdivision 4-07016 and TCPI/098/04, including variation requests for impacts to sensitive environmental features, were approved with conditions by PGCPB Resolution No. 07-199. This detailed site plan is required by Condition 3 of PGCPB Resolution No. 07-199.

### **Site Description**

This 15.00-acre property in the R-80 Zone is located on the southwest end of Joel Lane. There are streams and wetlands and 100-year floodplain on-site. The entire site is wooded. The site eventually drains into Henson Creek in the Potomac River watershed. According to the *Prince George’s County Soil Survey* the principal soils on this site are in the Aura, Bibb, Howell and Sassafras series. Marlboro clay does not occur in the area. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, rare, threatened, or endangered species do not occur on this property or adjacent properties. There are no designated scenic and historic roads in the vicinity of this property. The Beltway is a nearby



source of traffic-generated noise; however it is sufficiently distant that there is no significant impact to the subject property. The proposal is not expected to be a noise generator. This property is located in the Developing Tier as reflected in the approved General Plan.

### **Conformance with the Countywide Green Infrastructure Plan**

No designated network elements of the *Approved Countywide Green Infrastructure Plan* occur on the subject property.

### **Review of Previously Approved Conditions**

The following text addresses previously approved environmental conditions related to the subject applications. The text in **BOLD** is the actual text from the previous cases or plans.

#### **PGCPB No. 07-199, File No. 4-07016**

- 1. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffers, excluding those areas where variation requests have been approved, and be reviewed by the Environmental Planning Section prior to approval. 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.”**

This condition will be implemented at the time of final plat.

- 2. Prior to the issuance of any permits which impact jurisdictional wetlands or wetland buffers, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.**

This condition will be implemented prior to the issuance of any permits which impact wetlands or buffers.

- 3. Prior to approval of the final plat, a detailed site plan shall be approved by the Planning Board. The plan must use field-run topography and include actual footprints of proposed structures. The review shall focus on useable yard areas (20-foot side and 40-foot rear) and the orientation of structures. Loss of lots may occur.**

This application has been submitted to fulfill this condition. Site Note 16 indicates that the plan has been prepared using field run topography. The footprints of the proposed structures are small. Any change to the footprints may have significant effect on the overall design of the lots and the ability of each lot to continue to meet this condition.

During the review of the preliminary plan, the Environmental Planning Section noted that even if impacts to the expanded stream buffers were approved, certain lots would be significantly encumbered with conservation easements and have design issues. Lots 1, 2, 3, and 6 on the DSP do not meet this condition that requires necessary space for construction or useable side (20 feet) or rear (40 feet) yard areas. The proposed structure on Lot 1 can be moved slightly farther back from the street in order to achieve a 20-foot setback from the side yard closest to the wetland buffer. The proposed structure on Lot 2 can be moved away from the wetland buffer in order to achieve a 20-foot setback from the side yard closest to the wetland buffer. The proposed structure on Lot 3 can be moved away from the wetland buffer in order to achieve a 20-foot setback from the side yard closest to the wetland buffer. The proposed structure on Lot 6 has a portion of the rear yard less than the 40-foot cleared area.

Even with these changes Lot 1 will be required to have the structure placed in a location that will have its front facing into the rear of existing Lot 24. After subtracting the area of the conservation easement, the useable lot area of proposed Lot 2 will be less than 9,500 square feet. The structure on proposed Lot 3 will be looking into the rear yards of proposed Lots 2 and 4.

The following note shall be placed on the final plat:

“Development of this property is subject to the conditions of DSP-08046. Any change of house type or location shall require a revision to the DSP. House footprints shall not be increased over those shown on DSP-08046.”

Prior to certification of the detailed site plan, the DSP and TCPII shall be revised to:

- a. Move the proposed structure on Lot 1 further back from the street in order to achieve a 20-foot setback from the side yard closest to the wetland buffer.
- b. Move the proposed structure on Lot 2 away from the wetland buffer in order to achieve a 20-foot setback from the side yard closest to the wetland buffer.
- c. Move the proposed structure on Lot 3 away from the wetland buffer in order to achieve a 20-foot setback from the side yard closest to the wetland buffer.
- d. Provide additional clearing at the rear of Lot 6 in order to achieve a 40-foot deep activity area.

**4. The following note shall be placed on the final plat of subdivision:**

**“Development is subject to restrictions shown on the approved Type I tree conservation plan (TCPI/098/04), or as modified by the Type II tree conservation plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved tree conservation plans for the subject property are available in the offices of The Maryland-National Capital Park and Planning Commission.”**

This condition will be implemented at the time of final plat.

- 6. A Type II tree conservation plan shall be approved in conjunction with the detailed site plan.**

This application has been submitted to fulfill this condition. The TCP II is discussed in detail below.

- 8. Development of the site shall be in conformance with the approved stormwater management concept plan (CSD 42317-2004-00) or any approved revision thereto.**

The stormwater management facilities shown on the TCP II conform to Stormwater Management Concept Plan CSD 42317-2004-00. Stormwater management is discussed in detail below.

### **Environmental Review**

- a. A signed Natural Resources Inventory, NRI/033/07-02, was submitted with the preliminary plan of subdivision. All streams, wetlands, 25-foot wetland buffers, 100-year floodplain, areas with severe slopes and areas with steep slopes containing highly erodible soils are shown on the plans. The expanded stream buffer required by Section 24-130 of the Subdivision Regulations is correctly delineated in the NRI, TCP II and detailed site plan.

A single stand of mixed hardwood dominated by black oak and white oak covers all of the 14.53 acres of the site. The average diameter at breast height is about 18 inches. Sixteen specimen trees were found. The shrub layer contains small trees and mountain laurel. Multiflora rose is the only invasive plant species noted. The priority areas are those associated with the stream and wetlands. The forest stand delineation meets the requirements of the Woodland Conservation and Tree Preservation Ordinance.

The plan proposes impacts to expanded stream buffers. The Planning Board granted variations to the Subdivision Regulations in accordance with Section 24-113 during the review of Preliminary Plan of Subdivision 4-07016. The impacts shown on the DSP and TCP II are consistent with those approvals.

Condition 2 of PGCPB Resolution No. 07-199 will ensure additional review of the impacts by federal and state permitting agencies and ensure compliance with all environmental regulations.

- b. This property is subject to the provisions of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the property has a previously approved Type I tree conservation plan. Type I Tree Conservation Plan, TCPI/098/04, was approved PGCPB Resolution No. 07-199. The review of the TCPII is required by Condition 6 of PGCPB Resolution No. 07-199.

A Type I Tree Conservation Plan, TCPI/028/09 has been reviewed. The woodland conservation threshold is 2.36 acres. Based upon the proposed clearing, the woodland conservation requirement has been correctly calculated as 4.37 acres. The plan proposes to meet the requirement by providing 4.89 acres of on-site preservation. An additional 1.70 acres of woodland will be retained on-site that are not part of any requirement.

The plan indicates the intent to meet all requirements by on-site preservation. The proposed preservation areas correctly include the stream valley and additional woodland associated with it. The proposed woodland conservation areas satisfy the intent of the Woodland Conservation Ordinance and are consistent with Type I Tree Conservation Plan TCPI/098/04.

There are technical errors on the plan. Because no on-site planting is proposed many of the notes on sheet 5 of 6 are not appropriate and could be misleading. Additionally, site inspections are no longer performed by the Prince George's County Department of Environmental Resources (DER), but by staff of the Department of Public Works and Transportation (DPW&T). This change must be reflected in the Type II tree conservation plan notes.

The Type II Tree Conservation Plan, TCPII/028/09 shall be subject to the following conditions:

Prior to certification of the DSP, the TCPII shall be revised to:

- (1) Remove all notes and details from sheet 5 of 6 referencing on-site planting
- (2) Revise the Type II Tree Conservation Plan Notes 2 and 5 on sheet 5 of 6 to refer to the "county inspector" instead of Department of Environmental Resources (DER).
- (3) Relocate the structures as needed.
- (4) Revise the worksheet as needed.

- (5) Have the revised plan signed and dated by the qualified professional who prepared the plan.
- c. According to the *Prince George's County Soil Survey* the principal soils on this site are in the Aura, Bibb, Howell and Sassafras series. Aura soils are highly erodible. Bibb soils are associated with floodplains. Howell soils are may have slow permeability and wetland inclusions. This information is provided for the applicant's benefit. No further action is needed as it relates to this detailed site plan review. A soils report in conformance with County Council Bill CB-94-2004 will be required during the permit process review.
- d. A Stormwater Management Concept Plan CSD 42317-2004-00, was approved by the Department of Public Works and Transportation (DPW&T) on January 18, 2007. The storm drain system on the TCPII is consistent with this approval.

During the hearing for Preliminary Plan of Subdivision 4-07016 citizens provided testimony concerning existing flooding problems along Joel Lane. The stormwater management plan includes the requirements that the developer of the property construct an extension to the existing off-site storm drain. The extension will take the water that now causes problems on Joel Lane and pipe it to a location downstream of the existing houses. Details of the new off-site storm drain system are illustrated on sheet 2 of TCPII/028/09.

No further action regarding stormwater management is required for this detailed site plan review.

- 16. **Permit Review:** The required setbacks, driveway dimensions, and lot coverage must be demonstrated on the plan. As noted above, the proposed layout is in conformance with the required zoning standards, but the proper dimension lines and lot coverage information must be shown on the plans.
- 17. **Department of Public Works and Transportation (DPW&T):** DPW&T provided the following comments:
  - a. The site is located at the south end of Joel Lane, approximately 500 feet south of its intersection with Temple Boulevard. Extension of Joel Lane to be consistent with the existing master plan for roadways and must be coordinated with The Maryland-National Capital Park and Planning Commission (M-NCPPC) and DPW&T.
  - b. Full width, two-inch mill and overlay for all County roadway frontages is required.
  - c. All stormwater management drainage systems and facilities are to be constructed in accordance with the approved Stormwater Management Concept Plan 42317-2004-00 dated January 18, 2007, DPW&T Specifications and Standards.

- d. Conformance with DPW&T street tree and street lighting standards and utility policy is required. Coordination with various utility companies is required.
  - e. Sidewalks are required along all roadways within the property limits in accordance with Sections 23-105 and 23-135 of the County Road Ordinance.
  - f. All improvements within the public rights-of-way (ROW), as dedicated for public use to the County, are to be in accordance with the County's Road Ordinance, DPW&T's Specifications and Standards, and the Americans with Disabilities Act (ADA).
  - g. Culs-de-sac are required to allow, at a minimum, the turning movement for a standards WB-40 vehicle and a standard length fire truck. When considering the turning movement, it is assumed that parking is provided on the outside edge or radius of the cul-de-sac.
  - h. The applicant needs to provide adequate sight distance in accordance with the American Association of State Highway Transportation Officials (AASHTO) standards for all proposed access points within the site.
  - i. A soils investigation report which includes subsurface exploration and geotechnical engineering evaluation for public streets is required.
18. 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/028/09) and further APPROVED Detailed Site Plan DSP-08046 for the above-described land, subject to the following conditions:

- 1. Prior to certification, the detailed site plan and landscape plan shall be revised as follows:
  - a. Provide standard sidewalks along both sides of Joel Lane, unless modified by DPW&T.
  - b. Add dimension lines to demonstrate that required setbacks, driveway dimensions, and yards have been provided on all lots.
  - c. Revise the lot coverage table to demonstrate the percentage of lot coverage proposed on each lot.

- d. Provide a Type B bufferyard along the northern property line adjacent to the Brinkley Towers development.
  - e. Add one additional shade tree and one evergreen or ornamental tree to the proposed plantings in Lot 1, Lot 4, Lot 5, and Lot 14.
  - f. Update the landscape schedule for Section 4.1 to account for the additional plantings required for lots above 20,000 square feet in size.
  - g. Move the proposed structure on Lot 1 further back from the street in order to achieve a 20-foot setback from the side yard closest to the wetland buffer.
  - h. Move the proposed structure on Lot 2 away from the wetland buffer in order to achieve a 20-foot setback from the side yard closest to the wetland buffer.
  - i. Move the proposed structure on Lot 3 away from the wetland buffer in order to achieve a 20-foot setback from the side yard closest to the wetland buffer.
  - j. Provide additional clearing at the rear of Lot 6 in order to achieve a 40-foot deep activity area.
2. Prior to certification of the DSP, the TCPII shall be revised to:
- a. Remove all notes and details from sheet 5 of 6 referencing on-site planting.
  - b. Revise the Type II Tree Conservation Plan Notes 2 and 5 on sheet 5 of 6 to refer to the “county inspector” instead of DER.
  - c. Relocate the structures as required by Condition 1.
  - d. Provide additional clearing at the rear of Lot 6 in order to achieve a 40-foot deep activity area.
  - e. Revise the worksheet as needed.
  - f. Have the revised plan signed and dated by the qualified professional who prepared the plan.
3. Prior to certification of the DSP, the applicant shall demonstrate that an easement has been created on existing Lot 24 to allow the planting and preservation of the six proposed trees associated with proposed Lot 1. The easement shall run to the benefit of the owner of Lot 1 and shall provide for the perpetual maintenance and replacement (if necessary) of the trees.

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 Cavitt, seconded by Commissioner Clark, with Commissioners Cavitt, Clark, Squire and Parker voting in favor of the motion, and with Commissioner Vaughns temporarily absent at its regular meeting held on Thursday, December 3, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 7<sup>th</sup> day of January 2010.

Patricia Colihan Barney  
Acting Executive Director

By Frances J. Guertin  
Planning Board Administrator

PCB:FJG:SL:arj