



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 10-120

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Upper Marlboro, Maryland 20772

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File No. DSP-02037/01

RESOLUTION

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 November 4, 2010 regarding Detailed Site Plan DSP-02037/01 for Eagle Crest at Marlton, the Planning Board finds:

1. **Request:** The subject application is for approval of a detailed site plan for a 172-unit apartment development for the elderly in the R-18 (Multifamily Medium-Density Residential) Zone.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	R-18	R-18
Use(s)	Vacant	Multifamily residential
Acreage	8.95	8.95
Number of dwelling units	N/A	172
Of which 1 BR		86
Of which 2 BR		86

OTHER DEVELOPMENT DATA

	REQUIRED	APPROVED
Total Parking Spaces	114 (0.66/Unit)*	124
Of which Standard (9.5' x 19.0')	N/A	96
Of which Compact (8.0' x 16.5')	N/A	22
Handicapped Spaces	5	6
Loading Spaces	2	2

Note: *Parking has been provided by using the rate for multifamily housing for the elderly or physically handicapped per Section 27-568(a).

A condition of approval has been added to require the parking schedule to be corrected to remove the "+ 0.5 x 80 = 115." The correct rate is $0.66 \times 172 = 114$. In addition, the schedule should be corrected to reflect that five handicap accessible spaces are required and that two are required to be van accessible. The van accessible spaces are shown on the site plan, but have not been correctly noted in the parking schedule. A condition of approval has been included in this approval to require the parking schedule to be corrected prior to signature approval.

3. **Location:** The site is in Planning Area 82A, Council District 9. More specifically, it is located in the southeast quadrant of the intersection of Grandhaven Avenue and Heathermore Boulevard.

4. **Surroundings and Uses:** The subject property is bounded to the north and west by the public rights-of-way of Heathermore Boulevard and Grandhaven Avenue. To the north, across Heathermore Boulevard, are two pieces of residentially zoned but vacant property. To the west, across Grandhaven Avenue, is Parcel A of the Woods at Marlton Subdivision that has been developed with apartments in the R-18 Zone. To the south of the site is an R-T-zoned residential property developed with townhouses. To the east is a 250-foot-wide Potomac Electric Power Company (PEPCO) right-of-way (ROW).
5. **Previous Approvals:** The site is known as Parcel B, Plat Two of the Woods at Marlton Subdivision and is recorded among the land records of Prince George's County in Liber 9989 at Folio 302. The site is located in that part of the Marlton Official Plan that was approved in 1968. The official plan for that part of Marlton consists of the official plan map, the detailed plan of development, and the text entitled, "A Report on the Marlton Plan," (August 1, 1968). The site is also part of the Marlton R-P-C with an R-18 zoning subcategory.

The Preliminary Plan of Subdivision 4-86036, Marlton Parcel, which includes Parcels A and B, was approved by the Planning Board on July 24, 1986, PGCPB Resolution No. 86-294. The property was recorded as NLP 147@84 on June 30, 1989. The Detailed Site Plan DSP-87086 for Parcels A and B, was first approved by the Planning Board on November 6, 1987, PGCPB Resolution No. 87-444 for no more than 382 units. A re-approval of Detailed Site Plan DSP-87086 was granted by the Planning Board on July 29, 1993, PGCPB Resolution No. 93-167, which allowed 462 units, of which Parcel B was approved for 172 units. On September 28, 1987, a Special Exception, SE-3763, was approved to change the bedroom percentage in the R-18 Zone from 30 percent one bedrooms, 40 percent two bedrooms, and 10 percent three or more bedrooms, to 25 percent, 67 percent and 8 percent, respectively. Since this application does not change the bedroom percentage, Special Exception SE-3763 is no longer relevant.

On September 11, 2003, the Planning Board re-approved SP-87086 under application number DSP-02037, a detailed site plan for 172-unit apartment building for the elderly. The site also has a valid Stormwater Management Concept Approval 21707-2001-00.

6. **Design Features:** The application proposes construction of 172 apartment units in one four-story, H-shaped building complex surrounded on three sides by surface parking lots. Two access points from Heathermore Boulevard are proposed to serve the site. A bio-retention area and a woodland conservation area are located at the south end of the site.

The proposed four-story building complex has the main elevation (north elevation) facing Heathermore Boulevard. The main elevation has a clear, three-part composition of base, middle and top and consists of three sections, the lower main entrance flanked symmetrically by two identical higher wings. The main entrance area is defined by the pedimented entry portico with Doric columns and a center-located cupola on the top of the gable roof. Three pedimented dormer roof windows above the portico and pedimented entrance door with Doric columns further strengthen the image of the entrance. The two identical wings have a rich roofline due to a mixture

of hip and gable roof patterns and setbacks of the façade portions. Two cupolas with a similar style to the one on top of the entrance roof mark the two ends of the main elevation. A pediment is used repeatedly on top of roof dormers, and in the two wings to form various vertical pavilions. Sash windows are crowned with either a cast stone arch or flat exterior insulation finishing system (EIFS) head. Other sides of the building have a similar treatment to the main elevations. The exterior of the building is finished with a combination of EIFS and brick veneer.

The apartment building design is acceptable, but the bulk, massing, and volume of the building are substantially bigger than those of the adjacent buildings. The building design stresses the vertical division of the elevations in order to de-emphasize the large building scale.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the R-18 Zone, Sections 27-419, 27-436, 27-441(b), the Design Guidelines of Section 27-274, Part 11, parking and loading requirements, and Part 12, signage of the Zoning Ordinance.
 - a. The proposed bedroom percentages are in accordance with the requirements of Section 27-419, bedroom percentages. The application does not have any three-bedroom units and only has one-bedroom and two-bedroom units. The unused percentage for three-bedroom units has been added to the maximum allowed percentages for two-bedroom units. The proposed bedroom percentages in this application are 50 percent for two-bedroom and 50 percent for one-bedroom units.
 - b. The proposal is in conformance with Section 27-420; however, there is a retaining wall shown on the northern edge of the access drive, south of the building. The height of the retaining wall, wall details and materials, and safety fences or rails have not been provided. The wall appears to be four to six feet in height and conforms to required building setbacks. A condition requiring the applicant to submit color details of the wall and safety fence, and provide the top-of-wall and bottom-of-wall measurements for the structure has been included as a condition of this approval.
 - c. The subject application is in conformance with the requirements of Section 27-441(b), which governs permitted uses in residential zones. The proposed multifamily apartment is a permitted use in the R-T Zone.
 - d. The detailed site plan complies with the requirements of Section 27-442, Regulations, for development in the R-18 Zone.
 - e. The plans substantially conform to the site design guidelines of Section 27-283. An evaluation this section, as it applies to the subject application, has been provided below:

- (1) Concern has been raised by the local community regarding the recreational facilities available on this site. A trail has been provided on the southern portion of the site for walking. However, there are no benches or resting areas along this trail to facilitate use by the elderly or physically handicapped. Benches and garbage receptacles should be provided along this trail to complement its design for elderly residents.
- (2) There are two courtyards provided, one in front of the building, and one in the rear. Minimal landscaping and amenities have been provided in these courtyards. These courtyards should be redesigned to include amenities such as landscaping; pools, fountains, or art; benches, garbage receptacles, and brick paving.

Lighted bollards have been provided within these courtyards. The lighted bollards are short and may represent a tripping hazard. These bollards should be placed within the landscaped areas to reduce the risk of tripping. The applicant has provided ornamental, metal-halide luminaires with an internal reflector that directs light downward. These have been provided at regular intervals throughout the site and parking lot lighting.

- (3) The bioretention pond is located near the southwestern property boundary and surrounded by a chain-link fence. The pond will be highly visible from Grandhaven Avenue and from the pedestrian trail. The bioretention pond should be redesigned to create a visual amenity or screen the view of the pond and chain-link fence from all trails, neighboring development, and public roads.

- f. There are no signs proposed with the subject application. The applicant has indicated that the DSP will be revised at a future date for signage.

8. **Preliminary Plan 4-86036 and Final Plat NLP 147@84:** The site is the subject of Preliminary Plan 4-86036. The Preliminary Plan of Subdivision 4-86036 is for Marlton, Parcel 9 and was originally adopted by the Prince George's County Planning Board on July 24, 1986 (PGCPB Resolution No. 86-294), which will be discussed further below. The property was recorded in Plat Book NLP 147@84 on June 15, 1989. The recorded plat contains three notes and the following plat notes in bold relate to the review of this application:

2. **This plat is subject to recreational facilities agreement recorded in Liber 7265 at Folio 778.**

The recreational facilities agreement (RFA) should be referenced in the general notes of this site plan. Prior to signature approval of this detailed site plan, the applicant should demonstrate that RFA requirements have been met, or if the requirements have not been met, the RFA should be revised.

3. **Development of Parcel "B" must conform to the site development plan which was approved by the Prince George's County Planning Board on 11.6.87, SP-87086, or as amended by any subsequent revisions thereto.**

The detailed site plan for Parcels A and B, DSP-87086, was first approved by the Planning Board on November 6, 1987 (PGCPB Resolution No. 87-444) for no more than 382 units. A re-approval of SP-87086 was granted by the Planning Board on July 29, 1993 (PGCPB Resolution No. 93-167), which allowed 462 units, of which Parcel B was approved for 172 units. This plat note should be referenced in the general notes of this application.

The PGCPB Resolution No. 86-294 for the approved Preliminary Plan of Subdivision 4-85036 contains only one condition:

As revised in red on Staff Exhibit #1 to provide street dedication and subject to the following:

1. **A fee contribution of \$10,000 shall be made at the time of final plat. The purpose of the fee is to improve transportation facilities that serve the proposed subdivision.**
2. **Approval of a site plan by the Planning Board.**
3. **Approval of a conceptual stormwater management plan by WSSC prior to final plat.**
4. **Provision of a Trails Easement over the agricultural easement held by the adjacent property owner as required by PEPCO prior to final plat.**
5. **Prior to final plat, granting of a variation by the Planning Board to allow undergrounding of the stream, which will be covered by the extension of Grandhaven Avenue.**
6. **Approval of 100-year flood plain studies for the two streams that cross the property. Covenants shall be recorded that prohibit the disturbance of the floodplain for the stream that is located on the western portion of the property.**
7. **Provision of a 50' stream buffer from the center of the stream that is located on the western portion of the property.**
8. **Satisfaction of Subdivision Regulation requirements relating to park dedication, fee-in-lieu, or facilities. Department of Parks and Recreation memorandum of April 15, 1986.**

The subject property has met the condition of the Preliminary Plan of Subdivision 4-86036 and the property has been recorded in Plat Book NLP 147@84 on June 15, 1989. The Detailed Site Plan DSP-02037-01 is in substantial conformance with the approved Preliminary Plan 4-86036 and recorded final plat of subdivision subject.

9. **Detailed Site Plan, DSP-02037:** Detailed Site Plan, DSP-02037 was approved by the Planning Board on October 9, 2003, PGCPB Resolution No. 03-192, subject to five conditions. The conditions that are applicable to the subject application are discussed below.

1. **Prior to certificate approval of this detailed site plan and TCPH, the applicant shall make the following revisions:**

- a. **Revise FSD to identify all severe slopes and all steep slopes on erodible soils.**

A revised forest stand delineation (FSD) or a natural resource inventory (NRI) will not be required with this application. The review of this application will be based on the FSD dated March 2003.

2. **The applicant and the applicant's heirs, successors and/or assignees shall provide the following:**

- a. **Construct six-foot-wide, concrete hiker/biker trails along the subject property's entire frontages of Grandhaven Avenue and Heathermore Boulevard, in conformance with Condition 7 of approved SP-87086.**

The subject application reflects the provision of standard five-foot sidewalks along its frontages of both Grandhaven Avenue and Heathermore Boulevard. Prior to signature approval of this DSP, the plans should be modified to include a six-foot-wide sidewalk.

There are gaps in the surrounding sidewalk network that may inhibit pedestrian circulation until they are completed. It would be desirable to complete the sidewalk network, but there is no legal basis for requiring this applicant to provide these additional off-site sidewalks.

- b. **Construct eight-foot-wide, asphalt hiker/biker trails across the southern edge of the property, as shown on the Subregion VI master plan. This trail can be located in the woodland reforestation area just south of the proposed parking lot. This trail shall be within a public use easement on HOA land. If site topography allows, the eastern end of this trail shall connect to the southeast corner of the parking lot.**

The trail has been provided in this location. Due to a recent change in departmental policy to avoid placing public use easements for trails on private homeowner association (HOA) land, it is recommended that Condition 2b be modified to delete the reference to placing the trail in a public use easement. The trail will be a private trail on private HOA land. It should also be noted that the Sector Plan recommended a master plan trail along the adjacent PEPCO right-of-way. However,

the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) has eliminated this proposal. The placement of the trail interferes with required *Prince George's County Landscape Manual* plantings and buffers, and should be relocated outside of required landscaped strips and bufferyards.

4. **The owner of Parcel B shall construct the extension of Heathermore Boulevard (or any portion required by the Department of Public works and Transportation) from Grandhaven Avenue to the middle of PEPCO right-of way when:**
 - a. **Any grading or building permits are approved for developments of parcels abutting the proposed north side of Heathermore Boulevard, east of Grandhaven Avenue, or**
 - b. **Construction of Heathermore Boulevard beyond the PEPCO right-of-way or across the Conrail right-of-way is undertaken.**

The plans show the construction of Heathermore Boulevard in accordance with the above condition.

5. **Prior to the issuance of any building permit, the applicant, his heirs, successors and/or assignees, shall pay to Prince George's County the following pro-rata share of costs for the construction of the Heathermore Boulevard Extension:**
 - a. **\$155.10 per dwelling unit X Engineering News-Record Highway Construction Cost Index (at time of payment)/Engineering News-Record Highway Construction Cost Index (2nd quarter 1993).**
 - b. **The total fee shall not exceed the amount calculated as \$12,408.00 X Engineering News-Record Highway Construction Cost Index (at time of payment)/Engineering News-Record Highway Construction Cost Index (2nd quarter 1993).**

A re-approval of SP-87096 was granted by the Planning Board on July 29, 1993 (resulting in another Resolution, PGCPB No. 93-167), which allowed 462 units, of which 172 units were approved on Parcel B. Condition 1 of this approval reads as follows:

1. **Prior to the issuance of any building permit, the applicant, his heirs, successors and/or assigns, shall pay to Prince George's County the following pro-rata share of costs for the construction of the Heathermore Boulevard Extension:**
 - a. **\$705.00 per dwelling unit X Engineering News-Record Highway Construction Cost Index (at time of payment)/Engineering News-Record Highway Construction Cost Index (2nd quarter 1993).**

- b. **The total fee shall not exceed the amount calculated as \$56,400.00 X Engineering News-Record Highway Construction Cost Index (at time of payment)/Engineering News-Record Highway Construction Cost Index (2nd quarter 1993).**

The Planning Board in its consideration of DSP-02037 for Eagle Crest at Marlton determined that the condition above is still applicable to the extent that the subject site remains responsible for an appropriate share of the costs for the construction of the Heathermore Boulevard Extension.

However, the Planning Board also determined that the formula for the pro-rata share established in Condition 1 of PGCPB Resolution No. 93-167 should be adjusted in light of the fact that the subject proposal is for 172 senior housing units, which generate approximately 22 percent of trips normally generated by market-rate apartments. Therefore, the cost for each dwelling unit (\$705.00) and the total fee amount (\$56,400.00) as contained in Condition 1 of PGCPB Resolution No. 93-167 would be multiplied by 22 percent respectively in order to establish an appropriate pro-rata share for Eagle Crest at Marlton, without changing any other factors in the two equations. This condition has been included in this approval.

- 10. ***Prince George's County Landscape Manual***: The proposed development is subject to the requirements of Section 4.1 Residential Requirements, Section 4.3 Parking Lot Requirements and Section 4.7 Buffering Incompatible Uses of the *Prince George's County Landscape Manual*.

- a. Section 4.1(g) requires a minimum of one major shade tree per 1,600 square feet or fraction of green area provided. The site plan shows a green area of 5.9 acres or 257,004 square feet. Therefore, 161 shade trees or 1,610 plant units (PU) are required. The landscape plan provides 49 shade trees (490 PU), 16 evergreen trees (80 PU) and 14 ornamental trees (70 PU) for a total of 640 plant units. A condition has been included in this approval that requires the applicant to provide the full number of plant units required by Section 4.1 of the *Landscape Manual* prior to signature approval.
- b. The site is designed to have the proposed building surrounded by the surface parking compound on the north, east, and west sides of the building. This site layout results in parking spaces fronting on the public rights-of-way of both Heathermore Boulevard and Grandhaven Avenue. Section 4.3(a), Landscape Strip Requirements, requires a landscape strip to be provided with a minimum of one shade tree and 10 shrubs per 35 linear feet of frontage, excluding driveway openings. The landscape plan provides a ten-foot-wide landscape strip with the required number of plant units and is in conformance with Section 4.3(a) on Grandhaven Avenue.

The 4.3(a) schedule for Heathermore Boulevard has been calculated incorrectly. The plans show 498 linear feet of parking lot is adjacent to Heathermore Boulevard, which requires 15 shade trees and 142 shrubs for a total of 292 PU. The applicant has provided 10 shade trees, 1 evergreen tree, and 145 shrubs for a total of 250 PU. A condition has been included in this approval that requires the additional 42 PU to be provided.

Section 4.3 (c), Interior Planting, requires eight percent of the total area of the parking lot to be the interior planting area if the parking area is between 50,000 and 149,999 square feet. The site plan shows a parking area of 69,186 square feet, which falls into the above-noted range. The landscape plan provides sixteen percent of lot area as interior planting area and thus complies with the Landscape Manual. It should be noted that the configuration of the parking lot has changed since the previous approval of DSP-02037, yet the same square footage has been provided. A condition included in this approval requiring that the square footage of the parking lot be updated to reflect the current design.

- c. The site is adjacent to a PEPCO property to its east, which is defined as a medium impact use per the Landscape Manual. Section 4.7 requires a Type "B" bufferyard between the site and the adjacent public utility use, which is a 20-foot-wide landscaped strip to be planted with 80 plant units per 100 linear feet of property line. There is a miscalculation in this schedule that results in only 186 PU provided where 456 PU are required. In addition, a small portion of the trail runs parallel through this bufferyard preventing plants from being placed in this location. Trails and sidewalks are permitted to cross bufferyards perpendicular to their long dimension, but are not permitted to run parallel within the bufferyard. This trail will need to be relocated to the south to avoid conflicts with the 20-foot-wide bufferyard. There are steep grades in this location that may prevent the applicant from relocating this small section of trail. A condition that allows the applicant to seek Alternative Compliance has been included, to be approved by the Planning Director as a designee of the Planning Board, prior to signature approval of this detailed site plan if the trail cannot be relocated. A condition has been included in this approval to remedy this error.

The site is also adjacent to an R-T-zoned townhouse development to its south. Section 4.7 requires a Type "A" bufferyard between the site and the adjacent townhouses, which is a ten-foot-wide landscape strip to be planted with 40 PU per 100 linear feet of property line. The landscape plan shows woodland being counted toward the total linear feet that is either not occupied by woodland on plans or is clearly graded and contains structures that will necessitate the woodland being removed. Once these are taken into account, there is 190 linear feet of property line requiring 38 PU. Due to a miscalculation in the amount of woodland, the schedule reflects only 30 PU in this location. In addition, the trail is proposed to run parallel through this bufferyard. The trail should be relocated outside of the required 4.7 bufferyard. A condition has been included in this approval that requires the relocation of the trail and compliance with Section 4.7 prior to signature approval.

11. **Prince George's County Woodland and Wildlife Habitat Conservation and Tree Canopy Coverage Ordinance:** This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because it has an approved Type I tree conservation plan. A revision to the previously approved Type II tree conservation plan has been submitted for review.

- a. The 8.97-acre site is located in the southeast quadrant of the intersection of Heathermore Boulevard and Grandhaven Avenue and is zoned R-18. A review of the information available indicates that no streams, wetlands, and 100-year floodplains are found to occur on the subject property. No areas of severe slopes or steep slopes with highly erodible soils are found to occur on the subject property. No potential for transportation-related noise impact on the proposed residential use has been identified. The soil series found to occur according to the *Prince George's County Soil Survey* is Westphalia, which poses few difficulties to development. No Marlboro clays are found to occur in the vicinity of the property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on this property or adjacent properties. The property is in the Developing Tier of the adopted General Plan and in the Charles Branch subwatershed of the Patuxent River. According to the June 2005 *Approved Countywide Green Infrastructure Plan*, the site includes Network Gaps.
- b. The previously approved TCP II is required to address the requirements of Subtitle 25 and the Environmental Technical Manual effective September 1, 2010 because a proposed eight-foot-wide hiker/biker trail was not shown in the currently proposed configuration on the previous plan and the preservation and reforestation areas have been substantially altered from what was shown on the plan that was previously approved by the Planning Board. The TCP submitted was not grandfathered under the provisions of Section 25-119(g) of the Subdivision Regulations with regard to the size and location of woodland conservation areas because of these changes.

The woodland conservation threshold for this site is 1.79 acres, or 20 percent of the net tract. The total woodland conservation requirement based on 7.06 acres of woodlands from the 2003 FSD, and the clearing proposed, is 3.92 acres. The woodland conservation worksheet for the overall site shows the woodland conservation requirement being met with 0.86 acres of on-site woodland preservation, 1.23 acres of on-site afforestation/reforestation, and 1.83 acres of off-site woodland conservation.

There is one specimen tree on the site according to the FSD, a 32-inch dbh tulip poplar located in the center of the site. This tree is shown on the TCP2 and its disposition has been noted. The WCO requires a variance for the removal of specimen trees. The plan shows a specimen tree on Parcel C; however, this tree was shown on the previously approved TCPI and TCP II to be removed. A variance for its removal is not required with the current application because this tree was shown on a previously approved TCP to be removed.

A variance request to Section 25-122(b)(1)(G) of the Subdivision Regulations is not required because the existing specimen tree has been shown to be removed on previous approvals. No further information is required with regard to the TCP2.

- c. A copy of the approved Stormwater Management Concept Letter and plan has been submitted which expired on June 30, 2004. Note 19 on the DSP indicates that the Stormwater Management Concept Approval 21707-2001 was re-approved on March 5, 2010. The plan indicates that a bioretention pond is proposed in the southwest corner of the property.

Condition 1(o) of this DSP approval requires that prior to certificate approval of the detailed site plan, a copy of an approved and valid Stormwater Management Concept Approval Letter and any associated plans shall be submitted.

- d. Revisions to Subtitle 27, Subdivision 3, effective on September 1, 2010, include an additional required Planning Board finding for approval of a detailed site plan, as follows:

Section 27-285 (b)(4) The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible.

There are no regulated environmental features within the limits of the subject application, so preservation or restoration is not indicated. The detailed site plan and tree conservation plan correctly indicate that no regulated environmental features exist on the subject property.

- e. The revised Type II Tree Conservation Plan, TCP11/113/02, submitted with this application has been reviewed by the Environmental Planning Section. The revised TCP11 is in general conformance with the requirements of the Prince George's County Woodland and Wildlife Habitat Conservation and Tree Canopy Coverage Ordinance subject to one condition.

12. Further Planning Board Analysis and Comments From Other Entities:

- a. **Transportation Planning**—The site access and circulation are acceptable, the transportation related conditions of previously approved plans including Preliminary Plan of Subdivision 4-86036 have been met, and adequate right-of-way, consistent with the Approved Countywide Master Plan of Transportation (MPOT) has been dedicated.
- b. **Subdivision**—The site plan is in substantial conformance with Preliminary Plan of Subdivision 4-85036. The Subdivision staff also provided comments relating the final plat. These comments have been included for discussion under Finding 8 above.
- c. **Trails**—The Planning Board's conclusions regarding trails are provided in Finding 9 above, and relevant issues are addressed in Condition 2 of this approval.
- d. **Environmental Planning**—The Planning Board's Environmental Planning conclusions are included under Finding 11 above, and are addressed in Condition 1 of this approval.

- e. **Permit Review**—The Planning Board's applicable comments have been discussed in the Findings above, including Finding 9, and are addressed in Conditions 4 and 5 in this approval.
 - f. **Fire Department/EMS**—The Fire Department did not respond to the referral request.
 - g. **The Department of Public Works and Transportation (DPW&T)**—The Department of Public Works and Transportation (DPW&T), of Prince George's County provided standard conditions on issues such as frontage improvement, sidewalks, street trees and lighting, storm drainage systems and facilities, as well as soils investigation in order to be in accordance with both the requirements of DPW&T and the Department of Environmental Resources (DER).
13. 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 2 Tree Conservation Plan (TCP2-113-02-01) and further APPROVED Detailed Site Plan DSP-02037/01 for the above-described land, subject to the following conditions:

- 1. Prior to signature approval of this detailed site plan, the applicant shall revise the site and landscape plans to:
 - a. Remove the reference to "+0.5 x 80 = 115" in the parking schedule
 - b. Revise the parking schedule to indicate that two of the five required handicap spaces must be van accessible and that these spaces are 16 by 19 feet. The dimensions of regular handicap spaces shall be revised to indicate that these spaces are 13 by 19 feet.
 - c. Provide a color detail of the retaining wall and safety rail/fence. Revise the site plan to demonstrate top-of-wall and bottom-of-wall elevations.
 - d. Add the plat notes as recorded in Plat Book NLP 147@84 on June 15, 1989 to the General Notes on the cover sheet of this detailed site plan.
 - e. Revise the plans to include the six-foot-wide sidewalks along Grandhaven Avenue and Heathermore Boulevard.

- f. The eight-foot hiker/biker trail shall be relocated so that it does not interfere with required 4.7 bufferyards and landscaping. If the relocation disturbs any wooded areas, a revised TCPII shall be submitted.
- g. Provide amenities within the two courtyards that include landscaping; pools, fountains, or art; benches, garbage receptacles, and brick paving. The lighted bollards shall be placed within the landscaped areas to reduce tripping hazards.
- h. Subject to approval by the Department of Public Works and Transportation (DPW&T), redesign the bioretention pond to create a visual amenity or screen the view of the pond and chain link fence from all trails, neighboring development, and public roads.
- i. Provide benches and garbage receptacles at intervals along the eight-foot asphalt trail on the southern portion of the property.
- j. Revise the 4.1(g) landscape schedule and plans to reflect one major shade tree per 1,600 square feet of green area provided.
- k. Revise the 4.3(a) schedule and plans for Heathermore Boulevard to provide one shade tree and ten shrubs per 35 linear feet of frontage or provide the appropriate design and schedule for one of the other options available that meets the criteria of Section 4.3(a).
- l. Provide the correct square footage of the parking lot in the parking schedule in conformance with Section 4.3(c). Provide the appropriate number of plant units in accordance with this section of the *Prince George's County Landscape Manual*.
- m. The schedule and plan for Section 4.7, adjacent to the townhouse development to the south shall be corrected to remove the trail from the required bufferyard and correct the number of plant units provided.
- n. The schedule and plan for Section 4.7, adjacent to the Potomac Electric Power Company (PEPCO) utility easement to the south, shall be corrected to remove the trail from the required bufferyard and correct the number of plant units provided. If the trail cannot be relocated, an Alternative Compliance application shall be submitted, to be approved by the Planning Director as a designee of the Planning Board, prior to signature approval of this detailed site plan.
- o. A copy of an approved and valid Stormwater Management Concept Approval Letter and any associated plans shall be submitted for evaluation by the staff of the Environmental Planning Section.
- p. The recreational facilities agreement (RFA) shall be referenced in the general notes on the site plan, and the status of the RFA should be verified and revised if necessary.

2. The applicant and the applicant's heirs, successors and/or assignees shall provide the following:
 - a. Construct six-foot-wide, concrete hiker/biker trails along the subject property's entire frontages of Grandhaven Avenue and Heathermore Boulevard.
 - b. Construct eight-foot-wide, asphalt hiker/biker trails across the southern edge of the property, at the location agreed to by the applicant and the Urban Design Section.
3. The owner of Parcel B shall construct the extension of Heathermore Boulevard (or any portion required by the Department of Public Works and Transportation) from Grandhaven Avenue to the middle of PEPCO right-of way when:
 - a. Any grading or building permits are approved for developments of parcels abutting the proposed north side of Heathermore Boulevard, east of Grandhaven Avenue, or
 - b. Construction of Heathermore Boulevard beyond the PEPCO right-of-way or across the conrail right-of-way is undertaken.
4. Prior to the issuance of any building permit, the applicant and the applicant's heirs, successors and/or assignees, shall pay to Prince George's County the following pro-rata share of costs for the construction of the Heathermore Boulevard Extension:
 - a. \$155.10 per dwelling unit X "Engineering News-Record Highway Construction Cost Index" (at time of payment)/"Engineering News-Record Highway Construction Cost Index" (2nd quarter 1993).
 - b. The total fee shall not exceed the amount calculated as \$12,408.00 X "Engineering News-Record Highway Construction Cost Index" (at time of payment)/ "Engineering News-Record Highway Construction Cost Index" (2nd quarter 1993).
5. Prior to the issuance of any building permit within the subject property, the applicant and the applicant's heirs, successors, and/or assignees, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed upon timetable for construction with the appropriate operating agency.
 - a. Provide 52-foot paving section, Grandhaven Avenue, within the 80-foot right-of-way.
 - b. Provide both curb and gutter on both sides of Grandhaven Avenue.
 - c. Provide approximately four streetlights on each side of Grandhaven Avenue.
 - d. Provide street trees on the east side of Grandhaven Avenue.

Unless modified by DPW&T.

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 Squire, seconded by Commissioner Cavitt, with Commissioners Squire, Cavitt, Clark, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, November 04, 2010, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 2nd day of December 2010.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Acting Planning Board Administrator

PCB:JJ:CJ:arj

APPROVED AS TO LEGAL SUFFICIENCY.


M-NCP&C Legal Department

Date 11/10/10