



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 13-154

File No. SDP-0315/04

RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with approval of Specific Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on December 19, 2013, regarding Specific Design Plan SDP-0315/04 for Beech Tree, East Village, Sections 4 and 5, the Planning Board finds:

1. **Request:** The subject application proposes to develop 107 new single-family attached lots in the sections of the Beech Tree development known as East Village, Sections 4 and 5. East Village, Section 5, with a total of 11.90 acres, was not part of the original Specific Design Plan SDP-0315 application and is also being added.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	R-S	R-S
Uses	Vacant	Single-family attached
Acreage (in the subject SDP)	11.00	22.90
Lots	39	146 (107 proposed)

OTHER DEVELOPMENT DATA—PARKING

	REQUIRED	APPROVED
Existing 39 single-family attached units	80	206
Proposed 107 single-family attached units	219	441

ARCHITECTURAL TYPES (BASE FINISHED FLOOR AREA)

Norwood (Ryan)	2,925 square feet
Lafayette (Ryan)	2,156 square feet
Lismore (Lennar)	2,468 square feet

3. **Location:** The Beech Tree project site is located on the west side of Robert S. Crain Highway (US 301), south of Leeland Road, in Planning Area 79 and Council District 6. The area covered by SDP-0315, East Village, Section 4, is located on the north side of Beech Tree Parkway and on the

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east and west sides of Moores Plains Boulevard. East Village, Section 5, is located on the south side of Beech Tree Parkway, just east of the recreation center.

4. **Surrounding Uses:** The Beech Tree development, as a whole, is bounded on the north by Leeland Road, on the east by Crain Highway (US 301), and on the south and west by residentially-zoned properties (R-A, Residential-Agricultural; R-E, Residential-Estate; and M-X-T, Mixed Use-Transportation Oriented). The area covered by SDP-0315-04 is surrounded by single-family residential lots in the Beech Tree development and the golf course and recreation facility.
5. **Previous Approvals:** The overall site is known as Beech Tree, which was rezoned by the Prince George's County District Council on October 9, 1989 (Zoning Ordinance No. 61-1989) from the R-A Zone to the R-S (Residential Suburban Development) Zone through Zoning Map Amendment A-9763-C for 1,765 to 2,869 dwelling units subject to 17 conditions and 14 considerations. On July 14, 1998, Comprehensive Design Plan CDP-9706 was approved by the District Council for the entire Beech Tree development subject to 49 conditions. Following the approval of CDP-9706, three preliminary plans of subdivision were reviewed and approved. Only Preliminary Plan of Subdivision 4-00010, approved by the Prince George's County Planning Board on July 6, 2000 and formalized in PGCPB Resolution No. 00-127, is relevant to the subject property.

Two SDPs for the entire site have also been approved for the Beech Tree development. Specific Design Plan SDP-9905, which was approved by the District Council on October 22, 2000, is a special purpose SDP for community character. Specific Design Plan SDP-0001, which was approved by the District Council on October 30, 2000, is an umbrella approval for architecture for the entire Beech Tree development, which has been revised thirteen times.

The original SDP-0315, for a total of 39 single-family attached lots, was approved by the District Council on May 14, 2004 subject to eight conditions. The three previous revisions have all been for the addition of house types and approved by the Planning Director.

6. **Design Features:** East Village, Sections 4 and 5, are located near the geographical center of the overall Beech Tree development, just north and east of the main recreation center which sits at the north end of the central lake feature. East Village, Section 4, is located immediately north of the intersection of Beech Tree Parkway and Moores Plains Boulevard, on both the east and west sides of Moores Plains Boulevard. The original SDP approval was for 39 townhouse lots located farther north of the intersection, which have already been constructed, are occupied, and are not proposed to be revised with the subject application. The subject application proposes an additional 35 rear-load garage townhouse lots, 9 on the west side of Moores Plains Boulevard and 26 on the east side, within the southern end of this village. These areas were originally specified on the CDP and preliminary plan as "Opportunity Sites" to be used for possible future commercial, public, or quasi-public uses such as "churches, day care centers, professional or medical offices, post offices, and libraries." None of these uses have materialized over the past 15 years, as these sites have remained undeveloped while residential uses in the near vicinity are fully developed and occupied. The applicant states that the subject SDP revision requests approval of successful residential uses promoted overall by the CDP to replace the less well-conceived and conceptual "commercial" and

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“opportunity” locations in East Village, Section 4. The Planning Board finds that the opportunity sites, which may have seemed reasonable when they were approved, have proven not to be implementable despite years of efforts to develop them as approved and a successful residential community to support the potential uses. Commercial uses are still proposed within the overall Beech Tree development in the C-S-C-zoned (Commercial Shopping Center) properties located in the far northeastern corner, closest to the intersection of Leeland Road and Crain Highway (US 301). Discussion of the proposed townhouse lots on these opportunity sites in relation to the preliminary plan approval is provided in Finding 15c below.

East Village, Section 5, with a total of 11.9 acres, is being added to the original SDP area. It is located on the south side of Beech Tree Parkway, south of its intersection with Humberside Way and east of the existing recreation center. No SDP was ever previously approved for this area of the site. One private street off of Beech Tree Parkway, across from Humberside Way, provides access to the 72 proposed front-loaded garage townhouse lots. It then runs south, downhill, to dead-end at an east-west running private street off of which more townhouse lots are located.

The townhouse models included with this SDP, specifically the Norwood and Lafayette models by Ryan Homes and the Lismore by Lennar, have been approved in various other sections within Beech Tree. The proposed models all have a two-car garage and offer various options such as brick façades, shutters, windows, window trim, bay windows, and entrance porches. The proposed design features contribute to the overall superior quality of architecture proposed for this development. Various conditions of approval, similar to those approved in other sections within Beech Tree, have been included in this approval to ensure that the superior quality of architecture is maintained.

There is no signage proposed, as these villages are internal to the Beech Tree subdivision as a whole. Site signage has been reviewed and approved as part of Special Purpose SDP-9905. The site, as part of the Beech Tree development, will have access to the adjacent golf course and all of the other public and private recreational features that were approved with the overall CDP.

7. **Zoning Map Amendment A-9763-C:** On October 9, 1989, the District Council approved Zoning Map Amendment A-9763-C subject to 17 conditions and 14 considerations. Of the considerations and conditions attached to the approval of A-9763, the following are applicable to the review of this SDP:

Condition 16 The District Council shall review all Specific Design Plans for Beech Tree.

The case will be sent to the District Council for review.

Consideration 4 The applicant shall prepare a noise study for approval by the Planning Board. The study shall specify the site and structural mitigation measures incorporated into the development to minimize noise intrusion and prevent noise levels from exceeding 65 dBA (Ldn) exterior and 45 dBA (Ldn) interior.

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This consideration was addressed in Condition 1e of CDP-9706 which requires the approval of a noise study at the time of SDP approval by the Planning Board. During the review of East Village, Phase 1 (SDP-9907 and SDP-9908), a noise study was submitted. Based upon that noise study, the Planning Board determined that the distance from the highway and the intervening homeowners association (HOA) parcels and the golf course mitigated the projected highway noise. The area of SDP-0315-04 is farther from Crain Highway (US 301). Exterior noise is expected to be further reduced from the noise levels that will be experienced in the area of East Village, Phase 1, SDP-9907.

Consideration 5 The applicant shall demonstrate that the proposed development complies with the Patuxent River Policy Plan criteria.

The preservation of the primary management area (PMA) to the fullest extent possible would address this consideration. The Planning Board finds that if the plan is revised per the conditions of approval, the PMA on the subject SDP is found to have been preserved to the fullest extent possible.

Consideration 6. The applicant shall prepare a detailed soils study to demonstrate that the property is geologically suitable for the proposed development.

This condition was met by the creation of Condition 1d of PGCPB Resolution No. 98-50, which requires a detailed review of the SDP and the submission of a geotechnical study. A geotechnical report was submitted with the original SDP application, and no residential lot contains any portion of unsafe land.

8. **Comprehensive Design Plan CDP-9706:** Comprehensive Design Plan CDP-9706 for the entire Beech Tree development was approved by the Planning Board on February 26, 1998. Subsequently, on July 14, 1998, CDP-9706 was approved by the District Council subject to 49 conditions. The following conditions of the CDP approval are applicable to the subject SDP and warrant discussion as follows:

6. **Every Specific Design Plan for Beech Tree shall include on the cover sheet a clearly legible overall plan of the Beech Tree project on which are shown in their correct relation to one another all phase or section numbers, all approved or submitted Specific Design Plan numbers, and all approved or submitted Tree Conservation Plan numbers for Beech Tree.**

The coversheet of the SDP contains an overall plan of the Beech Tree project on which are shown phase or section numbers and a chart of approved or submitted SDP numbers. However, to fully satisfy this requirement, minor corrections need to be made to ensure all of the information is correct and up-to-date in accordance with all approvals that have occurred since the original plan was approved. A condition included in this approval requires the applicant to revise this information on the SDP coversheet.

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7. **Every Specific Design Plan for Beech Tree shall adhere to Stormwater Management Concept Plan #958009110 or any subsequent revisions. The applicant shall obtain separate Technical Stormwater Concept Plan approvals from DER for each successive stage of development in accordance with the requirements set forth in Concept Plan #958009110 prior to SDP or Preliminary Plan approval, whichever comes first.**

The above condition requires the applicant to obtain a separate stormwater management concept approval for each successive stage of development prior to SDP or preliminary plan approval. Stormwater Management Concept 20712-2004-00 was issued for East Village, Section 4, and Stormwater Management Concept 32573-2008-02 was issued for East Village, Section 5. The Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) indicated that the SDP is in conformance with those approvals.

14. **Pursuant to the conditions imposed by the Prince George's District Council on Zoning Application No. A-9763-C, prior to approval of each Specific Design Plan for residential uses, the applicant shall demonstrate to the satisfaction of the Planning Board and the District Council that prices of proposed dwelling units will not be lower than the following ranges (in 1989 dollars):**

Single-Family Detached:	\$225,000-500,000+
Single-Family Attached:	\$150,000-200,000+
Multifamily dwellings:	\$125,000-150,000+

In order to insure that the prices of proposed dwelling units are reflective of dollar values for the year in which the construction occurs, each Specific Design Plan shall include a condition requiring that, prior to approval of each building permit for a dwelling unit, the applicant shall again demonstrate that the price of the dwelling unit will not be lower than the ranges above (in 1989 dollars).

Such condition has been included in this approval.

17. **The District Council shall review and approve all Specific Design Plans for Beech Tree.**

This case will be scheduled to be heard by the District Council.

24. **All structures shall be fully equipped with a fire suppression system built in accordance with National Fire Protection Association (NFPA) Standard 13D and all applicable County laws and regulations.**

A note requiring such has been included on the subject SDP.

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9. **Preliminary Plan of Subdivision 4-00010:** The relevant Preliminary Plan of Subdivision, 4-00010, was approved by the Planning Board on July 6, 2000 subject to 30 conditions. The validity period for the preliminary plan was extended to December 31, 2015 pursuant to County Council Bill CB-70-2013. A final plat for the subject property must be accepted by The Maryland-National Capital Park and Planning Commission (M-NCPPC) before the preliminary plan expires or a new preliminary plan is required. The following conditions of the preliminary plan approval are applicable to the subject SDP and warrant discussion as follows:

5. **Prior to approval of building or grading permits, the Environmental Planning Section shall review all Technical Stormwater Management Plans approved by the Department of Environmental Resources (DER). The Environmental Planning Section shall work with DER and the applicant to ensure that water quality is provided at all storm drain outfalls.**

The timing mechanism of this condition is prior to approval of permits; however, the design of the stormwater management facilities may significantly impact the design of the SDP. The Planning Board has included a condition of approval to address the issue of the final design of stormwater management facilities to address this condition.

7. **Prior to issuance of any permits for Beech Tree, the applicant shall demonstrate that all applicable conditions of the State wetland permit have been fulfilled.**

An Army Corps of Engineers 404 Permit and Maryland Department of Environment water quality certification have been obtained. This condition will be addressed prior to issuance of any permits. It is noted that, on Sheets 5 and 6 of the SDP, the grading is shown up to the delineated limits of a "Forested Wetlands Mitigation Area" and proposed retaining walls are within 15 feet of the wetlands mitigation area. Further information is needed about the wetlands mitigation area to determine if the required wetlands buffers have been retained and/or fully reestablished with this revision. Therefore, a condition has been included in this approval requiring the approved wetlands mitigation plans be submitted to confirm that all applicable conditions related to mitigation areas abutting this SDP have been fully complied with in the current application.

8. **As part of the submission of a Specific Design Plan (SDP) for any High Risk Area, the applicant, his heirs, successors and/or assigns shall submit a geotechnical report for approval by M-NCPPC Environmental Planning Section, the Prince George's County Department of Public Works and Transportation, and the Prince George's County Department of Environmental Resources. The SDP shall show the proposed 1.5 Safety Factor Line. Adjustments to lot lines and the public rights-of-way shall be made during the review of the SDP. No residential lot shall contain any portion of unsafe land.**

A geotechnical report was submitted with the original SDP application, and no residential lot contains any portion of unsafe land. The 1.5 safety factor line has been shown on the SDP where applicable.

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10. **Specific Design Plan SDP-0315:** Specific Design Plan SDP-0315 is the initial approval of this SDP. The SDP was approved by the District Council on May 4, 2004 subject to eight conditions, which have been included in this approval as necessary.

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

- a. The subject application is in conformance with the requirements of Section 27-511, Purposes; Section 27-512, Uses; Section 27-513, Regulations; and Section 27-514, Minimum Size Exceptions, governing development in the R-S Zone. The proposed residential lots are a permitted use in the R-S Zone; however, the subject application does not meet the requirements of Section 27-515(b), Footnote 29, which reads in part as follows:

29 Except as provided in Section 27-480(g), for Specific Design Plans for which an application is filed after December 30, 1996, the following restrictions shall apply. Townhouses may comprise not more than the following percentages of the total number of dwelling units included in the Comprehensive Design Plan: in the R-L Zone, twenty percent (20%); R-S, twenty percent (20%); R M, thirty percent (30%); R-U, thirty percent (30%); L-A-C, forty percent (40%); and M-A-C, thirty percent (30%). Multifamily dwelling units may comprise not more than...

Comprehensive Design Plan CDP-9706 was approved for a maximum of 2,400 dwelling units, which was broken down as 1,680 single-family detached, 480 single-family attached (townhouse), and 240 multifamily (apartment) units as allowed by the R-S zoning. With this submittal, the applicant would exceed the 20 percent limitation on townhouse units by 4.5 percent, for a total of 587 townhouses. When taken in conjunction with the concurrent application SDP-0902-01, the overall Beech Tree development would have a total of 699 townhouse lots, or 29 percent of the original 2,400 units allowed by the CDP. The applicant has filed a variance application from this requirement with this SDP. See Finding 11b for a detailed discussion.

- b. Section 27-239.03 of the Zoning Ordinance allows the Planning Board or District Council to grant a variance if the following findings can be made. The required findings for a variance as stated in Section 27-230(a) include the following:

(1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic condition, or other extraordinary situations or conditions;

Applicant's Justification: The applicant provided the following summarized justification in response to this requirement:

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“The subject property that makes up the East Village 4 and 5 sections of Beech Tree consists of approximately 22.9 acres. Portions of said acreage have exceptional topographic conditions present. This extreme topography results in grades that are 146 feet at its highest elevation and 76 feet at its lowest elevation (a difference of 70 feet), and creates significant hardships and/or practical difficulties for the applicant in developing the site.

“Further, exceptional and/or extraordinary conditions exists by the fact that the applicant is willing to forgo the opportunity to develop 240 multifamily apartments (allowed under the approved Basic Plan, CDP and Preliminary Plan(s)) within Beech Tree if it can obtain approval to develop a similar number of townhouse units within East Village 4, 5 and 13. It is uncontroverted that the applicant received approval to develop up to 10 percent of its CDP density with multifamily apartments (i.e. 10 percent of 2,400 units approved in the CDP – 240 units). Furthermore, the applicant received approval of several preliminary plans of subdivision that in aggregate had a yield of 2,351 units, including 240 multifamily units. It is essential to point out that East Village 4, 5, 11 and 13 are the only remaining portions of Beech Tree that have either not yet been developed, sold or placed under contract with private builders. The undeveloped portions of East Village 4 are too small to accommodate 240 multifamily units. Likewise, East Village 11 is an inappropriate location for the 240 multifamily units due to its proximity to the Lake Presidential Golf Course club house. East Village 13 is also inappropriate for development of the multifamily units because of it's close proximity to the main entrance to the community. Of the aforementioned East Village sections, the only logical place to develop the allowed 240 multifamily units would be in East Village 5, due to its central location within the project, proximity to the main community building, and access to Beech Tree Parkway. However, the extreme topography in East Village 5 makes such a development scheme very difficult and burdensome.

“The applicant is willing to forgo the development of the 240 apartment units within the yet to be developed portions of Beech Tree (i.e. East Villages 4, 5, 11 and 13). However, in order to economically justify the deletion of 240 multifamily apartments from the overall anticipated yield at Beech Tree, the Applicant must obtain approximately the same number units in the form of townhouses (to be located in East Village 4, 5 and 13). Beech Tree already has approval for and/or has constructed 480 townhouses within the community. The aforementioned number of townhouses equals 20 percent of the approved maximum CDP density of 2,400 dwelling units for the Beech Tree. Since Section 27-515, Footnote 29, of the Zoning Ordinance places a limit of 20 percent of the approved CDP density for townhouse units in the R-S Zone; the Applicant must request the instant variance in order to gain the ability to develop additional townhouse units.”

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The Planning Board concurs with the applicant's assertion that the subject property has exceptional topographic conditions as required to make this finding. However, the discussion regarding the multifamily units approved with the CDP is not germane to this finding as this SDP approval cannot revise the number or type of residential units approved with the CDP. Multifamily units were never planned for or approved within these sections of Beech Tree. It appears to be correct that East Village, Sections 4, 5, 11, and 13 are the only remaining portions of Beech Tree to be developed, but the approval of this SDP cannot directly prevent the applicant from developing apartment units within another section of Beech Tree. In conclusion, this requirement for approval of a variance is adequately fulfilled by the property's exceptional topographic conditions.

(2) The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and

Applicant's Justification: The applicant provided the following summarized justification in response to this requirement:

"The strict application of the 20 percent limit on the number of townhouses in the R-S Zone as set forth in Section 27-515, Footnote 29, would create an exceptional and undue hardship upon the Applicant. The impact of the aforementioned extreme topography is significant on the ability of the applicant to efficiently develop the site with either single family detached dwellings or multifamily apartments in a manner that makes any economic sense. Simply put, the applicant would lose money trying to develop the site with either single family detached dwellings or multifamily apartments. Specifically, the infrastructure costs (i.e. grading, retaining walls, streets, stormwater management, utilities, etc.) for single family dwellings are very high (in light of the aforementioned topographical challenges) with a relatively low yield in units. Similarly, the infrastructure costs for developing East Village 5 with apartment structures in light of the extreme site topography are significant due to the size of multifamily buildings and the need for massive retaining walls (which will add approximately one million dollars in site development costs). Conversely, the practical difficulty and hardships related to the extreme topography of the site are mitigated by the ability to develop townhouses with a higher unit yield to offset additional site development costs.

"Moreover, the denial of the requested variance would be a practical difficulty and an undue hardship for the applicant as it would be forced to seek development of the previously approved 240 multifamily apartments within the last remaining portions of the East Village that are either geographically inappropriate (i.e. East Villages 4, 11 or 13) or that have extreme site conditions (i.e. East Village 5)."

The Planning Board concurs with the applicant's assertion that the strict application of the townhouse percentage requirement would present peculiar and unusual practical

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difficulties for the owner, as they would be required to incur higher infrastructure costs to develop a lesser amount of units, resulting in a deficit. Additionally, townhouse development on the subject property will offer the most flexibility in layout to minimize infrastructure costs, as opposed to multifamily buildings, while also allowing a higher unit yield to offset those costs.

(3) The variance will not substantially impair the intent, purpose, or integrity of the General or Master Plan.

Applicant's Justification: The applicant provided the following summarized justification in response to this requirement:

“Allowing the requested variance would not impair the intent of the 2013 Subregion VI Master Plan and Sectional Map Amendment (the ‘Master Plan’) which retained the subject property in the R-S Zone or the 2002 General Plan. Townhomes as a residential use type are permitted by right in the R-S Zone, and the 2002 General Plan places the subject property in the ‘Developing Tier’. Moreover, several references within the Master Plan recommend the continuation of ‘low to moderate density land uses except as part of mixed use development and planned communities.’ (Master Plan p. 58). Approval of the instant variance request would not impair the intent of the Master Plan and would allow Beech Tree to continue to develop as a moderate residential planned community consisting of various styles of single family detached dwellings and townhomes (in terms of square footage, lot sizes, and architecture). Thus the instant variance request, if approved, would not ‘impair’, but promote and implement the intent, purpose(s) and integrity of the Master Plan and the General Plan.”

The Planning Board concurs with the applicant's assertion that an increase in the percentage of townhomes within Beech Tree will not impair the intent, purpose, or integrity of the 2002 *Prince George's County Approved General Plan* (General Plan) or the master plan. It is in keeping with the goals and policies of both plans in allowing a low to moderate residential density on a R-S-zoned property in the Developing Tier.

In conclusion, the Planning Board approves the requested variance for an increase in the allowed percentage of townhouses, as required by Section 27-515(b), Footnote 29, to 24.5 percent for this application.

- c. The proposal is also in conformance with the requirements of Section 27-528 of the Zoning Ordinance regarding required findings that must be made by the Planning Board for SDPs. See Finding 16 for a detailed discussion of that conformance.

- 12. **Prince George's County Landscape Manual:** The proposed single-family residential lots in the R-S Zone are subject to Section 4.1, Residential Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable

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Landscaping Requirements of the *Prince George's County Landscape Manual* (Landscape Manual).

- a. Section 4.1, Residential Requirements, requires a certain number of plants for different types of residential lots. The submitted SDP provides the correct schedules showing the requirements being met for the 107 proposed townhouse lots. Therefore, there are no additional requirements for this development at this time.
 - b. Section 4.6, Buffering Developments from Streets, requires that, when rear yards of single-family detached or attached dwellings are oriented toward a street, a buffer area shall be provided between the development and the street. This requirement for buffering the proposed townhouse lots has not been addressed on the SDP. Therefore, a condition requiring this revision has been included in this approval.
 - c. Section 4.7, Buffering Incompatible Uses, requires a buffer between adjacent incompatible land uses, which includes the existing golf course located to the south of East Village, Section 5. The landscape plan provides a schedule for this section, but it says the requirement is met fully by existing woodlands. However, the landscape plan shows grading and retaining walls along much of the adjacent property line between the two sites. A condition has been included in this approval requiring fulfillment of the requirements to be clarified.
 - d. Section 4.9, Sustainable Landscaping Requirements, requires certain percentages of native plants be provided on-site, along with no invasive plants, and no plants being planted on slopes steeper than three-to-one. The landscape plan provided the appropriate schedule showing the requirements being met. However, the plants identified as native in the plant list are not all correct as Ginkgo is identified as native, but American Hophornbeam is not, whereas the opposite is correct. A condition requiring this to be corrected has been included in this approval.
 - e. Section 4.10, Street Trees along Private Streets, includes requirements for amount, spacing, type, and locations of street trees along private streets, which are proposed with the subject SDP. Prior to certification, the SDP should be revised to provide the appropriate schedule showing these requirements being met.
13. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This site is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance because the property has previously approved tree conservation plans. A forest stand delineation and Type I Tree Conservation Plan, TCPI-073-97, were approved with CDP-9407. A Type II Tree Conservation Plan, TCPII-049-98, was initially approved with SDP-9803 for the golf course, which was expanded to cover the entire Beech Tree site. As each SDP was approved for the Beech Tree development, TCPII-049-98 was revised to reflect new areas of development. With the application for the revision of SDP-0315, a separate Type II Tree Conservation Plan, TCPII-037-13, was developed and submitted for review which is limited to the area of the SDP under review.

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The TCPII being reviewed with this SDP shows two worksheets: the overall worksheet which covers each phase of the entire site, and an individual worksheet which covers the area within this SDP application. The TCPII application consists of a gross tract area of 22.90 acres. The area of 100-year floodplain is 1.44 acres and the net tract area is 21.46 acres. The plan proposes the clearing of 3.53 acres on the net tract (0.67 acre of PMA) on the individual worksheet and indicates a woodland conservation requirement based on the overall site summary worksheet of 4.75 acres.

The TCPII proposes to provide 1.29 acres of on-site preservation and 3.46 acres of afforestation/reforestation, for a total of 4.75 acres of on-site woodland conservation, which satisfies the requirement for this portion of the site. The woodland conservation requirement and how it is provided is not shown consistently on the individual worksheet and the overall worksheet. A revised individual worksheet should be provided which is consistent with the numbers provided in the overall worksheet for the entire site.

When afforestation/reforestation areas are proposed adjacent to residential lots and along visible road frontage, an edge planting treatment of a double row of larger stock with a minimum of one-inch caliper is required. A graphic symbol for this planting detail is shown in the TCPII legend and should be added as appropriate on individual sheets where it is not now provided. A permanent tree protection device (split-rail fence or equivalent) is required to be placed along the vulnerable edges of all afforestation/reforestation areas. This fencing has not been provided consistently on the plans. A retaining wall may be used when appropriate in lieu of a permanent tree protection device if it provides protection from mowers for the plantings. In addition to a revised individual woodland conservation worksheet for East Village, Sections 4 and 5, a revised and up-to-date overall woodland conservation summary worksheet for the entire Beech Tree project should be included on the plan sheet. The overall worksheet should include both of the current revisions proposed for the Beech Tree project.

All adjacent SDPs or developed areas that are not part of this SDP have been correctly identified and grading onto those adjacent properties can be evaluated for consistency with those development cases. This TCPII proposes grading onto the golf course SDP and the construction of retaining walls which extend into the golf course. The SDP and TCPII for the golf course (SDP-9803-03) shall be evaluated for consistency with the approved plan and revised if necessary prior to certificate approval of this SDP.

Afforestation/reforestation areas are proposed that overlap with proposed landscaping on the subject plan. When landscaping and woodland conservation areas overlap, the landscaping elements should be shown on the TCPII plan so coordination can occur between the plantings. If landscape materials are provided in lieu of the whip planting proposed for woodland conservation, then the stocking rate shall be equivalent to the requirements of the Woodland Conservation Ordinance of 500 caliper inches per acre. Conditions regarding these issues have been included in this approval.

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14. **Prince George's County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a building or grading permit for 5,000 square feet or greater of gross floor area or disturbance. Properties that are zoned R-S are required to provide a minimum of 15 percent of the gross tract area in tree canopy. The subject property is 22.90 acres in size, resulting in a TCC requirement of 3.44 acres. No TCC schedule was provided on the plan; therefore, a condition has been included in this approval requiring this to be added showing the requirement being met prior to certification of the SDP.
15. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

- a. **Community Planning**—This development proposal is consistent with the 2002 *Prince George's County Approved General Plan* (General Plan) Development Pattern policies for the Developing Tier. This development proposal conforms to the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* (Subregion 6 Master Plan and SMA) recommendations for a residential low land use.

This property is within the Joint Base Andrews (JBA) Interim Land Use Control (ILUC) area. The property is within Imaginary Surface F, establishing a height Limit of 500 feet above the runway surface. This property is outside of the 65 and below dBA Ldn noise contours, so noise attenuation is not required. The property is not in an Accident Potential Zone, so no controls on use or density are required. These categories do not prevent any of the proposed development and should be noted on the SDP and all future plans.

The Beech Tree project is zoned R-S, which allows 70 percent single-family detached units, 20 percent single-family attached (townhouse) units, and 10 percent multifamily units. Comprehensive Design Plan CDP-9706 included a maximum of 2,400 dwelling units, which was broken down as 1,680 single-family detached, 480 single-family attached (townhouse), and 240 multifamily (apartment) units. Two preliminary plans of subdivision were approved resulting in a total of 2,351 dwelling units, broken down as 2,111 lots and 240 multifamily units. With this submittal, the applicant will exceed the 20 percent limitation on townhouse units imposed by the R-S zoning. As a result, the applicant has requested a variance to allow greater than 20 percent total townhouse units in the project. Single-family detached units and townhouse units are housing types that are consistent with the vision for the Developing Tier identified in the General Plan and are in conformance with the recommendations for the residential low land use in the Subregion 6 Master Plan. In addition, the applicant has not exceeded the overall density of 2,400 units that was permitted as part of CDP-9706.

The applicant should sequence the current applications SDP-0902-01 and SDP-0315-04 so that the unit tabulation on Sheet 1 of the second SDP reflects the units proposed in the

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first SDP. The applicant should also correct any math errors in the unit tabulation table so that the total number of units includes proposed units.

The Planning Board considered concerns about the number of units taking access to the community from the Beech Tree Parkway and Crain Highway (US 301) intersection. Due to proximity, the additional units proposed in East Villages, Sections 4 and 5, will utilize the Beech Tree Parkway/US 301 intersection. On January 30, 2012, the District Council affirmed the Planning Board's decision in PGCB Resolution No. 11-97 to secure the dedication by record plat of a second access from the Beech Tree subdivision to Leeland Road prior to approval of the final plats to adjust the lotting pattern in North Village, Section 4. Previously, the applicant was required to construct a second access to Leeland Road. The need for the second access to Leeland Road should be evaluated with each application to ensure that the termination of Lake Forest Drive will not exacerbate traffic flow into and out of the development for all villages using the Beech Tree Parkway/US 301 intersection.

The Planning Board considered concerns about the trigger for design and construction of the master plan trail through the stream valley park. The trigger for submittal of detailed design plans for the master plan trail is prior to the issuance of the 2,000th building permit and the trigger for completing the construction of said trail is prior to issuance of the 2,200th building permit (District Council Order Affirming Planning Board Decision, with Conditions, SDP-0409-02, January 30, 2012). The applicant indicated that they believe they may only construct approximately a total of 2,100 units. If that is the case, then the trigger to construct the trail will never be realized. It is not clear whether or not the applicant posted a bond for this trail improvement.

The Planning Board found that triggers regarding transportation and trails improvements cannot be changed through the subject application at this time, as they are the subject of separate specific SDP approvals. A condition requiring correction of the unit tabulation table has been included in this approval.

- b. **Transportation Planning**—On Thursday June 8, 2000, the Planning Board approved SDP-9907 (PGCPB Resolution No. 00-111). As part of the application for SDP-9907, the applicant submitted a staging plan which identified the transportation improvements needed for the various development stages of the Beech Tree subdivision. In reviewing the proposed staging and associated road improvements, and after further consultation with the applicant, the Maryland State Highway Administration (SHA), and the Prince George's County Department of Public Works and Transportation (DPW&T), the Planning Board concurs with the proposed staging report, with modifications:

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Phase I: The golf course

1. Prior to the issuance of the first building permit for the golf course clubhouse, the developer shall have begun construction of the improvements listed below:
 - a. Lengthen the northbound US 301 left turn lane at Swanson Road as required by the SHA. *[This improvement has been met]*
 - b. Construct a 500-foot-long southbound deceleration lane (include taper) along US 301 at Swanson Road as may be required by the SHA. *[This improvement has been completed]*
 - c. Construct a 500-foot-long southbound acceleration lane (including taper) along US 301 from Swanson Road as may be required by the SHA. *[This improvement has been completed]*

Phase II: residential development

2. Prior to the issuance of any residential building permit, the following improvements shall be in place, under construction, bonded (or letter of credit given to the appropriate agency for construction), 100 percent funded in a CIP/CTP or otherwise provided by the applicant, heirs, successors or assigns:
 - a. Leeland Road

Widen the one-lane bridge approximately 3,500 feet west of US 301 to 22 feet of paving in accordance with DPW&T standards. *[This improvement has not yet begun; however, it has been bonded as per DPW&T]*

Phase III: residential development -building permits # 132 - 1,000

3. Prior to the issuance of the one hundred and thirty second (132nd) building permit for any residential unit of the development, the following improvements shall be completed by the applicant:
 - a. Widen southbound US 301 to provide three (3) exclusive through lanes from 1,000 feet north of Trade Zone to 2,000 feet south of Trade Zone Avenue. *[This improvement has been completed]*
 - b. Construct internal site connection from Beech Tree Parkway to Leeland Road. *[This improvement has been met]*

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- c. **Modify the existing median opening to preclude left turns from eastbound Swanson Road to northbound US 301.** *[SHA has signalized this intersection which will allow left turn movements from eastbound Swanson Road to northbound US 301. Consequently, this condition is no longer relevant.]*

Phase IV: residential development - building permits 1,001- 1,500

- 4. **Prior to the issuance of the 1,001st building permit for any residential unit of the development, the following improvements shall be completed by the applicant:**
 - a. **Widen southbound US 301 to provide three (3) exclusive through lanes from 1,000 feet north of Leeland Road to Beech Tree Parkway.**
 - b. **Widen northbound US 301 to provide three (3) exclusive through lanes from 1,000 feet south of Leeland Road to 2,000 feet north of Leeland Road**
 - c. **Widen Leeland Road to provide two (2) exclusive left turn lanes and one (1) free flowing right turn lane.**

Phase V: residential development - building permits # 1,501 - 1,992

- 5. **Prior to the issuance of the 1,501st building permit for any residential unit of the development, the following improvements shall be completed by the applicant:**
 - a. **Widen southbound US 301 to provide three (3) exclusive through lanes from 2,000 feet south of Trade Zone Avenue to 1,000 feet north of Leeland Road. This improvement will augment an improvement from a previous phase.**

Phase VI: residential development - building permits # 1,993 - 2,400

- 6. **Prior to the issuance of the 1,993rd building permit for any residential unit of the development, a schedule for construction of either (a) the improvements in CIP Project FD669161 or (b) the upgrading of US 301 to a fully controlled access highway between MD 214 and MD 725 shall be provided by the SHA or by DPW&T to the Planning Department.**

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On June 27, 2013, the Planning Board approved SDP-9901-01. That approval modified the original staging plan specifically as it pertained to Phase IV. Pursuant to PGCPB Resolution No. 13-77, the new condition for Phase IV is as follows:

1. **Prior to issuance of the 1,001st building permit for any residential unit of the Beech Tree development, the applicant shall provide to the State Highway Administration, a complete set of approved design plans and the necessary bonds and fees for the following improvements:**
 - a. **Widen southbound US 301 to provide three exclusive through lanes from 1,000 feet north of Leeland Road to Beech Tree Parkway.**
 - b. **Widen northbound US 301 to provide three exclusive through lanes from 1,000 feet south of Leeland Road to 2,000 feet north of Leeland Road.**
 - c. **Widen Leeland Road to provide two exclusive left-turn lanes and one free-flowing right-turn lane.**
2. **Prior to issuance of the 1,101st building permit for any residential unit of the development, the developer shall initiate construction of the improvements identified above.**
3. **Prior to issuance of the 1,251st building permit for any residential unit of the development, the improvements above shall be completed.**

An October 22, 2013 letter from the applicant (Rizzi to Burton), presents a status report of building permits issued in relation to transportation improvements, as required by condition 11 of SDP-9907. According to the applicant, approximately 995 building permits have been issued to date. The pending site plan indicates that, to date, 1,593 dwelling units have been approved through 25 different SDP applications (including revisions). If this application (63 units) is approved, the number of building permits issued could potentially increase to 1,058. It is worth noting that, as of this writing, SDP 0315-04 which proposes an additional 107 dwelling units is currently pending. Should that application be approved, the total permits issued could then reach 1,165. These potential approvals could push the overall development well into Phase IV. To this end, all of the amended improvements associated with Phase IV will still apply as conditions of approval for the subject application. Since most of the improvements associated with Phase IV have begun, the Planning Board found that the subject development will be adequately served within a reasonable period of time if the subject application is approved with conditions for Phases IV-VI.

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Site Layout

Based on the review of the proposed changes on the site plan, the Planning Board finds the plan to be acceptable.

Conclusions

In closing, the Planning Board found that the subject development will be adequately served within a reasonable period of time, if the subject application is approved with the following conditions:

Phase IV: residential development - building permits 1,001 - 1,500

1. Prior to issuance of the 1,001st building permit for any residential unit of the Beech Tree development, the applicant shall provide to the State Highway Administration, a complete set of approved design plans and the necessary bonds and fees for the following improvements:
 - a. Widen southbound US 301 to provide three exclusive through lanes from 1,000 feet north of Leeland Road to Beech Tree Parkway.
 - b. Widen northbound US 301 to provide three exclusive through lanes from 1,000 feet south of Leeland Road to 2,000 feet north of Leeland Road.
 - c. Widen Leeland Road to provide two exclusive left-turn lanes and one free-flowing right-turn lane.
2. Prior to issuance of the 1,101st building permit for any residential unit of the development, the developer shall initiate construction of the improvements identified above.
3. Prior to issuance of the 1,251st building permit for any residential unit of the development, the improvements above shall be completed.

Phase V: residential development - building permits 1,501 - 1,992

4. Prior to the issuance of the 1,501st building permit for any residential unit of the development, the following improvements shall be completed by the applicant:
 - a. Widen southbound US 301 to provide three exclusive through lanes from 2,000 feet south of Trade Zone Avenue to 1,000 feet north of Leeland Road. This improvement will augment an improvement from a previous phase.

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Phase VI: residential development - building permits 1,993 - 2,400

5. Prior to the issuance of the 1,993rd building permit for any residential unit of the development, a schedule for construction of either (a) the improvements in CIP Project FD669161 or (b) the upgrading of US 301 to a fully controlled access highway between MD 214 and MD 725 shall be provided by the SHA or by DPW&T to the Planning Department.
6. Any changes to the sequencing of transportation improvements and/or changes to the development thresholds identified in Conditions 1 through 5 above will require the filing of a SDP application, and a new Staging Plan reflecting said changes must be included with application.

These conditions are taken directly from PGCPB Resolution No. 13-77. Therefore, the Planning Board included a condition in this approval that references that approval.

- c. **Subdivision Review**—The Planning Board reviewed an analysis of the site plan's conformance with Preliminary Plan of Subdivision 4-00010, discussed in detail in Finding 9.

The site is subject the Preliminary Plan 4-00010, and the resolution was adopted by the Planning Board on July 6, 2000 (PGCPB No. 00-127). The preliminary plan is valid until December 31, 2013. On November 19, 2013, the County Council approved Council Bill CB-70-2013 which legislatively extended the validity period of preliminary plans for two years, or until 2015. While the Council Bill was approved by the County Council, the County Executive has until December 11, 2013 to sign it into law. The 30 conditions of the preliminary plan approval are discussed further below.

East Village, Section 5, is comprised of Part of Parcel 21, which is an acreage parcel never having been the subject of a record plat. The preliminary plan was approved with 46 single-family detached lots in East Village, Section 5. The applicant is proposing to convert those to single-family attached lots. The Subdivision Section has reviewed the preliminary plan resolution of approval and the signature approved preliminary plan and have found that the conversion from single-family detached lots to single-family attached lots in this case is not inconsistent with the preliminary plan approval and does not alter the findings of the Planning Board in the approval of the preliminary plan. The proposed total number of dwelling unit lots is within that approved with the preliminary plan.

East Village, Section 4, was approved pursuant to the previous SDP-0315 for 39 townhouse lots, which have been recorded in the Land Records of Prince George's County. Three outparcels (Outparcels 3, 6, and 10) were also recorded in land records within East Village, Section 4. Outparcel 6 was recorded in Plat Book REP 202-70 in 2004, Outparcel 3 was recorded in Plat Book REP 196-92 in 2003, and Outparcel 10 was recorded in Plat Book REP 204-42 in 2004. This SDP revision incorporates those

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recorded outparcels into this SDP and proposes to subdivide these three parcels into 35 fee-simple townhouse lots. The approved preliminary plan designated the area of Outparcels 3 and 6 for opportunity sites in accordance with the approved CDP. The preliminary plan envisioned these parcels for generally commercial or retail uses to serve the community. This SDP revision proposes to subdivide the three outparcels into 35 townhouse lots and keep the existing 39 townhouse lots. Preliminary Plan 4-00010 was approved for 10 single-family lots, 41 townhouse lots, and 2 lots for opportunity sites, which are identified primarily as commercial or institutional uses to serve the community.

Specific Design Plan SDP-0315-04 for East Village, Section 5, is in substantial conformance with approved Preliminary Plan 4-00010. That part of SDP-0315-04 for East Village, Section 4, which includes Outparcels 3, 6, and 10 does not substantially conform with the approved preliminary plan as currently proposed for the subdivision of the outparcels into fee-simple townhouse lots.

Pursuant to Sections 24-107 and 24-111 of the Subdivision Regulations, there are only limited exemptions for subdivision of the platted outparcels into individual lots. The further subdivision of the three outparcels into 35 fee-simple lots requires approval of a new preliminary plan and final plat. In part, Section 24-111, which is applicable to the resubdivision of land, refers to Section 24-107. Section 24-107 sets forth 17 exemptions from the requirement to file a new preliminary plan and final plat, none of which are applicable here.

Therefore, a new preliminary plan and final plat would normally be required prior to SDP approval for the subdivision of Outparcels 3, 6, and 10 as proposed with this SDP, unless removal of the outparcel designation occurs.

To remove the outparcel designation for Outparcels 3, 6, and 10 within East Village, Section 4, the applicant must file a vacation petition in accordance with Section 24-112 of the Subdivision Regulations. Because of their platted status, the further subdivision or resubdivision of the outparcels into fee-simple lots would normally require approval of a preliminary plan and final plat in accordance with Section 24-111. The portion of the record plats that contain outparcels can be vacated, and the area of the outparcels will then revert back to an acreage residue. The acreage residue will still be subject to approved Preliminary Plan 4-00010 and the maximum dwelling unit count approved with the preliminary plan. As previously approved SDP's on residue acreage within the Beech Tree subdivision, the SDP has the flexibility to relocate the lots within 4-00010 as long as the overall lots and density of the SDP do not exceed the approved preliminary plan, and the development is in substantial conformance with that approval. The vacation petition can be approved at director level pursuant to CB-88-2013, effective as of December 28, 2013. The vacation of Outparcels 3, 6, and 10 should be approved prior to certificate approval of SDP-0315-04. Once the vacation is approved, the SDP as proposed would substantially conform to the preliminary plan, and then can be platted in accordance with the approved SDP as proposed with this application.

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The tracking chart on the SDP shows the overall total of 1,767 units approved by the various SDPs, including this SDP and the other pending SDP-0902-01 (East Village, Sections 11 and 13) for the Beech Tree subdivision, which is less than the 2,351 residential lots approved under Preliminary Plans 4-98063 and 4-00010. It appears there are minor errors with the tracking chart. The tracking chart should be revised to reflect the correct approved number of units for East Village, Section 4; South Village, Section 6, and East Village, Section 14; and West Village, Sections 2, 4, and 5. The tracking chart should provide a subtotal line for the pending SDP.

The SDP proposes a townhouse layout with individual lots having frontage on parcels to be conveyed to the homeowners association (HOA). It appears that private rights-of-way and open space are incorporated into the same parcel on the SDP. The SDP should be revised to delineate separate parcels for the open space and private rights-of-way and clearly label the disposition of the parcel. The private rights-of-way should be a separate parcel to ensure that each lot has frontage and meets the setback requirements of the zone.

The SDP delineates ten-foot-wide public utility easements (PUE) along the public rights-of-way, but no PUE is proposed on the private rights-of-way. Section 24-128(b)(12) of the Subdivision Regulations requires that for private roads, a ten-foot-wide PUE be located adjacent to the right-of-way. The SDP should be revised to include PUEs on the individual lots along the private rights-of-way, or provide a color-coded utility plan approved by all of the affected utilities.

The following conditions address subdivision issues:

- (1) Prior to certificate of approval of the SDP, a vacation petition shall be approved in accordance with Section 24-112 of the Subdivision Regulations for that part of the record plats that contain Outparcels 3, 6, and 10, in order to implement the approved SDP for East Village, Section 4, for single-family attached lots.
- (2) Prior to certificate of approval of this SDP, the plan should be revised to:
 - (a) Show the ten-foot-wide PUE abutting all private rights-of-way per Section 24-128(b)(12), or provide an approved color-coded utilities plan.
 - (b) Delineate separate parcels for the open space and private rights-of-way and clearly label the disposition of the parcels. Provide the dimensions for the private right-of-way.
 - (c) Revise the tracking chart to reflect the correct number of units for previously approved SDPs and provide a subtotal of units for the pending SDP.

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- (d) Provide the bearings and distances on all property lines and for each parcel and lot. Dimension the distance between the rows of townhouse lots.

Failure of the site plan and record plats to match will result in building permits being placed on hold until the plans are corrected. There are no other subdivision issues at this time.

These conditions have been included as conditions of this approval.

- d. **Trails**—The Planning Board reviewed the submitted SDP application referenced above for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* (area master plan) in order to implement planned trails, bikeways, and pedestrian improvements. The subject property is located within a much larger overall development on the west side of Crain Highway (US 301) and south of Leeland Road. The site has multiple prior approvals and the subject application proposes 35 townhouse units in East Village, Section 4, and 72 units in East Village, Section 5.

The Beech Tree development includes standard sidewalks along at least one side of all internal roads, consistent with prior approvals. Sidewalks are provided along both sides of the road in some cases where warranted by denser development or nearby pedestrian destinations. The submitted SDP reflects sidewalks along both sides of most roads and sidewalk access along all townhouse frontages. However, there are some gaps in the network that reduce its overall usability. With a few additional sidewalk connections, these gaps could be eliminated. These additional sidewalk connections are along both sides of the northern end of Sunningdale Place and along both sides of the northern end of Medstead Lane. This will complete the sidewalk connection from the residential units to Beech Tree Parkway.

From the standpoint of non-motorized transportation, the Planning Board finds that this plan is acceptable, fulfills the intent of applicable master plans and functional plans, fulfills prior conditions of approval, and meets the finding required for a SDP as described in Section 27-285 of the Zoning Ordinance with the following conditions:

- (1) Extend the standard sidewalks along both sides of Sunningdale Place in order to provide access to Lots 17 through 23, unless modified by DPW&T.
- (2) Extend the existing sidewalks along both sides of Medstead Lane to Beech Tree Parkway, unless modified by DPW&T.

The second condition has been included in this approval. However, the phrase allowing modification by DPW&T has been removed as the named streets are private and, therefore, not within the jurisdiction of DPW&T. The Planning Board also found that the

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sidewalk cannot be extended along the eastern side of Sunningdale Place due to grading issues.

- e. **The Department of Parks and Recreation (DPR)**—DPR did not provide comments on the subject application.
- f. **Permit Review**—There are no permit related comments on the subject application.
- g. **Public Facilities**—The Planning Board reviewed the subject SDP and indicated that the required fire, rescue, and police facilities have been determined to be adequate. Additionally, the Planning Board reviewed an analysis of a possible school facilities surcharge for each dwelling unit which was resolved at the time of the preliminary plan, and the proposed development is in water and sewer Category 3, Community System.
- h. **Environmental Planning**—The Planning Board reviewed a summary of the environmental site description and an analysis of the site plan's conformance with various environmental conditions in A-9763-C, CDP-9706, and 4-00010. This analysis is discussed in detail in Findings 7, 8, and 9.

An approved natural resources inventory (NRI) is not a submittal requirement for this SDP because a preliminary plan was previously approved by the Planning Board which provides the necessary grandfathering. A NRI for East Village, Sections 4 and 5, is not a zoning requirement with the previous SDP or with this revision. A forest stand delineation was reviewed with the approval of TCPII-049-98.

The site contains significant natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. The Patuxent River Primary Management Area Preservation Area (PMA) is defined in Section 24-101(b) of the Subdivision Regulations as an area to be preserved in its natural state to the fullest extent possible. A Jurisdictional Determination regarding the extent of regulated streams and wetlands was previously obtained from the U.S. Army Corps of Engineers and was entered into the record of CDP-9407.

The total area of PMA on the Beech Tree property is approximately 329.80 acres. The total amount of disturbance permitted in the PMA for the entire site through prior approvals is 23.22 acres. The previous conditions of approval required that woodland clearing within the PMA be mitigated on-site by afforesting unwooded areas of the PMA as previously shown on the approved TCPII for the golf course. The boundary between the adjacent golf course parcel and the current SDP is proposed to be revised, but was not delineated on the TCPII submitted for review.

The disturbances proposed to the PMA by previously approved SDP-0315 were generally consistent with those previously approved by the Planning Board, but with the change of boundaries between the golf course and the SDP, the change in unit types and layout, and

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the lack of an approved stormwater management plan, as well as other site utility adjustments, general consistency of the plan with previously approved impacts cannot be fully assessed.

On May 6, 1998, the Prince George's County Department of Environmental Resources approved Stormwater Management Concept Plan 988005250. The approval is based on existing conditions of the 100-year floodplain and covers the construction of the lake, golf course, maintenance building, club house, and associated parking.

The approval required 2-year storm, 10-year storm and 100-year storm attenuation for the entire site. Because of the presence of Marlboro Clay, infiltration is not permitted. All lots must be located so that the 1.5 safety factor line is off of the lots. A detailed underdrain system was to be provided with each concept plan. The on-site lake is to be designed for 2-, 10-, and 100-year control for all contributory areas and is to overcompensate for all areas that do not drain directly into the lake. State wetland permits must be obtained prior to approval of the SDP. A floodplain approval is required for the lake. There shall be a minimum 50-foot buffer between the 100-year floodplain and residential lot lines. All stormdrains through Marlboro clay are to convey the 100-year storm and be rubber gasketed. All flows in yard areas are to be picked up at two cubic feet per second. All outfalls are to be located below Marlboro clay outcrops. All yard slopes within Marlboro clay areas must be 4:1 or flatter. All water quality ponds shall be reviewed for safety issues. Proposed forebays or water quality ponds to serve as playable hazard are to be privately maintained.

The previously approved development of SDP-0315 did not modify the prior stormwater approvals. Impacts to the stormwater concept approval due to the change of impervious surface, or subsequent revisions to the technical stormwater management plans, will be assessed by DPIE during their review of this application and reflected in the current application.

Marlboro clay presents a special problem for development of the Beech Tree site. Consideration 6 of A-9763-C was adopted to address this issue. The greatest concern is the potential for large-scale slope failure with damage to structures and infrastructure. Marlboro clay creates a weak zone in the subsurface; areas adjacent to steep slopes have naturally occurring landslides. Grading in the vicinity of Marlboro clay outcrops on steep slopes can increase the likelihood of a landslide. Special treatments are required during installation of the base for all roads. Water and sewer lines laid within the Marlboro clay layer require special fittings. Side slopes of road cuts through Marlboro clay need special treatment. Special stormwater management concerns need to be addressed when Marlboro clay is present on a site. Footers for foundations cannot be seated in Marlboro clay. The Planning Board reviewed SDP-0315 with the prior approval and determined that high-risk areas do not occur on the East Village, Sections 4 and 5, portions of the Beech Tree site. Nonetheless, in some areas, special drainage measures, road construction, and foundation construction methods may be needed as determined appropriate by DPIE.

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These conditions have been included as conditions of this approval.

- i. **Prince George's County Fire/EMS Department**— The Fire/EMS Department, in a memorandum dated October 9, 2013, provided standard comments regarding fire apparatus, hydrants, and lane requirements. Those issues will be enforced by the Fire/EMS Department at the time of issuance of a permit.
- j. **Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated December 4, 2013, DPIE stated that they had no objection to this SDP revision, or variance request, and provided a standard response on issues such as frontage improvements, soils, storm drainage systems, and utilities in order to be in accordance with the requirements of DPIE. Those issues will be enforced by DPIE at the time of issuance of permits. DPIE also indicated that the subject SDP is in conformance with approved Stormwater Management Concept Plans 20712-2004-00 and 32573-2008-02.
- k. **Prince George's County Police Department**—In a memorandum dated October 11, 2013, the Police Department indicated that, after reviewing the plans, there is a concern regarding inadequate street lighting on some of the streets (i.e., Medstead Lane and Sunningdale Place) and alley ways servicing the proposed townhouses.

A condition has been included in this approval requiring that additional street lighting be provided along the private streets and alley ways.

- l. **Prince George's County Health Department**—In a memorandum dated October 10, 2013, the Health Department provided the following comments:
 - (1) There is an increasing body of scientific research suggesting that artificial light pollution can have lasting adverse impacts on human health. Indicate that all proposed exterior light fixtures will be shielded and positioned so as to minimize light trespass caused by spill light.

The submitted SDP does not specify that full cut-off optic light fixtures will be used throughout the development. Therefore, a condition has been included in this approval requiring this to be specified.

- (2) The proximity of golf course holes to residences in Section 13 may constitute a safety hazard. Ensure an errant ball study shows no adverse impacts to residents and properties in the vicinity.

This SDP does not involve Section 13; however, this issue was addressed by multiple conditions of previous approvals which have been fully conformed with.

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- (3) There is an increasing body of scientific research suggesting that community gardens enhance nutrition and physical activity and promote the role of public health in improving quality of life. The applicant should consider setting aside space for a community garden within this area of the East Village or next to the proposed community center to create a park-school-garden complex.

Previous approval conditions, along with the large amount of environmental features and steep slopes on-site, leave no feasible area for a community garden.

- (4) The public health value of access to active recreational facilities has been well documented. The applicant proposes hiker-biker trails, health club/fitness center, golf course, equestrian center, tennis courts, swimming pool, softball fields, soccer/football fields, and open space. Access to these active recreation facilities and green space will be a positive health benefit to the residents.

This is noted.

- m. **Washington Suburban Sanitary Commission (WSSC)**—In a memorandum dated October 7, 2013, WSSC provided a standard response on issues such as pipe and easement requirements.
 - n. **Verizon**—Verizon did not provide comments on the subject application.
 - o. **Baltimore Gas and Electric (BG&E)**—BG&E did not provide comments on the subject application.
16. **Required Findings:** Section 27-528 of the Zoning Ordinance sets forth the following criteria for the approval of a specific design plan:
- (a) **Prior to approving a Specific Design Plan, the Planning Board shall find that:**
 - (1) **The plan conforms to the approved Comprehensive Design Plan, the applicable standards of the Landscape Manual, and except as provided in Section 27-528(a)(1.1), for Specific Design Plans for which an application is filed after December 30, 1996, with the exception of the V-L and V-M Zones, the applicable design guidelines for townhouses set forth in Section 27-274(a)(1)(B) and (a)(11), and the applicable regulations for townhouses set forth in Section 27-433(d) and, as it applies to property in the L-A-C Zone, if any portion lies within one-half (1/2) mile of an existing or Washington Metropolitan Area Transit Authority Metrorail station, the regulations set forth in Section 27-480(d) and (e);**

The plan conforms to the requirements of CDP-9706 as detailed in Finding 8 above and the Landscape Manual as detailed in Finding 12 above.

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- (1.1) For a Regional Urban Community, the plan conforms to the requirements stated in the definition of the use and satisfies all requirements for the use in Section 27-508 of the Zoning Ordinance;**

The subject project is not a regional urban community. Therefore, the requirements of this subpart are not applicable.

- (2) The development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the appropriate Capital Improvement Program or provided as part of the private development;**

The Planning Board found that the subject development will be adequately served within a reasonable period of time, if the approval were made subject to conditions. Those conditions have been included in this approval.

The Planning Board found, in regards to public facilities including fire, rescue, police, schools, and water and sewer, that the development will be adequately served within a reasonable period of time.

- (3) Adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties;**

In a referral dated December 4, 2013, DPIE stated that the subject SDP is consistent with approved Stormwater Management Concept Plans 20712-2004-00 and 32573-2008-02.

- (4) The plan is in conformance with an approved Type 2 Tree Conservation Plan;**

The Planning Board found to approve TCPII-037-13, with conditions. Those conditions have been included in this approval. Therefore, it may be said that the plan is in conformance with an approved Type 2 tree conservation plan.

- (5) The plan demonstrates that the regulated environmental features are preserved and/or restored to the fullest extent possible.**

The Planning Board finds that the site contains regulated environmental features and that the subject SDP demonstrates that the regulated environmental features are preserved and/or restored to the fullest extent possible.

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

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Conservation Plan (TCPII-037-13), and further APPROVED Specific Design Plan SDP-0315/04, including a Variance from Section 27-515(b), Footnote 29, for the above-described land, subject to the following conditions:

1. Prior to certification of the specific design plan (SDP), the applicant shall:
 - a. Obtain approval of a vacation petition in accordance with Section 24-112 of the Subdivision Regulations for that part of the record plats that contain Outparcels 3, 6, and 10, necessary to implement the single-family attached lots in East Village, Section 4, or remove the lots and residential units from these areas.
 - b. Provide a tree canopy coverage schedule showing the requirement being met on-site.
 - c. Provide additional street lighting along the private streets and alley ways.
 - d. Extend the existing sidewalks along both sides of Medstead Lane to Beech Tree Parkway.
 - e. Distribute a sufficient amount of on-street parking spaces evenly in locations convenient to each townhouse lot and provide sidewalk connections to the parking spaces, to be reviewed by the Urban Design Section as designee of the Planning Board. Revise the tabulation chart on the coversheet as necessary.
 - f. Show the ten-foot-wide public utility easement abutting all private rights-of-way per Section 24-128(b)(12) of the Subdivision Regulations, or provide an approved color-coded utilities plan.
 - g. Delineate separate parcels for the open space and private rights-of-way and clearly label the disposition of the parcels. Provide the dimensions for the private rights-of-way.
 - h. Revise the tracking chart to reflect the correct number of units for previously approved SDPs, and provide a subtotal of units for the pending SDP.
 - i. Provide the bearings and distances on all property lines and for each parcel and lot. Dimension the distance between the rows of townhouse lots.
 - j. Indicate that all proposed exterior light fixtures will be shielded and positioned so as to minimize light trespass caused by spill light.
 - k. Revise the SDP and tree conservation plan (TCP) coversheets to indicate, on the overall plan of the Beech Tree project, all project areas in their correct relation to one another, all phase or section numbers, all approved or submitted SDP numbers, and all approved or submitted TCP numbers.
 - l. Revise the Type II tree conservation plan (TCPII) as follows:

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- (1) All vulnerable edges of afforestation adjacent to residential lots and street frontage shall be planted using the "edge planting detail" consisting of a double row of whips (one-inch caliper) planted adjacent to a permanent tree protection device.
 - (2) Where landscaping and woodland conservation areas overlap, the landscaping elements shall be shown on the TCPII so coordination can occur between the plantings. If landscape materials are provided in lieu of the whip planting proposed for woodland conservation, then the stocking rate shall be equivalent to the requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance of 500 caliper inches per acre.
 - (3) Revise the individual woodland conservation worksheet to correctly calculate the requirement for the site and indicate how the woodland conservation requirement for the site will be provided.
 - (4) Add the TCPII number, TCPII-037-13, to the approval block and correct the reference to the current TCPII wherever it occurs.
 - (5) Revise and update the overall woodland conservation summary sheet for the entire Beech Tree project, which indicates how the woodland conservation requirement is being provided for the entire site consistent with all approvals to date, and the current revisions for Specific Design Plan SDP-0902 and SDP-0315.
 - (6) Have the revised plan signed by the qualified professional who prepared it.
- m. The applicant shall demonstrate that impacts to the primary management area (PMA) proposed under the current application through on-site or off-site grading are generally consistent with the impacts approved by the Planning Board with the applicable preliminary plan of subdivision and SDP-0315.
 - n. Approved wetlands mitigation plans shall be submitted to confirm that all applicable conditions related to mitigation areas abutting this SDP have been fully complied with in the current application.
 - o. Specific Design Plan SDP-9803 and its associated TCP shall be revised to adjust the limits and/or include the grading, woodland conservation, landscaping, and stormwater management features proposed on the site as part of the subject application. Any changes to the woodland conservation requirement, or amount provided resulting from the revision of SDP-9803 and TCPII-049-98, shall be correctly reflected in the overall Beech Tree woodland conservation worksheet prior to certification of SDP-0315-04.
 - p. Revise the plant list to correctly identify native and non-native plants and adjust the Section 4.9 landscape schedule as necessary.

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- q. Revise the landscape plan to provide a Section 4.6 schedule for all townhouse lots with rear yards oriented toward a street, including primary or lower road classifications, excluding alleys.
- r. Clarify fulfillment of the Section 4.7 bufferyard requirements along the adjacent golf course property.
- s. Revise the landscape plan to provide a schedule for Section 4.10, Street Trees along Private Streets, showing the requirements being met.
- t. Revise and/or add plantings to the rear of all townhouse lots, as necessary, to provide buffering between townhouse lots, or between townhouse lots and adjacent large retaining walls or slopes, to be reviewed by the Urban Design Section as designee of the Planning Board.
- u. Revise the elevations to demonstrate that the first story of the front and side elevations will be brick or masonry on all single-family attached units.
- v. The following number of dwelling units in any horizontal, continuous, attached group of townhouse dwellings shall have a roof feature containing either a reverse gable or dormer window(s):
 - (1) Four dwelling units in any building group containing five or six units; or
 - (2) Three dwelling units in any building group containing four units; or
 - (3) Two dwelling units in any building group containing three units.
- w. At a minimum, the following townhouse lots shall be considered highly-visible and shall have side entry units: Block Y, Lots 1, 3, 4, 7, and 9; Block R, Lots 27, 28, 30, 31, and 42; and Block Z, Lots 1, 5, 10, 11, 16, 24, 65, and 72.
- x. All garage doors shall have a carriage-style appearance.
- y. At least the following number of dwelling units in any horizontal, continuous, attached group of townhouse dwellings shall have a full front façade (excluding gables, windows, trim, and doors) constructed of brick, stone, or stucco.
 - (1) Four dwelling units in any building group containing five or six units.
 - (2) Three dwelling units in any building group containing four units.
 - (3) Two dwelling units in any building group containing three units.

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- z. Every side elevation which is highly visible from the public street shall display significant architectural features as provided in one of the following options:
 - (a) Full brick, stone, stucco, or other masonry treatment, combined with at least three windows, doors, or other substantial architectural features; or
 - (b) Brick, stone, stucco, or other masonry treatment (not including the gable area), combined with no less than four windows or one side entry door.
- 2. Prior to the issuance of any grading permits which impact wetlands, wetland buffers, streams, or waters of the U.S., the applicant shall submit valid copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and any associated mitigation plans.
- 3. Prior to certificate approval, the applicant shall demonstrate to the Urban Design Section as designee of the Planning Board that the prices of proposed dwelling units will not be lower than the following ranges (in 1989 dollars):

Single-Family Detached:	\$225,000-500,000+
Single-Family Attached:	\$150,000-200,000+
Multifamily dwellings:	\$125,000-150,000+
- 4. Prior to approval of each building permit for a dwelling unit, the applicant shall demonstrate that the price of the dwelling unit will not be lower than the ranges above (in 1989 dollars).
- 5. This development is subject to all of the transportation and phasing conditions of Specific Design Plan SDP-9907, or as amended. Any changes to the sequencing of transportation improvements and/or changes to these development thresholds will require the filing of a specific design plan application, and a new staging plan reflecting said changes must be included with application.
- 6. Prior to issuance of grading permits for land associated with Specific Design Plan SDP-0315-04, the approved technical stormwater management plans shall be submitted and reviewed to ensure that the plan is consistent with the previously approved habitat management program, and that water quality treatment is provided on the plan at all stormdrain outfalls. If revisions to the Type II tree conservation plan are required due to changes to the technical stormwater management plans, the revisions shall be handled at staff level if the changes result in less than 20,000 square feet of additional woodland cleared and do not substantially increase the quantity of primary management area impacts approved with Specific Design Plans SDP-0315 and SDP-9803, as amended.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

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* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Shoaff, with Commissioners Washington, Shoaff, Bailey and Geraldo voting in favor of the motion, and with Commissioner Hewlett recused at its regular meeting held on Thursday, December 19, 2013, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 9th day of January 2014.

Patricia Colihan Barney
Executive Director

APPROVED AS TO LEGAL SUFFICIENCY




M-NCPPC Legal Department

Date

12/30/13

By


Jessica Jones
Planning Board Administrator

PCB:JJ:JK:arj