

Case No.: CDP-0505

Applicant: Toll Brothers, Inc.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,  
SITTING AS THE DISTRICT COUNCIL

ORDER AFFIRMING PLANNING BOARD DECISION,  
WITH CONDITIONS

IT IS HEREBY ORDERED, after review of the administrative record, that the Planning Board's decision in Resolution PGCPB No. 06-273 to approve with conditions a comprehensive design plan for 818 residential dwelling units, of which 602 are market rate (97 townhouse and 505 single-family detached units) and 216 units are in a mixed retirement component (50 single-family detached, 56 townhomes, and 110 multifamily units), in the R-S Zone, on property known as Willowbrook, described as approximately 427 acres of land, located on the north side of Leeland Road, approximately 3,250 feet west of its intersection with US 301, Upper Marlboro, is:

AFFIRMED, for the reasons stated by the Planning Board in its resolution, which are hereby adopted as the findings of fact and conclusions of law of the District Council.

Affirmance of the Planning Board's decision is subject to the following conditions.

1. Prior to certificate approval of the subject plans, applicant shall complete the following actions, revise the plans as follows and/or provide the required documentation:
  - a. Applicant shall have a qualified archeologist do Phase I (Identification) archeological investigations for the subject site in accordance with the Maryland Historical Trust (MHT) guidelines, *The Standards and Guidelines for Archeological Investigations in Maryland* (Schaffer and Cole, 1994), and the Prince George's County Planning Board's *Guidelines for Archeological Review* (May 2005). The archeologist shall present the results of the Phase I in draft form in accordance with the guidance of the MHT guidelines and the *American Antiquity* or *Society of Historical Archeology* style guide for review and approval. Following such approval, four copies of the final report shall be submitted to M-NCPPC Historic Preservation staff. Applicant shall present proof of such approval to the Urban Design Section prior to certification of the plans.
  - b. If, as a result of the findings of the Phase I study required by condition 1 (a) above, it is determined by the Staff Archeologist that potentially significant archeological resources exist in the project area, prior to Planning Board

approval of any specific design plan or final plat, the applicant shall provide a plan for evaluating the resource at the Phase II level or avoiding and preserving the resource in place.

2. Applicant and the applicant's heirs, successors, and/or assignees shall construct the master plan trail along the subject site's portion of Collington Branch. Park dedication and alignment of the trail shall be coordinated with the Department of Parks and Recreation.
3. Applicant and the applicant's heirs, successors, and/or assignees shall construct a Class I Master Plan Trail along the subject site's entire frontage of Leeland Road.
4. Standard sidewalks shall be provided along both sides of all internal roads, unless modified by DPW&T.
5. A detailed analysis of the master plan trails, internal trail network, and neighborhood connector trails shall be completed at the time of specific design plan. Connector trails to the master plan trails, to other park or recreational facilities, and between neighborhoods shall be provided.
6. All trails shall be located off private lots, and located on M-NCPPC or HOA land, or within a public road right-of-way.
7. Prior to issuance of building permit:
  - a. With the submission of each building permit, the applicant, his heirs, successors or assigns shall pay to Prince George's County a fee calculated as  $\$1,550/\text{DU} \times (\text{FHWA Construction Cost Index at time of payment})/(\text{FHWA Construction Cost Index for second quarter, 1989})$  as its share of costs for improvements to US 301 between MD 725 and MD 214.
  - b. In lieu of the payment of fees required in Condition 7 (b) above, and subject to approval by the Department of Public Works & Transportation (DPW&T) and the State Highway Administration (SHA), the applicant, his heirs, successors or assigns may be required to construct a third northbound through lane on US 301 from a point just north of Leeland Road to a point just north of Trade Zone Avenue. Additionally, the improvement may include a third eastbound left turn lane along Leeland Road at its intersection with US 301. The total cost of these improvements, or other variation determined by SHA shall not exceed an amount calculated as  $\$2,170,000.00 \times (\text{FHWA Construction Cost Index at time of payment})/(\text{FHWA Construction Cost Index for 2nd quarter, 1989})$ .
8. At the time of preliminary plan, the applicant shall be conditioned to dedicate all rights-of-way for MC-600 (Leeland Road) as identified by the Planning Department.
9. Prior to the issuance of any 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, his heirs, successors or assigns:

- a. Leeland Road-Construct Leeland Road-Oak Grove Road to provide a minimum of 2 lanes of the ultimate 4-lane master plan alignment between US 301 and MD 193, in accordance with DPW&T standards;
  - b. MD 193/Oak Grove Road Intersection (roundabout) - The applicant shall provide an exclusive right turn lane at the westbound approach;
  - c. MD 202/MD 193 Intersection—Provide a left turn, a shared left/through lane, and a right turn lane on the southbound MD 193 approach;
  - d. Provide a second left turn on the eastbound MD 202 (towards Upper Marlboro) approach;
  - e. The applicant shall conduct signal warrant studies at the following intersections, and install said signal if deemed to be warranted, or provide an alternate improvement as deemed necessary by DPW&T;
    - Leeland Road/Safeway Access
    - Leeland Road/ Site Access B
    - Leeland Road/ Site Access A
    - Oak Grove Road/ Church Road
    - Oak Grove Road/Whistling Duck Drive
10. The preliminary plan submittal package shall include a wetlands report regarding the three stream segments shown on Watershed Restoration Action Strategy (WRAS) that were not shown on the signed Natural Resources Inventory (NRI), providing an assessment of their characteristics and appropriate classification. The NRI and all associated plans shall be revised, if necessary, to reflect the results of that assessment.
  11. The preliminary plan submittal package shall include a report regarding the twelve (12) WRAS sites identified on the Willowbrook Stream Corridor Assessment based on the Stream Corridor Assessment prepared by the Maryland Department of Natural Resources. The report shall identify the existing conditions and make specific recommendations regarding stream restoration and/or mitigation methods. Any restoration proposals that require impacts to the Patuxent River Primary Management Area (PMA) shall be included in the Letter of Justification for impacts associated with the proposed development.
  12. At time of submission of the first Specific Design Plan, a Watershed Restoration Plan shall be submitted which addresses the implementation of the WRAS sites report submitted at time of preliminary plan. The scope of the Watershed Restoration Plan may be expanded to address additional sites or concerns identified during preliminary plan review.
  13. At time of Specific Design Plan submission, each SDP shall include a statement regarding how the proposal uses green building techniques and alternative energy sources.
  14. The following note shall be placed on the preliminary plan and all future Tree Conservation Plans: “All community lighting shall use full cut-off optics and be directed downward to reduce glare and light spill-over.”

15. Prior to certificate approval of the CDP, the alignment of the hiker/biker trail shown in the Collington Branch stream valley shall be removed from all plans and substituted with the following note: “The placement of the hiker-biker trail will be evaluated at time of preliminary plan review and shall limit permanent and temporary impacts to the PMA to only those necessary for construction. The majority of the trail shall be located outside the PMA or in locations where impacts already exist.” All proposed impacts to the PMA for trails shall be shown on the TCP I associated with the preliminary plan and shall be part of the Letter of Justification.
16. Prior to certificate approval of the CDP, the TCP I shall be revised to show the provision of a wooded scenic buffer along Leeland Road through preservation, reforestation or afforestation with a minimum width of 40 feet outside of the public utility easement.
17. At time of preliminary plan, a scenic easement shall be established along the north side of Leeland Road with a minimum width of 40 feet outside of the public utility easement. The purpose of this scenic easement shall be to retain the wooded character of the Leeland Road frontage.
18. At time of TCP II, the wooded scenic buffer along the north side of Leeland Road shall be given special consideration in order to maintain the wooded character of the frontage. This shall include: the planting of native species, the planting of larger planting materials in order to establish the scenic buffer more quickly, and management techniques for enhancing preserved woodlands such as removing invasive vines and non-natives, trimming, and/or understory planting.
19. At least 30 days prior to any hearing on the preliminary plan application, the NRI shall be revised to reflect all relevant information regarding the rare, threatened and endangered species, field-run topography, and the location and classification of all existing streams.
20. At least 30 days prior to Planning Board hearing for the preliminary plan, a detailed geotechnical report based on the existing conditions of the site, including the most current topographical information (or as shown on the NRI) shall be submitted. It shall also address the existing outcrop pattern of Marlboro clays and areas of slope stability concerns with respect to the existing conditions. The study shall provide the appropriate plans and/or exhibits, showing the location of all slope stability cross-sections, and identify the unmitigated 1.5 safety factor lines. The unmitigated 1.5 safety factor lines based on that report shall then be placed on the TCP I and the preliminary plan.
21. At least 30 days prior to any Planning Board hearing on the preliminary plan application, the existing conditions and proposed 1.5 safety factor line shall be shown on the preliminary plan and Type I Tree Conservation Plan. No structures, septic fields, or lots less than 40,000 square feet in area shall be placed within the mitigated 1.5 safety factor line. All subsequent plans shall also show this information. If proposed engineering of the site will change the location of the existing 1.5 safety factor line, the proposed 1.5 safety factor line must also be shown on all plans.

22. At least 30 days prior to any Planning Board hearing for the preliminary plan, the associated TCP I shall be revised to show a 100-foot protection buffer for rare, threatened and endangered species with respect to all streams and wetlands on the site. The PMA shall be revised to include that 100-foot buffer. Impacts shown to the 100-foot buffer and PMA on the TCP I associated with the CDP shall be re-evaluated and reduced or eliminated during the review of the preliminary plan. Impacts should be limited to those that are essential for the development of the site.
23. Prior to signature approval of the preliminary plan, a copy of the stormwater management concept plan shall be submitted. The plan shall include the use of sheet flow buffers, vegetated channels, and rooftop and non-rooftop disconnection to the fullest extent possible in addition to other stormwater management techniques.
24. At least 30 days prior to any Planning Board hearing on the preliminary plan application, a conceptual Habitat Protection and Management Program shall be submitted for approval with the Preliminary Plan of Subdivision. The Program shall include, but not be limited to:
  - a. Hydrologic monitoring for a minimum of a year prior to the issuance of the first grading permit to establish a baseline of data, during construction, and post construction for the following elements: water quality, benthic macroinvertebrate, hydrologic flow, sedimentation.
  - b. Monitoring during construction for the following: sediment and erosion control measures, stormwater management controls, special protection measures for RTE habitat.
  - c. Monitoring of the RTE Species during and post-construction.
25. At least 30 days prior to any Planning Board hearing on the first SDP application, a detailed Habitat Protection and Management Plan shall be submitted to be approved with the first SDP which addresses specific implementation methodologies for the long-term protection and assessment of the RTE habitat location on this site.
26. Prior to issuance of the first grading permit, a minimum of one year of hydrologic monitoring data, as determined by the program, shall be submitted, to establish a baseline for evaluation impacts to the RTE habitat resulting for construction activities, and post development.
27. As part of the submission package for the first SDP, a plan and text shall be submitted that addresses a sediment and erosion control protocol that is more stringent than the minimum required. It shall include phasing of the site in such a way that the erosion prevention and sediment control mechanisms such as sediment basins stay in place until the last lot is built in the phase. The plan shall incorporate additional control measures and inspections to ensure maximum filtration of runoff and complete implementation of the plan. The package shall be reviewed by the Environmental Planning Section staff in coordination with the staff of the Soil Conservation District.

28. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., copies of all federal and State wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans shall be submitted to the Planning Department.
29. Prior to certificate approval of the CDP, the Type I Tree Conservation Plan shall be revised as follows:
  - a. Revise the plans to label all graphic elements fully, and include all graphic elements in the legend;
  - b. Show no 1.5 safety factor line, PMA or woodland conservation on any lot and show calculate all woodland retained on any lot as cleared;
  - c. Show conceptual clearing of the I-1 property in order to account for the development of this parcel on the TCP I;
  - d. Revise the limits of disturbance on the parcel to the dedicated to the Department of Parks and Recreation to show how the 100 foot-wide RTE buffer can conceptually be preserved;
  - e. Add the following note: “The limits of disturbance shown on this plan are conceptual and do not depict approval of any impacts to regulated features.”
  - f. Remove the “50 foot stream buffer” and the “100 foot stream buffer” from the plan sheets and legends; only the PMA should be shown;
  - g. Show the PMA in conformance with the revised NRI;
  - h. Show the location of the plant populations of rare threatened and endangered species so the protection of the sensitive species habitat;
  - i. Show woodland conservation and the limits of disturbance set back a minimum of 10 feet from the bottom of any retaining wall in order to provide for construction and maintenance;
  - j. Show woodland conservation and the limits of disturbance set back a minimum of 10 feet from any townhouse lot line.
  - k. Provide woodland conservation on-site to the fullest extent possible contiguous to the primary and secondary corridors identified on the site, especially in areas of high quality woodland;
  - l. Revise the worksheet as needed to reflect the above revisions;
  - m. Have the revised plan signed and dated by the qualified professional who prepared the plan.

- 30. Prior to the signature approval of the preliminary plan, written authorization from the Department of Parks and Recreation shall be submitted for any woodland conservation provided on land to be dedicated.
- 31. At the time of Specific Design Plan, the SDP and TCP II shall have the same sheet sections, sheet key, and sheet order. The sheet key shall be placed on all sheets.
- 32. Prior to the issuance of the building permits for lots adjacent to planting areas, all afforestation and associated fencing shall be installed. A certification prepared by a qualified professional may be used to provide verification that the afforestation and fence installation have been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing for each lot, with labels on the photos identifying the locations, and a plan showing the locations where the photos were taken.
- 33. Recreational facilities shall include such amenities as community centers (Active Adult and Family Community Centers) with pools, tennis courts, playgrounds, ball fields, soccer fields, basketball courts, open play areas, picnic areas and a hiker-biker trail. The main community center shall include at least 8,000 square feet GFA. The project shall have at least 3 pools, one indoor and two outdoor, and one of the three shall be of competition size.

The schedule for the construction of the private recreational facilities is:

<b>Recreational Facilities</b>	<b>Percentage of Building Permits Issued when the Particular Facility is Complete</b>
Community Center including pool(s), tennis courts and playground	20 percent of market rate building permits
Active Adult Community Center	20 percent of active adult building permits
Open Play Field	40 percent of market rate building permits
Open Picnic/Play area	60 percent of market rate building permits

The development project shall include a recreational plan substantially similar to Exhibit A, an illustrative plan that the applicant has added to the record, without objection, after the oral argument heard on March 12, 2007. The project's recreation facilities shall be consistent with those typically provided for an active recreational community of this size.

- 34. At the time of specific design plan consideration, existing woodland will be augmented by additional plantings, as necessary to provide protection against off-site impacts.

Ordered this 9th day of April, 2007, by the following vote:

In Favor: Council Members Exum, Bland, Campos, Dean, Dernoga, Harrington, Knotts, Olson and Turner

Opposed:

Abstained:

Absent:

Vote: 9-0

COUNTY COUNCIL OF PRINCE GEORGE'S  
COUNTY, MARYLAND, SITTING AS THE  
DISTRICT COUNCIL FOR THAT PART OF  
THE MARYLAND-WASHINGTON REGIONAL  
DISTRICT IN PRINCE GEORGE'S COUNTY,  
MARYLAND

By: \_\_\_\_\_  
Camille A. Exum, Chair

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council