

The Maryland-National Capital Park and Planning Commission  
 Prince George's County Planning Department  
 Development Review Division  
 301-952-3530



Note: Staff reports can be accessed at [www.mncppc.org/pgco/planning/plan.htm](http://www.mncppc.org/pgco/planning/plan.htm).

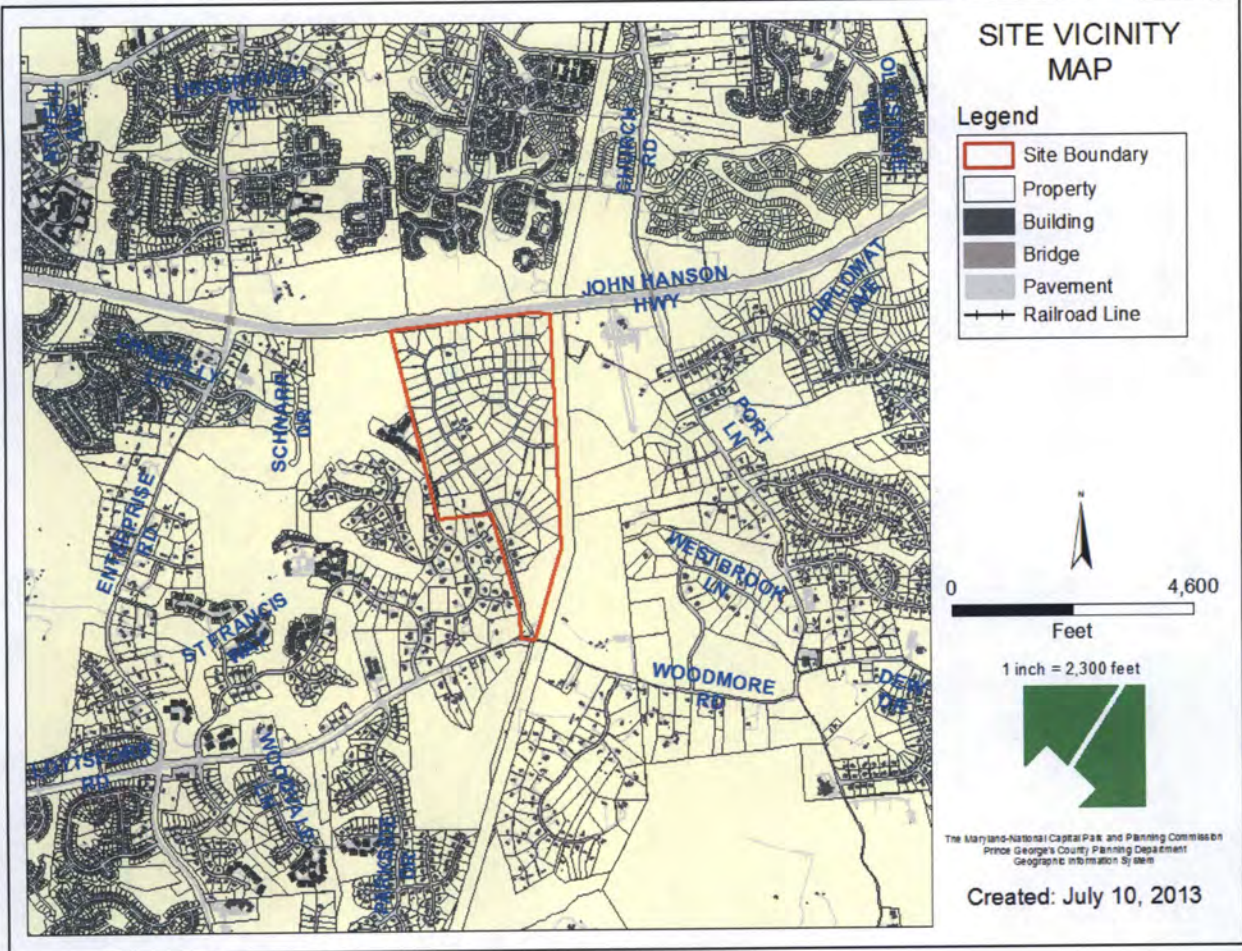
## Detailed Site Plan

**DSP-04040-07**

Application	General Data	
<b>Project Name:</b> Waterford, Lot 100, Block A  <b>Location:</b> South side of John Hanson Highway (US 50) and on the north side of Woodmore Road, approximately 2,000 feet east of its intersection with Pleasant Prospect Road.  <b>Applicant/Address:</b> Chesapeake Custom Homes, LLC 1525 Pointer Ridge Place, Suite 301 Bowie, MD 20716	Planning Board Hearing Date:	01/30/14
	Staff Report Date:	01/15/14
	Date Accepted:	12/18/13
	Planning Board Action Limit:	03/13/14
	Plan Acreage:	261.19
	Zone:	R-A
	Dwelling Units:	126
	Gross Floor Area:	N/A
	Planning Area:	74A
	Tier:	Developing
	Council District:	06
	Election District	07
	Municipality:	N/A
200-Scale Base Map:	205NE11	

Purpose of Application	Notice Dates	
Review of building architecture for Lot 100, Block A, in accordance with Condition 20 of the District Council Order for DSP-04040.  Variance from Section 27-442(c) for lot coverage.	Informational Mailing:	09/27/13
	Acceptance Mailing:	12/17/13
	Sign Posting Deadline:	12/31/13

<b>Staff Recommendation</b>		<b>Staff Reviewer:</b> Meika Fields <b>Phone Number:</b> 301-780-2458 <b>E-mail:</b> Meika.Fields@ppd.mncppc.org	
<b>APPROVAL</b>	<b>APPROVAL WITH CONDITIONS</b>	<b>DISAPPROVAL</b>	<b>DISCUSSION</b>
	X		



THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Detailed Site Plan DSP-04040-07  
Waterford, Lot 100, Block A

The Urban Design staff has completed its review of the subject application and appropriate referrals. The following evaluation and findings lead to a recommendation of APPROVAL with conditions, as described in the Recommendation section of this report.

EVALUATION

This detailed site plan was reviewed and evaluated for compliance with the following criteria:

- a. The requirements of the Zoning Ordinance in the Residential-Agricultural (R-A) Zone.
- b. The requirements of Detailed Site Plan DSP-04040.
- c. The requirements of Preliminary Plan of Subdivision 4-03111.
- d. The requirements of the 2010 *Prince George's County Landscape Manual*.
- e. The requirements of the 1993 Prince George's County Woodland Conservation and Tree Preservation Ordinance.
- f. The requirements of the Prince George's County Tree Canopy Coverage Ordinance.
- g. The required criteria for approval of a variance.
- h. Referrals.

FINDINGS

Based upon the evaluation and analysis of the subject application, the Urban Design staff recommends the following findings:

1. **Request:** The subject application is for approval of building architecture for Lot 100, Block A, in accordance with Condition 20 of the District Council Order for Detailed Site Plan DSP-04040, and a variance from lot coverage for Lot 100A.

2. **Development Data Summary:**

Previously approved for Waterford

Zone(s)	R-A
Use(s)	Residential
Acreage	261.19
Net tract area	232.56
Area within 100-year floodplain	28.63
Lots	126 lots and 4 parcels
Dwelling Units:	
Detached	126
Minimum Lot Area	43,560 sq. ft.*

\*Due to the use of varying lot size provisions.

3. **Location:** The site is in Planning Area 74A, Council District 6. Waterford is located on the south side of John Hanson Highway (US 50) and on the north side of Woodmore Road, approximately 2,000 feet east of its intersection with Pleasant Prospect Road. Lot 100, Block A, is located within Waterford, west of Pleasant Prospect (Historic Site 74A-006).

4. **Surrounding Uses:** A Potomac Electric Power Company (PEPCO) right-of-way, undeveloped farmland, and large single-family lots within the Woodmore Subdivision surround the Waterford development. Pleasant Prospect, a two and one-half-story brick plantation house and historic site listed in the National Register of Historic Places, is located within the Waterford development.

5. **Previous Approvals:** Waterford has a number of previous site plan approvals. Waterford was previously the subject of Pre-Preliminary Plan of Subdivision P-03011; Preliminary Plan of Subdivision 4-03111 and Type I Tree Conservation Plan TCPI/72/03 which were approved by the Planning Board's action on February 5, 2004 and adopted on March 25, 2004; and Detailed Site Plan DSP-04040 and Type II Tree Conservation Plan TCPII/152-04. Detailed Site Plan DSP-04040 (PGCPB Resolution No. 05-61) was approved on February 24, 2004 and adopted on March 3, 2005. The District Council took action on DSP 04040 on September 12, 2005 and affirmed the Planning Board's decision, with additional conditions.

An -01 revision to DSP-04040 was reviewed for architecture on Lot 100, although that application became dormant. The subject application proposes new architecture for Lot 100. Detailed Site Plan DSP-04040-02 and TCPII/152-04-05 were approved for the addition of vegetative berms within the larger property. An entrance monument and security cameras were added under an -03 revision to the previously approved detailed site plan (DSP). An -04 revision was approved for architecture for Lot 17, Block A. An -05 revision was approved for architecture for Lots 4 and 19, Block A. An -06 revision was approved for architecture for Lot 99, Block A. Various revisions to the Type II tree conservation plan (TCPII) were also reviewed at staff level.

6. **Design Features:** Lot 100A is a 99,687-square-foot lot (2.28 acres) located west of Pleasant Prospect, Historic Site 74A-006. The building front is oriented toward the Woodmore development, which borders the western property line of the Waterford development. Access to the site is proposed from a ten-foot-wide 650-foot-long driveway that extends from a cul-de-sac at the terminus of Contee Manor Road. The site plan locates an area for a future pool with patio

and a future basketball court in the rear yard of the site. For discussion regarding the architecture proposed for Lot 100, see Finding 8.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the R-A Zone as follows:

- a. In accordance with Section 27-442(c), Table II - Lot Coverage, the maximum lot coverage for lots two-acres or larger in the R-A Zone is ten percent. Lot coverage includes the area of roofed structures and vehicular surfaces. The subject application proposes lot coverage of 11.8 percent. A variance from this provision is requested. For additional information regarding the variance see Finding 13.

The application includes area for a future pool with patio and a basketball court. These areas do not contribute to the site's lot coverage.

- b. The provided yards exceed the minimums defined in Section 27-442(e) of the Zoning Ordinance.
- c. In accordance with Section 27-442(f), Table V - Building Height, the maximum building height in the R-A Zone is 50 feet. The proposed building height and number of stories of the proposed residence should be provided on the DSP and labeled on the architectural elevations.
- d. The site plan indicates that a future swimming pool is proposed. Section 27-424 of the Zoning Ordinance contains additional regulations for swimming pools. In the R-A Zone, six-foot-tall fencing is not specifically required around the swimming pool, although some fencing around the pool may be deemed appropriate by the homeowner in the future. The proposed pool will be located over eight feet from the rear lot line, and conforms to the requirements of Section 27-424. Staff believes that permits for these outdoor features (pool, patio, basketball court, and fencing) should be approved in the future without the need for a revision to the subject DSP.

8. **Detailed Site Plan DSP-04040:** Detailed Site Plan DSP-04040 was approved by the District Council on September 12, 2005 with 24 conditions. The following condition is relevant to the subject DSP:

20. **Prior to the issuance of building permits for Lots 94, 98, 99, and 100, a detailed site plan for review of the architectural elevations shall be approved by the Planning Board, or its designee, to address the materials, elevations, and architecture of proposed houses on these lots, and to demonstrate compatibility with the Woodmore Development. The plans must show a minimum of 4,000 square feet of finished living area above ground, four-sided brick or stone, and cedar shake, slate, or slate-like roofing.**

**Comment:** The subject DSP has been submitted in fulfillment of the above condition. The applicant proposes the Hillmoore architectural model on Lot 100. This is a two-story building with a hip roof and front-facing gable features. An extended front porch with metal roofing is proposed along the front elevation. As required by the above condition, the building will have

four sides of brick or stone. The building is composed of two finish materials: "Virginia Highlands" brick, which is a natural colored red brick, and stone. Stone features are proposed on the western and southern building elevations only. The eastern elevation facing Pleasant Prospect will be entirely brick, in order to maintain compatibility with the historic site. The proposed roofing material is an architectural shingle with the color "Virginia Slate" and will have a slate-like appearance. The architectural elevations indicate that the building will have a mix of attractive architectural features and detailing on all four sides, including windows with arched transom features and windows with brick surrounds, jack arch lintels, and keystones.

A minimum building square footage of 4,000 square feet is also required. This standard was established so that the homes on Lots 94, 98, 99, and 100 would be consistent in size with the larger homes constructed within the Woodmore development. Lot 100 faces constructed homes in Woodmore that front Spriggs Request Way. Two homes located across from the site on Spriggs Request Way in Woodmore have an above-grade enclosed area of 6,193 square feet and 4,531 square feet, according to tax records. The proposed Hillmoore model has a total gross floor area of 6,169 square feet, which meets and exceeds the minimum floor area requirement, and will be compatible in size with constructed homes in Woodmore.

Overall, the submission for Lot 100, Block A, meets the intent of Condition 20 and demonstrates compatibility with the historic site and Woodmore.

9. **Preliminary Plan of Subdivision 4-03111:** The DSP is in conformance with approved Preliminary Plan 4-03111. The following conditions are relevant to the subject review:

14. **Prior to release of building permits for Lots 95 through 100, the applicant shall provide evidence that the 40-foot-deep bufferyard along the Historic Site on each of these has been planted.**

**Comment:** The required landscape bufferyard was partially planted; however, some of the required plant material has died and the bufferyard has gone unmaintained. Currently, much of the required landscape buffer is in a fenced area and is located within a conservation easement. The applicant should consider removing the split rail fencing around the bufferyards to encourage the future homeowner to maintain this area of the property. Split rail fencing is required around afforestation areas to discourage mowing of developing woodland. The historic bufferyard is not an afforestation area and shall be maintained by future homeowners. For this reason, the split rail fencing and the conservation easement should be considered for removal.

Prior to the release of occupancy permits for Lot 100, Block A, or May 15, 2014, whichever comes first, the applicant should submit a certificate of landscape maintenance in accordance with Section 1.7 of the 2010 *Prince George's County Landscape Manual*, which indicates that the required plant materials in the Section 4.7 buffer adjacent to the historic site have been provided or replaced. Additionally, any accumulated debris in this area should be removed.

17. **Prior to the issuance of building permits for Lots 7 through 13, a limited detailed site plan shall be approved by the Planning Board to address the materials, elevations and architecture of proposed houses on these lots.**

**Comment:** Lot 100 was previously identified as Lot 8. At the time of preliminary plan, it was determined that the houses on Lots 7 through 13 would be visible from the Woodmore development. A limited DSP is required to address the materials, elevations, and architecture of

the proposed houses prior to issuance of building permits. The subject application was submitted in fulfillment of the above requirement for Lot 100, Block A.

10. **2010 Prince George's County Landscape Manual:** Future residential construction in Waterford is subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Conformance to the Landscape Manual requirements will be evaluated at the time of building permit.

The landscape plan shows the location of a minimum 60-foot-wide building setback and a 50-foot-wide landscape yard along the rear property line between the proposed single-family home on Lot 100, Block A, and the Pleasant Prospect historic site. Section 1.7, Certificate of Landscape Maintenance, of the Landscape Manual requires that all required landscaping, buffering, and screening be maintained in a healthy condition and in accordance with the approved landscape plan. All dead, diseased, or otherwise absent plant materials required within the Section 4.7 buffer around Pleasant Prospect should be provided. Prior to approval of an occupancy permit for Lot 100, Block A, or May 15, 2014, whichever comes first, the applicant should submit a certificate of landscape maintenance in accordance with Section 1.7, which indicates that the required plant material have been provided or replaced. Additionally, any accumulated debris in this area should be removed.

11. **1993 Prince George's County Woodland Conservation and Tree Preservation Ordinance:** The property is subject to the 1993 Prince George's County Woodland Conservation and Tree Preservation Ordinance because the site has a previously approved tree conservation plan (TCP). The approved TCP is a combined TCP and landscape plan. The current application is limited to architectural review and minor revisions to the landscape plan.

**Comment:** No areas of woodland conservation are proposed to be revised with the current application.

12. **The Prince George's County Tree Canopy Coverage Ordinance:** The subject application is not subject to the requirements of the Tree Canopy Coverage Ordinance because it is located within the R-A Zone, where tree canopy provisions do not apply.
13. **Required Findings for Approval of a Variance:** The subject application requests approval of a variance from Section 27-442(c): Table II - Lot Coverage. While the maximum lot coverage for lots two-acres or larger in the R-A Zone is ten percent, the subject application proposes lot coverage of 11.8 percent. Lot coverage is defined in Section 27-107.01(a)(132) of the Zoning Ordinance as the percentage of a "lot" which is covered by "buildings" (including covered porches) and areas for vehicular access and parking of vehicles.

Section 27-230 of the Zoning Ordinance contains the following required findings to be made before a variance can be granted.

- (a) **A variance may only be granted when the District Council, Zoning Hearing Examiner, Board of Appeals, or the Planning Board as applicable, finds that:**
  - (1) **A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;**

**Applicant's Summarized Justification:** Lot 100 is uniquely shaped. Lot 100 is a flag-shaped lot that has a long stem that wraps around Lot 99 and ultimately connects to the western terminus of Contee Manor Road. Although the mere fact that Lot 100 is a flag-shaped lot does not by itself render the lot uniquely shaped, in comparison to other flag-shaped lots in the community, its shape is unique due to the extraordinary length of the stem. The lot was created this way to provide access to a public right-of-way, but in doing so, it has resulted in the applicant having to provide an unusually long driveway. The total size of Lot 100, in comparison to the unusually long stem/driveway, results in a significant amount of the allowable lot coverage percentage being used by the driveway itself.

**Comment:** Staff concurs with the applicant's justification. Lot 100 is flag-shaped, with an unusually long access. The long stem results in a driveway length of 650 feet. The ten-foot-wide driveway contributes an area of 6,500 square feet to the lot coverage. Over half (55 percent) of the proposed lot coverage for Lot 100 is due to the driveway length.

- (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 Summarized Justification:** Strict compliance would unreasonably prevent the use of the property for a permitted purpose and would render conformance unnecessarily burdensome, as practical difficulties exist due to the fact that without the driveway and a house that is not only in keeping with the character of the neighborhood, but also satisfies the plat condition, reasonable use of the lot would be denied to the applicant and the future owners of Lot 100. The reason for this is because, without the driveway, the applicant and the future owner of Lot 100 will be forced to have an unimproved driveway (or no driveway at all), which will not only require a significant amount of additional upkeep and maintenance, but will also be contrary and inconsistent with the character of this particularly upscale residential neighborhood. The same is true for the house to be constructed on Lot 100, as strict compliance would require a significant reduction to the size of the home, resulting in a product inconsistent with this particular subdivision.

**Comment:** If strict compliance with the lot coverage provisions were required, it would be necessary for the applicant to reduce areas for buildings or vehicles by 1,795 square feet. Because all lots in Waterford are required to have driveways constructed of concrete, it is unlikely that the applicant would be able to comply with the lot coverage provision by eliminating, or significantly modifying the design of the 650-foot-long driveway, which is also ten feet wide, a standard driveway dimension. Lot 100 is unable to share a driveway with an adjacent lot per District Council Condition 5(b) of DSP-04040, which states:

- (b) **On lots 99 and 100, the driveway shall be shown as separate for each lot, separated by a lot line, so that each driveway is on its own lot.**

Further, an elimination of the driveway would be inconsistent with development on adjacent lots.



Because significant alteration of the driveway design is not feasible, conformance with the ten percent lot coverage requirement would result in the reduction of the footprint of the house and paved surfaces near the garage. These areas would need to be reduced by 34.1 percent to comply with the lot coverage requirements, which the applicant indicates would be a hardship. Staff agrees that such a reduction is not desirable in this location.

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

**Comment:** The variance will not impair the intent, purpose, or integrity of the 2002 *Prince George's County Approved General Plan* or the February 2006 *Approved Master Plan and Sectional Map Amendment for Bowie and Vicinity, Planning Area 71A, 71B, 74A and 74B*. The application is located in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. The master plan recommends the retention of large-lot residential land use in this area. The proposed limited variance request for lot coverage will in no way impair the integrity of the General Plan or master plan.

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

- a. **Historic Preservation Section**—In a memorandum dated January 15, 2014, the Historic Preservation Section provided comment on the subject DSP revision. The subject DSP revision provides for a single-family residence that could be considered to be generally compatible with the adjacent historic site. The applicant has worked with Historic Preservation staff to revise and enhance exterior detailing and materials for the house's rear elevation which will be visible from the adjacent historic site. These revisions include the use of only one exterior material, brick, on this elevation and the addition of masonry trim to enhance the character of the window openings on that elevation. The subject site plan application also includes potential future locations for a swimming pool and patio and a basketball court in the rear yard of the property. Although these features will be significant elements of the rear yard, their visual impact from the adjacent historic site should be minimal as only the basketball court will include a vertical feature of any significance. This feature should be substantially screened by the landscape bufferyard to be installed along the common property line with the historic site in compliance with Section 4.7 of the Landscape Manual.
- b. **City of Bowie**—The City of Bowie provided a referral response of no comment for the subject revision.

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

The subject application is not subject to the requirement of Section 27-285(b)(4) that came into effect on September 1, 2010 because the project has a previously approved preliminary plan of subdivision and Type II tree conservation plan.

## RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Detailed Site Plan DSP-04040-07 and a Variance from Section 27-442(c), to allow lot coverage of 11.8 percent, for Waterford, Lot 100, Block A, subject to the following conditions:

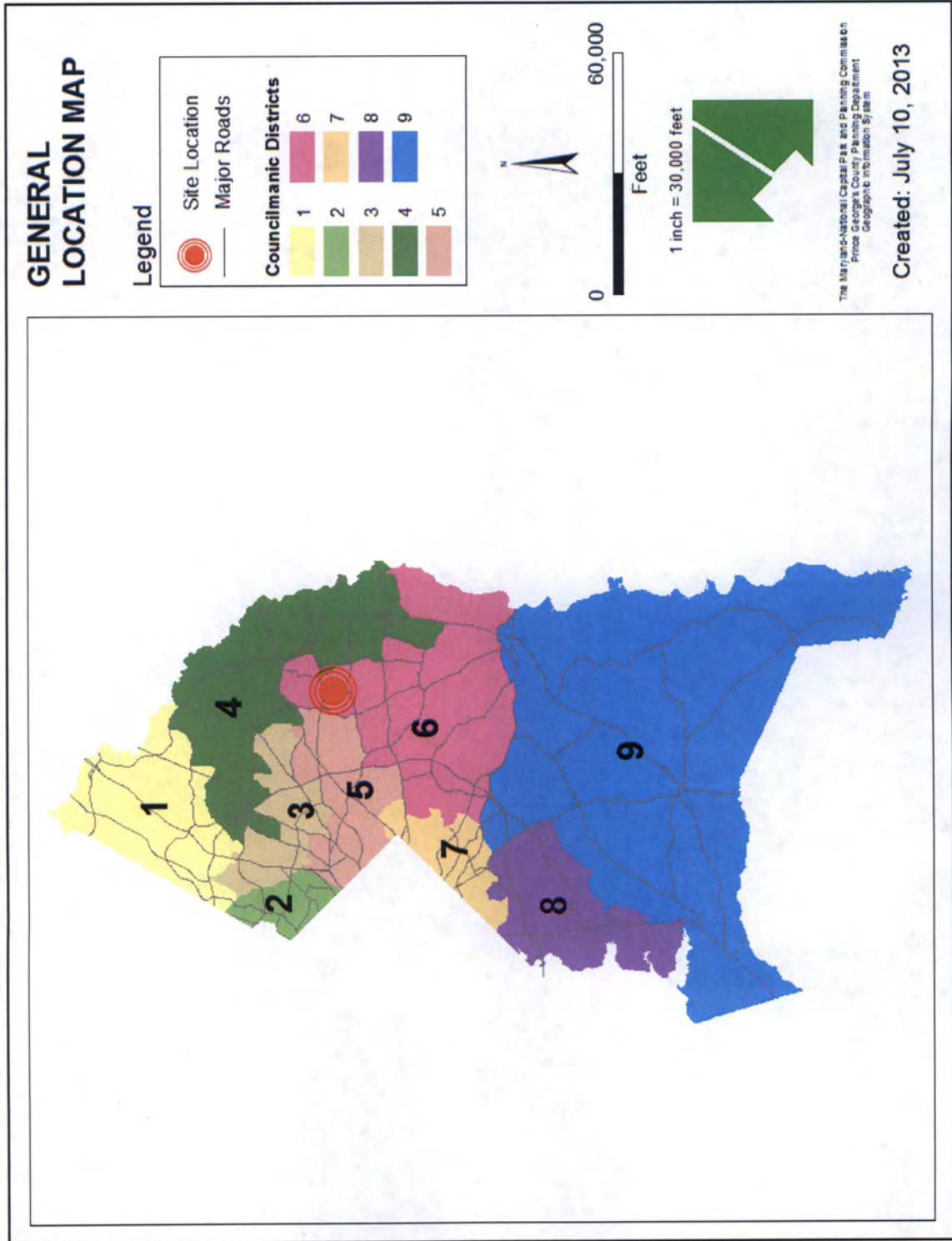
1. Prior to signature approval of the detailed site plan (DSP), the following information shall be provided or revisions made:
  - a. Provide the height and number of stories of the building proposed on Lot 100A on the DSP in or near the building footprint on the site plan.
  - b. Provide the proposed gross floor area of the building on Lot 100A on the DSP.
  - c. The building template sheet shall indicate that a covered front porch is proposed for the Hillmoore model.
  - d. Indicate the location and disposition of the existing split rail fencing within the buffer at the rear of the historic site.
2. Prior to approval of an occupancy permit for Lot 100, Block A, or May 15, 2014, whichever comes first, the applicant shall submit a certificate of landscape maintenance in accordance with Section 1.7 of the 2010 *Prince George's County Landscape Manual*, indicating that all dead, diseased, or otherwise absent plant materials that are required within the Section 4.7 buffer around Pleasant Prospect, Historic Site 74A-006, on Lot 100A have been provided, or have been replaced. Additionally, the certificate shall indicate that any accumulated debris in this area has been removed.

**ITEM: CASE: DSP-04040-07**

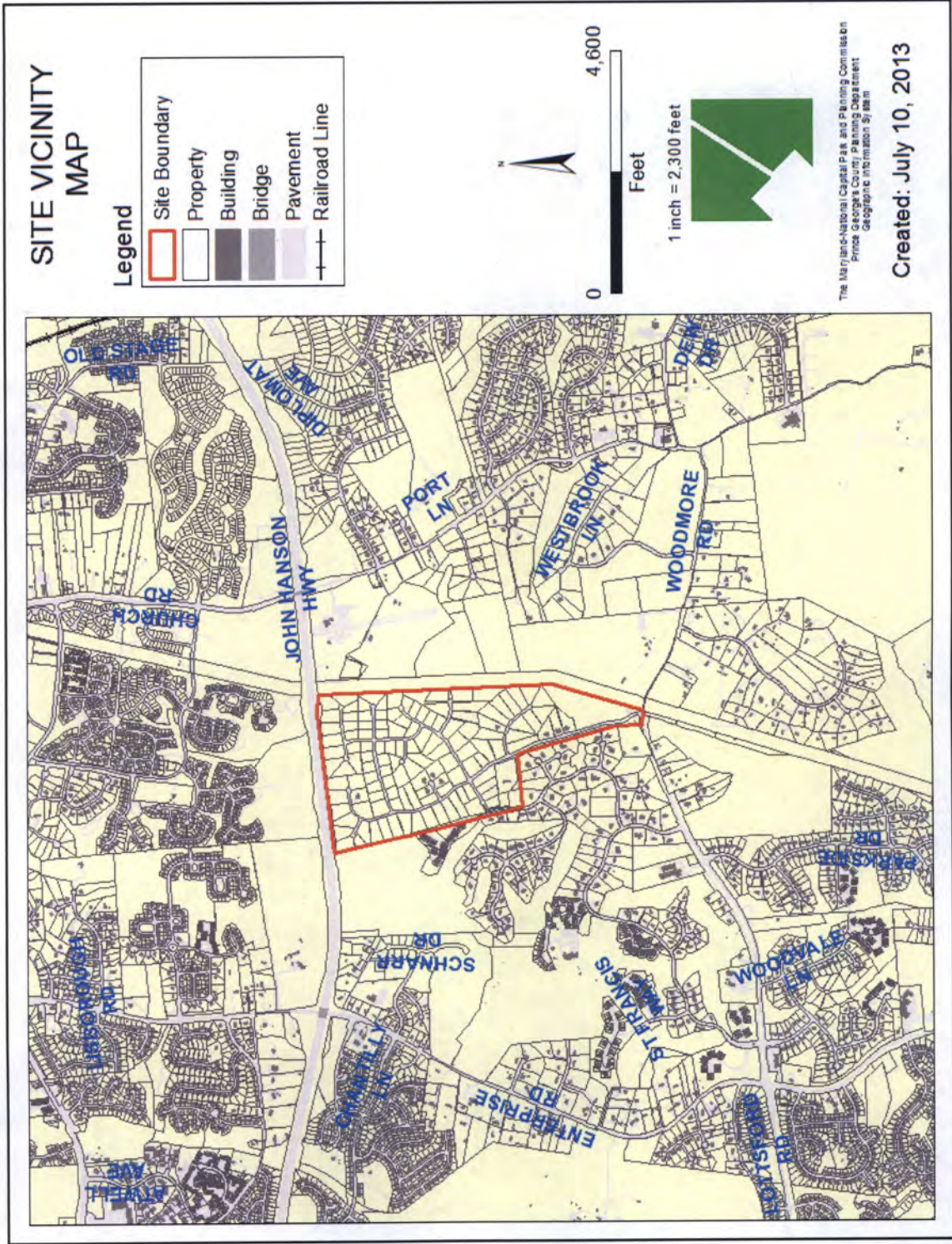
**WATERFORD  
LOT 100, BLOCK A**



# GENERAL LOCATION MAP

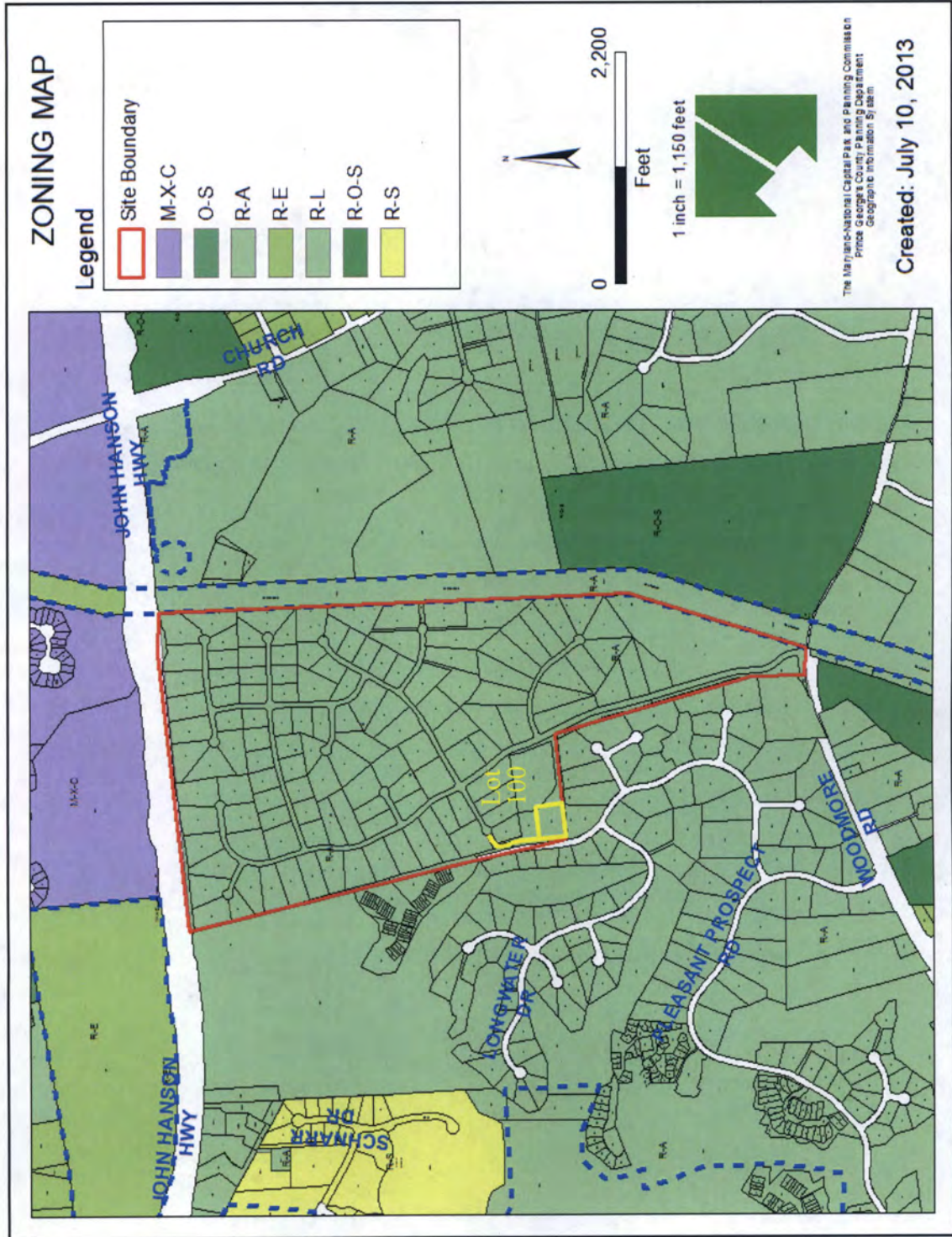


# SITE VICINITY

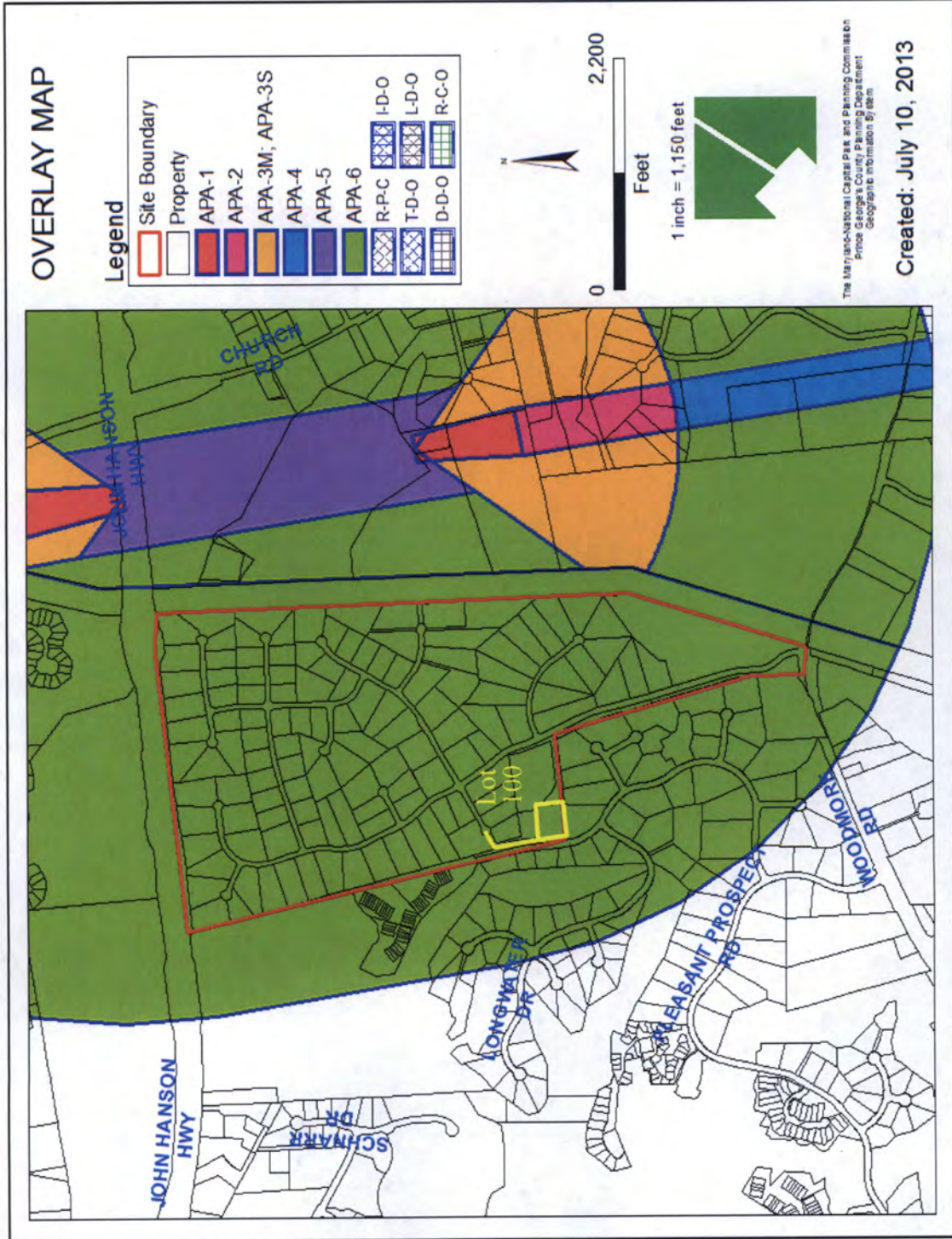


1/30/2014

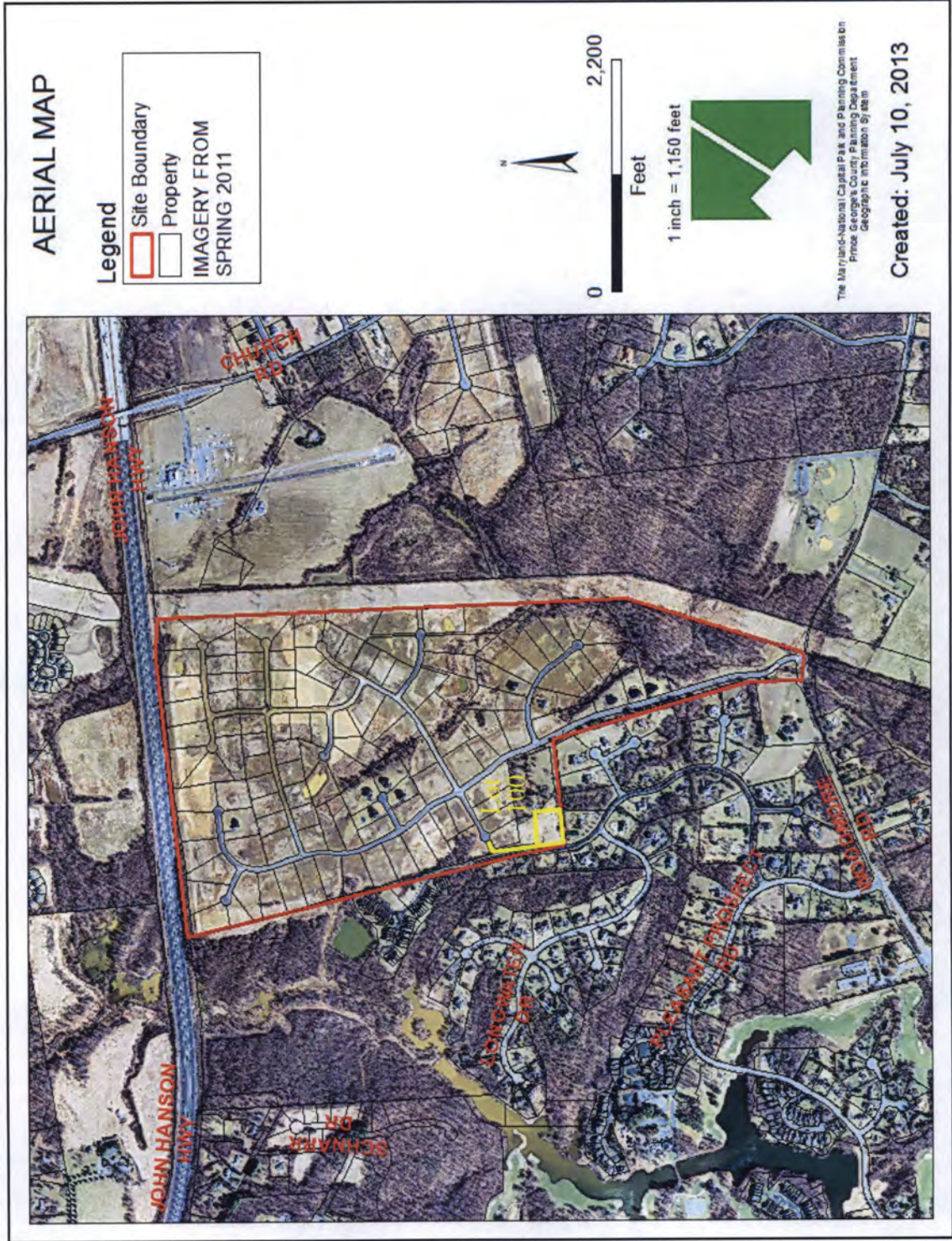
# ZONING MAP



# OVERLAY MAP



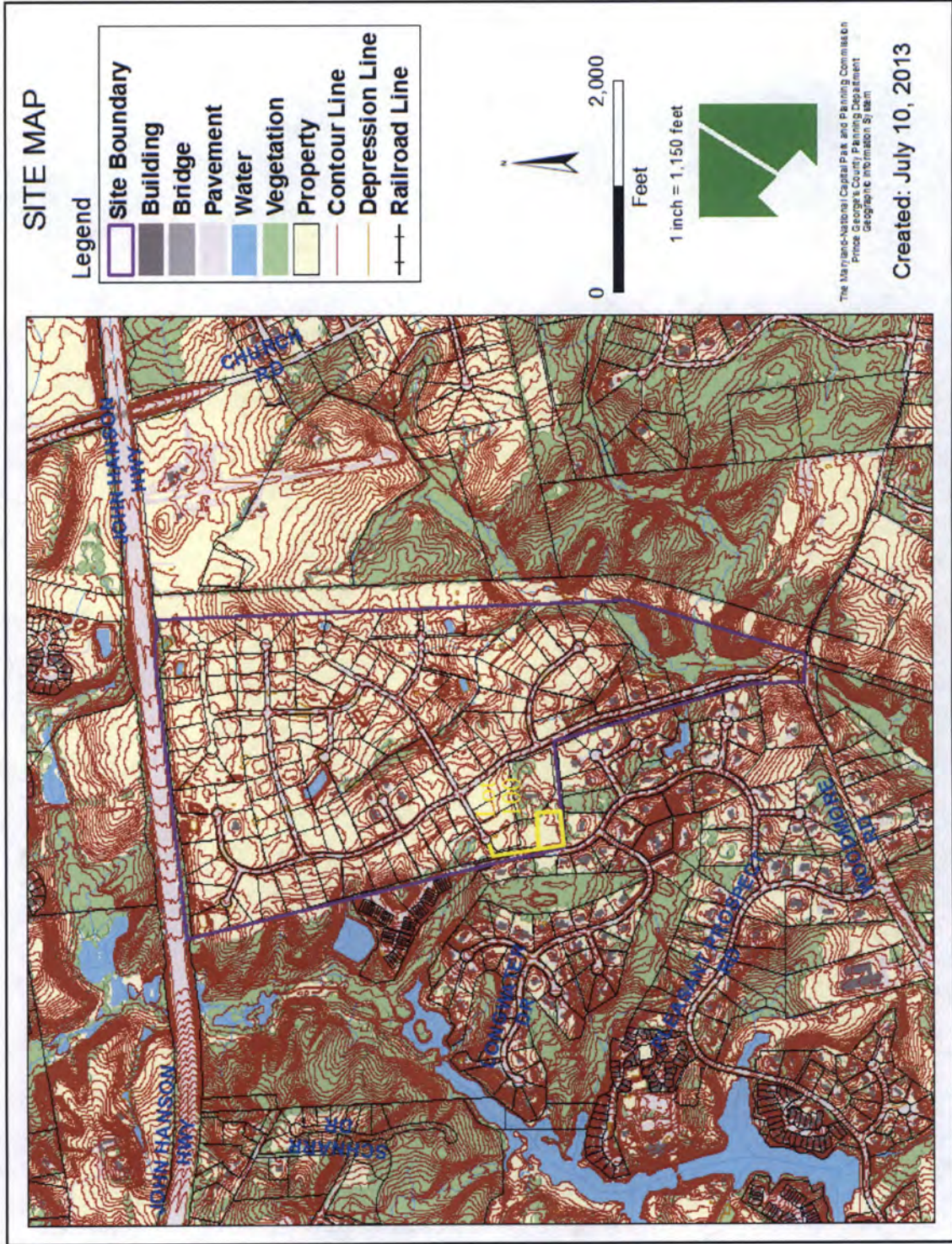
# AERIAL MAP



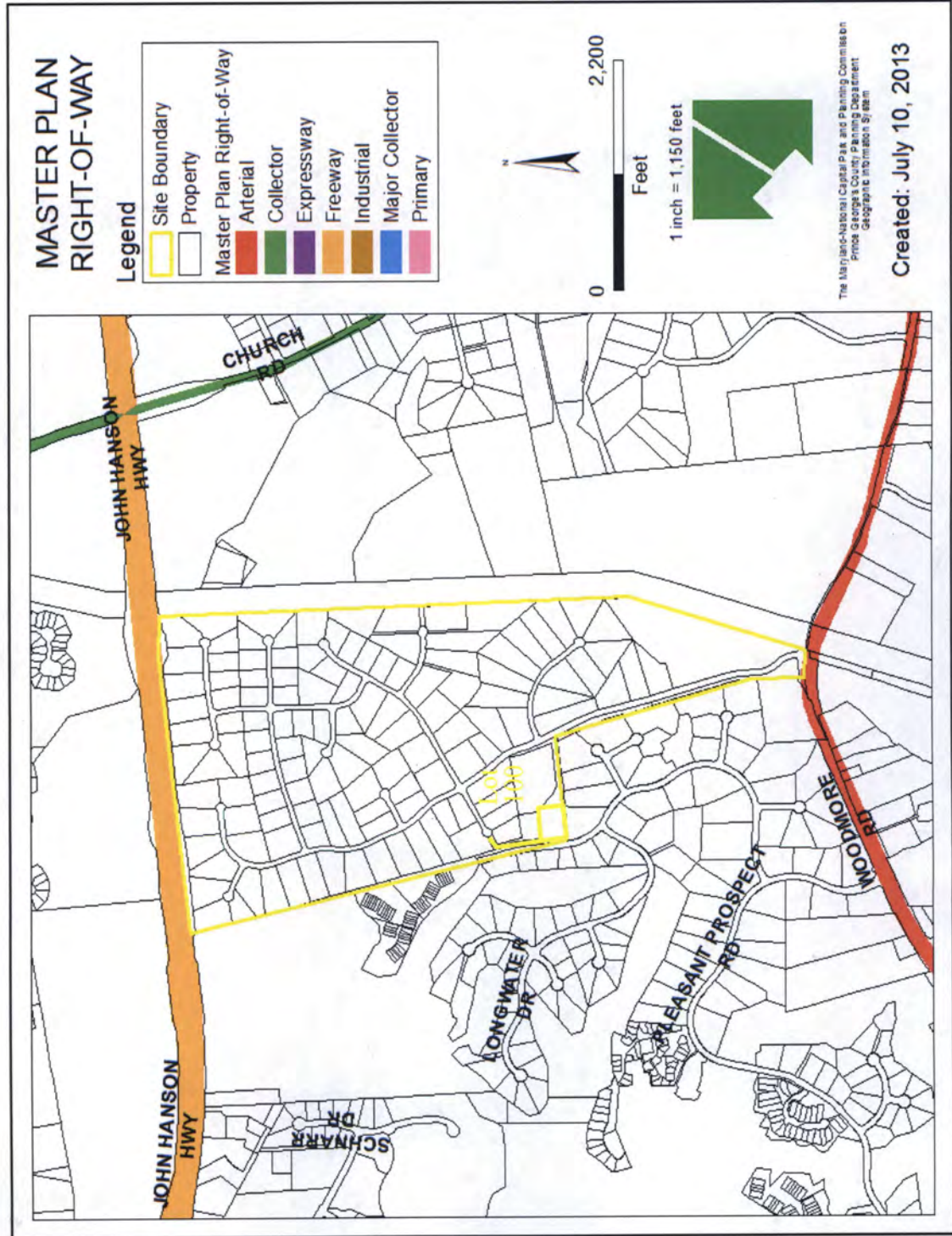
1/30/2014



# SITE MAP



# MASTER PLAN RIGHT-OF-WAY MAP



1/30/2014

# LANDSCAPE PLAN



1/30/2014

# LANDSCAPE PLAN

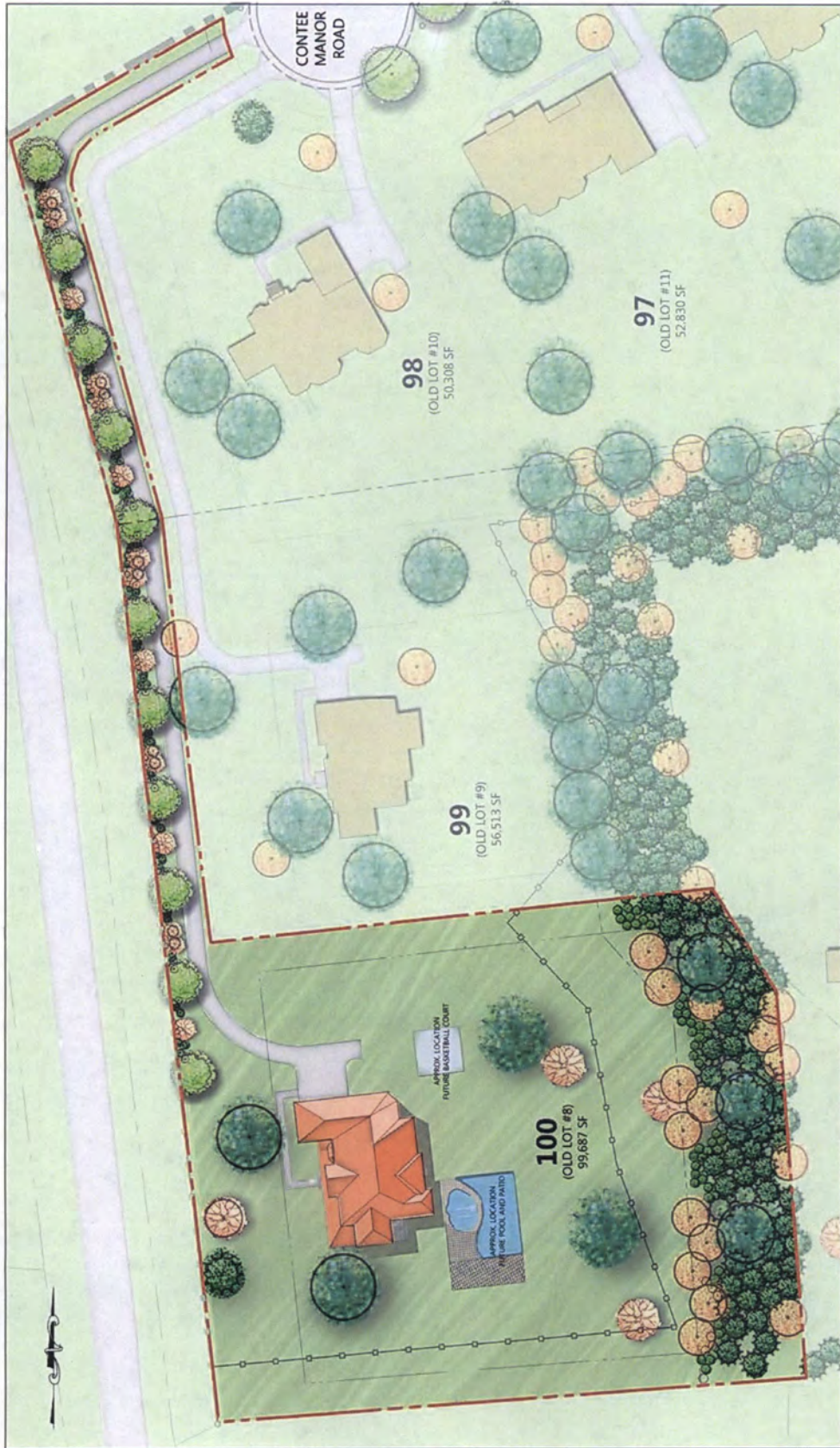


1/30/2014

# PLEASANT PROSPECT



# LOT 100A: LANDSCAPE PLAN



**WATERFORD**  
QUEEN ANNE ELECTION DISTRICT  
PRINCIPAL OFFICE: 10003 DEDERWOOD LANE  
SCALE: 1"=50' JANUARY 2014

**BLOCK A LOT 100**

10003 DEDERWOOD LANE  
SUITE 204  
LANNHAM, MD 20706  
301.731.5651  
301.731.0186 (FAX)  
www.dewberry.com

**Dewberry**  
Consultants LLC  
Formerly known as  
Dewberry & Davis LLC



1/30/2014



# LOT 100A: SOUTH ELEVATION



**RIGHT SIDE ELEVATION**  
W/ OPTIONAL PORCH

SHEET NO.	HILL MORE	DATE:	REVISIONS
	AS SHOWN/SAID		
		1/30/2014	

**Chesapeake**  
CUSTOM HOMES  
5222 FORTER BEND PLACE  
ROANOKE, VA 24018 (800) 314-2338

1/30/2014





# LOT 100A: NORTH ELEVATION



**LEFT SIDE ELEVATION**  
SCALE 1/8" = 1'-0"

2	SHEET NO.	HILLMOORE	AS SHOWN (SCALE)	DATE	REVISIONS
					7/27/13
					11/13
CUSTOM HOMES 1822 PONDIC ROAD PLACE SUITE 201 EDINBURG, MD 21761 (410) 261-1814 FAX (410) 214-2288					

1/30/2014



# LOT 100A: EAST ELEVATION



REAR ELEVATION  
SCALE 1/8" = 1'-0"

3	HILLMOORE	REVISED	7/27/13
	PC DRAWN BY:	DATE	7/27/13
Chippendale		REVISIONS	
CUSTOM HOMES			
1322 JAY BOWEN, JR. RD.			
SALE, JAY BOWEN, JR. TRACT			



# BUILDING MATERIAL SAMPLES



# ROOF MATERIAL SAMPLE



# BIRD'S EYE VIEW



# BIRD'S EYE VIEW



# PLEASANT PROSPECT REAR



1/30/2014

# HISTORIC BUFFER







**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

Prince George's County Planning Department  
Historic Preservation Section

(301) 952-3680  
www.mncppc.org

MEMORANDUM

DATE: January 15, 2014

TO: Meika Fields, Senior Planner  
Urban Design Section  
Development Review Division

FROM: Howard Berger, Supervisor *HB*  
Historic Preservation Section  
Countywide Planning Division

SUBJECT: DSP-04040-07 Lot 100A, Waterford

**Background**

The above-referenced detailed site plan revision requires the approval of architecture for the construction of a single-family house on the subject property which is west of and adjacent to the Pleasant Prospect Historic Site (National Register/74A-006). Detailed Site Plan DSP-04040 was approved by the District Council on September 12, 2005. This underlying approval included a condition (Condition 20) that requires a limited detailed site plan for the subject property:

20. Prior to the issuance of building permits for Lots 94, 98, 99, and 100, a detailed site plan for review of the architectural elevations shall be approved by the Planning Board, or its designee, to address the materials, elevations, and architecture of proposed houses on these lots, and to demonstrate compatibility with the Woodmore Development. The plans must show a minimum of 4,000 square feet of finished living area above ground, four-sided brick or stone, and cedar shake, slate, or slate-like roofing.

**Findings and Conclusions**

1. Pleasant Prospect, built in 1798 is a two-and-one-half story brick plantation house with a side passage and a kitchen wing. The walls are laid in Flemish bond and the interior exhibits outstanding Federal period trim. A pyramidal-roof log meat house stands on the immediate grounds of the house. Pleasant Prospect was built for Dr. Isaac Duckett. After the Civil War it became the home of Jonathan T. Walker, who undertook several Victorian renovations. It has recently been restored and is an important example of a Federal plantation. Pleasant Prospect was listed in the National Register of Historic Places in 1976 and is protected by a preservation easement held by the Maryland Historical Trust.
2. The subject detailed site plan revision provides for a single-family residence that could be considered to be generally compatible with the adjacent historic. The applicant has worked with Historic Preservation Section staff to revise and enhance exterior detailing and materials for the house's rear elevation which will be visible from the adjacent Historic Site. These revisions include the use of only one exterior material, brick, on this elevation and the addition of masonry trim to enhance the character of the windows openings of the elevation. The subject site plan application also includes potential future locations for both a swimming pool and patio and a basketball court in the rear yard of the property. Although these features will be significant elements of the rear yard, their visual impact from the adjacent Historic Site should be minimal as

only the basketball court will include a vertical feature of any significance. This feature should be substantially screened by the landscape buffer yard to be installed along the common property line with the Historic Site in compliance with Section 4.7 of the Prince George's County Landscape Manual.

**Recommendation**

Staff recommends the approval of DSP-0404-07 as in compliance with Condition 20 of DSP-0404 and as compatible with the character of the adjacent Pleasant Prospect Historic Site (NR/74A-006).

C: DSP-04040-07, Lot 100A  
MIHP Inventory File 74A-006

*Applicant:*  
Stanley Martin Homes  
11111 Sunset Hills Road, Suite 200  
Reston VA 20190

*Adjacent Property Owner:*  
Ambassador and Mrs. Raymond Garthoff  
3300 Waterford Mill Road  
Bowie MD 20721

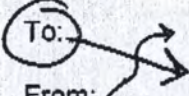


The Maryland-National Capital Park and Planning Commission  
14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772 301-952-3530  
Development Review Division - 301-952-3749 (fax)

**\*\* REFERRAL REQUEST \*\***

**RECEIVED**  
DEC 19 2013

Date: 12/18/2013



To: CITY OF BOWIE

Bowie City Clerk's Office

From: MEIKA FIELDS - URBAN DESIGN

Subject: DSP-04040/07, WATERFORD

**IDENTIFICATION OF MAJOR ISSUES DUE DATE\*: 12/18/2013**

\*Note: E-mail any major issues/problems to the reviewer by the above date.

**SUBDIVISION REVIEW COMMITTEE DATE: 1/3/2014**

**REFERRAL DUE DATE: 1/17/2014**

- Full Review of New Plan
- Revision of Previously Approved Plan
- Limited or Special Review
- Plans/Documents Returned for Second Review Following Revision by Applicant

NOTE: This case is being reviewed at:  Planning Board level OR  Planning Director level

COMMENTS: LOT 100

Related Cases:

M-NCPPE  
P.G. PLANNING DEPARTMENT

**RECEIVED**  
DEC 19 2013

DEVELOPMENT REVIEW DIVISION

**REFERRAL REPLY COMMENTS:**

*No comment. No impact on City.*  
*MEIKA - You can take the City of Bowie off of your referral list for this project.*

*Joseph M. McNeill 12/19/13*  
DIRECTOR OF PLANNING AND ECONOMIC DEVELOPMENT

NOTE: IF YOU HAVE NO COMMENTS, PLEASE INDICATE ABOVE AND FORWARD OR FAX TO THE REVIEWER'S ATTENTION.

**STATEMENT OF JUSTIFICATION**

OWNER/APPLICANT: Chesapeake Custom Homes, LLC c/o Emmett & Felicia Hill  
1525 Pointer Ridge Place, Suite 301  
Bowie, MD 20716

ATTORNEY/AGENT: Matthew C. Tedesco, Esq.  
MCNAMEE, HOSEA, JERNIGAN, KIM, GREENAN & LYNCH,  
P.A.  
6411 Ivy Lane, Suite 200  
Greenbelt, MD 20770  
(301) 441-2420  
mtesco@mhlawyers.com

REQUEST: Variance from Sections 27-442(c) of the Zoning Ordinance.

---

**I. DESCRIPTION OF PROPERTY**

- A. Address: 12802 Contee Manor Road, Bowie, MD 20721
- B. Election District: 7<sup>th</sup>
- C. Councilmanic District: 6<sup>th</sup>, Council Member Derrick L. Davis
- D. Lots: Lot 100
- E. Subdivision: Waterford
- F. Plat Book & Page: REP 212 at 56
- G. Total Area: +/- 99,687 square feet or 2.28 acres
- H. Location: Located at the western terminus of Contee Manor Drive.
- I. Zoned: R-A
- J. WSSC Grid: 205NE11
- K. Planning Area: 75A; 2006 Approved Master Plan and Sectional Map Amendment for Bowie and Vicinity

**II. NATURE OF REQUEST**

The subject property is part of the Waterford Subdivision, which has a number of previous approvals. Waterford was the subject of Pre-Preliminary Plan of Subdivision P-03011; Preliminary Plan of Subdivision 4-03111 and Type I Tree Conservation Plan TCPI/72/03; and Detailed Site Plan DSP-04040 and Type II Tree Conservation Plan TCPII/152-04. The Planning Board's action of approval for Preliminary Plan 4-03111 was adopted by resolution PGCPB No. 04-24 on dated March 24, 2004; for Detailed Site Plan DSP-04040 by resolution PGCPB No. 05-61, adopted on March 3, 2005. The District Council took action on DSP-04040 on September 12, 2005 and affirmed the Planning Board's decision with additional conditions. Since then, a number of revisions to DSP-04040 have been approved pursuant to conditions of approval that require the Planning Board, or its designee, to address the materials, elevations, and architecture of houses on certain lots. This condition applies to Lot 100, which was created by the recordation of a final plat entitled "Plat Three Waterford" and is recorded among the Land Records for Prince George's County in Plat Book REP 212 at Plat 56.

The property is currently undeveloped and is an unusually shaped flag lot within the subdivision. In particular, the stem of Lot 100 fronts on the western terminus of Contee Manor Road, and Lots 98 and 99 are located to the north, respectively, and Lot 105 is located to the south. To the east is Parcel D (an open space parcel required to be conveyed to the owner of the Pleasant Prospect property) and beyond is Parcel 10, which is the actual Pleasant Prospect Historic Site (74A-6). To the west is Spriggs Request Way in the Woodmore community. The applicant, on behalf of its client, is proposing to construct a new single family home with a driveway and other exterior improvements. The house design and materials will complement and enhance the surrounding community, and will not negatively impact the Pleasant Prospect property to the east. Indeed, Lot 100 is encumbered by a forty (40) foot wide platted conservation easement that must be planted prior to the issuance of a building permit. The purpose of this easement is to provide a bufferyard. While it is true that this bufferyard will further screen the proposed house on Lot 100 from the Pleasant Prospect property, it is also true that it significantly reduces the useable area of said lot. Moreover, the unique configuration of Lot 100, which includes a long narrow stem to accommodate a driveway that is over 560 lineal feet, further contributes to the extraordinary conditions and unique circumstances of this particular lot. Due to the number of extraordinary situations that exist on Lot 100, in order to accommodate the development of a single family home, as contemplated by the preliminary plan of subdivision and record plat, the applicant is required to obtain a variance from the strict application of the Zoning Ordinance.

The Applicant hereby requests a variance from Section 27-442(c), Table II, of the Zoning Ordinance. Specifically, that section provides that no more than 10% of the lot coverage shall be covered by buildings and off-street parking.<sup>1</sup> A variance of 1.8% net lot coverage is needed in order construct the single family home proposed. For the reasons stated herein, the applicant respectfully requests that a variance of 1.8% to the allowable maximum lot coverage requirement in the R-A Zone been approved.

### **III. CRITERIA FOR APPROVAL**

---

<sup>1</sup> Section 27-107.01(a)(132) defines "Lot Coverage" as "the percentage of a 'Lot' which is covered by 'Buildings' (including covered porches) and areas for vehicular access and parking of vehicles.

In addition to the requested variance from the maximum lot coverage requirement, the applicant, in accordance with plat condition number eleven (11), has also caused to be filed an application to amend DSP-04040 (to wit: DSP-04040/07) for the review and approval of the architectural elevations by the Planning Board. Although plat condition number eleven (11) allows the Planning Board's designee to approve the requested detailed site plan amendment for architectural, Section 27-239.03 of the Zoning Ordinance grants original jurisdiction solely to the Planning Board, and not its designee, to decide variances that are filed in conjunction with a detailed site plan. Consequently, this case must be heard and decided by the Planning Board, and not its designee nor the Board of Appeals.

That said, the applicant contends that this proposal meets the criteria enumerated in Section 27-230 for granting variances, as follows:

- A. The specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographical conditions, or other extraordinary situations or conditions.

**COMMENT:** Lot 100 is uniquely shaped. As mentioned above, Lot 100 is a flag lot that has a long stem that wraps around Lot 99 and ultimately connects to the western terminus of Contee Manor Road. Although the mere fact that Lot 100 is flag lot does not by itself render the lot uniquely shaped, in comparison to the other flag lots in the community, its shape is unique due to the extraordinary length of the stem. The lot was created this way to provide access to a public right-of-way, but in doing so, it has resulted in the applicant having to provide an unusually long driveway (approximately 560 lineal feet). It is unusual for a lot that is only 99,687 square feet to require a driveway this long, as most driveways of this length are associated with very large lots that are typically over 5 acres in size. Indeed, the total size of Lot 100, in comparison to the unusually long stem/driveway, results in a significant amount of the allowable lot coverage percentage being used by the driveway itself since Section 27-107.01(a)(132) requires this area to be calculated against the maximum percentage allowed. Moreover, there are additional extraordinary situations or conditions that exist on Lot 100. The record plat for Waterford includes a 40' wide conservation easement that must be landscaped in order to provide screening from the historic site to the east. In all, this 40' wide easement equates to approximately 11,256 square feet of Lot 100. Plat note number 11 also requires a minimum of 4,000 square feet of finished living area above ground for houses on Lot 100, which further impacts the applicant's ability to adhere to the 10% maximum lot coverage requirement. Nevertheless, and in an effort to try and adhere to the strict application of the Zoning Ordinance and/or to limit the variance needed, the applicant's engineers sited the house as close to the front building restriction line as possible. This marginally shortened the length of the driveway, which reduced the lot coverage percentage, but given all of the other extraordinary factors associated with Lot 100, a variance of 1.8% is still needed. Finally, the applicant has no ability to acquire additional land, as no other contiguous property is available.

- B. 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.<sup>2</sup>

**COMMENT:** Unless the requested variance is granted, the applicant will not be able to obtain a building permit to construct a single family house, as contemplated by Preliminary Plan 4-03111. Moreover, the applicant contends that practical difficulties<sup>3</sup> exist because compliance with the strict letter of the Zoning Ordinance would render conformity with the Ordinance unnecessarily burdensome due to the fact that the applicant would be required to either forego constructing a much needed driveway or provide a house that would be in conflict with the plat restriction. Therefore, the applicant's use of the property is restricted by the fact that without the improvements of a driveway, which is absolutely needed in this instance due to the length of the stem to connect to Contee Manor Road, the applicant would arguably be burdened by said property, as it would be required to provide a substandard product to its client – a product that would not be in keeping with the existing homes and driveways in the Waterford subdivision. That is, the existing homes in the Waterford subdivision are served by concrete driveways, and are large estate homes.

Strict compliance would unreasonably prevent the use of the property for a permitted purpose and it would render conformance unnecessarily burdensome, as practical difficulties exist due to the fact that without the driveway and a house that is not only in keeping with the character of the neighborhood, but also satisfies the plat condition, reasonable use of the lot would be denied to the applicant and the future owners of Lot 100. The reason for this is because without the driveway, the applicant and the future owner of Lot 100 will be forced to have an unimproved driveway (or no driveway at all), which will not only require a significant amount of additional upkeep and maintenance, but will also be contrary and inconsistent with the character of this particularly upscale residential neighborhood. The same is true for the house to be constructed on Lot 100, as strict compliance would require a significant reduction to the size of the home resulting in a product inconsistent with this particular subdivision. Given the existing conditions and extraordinary situation of Lot 100, practical difficulties exist. Consequently, without the requested variance, there would be a clear denial of *any reasonable and significant* use of the property. C.f., John P. Mastandrea v. John C. North II, 361 Md. 107, 760 A.2d 677 (2000).

The applicant contends that the grant of the requested variance would do substantial justice for the applicant, as it will not only allow the applicant to deliver a home with proper access that is consistent with the other properties within the Waterford subdivision, but also enable the applicant to construct a high end estate home that meets all other development conditions while respecting the adjacent historic site. The need for a variance in this instance

---

<sup>2</sup> The variance requested in this matter is commonly referred to as a "dimensional" variance, distinguishable from a "use" variance. See *Easter v. Mayor of Baltimore*, 195 Md. 395, 401, 73 A.2d 491, 493 (1950) ("Use variances are doubtless more serious than dimensional changes.").

<sup>3</sup> When the terms "practical difficulties" and "unwarranted hardship" are framed within the ordinance in the disjunctive, the proof required can be much greater with respect to use variances. *Friends of the Ridge v. Baltimore Gas and Electric Co.*, 352 Md. 645, 651, 724 A.2d 34, 37 (1999); see also *Zengerle v. Board of County Commissioners*, 262 Md. 1, 21, 276 A.2d 646, 656 (1971) ("a use variance is customarily concerned with unusual [unwarranted] hardship where the land cannot yield a reasonable return without a variance whereas an area variance is primarily concerned with practical difficulties.").

can be traced back to the original lot pattern approved by the Planning Board, which makes compliance with the Zoning Ordinance impractical, and relief from the same is needed. Finally, the applicant contends that relief can be granted by the Planning Board in such a fashion that the spirit of the Ordinance will still be observed and public safety and welfare still secured.<sup>4</sup>

- C. The variance will not substantially impair the intent, purpose, or integrity of the General or Master Plan.

**COMMENT:** The 2006 Approved Master Plan and Sectional Map Amendment for Bowie and Vicinity, Planning Area 74A, recommends large estate residential development for the subject property. The use of the subject property is consistent with the recommendations set forth in the Master Plan. Moreover, as evidenced by the site plan and architectural elevations filed in conjunction with DSP-04040/07, the proposed improvements associated with this variance request are consistent with the character of the neighborhood. Indeed, all of the existing homes within the Waterford subdivision are of equal quality and improved with asphalt or concrete driveways, which is consistent with what is proposed on Lot 100.

#### IV. CONCLUSION

The applicant, Chesapeake Custom Homes (on behalf of Mr. and Mrs. Emmett Hill), respectfully request the approval of a variance of 1.8% from the current 10% net lot coverage area in order to construct a single family home on Lot 100. The applicant contends that this request meets the standards set forth in Section 27-230 and would, therefore, respectfully request that the Planning Board approve this application and DSP-04040/07.

Respectfully submitted,

McNamee, Hosea, Jernigan, Kim,  
Greenan & Lynch, P.A.

By:



Matthew C. Tedesco, Esq.  
Attorney for the Applicant

---

<sup>4</sup> See Anderson v. Board of Appeals, 22 Md. App. 28, 322 A.2d 220, 226 (1974).



R E S O L U T I O N

WHEREAS, Washington Management Development is the owner of a 258.73-acre parcel of land known as Parcels 5, 16, 17, 32 and 48, located on Tax Maps 54A3, B3 and 62 and Grid B-1, said property being in the 7th Election District of Prince George's County, Maryland, and being zoned R-A; and

WHEREAS, on November 14, 2003, Washington Management Development filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 126 lots and 4 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03111 for Pleasant Prospect was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on February 5, 2004, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on February 5, 2004, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/72/03), and further APPROVED Preliminary Plan of Subdivision 4-03111, for 126 lots and Parcels A-D with the following conditions:

1. Prior to signature approval of the preliminary plan:
  - a. The 100-foot buffer associated with the Wetlands of Special State Concern shall be correctly shown on the Preliminary Plan of Subdivision and the TCPI. The buffer may be modified at the time of detailed site plan review if supported by additional information.
  - b. The Type I Tree Conservation Plan, TCPI/72/03, shall be revised as follows
    - (1) Correct the worksheet to add another column that identifies the extent of the proposed off-site woodland clearing and calculate that clearing as 1:1 replacement. Also revise the worksheet to indicate the amount of off-site Woodland Conservation that will be provided.

- (2) Add labels to each Woodland Conservation Area that provide an identifying letter or number, identifies the type of Woodland Conservation being provided, and lists the acreage for each identified area.
      - (3) Add a note to the TCPI that states "An alternative access road alignment parallel to the west side of the PEPCO power line will be evaluated during the review of the Detailed Site Plan and/or Type II Tree Conservation Plan."
      - (4) Revise the TCPI to correctly show the limit of disturbance on Lots 21 and 22 and the corresponding Woodland Conservation Areas.
      - (5) Have the revised plans signed and dated by the licensed landscape architect, licensed forester or MD-DNR qualified professional who prepared the plans.
    - c. A stormwater management concept plan shall be approved and the approval number and date shall be added to the plan.
  2. A limited detailed site plan shall be approved by the Planning Board prior to approval of the final plats to address:
    - a. Lots 7 through 13, to address the siting and size of the proposed houses and landscaping buffers for compatibility with the existing homes along Spriggs Request Road in Woodmore.
    - b. All flag-shaped lots.
    - c. The possibility of reducing the length of the cul-de-sac that extends toward Spriggs Request Road and reconfiguring the lots at its end to be more compatible with existing lots along Spriggs Request Road.
    - d. A Phase I Archeological Study, prepared by the applicant, to identify any remnants of slave activity on the property, and to identify any possible slave burials on the site.
    - e. Screening and buffering of the entrance road from the adjoining lots in Woodmore.
  3. Prior to final plat approval, a limited detailed site plan shall be approved by the Planning Board or its designee to address:
    - a. The layout, placement and aesthetics of bridges associated with the access road.
    - b. The placement and construction methods to be used for Impact Area #2 (road crossing).
    - c. The possibility of extending one of the three cul-de-sacs to the PEPCO right-of-way to the east to provide a possible second access point for the property.

- d. Any other PMA impacts necessary for the installation of necessary utilities associated with the proposed development.
  - e. Lots 16, and 89 through 91, to address the siting and size of the proposed houses and landscaping buffers for compatibility with the Historic Site. Some Federal-style architectural elements (such as pediment entrances, fanlights, flat-arch brick lintels and shutters) should be incorporated into the design of these houses.
4. A limited detailed site plan shall be approved by the Planning Board or its designee prior to approval of building permits for Lots 27-33 and 46-53 to address noise mitigation measures, including the location and design of the noise barrier along the south side of US 50, and the building shell design shall be approved by the Planning Board. A Phase II Noise Study shall be included as part of the DSP application submittal package and shall include specific noise attenuation measures based on the site's topography and the proposed locations of houses.
  5. Prior to the Planning Board approval of the limited detailed site plan, all species identified by the Maryland Department of Natural Resources (DNR) Natural Heritage Program as rare, threatened or endangered that are found to occur on the site shall be surveyed and accurately located according to DNR protocol. The DSP shall be designed to eliminate and/or minimize any impacts to specific habitats and/or populations.
  6. Prior to submittal of the limited detailed site plan, the applicant shall consult with the Maryland Department of the Environment and the Maryland Department of Natural Resources Natural Heritage Program about the alternative road alignments and the proposed wetland, stream and interior forest habitat impacts. The DSP application submittal shall reflect comments from MDE and DNR with respect to the alternative road alignments.
  7. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all of the Patuxent River Primary Management Area except for areas of approved impacts. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”
  8. The following note shall be placed on the final plat:

“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 M-NCPPC Planning Department.”

9. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/72/03). The following notes shall be placed on the final plat of subdivision:

"This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/72/03), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy."

10. A Type II Tree Conservation Plan shall be approved concurrent with the limited detailed site plan.
11. At the time of final plat approval, the applicant shall dedicate right-of-way along Woodmore Road of 75 feet from the centerline of the existing pavement.
12. The applicant shall provide for any necessary turn lanes and frontage improvements as required by DPW&T. These may include turn lanes for deceleration and acceleration of vehicles at the site as well as left turn lanes and/or bypass lanes on both approaches of Woodmore Road. Additional right-of-way dedication to DPW&T may be required for these improvements.
13. Prior to the issuance of any building permits within the subject property, one of the following options for road improvements shall (a) have full financial assurances, (b) have been permitted for construction, and (c) have an agreed-upon timetable for construction with DPW&T:

**Option A:**

- a. Realign the intersections of Woodmore and Mount Oak Roads with Church Road to create a new four-way intersection. This improvement shall also include any signage and pavement marking modifications and additions to be determined by DPW&T.
- b. Install a traffic signal at the new four-way intersection, if warranted, with any needed traffic signal warrant analysis to be submitted at the time of building permit or detailed site plan, if required. (The need for a study may be waived by DPW&T if sufficient studies are available to determine warrants.)
- c. Provide two-lane approaches on each leg of the new four-way intersection.
- d. All of the improvements on Church Road shall also include any additional signal, signage, and pavement markings to be determined by DPW&T.

**Option B:**

- a. Install interconnected traffic signals at the existing Woodmore and Mount Oak Roads intersections with Church Road, if warranted, with any needed traffic signal warrant analysis to be submitted at the time of building permit or detailed site plan, if required. (The need for a study may be waived by DPW&T if sufficient studies are available to determine warrants.)
  - b. Provide upgrades and improvements at both intersections to include:
    - (1) Two lanes along southbound Church Road approaching Mount Oak Road.
    - (2) Two lanes along northbound Church Road approaching Woodmore Road.
    - (3) Two lanes along eastbound Woodmore Road approaching Church Road.
    - (4) Two lanes along westbound Mount Oak Road approaching Church Road.
    - (5) A four-lane section along Church Road between Woodmore and Mount Oak Roads.
  - c. These improvements shall also include any additional signal, signage, and pavement markings to be determined by DPW&T.
14. Prior to the issuance of each building permit, the applicant, his heirs, successors and/or assignees shall provide a fee of \$328.62 per dwelling unit to Prince George's County, which shall serve as a fair share contribution toward the construction of the Proposed Bowie Emergency Services Station and acquisition of an ambulance and a paramedic vehicle. The fee shall be paid at time of the issuance of the building permits. The total fair share fee is \$41,406.12 for the 126 lots proposed.
  15. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall provide a financial contribution of \$210.00 to the Department of Public Works and Transportation for the placement of a bikeway sign along Woodmore Road, designated a Class III bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit.
  16. If the improvements noted in Condition 13 are fully funded in the county's CIP with developer contributions, then the applicant shall pay a pro-rata share of those improvements in lieu of Condition 13. The amount of the pro-rata share shall be determined at the detailed site plan stage.
  17. Prior to the issuance of building permits for Lots 7 through 13, a limited detailed site plan shall be approved by the Planning Board to address the materials, elevations and architecture of proposed houses on these lots.

18. Prior to the issuance of building permits for Lots 16 and 89 through 91, a limited detailed site plan shall be approved by the Planning Board or its designee to address the materials, elevations and architecture of proposed houses on these lots.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located on the south side of US 50 and on the north of Woodmore Road, approximately 2,000 feet east of its intersection with Pleasant Prospect Road.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	R-A	R-A
Use	Vacant	Single-family detached homes
Acreage	258.73	258.73
Lots	0	126
Parcels	5	4
Detached Dwelling Units	0	126

4. **Environmental**—A review of the available information indicates that streams, wetlands, 100-year floodplain, areas of steep slopes with highly erodible soils, and severe slopes are found to occur within the limits of this application. John Hanson Highway, US 50, has been identified as a transportation-related noise generator that will impact some of the proposed lots on this site. The soils found to occur according to the Prince George's County Soil Survey include Bibb silt loam, Collington fine sandy loam, Monmouth fine sandy loam, Mixed alluvial land, and Shrewsbury fine sandy loam. These soils generally have no limitations that would affect the proposed application with the exception of the Mixed alluvial that are associated with the stream and wetland areas. According to available information, Marlboro clay is not found to occur on this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication titled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are rare, threatened, or endangered species found to occur in the vicinity of this property. Woodmore Road is a designated scenic and historic road located along the southern boundary of this property. This property is located in the Northeast Branch watershed of the Patuxent River basin.

### **Woodland Conservation**

The Detailed Forest Stand Delineation (FSD), date stamped as received by the Environmental Planning Section on January 8, 2004, was found to address the requirements for a Forest Stand Delineation in accordance with the Woodland Conservation Ordinance.

The Subdivision Ordinance provides for the protection of streams, 50-foot stream buffers, wetlands, 25-foot wetland buffers, 100-year floodplain, adjacent areas of slopes in excess of 25 percent, adjacent areas of slopes between 15 and 25 percent with highly erodible soils, and areas of rare or sensitive habitat. These features comprise the Patuxent River Primary Management Area (PMA), which is not shown correctly on the plans date stamped as received by the Environmental Planning Section on January 8, 2004. The buffer associated with wetlands of special state concern should be 100 feet, not the typical 25 feet associated with normal wetlands. Therefore, it will be necessary to correctly reflect this information on the preliminary plan of subdivision and the TCPI prior to signature approval of those plans.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet, there are more than 10,000 square feet of existing woodland on-site, and there are previously approved Tree Conservation Plans for a portion of this site. The Type I Tree Conservation Plan, TCPI/72/03, date stamped as received by the Environmental Planning Section on January 8, 2004, has been found to address the requirements of the Prince George's County Woodland Conservation Ordinance as revised.

This 261.19-acre property in the R-A Zone has a net tract area of 232.56 acres, a Woodland Conservation Threshold of 50 percent that has been reduced to 20 percent, or 46.51 acres, because the area of existing woodlands on the net tract is less than the 20 percent Afforestation Threshold. In addition, there is a 2:1 replacement requirement of 6.28 acres for clearing woodlands below the WCT and a 1:1 replacement requirement of 1.90 acres for woodland clearing in the 100-year floodplain. The overall site requirement of 54.69 acres is proposed to be satisfied by a combination of on-site preservation in priority retention areas, on-site afforestation, and off-site mitigation totaling 54.69 acres. TCPI/72/03 is recommended for approval subject to several conditions included in the Recommendation section of this report.

### **Patuxent River Primary Management Area**

The preliminary plan and TCPI show five distinct areas of PMA impacts that are generally associated with road construction, stormwater management or sewer connections. The Environmental Planning Section is in general agreement with the need for each of the proposed impacts but believes that the impacts could be further reduced once final site grading has been examined.

Proposed impact #1 is associated with the proposed access road serving this site. As currently proposed, the road (Alternative #1 in the Letter of Justification received January 13, 2004) would

require significant impacts to the existing stream which the American brook lamprey (*Lampeta appendix*), a state-listed threatened species, is known to be present according to the Maryland Department of Natural Resources Natural Heritage Program. The habitat for this species could be significantly impacted by the proposed access road alignment that would either pipe or divert approximately 600 linear feet of the stream. An alternative road alignment along the eastern property line would significantly reduce the extent of the proposed stream impact, but would result in approximately 0.16 acre of additional PMA impacts. It should also be noted that the eastern road alignment would result in additional impacts to interior forest habitat as well. The proposed impacts need further study; sufficient detail is not available at the present time to allow for a complete evaluation of alternatives. In addition, input from permitting agencies at the state and federal levels will affect the final design to be selected.

The concept of allowing access to the property from this location despite the environmental impacts is in keeping with the intent of the Subdivision Ordinance; however, the magnitude and placement of the impacts need further study. In any case, the access road should be bridged over the streams to reduce the overall temporary and permanent impacts to the stream systems. The construction of a bridge or bridges in this location will also result in lower maintenance costs than using pipes under the road. Pipes clog with debris and require periodic clearing. Bridge structures, if properly designed and constructed, result in fewer maintenance problems related to the stream than the use of culverts and result in environmental benefits including easier wildlife passage, more constant stream temperatures, and better maintenance of stream flows.

Proposed impact area #2 is necessary for the construction of a roadway to connect to a portion of the property. The placement of this road crossing is not necessarily shown in the location of the least impact. Sufficient detail has not been provided regarding the placement of the roadway at the point of least impact. While the concept of the impacts to this area is in keeping with the intent of the Subdivision Ordinance, the minimization of impacts needs further study.

Impact area #3 is for two stormwater management outfalls. The placement of outfalls in this location is appropriate and is in keeping with the intent of the Subdivision Ordinance requirements for stream and buffer preservation.

Impact area #4 is for compensatory storage for floodplain impacts associated with the construction of the access road. These are proposed impacts that may or may not be needed and could possibly be met in other locations that are already disturbed. Staff does not support the impacts proposed for the creation of compensatory storage in a location that is not already disturbed for other construction purposes.

Impact area #5 is for the installation of a sanitary sewer line and could be eliminated with the realignment of the property lines on the adjacent lots. The Letter of Justification does not provide sufficient detail with regard to the necessity of the placement of the proposed sewer line in the location shown. A slight modification of the design would result in no impacts for this necessary connection.



Given this discussion, the Patuxent River Primary Management Area (PMA) has been preserved to the fullest extent possible, subject to conditions requiring changes to the plans and additional information regarding rare, threatened and endangered species. Staff also recommends that approval be subject to a condition requiring that the access road configuration contain bridge structures in order to meet the Subdivision Ordinance requirement that the PMA be preserved to the fullest extent possible and to protect the habitat of a state-designated threatened species.

### Noise

John Hanson Highway, US 50, has been identified as a transportation-related noise generator. The Environmental Planning Section Noise Model was used to calculate the location of the 65 dBA Ldn noise contour for the road using the 2001 Average Daily Traffic (or ADT, projected 10 years in the future) volumes provided by the Maryland State Highway Administration for the roads. The calculated 65 dBA Ldn noise contour for US 50 is 855 feet from the centerline of the road.

The Preliminary Plan of Subdivision shows the unmitigated 65 dBA Ldn noise contour to be located at 600 feet from the centerline of US 50 and the mitigated 65 dBA Ldn noise contour to be approximately 260 feet from the centerline of US 50 as determined by a Phase I Noise Study prepared for the applicant and date stamped as received by the Environmental Planning Section on January 8, 2004. The Environmental Planning Section generally agrees with the findings and conclusions of the Phase I Noise Study. That study identifies a need for the provision of noise mitigation measures at the property line and for the building shells of the houses on proposed Lots 27-33 and 46-53. In order to address the design criteria for the proposed noise barrier and the building shells a limited detailed site plan is recommended.

### Water and Sewer Categories

The property is in Water Category W-3 and Sewer Category S-3; it will be served by public systems.

5. **Community Planning**—The property is in Planning Area 74A/Community VII. It is located in the Developing Tier in the 2002 General Plan. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial Centers, and employment areas that are increasingly transit serviceable. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

The Bowie-Collington-Mitchellville & Vicinity Mater Plan (1991) recommends large-lot/alternative low-density residential land use at up to 1.5 dwelling units per acre. With 261 acres, the density of 1.5 dwelling units per acre could allow 388 lots on the property the Bowie-Collington-Mitchellville & Vicinity Sectional Map Amendment (1991) retained in the R-A Zone.

The proposed preliminary subdivision for 126 lots in the R-A Zone conforms to the recommendations of the master plan for large-lot residential land use.

6. **Parks and Recreation**—The proposed subdivision is exempt from the mandatory park dedication requirements of Section 24-134 of the Subdivision Regulations because all proposed lots are greater than one acre in size.
7. **Trails**—The Adopted and Approved Bowie-Collington-Mitchellville and Vicinity Master Plan includes two master plan trails impacting the subject site. A trail facility is recommended along proposed PT-1. This facility will be completed as part of PT-1 if this facility is ever constructed. There are no recommendations regarding this proposal for the subject application. Woodmore Road is designated as a Class III bikeway. This facility can be accommodated by the provision of bikeway signage and, if road frontage improvements are required, wide asphalt shoulders to accommodate bicyclists.
8. **Transportation**—The applicant submitted a traffic study dated December 12, 2003. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

#### **Growth Policy – Service Level Standards**

The subject property is located within the Developing Tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

**Links and signalized intersections:** Level-of-Service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the *Guidelines*.

**Unsignalized intersections:** The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

#### **Staff Analysis of Traffic Impacts**

The applicant has prepared a traffic impact study in support of the application using new counts taken during December 2003. With the development of the subject property, the traffic consultant concluded that the signalized intersections within the study area would operate within acceptable standards; LOS D with a critical lane volume (CLV) of 1,450 or better. However, one unsignalized intersection was identified that would have side street vehicle delays exceeding 50.0

seconds, an unacceptable operating condition. This is the intersection of Woodmore Road and Church Road.

The traffic impact study prepared and submitted on behalf of the applicant analyzed the following intersections during weekday peak hours:

- MD 193/Woodmore Road (signalized)
- Woodmore Road/W. Pleasant Prospect Road (unsignalized)
- Woodmore Road/E. Pleasant Prospect Road (unsignalized)
- Woodmore Road/Site Access Road (unsignalized)
- Woodmore Road/Church Road (unsignalized)

The following conditions exist at the critical intersections:

<b>EXISTING TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 193 (Enterprise Road)/Woodmore Road	1,239	1,228	C	C
Woodmore Road/W. Pleasant Prospect Road	19.9*	28.6*	--	--
Woodmore Road/E. Pleasant Prospect Road	17.0*	15.0*	--	--
Woodmore Road/Site Access Road	--	--	--	--
Woodmore Road/Church Road	41.7*	54.5*	--	--
<p>*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are outside of the normal range of the procedure and should be interpreted as a severe inadequacy.</p>				

Staff field checked lane configurations at the intersections within the study area and made minor adjustments to the average vehicle delay at the unsignalized intersections. The minor adjustments are shown under existing conditions and subsequent tables.

Background developments included 246 single-family units. Additional background development was also included. This included approved housing units from Rodenhauer, Collingbrook, and Oak Creek Club. Background traffic along the study area roads was increased by one percent each year to account for overall growth up to the design year 2007. This is the expected year of full build-out. There are no funded capital improvements in the area, so the resulting transportation network is the same as was assumed under existing traffic. Given these assumptions, background conditions are summarized below:

<b>BACKGROUND TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 193 (Enterprise Road)/Woodmore Road	1,349	1,356	D	D
Woodmore Road/W. Pleasant Prospect Road	24.3*	39.9*	--	--
Woodmore Road/E. Pleasant Prospect Road	19.7*	17.7*	--	--
Woodmore Road/Site Access Road	--	--	--	--
Woodmore Road/Church Road	244.5*	352.1*	--	--
<p>*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are outside of the normal range of the procedure and should be interpreted as a severe inadequacy.</p>				

Under background traffic conditions the average vehicle delay exceeds 50.0 seconds at the intersection of Woodmore Road and Church Road. The level of service is acceptable at the signalized intersection within the study area.

The site is proposed for development as a residential subdivision, with 126 single-family dwellings. The trip rates were obtained from the guidelines. The resulting site trip generation would be 95 AM peak-hour trips (19 in, 76 out), and 113 PM peak-hour trips (73 in, 40 out).

With site traffic, the following operating conditions were determined:

<b>TOTAL TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 193 (Enterprise Road)/Woodmore Road	1,357	1,368	D	D
Woodmore Road/W. Pleasant Prospect Road	26.8*	48.1*	--	--
Woodmore Road/E. Pleasant Prospect Road	21.7*	19.6*	--	--
Woodmore Road/Site Access Road	20.4*	19.8*	--	--
Woodmore Road/Church Road	281.2*	382.7*	--	--
<p>*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are outside of the normal range of the procedure and should be interpreted as a severe inadequacy.</p>				

Staff notes that under total traffic, one of the three unsignalized intersections within the study area operates unacceptably. This is the intersection of Woodmore Road and Church Road. Although not included in the traffic study, an additional approach lane on eastbound Woodmore Road has been constructed at its intersection with Church Road. The approach delays shown in the tables above include this improvement.

The applicant proposed an improvement to provide adequacy at Woodmore Road and Church Road by providing improvements for the reconstruction and re-alignment of Woodmore Road and Mount Oak Road. This improvement would provide a four-leg signalized intersection. The intersections of Woodmore Road with Church Road and Mount Oak Road with Church Road are offset by approximately 400 feet.

Based on the estimated expense of this improvement, \$2,000,000, the applicant proposed making a contribution to fund a portion of it. They cite previously collected pro-rata share fees from other developers in the area.

In a related traffic study, the traffic consultant utilized Synchro analysis software to evaluate the operations of the two intersections cited above. The consultant recommended the installation of

signal interconnect equipment between the intersections so that traffic flows between them would be coordinated and optimized. This optimization and installation of two traffic signals improved the level of service at the intersection of Woodmore Road and Church Road to LOS B during both peak hours.

Staff notes that there are no current construction projects for the intersections of Woodmore Road and Church Road and Woodmore Road and Mount Oak Road in the Prince George's County FY 2004-2009 Approved Capital Improvement Program. The traffic study predicts the build-out of this residential development by 2007.

DPW&T has not provided comments at the time of this memorandum. A copy of the traffic study was forwarded to DPW&T. However, DPW&T comments and recommendations from recent approvals and developments in the area are included and cited below.

The State Highway Administration has not provided any comments on the traffic study. SHA did provide comments on the proposed reservation of land for PT-1. These are included in the file.

#### **Plan Comments**

Only one access point is proposed to serve the site. This is west of the PEPCO transmission line. Internal streets are proposed with a 50-foot right-of-way, which is acceptable. Street A, which intersects Woodmore Road, will have an entrance right-of-way of 80 feet, then 60 feet within the property. The northern edge of the property borders US 50. There will be no access to US 50. Streets A to H are adequate to serve the proposed development, although the layout of cul-de-sac streets appears to be excessive.

Woodmore Road will eventually be widened to four to six lanes. Dedication of 75 feet from the center line of Woodmore Road will be required to accommodate any future widening of the roadway. This roadway is also proposed as a possible alignment for PT-1, which is cited below.

The applicant may be required to provide frontage and/or safety improvements along Woodmore Road, if required by the Prince George's County Department of Public Works and Transportation. The applicant may also be required to provide any necessary acceleration and deceleration lanes at the site entrance if required by DPW&T.

#### **Master Plan Comments**

The Bowie Collington Mitchellville & Vicinity Master Plan (1991) designates Woodmore Road and Mount Oak Road as A-26, a four- to six-lane arterial roadway with a 150-foot right-of-way and up to a 170-foot right-of-way to allow for PT-1. The Bowie Master Plan recommends several geometric/engineering for major intersections within the study area. It shows the two off-set intersections realigned, with A-26 running along the Mount Oak Road alignment. The existing section of Woodmore Road at Church Road would no longer be an arterial roadway. A new four-way intersection would be created at Woodmore and Mount Oak Roads. "These improvements at

arterial highway intersections will eventually be needed to improve levels of service and increase capacity as traffic volumes increase over time. Some are presently scheduled as part of other projects while others will be improved as required.”

PT-1 is recommended in the Bowie Master Plan as a public transportation or transit facility to be extended from Largo to the Bowie Town Center vicinity. The alignment for PT-1 runs along Woodmore Road from MD 193 and then turns north at the PEPCO transmission line.

The plan was referred out for potential reservation for the PT-1 alignment. The Bowie Master Plan shows PT-1 running along the north side of Woodmore Road and then turning to the north along the east edge of the proposed development, crossing the PEPCO transmission line approximately 2,000 feet north of Woodmore Road (A-26). None of the agencies expressed a willingness to pursue purchase of the proposed right-of-way. The City of Bowie is supportive of PT-1, but has not provided evidence that either the city or any other agency is willing to work to complete a purchase. Therefore, staff finds that the requirements for placement of a property in reservation under Section 24 have not been met.

### **Transportation Conclusions**

Based on previous approved plans in the study area, the conclusions and recommendations of the applicant’s traffic consultant, comments from the Prince George’s County Department of Public Works and Transportation, site visits/field checks, and the recommendations listed in the Bowie Master Plan, the two off-set intersections of Woodmore and Mount Oak Roads along Church Road need to be improved.

Although the intersection of Mount Oak Road and Church Road was not included in the traffic study, it should be noted that the intersections of Woodmore and Mount Oak Roads on Church Road are in close proximity to each another. DPW&T has previously suggested that considerable money should not be invested in signalization of two “T” intersections when the intent is to realign the “T” intersection to create a single four-way intersection. At this point the realignment of the intersections is not funded for construction in the Prince George’s County FY 2004-2009 Capital Improvement Program.

Given that signalization may be needed at the intersection of Woodmore Road and Church Road, DPW&T has previously advised that considerable physical improvements will be needed to have signalization implemented successfully. Two out of three of the approaches at Woodmore Road and Church Road have single-lane approaches and will need to be upgraded. A short right turn lane on eastbound Woodmore Road has recently been constructed. The upgrades include:

- Two lanes along southbound Church Road approaching Mount Oak Road.
- Two lanes along northbound Church Road approaching Woodmore Road.
- Two lanes along eastbound Woodmore Road approaching Church Road.

- Two lanes along westbound Mount Oak Road approaching Church Road.
- A four-lane section along Church Road between Woodmore and Mount Oak Roads.

These improvements are needed to have interconnected signals at the existing Woodmore and Mount Oak Roads' intersections with Church Road. The applicant has shown, through Synchro analysis, that the optimization and installation of two traffic signals improved the level of service at the intersection of Woodmore Road and Church Road to LOS B during both peak hours. This would provide adequacy.

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with the three transportation-related conditions included in this report.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003.

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 3	Middle School Cluster 2	High School Cluster 2
Dwelling Units	126 sfd	126 sfd	126 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	30.24	7.56	15.12
Actual Enrollment	6,141	5,131	10,098
Completion Enrollment	198.24	217.62	398.97
Cumulative Enrollment	0	39.24	78.48
Total Enrollment	6,369.48	5,395.42	10,590.57
State Rated Capacity	5,858	4,688	8,770
Percent Capacity	108.73%	115.09%	120.76%

Source: Prince George's County Planning Department, M-NCPPC, December 2003

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts on



existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings.

This project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003, and CR-23-2003. The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public fire and rescue facilities.
  - a. The existing fire engine service at Bowie Fire Station, Company 43, located at 16400 Pointer Ridge Drive, has a service travel time of 8.52 minutes, which is beyond the 5.25-minute travel time guideline.
  - b. The existing ambulance service at Bowie Fire Station, Company 43, has a service travel time of 8.52 minutes, which is beyond the 6.25-minute travel time guideline.
  - c. The existing paramedic service at Bowie Fire Station, Company 43, has a service travel time of 8.52 minutes, which is beyond the 7.25-minute travel time guideline.

These findings are in conformance with the standards and guidelines contained in the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

To alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/ EMS Department determines that an alternative method of fire suppression is appropriate.

The Historic Preservation and Public Facilities Planning Section has concluded that the entire development is beyond the recommended response times from existing facilities which provide ambulance and paramedic service. This finding is based on using the existing road system and existing stations. The staff also found that the planned Bowie New Town Emergency Services Facility, which is shown in the Capital Improvement Program item No. CIP#LK510650, will be the first due station that will provide ambulance and paramedic service to this development.

To mitigate the ambulance and paramedic response time deficiencies, the staff recommends that the applicant participate in providing a fair-share contribution toward the construction of the Bowie New Town Emergency Services Facility.

The fee amount is based upon the total cost of the facility, \$2,600,000 plus ambulance (\$131,000) and paramedic unit (\$131,000) divided by the total amount of residential and employment population within the service area in 2006. The service areas include those areas that will be

served by the planned facility. The fair share fee is \$328.62 per dwelling unit for paramedic and ambulance service.

$$\text{Cost} = 2,600,000 + 131,000 (\text{ambulance}) + 131,000 (\text{paramedic ambulance}) = \$2,862,000$$

$$2006 \text{ Service Area Population/Employees} = 26,998$$

$$2,862,000 / 26,998 = \$106.00 \text{ per resident/employee}$$

$$\$106.00 / \text{Person} \times 3.10 \text{ Planning Area Household Size} = \$328.62 \text{ per Dwelling Unit}$$

$$\text{Number of Dwellings} (126) \times 328.62 = \$41,406.12$$

11. **Police Facilities**—The proposed development is within the service area for Police District II-Bowie. The Planning Board's current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of June 30, 2002, the county had 874 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 69 sworn personnel. Therefore, in accordance with Section 24-122.01(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed Pleasant Prospect development.
12. **Health Department**—The Health Department reviewed the application and noted that a raze permit will be required prior to demolition of any structure on the site. Also, existing wells and septic systems that will be abandoned need to be pumped, backfilled and sealed in accordance with COMAR 26.04.04.
13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan has not yet been approved. To ensure that development of this site does not result in on-site or downstream flooding, a Stormwater Management Concept Plan must be approved prior to signature approval of the preliminary plan. Development must be in accordance with this approved plan, or any revisions thereto.
14. **Cemeteries**—There are no known cemeteries on or adjoining the property. However, the applicant should be aware that if burials are uncovered during the construction process, state law requires that all activity stop. Development may only proceed then under state direction.
15. **Public Utility Easement**—The preliminary plan correctly includes the required ten-foot-wide public utility easement. This easement will be shown on the final plat.
16. **Historic Preservation**—Pleasant Prospect is a 2 ½-story, brick plantation house built in 1798 for Dr. Isaac Duckett. The walls of the building are laid in Flemish bond, and there is a side passage and kitchen wing. The interior exhibits particularly fine Federal-style decorative detail. A

pyramidal-roof log meat house stands on the immediate grounds. After the Civil War, Pleasant Prospect became the property of Jonathan T. Walker, who undertook major Victorian renovations. The Walker family farm was divided during the twentieth century, creating and setting apart a five-acre lot for the historic house and immediate grounds. The house has recently been restored to its original appearance and is an outstanding and important example of Federal-style domestic architecture. Pleasant Prospect is listed in the National Register of Historic Places.

The Environmental Setting of the Pleasant Prospect Historic Site is the 5.001-acre Parcel 10 on which the historic buildings stand. Although there are mature trees on the immediate grounds of Pleasant Prospect, the grounds are essentially open, and there is a clear view both to and from the Historic Site.

The proposed residential development will have enormous impact on the setting of Pleasant Prospect. Several houses have recently been built on large lots in Woodmore immediately to the south and southwest, but the area to east and north presently consists of open pastureland, and farm buildings are still standing directly west of the historic property. Access to Pleasant Prospect is presently by an unpaved lane from Woodmore Road (more than one-half mile to the south). Future access to Pleasant Prospect, assuming development of this proposed large subdivision, would depend upon one of the subdivision roads.

Access to the Historic Site will be through Parcel C, to be conveyed by the applicant to the Historic Site owners. Actual construction of any new access drive should be the responsibility of the applicant; details should be negotiated between these two parties, and an agreement in writing should be prepared.

With the development of this subdivision, the Environmental Setting of Pleasant Prospect will be adjoined on all sides by developing lots. Buffering will be required, according to the Prince George's County *Landscape Manual*, on all lots that adjoin the boundaries of the Environmental Setting, i.e., Lots 7 through 13 and the HOA parcel immediately south of the Historic Site.

Houses on Lots 89 through 91 will be visible from the Historic Site. A limited detailed site plan should be required for these lots as well as for Lots 7 through 13. The site plans should show the siting, size, materials, elevations and architectural elements of the proposed houses. The site plans should be approved by the Planning Board or its designee, with referral to the Historic Preservation staff, prior to issuance of building permits.

The historic house at Pleasant Prospect is an outstanding and important example of Federal-style domestic architecture. At the time of its construction in the 1790s, it was one of the most substantial brick plantation houses in central Prince George's County, and its prominence, materials and decorative features should be reflected in the buildings that will be built around it.

17. **Varying Lot Sizes**— The applicant is proposing to use varying lot sizes as permitted by the Prince George's County Zoning Ordinance. Unlike the provision for the use of Lot Size Averaging (R-55, R-80, R-R and R-E Zones), the use of varying lot sizes in the R-A and O-S Zones does not

require specific findings for approval. Only the minimum standards outlined in the Zoning Ordinance must be met.

Section 27-442(b) (Table I) of the Zoning Ordinance sets the minimum standards for varying lot sizes. In the R-A Zone, the creation of varying lot sizes is permitted as long as the total tract being subdivided is at least 25 acres in size. In this case the total tract area is 258.73 □ acres. Further, at least 60 percent of the lots created using varying lot sizes must meet or exceed the minimum lot size in the zone: two acres in the R-A Zone. This requirement has been met with the submitted preliminary plan: 76 of the 126 lots (or 60.3 percent) are a minimum of two acres on this subdivision.

The Zoning Ordinance allows one 1-acre lot for every 25 acres of land in the tract. With 258.73 acres of land in the R-A tract, a maximum of ten 1-acre lots is permitted. The remaining lots are required to exceed 50,000 square feet. The submitted preliminary plan includes nine lots between one acre and 50,000 square feet in size, with the remaining 41 lots exceeding 50,000 square feet. This arrangement meets the minimum standards set forth in Section 27-442(b) (Table I) of the Zoning Ordinance for the use of varying lot sizes.

18. **Issues Raised at the Hearing**—Citizens from the Woodmore community attended the hearing and raised several concerns regarding the proposal's impact on Woodmore. First, the citizens asked that there be no direct connection from the property into Woodmore. Second, the citizens asked that the limited detailed site plan include the review of lots along Spriggs Request Road for compatibility with homes in Woodmore. Third, they raised concerns about buffering and screening from the entrance road.

The Planning Board raised concerns about the flag lots. Though these are not technically flag lots, the Planning Board is concerned that flag lots impact individual privacy and will look at these more closely at the time of detailed site plan review.

Finally, the Planning Board raised concerns that there may be remnants of slave quarters and possibly slave burials on the property because it is part of a larger property that was once a plantation. Given this, the applicant proffered to conduct a Phase I Archeological Study prior to site plan approval, to search for evidence of slave life on the property.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the adoption of this Resolution.

\* \* \* \* \*

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 Eley, seconded by Commissioner Harley, with Commissioners Eley, Harley, Vaughns, Squire and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, February 5, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 25th day of March 2004.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:JD:meg

Case No. SP-04040

Applicant: Washington Management  
Development

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

ORDER AFFIRMING PLANNING BOARD DECISION, WITH ADDITIONAL CONDITIONS

IT IS HEREBY ORDERED, after review of the administrative record, that the decision of the Planning Board in PGCPB No. 05-61, to approve with conditions a detailed site plan, SP-04040, for a project called Waterford, 126 single-family detached dwelling units on property described as approximately 261.19 acres of land in the R-A Zone, on the north side of Woodmore Road, approximately 2,000 feet east of its intersection with Pleasant Prospect Road, Mitchellville, is hereby:

AFFIRMED, for the reasons stated by the Planning Board, whose decision is hereby adopted as the findings of fact and conclusions of law of the District Council in this case.

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

1. Applicant shall conduct further review of the engineering rationale, including compliance with the requirements of the Neighborhood Traffic Management Program, justifying construction of a roundabout at the proposed location.

If the necessary speed and volume traffic studies are reviewed and approved by DPW&T, and if the roundabout otherwise meets the requirements of DPW&T, then:

- a. The applicant shall present the study to the Woodmore Homeowners' Association.
- b. If the roundabout is determined to be the preferred alternative, then the applicant shall construct the roundabout in accordance with DPW&T standards and specifications.
- c. The Waterford HOA and its successors shall establish landscaping of the roundabout which is appropriate for the site and maintain the landscaping of the roundabout.

- d. There shall be no vehicular access to Spriggs Request Way.
  - e. The applicant shall pay to Prince George's County for each building permit a contribution of \$10,000.00, for the proposed improvements at the Church Road/Woodmore Road/Mount Oak intersection. The \$10,000.00 contribution shall be adjusted annually, multiplying by the Engineering News Record Highway Construction Cost Index at time of payment and then dividing by the Cost Index of November 1991.
2. If a roundabout is not constructed, then, for each building permit, the applicant shall pay to Prince George's County the following share of costs for improvements to the Church Road/Mount Oak Road/Woodmore Road realigned intersection:
- A fee calculated as \$2,006.93 per residence x (*Engineering News-Record Highway Construction Cost Index at time of payment*) / *Engineering News-Record Highway Construction Cost Index for November 1991*).
3. Prior to certification of the DSP, the TCPII shall be revised as follows:
- a. Provide details and specifications for the proposed structural noise barrier.
  - b. Include an elevation view of the berm and structural noise barrier, including dimensions and materials.
4. The noise barrier may include a berm, buffer area, and fence or wall, or any combination of these features approved by the Urban Design Section. But if a fence or wall is constructed, the applicant shall create a fund for the project's homeowners association, with sufficient capital and revenues to maintain the fence or wall in perpetuity.
5. The following note shall be placed on the final plat:
- "All lots in Waterford that back up to US 50 are provided noise mitigation through the construction of berms and a noise barrier. On each individual lot, the property owner shall allow reasonable homeowners association maintenance of the berms and noise barriers."
- 5A. Designated lots have tree-save areas, within which trees may not be disturbed. Each such tree-save area shall be fenced, and a sign shall be placed to warn residents that tree removal is prohibited. Prior to execution of a purchase-and-sale agreement for any of the designated lots, the prospective purchasers shall be given written disclosure of on-site tree-save areas, required fencing and signage, and the requirement not to disturb trees within those areas.
- 5B. On lots 99 and 100, the driveway shall be shown as separate for each lot, separated by a lot line, so that each driveway is on its own lot.

6. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams, or waters of the U.S., the applicant shall submit to Environmental Planning copies of all federal and state wetland permits, evidence that plan approval conditions have been complied with, and associated mitigation plans.
7. Prior to site plan certification, the TCPII shall be revised as follows:
  - a. Show the stormwater management outfall easements and label these areas as such on Lots 61, 62, 76 and 79 of Block A.
  - b. In all references to the reforestation fencing, indicate its installation prior to the issuance of building permits for Lots 1-9, 13-16, 22, 24-26, the two acres on Lot 27 outside the limits of disturbance, 56-62, 75-80, 83-87, 89-91, 94 in Blocks A and B.
  - c. Provide additional afforestation/reforestation on Lot 94 of Block A, consistent with the TCPI in the area along the western portion of the site in relation to Woodmore. Lot 94 may be expanded to provide more buildable area by adjusting the east property line.
  - d. Show the clearing of existing woodlands on Lot 100 of Block A, on Sheet 9.
  - e. Revise the design at the access road and entrance to provide limited afforestation in this area and eliminate or minimize the use of turf. Revise all details accordingly. This area shall include permanent split-rail fencing or stone or horse fence around the afforested area to be completed prior to the issuance of the tenth building permit.
  - f. Provide a specimen tree sign detail and corresponding symbol in the legend and on the plan in relation to trees that are to be saved.
  - g. Adjust the Reforestation Inspection and Planting Narrative to remove reference to mowing in the afforestation areas, and state that the control of invasive species is allowed.
  - h. Remove Standard TCPII Note 6, which does not apply to this site.
  - i. Fill in the blank in the Afforestation/Reforestation Agreement on Sheet 14 to identify the party responsible for the five required annual field inspections of these woodland treatment areas.
  - j. Adjust the reference to a planting completion date. All afforestation is required to be installed prior to the issuance of a building permit for Lots 1-9, 13-16, 22, 24-26, the two acres on Lot 27 outside the limits of disturbance, 56-62, 75-80, 83- 87, 89, 90, 91, 94 in Blocks A and B.



- k. Provide details and specifications on the plans of the proposed bridge location at 1"=10' scale to allow for the review of the bridge placement and proposed impacts.
  - l. Revise the conceptual bridge drawing to show a design that does not have a double culvert cross-section, but rather a single, larger area beneath it for the unobstructed flow of the stream and the maximum passage of wildlife.
  - m. After all required revisions have been made to the plan, have the qualified professional who prepared the plan update the revision box, sign it, and date it.
8. The TCPII shall be approved prior to final plat. All approved afforestation areas shall be placed in conservation easements at time of final plat.
  9. All afforestation/reforestation and associated fencing on common areas shall be installed prior to the issuance of the building permits for Lots 1-9, 13-16, 22, 24-26, the two acres on Lot 27 outside the limits of disturbance, 56-62, 75-80, 83-87, 89-91, 94 in Blocks A and B. A certification prepared by a qualified professional may be used to provide verification that the afforestation/reforestation has been completed. It must include, at a minimum, photos of the afforestation/reforestation 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.
  10. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all of the Patuxent River Primary Management Area except for areas of approved impacts and all afforestation/reforestation areas shown on the TCPII, and it shall be reviewed by the Environmental Planning Section before approval of the final plat. The following note shall be placed on the plat:

"Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."

All purchasers of property within the Waterford project shall receive a copy of this note, together with an explanation of its requirements, at the time of execution of a contract of purchase and sale.

11. Prior to signature approval, Street A shall be revised to indicate a minimum right-of-way width of 60 feet, and all other public residential streets shall have a minimum right-of-way width of 60 feet (based on DPW&T's road standards for Rural Residential Roads). Alternatively, the applicant may submit evidence that the Department of Public Works and Transportation has approved an alternate width of right-of-way.

12. Prior to signature approval, the outparcel connecting Street D to the Pepco right-of-way shall be in an easement sized to meet the Department of Public Works and Transportation's (DPW&T) requirements for access. The easement shall contain language that expressly requires the homeowner's association to dedicate said parcel to DPW&T for construction of the road connection to the east at the request of DPW&T. The easement shall be reviewed prior to final plat approval for the lots abutting the parcel and cul-de-sac with express notice to said lot owners.
13. Prior to approval of the final plat, the applicant shall provide a written agreement to the Planning Board or its designee regarding the details of construction of an access drive from the new subdivision street to the Historic Site. This agreement shall specify the applicant's responsibility for and timing of the construction of the access drive.
14. Prior to release of building permits for Lots 95 through 100, the applicant shall provide evidence that the 40-foot-deep bufferyard along the Historic Site on each of these has been planted.
15. Prior to the issuance of building permit, a limited detailed site plan to be approved by the Planning Board or its designee, for architecture for the proposed houses on Lots 4, 17, 18 and 19 shall be required. Particular attention shall be given to the siting of the houses on Lots 4 and 17 for compatibility to the Historic Site. The architectural elevations shall indicate brick on front and side facades, and some Federal-style architectural elements (such as pedimented entrances, fanlights, flat-arch brick lintels and shutters) shall be incorporated into the design of these houses.
16. Prior to certificate of approval, a full Phase III data recovery research design shall be approved by the Historic Preservation staff, in collaboration with the Maryland Historical Trust. The research design shall include a more comprehensive documentation of the African-American presence at the site and their relationships to other plantations in the area. The research design shall include an expanded public interpretation plan and a schedule for its implementation.
17. Prior to grading permit within 50 feet of Archeological Site 18PR705, or a larger setback if required by the Maryland Historic Trust, the Phase III data recovery shall be completed in the field.
18. Prior to the approval of any permits, the applicant shall work with staff from the Department of Parks and Recreation and determine if the exterior finish material from barns that will be razed can be reused, and if so, it should be offered to the Department of Parks and Recreation or to the Newel Post, the county's architectural salvage depot.
19. Prior to final plat, the applicant shall consult with the staff of the Historic Preservation and Public Facilities Planning Section to develop street names that are more reflective of significant aspects of the history of the Pleasant Prospect property.

20. Prior to the issuance of building permits for Lots 94, 98, 99, and 100, a detailed site plan for review of the architectural elevations shall be approved by the Planning Board, or its designee, to address the materials, elevations, and architecture of proposed houses on these lots, and to demonstrate compatibility with the Woodmore Development. The plans must show a minimum of 4,000 square feet of finished living area above ground, four-sided brick or stone, and cedar shake, slate, or slate-like roofing.
21. Prior to signature approval, the plans shall be revised as follows:
  - a. Additional landscaping shall be added to lots 25, 28, 31, 34, and 98, to provide privacy for the rear yards.
  - b. The plan for evergreen trees along the entrance road shall be revised, to show a new selection, one approved by both staff and applicant.
  - c. The plans shall be revised to indicate a street light detail having cut-off-type lighting fixtures, to direct glare downward.
  - d. The plans shall be revised to demonstrate conformance to Sections 4.1, 4.6, and 4.7 of the *Landscape Manual*, in accordance with Finding 8.
  - e. At least one shade tree, one evergreen tree, and one ornamental tree shall be provided in the front yard of each lot.
22. All prospective purchasers shall be advised in writing of the property's proximity to Freeway Airport and the potential nuisances associated with this location.
23. The shared driveway serving Lots 99 and 100 shall remain separated, so that each lot has its own driveway. Neither lot owner shall be required to use a driveway on the other lot.
24. All fencing and berms separating the project from surrounding residential property shall be maintained in perpetuity by the Waterford homeowners' association.

Ordered this 12th, day of September, 2005, by the following vote:

In Favor: Council Members Dean, Bland, Campos, Exum, Harrington, Hendershot and Peters

Opposed:

Abstained:

Absent: Council Members Dernoga and Knotts

Vote: 7-0

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: \_\_\_\_\_  
Samuel H. Dean, Chairman

ATTEST:

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

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on December 2, 2010 regarding Detailed Site Plan DSP-04040/02 for Waterford, the Planning Board finds:

1. **Request:** The subject application is for approval of earthen landforms or berms in a previously approved afforestation area located along the eastern property line adjacent to a public utility right-of-way.
2. **Development Data Summary**

Zone(s)	R-A
Use(s)	Residential
Acreage	261.19
Net tract area	232.56
Area within 100-year floodplain	28.63
Lots	126 lots and 4 parcels
Dwelling Units:	
Detached	126
Minimum Lot Area	43,560 sq. ft.

3. **Location:** The site is in Planning Area 74A, Council District 6. More specifically, the property is located on the south side of US 50 (John Hanson Highway), on the north side of Woodmore Road, approximately 2,000 feet east of its intersection with Pleasant Prospect Road.
4. **Surrounding Uses:** A Potomac Electric Power Company (PEPCO) right-of-way, Freeway Airport, undeveloped farmland, and large single-family lots within the Woodmore Subdivision surround the subject property.
5. **Previous Approvals:** The area included in this application was previously the subject of Pre-Preliminary Plan of Subdivision P-03011; Preliminary Plan of Subdivision 4-03111 and Type I Tree Conservation Plan TCPI/72/03; and Detailed Site Plan DSP-04040 and Type II Tree Conservation Plan TCPII/152/04. The Planning Board's action of approval for Preliminary Plan 4-03111 is found in Resolution No. 04-24, adopted on March 24, 2004; and for Detailed Site Plan DSP-04040 in Resolution No. 05-61, adopted on March 3, 2005. The District Council took action on DSP-04040 on September 12, 2005 and affirmed the Planning Board's Decision with additional conditions.

An -01 revision to DSP-04040 was reviewed at staff level for architecture on Lot 100, and an entrance monument, security cameras, and a meter pedestal were added under an -03 revision to the previously approved detailed site plan. Various revisions to the Type II tree conservation plan (TCPII) were also reviewed at staff level.

The current revisions, DSP-04040-02 and TCPII/152/04-05, are requesting approval for installation of four, 10- to 15-foot-high vegetated berms to be located along the PEPCO right-of-way from the northeastern corner of the property extending approximately 270 linear feet to the southeastern corner of Lot 28, Block A. Installation of entrance monuments, a security camera, and a meter pedestal are also included as a part of the TCPII revision because these elements, although previously shown on DSP-04040-03 and approved, were not included on previously approved TCPII plans.

6. **Design Features:** The applicant proposes earthen landforms or berms as a method to provide additional visual screening from the PEPCO pylons and transmission wires within the PEPCO right-of-way located adjacent to the site's easternmost lots. The proposed berms for visual screening are designed to integrate with the approved noise mitigation berm that is mostly constructed along US 50, which borders the northern portion of the site.

No changes are proposed on the detailed site plan in regard to the noise mitigation berm.

In an e-mail dated September 1, 2010, John Pyles to of Washington Management Development to Meika Fields of the Prince George's County Maryland-National Capital Park and Planning Commission (M-NCPPC) Development Review Division, the applicant further describes the purpose of the revision as follows:

“The lots which are the subject of the DSP/TCP Revision request are affected by their proximity at the northeast corner of the subdivision to Route 50, several hundred feet there from by proximity to Freeway Airport and for the entire length by the PEPCO high transmission wires, including very large structural pylons. At the northeast corner traffic visibility and noise negatively impacts several of the lots as does a large PEPCO pylon and an airport tower. There are other PEPCO pylons located along the subject lots. The purpose of the berm and request for revision is to provide visual screening from the dilatory impacts of Route 50, the pylons and the airport tower, as well as to complete noise and visual barriers along Route 50 at the northeast corner and approximate PEPCO right-of-way area impacted. The maximum berm height of 12'-15' will be located at these areas of maximum impact.”

Initially, the applicant submitted a design for one berm with a continuous height along the PEPCO right-of-way. In response to concerns raised about the design of the landform not relating to a natural landscape, the applicant revised the design concept and segmented the berm into four parts that have a more geomorphic shape and undulate in height.

The submitted DSP revision depicts four proposed berms covering a distance of approximately 2,900 feet in length. For simplicity in referencing the landforms, the berms are discussed as Berms A, B, C, and D, with the northernmost berm being Berm A.

Berm A is located on Lots 56 and 55, and is 390 feet in length. The berm measures 13.5 feet from the site's existing grade to the highest point of the berm. Berm B is located almost wholly on Lot 46 with a few contours crossing onto Lots 45 and 37. Berm B is 565 feet in length and has a maximum depicted height of 15 feet from the existing grade. Berm C is proposed on Lots 30 and 29 with a length of 578 feet and a maximum depicted height of 9.5 feet. Berm D, the southernmost berm, is proposed on Lots 28 and 27. This berm is 465 feet in length and 13 feet in height. As designed, Berm A will offer some additional site buffering from US 50 and two pylon towers, and Berms B, C, and D will provide some screening of six additional pylon towers located east of the site.

While none of the lots affected by the proposed berms have been sold, as stated in the applicant's submitted affidavit, the design of the berms has been reviewed with consideration to the experience of future homeowners. The applicant has been encouraged to minimize characteristics that could make the berms an unnecessary nuisance to future owners of the affected lots. The berms should not create an undue maintenance challenge to homeowners. The berm design should maximize level side and rear yards to the fullest extent possible. Additionally, the berms should not be designed at heights that block natural sunlight onto the single-family lots, or appear overwhelmingly unnatural in form.

The average slope proposed for the berms is approximately 30 percent or 3:1. Naturally sloping areas on the site are 13 percent. A sudden change in slope in the landscape appears unnatural to the eye in most settings. To create a berm that fits into its landscape the berms shall be designed to appear as natural as possible from the single-family lots. The proposed contours shall vary in slope to the extent possible.

To reduce maintenance challenges that the slopes of the berms may pose to future homeowners of these individual lots, the applicant proposes to extend an on-site afforestation area to include the full extent of the berms. Afforestation areas are un-mowed areas planted with a variety of seedlings and smaller caliper trees that will develop into woodland. The plant materials proposed in the afforestation area will aid in stabilizing the slopes of the berms and, once planting maturity is reached, the berms will take on a more natural appearance.

Lots affected by the berms should be provided a rear yard area of at least 40 feet between the proposed house locations and the base of the berms. The rear yard should be one that is largely level, as permitted by existing site conditions, and allowing 15 feet for the slopes to connect to grade. The submitted site plans indicate that Lots 56, 46, and 27 have a rear yard depth slightly less than 40 feet between the proposed houses and the base of the berms. The building footprints shown on the site plan represent houses between 5,800 to 8,600 square feet. Staff recognizes that the square footages and placement of the individual homes on lots in Waterford are subject to change; therefore, prior to building permit the lots should be reviewed for adequate side and rear

yard depths described in the below recommended note. The following note should be placed on the site plan:

“Berms for visual screening will be located within an afforestation area on Lots 27, 28, 29, 30, 37, 45, 46, 55, and 56 of Block A. Forty-foot rear yard depths and twenty-foot side yard depths are required between the proposed houses and the base of the berms/afforestation area. Rear yards adjacent to these berms shall be largely level, as permitted by existing site conditions, and allowing for minimal slopes in 15 feet of the yard where the base of the berms tie into grade.”

There is no evidence that the heights of the berms will have any detrimental effect on natural sunlight to the lots. Any revision to the design of the berms, including extensions or increased heights in the field, will require a revision to the detailed site plan.

The subject subdivision contains floodplain, areas of steep slopes with highly erodible soils, and wetlands. An important issue for this plan revision is appropriate sediment and erosion control measures, and storm water management during the construction of the berm for the protection of sensitive environmental features within and nearby the site; therefore, the subject application was referred to the Environment Planning Section for additional analysis and comment.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the R-A (Rural Residential) Zone. The subject site is in compliance with the requirements of Section 27-426 of the Zoning Ordinance for the R-A Zone.
8. **Detailed Site Plan DSP-04040:** Detailed Site Plan DSP-04040 was approved by the District Council on September 12, 2005 with 24 conditions. The detailed site plan revision is subject to all of the previous conditions of approval. The following warrant discussion:

**5. The following note shall be placed on the final plat:**

**“All lots in Waterford that back up to US 50 are provided noise mitigation through the construction of berms and a noise barrier. On each individual lot, the property owner shall allow reasonable homeowners maintenance of the berms and noise barriers.”**

The subject DSP revision will be an extension of the previously approved noise mitigation berms and an addition of visual screening berms.

7. **Prior to certificate approval of the detailed site plan, the TCPII shall be revised as follows:**



- i. Fill in the blank in the Afforestation/Reforestation Agreement on Sheet 14 to identify the party responsible for the five required annual field inspections of these woodland treatment areas.**

- 8. The TCPII shall be approved prior to final plat. All approved afforestation areas shall be placed in conservation easements at time of final plat.**

These two TCPII related conditions were addressed during the review and approval of the original DSP-04040 and prior to final plat approval; however, verification of several afforestation areas has been provided subsequent to the original approval of DSP-04040. This information should be added to Sheet 14 of the TCPII as a follow-up to Condition 7(i) above.

Because several revisions to the tree conservation plan have been approved at staff level subsequent to the original approval, on which the recorded plats were based, and because the revisions currently under review propose to further alter the afforestation areas on-site, a plat of correction should be filed that reflects the afforestation areas as approved with this DSP revision.

Prior to signature approval of the DSP, Sheet 14 of the TCPII shall be revised to document the results of all afforestation survival checks that have been performed to date including the dates, the responsible party, and the afforestation area numbers.

Prior to the release of a grading permit for the proposed berms, plats of correction must be recorded in the land records that reflect the limits of afforestation as shown on TCPII/152/04-05, signed as part of the DSP-04040-02 approval.

- 12. Prior to signature approval, the outparcel connecting Street D to the Pepco right-of-way shall be in an easement sized to meet the Department of Public Works & Transportation's (DPW&T) requirements for access. The easement shall contain language that expressly requires the homeowner's association to dedicate said parcel to DPW&T for construction of the road connection east at the request of DPW&T. The easement shall be reviewed prior to final plat approval for the lots abutting the parcel and cul-de-sac with express notice to said lot owners.**

None of the four berms shall obstruct the outparcel connecting Street D to the Pepco right-of-way.

- 19. Prior to signature approval, the plans shall be revised to provide the following information:**

- d. The plans shall be revised to demonstrate conformance to Sections 4.1, 4.6, and 4.7 of the *Landscape Manual* in accordance with Finding 8.**

Although DSP-04040 has since received signature approval, during review of the subject revision it became apparent that one condition required to be met prior to signature approval of the original plans had not been met. With this review, the applicant is required to come into conformance with

all previous conditions of approval including those required prior to signature approval of DSP-04040.

Prior Condition 19(e) refers to previous Finding 8 from PGCPB Resolution No. 05-61, which states:

**Section 4.6 requires the minimum of a 50-foot-wide landscape strip along the right-of-way of an arterial roadway, US 50. The plans show the area planted in afforestation; however, the plans must also demonstrate that the requirements of the *Landscape Manual* in regard to the size of plant material and the quantities of plant material are being met. There is sufficient space on the plan to provide the plant material.**

**In regard to Section 4.7, the property is adjacent to a public utility use, the PEPCO right-of-way that contains overhead wires. The public utility use is categorized as a medium intensity use and a “C” bufferyard is required. The plans currently show a bufferyard of afforestation and existing woodland. Where woodland does not exist, the plans must be revised to demonstrate conformance to the *Landscape Manual* in regard to size of plant material as well as quantity. The property is also adjacent to a townhouse subdivision within the Woodmore development. The plans currently show afforestation but must also demonstrate conformance to the *Landscape Manual*. The plans must be revised prior to signature approval to include the required schedules from the *Landscape Manual* and to show the planting materials on the plans.**

Most of the bufferyards discussed in the above finding are areas approved for afforestation. Because afforestation areas are not standard bufferyards, as described in the *Landscape Manual*, the applicant has requested alternative compliance to achieve a determination that the bufferyards proposed through providing new forests will be equal to or better than bufferyards required by the *Landscape Manual*.

The Alternative Compliance Committee and Planning Director’s recommendations are adopted by the Planning Board as follows:

Alternative compliance is requested from Section 6.2(b)(3), *Landscape Specifications*, in conjunction with 4.7, *Buffering Incompatible Uses*, along the eastern and western property lines, and from Section 4.6, *Buffering Residential Development from Streets*, along US 50.

**Location**

The subject property is located on the south side of US 50 and on the north side of Woodmore Road, approximately 2,000 feet east of its intersection with Pleasant Prospect Road.

**Background**

The underlying case is a Detailed Site Plan, DSP-04040-02, for 126 single-family detached lots and an existing historic site. The plans propose to create landforms, approximately 10–15 feet in height, with afforestation that will screen the adjacent transmission lines along the eastern property line. The plans also propose to adjust the size and number of plant materials along US 50 and the western property line.

The Waterford property measures approximately 261.19 acres and is zoned Residential-Agricultural (R-A). The site is bounded to the north by US 50, to the west by a single-family detached development and a townhouse development in the R-A Zone, to the south by Woodmore Road, and to the east by Potomac Electric Power Company (PEPCO) utilities.

The site is subject to Section 4.7, Buffering Incompatible Uses, and Section 4.6, Buffering Residential Development from Streets, of the *Prince George's County Landscape Manual*. The applicant has filed this request for alternative compliance from Sections 4.7 and 4.6 to allow the required landscaping to be met through afforestation which proposes shade trees planted at a reduced caliper from that which is required by Section 6.2 of the *Prince George's County Landscape Manual*.

REQUIRED: 4.7 Buffering Incompatible Uses, along the eastern property line, adjacent to the PEPCO utility.

Length of bufferyard	6,182 feet
Building setback	40 feet
Landscape yard	30 feet
Fence or wall or berm	Yes (partial berming)
Percentage of required bufferyard occupied by existing woodland	37.8%
Plant units (120 per 100 l.f.)	3,579

PROVIDED: 4.7 Buffering Incompatible Uses, along the eastern property line, adjacent to the PEPCO utility.

Length of bufferyard	6,182 feet
Building setback	40+ feet
Landscape yard	30+ feet
Fence or wall or berm	Yes (partial berming)
Plant units (Afforestation list #1)	7,515

REQUIRED: 4.7 Buffering Incompatible Uses, along the western property line, adjacent to the townhouse development.

Length of bufferyard	918 feet
Building setback	20 feet
Landscape yard	10 feet
Fence or wall or berm	No
Percentage of required bufferyard occupied by existing woodland	9.5%
Plant units (40 per 100 l.f.)	332

PROVIDED: 4.7 Buffering Incompatible Uses, along the western property line, adjacent to the townhouse development.

Length of bufferyard	918 feet
Building setback	20+ feet
Landscape yard	10+ feet
Fence or wall or berm	No
Plant units (Afforestation list #3)	2,955

REQUIRED: 4.6 Buffering Residential Development from Streets, along US 50

Length of bufferyard	3,092 feet
Landscape yard width	75 feet (for freeway and expressway)
Fence or wall	Yes
Plant materials (with 50% reduction for wall)	124 shade trees 310 evergreen trees 743 shrubs

PROVIDED: 4.6 Buffering Residential Development from Streets, along US 50

Length of bufferyard	3092 feet
Landscaped yard width	75+ feet (for freeway and expressway)
Fence or wall	Yes
Plant materials (Afforestation list #9)	659 shade trees 229 evergreen trees 95 ornamental trees 0 shrubs

The *Prince George's County Landscape Manual*, Section 6.2, requires the minimum size for planting shade trees to be 2½ to 3 inches in caliper or 12 to 14 feet in height. The applicant is proposing planting shade trees at 1 to 1½-inch caliper in the required landscaped yards for Section 4.7 along the eastern and western property lines and Section 4.6 along the northern property line but are planted at least double the rate of shade trees normally required. The landscaped yard plantings are dually recognized as afforestation areas. These afforestation areas extend beyond the required width of the landscaped yards, providing a wider buffer. Additionally, it should be noted that the 1 to 1½-inch caliper proposed by the applicant is more generous than the standard seedling size requirement for afforestation plantings.

In regard to Section 4.6, along US 50, the applicant is also proposing additional shade and ornamental trees in lieu of 743 shrubs and 81 of the 310 required evergreen trees. The *Prince George's County Landscape Manual* requirement of shrubs and evergreen trees has been converted to shade trees in order to conform closely with afforestation requirements in this area.

The Planning Board finds that providing 1 to 1½-inch caliper shade trees at a minimum rate of two per every required 2½ to 3-inch caliper shade tree, providing wider landscaped/afforestation yards, and replacing required shrubs and evergreen trees with a greater amount of equivalent plant units conducive to the creation of woodland, is equal to or better than normal compliance with the *Prince George's County Landscape Manual*.

The Planning Board approves alternative compliance for the Waterford property pursuant to Section 4.7 of the *Prince George's County Landscape Manual* in the areas along the eastern and western property lines and Section 4.6 along US 50.

**24. All fencing and berms separating the project from surrounding residential property shall be maintained in perpetuity by the Waterford homeowners' association.**

The berms subject to this proposal do not separate the project from surrounding residential development.

9. **Preliminary Plan of Subdivision 4-03111:** The detailed site plan is in conformance with approved Preliminary Plan 4-03096. The proposed landforms affect few prior conditions of approval. The following conditions warrant discussion.

4. **A limited detailed site plan shall be approved by the Planning Board or its designee prior to approval of building permits for Lots 27-33 and 46-53 to address noise mitigation measures, including the location and design of the noise barrier along the south side of US 50, and the building shell design shall be approved by the Planning Board. A Phase II Noise Study shall be included as part of the DSP application submittal package and shall include specific noise attenuation measures based on the site's topography and the proposed locations of houses.**

The noise barrier was previously approved under DSP-04040 in accordance with the above condition and it is currently under construction on the site. The noise barrier was approved at six feet in height along US 50 and higher in some areas to provide effective mediation. The subject DSP revision proposes to expand upon the previously approved noise mitigation berms to continue the landforms along the eastern portion of the site from US 50 to the southeastern corner of Lot 28, Block A.

10. **The Prince George's County Landscape Manual:** The proposed detailed site plan revision is exempt from any additional requirements of the applicable sections of the Landscape Manual because the berm construction does not involve either an increase in gross floor area of any existing building or a change of use from a less intensive to a more intensive use category as defined in the Landscape Manual.

As discussed in Finding 8, the applicant is required to conform to each previous condition of approval, including those that relate to Landscape Manual conformance. The proposed berms are located within a required buffer for incompatible uses along the eastern property line. Pursuant to Section 4.7 of the Landscape Manual, five-foot-high berms within a buffer area may reduce the plant materials required in that area by 50 percent.

The addition of the berms has no affect on the required plant densities within the afforestation area.

11. **The Woodland and Wildlife Habitat Conservation Ordinance and the Tree Canopy Conservation Ordinance:** A revised Type II tree conservation plan (TCPII) has been submitted and reviewed. This property is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance because it has approved plans associated with it, Type I Tree Conservation Plan TCPI/72/03 and Type II Tree Conservation Plan TCPII/152/04. A revised TCPII was submitted with the current review package. This plan shows a minor revision to the approved TCPII and does not result in a reconfiguration of lots. As such, this TCPII meets the grandfathering provisions of Section 25-119(g) of the Prince George's County Code.

The plan requires some technical changes to be in conformance with the Woodland Conservation Ordinance. Staff recommends that, prior to signature approval of the DSP, the TCPII be revised as outlined under the recommendation section of this report.

The site is subject to Subtitle 25, Division 3, Tree Canopy Coverage (TCC) Ordinance, which requires that a minimum percentage of a site is covered by tree canopy, as determined by a property's zone. The property is located in the Residential Agricultural (R-A) Zone, which has no TCC requirement. Prior to signature approval of the detailed site plan, the applicant should add a note to the TCPII that states no tree canopy coverage percentage is required in the R-A Zone.

12. **Aviation Policy Area (APA-6):** The property is also located in Aviation Policy Area APA-6, as defined by the Zoning Ordinance, around the Freeway Airport. Properties in this area are required to disclose to prospective purchasers information regarding their proximity to Freeway Airport and an acknowledgment of the potential nuisances associated with this location. The increased height of vegetation within the afforestation area due to the proposed berms will not negatively impact the site's ability to conform to the applicable regulations of Sections 27-548.32 through 27-548.49 of the Zoning Ordinance.
13. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are as follows:
  - a. **Historic Preservation**—The proposed DSP for a berm along the eastern property line will have no effect on identified historic sites, resources, or districts.
  - b. **Environmental Planning**—The Planning Board adopts the following findings:

#### **Site Description**

The 261.19-acre site in the R-A Zone is located on the north side of Woodmore Road, approximately 2,000 feet east of its intersection with Pleasant Prospect Road. A review of the available information indicates that streams, wetlands, 100-year floodplain, areas of steep slopes with highly erodible soils, and severe slopes are found to occur within the limits of this application. Many of the wetlands found on this property have been identified by the State of Maryland as Wetlands of Special State Concern which require a 100-foot-wide wetland buffer. John Hanson Highway (US 50) has been identified as a transportation-related noise generator that will impact some of the proposed lots on this site. The soils found to occur on the site, according to the *Prince George's County Soil Survey*, include Bibb silt loam, Collington fine sandy loam, Monmouth fine sandy loam, mixed alluvial land, and Shrewsbury fine sandy loam. These soils generally have no limitations that would affect the proposed application with the exception of the mixed alluvial that are associated with the stream and wetland areas. According to available information, Marlboro clay is not found to occur on this property. According to information from the Maryland Department of Natural Resources, Natural Heritage Program, publication titled "Ecologically Significant Areas in Anne Arundel and Prince

George's Counties," December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. The site is located in the Northeast Branch watershed of the Patuxent River basin and the Developing Tier as reflected in the 2002 *Prince George's County Approved General Plan*.

- (1) The detailed forest stand delineation (FSD) submitted with Preliminary Plan of Subdivision 4-03111, date stamped received by the Environmental Planning Section on January 8, 2004, was found to address the requirements for a FSD in accordance with the Woodland Conservation Ordinance. Because the site conditions have not changed since the submittal and review of that FSD, no additional information is required.
- (2) This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because it has approved tree conservation plans associated with it, Type I Tree Conservation Plan TCPI/72/03 and Type II Tree Conservation Plan TCPII/152/04. A revised Type II tree conservation plan (TCPII) was submitted with the current review package. This plan shows minor revisions to the approved TCPII and does not result in a reconfiguration of lots. As such, this TCPII meets the grandfathering provisions of Section 25-119(g) of the Zoning Ordinance.

The subject TCPII amendment requires some technical changes to be in conformance with the Woodland and Wildlife Habitat Conservation Ordinance.

- (3) The Subdivision Regulations provide for the protection of streams, 50-foot stream buffers, wetlands, 25-foot wetland buffers, 100-year floodplain, adjacent areas of slopes in excess of 25 percent, adjacent areas of slopes between 15 and 25 percent with highly erodible soils, and areas of rare or sensitive habitat. These features comprise the Patuxent River primary management area (PMA). The buffer associated with Wetlands of Special State Concern is shown as being 100 feet in width, not the 25-foot width typically associated with wetlands.

The entire entrance area is located within the PMA. The impacts to the PMA were evaluated in detail as part of the preliminary plan and detailed site plan review and approval process. The current TCPII shows the removal of 0.03 acres of afforestation within the PMA for the installation of the proposed entrance features, security camera, and meter pedestal. However, the proposed location of these features is within the original limits of disturbance; therefore, no additional impacts are proposed. The entrance features were approved at staff level on June 14, 2010 under DSP-04040-03. The subject TCPII is currently being revised to incorporate that additional change.

- (4) A copy of the stormwater management concept plan and the approved 100-year floodplain study, date stamped as received by the Environmental Planning Section



on January 8, 2004, were reviewed with the preliminary plan of subdivision; however, no stormwater management information was submitted as part of the current application. Because it is unclear how the proposed berm will affect site drainage, a revised stormwater management plan needs to be submitted which shows how the drainage from the proposed berm will be handled.

Prior to signature approval of the DSP, if a revised technical stormwater management plan showing the location of the proposed berm and the associated changes in grading is required by DPW&T, it shall also be submitted to the Environmental Planning Section of The Maryland-National Capital Park and Planning Commission (M-NCPPC).

- (5) A separate berm cross-section exhibit was submitted by the applicant that shows a typical profile of the proposed berm. The profile shows 6 to 8 inches of proposed topsoil and 2 to 4 inches of mulch. Under the scenario provided in the cross section, the trees would have as little as 6 inches of topsoil and as little as 2 inches of mulch.

The American Standard for Nursery Stock (ANSI Z60.1-2004) states in section 1.6.3 Root ball depths, that a two inch caliper tree requires a root ball to be at least 12 inches deep. A tree that is 1½ inches requires a root ball to be at least 10.4 inches. Trees must be planted in soil and not mulch.

The plantings on the berm include trees that are 1½ to 2 inches in caliper, thus the trees will have root balls between 10.4 and 12 inches. This is after being harvested from the nursery and losing up to 90 percent of their root systems.

Trees need soil to grow and they cannot grow in mulch in perpetuity. Mulch provides the root systems with adequate protection from temperature and moisture extremes. If the recommended 12 inches of topsoil is not provided on these berms, the trees will likely die and need to be replaced.

Prior to certificate approval of the DSP, the TCPII shall be revised to show a cross section of the berm and the proposed materials for its construction, the proposed side slope elevations, two to three feet of soil free rocks and rubble to adequately support tree growth in perpetuity, and two to four inches of mulch around each tree planted.

- c. **The City of Bowie**—The application was sent to the City of Bowie and the city responded without comment.
- d. **The Potomac Electric Power Company (PEPCO)**—In e-mail correspondence dated July 23, 2010, William D. Spruill of PEPCO to Claudia Shehata of Dewberry, PEPCO stated that they reviewed the plans submitted by Dewberry & Davis, LLC on behalf of P-M Woodmore Estates, LLC (Washington Management & Development Co., LLC) titled

“Waterford (formerly known as Walker Property), Election District 7, Prince George’s County, Maryland, Limited Detailed Site Plan.”

PEPCO has no objections to the proposed berm being located adjacent to PEPCO’s Burtonsville to Oak Grove 230kV Transmission Line Property No. PG-380 and PG-381.

- e. **The Department of Public Works and Transportation (DPW&T)**—DPW&T stated that the site plan revision is consistent with an approved stormwater management plan dated September 29, 2010.
14. Letters dated June 15, 2010 and August 26, 2010 addressed to Meika Fields of the Development Review Division (M-NCPPC) from Janine Mauersberg of Chesapeake Geologic Consulting, Inc. outline numerous concerns. The letters describe and provide photos of material that has been placed on-site to date, allegedly compromised of sediment erosion control devices and cloudy stream conditions flowing off-site associated with the construction of the previously approved noise mitigation berm located along US 50.

The major concerns discussed in the above referenced letters are as follows:

- a. Concerns about inappropriate fill materials being brought in from off-site.
- b. Sediment from berms affecting water quality.
- c. General inspection and code enforcement concerns.

Many of the issues raised are related to code enforcement, which is regulated by the county, and more specifically the Department of Public Works and Transportation (DPW&T). Development Review staff initiated follow-up telephone conversations with the Site Development Inspection Section (SDIS) of DPW&T for additional insight into the concerns raised.

In a conversation with Joe Brown, Chief Inspector of District V, DPW&T, Mr. Brown stated that the site was previously issued at least one violation for inappropriate fill. At that time, inspectors required inappropriate fill to be removed from the site. The fill currently deposited in the noise mitigation berm along US 50 was described as Class 2 fill to Development Review staff. Mr. Brown discussed that there are no major sediment control issues at the present time and most of the failed inspections relate to site maintenance. The site was ultimately described as largely in compliance with current regulations.

The type of fill material allowed for berm construction is also regulated and enforced by the county in accordance with Subtitle 4 of the County Code. Subtitle 4 uses the following definitions of fill classes:

**Section 4-302. Fill—Classes.**

- (1) Class 1 fill—Load-bearing fills proposed for support of buildings, walls, and other structures, the function thereof which would be especially impaired by settlement.**
- (2) Class 2 fill—Load-bearing fills proposed for support of roadways, pavements, rigid utility lines, house connections, and structures which would not be especially impaired by moderate settlement.**
- (3) Class 3 fill—Common fills proposed for lawns, landscape plantings, or for other nonload-bearing usage.**

Class 3 fill is a common type of fill often composed of rock, rubble, and similar irreducible materials, without limit as to size. Overlying soils are often washed over the larger materials to reduce voids. Topsoil can also be intermittently layered with the nonorganic soil. County Council Bill CB-87-2003 states that, while Class 3 fill operations involving the spreading or depositing of Class 3 fill materials require special exception approval in most residential zones, incidental fill operations associated with the development of subdivisions and other preliminary work of a developing site shall not be considered a Class 3 fill operation.

In e-mail correspondence dated November 18, 2010, John Pyles of Washington Management Development to Meika Fields of the Development Review Division (M-NCPPC), Mr. Pyles stated that in construction of berms, as with all dirt operations, some materials brought in by truck are unsuitable. Any unsuitable materials are detected immediately by onsite personnel, either the individual stationed to direct and inspect trucks or by the machine operator. Mr. Pyles further stated that all operations are conducted under DPW&T and are subject to the supervision, inspection and regulation by them and other appropriate Federal, State and County authorities with the necessary developer and County safeguards already in place.

No conditions are adopted by the Planning Board on the topic of fill materials. Fill materials are regulated by the Prince George's County Building Code and directly enforced by DPW&T.

The approval, inspection, and enforcement of sediment and erosion control and stormwater management are under the purview of the county; however, in an effort to address concerns regarding sediment and erosion control issues, a copy of the sediment and erosion control plan should be submitted to the Planning Department for the official file for comparison of the limits of disturbance between the sediment and erosion control plan and the tree conservation plan. The limits of disturbance shown on both sets of plans must be consistent.

Prior to signature approval of the DSP, a copy of the approved sediment and erosion control plan shall be submitted to the Environmental Planning Section of M-NCPPC. The limits of disturbance shown on the sediment and erosion control plan shall be consistent with the limits of disturbance shown on the TCPII.

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

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan (TCPII/152/04-05) and APPROVED Alternative Compliance No. AC-10029, and further APPROVED Detailed Site Plan DSP-04040/02 for the above-described land, subject to the following conditions:

1. Prior to release of a grading permit for the proposed berms, plats of correction shall be recorded in the land records that reflect the limits of afforestation as shown on TCPII/152/04-05, signed as a part of the DSP-04040-02 approval.
2. Prior to signature approval of the DSP, the TCPII shall be revised as follows:
  - a. Provide a single label for each afforestation area.
  - b. Revise the afforestation planting schedules to accurately reflect the number of plants proposed to meet the afforestation required for each area. If landscape planting is proposed to meet any portion of the afforestation requirement, then the associated landscape planting schedule must be clearly referenced in the respective afforestation planting schedule.
  - c. Submit only the sheets relevant to the TCPII and remove all extraneous (blank) sheets (Sheet 13A) from the TCPII plan set.
  - d. Revise the worksheet to include a total of 0.65 acre of fee-in-lieu (as approved with the -02 and -04 single-lot revisions to the TCP). Revise the remainder of the worksheet as necessary to account for the addition of fee-in-lieu.
  - e. Revise the notes below the TCP worksheet located on Sheet 14 as follows:
    - (1) Revise Note 1 to include a list of the lots affected by the -03 revision and update the acreage listed as the outstanding balance of off-site mitigation credits based on the required revisions to the worksheet.
    - (2) Add the following sentence to Note 2: "A fee-in-lieu was approved and paid for 0.49 acre of afforestation removed from Lot 5, Block A on August 5, 2010."

- f. Sheet 14 of the Type II tree conservation plan (TCPII) shall be revised to document the results of all afforestation survival checks that have been performed to date including the dates, the responsible party, and the afforestation area numbers.
  - g. Provide a copy of all recorded transfer certificates for off-site mitigation credits used to meet the requirements of the subject site.
  - h. Add a note to the TCPII that states there is no minimum tree canopy coverage percentage in the R-A Zone.
  - i. TCPII shall be revised to show a cross section of the berm, the proposed side slope elevations, the top two or three feet of soil free of rocks and rubble to adequately support tree growth in perpetuity, and two to four inches of mulch around each tree planted.
  - j. After all revisions have been made, have the qualified professional who prepared the plan sign and date it and update the revision box with a summary of the revisions made.
3. Prior to signature approval of the DSP, the following revisions shall be made or information provided:
- a. The following note shall be placed on the site plan and enforced prior to building permit for each affected lot listed below:  
  
"Berms for visual screening will be located within an afforestation area on Lots 27, 28, 29, 30, 37, 45, 46, 55, and 56 of Block A. Forty-foot rear yard depths and twenty-foot side yard depths are the minimum required between the proposed houses and the base of the berms/afforestation area. Rear yards adjacent to these berms shall be largely level, as permitted by existing site conditions, and allowing for minimal slopes in 15 feet of the yard where the base of the berms tie into grade."
  - b. The proposed contours shall vary in slope to the extent possible to appear as natural as possible from the single-family lots.
  - c. Submit revised technical stormwater management plan, if one is required by DPW&T, showing the location of the proposed berm and the associated changes in grading shall be submitted to the Environmental Planning Section of the Maryland-National Capital Park and Planning Commission (M-NCPPC), Countywide Planning Division.
  - d. Submit a copy of the approved sediment and erosion control plan shall be submitted to the Environmental Planning Section of the Maryland-National Capital Park and Planning Commission (M-NCPPC), Countywide Planning Division. The limits of disturbance shown on the sediment and erosion control plan shall be consistent with the limits of disturbance shown on the TCPII.

4. All afforestation/reforestation and associated fencing on common areas shall be installed prior to the issuance of the next building permit. All afforestation/reforestation and associated fencing on Lots 27, 28, 29, 30, 37, 45, 46, 55 and 56 of Block A of this subject revision shall be installed prior to the issuance of any use and occupancy permit for that lot. A certification prepared by a qualified professional may be used to provide verification that the afforestation/reforestation has been completed. It must include, at a minimum, photos of the afforestation/reforestation 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.
5. The building of the berms is an option of the applicant. Should the applicant choose not to construct the berms, he shall submit a revision of the DSP and TCPII for approval by staff of the Urban Design Section and the Environmental Planning Section as designee of the Planning Board.
6. None of the four berms shall obstruct the outparcel connecting Street D to the PEPCO right-of-way.

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

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Clark, seconded by Commissioner Squire, with Commissioners Clark, Squire, Vaughns and Cavitt voting in favor of the motion, and with Commissioner Parker absent at its regular meeting held on Thursday, December 2, 2010, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 13<sup>th</sup> day of January 2011.

Patricia Colihan Barney  
Executive Director

By Jessica Jones  
Acting Planning Board Administrator

PCB:JJ:MF:arj

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on March 29, 2012, regarding Detailed Site Plan DSP-04040/04 for Waterford, the Planning Board finds:

1. **Request:** The subject application is for approval of architecture and building siting on Lot 17 in accordance with Condition 15 of the District Council Order for Detailed Site Plan DSP-04040.
2. **Location:** The site is in Planning Area 74A, Council District 6. Waterford is located on the south side of John Hanson Highway (US 50) and on the north side of Woodmore Road, approximately 2,000 feet east of its intersection with Pleasant Prospect Road. The subject lot (Lot 17) is located within Waterford across from the Pleasant Prospect Historic Site 74A-6, at the northeast quadrant of the intersection of Waterford Mill Road and Winding Creek Lane.
3. **Surroundings and Use:** A Potomac Electric Power Company (PEPCO) right-of-way, undeveloped farmland, and large single-family lots within the Woodmore Subdivision surround the Waterford development.
4. **Previous Approvals:** Waterford has a number of previous site plan approvals. Waterford was previously the subject of Pre-Preliminary Plan of Subdivision P-03011; Preliminary Plan of Subdivision 4-03111 and Type I Tree Conservation Plan TCPI/72/03; and Detailed Site Plan DSP-04040 and Type II Tree Conservation Plan TCPII/152-04. The Planning Board's action of approval for Preliminary Plan 4-03111 is found in PGCPB Resolution No. 04-24, adopted on March 24, 2004; and for Detailed Site Plan DSP-04040 in PGCPB Resolution No. 05-61, adopted on March 3, 2005. The District Council took action on DSP-04040 on September 12, 2005 and affirmed the Planning Board's decision with additional conditions.

An -01 revision to DSP-04040 was reviewed at staff level for architecture on Lot 100, although that application remains dormant. Detailed Site Plan DSP-04040-02 and TCPII/152-04-05 were approved for the addition of vegetative berms within the larger property. An entrance monument and security cameras were added under an -03 revision to the previously approved detailed site plan. Various revisions to the Type II tree conservation plan (TCPII) were also reviewed at staff level.

5. **Design Features:** Lot 17 is an 87,564-square-foot (2.01 acre) lot located across from Pleasant Prospect Historic Site 74A-6, at the northeast quadrant of the intersection of Waterford Mill Road and Winding Creek Lane. Driveway access to the proposed single-family home on Lot 17 is from Waterford Mill Road. For additional discussion regarding the architecture proposed for Lot 17, see Finding 7.

## COMPLIANCE WITH EVALUATION CRITERIA

6. **Zoning Ordinance:** The Planning Board finds that the subject application complies with the requirements of the R-A (Rural-Agricultural) Zone.
7. **Detailed Site Plan DSP-04040:** Detailed Site Plan DSP-04040 was approved by the District Council on September 12, 2005 with 24 conditions. Condition 15 requires a limited detailed site plan for the subject site.
  15. **Prior to the issuance of building permit, a limited detailed site plan to be approved by the Planning Board or its designee, for architecture for the proposed houses on Lots 4, 17, 18 and 19 shall be required. Particular attention shall be given to the siting of the houses on Lots 4 and 17 for compatibility to the Historic Site. The architectural elevations shall indicate brick on front and side façades, and some Federal-style architectural elements (such as pedimented entrances, fanlights, flat-arch brick lintels and shutters) shall be incorporated into the design of these houses.**

The subject lot identified as Lot 17, Block A, Waterford Subdivision, is adjacent to Pleasant Prospect (74A-006) a National Register historic site. The Planning Board adopts the following findings:

### **Pleasant Prospect**

Pleasant Prospect was built in 1798 for Dr. Isaac Duckett. It is a two and one-half-story brick plantation house with side passage and a kitchen wing. The walls are laid in Flemish bond, which is a decorative style of bricklaying that alternately lays headers and stretchers in a single course. The home is an important example of a Federal plantation house. Pleasant Prospect was listed in the National Register of Historic Places in 1976 and is protected by a preservation easement held by the Maryland Historical Trust (MHT).

The historic home lies within a five-acre environmental setting on Parcel 10. The main structure is set back approximately 390 feet from Waterford Mill Road.

### **Federal-style architectural elements**

Condition 15 specifies that Federal-style architectural elements shall be incorporated into the design of the houses on Lots 4, 17, 18, and 19. Traditional building materials, such as brick, pedimented entrances, fanlights, flat-arch brick lintels, and shutters are frequently used in Federal-style buildings. While the proposed residence on Lot 17 is not a Federal-style building, as Federal-style buildings are most often symmetrical on either side of the building entrance, the Planning Board finds that it includes architectural elements that make it compatible with Pleasant Prospect.



The applicant proposes the Colton 750 architectural model on Lot 17. As required by condition, the building will have full brick on the front and sides with limited exceptions. The elevations indicate one large central gable at the front facing elevation, dormers with gables above the garage, and square pediment above the front door. The façade also incorporates decorative brick work. A combination of flat and arched brick lintels is proposed above many of the windows on the front elevation. These lintels incorporate keystone features. Black shutters are also proposed on the front elevations.

Currently, the building elevations indicate that the Federal-style architectural elements are included on the front building elevation only. Appropriate Federal-style architectural elements shall be included on the side elevations as well. The submitted black and white building elevations for other Colton models indicate that details above the garage doors, similar to the flat brick lintels with keystones above the front windows, are standard features above garage entrances. This detail above all three garage doors shall be required. The Planning Board additionally finds that shutters shall be provided for windows on the side elevations.

The rear elevation of the sunroom located on the south side of the building shall be revised to indicate full brick. That elevation currently indicates brick at the watertable only, which is inconsistent with the treatment of all other architectural elevations.

The proposed single-family home will be set back approximately 87 feet from Winding Creek Lane. The house will therefore not block views of Pleasant Prospect from those traveling west on Winding Creek Lane to its intersection with Waterford Mill Road.

8. **Preliminary Plan of Subdivision 4-03111:** The Planning Board finds that the detailed site plan is in conformance with approved Preliminary Plan 4-03111. The following condition is relevant to the subject review:

- 18. Prior to the issuance of building permits for Lots 16 and 89 through 91, a limited detailed site plan shall be approved by the Planning Board or its designee to address the materials, elevations and architecture of proposed houses on these lots.**

Lot 17 was previously known as Lot 91. At the time of preliminary plan of subdivision, it was determined that the houses on Lots 89 through 91 would be visible from the historic site. A limited detailed site plan is required to show the siting, size, materials, elevations, and architectural elements of the proposed houses, prior to issuance of building permits. The subject application was submitted in fulfillment of the above requirement.

9. **The requirements of the 2010 Prince George's County Landscape Manual; the Woodland and Wildlife Habitat Conservation Ordinance; and the Tree Canopy Coverage Ordinance:** The subject application is for the review of architectural materials, building siting, and general compatibility with the historic site. The review does not include evaluation of landscaping or a tree conservation plan. Conformance with the requirements of the 2010 *Prince George's County*

*Landscape Manual*, the Woodland and Wildlife Habitat Conservation Ordinance, and the Tree Canopy Coverage Ordinance shall be verified at the time of building and grading permits, as applicable.

10. **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. **Historic Preservation**—The revised building elevations and computer generated façade drawings of the proposed dwelling indicate full brick walls on the front and sides of the building. This change to proposed DSP-04040-04, Waterford, is adequate in meeting the requirements of the District Council resolution for DSP-04040, Condition 15.
11. As required by Section 27-285(b) of the Zoning Ordinance, the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

Since the subject site (Lot 17) contains no regulated environmental features, the finding required by Section 27-285(b)(4) need not be made in this case.

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 Detailed Site Plan DSP-04040/04, Waterford subject to the following conditions:

1. Prior to signature approval of the detailed site plan (DSP), the following information shall be provided or revisions made:
  - a. A brick jack arch with precast keystone shall be provided above each garage door.
  - b. Shutters shall be provided for windows on the side elevations.
  - c. The rear elevation of the sunroom located on the south side of the building shall be revised to indicate full brick.

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

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Squire, with Commissioners Washington, Squire and Bailey voting in favor of the motion, with Commissioner Shoaff absent, and with Commissioner Hewlett recused at its regular meeting held on Thursday, March 29, 2012, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 12<sup>th</sup> day of April 2012.

Patricia Colihan Barney  
Executive Director

By Jessica Jones  
Planning Board Administrator

PCB:JJ:MF:arj