



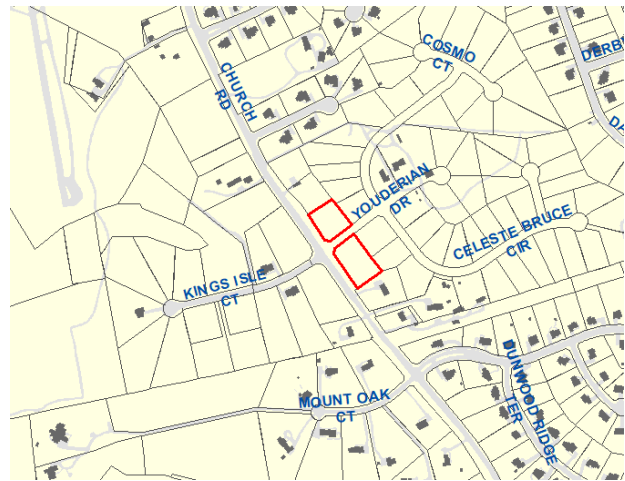
The Maryland-National Capital Park and Planning Commission
 Prince George's County Planning Department
 Development Review Division
 301-952-3530

Departure from Sign Design Standards Collingbrook at Rodenhauser

DSDS-696

REQUEST	STAFF RECOMMENDATION
Departure of 7 square feet from the required 12-square-foot sign letter area maximum for two gateway signs.	APPROVAL with conditions

Location: On the east side of Church Road, at its intersection with Youderian Drive.	
Gross Acreage:	2.29
Zone:	R-E
Gross Floor Area:	N/A
Lots:	2
Parcels:	0
Planning Area:	74A
Council District:	04
Election District:	07
Municipality:	N/A
200-Scale Base Map:	205NE12
Applicant/Address: Collingbrook Development, LLC 2252 Brightseat Road Landover, MD 20785	
Staff Reviewer: Thomas Sievers Phone Number: 301-952-3994 Email: Thomas.Sievers@ppd.mncppc.org	



Planning Board Date:	03/05/2020
Planning Board Action Limit:	N/A
Staff Report Date:	02/14/2020
Date Accepted:	12/16/2019
Informational Mailing:	01/09/2018
Acceptance Mailing:	11/08/2019
Sign Posting Deadline:	02/04/2020

Table of Contents

EVALUATION CRITERIA.....	3
FINDINGS.....	3
1. Request.....	3
2. Development Data Summary	3
3. Location.....	4
4. Surrounding Uses.....	4
5. Previous Approvals	4
6. Master Plan Recommendation.....	5
7. Zoning Ordinance Requirements for Gateway Signs.....	5
8. Other Issues	8
9. Referrals.....	8
RECOMMENDATION	8

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Departure from Sign Design Standards DSDS-696
Collingbrook at Rodenhauser

The Subdivision and Zoning staff has reviewed the departure from sign design standards for the subject property and presents the following evaluation and findings leading to a recommendation of APPROVAL with conditions, as described in the Recommendation section of this report.

EVALUATION CRITERIA

This departure from sign design standards was reviewed and evaluated for compliance with the following criteria:

- a. The requirements of the Prince George's County Zoning Ordinance for gateway signs;
- b. The requirements of prior approvals;
- c. Referral comments.

FINDINGS

- 1. **Request:** The applicant is proposing to construct two gateway signs, with accompanying brick wall entrance features, at the entrance to the subdivision. The signs are located on both sides of the public right-of-way of Youderian Drive and are made of a precast stone or stucco for the sign face mounted upon a varied-height brick entry wall, with columns and seasonal landscaping at its base. Each sign is proposed to have approximately 19 square feet of lettering area, which exceeds the 12-square-foot maximum. Therefore, the applicant is requesting a departure from the sign design standards (DSDS) of Section 27-624(a)(1) of the Prince George's County Zoning Ordinance. The signs are proposed to be mounted on the entrance wall within the 6-foot maximum sign height requirement.
- 2. **Development Data Summary:** The following chart summarizes the approved development for the overall Collingbrook subdivision, which remains unchanged by this application.

EXISTING

Zone	R-E
Use(s)	Single-family detached Residential
Total Acreage	74.35
Number of Lots	62
Parcels	1
Outlots	1

3. **Location:** The subject site is two lots on the east side of Church Road, at the intersection of Youderian Drive; Lot 9, Block C, is on the north side of Youderian Drive and is 42,302 square feet, and Lot 34, Block F, is on the south side of Youderian Drive and is 1.32 acres. Both lots are in the Residential-Estate (R-E) Zone and are part of the subdivision known as Collingbrook recorded in Plat Book MMB 239-53.

4. **Surrounding Uses:** The subject site is surrounded by large-lot, single-family detached development and is located on Tax Map 54 in Grid D-3, in Planning Area 74A. The subject lots are bounded by Church Road to the west with single-family detached lots in the Residential-Agricultural (R-A) Zone beyond. Single-family detached lots in the R-E Zone abut the site to the north and east, which are also within the Collingbrook subdivision. Single-family detached lots in the R-E Zone, which are part of other residential subdivisions, abut the subject site to the south.

5. **Previous Approvals:** Collingbrook is the subject a preliminary plan of subdivision (PPS) known as the Rodenhauser Property, PPS 4-06063, approved by the Prince George’s County Planning Board on December 7, 2006 (PGCPB Resolution No. 06-277), subject to 28 conditions of approval, for development of 62 single-family detached residential lots. In accordance with the PPS approval, a record plat was approved and recorded for the Collingbrook subdivision, specifically for the subject lots, on December 4, 2013 in Plat Book MB 239-53. The following text addresses the previously approved environmental conditions of PPS 4-06063 related to the subject application. The respective conditions are in **bold** typeface, and the associated comments and recommendations are in standard typeface.
 4. **Prior to final plat approval, a Type II Tree Conservation Plan shall be approved. All approved reforestation treatment areas on private lots, including lots with interrelated woodland preservation treatments shall be shown on the final plat as being placed in a conservation easement.**

 14. **Prior to signature approval of the preliminary plan, the TCPI shall be revised to show a reforestation treatment area in the designated 40-foot-wide scenic easement along Church Road. Large caliper trees shall be used to provide a visual buffer from the historic road and label the reforestation treatment with the corresponding symbol in the legend. Show the reforestation/buffer area to the closest 1/100th of an acre; and adjust the worksheet accordingly regarding the reforestation amount.**

16. The Type II Tree Conservation Plan (TCPII) shall include a plant schedule for the quantity of trees in the reforestation area/40-foot wide scenic easement to meet the requirements of the Woodland Conservation Ordinance

The signs are proposed to front on Church Road, which was designated a scenic and historic road in the *Approved Countywide Master Plan of Transportation (MPOT)*. Previous conditions of approval required this site to provide a 40-foot-wide scenic and conservation easement along the site's frontage on Church Road. Both the Type I and Type II tree conservation plans (TCPI and TCPII) show the required easement and reforestation. The required easement is also shown on the plat. The application is in compliance with the most recently approved TCPII, which shows the location of the proposed signs; however, given the scenic and historic nature of Church Road, the applicant should maximize the landscape planting surrounding the signs. The planting should include larger caliper native species behind the walls and native shrubs in front of the walls. This planting would allow the area to continue to serve as the buffers required by the PPS, while allowing for neighborhood signage.

- 6. Master Plan Recommendation:** The subject property is located in Planning Area 74A and is within the limits of the 2006 *Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A, and 74B* (Bowie and Vicinity Master Plan and SMA). The master plan land use recommendation is for a low-density, residential use. The subject lots were approved and platted for a low-density residential use and are, therefore, consistent with the land use recommendation of the master plan. The addition of signage has no effect on this finding of conformance.

The Bowie and Vicinity SMA retained the property in the R-E Zone. The property is also located in Aviation Planning Area 6 for Freeway Airport.

- 7. Zoning Ordinance Requirements for Gateway Signs:** Section 27-624 of the Zoning Ordinance provides the following gateway sign regulations that pertain to the departure request:

(a) A permanent gateway sign identifying a residential subdivision is permitted in any Residential Zone, and is required in any subdivision in the R-T Zone with more than twenty-five (25) dwelling units for which a Detailed Site Plan is approved after December 30, 1996, provided that maintenance is the responsibility of a Homeowners' Association, or other entity or person designated in a maintenance arrangement approved by the Department of Permitting, Inspections, and Enforcement, subject to the following design standards:

- (1) Maximum lettering area per sign - twelve (12) square feet;**

The applicant is requesting a DSDS for the area requirements because the gateway sign exceeds these parameters. The submitted sign details show that the lettering area on the proposed gateway signs is limited to approximately 19 square feet, where the name of the community, "Collingbrook Estates," is incised into precast masonry sign face. A departure of seven square feet of lettering area is requested.

(2) Maximum height - six (6) feet above established grade;

The entrance feature is a liner-curved brick wall varying in height from 4 to 5 feet 8-inches in height, with brick accent columns that vary from 5 feet 4 inches to 7 feet 4 inches in height, capped with stone ornament. The precast stone sign is proposed to be mounted on the curved areas of the brick wall at approximately 4 feet 4 inches from the base and, therefore, meets the maximum height requirement of 6 feet.

(3) Location - at the entrance to a residential subdivision, set back from the roadway to maintain unobstructed lines of vision for five hundred (500) feet in all directions of travel;

The site plan and sign detail plans reflect that the sign and entrance feature wall are to be located more than 10 feet from the right-of-way line. The applicant's statement of justification (SOJ), dated October 16, 2019, indicates that the placement will maintain unobstructed lines of vision in all directions of travel. The applicant should submit a site distance analysis confirming this requirement, prior to certification of the departure site plan.

(4) Materials - low maintenance, durable, and in keeping with the character of the community. Plastic signs with internal illumination are prohibited; and

High-quality, durable masonry materials of brick and precast stone are proposed and contribute to the character of the scenic and historic roadway of Church Road.

(5) Landscaping which is attractive year-round shall be provided at the base of a gateway sign.

Landscape details have been submitted which demonstrate plantings to be provided at the base of the signs, with a mixture of ornamental trees, deciduous and evergreen shrubs, and annuals, to provide year-round interest.

Section 27-239.01(b)(7)(A) of the Zoning Ordinance provides that, in order for the Planning Board to grant the departure, it shall make the following findings:

(i) The purposes of this Subtitle will be equally well or better served by the applicant's proposal.

Section 27-589(a) of the Zoning Ordinance contains the following purposes for regulating signs:

(1) To promote the health, safety, and welfare of the present and future inhabitants of the Regional District;

- (2) **To encourage and protect the appropriate use of land, buildings, and structures;**
- (3) **To regulate unsightly and detrimental signs which could depreciate the value of property and discourage quality development in the Regional District;**
- (4) **To regulate signs which are a hazard to safe motor-vehicle operation;**
- (5) **To eliminate structurally unsafe signs which endanger a building, structure, or the public;**
- (6) **To prevent the proliferation of signs that could detract from the scenic qualities of the landscape or the attractiveness of development; and**
- (7) **To control the location and size of signs, so as to provide for adequate identification and advertisement in a manner that is compatible with land uses in the Regional District.**

In general, the purposes of the sign regulations are to promote the health, safety, and welfare of residents, workers, and motorists by increasing and enhancing sign visibility and readability, to regulate unsightly and detrimental signs which could depreciate the value of the property, to prevent the proliferation of signs that could detract from the attractiveness of development, and to control scale, consistent with the intended advertising purposes.

The proposed signs are sufficiently sized and located so motorists can easily find the community. The proposed signs will not impede visibility for drivers entering or exiting the community. The placement of signs on each side of the entrance road to the subdivision will create a sense of balance and will not create an appearance of proliferation. The signs will establish a sense of place, an identity for a community that is buffered from the roadway, while maintaining the scenic and historic character. The signs promote the use of enduring, high-quality materials for a large-lot residential community, which will benefit present and future inhabitants.

(ii) The departure is the minimum necessary, given the specific circumstances of the request.

The approach to the community will be dominated by a wooded buffer, which is required along Church Road, a scenic and historic roadway. The applicant's SOJ provides that the additional 7 square feet of sign lettering area is necessary to ensure sufficient visibility and identification, while respecting the roadway character, from Church Road. Given the specific circumstances of this request, the departure is the minimum necessary.

- (iii) **The departure is necessary in order to alleviate circumstances which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949.**

This criterion is not applicable in this instance.

- (iv) **The departure will not impair the visual, functional or environmental quality or integrity of the site or of the surrounding neighborhood.**

The placement of the signs will not impair the visual or functional integrity of the surrounding neighborhood. Natural materials of brick and stone and year-round plantings proposed, surrounding the signage and entrance feature, promote the environmental quality and integrity of the surrounding neighborhood and the visibility of the neighborhood entrance.

8. **Other Issues:** The PPS for this site required a 40-foot-wide scenic easement buffer along Church Road, which is also shown on the record plat. The proposed signs and entrance features are to be located within the buffer, in order to visibly identify the subdivision. While the placement of the signs is appropriate for visibility, staff recommends installation of additional shade trees behind the sign to extend into and blend with the remaining 40-foot-wide treed scenic and historic buffer north and south of the signs.

The developer has established a sign easement recorded in Liber 40817 at folio 562, to the benefit of the Collingbrook Estates Homeowners Association, to ensure the maintenance of the signs. However, the sign easement does not extend to the right-of-way and should, in order to allow access to the sign easement area. Staff recommends that the easement agreement be amended, and the site plan revised to show an extended easement, which provides access to the signs.

9. **Referrals:** No referral agencies provided any comment or concern that would affect the recommendation of approval for this application. The relevant comments submitted for this application were included in this technical staff report. The following referral memorandums were received, are included as back-up to this technical staff report, and adopted by reference herein:

- Transportation Planning Section dated February 3, 2020 (Masog to Sievers)
- Transportation Planning Section-Trails dated January 30, 2020 (Smith to Simon)
- City of Bowie dated January 30, 2020 (Meinert to Simon)
- Environmental Planning Section, dated February 10, 2020 (Reiser to Conner)
- Permit Review Section dated December 24, 2019 (Glascoe to Simon)
- Community Planning Section dated January 28, 2020 (D'Ambrosi to Simon)
- Historic Preservation Section dated December 27, 2019 (Stabler to Simon)

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Subdivision and Zoning staff recommends that the Planning Board adopt the findings of this report and APPROVE Departure from Sign Design Standards DSDS-696 for Collingbrook at Rodenhauser subject to the following conditions:

1. Prior to certification of the departure site plan, the plans shall be revised to:
 - a. Add a general note on the site plan stating that the purpose of this application is for a departure from sign design standards.
 - b. Indicate the maximum height of the sign only, versus the height of the entrance feature, on the site and landscape plan.
 - c. Indicate the standard sign lettering area required, per the Prince George's County Zoning Ordinance, and the sign lettering area approved with this application.
 - d. Add native, 3.5- to 4-inch-caliper, shade trees, to the maximum extent possible, behind the signs, extending to the remaining width of the 40-foot scenic and historic buffer and reforestation areas, and provide native shrubs in front of the signs on the site and landscape plan.
 - e. Indicate that the site is within Aviation Policy Area 6 in the general notes.
 - f. Remove the M-NCPPC approval block from the plan.
 - g. Provide dimensions from the sign and entrance feature to the right-of-way on the site and sign detail plans.
 - h. Add the site's property lines to the landscape detail and ensure that the plantings are located within the site's boundary.
2. Prior to certification of the departure site plan, the recorded sign easement agreement shall be amended to extend the easement to the right-of-way, to allow access to the sign area, and recorded. The departure site plan shall reflect the extended easement location and the new recordation reference.
3. Prior to certification of the departure site plan, a site distance analysis shall be submitted which demonstrates that the placement of the signs will maintain unobstructed lines of vision for 500 feet in all directions of travel.

ITEM: 6

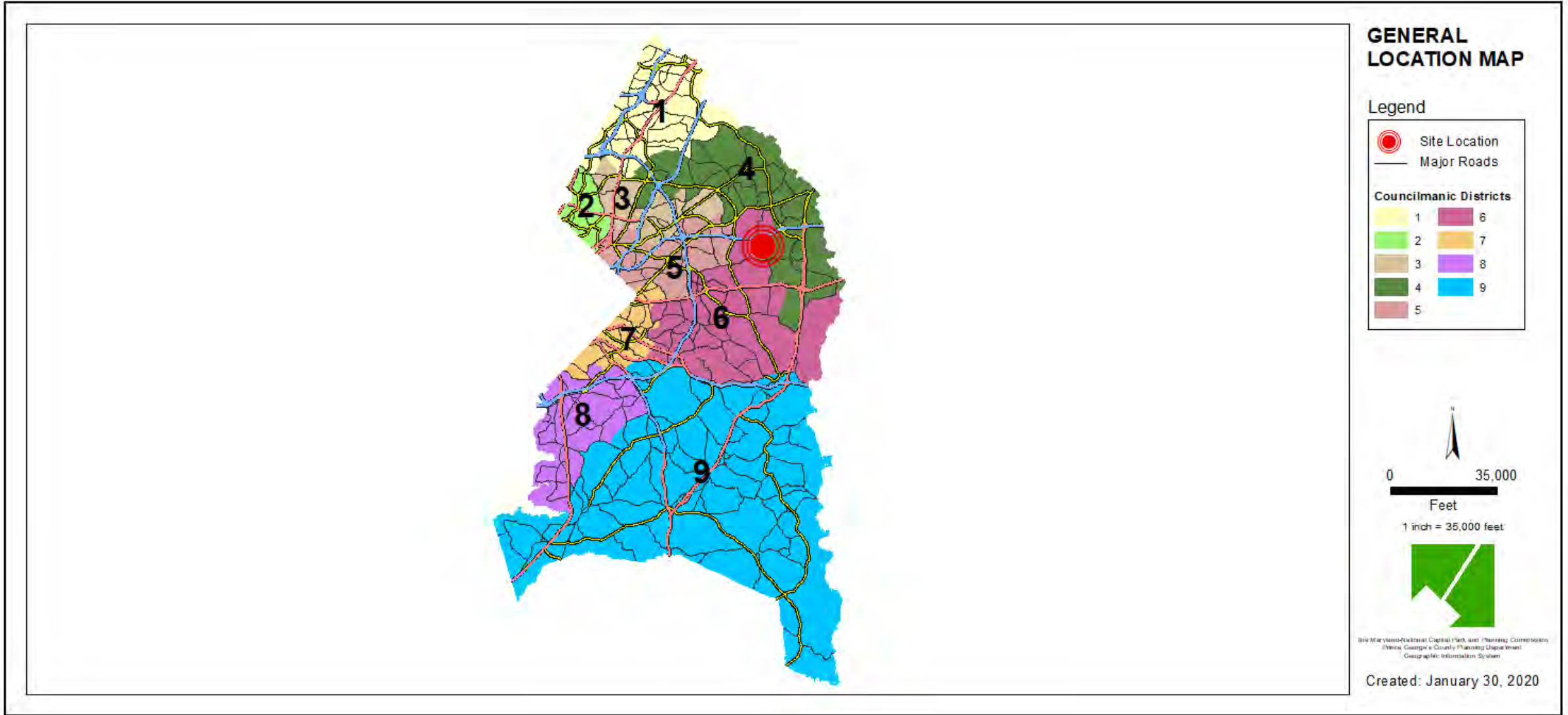
CASE: DSDS-696

COLLINGBROOK AT RODENHAUSER GATEWAY SIGNS ON LOTS 9C AND 34F

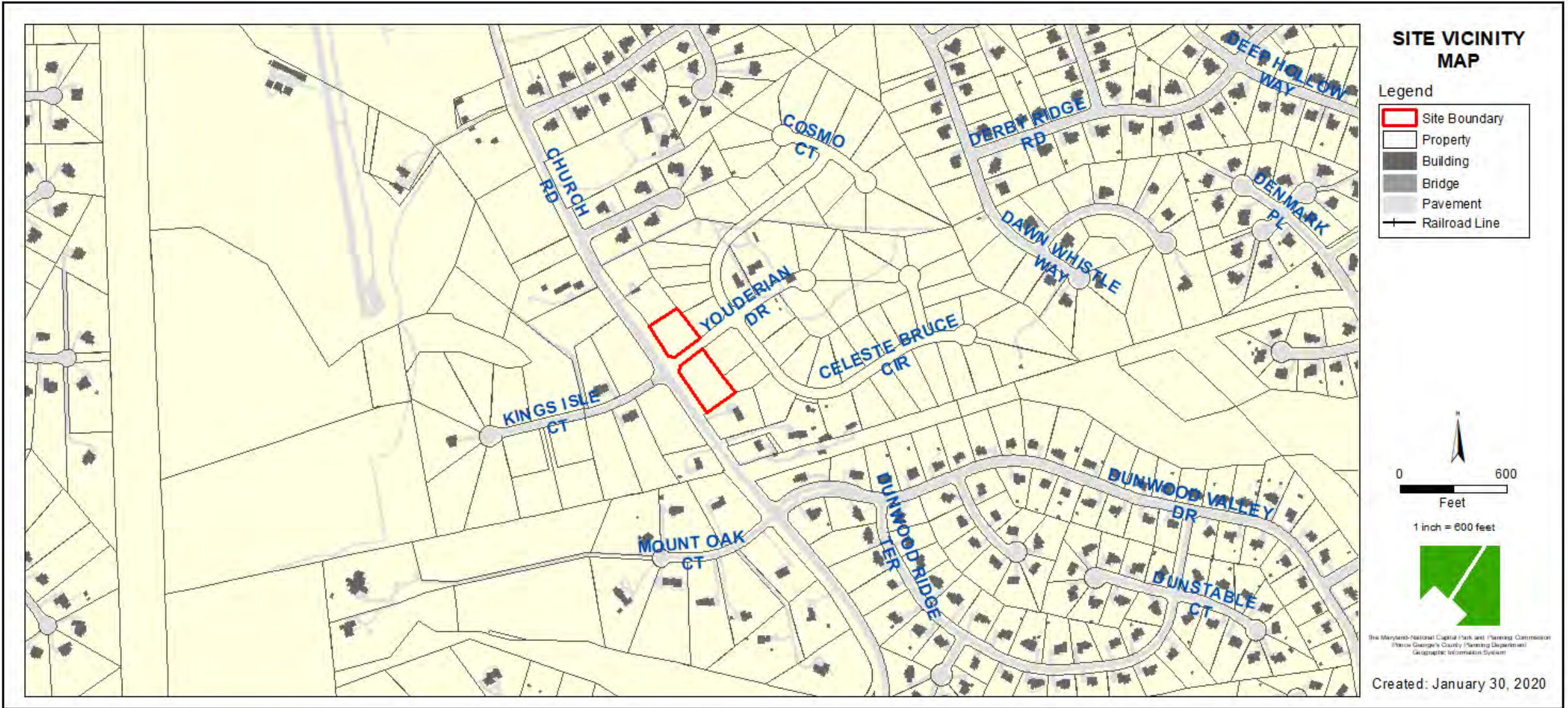
THE PRINCE GEORGE'S COUNTY PLANNING DEPARTMENT



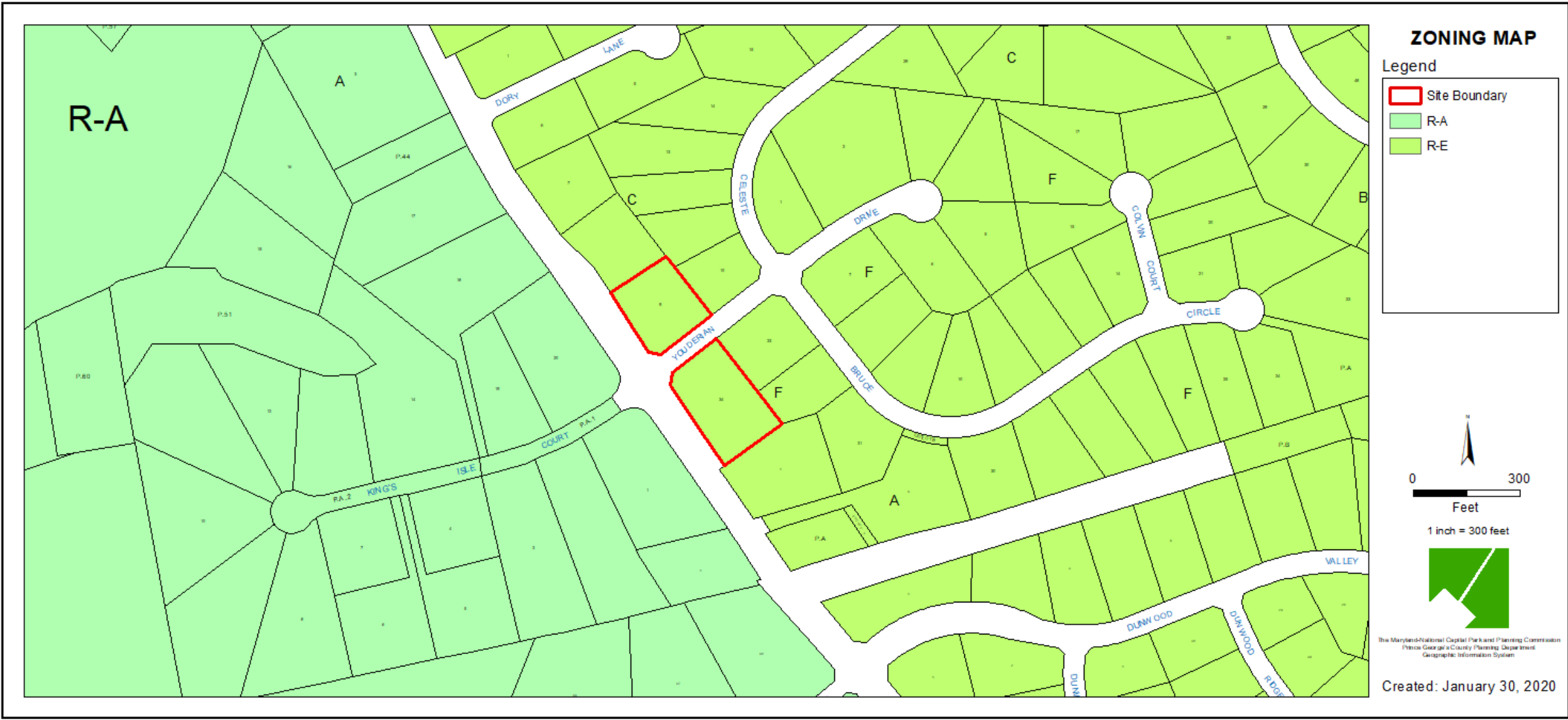
GENERAL LOCATION MAP



SITE VICINITY



ZONING MAP



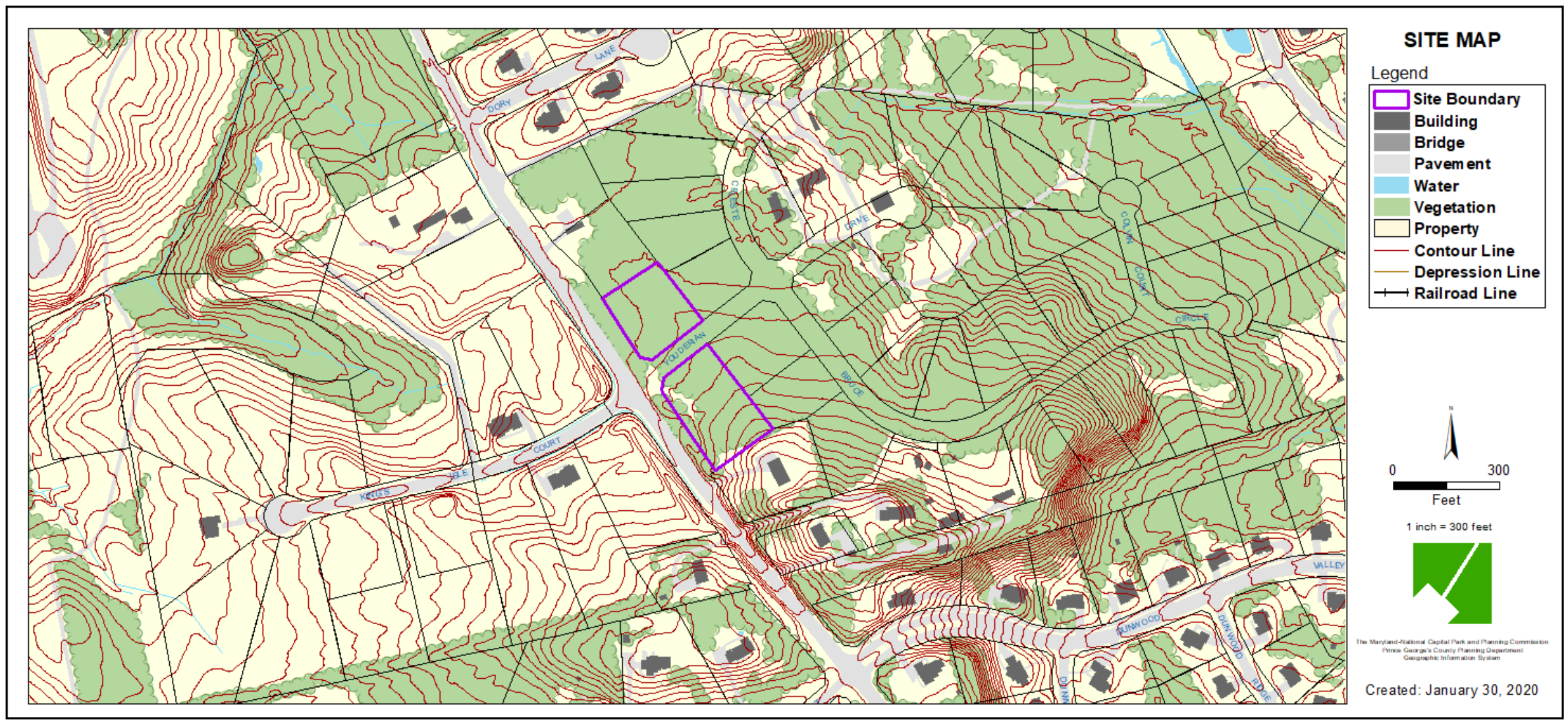
OVERLAY MAP



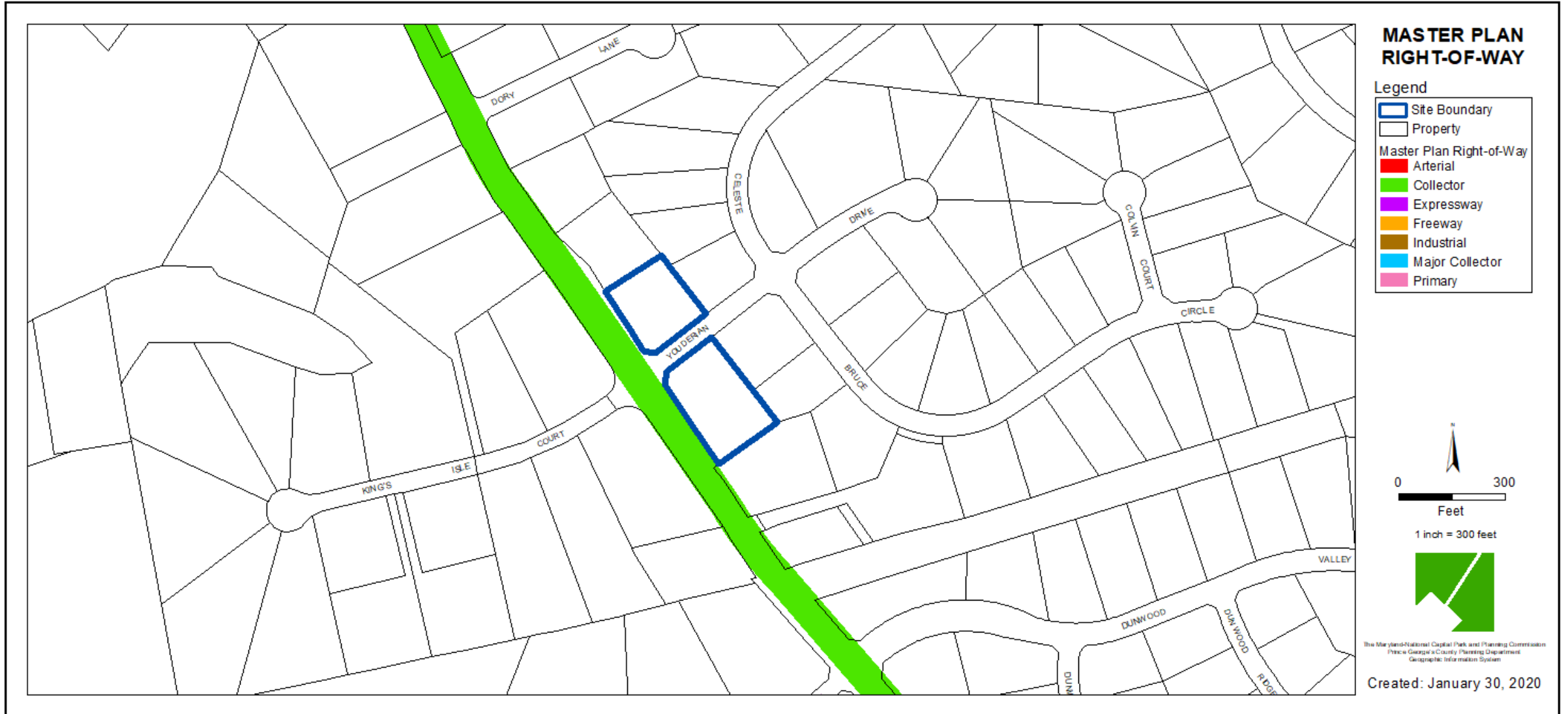
AERIAL MAP



SITE MAP



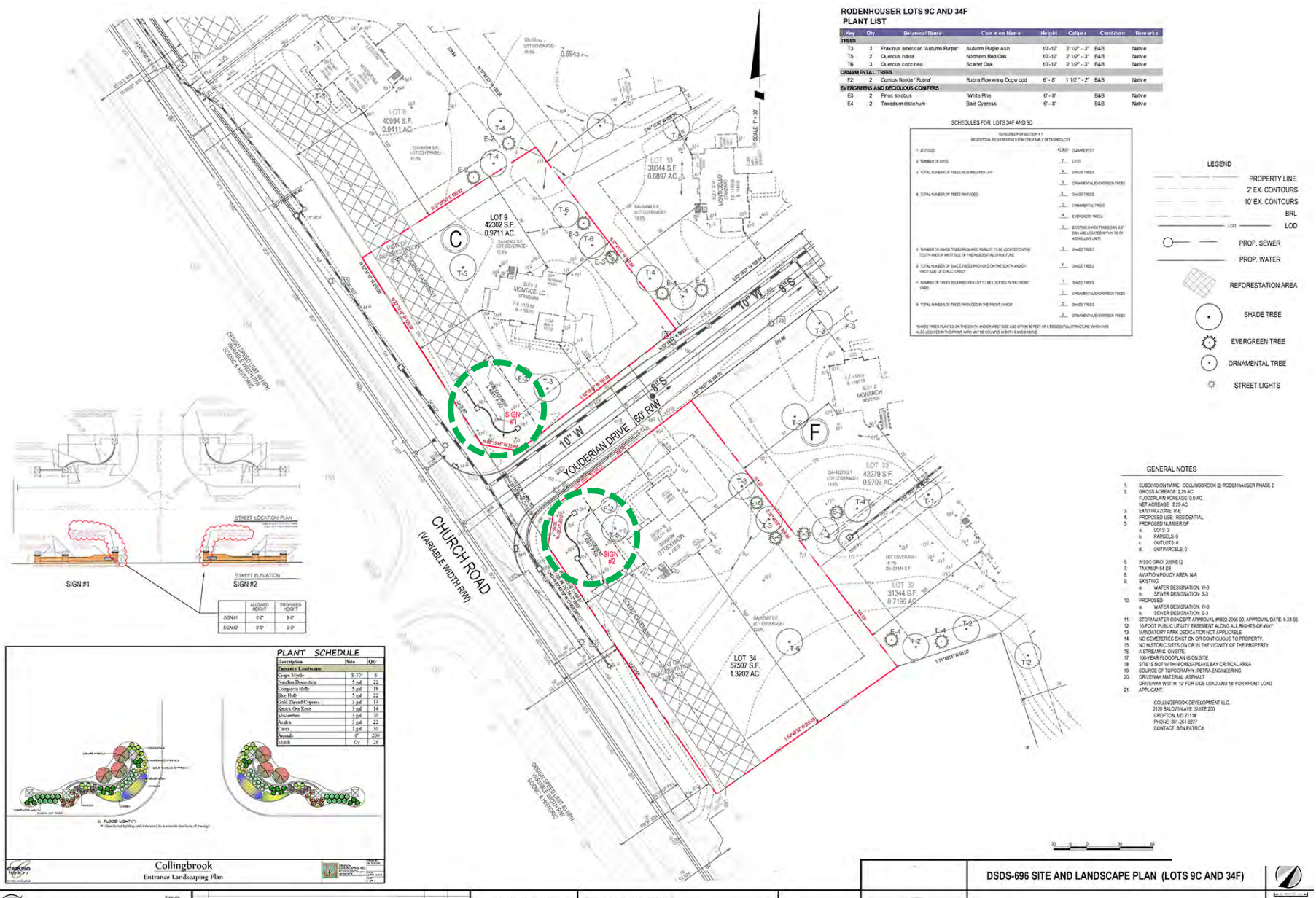
MASTER PLAN RIGHT-OF-WAY MAP



BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



SITE PLAN WITH SIGN LOCATION OUTLINED IN GREEN



**RODENHOUSER LOTS 9C AND 34F
PLANT LIST**

Key	Qty	Botanical Name	Common Name	Height	Caliper	Conditions	Remarks
TREES							
T-3	3	Fraxinus americana 'Autumn Purple'	Autumn Purple Ash	10'-12'	2 1/2" - 3"	B&S	Native
T-5	2	Quercus rubra	Northern Red Oak	10'-12'	2 1/2" - 3"	B&S	Native
T-6	3	Quercus coccinea	Scarlet Oak	10'-12'	2 1/2" - 3"	B&S	Native
ORNAMENTAL TREES							
T-2	2	Cornus florida 'Rubra'	Rubra Flowering Dogwood	6' - 8'	1 1/2" - 2"	B&S	Native
EVERGREENS AND DECIDUOUS CONIFERS							
E-3	2	Pinus strobus	White Pine	6' - 8'	B&S	B&S	Native
E-4	2	Taxodium distichum	Bald Cypress	6' - 8'	B&S	B&S	Native

SCHEDULES FOR LOTS 34F AND 9C

RESIDENTIAL RECREATION DEVELOPMENT (SCHEDULED LOTS)	RESIDENTIAL RECREATION DEVELOPMENT (SCHEDULED LOTS)
1. LOT SIZE: 1.00 AC. SQUARE FEET	1. LOT SIZE: 1.00 AC. SQUARE FEET
2. NUMBER OF LOTS: 2 LOTS	2. NUMBER OF LOTS: 2 LOTS
3. TOTAL NUMBER OF TREES REQUIRED PER LOT: 10	3. TOTAL NUMBER OF TREES REQUIRED PER LOT: 10
4. TOTAL NUMBER OF TREES PROVIDED: 10	4. TOTAL NUMBER OF TREES PROVIDED: 10
5. NUMBER OF SHADE TREES REQUIRED PER LOT TO BE LOCATED ON THE SOUTH ADJACENT SIDE OF THE RESIDENTIAL BUILDING: 3	5. NUMBER OF SHADE TREES REQUIRED PER LOT TO BE LOCATED ON THE SOUTH ADJACENT SIDE OF THE RESIDENTIAL BUILDING: 3
6. TOTAL NUMBER OF SHADE TREES PROVIDED ON THE SOUTH ADJACENT SIDE OF STRUCTURE: 3	6. TOTAL NUMBER OF SHADE TREES PROVIDED ON THE SOUTH ADJACENT SIDE OF STRUCTURE: 3
7. NUMBER OF TREES REQUIRED PER LOT TO BE LOCATED IN THE FRONT YARD: 1	7. NUMBER OF TREES REQUIRED PER LOT TO BE LOCATED IN THE FRONT YARD: 1
8. TOTAL NUMBER OF TREES PROVIDED IN THE FRONT YARD: 1	8. TOTAL NUMBER OF TREES PROVIDED IN THE FRONT YARD: 1

LEGEND

- PROPERTY LINE
- 2' EX. CONTOURS
- 10' EX. CONTOURS
- BRL
- LOG
- LOD
- PROP. SEWER
- PROP. WATER
- REFORESTATION AREA
- SHADE TREE
- EVERGREEN TREE
- ORNAMENTAL TREE
- STREET LIGHTS

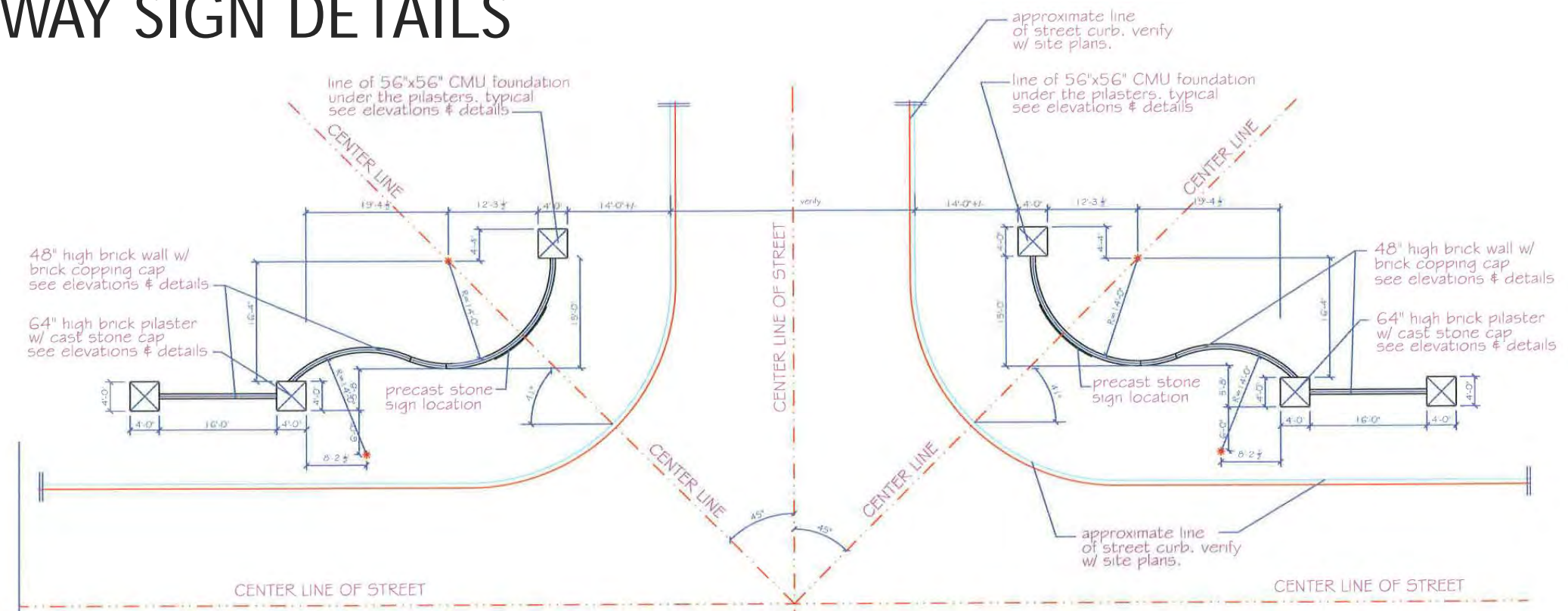
- GENERAL NOTES**
- SUBDIVISION NAME: COLLINGBROOK @ RODENHOUSER PHASE 2
 - SITE ADDRESS: 2.99 AC. FLOODPLAIN AVERAGE 0.0 AC. NET ADDRESS: 2.99 AC.
 - EXISTING ZONE: R-1
 - PROPOSED USE: RESIDENTIAL
 - PROPOSED NUMBER OF:
 - A. LOTS: 2
 - B. PARCELS: 0
 - C. OUTLOTS: 0
 - D. CORNERS: 0
 - RECORDING: 208612
 - TAX MAP: SA 03
 - AVIATION POLICY AREA: NA
 - EXISTING:
 - A. WATER DESIGNATION: W-3
 - B. SEWER DESIGNATION: S-3
 - PROPOSED:
 - A. WATER DESIGNATION: W-3
 - B. SEWER DESIGNATION: S-3
 - STORMWATER CONCEPT APPROVAL #2016-00. APPROVAL DATE: 5-29-16
 - 10-FOOT PUBLIC UTILITY EASEMENT ALONG ALL RIGHTS-OF-WAY
 - MANDATORY FLOOD DESIGNATION NOT APPLICABLE
 - NO CHIMNEYS EXIST ON OR CONTIGUOUS TO PROPERTY
 - NO HISTORIC SITES ON OR IN THE VICINITY OF THE PROPERTY
 - AS STREAM OR OULSITE
 - 100-YEAR FLOODPLAIN IS ON SITE
 - SITE IS NOT WITHIN DESIGNATED BAY CRITICAL AREA
 - SOURCE OF TOPOGRAPHY: RETNA ENGINEERING
 - DRIVEWAY MATERIAL: ASPHALT
 - DRIVEWAY WIDTH: 12' FOR SIDE LOAD AND 18' FOR FRONT LOAD
 - APPLICANT:

PLANT SCHEDULE

Description	Size	Qty
Emerald Landscape		
Cypress Myrtle	5.50'	4
Nandina domestica	5 gal	22
Camellia Hybrid	5 gal	18
Shrub Holly	5 gal	22
Gold Thread Cypress	3 gal	14
Nandina Red Form	3 gal	14
Muscadine	3 gal	20
Hydrangea	3 gal	22
Cornus	1 gal	30
Amelanchier	6"	200
Black	CV	25

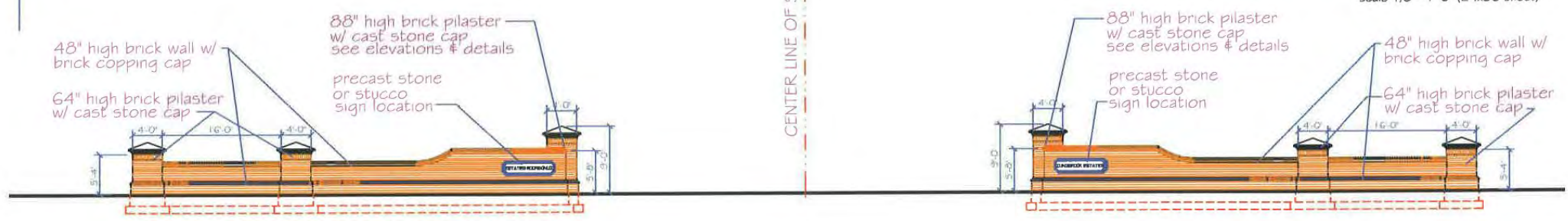


GATEWAY SIGN DETAILS



STREET LOCATION PLAN

scale 1/16"=1'-0" (11x17 sheet)
scale 1/8"=1'-0" (24x36 sheet)

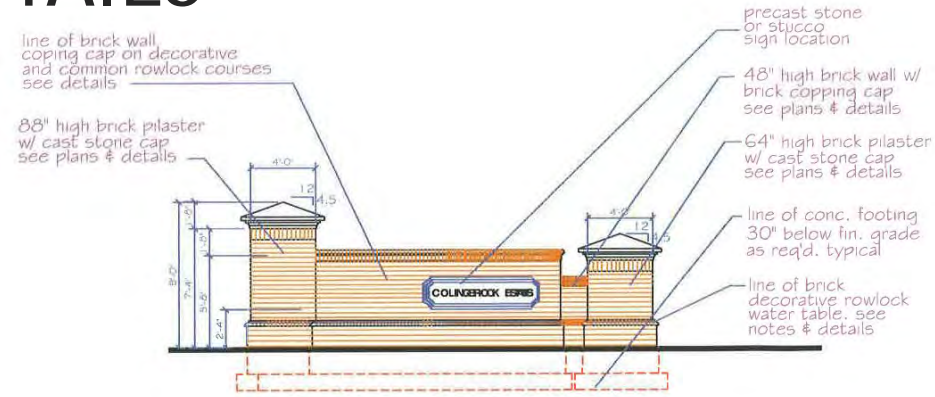


STREET ELEVATION

scale 1/16"=1'-0" (11x17 sheet)
scale 1/8"=1'-0" (24x36 sheet)

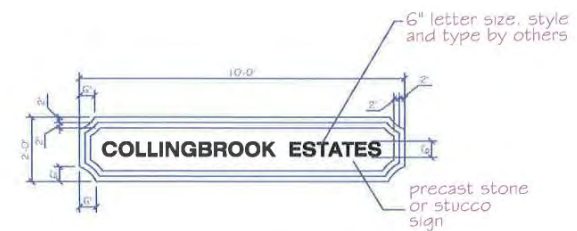


GATEWAY SIGN DETAILS



COMMUNITY STREET ELEVATION

scale 1/8"=1'-0" (11x17 sheet)
scale 1/4"=1'-0" (24x36 sheet)

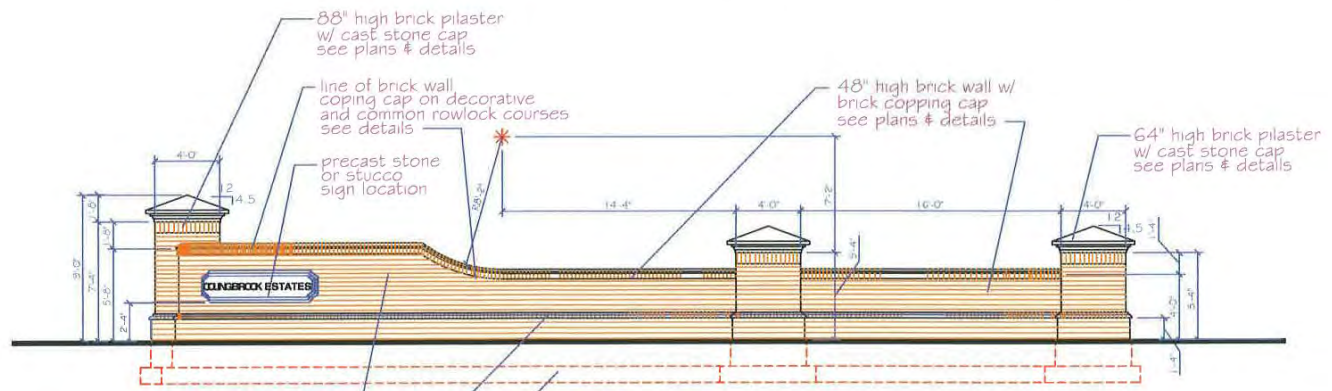
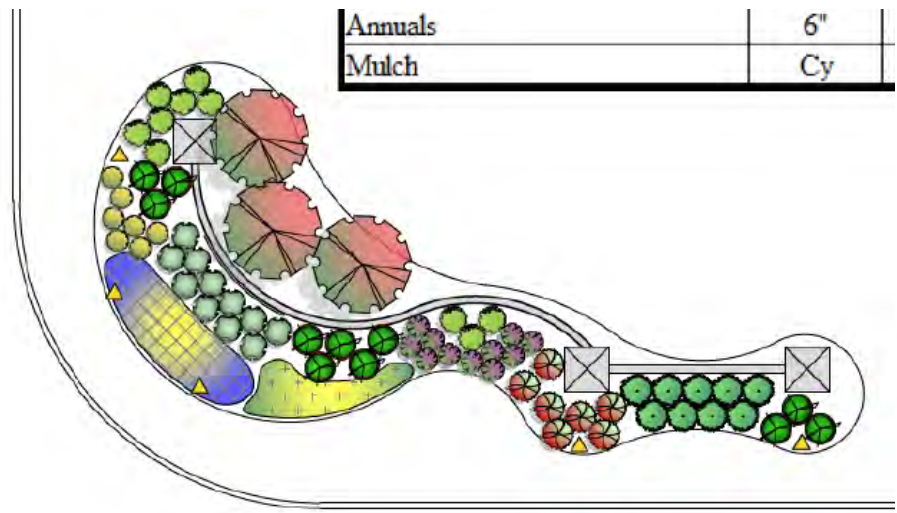


DETAIL: SIGN

19.0 SFT.

scale 1/2"=1'-0" (11x17 sheet)
scale 1"=1'-0" (24x36 sheet)

Annuals	6"
Mulch	Cy



MAIN STREET ELEVATION

scale 1/8"=1'-0" (11x17 sheet)
scale 1/4"=1'-0" (24x36 sheet)

68" high brick wall w/ brick coping cap see elevations & details
line of brick decorative rowlock water table. see notes & details
line of conc. footing 30" below fin. grade as req'd. typical

PROFESSIONAL CERTIFICATION I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DAILY LICENSED PROFESSIONAL ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 13126, EXPIRATION DATE: 05/05/2026.



STATEMENT OF JUSTIFICATION

DEPARTURE FROM SIGN DESIGN STANDARDS

DSDS-696
RODENHAUSER PROPERTY
October 16, 2019

OWNER/ APPLICANT: Collingbrook Development LLC
1655 Crofton Blvd. Suite 200
Crofton, MD 21114
301-832-4526

ATTORNEY/AGENT: Law Offices of Norman D. Rivera, Esq. LLC
17251 Melford Blvd., Suite 200
Bowie, MD 20715
301-352-4973

CIVIL ENGINEER: Soltesz, LLC
4300 Forbes Blvd. Suite 230
Lanham, MD 20706
301-794-7555

REQUEST: A Departure from Sign Design Standards from Section 27-624(a)(1) of the Zoning Ordinance to allow two gateway signs for a residential development with lettering area in excess of 12 square feet & from Section 27-624(a)(2) to allow the gateway signs to exceed six (6) feet in height.

I. Description of Property:

1. Location — The property that is the subject of this departure application is located on the east side of Church Road, approximately 1,000 feet south of its intersection with US 50 and within the area of the *2006 Approved Master Plan for Bowie and Vicinity and SMA for Planning Areas 71A, 71B & 74B*.
2. Use—The subject property is a single-family detached residential community. This departure relates only to the entrance feature proposed on either side of the intersection of Church Road and Youderian Drive.
3. Incorporated Area —None

4. Council District — 4
5. Existing Lot — Lot 9, Block C & Lot 34, Block F, Collingbrook
6. Total Area — 2.29 acres
7. Tax Map/Grid — 54/D3
8. Zoned: R-E
9. WSSC Grid — 205NE12

II. Applicant's Proposal

The applicant is requesting approval of a Departure from Sign Design Standards to allow two gateway signs more than six (6) feet in height with lettering area that exceeds 12 square feet for each sign. No future lettering area is proposed beyond that which is depicted on the plans.

III. Criteria for Approval of a Departure from Design Standards

Section 27-624(a)(1) & (2) of the Zoning Ordinance include the following requirements for gateway signs associated with residential development:

Sec. 27-624. - Gateway Signs.

- (a) ***A permanent gateway sign identifying a residential subdivision is permitted in any Residential Zone, and is required in any subdivision in the R-T Zone with more than twenty-five (25) dwelling units for which a Detailed Site Plan is approved after December 30, 1996, provided that maintenance is the responsibility of a Homeowners' Association, or other entity or person designated in a maintenance arrangement approved by the Department of Permitting, Inspections, and Enforcement, subject to the following design standards:***
 - (1) ***Maximum lettering area per sign - twelve (12) square feet;***
 - (2) ***Maximum height - six (6) feet above established grade;***

The subject development has frontage along and is accessed via Church Road, a designated scenic and historic roadway requiring a 40-foot-wide scenic easement. The scenic easement area is required to be reforested with large caliper trees to provide a visual buffer from the historic roadway. As such, visibility of the gateway signs/entrance

feature proposed at the access to the development from Church Road will be obscured by the required buffer. Therefore, the applicant is requesting a departure from sign design standards to allow a portion of the gateway sign walls (one on each side of the entrance drive) to exceed the maximum height established by the zoning ordinance as well as an increase in the sign lettering area in order to assist motorists with identification of the community at this obscured location.

Therefore, the applicant has requested a departure from this Section of the Zoning Ordinance to allow a maximum height of 9 feet for a small portion of each of the entrance feature walls and to allow a maximum 19 square foot lettering area for each sign in accordance with the required findings for Departures from Design Standards as follows:

Sec. 27-239.01. - Departures from Design Standards.

(b) Procedures.

(7) Required findings.

(A) In order for the Planning Board to grant the departure, it shall make the following findings:

(i) The purposes of this Subtitle will be equally well or better served by the applicant's proposal;

RESPONSE: Section 27-589(a) of the Zoning Ordinance contains the following purposes for regulating signs:

(1) To promote the health, safety, and welfare of the present and future inhabitants of the Regional District;

RESPONSE: The requested departure will not adversely impact the health, safety, or welfare of inhabitants of the County.

(2) To encourage and protect the appropriate use of land, buildings, and structures;

RESPONSE: The proposed entrance signs are appropriate given the residential character of the surrounding development and will serve to encourage and protect the appropriate use of land, buildings, and structures in this location.

(3) To regulate unsightly and detrimental signs which could depreciate the value of property and discourage quality development in the Regional District;

RESPONSE: The proposed entrance signs are attractively designed with quality materials and will enhance rather than detract from the sense of quality of the neighborhood.

- (4) *To regulate signs that are a hazard to safe motor vehicle operation;***

RESPONSE: Careful consideration has been given to the design and siting of the proposed entrance feature to ensure it will not impact sight lines or vehicular safety at the intersection.

- (5) *To eliminate structurally unsafe signs that endanger a building, structure, or the public;***

RESPONSE: The signage has been designed to be structurally sound and will not endanger any buildings, structures or the public.

- (6) *To prevent the proliferation of signs that could detract from the scenic qualities of the landscape or the attractiveness of development; and***

RESPONSE: The entrance feature incorporates quality materials, including brick and cast concrete, in a stately design that will contribute to a sense of enduring quality and character consistent with the scenic and historic roadway along which it is proposed.

- (7) *To control the location and size of signs, so as to provide for adequate identification and advertisement in a manner that is compatible with land uses in the Regional District.***

RESPONSE: Granting of the requested departure will allow for adequate identification and advertisement of this community in a location where visibility will be obscured by the scenic easement required along Church Road.

- (ii) *The departure is the minimum necessary, given the specific circumstances of the request;***

RESPONSE: The departure is the minimum necessary, given the specific circumstances of the request. The majority of each sign wall measures 5'8," with three, 4-foot-wide pilasters of greater height incorporated into the wall design. In each of the two signs (one on each side of Youderian Drive) the two pilasters located along Church Road within the linear

section of the sign wall measure seven (7) feet in height and the third pilaster located along Youderian Drive at the end of the curved wall section measures nine (9) feet in height. Careful attention was given to siting the highest portion of the wall furthest away from the historic and scenic roadway to provide for sufficient identification while respecting the roadway's character. Given that the approach to the community will be dominated by a heavily wooded buffer, the seven (7) feet in increased lettering area will allow for enhanced visibility of the community name and easier identification by motorists. Based on the siting of the entrance feature and location of the community name, 19 square-feet has been determined to be the minimum lettering area required to ensure sufficient identification from Church Road.

(iii) *The departure is necessary in order to alleviate circumstances which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949;*

RESPONSE: As noted above, the requested departure is necessary due to circumstances that are unique to the site, which has frontage along and is accessed via Church Road, a designated scenic and historic roadway requiring a 40-foot-wide scenic easement. The scenic easement area is required to be reforested with large caliper trees to provide a visual buffer from the historic roadway. As such, visibility of the gateway sign/entrance feature proposed at the access to the development from Church Road will be obscured by the required buffer. Therefore, the applicant is requesting a departure from sign design standards to allow a portion of the gateway sign wall to exceed the maximum height established by the zoning ordinance as well as an increase in the sign lettering area in order to assist motorists with identification of the community at this obscured location.

(iv) *The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.*

RESPONSE: As noted above, the proposed entrance feature has been designed with quality, long-lasting materials that are also compatible with the historic character of Church Road.

IV. Conformance to Section 27-624 Gateway Signs

The proposed gateway signs are in conformance with the requirements of Section 27-624 as follows:

Sec. 27-624. - Gateway Signs.

- (a) ***A permanent gateway sign identifying a residential subdivision is permitted in any Residential Zone, and is required in any subdivision in the R-T Zone with more than twenty-five (25) dwelling units for which a Detailed Site Plan is approved after December 30, 1996, provided that maintenance is the responsibility of a Homeowners' Association, or other entity or person designated in a maintenance arrangement approved by the Department of Permitting, Inspections, and Enforcement, subject to the following design standards:***

RESPONSE: Maintenance will be the responsibility of the Homeowner's Association as set forth in the entrance feature easement recorded at Liber 40817, Folio 563, as well as Declaration of covenants, Conditions and Restrictions of Collingbrook Estates recorded at Liber 37042, Folio 353. Copies of both documents are enclosed.

- (1) ***Maximum lettering area per sign - twelve (12) square feet;***

RESPONSE: Departure requested. See discussion above.

- (2) ***Maximum height - six (6) feet above established grade;***

RESPONSE: Departure requested. See discussion above.

- (3) ***Location - at the entrance to a residential subdivision, set back from the roadway to maintain unobstructed lines of vision for five hundred (500) feet in all directions of travel;***

RESPONSE: The proposed entrance features have been set back from the roadway to maintain unobstructed lines of vision for 500 feet in all directions of travel.

- (4) ***Materials - low maintenance, durable, and in keeping with the character of the community. Plastic signs with internal illumination are prohibited; and***

RESPONSE: The entrance feature incorporates quality materials, including brick and cast concrete, in a stately design that will contribute to a sense of enduring quality and character consistent with the scenic and historic roadway along which it is proposed.

- (5) ***Landscaping which is attractive year-round shall be provided at the base of a gateway sign.***

RESPONSE: A landscape plan has been submitted with the application demonstrating that the area at the base of each sign will be planted with an attractive mixture of ornamental trees, deciduous and evergreen shrubs and annuals to provide year-round interest.

V. **Conclusion**

Based on the foregoing analysis, as well as the plans and supporting documentation filed in conjunction with this application, the applicant respectfully requests the approval of the above requested departure.



Norman D. Rivera, Esq.

301-952-3972

January 28, 2020

MEMORANDUM

TO: David Simon, Subdivision and Zoning Section, Development Review Division

VIA: David A. Green, MBA, Community Planning Division

FROM: Judy D'Ambrosi, Community Planning Division **JD**

SUBJECT: **DSDS-696 Collingbrook at Rodenhauser**

FINDINGS

The Community Planning Division finds that, pursuant to Section 27-624.(b)(3) - Gateway Signs, this application will not substantially impair the integrity of the 2006 *Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74 A and 74 B.*

BACKGROUND

Application Type: DSDS

Location: Eastside of Church Road, approximately 1,000 feet south of its intersection with US 50.

Size: 2.29 Acres

Existing Uses: Undeveloped

Proposal: Construct (2) Two residential gateway at a height of nine (9) feet in lieu of the maximum height of six (6) feet.

GENERAL PLAN, MASTER PLAN, AND SMA

General Plan: This application is in the Established Communities. The vision for the established communities is context-sensitive infill and low- to medium-density development. Plan 2035 recommends maintaining and enhancing existing public services, facilities, and infrastructure in these areas to ensure the needs of existing residents are met.

DSDS-696 Collingbrook at Rodenhauser

Master Plan: The 2006 *Approved Master Plan for Bowie and Vicinity* recommends residential low development. The Plan (page65) designates Church Road as a “Scenic Road”.

Planning Area: 74A

Community: Bowie and Vicinity

Aviation/MIOZ:

This application is located within an Aviation Policy Area (APA)6. APA – 6, the Traffic Pattern Area, is the least regulated of the Aviation Policy Areas. Its purpose is mainly limited to disclosing the location (or existence) of the nearby airfield. Council Bill, CB-51-2002 specifically states:

SMA/Zoning:

The 2006 *Sectional Map Amendment for Planning Areas 71A, 71B, 74A and 74B* retained the subject property into the R-E Zone.

c: Long-range Agenda Notebook

Frederick Stachura, J. D., Planning Supervisor, Neighborhood Revitalization Section, Community Planning Division



City of Bowie

15901 Excalibur Road
Bowie, Maryland 20716

January 30, 2020

Mr. David Simon
The Maryland-National Capital Park and Planning Commission
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

RE: DSDS-696, Rodenhauser Property

Dear Mr. Simon:

The City has received a referral of the above-referenced Departure from Sign Design Standards (DSDS) application proposed by Collingbrook Development, LLC. The proposal is for two residential 9' Gateway Signs at the Collingbrook subdivision. The specific Departure is to allow signage with lettering area in excess of 12 square feet and from Section 27-624(a)(2) of the Prince George's County Zoning Ordinance to allow the gateway signs to exceed six feet in height. The proposed location is on the east side of Church Road, approximately 1,000 feet south of its intersection with US Route 50.

Please be advised that the City has no comments as the proposal has no impact on the City. Thank you for the opportunity to review this proposal.

Sincerely,

Joseph M. Meinert, AICP
Director of Planning and
Community Development

cc: Mr. Norman D. Rivera, Esq.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
 Upper Marlboro, Maryland 20772
 www.mncppc.org/pgco

January 30, 2020

MEMORANDUM

TO: David Simon, Development Review Division

VIA: Bryan Barnett-Woods, Transportation Planning Section, Countywide Planning Division 

FROM: Noelle Smith, Transportation Planning Section, Countywide Planning Division 

SUBJECT: Departure from Sign Design Standards Review for Non-Motorized Transportation Master Plan Compliance

The following departure from sign design standards (DSDS) was reviewed for conformance with the *Approved Countywide Master Plan of Transportation (MPOT)* and the *2006 Approved Master Plan for Bowie and Vicinity* to provide the appropriate pedestrian and bicycle transportation recommendations.

DSDS Number: DSDS-696

Development Case Name: Collingbrook at Rodenhauser

Type of Master Plan Bikeway or Trail

Private R.O.W.*	_____	Public Use Trail Easement	_____
PG Co. R.O.W.*	_____	Nature Trails	_____
SHA R.O.W.*	_____	M-NCPPC - Parks	_____
HOA	_____	Bicycle Parking	_____
Sidewalks	_____	Trail Access	_____

Departure from Sign Design Standards Background	
Building Square Footage (non-residential)	n/a
Number of Units (residential)	n/a
Abutting Roadways	Church Road, Youderian Drive
Abutting or Nearby Master Plan Roadways	Church Road
Abutting or Nearby Master Plan Trails	Shared Roadway along Church Road
Proposed Use(s)	Gateway Signage
Zoning	R-E
Centers and/or Corridors	n/a
Prior Approvals on Subject Site	4-06063

Previous Conditions of Approval:

Approved 4-06063 included the following conditions related to bicycle and pedestrian access.

18. In conformance with the Adopted and Approved Bowie-Collington-Mitchellville and Vicinity Master Plan and in conformance with prior preliminary plan approvals, the applicant, his heirs, successors and/or assignees shall provide the following:
 - a) Provide the master plan bicycle facility along the subject property's entire length of Church Road. This facility will be implemented with six-foot wide asphalt shoulders along the frontage of the subject property, unless modified by DPW&T.
 - b) Church Road shall be designated as a Class III bikeway with appropriate signage. Because Church Road is a County right-of-way, the applicant, his heirs, successors and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of this signage. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit.

Comment: The submitted plans do not impact the master plan trail facility.

Review of Proposed On-Site Improvements:

The subject application includes a request for entrance signage that is larger than the size limitations for gateway signage, for residential developments. The proposed signage is outside of the right-of-way and does not impact the master plan facility.

Review of Connectivity to Adjacent/Nearby Properties:

The subject site is adjacent to residential areas connected via a shared roadway. The proposed signs do not impact connectivity.

Review of Master Plan of Transportation (MPOT) Compliance:

The site is impacted by one master plan trail; a six-foot wide asphalt shoulder on Church Road, along the frontage of the subject property. This improvement was a condition of approval for the subject site's preliminary plan of subdivision and has since been implemented.


Recommended Conditions of Approval:

Due to the nature of the application, there are no recommended conditions of approval.

February 3, 2020

MEMORANDUM

TO: Thomas Sievers, Subdivision and Zoning Review Section, Development Review Division

FROM:  Tom Masog, Transportation Planning Section, Countywide Planning Division

SUBJECT: **DSDS-696 Collingbrook at Rodenhauer**

Proposal

The applicant is seeking a departure for entrance signage that is larger than size limitations for gateway signage.

Background

Departures have very limited findings that are identified within Section 27-239.01 of the Zoning Ordinance. These findings are not transportation related. Gateway signage has special setback requirements, and the transportation review of gateway signage is limited to ensuring consistency with the transportation recommendations of the master plan and the review of the needed setbacks.

Analysis of Traffic Impacts

The application requests a departure for entrance signage that is larger than size limitations for gateway signage, for residential developments. Toward that end, the transportation review notes the following:

1. The actual signage is placed outside of all dedicated rights-of-way. It is noted, however, that landscaping associated with the gateway signage appears to extend within the dedicated rights-of-way at the Church Road/Youderian Drive intersection (this is not clear because the landscape plans do not show property lines). The applicant shall be aware that any landscaping placed within the public right-of-way is subject to permitting by the County and may involve a separate maintenance agreement with the County prior to permitting.
2. One requirement of gateway signs in Section 27-624 is that all signage be “set back from the roadway to maintain unobstructed lines of vision for five hundred (500) feet in all directions of travel.” The applicant has affirmed in the Statement of Justification that this requirement is met. No evidence of this sight distance analysis has been provided, however. Such evidence must be provided for confirmation by staff prior to the approval of this departure. It is noted that Church Road has a posted speed of 40 miles per hour.

The site is adjacent to Church Road, a master plan collector facility (designated as C-300 in the *Approved Bowie & Vicinity Master Plan* and Sectional Map Amendment) with a planned 90-foot right-of-way. Adequate right-of-way of 45 feet from centerline was dedicated at the time of preliminary plan of subdivision. As noted above, all signage is proposed outside of the rights-of-way.

Conclusion

In consideration of all items submitted, while the applicant has affirmed in the Statement of Justification that the setback requirement for gateway signage is met, no evidence of this sight distance analysis has been provided. Such evidence must be provided for confirmation by staff prior to the approval of this departure, and in any regard this information must be provided to the County at the time of permitting. This is the sole transportation issue for this case.

December 24, 2019

MEMORANDUM

TO: David Simon, Urban Design Division

FROM: Joanna Glascoe, Permit Review Section

SUBJECT: Referral Comments for DSDS-696; Collingbrook at Rodenhauser

1. No Comments at this time.

February 10, 2020

MEMORANDUM

TO: Sherri Connor, Supervisor, Subdivision and Zoning Section

FROM: Megan Reiser, Acting Supervisor, Environmental Planning Section *MKR*

SUBJECT: **DSDS-696 Rodenhauser, Gateway Sign**

The Environmental Planning Section has reviewed the Departure from Sign Design Standards submitted for the Rodenhauser property and provides the following comments and recommendations for your consideration.

Background

The Environmental Planning Section previously reviewed the following applications and associated plans for the subject site:

Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
NRI-148-05	N/A	Staff	Approved	1/4/2006	N/A
4-06063	TCPI-008-05	Planning Board	Approved	1/4/2007	06-277
TCP2-037-07-02	N/A	Staff	Approved	2/17/2017	N/A
5-13143	TCPII-149-02-05	Planning Board	Approved	11/21/2013	N/A
DSDS-696	N/A	Planning Board	Pending	Pending	Pending

Proposed Activity

The applicant proposes the construction of two gateway signs greater than six-feet in height with lettering exceeding 12-inches, which requires approval of a Departure from Sign Design Standards.

Grandfathering

This project is grandfathered with respect to the environmental regulations contained in Subtitle 24 and 27 that came into effect on September 1, 2010 because the application has an approved preliminary plan.

Prior Approvals/ Conformance with Preliminary Plan 4-06063

The following text addresses previously approved environmental conditions related to the subject application. The respective conditions are in bold typeface, the associated comments and recommendations are in standard typeface.

4. **Prior to final plat approval, a Type II Tree Conservation Plan shall be approved. All approved reforestation treatment areas on private lots, including lots with interrelated woodland preservation treatments shall be shown on the final plat as being placed in a conservation easement.**
14. **Prior to signature approval of the preliminary plan, the TCPI shall be revised to show a reforestation treatment area in the designated 40-foot-wide scenic easement along Church Road. Large caliper trees shall be used to provide a visual buffer from the historic road and label the reforestation treatment with the corresponding symbol in the legend. Show the reforestation/buffer area to the closest 1/100th of an acre; and adjust the worksheet accordingly regarding the reforestation amount.**
16. **The Type II Tree Conservation Plan (TCPII) shall include a plant schedule for the quantity of trees in the reforestation area/40-foot wide scenic easement to meet the requirements of the Woodland Conservation Ordinance**

The signs are proposed to front on Church Road, which was designated a scenic and historic road in the Master Plan of Transportation (MPOT). Previous conditions of approval required this site to provide a 40-foot-wide scenic and conservation easement along the site's frontage on Church Road. Both the TCPI and TCPII show the required easement and reforestation. The required easement is also shown on the plat. The application is in compliance with the most recently approved TCPII, which shows the location of the proposed signs; however, given the scenic and historic nature of Church Road, the applicant should maximize the landscape planting surrounding the signs. The planting should include larger caliper native species behind the walls and native shrubs in front of the walls. This planting would allow the area to continue to serve as the buffers required by the preliminary plan while allowing for neighborhood signage.

If you have any questions concerning these comments, please contact me by e-mail at megan.reiser@ppd.mncppc.org or call 301-952-3752.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.mncppc.org/pgco

December 27, 2019

MEMORANDUM

TO: A. David Simon, Urban Design Section, Development Review Division

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

FROM: Jennifer Stabler, Historic Preservation Section, Countywide Planning Division *JAS*
Tyler Smith, Historic Preservation Section, Countywide Planning Division *TAS*

SUBJECT: DSDS-696: Collingbrook at Rodenhauser

The subject property contains 2.29 acres and is located at 13901 Youderian Drive in Bowie. The subject application proposes nine-foot residential gateway signs. This proposal will not impact any historic sites or resources or known archeological sites. Historic Preservation staff recommends approval of DSDS-696 Collingbrook at Rodenhauser with no conditions.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-3796

January 9, 2007

PDC, Inc.
5840 Banneker Road
Columbia, MD 21044

Re: Notification of Planning Board Action on
Preliminary Plan 4-06063
(Rodenhauer Property)

Dear Applicant:

This is to advise you that on **(January 4, 2007)** the above-referenced Preliminary Plan was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to Article 28, Section 7-116(g) of the Maryland Annotated Code, an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) calendar days after the date of the final notice **(January 9, 2007)**.

Very truly yours,
Arie Stouten, Acting Chief
Development Review Division

By:


Reviewer

c: Persons of Record

PGCPB No. 06-277

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RESOLUTION

WHEREAS, Church Road Development is the owner of 73.01 acres (Parcel 13) and 1.34 acres (existing Rodenhauer Lane and Port Lane right-of-way [WWW 72@17]) (74.35 acres total) of land known as Parcel 13 and right-of way Rodenhauer Lane and Port Lane (WWW72@17), Tax Map 54 in Grid D3, said property being in the 7th Election District of Prince George's County, Maryland, and being zoned R-E; and

WHEREAS, on June 29, 2006, PDC, Inc. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 62 lots, 1 outlot and 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-06063 for Rodenhauer Property 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 December 7, 2006, 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 December 7, 2006, 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/08/05), and further APPROVED Preliminary Plan of Subdivision 4-06063, Rodenhauer Property, including a Variation from Section 24-130 for Lots 1-8, Block A, Lots 1-54, Block B, Parcel A and Outlot B with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
 - a. Revise Outlot, Parcel B to be designated only as Outlot B, and provide a general note that indicates that the outlot will be conveyed to the adjacent property owner of Lot 4, Rodenhauer Meadows, (Chroniger Property), should the property owner be willing to accept the property.
 - b. Delineate the three abandoned wells adjacent to 3511 and 3513 Church Road, and provide proper abandonment notes in accordance with the Health Department's July 14, 2006, memo.

- c. Eliminate Parcel B, and further label the shared driveway access as a private right-of-way easement in accordance with Section 24-128(b)(1) of the Subdivision Regulations.
 - d. Revise the private right-of-way easement serving Lots 42 and 43, Block B to provide a minimum lot width of 50 feet at the front street line. The proposed easement can be widened, or further extended into Lot 43, Block B to meet the required lot width at the front street line.
 - e. Demonstrate the required 120-foot building restriction line for Lots 23, and 43, Block B.
 - f. Demonstrate the required 100-foot building restriction line for Lot 21, Block B.
 - g. Verify that the distance along the front street line of Lot 35, Block B is correct, and drawn to scale.
 - h. The preliminary plan demonstrates 30-foot landscape bufferyards on Parcel A to screen the proposed WSSC pumping station. However, the TCP-I demonstrates the landscape bufferyards on the adjacent Lots 22, and 23, Block B. Revise the TCP-I to provide all the required landscaping on Parcel A.
 - i. Provide the required 30-foot-wide landscape bufferyard along the southern property line of Parcel A (WSSC Pumping Station).
 - j. Revise the lot size averaging notes to demonstrate that 26 of the proposed lots will be utilizing the lot size averaging provisions, and 36 of the proposed lots will be developed in accordance with the conventional standards of the R-E Zone.
 - k. Revise general note 19 to indicate that Lot 3, Block A, and Lot 33, Block B (not 34) are denied access to Church Road.
 - l. Revise the net lot area for Lots 52, and 53, Block B to exclude the land lying within the 100-year floodplain, but to include the land lying within the PMA to provide the minimum net lot area required in the R-E Zone utilizing the lot size averaging provisions.
2. Prior to approval of the final plat of subdivision, the applicant, his heirs, successors and/or assignees shall provide a monetary contribution to the M-NCPPC Department of Parks and Recreation in the amount of \$100,000 for the design and construction of Collington Brook Community Park.
 3. Development of this site shall be in conformance with the Stormwater Management Concept Plan 1822-2005-00 and any subsequent revisions.
 4. Prior to final plat approval, a Type II Tree Conservation Plan shall be approved. All approved reforestation treatment areas on private lots, including lots with interrelated woodland preservation treatments shall be shown on the final plat as being placed in a conservation easement.

5. Prior to the issuance of building permits for any lot containing afforestation, except for the lots fronting Church Road having a 40-foot wide scenic easement, all reforestation and associated permanent protective fencing shall be installed. A certification prepared by a qualified professional may be used to provide verification that the reforestation has been completed. It shall include, at a minimum, photos of the 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.
6. Prior to signature approval of the TCPII, a graphic symbol as shown on the TCPI for proposed Lots 52 and 53 shall be shown in relation to proposed Lots 2-16, 23-29, 34-43, and 46-49 of Block B to demonstrate the 40 feet of cleared rear yard area in relation to the back of the house footprint and the residential edge of the conservation easement.
7. Prior to contract signing for the purchase of any lot with a conservation easement, a copy of the approved TCPII shall be shown to the potential buyer and an affidavit shall be executed between the builder and buyer as part of the contract. The affidavit shall acknowledge the buyer's understanding of the limitations associated with the lot.
8. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the Patuxent River Primary Management Area, including all 100-year floodplain, streams, Patuxent River PMA and afforestation areas, except for the proposed impacts for storm drain outfalls, gravity and pressure sewer lines in areas of approved disturbance, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. Conservation easements shall be placed over all woodland conservation areas. 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.”
9. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approved conditions have been complied with, and associated mitigation plans.
10. Prior to approval of the final plat, the proposed storm drain outfall pipe on proposed Lot 43 shall be evaluated to determine if it can be shortened to reduce the impact to the PMA.
11. The submittal of the TCPII shall include a corresponding symbol on the plan and legend to depict the temporary location(s) of all proposed construction and sales trailers. These temporary locations shall not violate the approved limits of disturbance on the TCPII.

12. Prior to signature approval of the preliminary plan, the TCPI shall be revised as follows:
 - a. Label the proposed easement on proposed Lots 4, 5, 10 and 11 for its intended purpose on the plan and includes the width of the easement. The proposed storm drain on Lot 1 of Block B should be shown as an outfall within an easement. Also show the proposed storm drain easement on proposed Lots 2 and 3.
 - b. Add all the proposed lot sizes.
 - c. Provide all required landscape buffers to screen the proposed pumping station on Parcel A.
 - d. Replace the reference to the "Rodenhauser Property" at the end of the first sentence in standard TCPI note 1 and insert the phrase "Preliminary Plan 4-06063."
 - e. After these revisions have been made, have the qualified professional who prepared the plan sign and date it.
13. Development of this subdivision shall be in conformance with an approved Type I Tree Conservation Plan (TCPI/08/05). The following note 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/08/05), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005."
14. Prior to signature approval of the preliminary plan, the TCPI shall be revised to show a reforestation treatment area in the designated 40-foot-wide scenic easement along Church Road. Large caliper trees shall be used to provide a visual buffer from the historic road and label the reforestation treatment with the corresponding symbol in the legend. Show the reforestation/buffer area to the closest 1/100th of an acre; and adjust the worksheet accordingly regarding the reforestation amount.
15. The following note shall be placed on the final plat:

"Road improvements on Church Road shall be carried out in accordance with Design Guidelines and Standards for Scenic and Historic Roads prepared by the Department of Public Works and Transportation. The applicant shall coordinate a conceptual preapplication meeting between the Department of Public Works and Transportation and M-NCPPC to determine what these improvements are prior to Paving and Stormdrain Plan submittal."

16. The Type II Tree Conservation Plan (TCPII) shall include a plant schedule for the quantity of trees in the reforestation area/40-foot wide scenic easement to meet the requirements of the Woodland Conservation Ordinance.
17. At the time of final plat approval, the applicant, his heirs, successors and/or assignees shall dedicate right-of-way along Church Road of 45 feet from the master plan centerline.
 - a) 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 entrance on Church Road. Additional right of way dedication to DPW&T may be required for these improvements.
 - b) Lots 1 and 2, Block A, fronting on Church Road shall have abutting driveways that provide turn-around capability.
18. In conformance with the Adopted and Approved Bowie-Collington-Mitchellville and Vicinity Master Plan and in conformance with prior preliminary plan approvals, the applicant, his heirs, successors and/or assignees shall provide the following:
 - a) Provide the master plan bicycle facility along the subject property's entire length of Church Road. This facility will be implemented with six-foot wide asphalt shoulders along the frontage of the subject property, unless modified by DPW&T.
 - b) Church Road shall be designated as a Class III bikeway with appropriate signage. Because Church Road is a County right-of-way, the applicant, his heirs, successors and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of this signage. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit.
19. Prior to the issuance of grading permits the applicant, his heirs, successors and/or assignees shall demonstrate that all abandoned wells and septic systems has been pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or scavenger and witnessed by a representative of the Health Department.
20. Prior to the removal of any of the existing structures, a raze permit must be obtained through the Department of Environmental Resources. Any hazardous materials located in the structures must be removed and properly stored or discarded prior to the structures being razed.
21. Prior to the issuance of grading permits the applicant, his heirs, successors and/or assignees shall submit evidence to the Health Department that the five unlabeled drums/tanks found on the subject property have been disposed of in an appropriate manner by a licensed hazardous waste company, and a copy of the manifest shall submitted to the Health Department.

22. Prior to approval of the final plat, the applicant, his heirs, successors and/or assignees shall submit an executed deed of conveyance for Outlot B to the adjacent property owner of Lot 4, Rodenhauser Meadows, (Chroniger Property), should the property owner be willing to accept the property. The applicant, his heirs, successors and/or assignees shall demonstrate due diligence in obtaining the agreement for conveyance of the outlot to the abutting property owner to the south. Should the adjacent property owner choose not to accept the outlot, the applicant can either convey the property to DPW&T as additional right-of-way, should they choose to accept it, or the square footage of the outlot may be incorporated into one of the abutting lots.
23. Prior to approval of the final plat, the applicant, his heirs, successors and/or assignees shall submit an executed deed for conveyance of Parcel A to the Washington Suburban Sanitary Commission for the future pumping station.
24. Prior to the approval of the final plat, the applicant, his heirs, successors and/or assignees shall demonstrate conformance to the disclosure requirements of Section 27-548.43 of the Zoning Ordinance regarding the proximity of this subdivision to a general aviation airport.
25. Prior to signature approval of the preliminary plan, the applicant, his heirs, successors and or assignees shall submit four copies of the final Phase I archeological investigation report to the M-NCPPC Historic Preservation Section. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations are required.
26. Prior to the approval of the final plat, the applicant, his heirs, successors and/or assignees shall record a plat of resubdivision for Collingbrook (REP 197 @ 92) for the realignment of Dawn Whistle Way.
27. Prior to the approval of the final plat, the applicant, his heirs, successors and/or assignees shall complete the vacation process for the portion of Rodenhauser Lane and Port Lane recorded per Plat WWW 72 @ 17.
28. The final plat shall carry a note that states direct access to Church Road is denied for Lot 3, Block A, and Lot 33, Block B.

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 east side of Church Road, approximately 562 feet north of its intersection with Dunwood Valley Drive.

3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-E	R-E
Use(s)	Primarily Undeveloped	Detached Single-Family Dwellings
Acreage	73.01	73.01
Lots	0	62
Outlots	0	1
Parcels	1	1
Dwelling Units:		
Detached	2 (to remain)	62 (60 new)
Public Safety Mitigation Fee		No

4. **Environmental**—The Environmental Planning Section has reviewed revised plans for Preliminary Plan of Subdivision 4-06063, and the Type I Tree Conservation Plan (TCPI/08/05), stamped as received on October 18, 2006. The submittal included a revised letter of justification dated September 18, 2006 for proposed impacts to the PMA. The Environmental Planning Section recommends approval of Preliminary Plan 4-06063 and the Type I Tree Conservation Plan, TCPI/08/05, subject to conditions.

The proposal is for a 62-lot subdivision for single-family detached dwellings and two parcels (Parcels A and B). Parcel A will contain a sanitary sewer pump station and Parcel B is located on proposed Lot 42 for a private driveway for proposed Lot 43.

This 73.01-acre site in the R-E zone is located on the east side of Church Road, and is approximately 1,300 feet south of John Hanson Highway, US Route 50. Based on year 2005 air photos the site is approximately 21 percent wooded. Regulated environmental features are associated with the site. These features include a stream that bisects the site from north to south, wetlands, 100-year floodplain, and areas of steep and severe slopes. According to the Prince George's County Soil Survey seven soil series are found to occur at the site. These soils include: Adelphia fine sandy loam, Christiana silt loam, Collington fine sandy loam, mixed alluvial land, Monmouth clay loam, Monmouth fine sandy loam, and Shrewsbury fine sandy loam. Three of these soil types have K-factors greater than 0.37 and these include the Christiana, and both the Monmouth soils. Four soils have development constraints associated with them. The Adelphia soil has seasonally high water table and issues related to slopes, the Christiana soil has high shrink-swell potential in relation to house foundations, the mixed alluvial land soil is prone to a high water table and flood hazard and the Shrewsbury soil has a high water table and poor drainage around house foundations. According to available information, Marlboro clays are not found to occur at this location. Church Road is a designated scenic and historic road in the 1992 *Approved Historic Sites and Districts Plan*. According to information obtained from the Maryland Department of Natural Resources Wildlife and Natural Heritage Program, there are no records of rare and threatened species in vicinity of the property. According to the Countywide Green

Infrastructure Plan, the site has regulated areas, evaluation areas and network gaps associated with it. The site is located in the Collington Branch watershed of the Patuxent River basin, the Bowie and vicinity planning area and the Developing Tier as reflected in the adopted General Plan.

A revised Natural Resources Inventory (NRI/148/05-01) was signed on September 27, 2006 and is on file in the Environmental Planning Section. The PMA delineation on the revised NRI has been reviewed in relation to the revised preliminary plan and TCPI. It appears the PMA is shown correctly on the latter two plans.

The site is comprised of fallow fields and a mature, mixed hardwood forest area, the latter natural feature totaling 15.89 acres. Two forest stands (Stand 1A and 1B) are dominated by red maple and sweet gum. Stand 1A contains 14.28 acres and Stand 1B contains 1.14 acres. Nine specimen trees are scattered throughout the site. Stand 1A has relatively dense shrub and herbaceous layers dominated by spicebush and arrowwood. This stand also contains significant environmental features (streams, wetlands, 100-year floodplain, steep slopes and three of the nine specimen trees). This on-site woodland, especially in Stand 1A, is a very high priority for preservation. No further plan revisions to the NRI are necessary.

The site has regulated areas, evaluation areas and network gaps associated with it as shown on the Countywide Green Infrastructure Plan. Approximately half of the site is in a designated evaluation area. The site has a woodland conservation threshold (WCT) of 17.43 acres and a woodland conservation requirement of 19.20 acres. The revised TCPI shows this requirement to be met with on-site preservation and reforestation (7.78 acres and 11.42 acres, respectively). The TCPI was revised to meet the site's requirement on-site because all three network features from the plan are associated with this site. The revised plan implements the Green Infrastructure Plan at this location.

Because extensive reforestation is now proposed on numerous private lots, and in some instances along with on-site preservation treatments interrelated on the same lot to fulfill the woodland conservation requirement, protective fencing is required in relation to both proposed woodland treatments. In order to protect proposed reforestation treatment areas after planting and some interrelated on-site preservation treatments on the same lot, especially so that the reforestation areas may mature into perpetual woodlands, the reforestation and installation of associated permanent protective fencing must be completed prior to the issuance of a building permit for each associated lot. All reforestation areas to be located on private lots must be placed in conservation easements, including those lots with interrelated on-site preservation treatments. These lots include: Lots 2-16, 23-29, 34-43, and 46-49 of Block B.

In addition, it appears some lots with proposed reforestation treatments and PMA will limit the amount of useable, cleared rear yard area. At least 40 feet of unencumbered rear yard is needed to provide room for construction of the homes, to ensure the long-term protection of the woodland conservation in these rear yards and to allow for future changes in house types that may impact the clearing and grading around each house. In order to make a potential homebuyer aware of limitations on these certain lots, the builder must show a copy of the approved TCPII to a buyer at

the time a deposit is put on certain lots. An affidavit should be executed at the time a deposit is made, and the affidavit should acknowledge the buyer's understanding of the limitations associated with the lot. The TCPII must contain a graphic symbol as shown on the current TCPI for proposed Lots 52 and 53 to demonstrate the 40 feet of cleared rear yard area in relation to the back of the house footprint and the residential edge of the woodland treatment/conservation easement.

The site contains regulated environmental features including streams, wetlands, 100-year floodplain, steep and severe slopes. The regulated features are associated with the Patuxent River basin and are within the Patuxent River Primary Management Area (PMA). All regulated site features are required to be delineated at the time of preliminary plan submission. The Patuxent River Primary Management Area (PMA) is to be preserved to the fullest extent possible as required in Section 24-130(b)(5) of the Subdivision Ordinance. The original preliminary plan and revised TCPI show the PMA delineation correctly based on the signed -01 revision to the NRI.

The revised TCPI shows five PMA impact areas. A revised letter of justification dated September 18, 2006, was submitted to identify the impact areas as Impacts 1A-D and Impact 2. Generally, impacts to the PMA are only recommended for essential development features. Essential development includes such features as public utility lines (including sewer and stormwater outfalls), road crossings, etc., which are mandated for public health and safety. Non-essential activities are those, such as grading for lots, stormwater management ponds and parking areas, which do not relate directly to public health, safety or welfare.

PMA Impact Evaluation Analysis

Impacts 1A-D

Impact 1A is located on proposed Lots 42 and 43 consisting of 3,470 square feet for the installation of a storm drain outfall. Impact 1B consists of 7,060 square feet and is located on proposed Lots 21, 22, 50 and 51 for impacts to a stream for the installation of a storm drain. Impact 1C totals 1,155 square feet and is located along the common side property line of proposed Lots 16 and 17 of Block B for installation of a storm drain outfall. Impact 1D is located at the common property line of proposed Lots 2 and 3 of Block B for installation of a storm drain outfall. This impact area totals 1,271 feet. The total impact area in impacts 1A-D is 13,511 square feet.

Impact 2

Impact 2 is located northeast of the proposed pump station on Parcel A and is partially on proposed Lots 49 and 50 of Block B. This impact is for the installation of force main gravity and pressure sewer lines to serve the development. The total area in this impact is 11,227 square feet.

Comment: All five proposed impacts are for the installation of essential infrastructure improvements necessary for development of the site. The Environmental Planning Section recommends that the Planning Board find that the proposed impacts to the Patuxent River Primary

Management Area represented in Impacts 1A-D and Impact 2 for the construction of storm drain outfalls and gravity and pressure sewer lines are the minimum necessary and have been designed to minimize impacts to the greatest extent possible. In order to minimize impacts associated with proposed Lot 43, a redesign should be evaluated that shortens the length of the pipe for the outfall.

Because the proposal is for residential development where it is possible more than one builder will have a presence, and there are extensive regulated environmental features associated with the site, the location of all construction and sales trailers in the early phase of development must recognize the approved limits of disturbance on the TCP's. The submittal of the TCPII must include a corresponding symbol on the plan and legend to depict the temporary location(s) of all proposed construction and sales trailers before any model units are constructed. These temporary construction and sales trailer locations should not violate the approved limits of disturbance on the TCPII (i.e., conservation easements for the PMA and woodland treatment areas).

The site is subject to the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of woodlands on-site. A revised Type I Tree Conservation Plan has been submitted and reviewed.

Existing woodland on the site totals 12.88 acres, of which 3.01 acres are within the 100-year floodplain. The woodland conservation threshold (WCT) is 17.43 acres. The proposed amount of woodland to be cleared totals 5.06 acres, of which 0.19 acres are within the floodplain. The site's woodland conservation requirement totals 19.20 acres and is proposed to be met with 7.78 acres of on-site preservation and 11.42 acres of reforestation. In order for the TCPI to meet the requirements of the Woodland Conservation Ordinance, revisions are necessary.

The plan has deficiencies regarding woodland conservation information required on a TCPI. It appears a proposed storm drain or sewer easement is not clearly identified on the plan on the side yards of proposed Lots 4, 5, 10 and 11. The proposed storm drain on Lot 1 of Block B does not have an outfall area within an easement. Lots 2 and 3 also have a storm drain on the common side property line; however, an easement is not identified. All easements need to be labeled for their intended purpose on the plan and include the width of each easement. All the proposed lot sizes need to be added to the TCPI.

There is a note on proposed Lot 29 of Block B that reads: "Evergreen buffer strip to be provided." A note should be provided on the plan with the purpose of the landscape buffer to screen the pump station.

In standard Type I Tree Conservation Plan note 1 the reference to the "Rodenhauer Property" should be replaced at the end of the first sentence and the phrase "Preliminary Plan 4-06063" should be inserted.

After these revisions have been made, the qualified professional who prepared the plan should sign and date it.

Church Road is a designated scenic and historic road. Both the original preliminary plan and revised TCPI show the required 40-foot wide scenic easement behind the 10-foot wide public utility easement (PUE). Most of the easement area is not wooded. In the February 10, 2006 memo for Preliminary Plan 4-05122, the following review comment was made in relation to the scenic easement area:

“This area should be shown on a revised TCPI for reforestation with large caliper trees to provide a visual buffer from the historic road where one does not currently exist. The quantity of trees in the reforestation area must be shown on the TCPII in a plant schedule to meet the requirements of the Woodland Conservation Manual.”

The revised plan contains a note in a portion of the scenic easement that reads: “Proposed driveways to serve Lots 1 and 2.” However, the driveways are not shown on the plan. A reforestation treatment area should be provided in the scenic easement to count toward the site’s woodland conservation requirement. This woodland treatment should be labeled on the plan with the corresponding symbol in the legend, and shown to the closest 1/100th of an acre. The TCPI’s worksheet should be adjusted accordingly.

A copy of the approved stormwater management concept plan and concept plan approval letter issued by the Prince George’s County Department of Environmental Resources (DER) were submitted. The conceptual storm drain plan is case number: 1822-2005-00 and was approved on May 31, 2005. This approval is valid for three years from the date of issuance. No further information regarding stormwater management is necessary.

Water and Sewer Categories

The water and sewer service categories are W-4 and S-4 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003, and will therefore be served by public systems.

5. **Community Planning**—The subject property is located in Planning Area 74A, and is within the limits of The 2006 *Bowie & Vicinity Master Plan*. The master plan land use recommendation is for a low-density, residential use. This application proposes a low-density residential use, and is therefore consistent with land use recommendation within The 2006 *Bowie & Vicinity Master Plan*.

The 2002 General Plan locates the subject property within 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. This application proposes a low-density suburban residential community, and is therefore consistent with 2002 General Plan Development Pattern policies for the Developing Tier.

The Bowie & vicinity sectional map amendment retained the property in the R-E (Residential Estate) Zone. The property is located in the APA-6 for Freeway Airport.

This application is located under the traffic pattern for a small general aviation airport (Freeway Airport). This area is subject to aviation policy area regulations adopted by CB-51-2002 (DR-2) as Sections 27-548.32 through 27-548.48 of the Zoning Ordinance. Specifically, the subject property is located in Aviation Policy Area (APA)-6. The APA regulations contain additional height requirements in Section 27-548.42 and purchaser notification requirements for property sales in Section 27-548.43 that are relevant to evaluation of this application. No building permit may be approved for a structure higher than 50 feet in APA-6 unless the applicant demonstrates compliance with FAR Part 77.

6. **Parks and Recreation**—The Department of Parks and Recreation has reviewed the above referenced preliminary plan for conformance with the requirements of the *Approved Master Plan and Sectional Map Amendment for Bowie, Collington, Mitchellville and Vicinity Planning Area 74A*, the Land Preservation and Recreation Program for Prince George's County and current subdivision regulations as they pertain to public parks and recreation.

DPR's analysis of the area shows that the recreational needs of the surrounding community are not being met. The initial referral recommended to the Planning Board that the applicant provide on-site private recreational facilities for this development. In October, DPR staff was approached by the applicant to discuss other alternatives in an effort to fulfill the recreational needs of the proposed residential community.

At a meeting on October 6th, the applicant proposed providing off-site public recreational facilities at nearby Collingbrook Community Park. Collingbrook Community Park is a 21.1 acre undeveloped park located directly south of Route 50 on Church Road and only ¼ mile from the project area. The proposed CIP budget shows \$800,000 for fiscal year 10 to be put towards construction of recreational facilities at this location. The applicant offered to make a \$100,000 contribution towards the construction of Collingbrook Community Park. The monetary contribution will be set aside in a community account earmarked for development of this park. DPR staff believes that this contribution will enhance the recreational package of the park and expedite the construction process.

7. **Trails**—The Adopted and Approved Bowie-Collington-Mitchellville and Vicinity Master Plan (1991) included a recommendation for a master plan trail along A-44. It was intended that the master plan trail be completed at the time of road construction and that the trail be within the public-right-of-way.

However, the proposal for A-44 was deleted through the Adopted and Approved Bowie and Vicinity Master Plan (2005). Numerous work sessions and public hearings were held during this process, and the trail along A-44 was initially deleted along with the roadway. The deletion of the A-44 trail was specifically noted at the September 20 and October 18 work sessions of the District Council. On October 25, the District Council proposed CR-77-2005 that included amendments to the Bowie and Vicinity Master Plan. Amendment 29 deleted the A-44 trail.

However, subsequent discussions with the City of Bowie indicated that portions of the former A-44 right-of-way remained in public ownership and that the city remained interested in implementing this

trail as an important north-south connection in the study area. This north-south connection proposed along the former A-44 right-of-way is especially important due to the elimination of the proposed Collington Branch Stream Valley Trail north of MD 214 due to environmental constraints. A planned trail along or near the former A-44 corridor will provide the necessary connectivity between subdivisions in this rapidly developing corridor.

For these reasons, the City of Bowie has continued to work with the Department of Parks and Recreation to determine an appropriate alignment for this trail. The trail along the former A-44 corridor will ultimately utilize existing M-NCPPC parkland, city-owned land, sidewalks along public streets, and private HOA trails. As it appears that segments of the A-44 trail remain viable, the final District Council action on the Bowie and Vicinity Master Plan retained the planned trail along the former A-44 right-of-way. This was reflected in CR-11-2006, which deleted the amendment removing the A-44 trail from the master plan.

In light of this, the Transportation Planning Section recommends that a designated public use trail easement be provided on the subject site to accommodate the future provision of this trail. This will allow the trail to extend from the HOA land to the south of the subject property, to the planned road network on the Rodenhauser Property. A 15-foot-wide public-use trail easement should be reflected along the eastern edge of Lot 23, Block B adjacent to the planned WSSC parcel that will contain the sewer pumping station. This will allow either the City of Bowie or the Department of Parks and Recreation to complete the trail if the environmental features allow, and if it is desired by the community.

It should be noted that a variety of constraints would have to be overcome for this trail to be implemented. The trail will utilize both M-NCPPC parkland and land owned by the City of Bowie. It will also require the concurrence and use of private HOA land and trails along some segments, and significant environmental constraints remain to be addressed. Construction of the trail off M-NCPPC land will likely require discussions between the City of Bowie and the affected homeowners associations or communities. However, the provision of the public use easement will allow the trail to be completed upon the resolution of these issues.

The Adopted and Approved Bowie and Vicinity Master Plan recommended a trail/bikeway along Church Road south of US 50. At the time of negotiations between DPW&T and the applicant for the nearby Fairwood development, it was determined that this facility would be implemented as an on-road bikeway through the provision of six-foot wide shoulders. This decision was reached based on the desire to preserve the rural, scenic nature of the roadway, minimize the cross section of the road where feasible, and preserve some of the existing trees along the right-of-way. In keeping with the previous approvals in the vicinity for the Fairwood development, the Transportation Planning Section recommends the provision of the same road frontage improvements for the subject property, unless modified by DPW&T. Share the Road with a Bike signage is also recommended to alert motorists to the possibility of bicycle traffic along Church Road.

The Adopted and Approved Bowie and Vicinity Master Plan also designates Dawn Whistle Way as a shared use bikeway. However, due to the large lot nature of the subject application, the property

immediately to the north of the subject property (approved via 4-02063), and the fact that Dawn Whistle Way is not a through street, the Transportation Planning Section is of the opinion that no physical improvements (signage or striping) is necessary along this road. Due to the lack of through traffic and the residential, low-speed nature of the road, bicycle traffic should be able to move compatibly and safely with the automobile traffic and no additional enhancements are necessary. The road cross section should be consistent with the approval for 4-02063.

8. **Transportation**—The Transportation Planning Section has reviewed the preliminary plan of subdivision for the Rodenhauser property. Although the preliminary plan submitted is proposing a residential subdivision consisting of 62 single-family dwellings, the traffic study submitted by the applicant bases its' analyses on the development of a residential subdivision consisting of 64 lots.

Traffic Study Analyses:

The applicant submitted a traffic study dated August 2006. 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*. The study identified the following intersections as the ones on which the proposed development would have the most impact:

EXISTING CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Church Road – MD 450	A/470	A/540
Church Road – Mt. Oak Road **	C/21.7 Secs.	F/107.6 Secs.
Church Road – Woodmore Road **	D/26.6 Secs.	F/134.7 Secs.
Church Road – King Isle Court – Site Access **	--	--
<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>		

The traffic study identified twelve (12) background developments whose impact would affect some or all of the study intersections. Additionally, a growth rate of 2 percent was applied to the existing traffic counts at the subject intersections. A second analysis was done to evaluate the impact of the background developments on existing infrastructure. The analysis revealed the following results:

BACKGROUND CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Church Road – MD 450	A/638	A/684
Church Road – Mt. Oak Road **	C/101.8 Secs.	F/547.6 Secs.
Church Road – Woodmore Road **	D/118.9 Secs.	F/578.5 Secs.
Church Road – King Isle Court – Site Access **	B/10.7 Secs.	B/11.2 Secs.
** 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.		

Using the “Guidelines For The Analysis Of The Traffic Impact Of Development Proposals,” the study has indicated that the proposed development of 64 single family units will be adding 48 (9 in; 39 out) AM peak hour trips and 58 (38 in; 20 out) PM peak hour trips at the time of full build-out. A third analysis was done, whereby the impact of the proposed development was evaluated. The results of that analysis are as follows:

TOTAL CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Church Road – MD 450	A/643	A/690
Church Road – Mt. Oak Road **	C/126.4 Secs.	F/624.5 Secs.
Church Road – Woodmore Road **	D/137.8 Secs.	F/635.9 Secs.
Church Road – King Isle Court – Site Access **	B/13.4 Secs.	C/16.8 Secs.

A fourth analysis was performed for the realigned Woodmore Road-Mt. Oak Road intersection as proposed in the Prince George’s County FY 2006-2011 approved capital improvement program (CIP ID No. FD669921). Based on a proposed lane usage obtained from DPW&T’s staff, the proposed realigned intersection was analyzed as a signalized intersection. The result of that analysis showed a LOS/CLV of A/383 during the Am peak hour, and A/509 during the PM peak hour.

The traffic study concluded that all of the intersections will operate at acceptable levels-of-service under future conditions. It further recommends that the applicant proffer a fair-share pro rata payment towards the developer funded CIP project at Woodmore Road-Mt. Oak Road realigned.

Staff review and comments:

Upon review of the applicant’s traffic study, The Transportation Planning Section concurs with its findings regarding the adequacy of the intersections within the study area. With respect to the applicant’s monetary contribution to the CIP project, staff will not be requiring such a contribution. While several developments in the vicinity of the subject property were previously approved with conditions requiring monetary contribution to DPW&T, it should be emphasized that the CIP improvements are currently listed as being fully funded. None of the previous approvals were made while the CIP improvements were designated as being fully funded.

In addition to the Transportation Planning Section, the traffic study was also reviewed by DPW&T. In a June 1, 2006 letter to staff (Issayans to Jenkins), the DPW&T recommends that the applicant contribute to the funding of the proposed improvements cited in the CIP. The letter also indicated that appropriate sight distance at the entrance to the subject property must be available.

Because 100 percent of the construction funding has been appropriated within the capital budget current six-year cycle, staff has no basis to require monetary contribution. Should the applicant choose to proffer funds on his own accord, the Transportation Planning Section staff has no objections.

Master Plan Comments

The *Bowie & Vicinity Master Plan* (2006) lists Church Road as a collector roadway with 90 feet of right of way.

TRANSPORTATION STAFF FINDINGS

The application is a preliminary plan of subdivision for a residential development of 64 single-family units. The proposed development will be adding 48 (9 in; 39 out) AM peak hour trips and 58 (38 in; 20 out) PM peak hour trips at the time of full build-out. The traffic generated by the proposed preliminary plan would impact the following intersections:

- Church Road – MD 450
- Church Road – Mt. Oak Road **
- Church Road – Woodmore Road **
- Church Road – King Isle Court – Site Access **

** *Unsignalized intersection*

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.

All of the intersections are projected to operate adequately under total condition with the exception of Mt. Oak Road with Church and Woodmore Road with Church Road. These intersections are

programmed for improvement with 100 percent construction funding within the next six years in the current Prince George's County capital improvement program. Specifically, Woodmore Road will be realigned to the north to create a single 4-legged intersection. Signalization is also included in this CIP project. As a result of this funded project, this reconfigured intersection of Church Road and Woodmore Road-Mt. Oak Road is projected to operate at adequate level of service.

The referral memo submitted by DPW&T for this application states that no driveway access to serve the proposed lots fronting on Church Road is to be allowed. However, at the Subdivision Review Committee Meeting for this case on July 14, 2006, DPW&T had stated that Lots 1 and 2, Block A, could have direct access to Church Road provided that abutting driveways with turn-around capability are provided. Direct access to Church Road for Lots 3, Block A, and Lot 33, Block B is denied.

TRANSPORTATION STAFF CONCLUSIONS

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.

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

Finding

Impact on Affected Public School Clusters

Affected School Clusters	Elementary School Cluster 3	Middle School Cluster 2	High School Cluster 2
Dwelling Units	62 sfd	62 sfd	62 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	14.88	3.72	7.44
Actual Enrollment	5137	7218	10839
Completion Enrollment	176	112	223
Cumulative Enrollment	9.36	17.04	35.16
Total Enrollment	5337.24	7350.76	11104.6084
State Rated Capacity	4838	6569	8920
Percent Capacity	110.33%	111.90%	124.49%

Source: Prince George's County Planning Department, M-NCPPC, December 2005

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 interstate highway 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. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,671 and 13,151 to be paid at the time of issuance of each building permit.

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.

The Historic Preservation and Public Facilities Planning Section finds that 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.

10. **Fire and Rescue**—The Historic Preservation & Public Facilities Planning Section has reviewed this subdivision plan for fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance.

The Prince George’s County Planning Department has determined that this preliminary plan is within the required seven-minute response time for the first due fire station Bowie, Company 43, using the *Seven-Minute Travel Times and Fire Station Locations Map* provided by the Prince George’s County Fire Department.

Pursuant to CR-69-2006, Prince George’s County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels.

The Fire Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

11. **Police Facilities**—The Prince George’s County Planning Department has determined that the subject property is located in Police District II. The standard for emergency calls response is 10 minutes and 25 minutes for non-emergency calls. The times are based on a rolling average for the proceeding 12 months. The preliminary plan was accepted for processing by the Planning Department on June 29, 2006.

Reporting Cycle	Date	Emergency Calls	Non-emergency
Acceptance Date	01/05/05-06/05/06	10.00	22.00
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of 10 minutes for emergency calls and 25 minutes for non-emergency calls were met on June 5, 2006.

Pursuant to CR-69-2006, Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels.

The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

12. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for the Rodenhauser Property and has the following comments to offer:

The abandoned septic systems serving the existing houses must be pumped out by a licensed scavenger and either removed or backfilled in place once the houses are connected to the public sewerage system. The locations of the septic systems should be located on the preliminary plan.

The abandoned wells (one shallow and two deep) adjacent to the existing houses at 3511 and 3513 Church Road must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative from the Health Department as part of the grading permit. The location of the wells should be located on the preliminary plan.

All abandoned vehicles (one van, two riding mowers, four cars, five boats, eight trucks, and ten trailers) found on the property must be removed and properly disposed.

A raze permit is required prior to the removal of any of the structures on site. A raze permit can be obtained through the Department of Environmental Resources, Office of Licenses and Permits. Any hazardous materials located in any structures on site must be removed and properly stored or discarded prior to the structures being razed.

Approximately five unlabeled drums/tanks were found on the property. A portion of the drums/tanks contained some type of liquid. The liquid must be evaluated and disposed of in an appropriate manner by a licensed hazardous waste company. A copy of the manifest must be submitted to this office prior to preliminary plan approval. If the drums are not removed as part of preliminary plan approval, this office will contact the Hazardous Materials Section of the Prince George's County Fire Department for proper disposal.

13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. Stormwater Management Concept Plan 1822-2005-00 has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.

14. **Historic**—A Phase I archaeological report was prepared on behalf of Church Road Development, Inc. of Columbia, Maryland. The Historic Preservation and Public Facilities Planning Section agrees with the conclusions and recommendations of the report, that no further archaeological investigations are warranted. However, four copies of the revised, final report must be submitted prior to signature approval of the preliminary plan.
15. **Lot Size Averaging**—The applicant has proposed to utilize the lot size averaging (LSA) provision provided for in Section 24-121(a)(12) of the Subdivision Regulations for a portion of this property.

Section 27-423 of the Prince George's County Zoning Ordinance establishes the zoning requirements for lot size averaging.

- A. **The maximum number of lots permitted is equal to the gross acreage divided by the largest minimum lot size in the zone (40,000 square feet).**
- B. **At least 50 percent of the lots created shall equal or exceed the largest minimum lot size in the zone (40,000 square feet).**

Based on the gross acreage of 73.01 acres within the R-E Zone, 79 lots would be allowed. The applicant is proposing 62 lots. Thirty-six of the proposed lots meet or exceed the largest minimum net lot area (40,000 square feet) required in the R-E Zone. Therefore, at least 50-percent of the lots created will equal or exceed the largest minimum net lot area required in the zone. The proposed subdivision meets the minimum zoning ordinance standards for lot size averaging.

Further, Section 24-121(a)(12) requires that the Planning Board make the following findings in permitting the use of lot size averaging:

- A. **The subdivision design provides for better access, protects or enhances historic resource or natural features and amenities, or otherwise provides for a better environment than that which could be achieved by the exclusive use of standard lots.**

Comment: There are no historic resources associated with the property that require protection or avoidance. The property does have a significant amount of sensitive environmental features. The utilization of lot size averaging will help to eliminate the need for any additional impacts to the sensitive environmental features that are so abundant on the property which include a stream that bisects the property from north to south, wetlands, 100-year floodplain, and areas of steep and severe slopes. The subdivision as designed protects these natural features to the greatest extent possible.

- B. **The subdivision design provides for an adequate transition between the proposed sizes and locations of lots and the lots, or lot size standards, of any adjacent residentially zoned parcels.**

Comment: Due to the location of on-site wetlands, which bisect the property from north to south, the subdivision has been designed to provide two points of vehicular access. Access has been provided from Church Road for the western portion of the property, and from Dawn Whistle Way for the eastern portion of the site. Utilizing lot size averaging eliminates the further need to impact the environmental sensitive areas of the property. The adjacent subdivisions to north and south were both approved utilizing the lot size averaging provisions. Therefore, the subdivision design provides for an adequate transition between the lots proposed on the subject property, and the existing lots on the adjacent properties.

C. The subdivision design, where applicable, provides for an adequate transition between the proposed natural features of the site and any natural features of adjacent parcels.

Comment: The same stream that bisects the property from north to south, also encumbers both the adjacent property to the north and the adjacent property to the south. Protecting these environmentally sensitive areas ensures that the natural features will be connected to and will enhance the natural features located on the adjacent properties. Protection of these natural features will also help to create wildlife corridors and allow the wooded wetlands to function as a more complete eco-system than small scattered preservation areas.

Staff supports the applicant's proposal to utilize the LSA provision for the development of this property.

16. **City of Bowie**—The City of Bowie has reviewed the preliminary plan application for the Rodenhauer Property, and have prepared a staff report to present to the City Council. The city has recommended approval of the preliminary plan application subject to conditions. The following is brief summary of the City of Bowie's concerns and conditions;

Condition 1 addresses transportation improvements that have been included within this report. However, the pro-rata contribution to the developer funded, Mount Oak Road/Woodmore Road CIP improvements is not being required by the Transportation Planning Section because the CIP improvements are currently listed as being fully funded.

Condition 2 is requesting that specimen trees 1 through 7 be preserved on the TCP-II. Six of the seven specimen trees that the city is requesting to be preserved will remain. However, specimen tree 1, (37-inch Pin Oak), will encroach into the private right-of-way easement serving Lots 42 and 43, Block B. The private right-of-way easement to serve these two lots was added at the request of staff during the review of the prior applications for the property. The private right-of-way easement is being implemented in this location is to protect the sensitive environmental features that are existing on these lots, and to prevent further impact to the PMA area.

Condition 3 is requesting the developer to install and construct the 10-foot-wide asphalt trail and associated signage through Parcel A. The easement for the trail will be adjacent to Parcel A, and on the easterly limits of Lot 23. This will prevent the trail from being on WSSC property, and will not

interfere with the landscape buffers that will screen the WSSC pumping station. The condition within this report is for the reservation of the easement only, and does not include the actual construction of the trail. This is due to the uncertainty of the implementation of this trail network and the variety of constraints that would have to be overcome for this trail to be implemented. The trail will utilize both M-NCPPC parkland, land owned by the City of Bowie, and private land, some of which is owned by various homeowners associations. The Rodenhauser property will not have an HOA. If the trail were to be constructed as part of this preliminary plan, there would be no assurances on any future maintenance of the trail. The provision of the public use easement will allow the trail to be completed upon the resolution of these issues.

Condition 4 is requesting the width of the driveway aprons and abutting driveways to be located on Lots 1 and 2, Block A to be restricted from expanding in the future. A 40-foot-wide scenic/historic buffer will be adjacent to Church Road, and the final plat will carry a note that precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance.

Condition 5 is requesting the vehicular access to Church Road be prohibited for Lot 3, Block A, and Lot 33, Block B. This condition has been included within the staff report, and will be carried forward on to the final plat.

Condition 6 is requesting the front elevations of all dwelling units fronting Church Road to directly face Church Road (as opposed to being sited diagonally or on a side street), and Condition 7 is requesting front elevations of various lots to facing specified streets. Staff does not disagree with these conditions, however, these recommendations would be more applicable to a detailed site plan application, and therefore were not included within this report.

Condition 8 is requesting the developer to install recreational facilities as specified by the Parks Department. The applicant has offered to make a \$100,000 contribution towards the construction of Collingbrook Community Park. The monetary contribution will be set aside in a community account earmarked for development of this park. DPR staff believes that this contribution will enhance the recreational package of the park and expedite the construction process. An appropriate condition has been added to require the monetary contribution prior to final plat approval.

Condition 9 is requesting that the property be cleared toward the wetland and stream corridors to provide an opportunity for any wildlife that may exist on the property to relocate to those areas that will remain undisturbed. The Type-I tree conservation plan has gone through extensive revisions during this application's review period. The numerous sensitive environmental features that are located on the property have dictated which areas will be preserved or cleared. The revised plan will implement the Green Infrastructure Plan at this location, and meet the requirements of the Woodland Conservation Ordinance.

Condition 10 is requesting fencing, similar to silt fencing to be installed across the entire frontage of the subject property to potentially restrict wildlife from crossing Church Road. Staff has no

objections to this request, however, there is no Subdivision, or Zoning Ordinance regulation that would make this a requirement of the applicant.

17. **At The Hearing** – At the public hearing for this case on December 7, 2006. The applicant had requested that Condition No. 5 be clarified to demonstrate that it did not include the plant materials required within the 40-foot wide, scenic/historic easement on the lots fronting on Church Road. The applicant was concerned that the pad sites for the houses fronting on Church Road could not be properly graded if the installation of the large caliper trees within the scenic/historic easement were required prior to the issuance of any building permits. The Planning Board and the Environmental Planning Section agreed to the condition as modified. Therefore, the additional language was added to Condition No. 5 for clarification purposes.

The applicant had also requested that Condition No.10 be modified from prior to signature approval, to prior to the approval of the final plat. The revised condition was to allow the applicant additional time to obtain the required approvals from other governmental agencies for any modification to the storm drain outfall. The Planning Board and the Environmental Planning Section agreed to the condition as modified. Therefore, the language was revised within Condition No. 10 as stated above.

At the hearing, staff had requested that Condition No. 17 be deleted in its' entirety. Due to the District Council's recent actions of deleting, and then retaining the A-44 trail, the implementation of the A-44 trail within the subject property did not come into the review of this application until the week the staff report was due for formal submission. Condition No.17 was included within the staff report to provide an easement for the trail for reservation purposes only, should the trail be implemented in the future. However, due to the possible negative impacts the proposed trail easement location could have on a private homeowners lot, and having no homeowners association within the subdivision to ensure the maintenance of any trail, the Planning Board, Parks Department, and the Senior Trails Planner, agreed that Condition No.17 should be deleted. Another location within a proposed subdivision south of the subject property was identified by the Senior Trails Planner, as a possible location for the future A-44 trail.

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 Vaughns, seconded by Commissioner Clark, with Commissioners Vaughns, Clark, Eley and Squire voting in favor of the motion, and with Commissioner Parker absent at its regular meeting held on Thursday, December 7, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of January 2007.

R. Bruce Crawford
Executive Director

Frances J. Guertin

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:JF:bjs

APPROVED AS TO LEGAL SUFFICIENCY.

Berge Jones
M-NCPPC Legal Department

Date 1/2/07

PRINCE GEORGE'S COUNTY, MD
APPROVED BY: # [Signature]
DATE: 4/6/18

3

NO TITLE EXAM MADE OR REQUESTED \$ [Signature] RECORDATION TAX PAID
TRANSFER TAX PAID

EASEMENT

This Easement Agreement ("Easement Agreement") is made this 26 day of September, 2017, by and between **Collingbrook Development LLC**, a Maryland limited liability company (hereinafter called the "Grantor"), **Collingbrook Development LLC**, a Maryland limited liability company (hereinafter called the "Grantee"), and **Collingbrook Estates Homeowners Association, Inc.**, a Maryland non-stock corporation (hereinafter called the "HOA");

Land Easement
(No-Taxes) Recording Fee 75.00
Name: collingbrook
Ref:
LP - Easement
(No-Taxes) Surcharge 40.00
Subtotal 115.00
Total: 510.50
04/29/2018 02:36
CC16-AS
Prince George's County/C007-03-02 - Register 02

WITNESSETH:

WHEREAS, Grantor is the owner of two certain parcels of real property located in Prince George's County, Maryland known as Lot 9, Block "C", as shown and set out on a plat entitled "Plat 16 Lots 7 Thru 14, Block C Lots 1 Thru 9 and Lots 31 Thru 34, Block F Collingbrook", which plat is recorded among the Land Records of Prince George's County in Plat Book MMB 239 at Plat No. 53, and Lot 34, Block "F", as shown on the plat entitled "Plat 16 Lots 7 Thru 14, Block C Lots 1 Thru 9 and Lots 31 Thru 34, Block F Collingbrook", and recorded among the Land Records of Prince George's County in Plat Book MMB 239, at Plat No. 53 (hereinafter "Grantor's Property"); and,

WHEREAS, Grantee intends to erect an entrance feature sign on a portion of Grantor's Property for the benefit of the Collingbrook Estates Subdivision; and

WHEREAS, the HOA intends to maintain, repair and replace, as necessary, the entrance feature sign, as part of the community facilities the HOA is responsible to maintain pursuant to the Declaration of Covenants, Conditions and Restrictions recorded among the Land Records of Prince George's County, Maryland in Liber 37042, folio 353, et. seq., as amended by that certain Amendment to Declaration of Covenants, Conditions and Restrictions of Collingbrook Estates to

Annex Lots to Add an Additional Phase with an effective date of 2/16/2016 and recorded among the Land Records of Prince George's County in Liber 37942, at folio 674, et. seq., as further amended by that certain Amendment to Declaration of Covenants, Conditions and Restrictions of Collingbrook Estates with an effective date of 2/16/2016, and recorded among the Land Records of Prince George's County in Liber 37942, at folio 681, et. seq., as amended and supplemented from time to time (the "HOA Declaration"); and

WHEREAS, the Grantor has agreed to grant an easement across a portion of the Grantor's property for the purpose of such ingress and egress, utilities, construction and maintenance of an entrance feature sign, subject to the terms and conditions set forth herein.

NOW THEREFORE, THIS EASEMENT WITNESSETH: That for and in consideration of the sum of Ten Dollars (\$10.00), to it in hand paid by the Grantee and the HOA, receipt of which is hereby acknowledged, and other good and valuable consideration, the said Grantor does hereby grant and convey (i) to the Grantee, its successors, assigns, licensees, invitees and lessees, a perpetual easement and right of way in and through the property of the Grantor for the purpose of ingress and egress, to permit the Grantee to erect or construct an entrance feature sign for the Collingbrook Estates Subdivision, over and across a portion of Lot 9, Block C and Lot 34 Block F, as more particularly set forth and shown on that certain "Description of Sign Easement Areas" drafted by Soltesz, LLC, dated September 7, 2017, a copy of which is attached hereto and made a part hereof as Exhibit B showing the easement areas marked as "Sign Easement Part 1 2,934 S.F. or 0.0674 AC.", and "Sign Easement Part 2 2,816 S.F. or 0.0646 AC.", on Exhibit B, attached hereto and made a part hereof (collectively the "**Easement Area**"), all as further described in Exhibit A entitled "Description of Two Sign Easements Collingbrook Development LLC, Owner Queen Anne (7th) Assessment District", attached hereto

and incorporated herein, and (ii) to the HOA, its successors, assigns, licensees, invitees and lessees, a perpetual easement and right of way in and through the property of the Grantor for the purpose of ingress and egress, to permit the HOA to maintain, repair and replace the entrance feature sign constructed by the Grantee for the Hunters Mill Woods Subdivision, over and across the specifically described property shown on Exhibit B and described on Exhibit A.

To have and to hold said easement and right of way, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining, unto and to the use and benefit forever of the Grantee and the HOA, and their respective successors, assigns, licensees, invitees and lessees, subject, however, to the effect of rights of ways, covenants, liens, encumbrances and conditions of record or otherwise.

The Grantor warrants specially said easement and right of way and will execute such further assurances as the Grantee and the HOA may request.

The right and privilege is herein reserved to the Grantor, its successors and assigns to convey to third parties such other easements and rights of ways through and across the property herein described; in such event no compensation or consideration shall be required to be paid to the Grantee and the HOA, and their respective successors and assigns as a condition to such other conveyances and Grantee and the HOA, each for themselves and their respective successors and assigns agrees to execute such other appropriate assurances as may be requisite to give effect to this provision.

The Grantor reserves for itself, its tenants, and their respective successors, assigns, guests, invitees, licensees and lessees, the right and privilege to the continued use of the right of way property herein described and nothing herein shall be deemed to limit or restrict such use provided that access is not impaired.

The Grantee hereby agrees, represents and warrants that the Grantee shall be solely responsible as to the Grantor for construction of the entrance feature sign to be erected or constructed in the Easement Area in Schedule A hereof, and the Grantee hereby indemnifies and holds harmless the Grantor for any liability, claim, or other obligation arising out of the construction of the aforesaid entrance feature sign to be constructed or performed on the property which is the subject of this Easement Agreement.

The HOA hereby agrees, represents and warrants that the HOA shall be solely responsible as to the Grantor for the maintenance, repair and replacement of the entrance feature sign to be erected or constructed by the Grantee in the Easement Area in Schedule A hereof, and the HOA hereby indemnifies and holds harmless the Grantor for any liability, claim, or other obligation arising out of the construction of the aforesaid entrance feature sign to be constructed or performed on the property which is the subject of this Easement Agreement.

The easement and right of way herein conveyed represents the complete and final agreement of the Grantor, Grantee and the HOA with respect to the use of the property herein described. By the Grantee's and HOA's acceptance hereof, which shall be conclusively presumed upon the recordation of this instrument, all other agreements, written or oral, describing or creating any right of the Grantee and the HOA with respect to the use of the property herein described, shall be deemed to be merged herein and shall not survive the execution hereof.

The within agreement shall be binding on and inure to the benefit of the Grantor, the Grantee, and the HOA, their and each of their respective successors and assigns.

(SIGNATURES FOLLOW ON THE NEXT PAGES)

WITNESS, the hand and seal of said Grantor, Grantee and HOA the day and year first above written.

WITNESS:

GRANTOR:

COLLINGBROOK DEVELOPMENT LLC, a Maryland limited liability company

By: Elliot Yadin (SEAL)
ELLIOT YADIN, Manager

STATE OF MARYLAND
COUNTY OF Prince Georges

I hereby certify that on this 26th day of September, 2017, before me, the undersigned subscribed, a notary public for the state and county aforesaid, personally appeared **ELLIOT YADIN**, who acknowledged himself to be the Manager of **Collingbrook Development LLC**, a Maryland limited liability company, and did further acknowledge that, being duly authorized so to do, that he did execute the foregoing instrument by signing the name of **Collingbrook Development LLC**, a Maryland limited liability company as its Manager and Attorney in Fact.

AS WITNESS, I have hereunto set my hand and notarial seal on this 26th day of September, 2017.

Paul Wiseman (SEAL)
NOTARY PUBLIC

My Commission Expires: June 15, 2021

[ADDITIONAL SIGNATURE PAGES FOLLOW]

WITNESS:

GRANTEE:

COLLINGBROOK DEVELOPMENT
LLC, a Maryland limited liability
company

By: *Elliot Yadin* (SEAL)
ELLIOT YADIN, Manager

STATE OF MARYLAND
COUNTY OF *Prince Georges*

I hereby certify that on this *26th* day of *September*, 2017, before me, the undersigned subscribed, a notary public for the state and county aforesaid, personally appeared ELLIOT YADIN, who acknowledged himself to be the Manager of **Collingbrook Development LLC, a Maryland limited liability company**, and did further acknowledge that, being duly authorized so to do, that he did execute the foregoing instrument by signing the name of **Collingbrook Development LLC, a Maryland limited liability company** as its Manager and Attorney in Fact.

AS WITNESS, I have hereunto set my hand and notarial seal on this *26th* day of *September*, 2017.

Paul Wiseman (SEAL)
Notary Public

My Commission Expires: *June 15, 2021*

[ADDITIONAL SIGNATURE PAGE FOLLOWS]

WITNESS:

HOA:

**COLLINGBROOK ESTATES
HOMEOWNERS ASSOCIATION, INC., a
Maryland non-stock corporation**



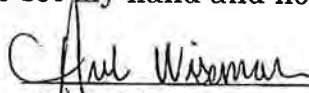
By:

 (SEAL)
THOMAS BALDWIN, President

STATE OF MARYLAND
COUNTY OF Prince Georges

I hereby certify that on this 26th day of September, 2017, before me, the undersigned subscribed, a notary public for the state and county aforesaid, personally appeared **Thomas Baldwin**, who acknowledged himself to be the President of **Collingbrook Estates Homeowners Association, Inc., a Maryland non-stock corporation**, and did further acknowledge that, being duly authorized so to do, that he did execute the foregoing instrument by signing the name of **Collingbrook Estates Homeowners Association, Inc., a Maryland non-stock corporation** as its President and Attorney in Fact.

AS WITNESS, I have hereunto set my hand and notarial seal on this 26th day of September, 2017.

 (SEAL)
NOTARY PUBLIC

My Commission Expires: June 15, 2021

[ADDITIONAL PAGES FOLLOW]

I HEREBY CERTIFY that the actual consideration paid for the foregoing conveyance was TEN AND NO/100 (\$10.00) DOLLARS.




By:

Collingbrook Development LLC, a
Maryland limited liability company

 (SEAL)
ELLIOT YADIN, Manager

I HEREBY CERTIFY that the within conveyance was prepared by an attorney duly authorized to practice before the Maryland Court of Appeals.


Darin S. Levine, Esq.

AFTER RECORDING, REMIT TO:

Vintage Settlement Services, LLC
2191 Defense Highway, Suite #300
Crofton, MD 21114

Exhibit A - Description of Two Sign Easements

SCHEDULE "A"

DESCRIPTION OF TWO SIGN EASEMENTS

COLLINGBROOK DEVELOPMENT LLC, OWNER

QUEEN ANNE (7th) ASSESSMENT DISTRICT

BEING two (2) pieces or parcels of land, hereinafter described, and running in, through, over and across part of the property conveyed by Church Road Development, Inc. to Collingbrook Development LLC with a deed dated June 13, 2014 and recorded among the land records of Prince George's County, Maryland in Liber 36117 at folio 146, and being more particularly described, in the Maryland State Plane NAD 83/91 datum, as follows:

PART 1

BEGINNING at a point located at the rear of a Public Utility Easement (PUE) on lot 9, Block "C", along the northwest side of Youderian Drive, as shown on the plat entitled "Plat 16, Collingbrook", and recorded among the aforesaid land records in Plat Book MMB 239 at Plat No. 53; said point of beginning further described as being located North 14°00'51" West, 10.92 feet from the beginning of the North 52° 18' 04" East, 181.03 feet lot line of said lot 9; thence departing said point of beginning and binding, in part, on the rear of the said PUE located at a truncation line at the northerly intersection of said Youderian Drive and Church Road, as shown on said plat of subdivision

- 1) North 80° 19' 48" West, 25.08 feet to a point of curvature on the rear of said PUE located 10 feet parallel to Curve 1 located on the easterly right of way line of Church Road as show on said plat of subdivision; thence binding on said PUE
- 2) 57.91 feet along the arc of a curve deflecting to the right, having a radius of 11,415.16 feet, subtended by a chord bearing and distance of North 32° 44' 07" West, 57.91 feet; thence departing said PUE line so as to cross and include a portion of said lot 9
- 3) North 56° 51' 45" East, 41.54 feet; thence
- 4) South 32° 41' 47" East, 73.12 feet to intersect the said (PUE) on lot 9, Block "C", located along the northwest side of Youderian Drive; thence binding on said PUE
- 5) South 52° 18' 07" West, 23.06 feet to the **POINT OF BEGINNING**; Containing 2,934 square feet or 0.0674 acre of land as shown on Schedule "B" made a part hereof by this reference.

PART 2

BEGINNING at a point located at the rear of a Public Utility Easement (PUE) on lot 34, Block "F", along the southeast side of Youderian Drive, as shown on the plat entitled "Plat 16, Collingbrook", and recorded among the aforesaid land records in Plat Book MMB 239 at Plat No. 53; said point of beginning further described as being located South 59°07'17" East, 10.74 feet from the end of the South 52° 18' 04" West, 156.74 feet lot line of said lot 34; thence departing said point of beginning and binding, in part, on the rear of the said PUE the following course

- 1) North 52° 18' 07" East, 21.56 feet; thence departing said PUE line so as to cross and include a portion of said lot 34
- 2) South 33° 44' 58" East, 73.82 feet; thence
- 3) South 54° 56' 09" West, 41.38 feet to a point of curvature on the rear of said PUE located 10 feet parallel to said Curve 1 located on the easterly right of way line of Church Road as show on said plat of subdivision; thence binding on said PUE line
- 4) 52.29 feet along the arc of a curve deflecting to the right, having a radius of 11,415.16 feet, subtended by a chord bearing and distance of North 33° 36' 23" West, 52.29 feet; thence binding, in part, on the said PUE located at a truncation line at the southeasterly intersection of said Youderian Drive and Church Road, as shown on said plat of subdivision
- 5) North 09° 27' 20" East, 28.81 feet; thence binding on the said PUE on lot 34, Block "F", along the southeast side of Youderian Drive,
- 6) North 52° 18' 07" East, 21.56 feet to the **POINT OF BEGINNING**; Containing 2,816 square feet or 0.0646 acre of land as shown on Schedule "B" made a part hereof by this reference.

I hereby certify to the best of my professional knowledge, information and belief that: this metes and bounds description was prepared by me or under my direct supervision and that it is in compliance with the requirements set forth in COMAR Title 09, Subtitle 13, Chapter 06, Regulation 12 of the minimum practice for Land Surveyors.

John W. Kostic 9-7-17

 John W. Kostic Date
 Property Line Surveyor
 Md. Reg. No. 473
 License Expiration Date: January 6, 2019

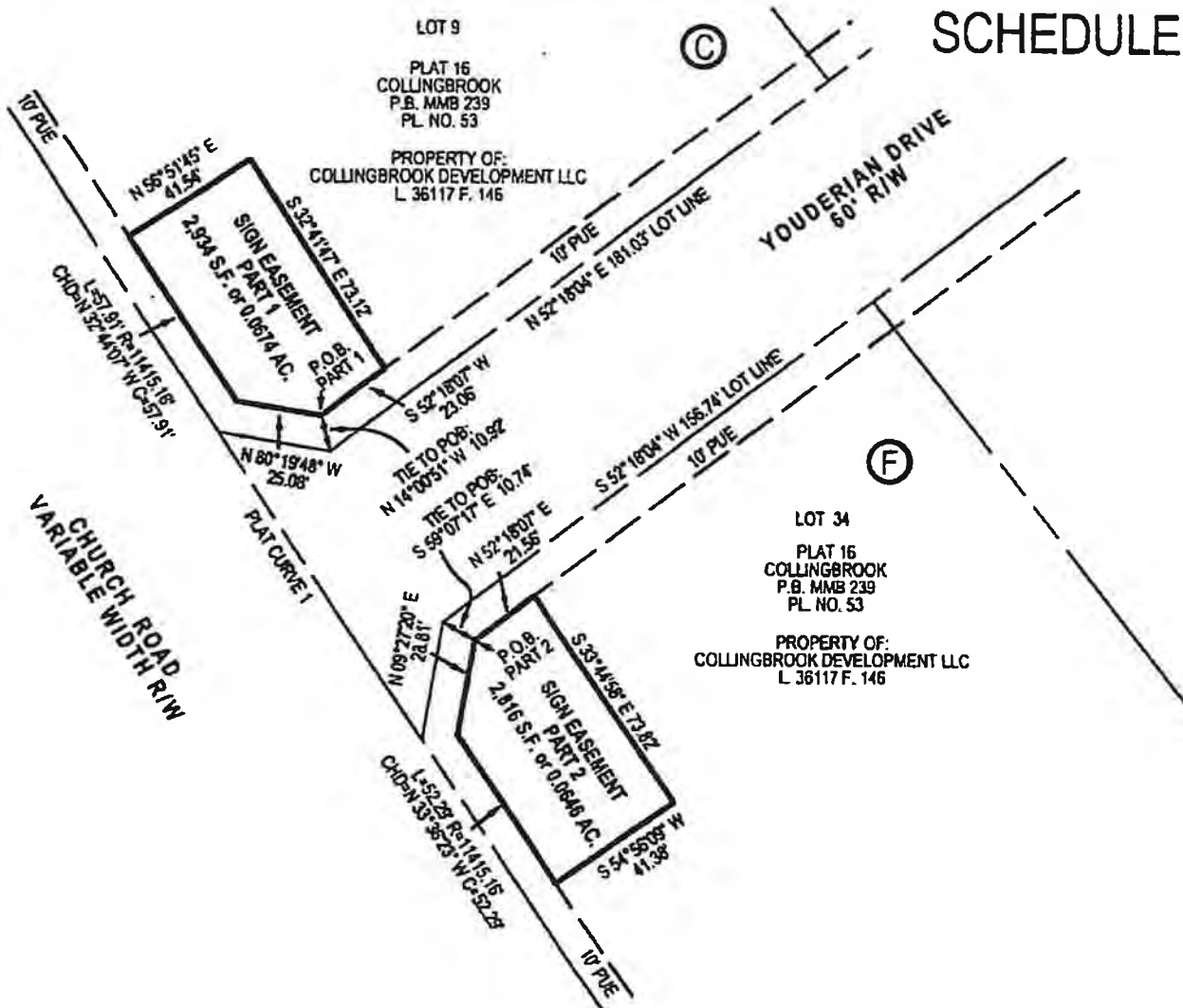


2/2

Exhibit B - Drawing of Sign Easement Areas

SCHEDULE "B"

SCALE: 1" = 50'
NAD83 DATUM



4300 Forbes Boulevard, Suite 230 Lanham, MD 20706 P.301.794.7555 F.301.794.7656

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THE LICENSEE BELOW WAS IN RESPONSIBLE CHARGE OF THE PREPARATION OF THIS METES AND BOUNDS DESCRIPTION AND THE SURVEY WORK REFLECTED IN IT. ALL COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN COMAR TITLE 09, SUBTITLE 13, CHAPTER 06, REGULATION .12 OF THE MINIMUM PRACTICE FOR LAND SURVEYORS. AS TO THE ESTABLISHMENT OF EASEMENT LINES.

JW Kostic 9-7-17
 JOHN W. KOSTIC DATE
 PROPERTY LINE SURVEYOR
 MD REG. NO. 473
 LICENSE EXPIRES: 1-6-19