AGENDA ITEM: 8
AGENDA DATE: 7/2/15

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

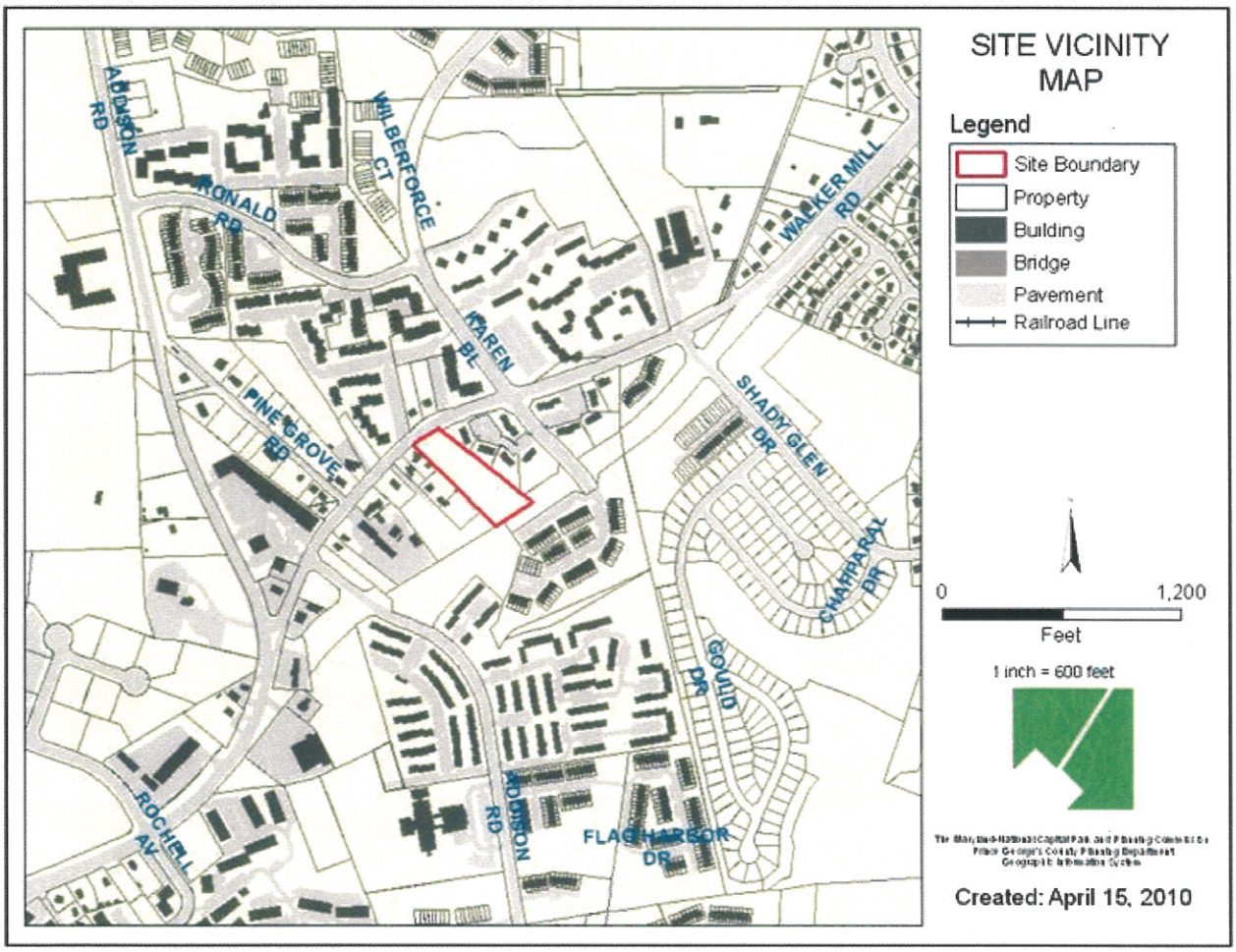
Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

Detailed Site Plan DSP-10014 (Remanded)

Application	General Data	
Project Name: Forest Oak Property	Planning Board Hearing Date:	07/02/15
	Staff Report Date:	06/15/15
Location: On the southern side of Walker Mill Road, approximately 450 feet southwest of its intersection with Karen Boulevard.	Date Remanded:	02/11/13
	Planning Board Action Limit:	N/A
	Plan Acreage:	2.558
Applicant/Address: Birame Kandji 23100 Yellowwood Drive Clarksburg, MD 20871	Zone:	R-T
	Dwelling Units:	10
	Gross Floor Area:	N/A
	Planning Area:	75A
	Council District:	07
	Election District	06
	Municipality:	N/A
	200-Scale Base Map:	202SE06

Purpose of Application	Notice Dates	
This case was continued from the Planning Board agenda date of July 25, 2013 to July 2, 2015. Ten single-family attached dwelling units. This case was approved at the Planning Board meeting of July 12, 2012 and remanded by the District Council by Order of Remand dated February 13, 2013.	Informational Mailing:	05/12/10
	Sign Posting Deadline:	06/02/15

Staff Recommendation			Staff Reviewer: Ruth Grover, MUP, AICP Phone Number: 301-952-4317 Email Address: Ruth.Grover@ppd.mncppc.org
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		



Strikethrough denotes deleted text
Underlining denotes added text
DSP-10014

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Detailed Site Plan DSP-10014 (Remanded)
Type II Tree Conservation Plan TCP2-007-12
Forest Oak Property

BACKGROUND

Detailed Site Plan DSP-10014 for Forest Oak Property was reviewed and approved by the Prince George's County Planning Board on July 12, 2012, and PGCPB Resolution No. 12-71 was adopted on July 12, 2012, formalizing that approval.

On September 24, 2012, the Prince George's County District Council elected to review the case. On November 19, 2012, the District Council heard oral argument on the case and, on February 11, 2013, the District Council voted to remand the case to the Planning Board for an additional evidentiary hearing to address specific issues concerning the detailed site plan (DSP) in accordance with Sections 27-132 and 27-290 of the Zoning Ordinance. The case was scheduled for a public hearing on the remand on July 18, 2013 which was continued to July 25, 2013. At that meeting, at the applicant's request, the remand was continued indefinitely. At this time, also at the applicant's request, the remand has been scheduled for a public hearing before the Planning Board on July 2, 2015.

REMAND FINDINGS

1. The District Council remanded the DSP for Forest Oak Property to the Planning Board on February 11, 2013. The following in **bold** is quoted directly from the Order of Remand and is followed by staff comment:

IT IS HEREBY ORDERED, after review of the administrative record, that the decision of the Planning Board in PGCPB No. 12–71, to approve with conditions a detailed site plan for ten single–family attached dwelling units in the Townhouse (R–T) Zone on a 2.558–acre site, located at 6821 Walker Mill Road, on the southern side of Walker Mill Road, approximately 450 feet southwest of its intersection with Karen Boulevard, is;

REMANDED, pursuant to §27–132 and §27–290 of the Zoning Ordinance, to the Planning Board to take further testimony and reconsider its decision as follows:

Applicant

On or about September 21, 2012, a Non–Corporate Applicant Affidavit was filed identifying the applicant as District Property, LLC, located at 6500 Chillum Place, N.W., Washington, DC 20012. Non–Corporate Applicant Affidavit, September 21, 2012. The affidavit was signed by Birame Kandji, the engineer consultant for the applicant. Agent Affidavit, September 21, 2012. Before doing business in Maryland, a foreign limited liability company–as is the case here–shall register with the State Department of Assessment and Taxation (SDAT). Md. Code Ann., Corps. & Ass'ns §4A–1002, §4A–1009(b) (2012). According to SDAT, the applicant, District Property, LLC, is not a legally registered company in Maryland.

1. **On remand, Planning Board shall take sworn testimony to determine if the applicant, District Property, LLC, is an entity registered and in good standing with the State Department of Assessment and Taxation (SDAT). The applicant shall present, for inclusion into the record, written evidence of its registration and good standing with SDAT. If necessary, pursuant to Section 8 of the Planning Board Rules of Procedure, until the final decision is made, the applicant shall be allowed to present written evidence of its registration and good standing with SDAT. Planning Board Resolution and Staff Report shall be revised accordingly to reflect District Property, LLC as the applicant.**

Comment: In a memorandum dated March 28, 2013 and re-verified by M. Mills on May 29, 2015, the Office of the General Counsel of The Maryland-National Capital Park and Planning Commission (M-NCPPC) offered the following regarding this Point of Remand:

> "The applicant has revised its application to show the signature of the property owner, an individual, and the engineer, as an individual as applicants for the DSP. There is no need for the Applicant to provide testimony regarding registration of a foreign LLC, as all applicants listed on the revised application are now individuals."

2. **On remand, the applicant shall be informed of Rule 6.2 of the District Council Rules of Procedure, which states**

> **6.2. Representation.**
>
> **An individual may represent himself or herself or be represented by an attorney authorized to practice law in Maryland. All other entities shall be represented by an attorney authorized to practice law in Maryland, except that a bona fide civic association or homeowner's association which is a party of record may be represented by any duly elected officer of the association regardless of whether that individual is an attorney.**

Rules of Procedure for the Prince George's County District Council.

Comment: In a memorandum dated March 28, 2013, the Office of the General Counsel of M-NCPPC offered the following regarding this Point of Remand:

"At a meeting with planning staff on March 12, 2013, and re-verified by M. Mills on May 29, 2015, both individual Applicants attended, and were informed of the District Council's Rule of Procedure 6.2. Since then the Applicants have revised the application removing District Properties, LLC from the DSP application, and substituting two individuals, the property owner and the project engineer, as the Applicants."

3. **On remand, Planning Board shall also consider whether District Property, LLC should be represented by an attorney authorized to practice law in Maryland during its proceedings.**

Comment: In a memorandum dated March 28, 2013 and re-verified by M. Mills on May 29, 2015, the Office of the General Counsel of M-NCPPC offered the following:

"The Planning Board's adopted Rules of Procedure do not require entity applicants to be represented by an attorney. Additionally, no local or state law requires entity applicants to be represented by an attorney before the Planning Board[1], and in practice applicants are often represented before the board by other professionals such as engineers, architects or landscape architects. We are not aware, and planning staff has not made this office aware, of any operational problems stemming from this policy of allowing other professionals or individuals to represent entities before the Planning Board. Further, state law seems to indicate that LLCs which appear before administrative agencies are not considered to be 'doing business' for the purpose of requiring foreign entity registration. Md. Corp. & Assoc. Ann. Code §4A-1009. If these entities are not required to register as foreign corporations because they are not considered to be 'doing business' before the Planning Board, then it follows, by analogy and without any contrary statutory pronouncement, that they are not required to be represented by an attorney during Planning Board proceedings.

"While the Planning Board may entertain a change to its Rules of Procedure to require attorney representation of entities that appear before it, there is no legal necessity to do so, and there may be practical implications that should be considered prior to approving a revision of this nature. Further, since the DSP application has been revised so that the LLC was removed, and the Applicant is now two individuals including the property owner, the issue as applied to this Application is moot."

Stormwater Management

4. **In May 2012, Department of Public Works and Transportation (DPW&T) indicated that DSP–10014 was not consistent with the approved Stromwater Management Concept Plan, 45961–2005–01, dated September 2009. PGCPB No. 12–71 at 6, 10-11, Technical Staff Report at 6, 10. There was no testimony from the applicant on this issue. In fact, there was no testimony from the applicant at the public hearing before the Planning Board on July 12, 2012. (7/12/12 Tr. 1–9).**

[1]Maryland Rules 2-131 and 3-131 require that "a person other than an individual may enter an appearance only by an attorney" but this provision applies to civil court proceedings within the State, and does not apply to the Planning Board. Md. Rule 1-101 (b) and (c).

Comment: In a memorandum dated July 1, 2015, the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) stated that the proposed plan is consistent with approved Stormwater Management Concept Plan 45961-2005-03 dated February 23, 2015. DPIE further stated that the current approved concept plan proposes use of micro-bioretention and rooftop disconnect. DPIE's other comments regarding right-of-way and frontage improvements and whether the road is proposed to be public or private will be decided and implemented through their separate permitting process.

5. **On remand, Planning Board shall take testimony from the applicant regarding the status of obtaining written acknowledgment from DPW&T that the subject DSP is in conformance with Stromwater Management Concept Plan, 45961-2005-01 and any subsequent revisions.**

Comment: In a memorandum dated June 1, 2015, DPIE stated that the subject DSP meets the intent of Stormwater Management Concept Plan 45961-2005-03, dated February 23, 2015, thereby addressing this point of remand. The applicant has procured a written acknowledgement from DPIE (who assumed approval authority from DPW&T regarding stormwater management) stating that the subject DSP is in conformance with Stormwater Management Concept Plan 45961-2005-01 and any subsequent revisions.

REMAND REFERRAL COMMENTS

2. In an e-mail dated June 10, 2015, the Environmental Planning Section stated that Detailed Site Plan DSP-10014, Forest Oak Property, is still in conformance with Type 2 Tree Conservation Plan TCP2-007-12 and that the following comment, originally offered June 12, 2013, still stands with respect to the analysis regarding stormwater management design and Points 4 and 5 of the Order of Remand.

   The Environmental Planning Section received a copy of the Forest Oak Property plans (site plan, landscape plan, and a Type 2 tree conservation plan) dated May 8, 2013 and a copy of the District Council Order of Remand, stamped as received March 5, 2013. An approved stormwater management concept plan signed February 23, 2015 was included with the set of plans.

   The stormwater management concept plan showed a pond adjacent to the western boundary of the site. The Environmental Planning Section finds that the approved concept is correctly reflected on the landscape and tree conservation plans. The Environmental Planning Section suggested that the plans fulfill the requirement of Point 4 of the Order of Remand that the plans for the project be entirely consistent with the requirements of the most recently approved stormwater concept plan for the project.

3. DPIE, in a memorandum dated June 1, 2015, offered the following which responds to Points 4 and 5 of the Order of Remand:

   The detailed site plans meet the intent of the approved Site Development Concept No. 45961-2005-03.

   The proposed plan is consistent with approved Stormwater Management Concept Plan 45961-2005-03 dated February 23, 2015.

Comment: Stormwater Management Concept Plan 45961-2005-01, the concept originally submitted for the project, was revised to reflect the replacement of a bioretention area with a stormwater management pond. The revision was Stormwater Management Concept Plan 45961-2005-02. Since that time, the applicant had a third revision of the Site Development Concept, 45961-2005-03, approved for the site by DPIE, the agency that has assumed approval responsibility for stormwater management concepts from the Prince George's County Department of Public Works and Transportation (DPW&T). This latest revision is referred to in DPIE's memorandum dated June 1, 2015, to propose the use of micro-bioretention and rooftop disconnects.

PROPOSED RECOMMENDATIONS

Based upon the foregoing evaluation and analysis, the Urban Design Section recommends that the Planning Board adopt the additional findings of this report and RE-APPROVE the revised plans associated with remanded Detailed Site Plan DSP-10014, Forest Oak Property, subject to the conditions below. The conditions include all that were previously approved by the Planning Board (PGCPB Resolution No. 12-71) with some modifications of the conditions, as noted below, recommended by staff in response to the Order of Remand.

1. Prior to signature approval of the plans, the applicant shall revise the plans for the project as follows:

   a. The applicant shall revise the plans for the project to include an eight-foot-wide sidewalk along the subject property's Walker Mill Road frontage and/or in the Walker Mill Road right-of-way, separated from the travel lanes of the road by an eight-foot-wide green strip, unless modified (for a sidewalk in the right-of-way) by the Department of Public Works and Transportation (DPW&T).

   b. The cover and template sheets shall be provided for the plan set. The template sheet shall include a template for each townhouse stick, including the dimensions of each building and garage and labeling the garage as such, or a "typical" detail shall be provided for an individual townhouse demonstrating that each garage can comfortably accommodate a parking space measuring a minimum of 9.5 feet by 19 feet. The page numbers of the seven current plan sheets shall be corrected after a cover and template sheet are added to the plan set, with the sheet containing the architectural elevations for the project to be included as its final sheet. Final design of the cover and template sheets and organization of the sheets of the plan set shall be approved by the Urban Design Section as designee of the Planning Board.

   c. The applicant shall revise the plans to relocate the handicapped parking out of the public right-of-way. Additionally, the embarking/disembarking area for the handicapped spaces shall be dimensioned on the detailed site plan or in a "typical" detail provided for the handicapped spaces. Final location and design of the handicapped spaces shall be approved by the Urban Design Section as designee of the Planning Board. The location of the handicapped parking shall also be approved by the Department of Public Works and Transportation (DPW&T).

d. If the sign is to be included with the project, the applicant shall:

(1) Revise the plans for the proposed sign so that the lettering area (defined to include the soldier course of decorative brickwork at its periphery) is within the maximum limit of 12 square feet. Final design of the proposed sign shall be approved by the Urban Design Section as designee of the Planning Board.

(2) Present written approval of the location of the sign from the Department of Public Works and Transportation (DPW&T) stating that clear sight at the intersection of Forest Oak Court and Walker Mill Road is adequate.

e. The Type 2 tree conservation plan (TCP2) shall be revised as follows:

(1) The reforestation notes shall be removed from the plan.

(2) The fee-in-lieu shall be removed and the remaining requirement of 1.43 acres shall be shown to be met with off-site woodland conservation.

(3) The plans shall be signed and dated by the qualified professional who prepared them.

~~f. The applicant shall submit a current copy of the approved stormwater management concept approval letter and plan for the project.~~

f.~~g.~~ The applicant shall revise the plans to correct the name of "Walkermill Road" to "Walker Mill Road," and the route number from "772" to "367."

~~h. The applicant shall procure from the Department of Public Works and Transportation (DPW&T) and provide to staff as designee of the Planning Board, written confirmation that the area of conveyance designated on the plans for the project is acceptable to them and consistent with their expectations during the preliminary plan approval process.~~

~~i. The applicant shall procure from the Department of Public Works and Transportation (DPW&T) and provide to staff as designee of the Planning Board, written confirmation that the subject detailed site plan conforms to the requirements of the approved stormwater management concept for the property or a revision thereto.~~

g.~~j.~~ The applicant shall include a note on the plans indicating that the proposed exterior light fixtures will be shielded and positioned so as to minimize light trespass caused by spill light, and shall provide staff with a photometric plan indicating that light levels at residential property lines have been reduced to the degree possible, consistent with safety considerations.

h.~~k.~~ The applicant shall include a note on the project plans indicating that, during the construction phases of the project:

(1) No dust shall be allowed to cross over property lines and impact adjacent properties as the applicant intends to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

(2) No noise shall be allowed to adversely impact activities on the adjacent properties as the applicant intends to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.

i.~~l.~~ The applicant shall make the following modifications to the proposed architecture for the subject project:

(1) Include a darker contrasting color of brick on the entire first story, extending it to the roofline on each projecting portion of the buildings that has a garage at its base.

(2) Increase the fenestration and architectural detail on the highly visible side elevations (the northwestern side façade of the end unit on Lot 1 and the southeastern side façade of the end unit on Lot 10).

(3) All material labeled "stucco" shall refer to traditional stucco, applied on-site or replaced with either cementitious or vinyl siding.

(4) Above-ground foundation walls shall be clad with finish materials or textured/formed to simulate a clad material, with final material choice to be approved by the Urban Design Section as designee of the Planning Board.

~~m. The applicant shall redesign the cul-de-sac at the end of Forest Oak Court to conform to Department of Public Works and Transportation (DPW&T) Standard 200.12, with the designated handicapped parking spaces moved out of the right-of-way and the addition of a driveway entrance in the cul-de-sac. The applicant shall provide the Urban Design Section with written approval from DPW&T of the design of the cul-de-sac, with respect to Standard 200.12, and the location of the handicapped parking spaces and driveway entrances.~~

j.~~n.~~ The applicant shall indicate and label the ten-foot-wide public utility easement on the northern side of Forest Oak Court.

k.~~o.~~ The applicant shall revise the detailed site plan to indicate the entity to which Parcels B, C, and D will be dedicated.

l.~~p.~~ The applicant shall revise the plans to include a tot lot adjacent to the currently planned passive recreational area. Final design of the tot lot shall be approved by the Urban Design Section as designee of the Planning Board.

m.~~q.~~ Two or more dwelling units shall be identified as having the potential to be made accessible through barrier-free design.

2. Prior to issuance of the first building permit for the project, the applicant shall:

   a. If a gateway sign is to be installed, provide evidence to staff as designee of the Planning Board that a maintenance agreement for the sign has been approved by the Department of Environmental Resources (DER).

   b. Provide evidence to staff as designee of the Planning Board that the applicant has prepared an acceptable color-coded wet and dry utility plan for the subject project.

3. Prior to approval of final plats for the subject property, the applicant shall enter into a Recreational Facilities Agreement (RFA) with The Maryland-National Capital Park and Planning Commission (M-NCPPC) to assure construction of the tot lot and installation of the specified benches. The facilities shall be designed in accordance with the Department of Parks and Recreation's facilities guidelines. The equipment shall be installed prior to issuance of the sixth building permit for the project.

ITEM: 16

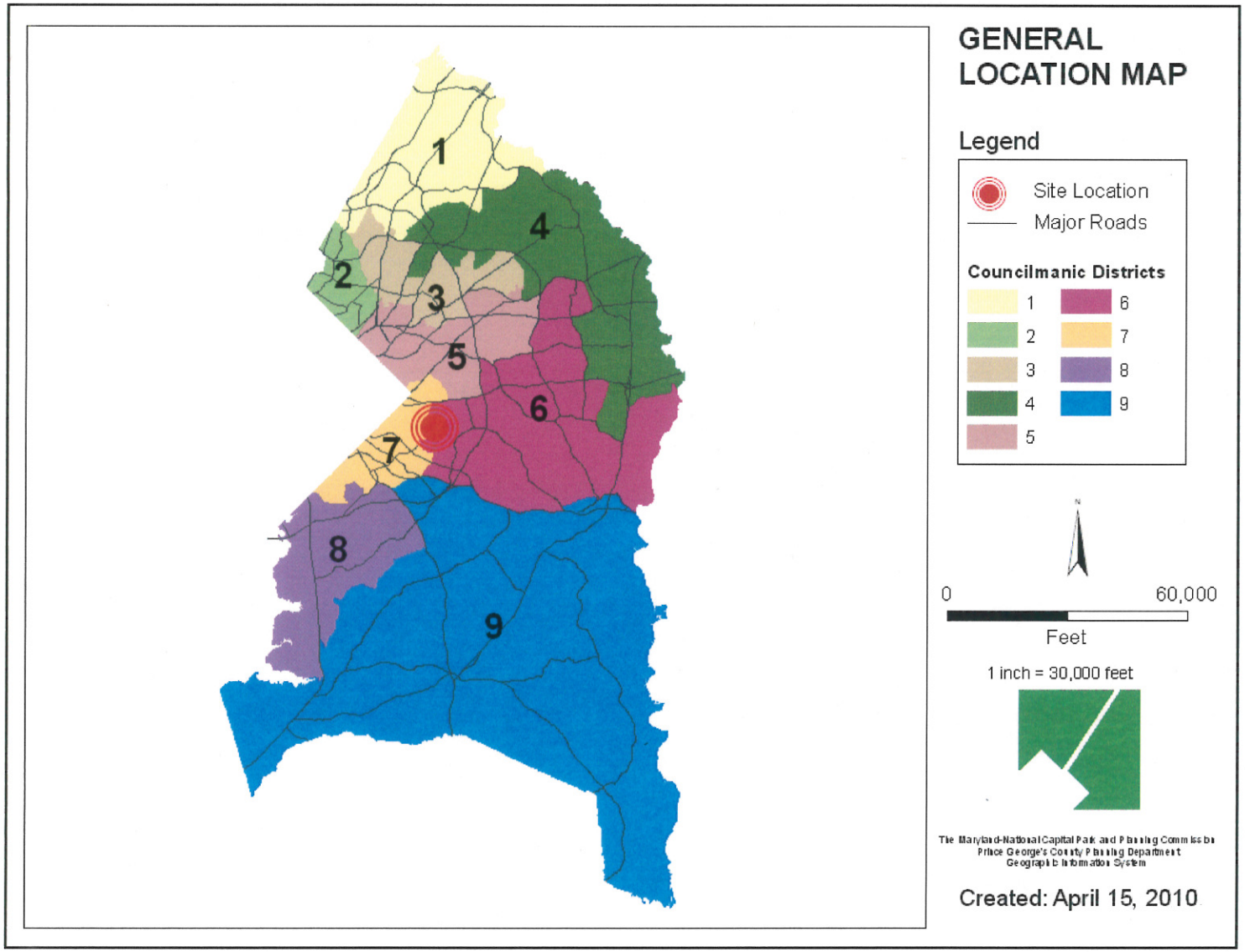
CASE: DSP-10014

FOREST OAK PROPERTY

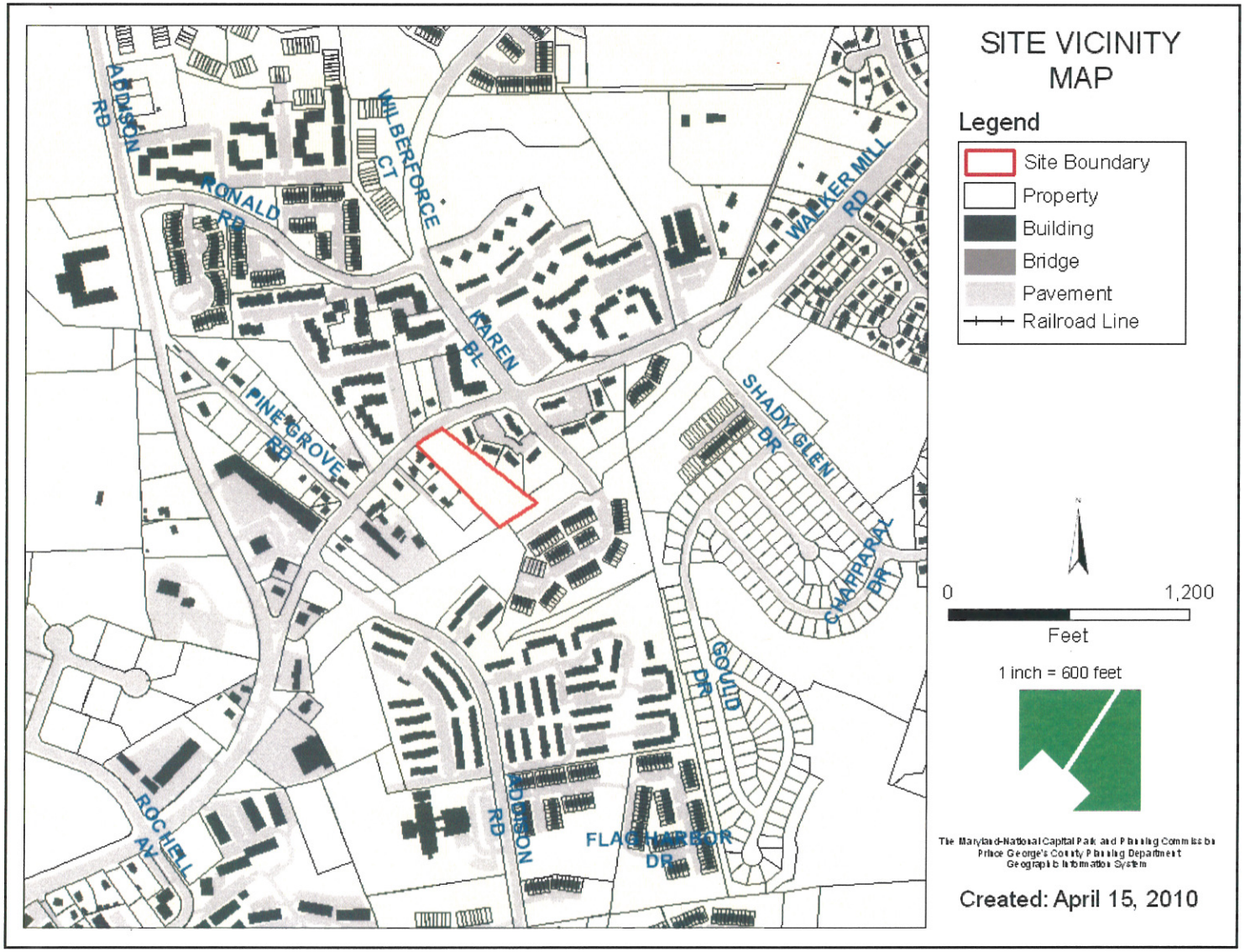
THE PRINCE GEORGE'S COUNTY PLANNING DEPARTMENT

DRD
THE DEVELOPMENT REVIEW DIVISION

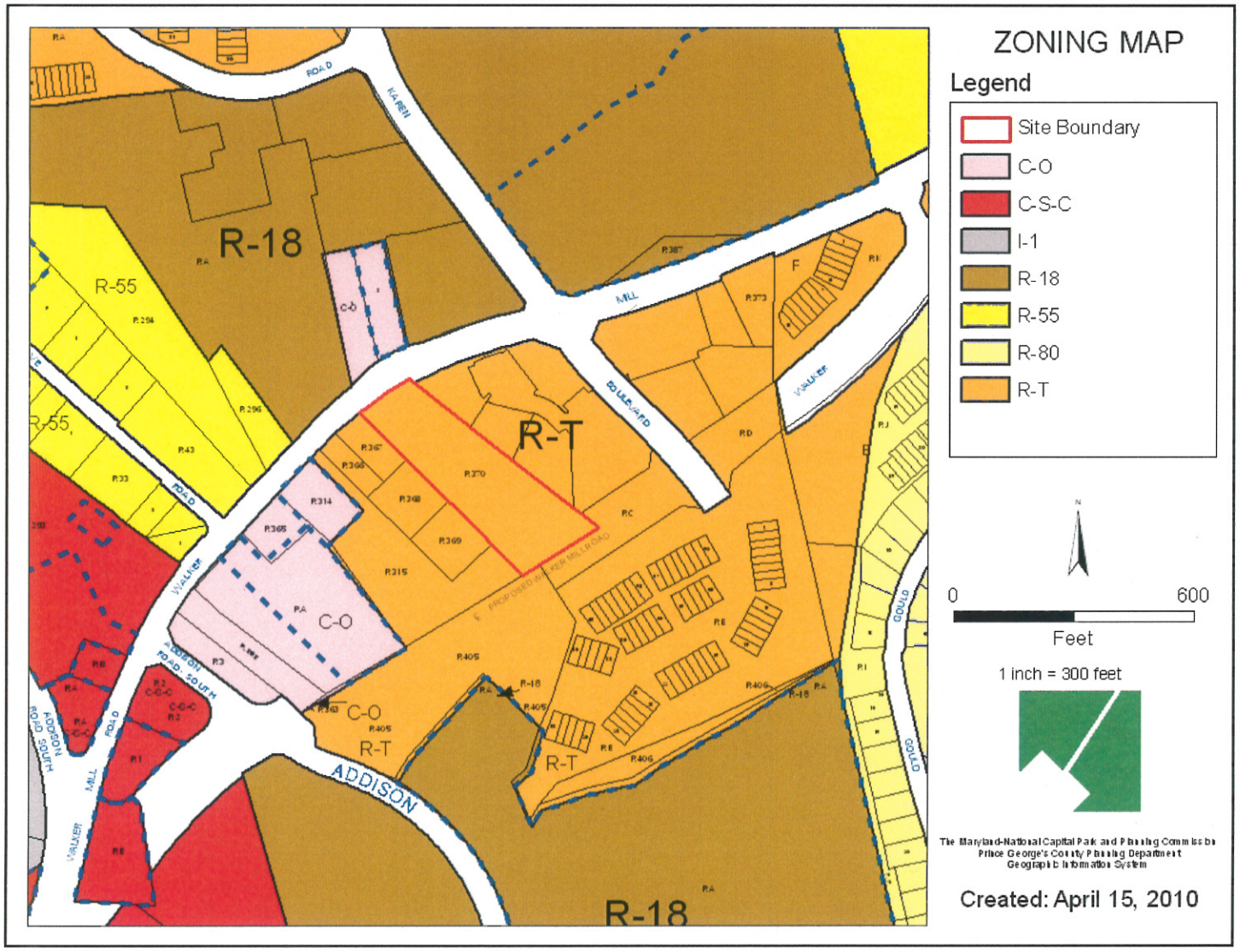
GENERAL LOCATION MAP



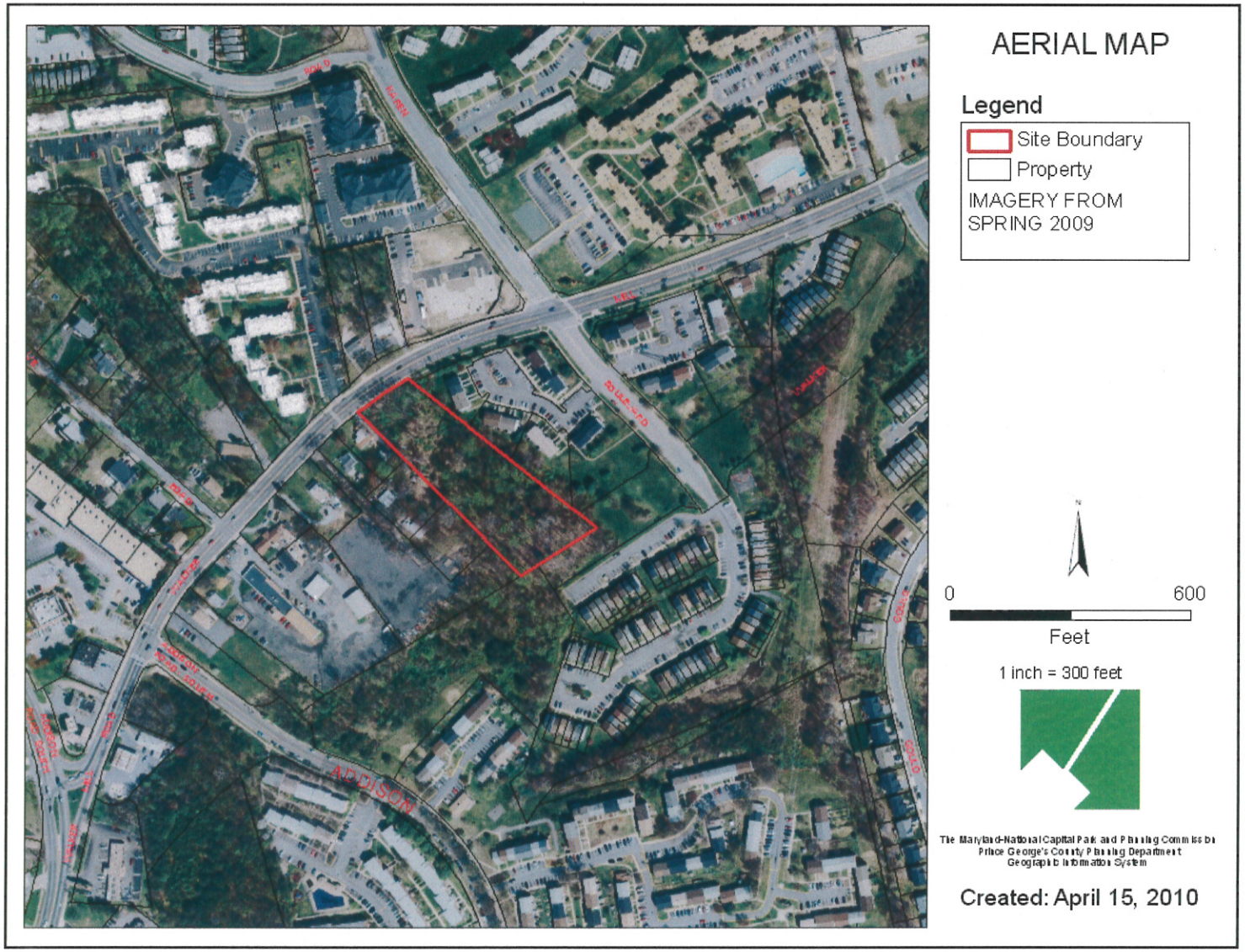
SITE VICINITY



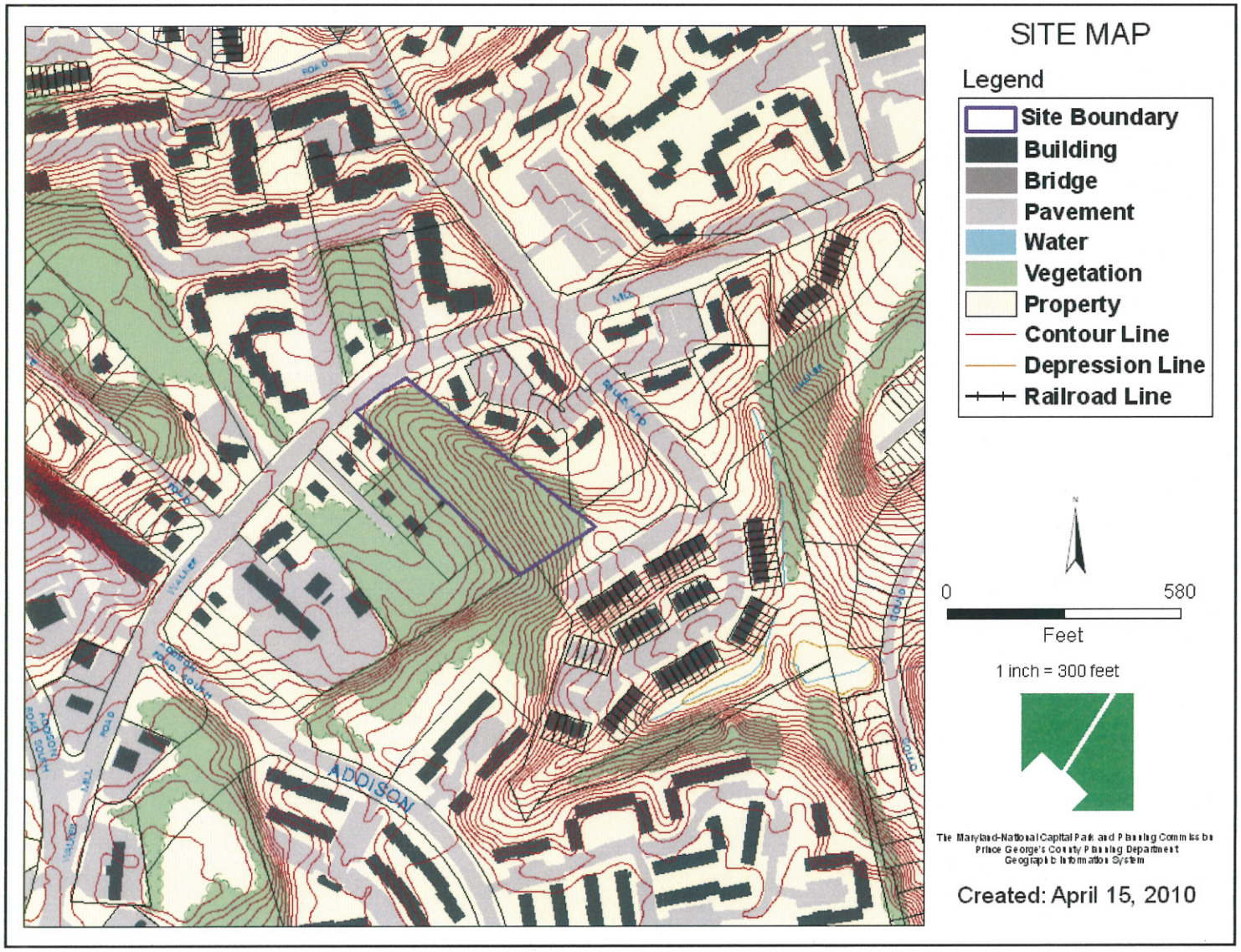
ZONING MAP


ZONING MAP
Legend
Site Boundary
C-O
C-S-C
I-1
R-18
R-55
R-80
R-T
R-18
R-55
R-T
C-O
C-O
R-T
R-T
R-18
ADDISON
MILL
WALKER
ADDISON ROAD SOUTH
GOULD
0
600
Feet
1 inch = 300 feet
The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Geographic Information System
Created: April 15, 2010

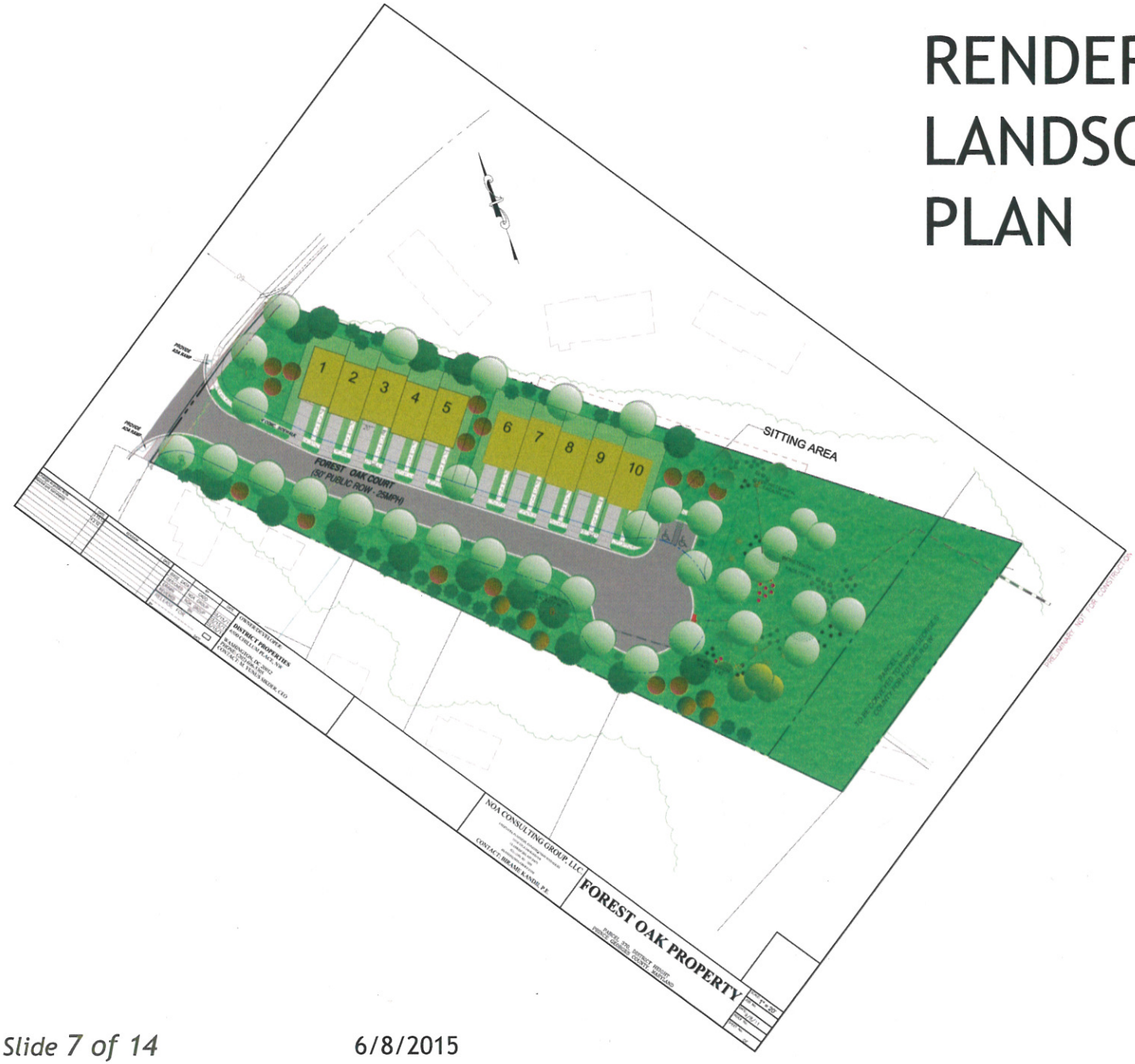
AERIAL MAP


AERIAL MAP
Legend
Site Boundary
Property
IMAGERY FROM SPRING 2009
0
600
Feet
1 inch = 300 feet
The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Geographic Information System
Created: April 15, 2010
ADDISON

SITE MAP


SITE MAP
Legend
Site Boundary
Building
Bridge
Pavement
Water
Vegetation
Property
Contour Line
Depression Line
Railroad Line
0
580
Feet
1 inch = 300 feet
The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Geographic Information System
Created: April 15, 2010
ADDISON

RENDERED LANDSCAPE PLAN



DRD
THE DEVELOPMENT REVIEW DIVISION

FRONT ARCHITECTURAL ELEVATIONS

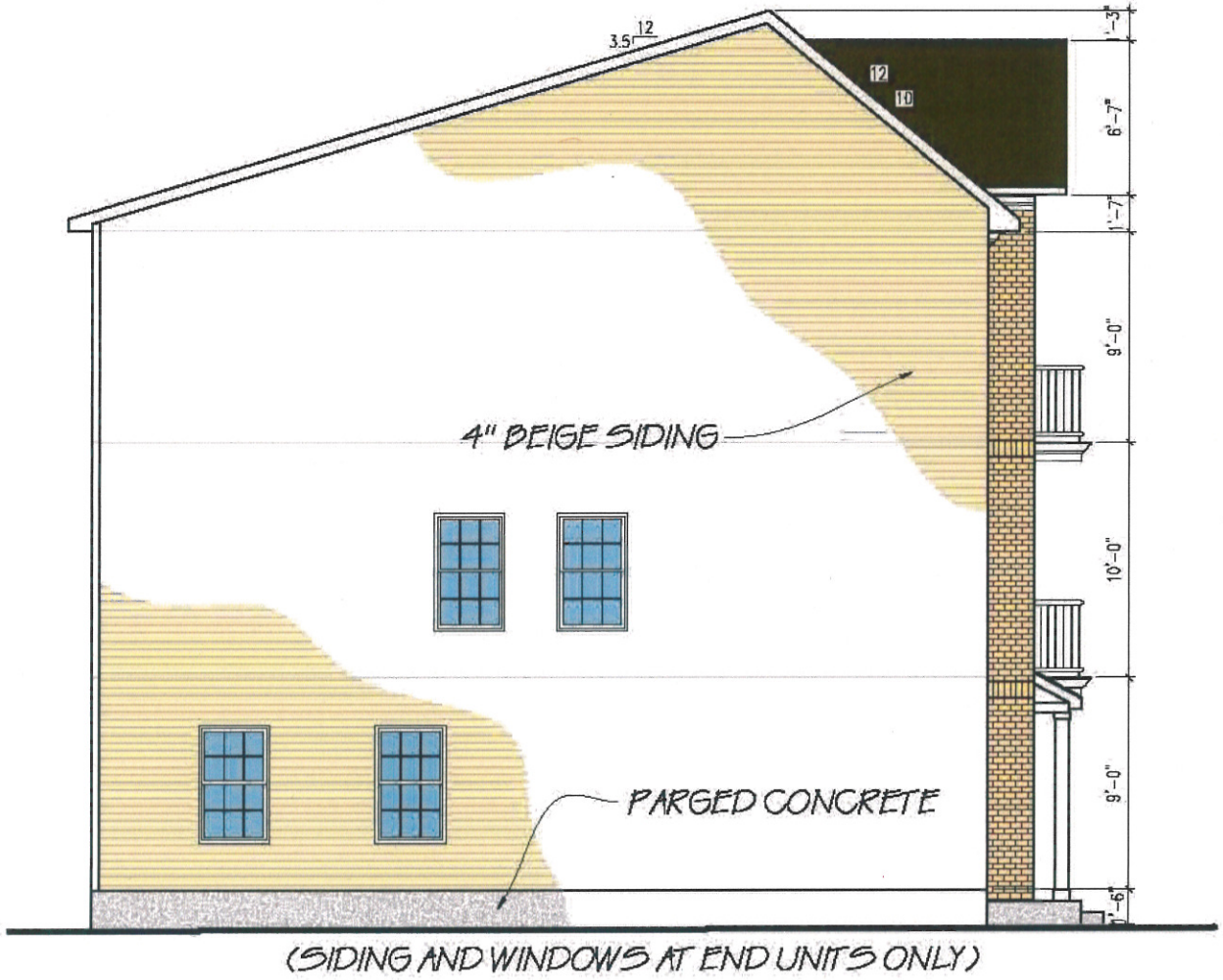
FRONT RENDERING
SCALE: 1/8" = 1'-0"

DRD
THE DEVELOPMENT REVIEW DIVISION

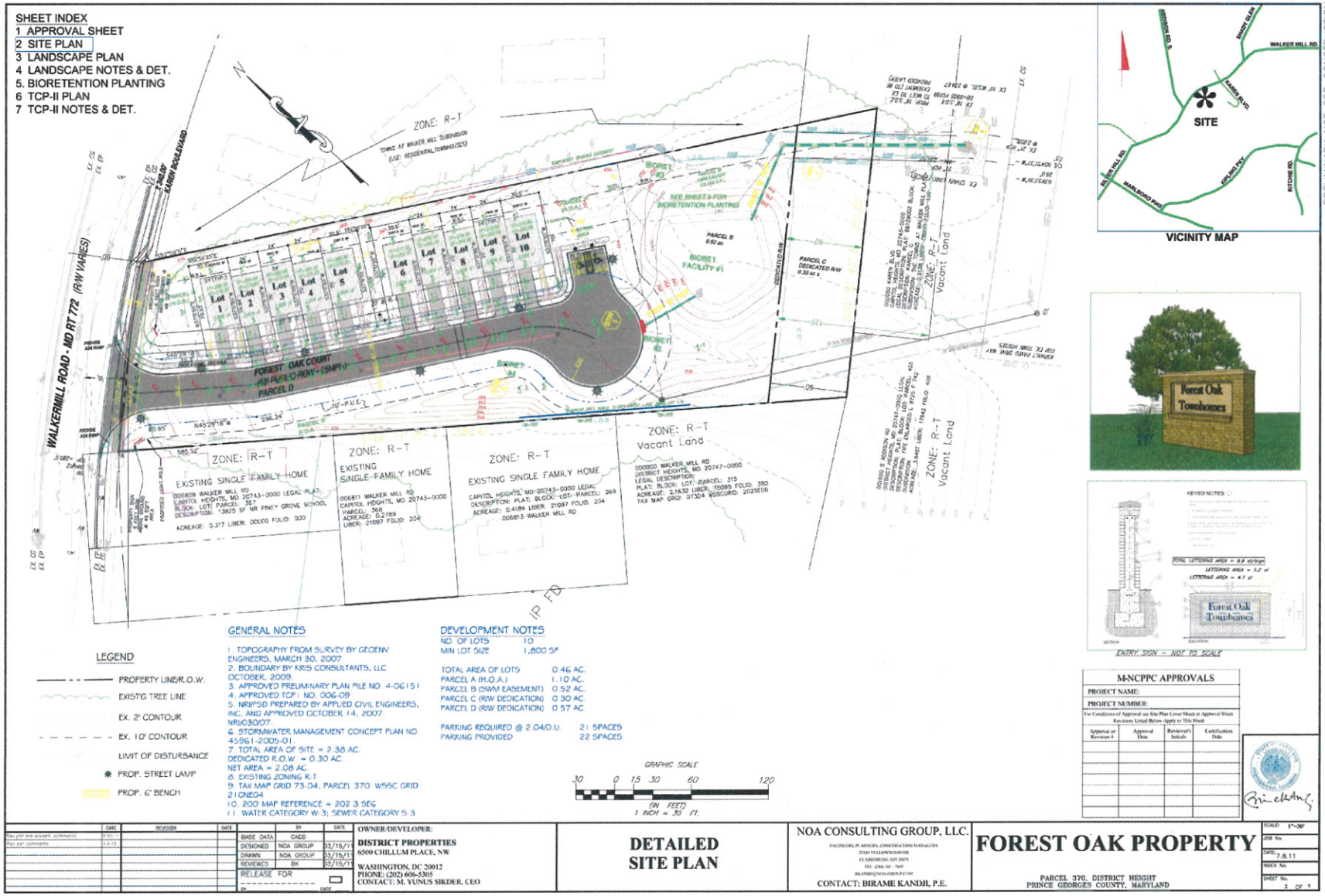
REAR ARCHITECTURAL ELEVATIONS

BACK RENDERING
SCALE: 3/32" = 1'-0"

SIDE ARCHITECTURAL ELEVATIONS



DETAILTED SITE PLAN



M-NCPPC APPROVALS

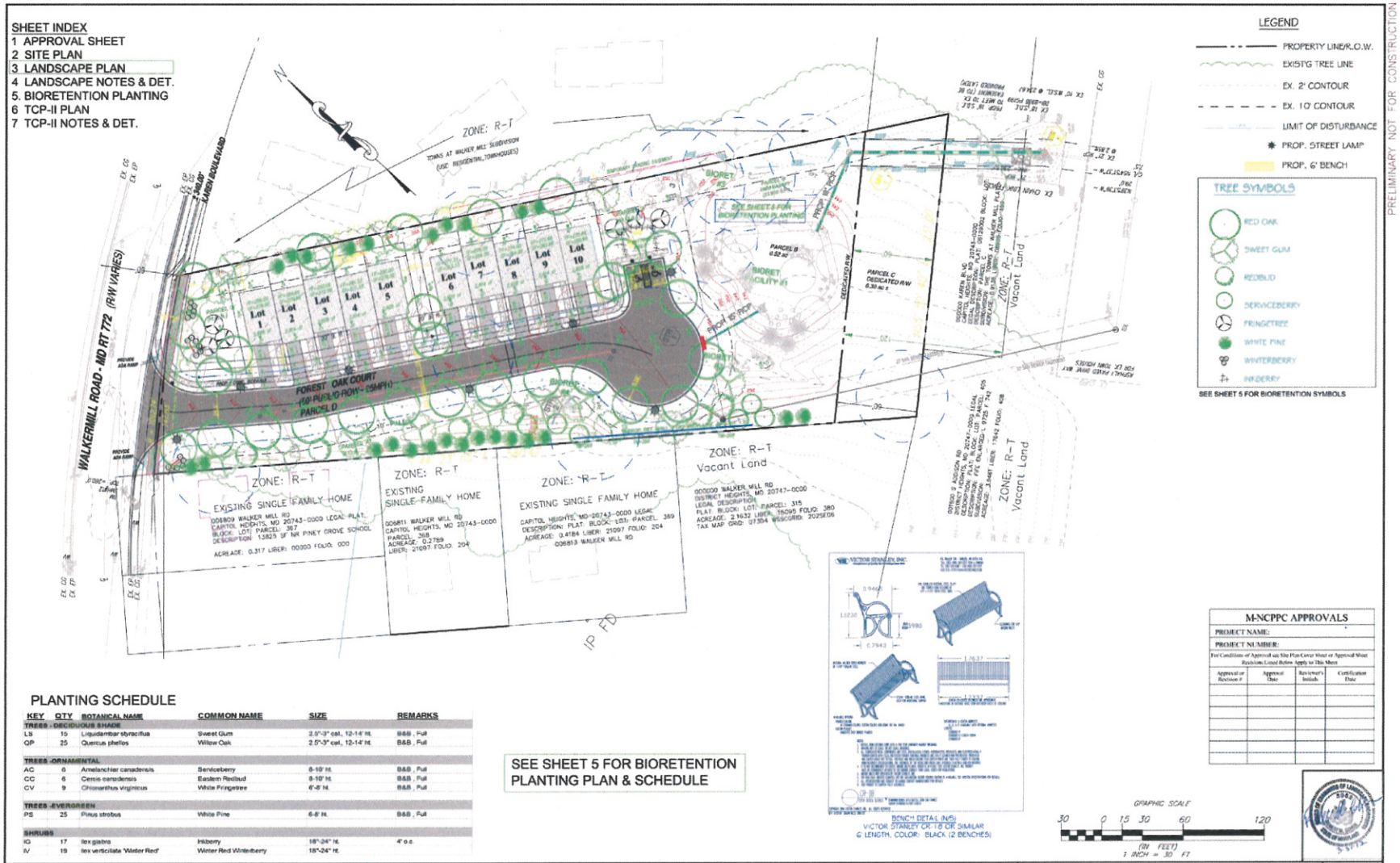
PROJECT NAME:

PROJECT NUMBER:

Approval or Revision #	Approval Date	Reviewer's Initials	Certification Date

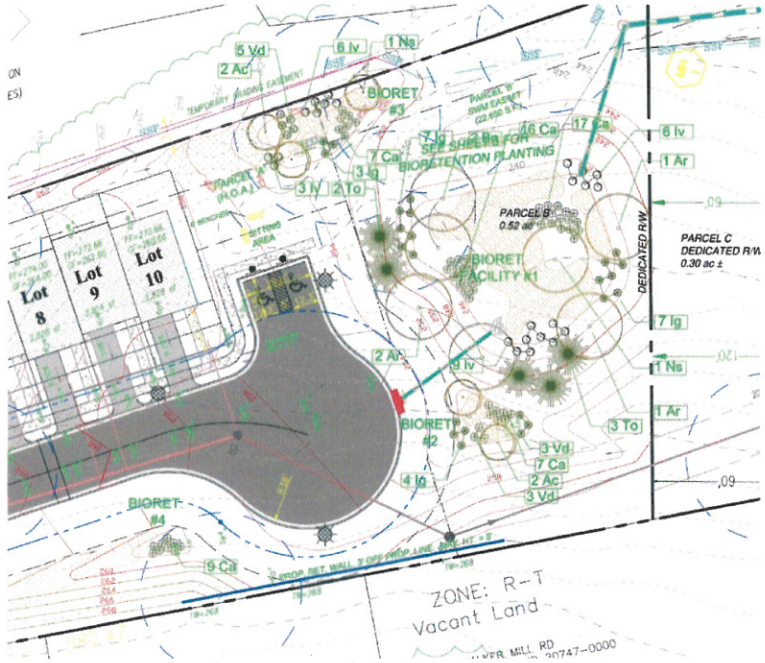
PRELIMINARY NOT FOR CONSTRUCTION

LANDSCAPE PLAN



BIORETENTION PLAN

SHEET INDEX
1 APPROVAL SHEET
2 SITE PLAN
3 LANDSCAPE PLAN
4 LANDSCAPE NOTES & DET.
5. BIORETENTION PLANTING
6 TCP-II PLAN
7 TCP-II NOTES & DET.



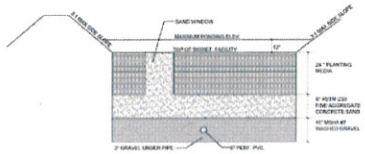
LEGEND
PROPERTY LINE/R.O.W.
EXISTG TREE LINE
EX. 2' CONTOUR
EX. 10' CONTOUR
LIMIT OF DISTURBANCE
PROP. STREET LAMP
PROP. 6' BENCH

PRELIMINARY NOT FOR CONSTRUCTION

NOTES:
1. This plan is for bioretention planting only
2. See general landscape planting notes on sheet 04.
3. Bioretention planting shall adhere to guidelines set forth in Prince George's County Landscaping Techniques and Practics-Chapter 5.

PLANTING SCHEDULE

KEY	QTY	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS	SOIL SUITIBILITY
TREES - DECIDUOUS SHADE						
Ar	4	Acer rubrum	Red Maple	2.5"-3" cal., 12-14' ht.	B&B	Saturated to dry
Ac	4	Amelanchier canadnsis	Serviceberry	6-10' ht.	B&B	Moist to dry
Bn	2	Betula nigra	River Birch	8-10' ht.	B&B	Saturated to moist
Na	2	Nyssa sylvatica	Blackgum	2.5"-3" cal.	B&B	Saturated to dry
TREES - EVERGREEN						
To	5	Thuja occidentalis	Arborvitae	6-8' ht.	B&B	Saturated to moist
SHRUBS						
Ca	56	Clethra alnifolia	Sweet Pepperbush	18" ht.	B&B, 3' o.c.	Saturated to moist
Ig	21	Ilex glabra	Inkberry	24" ht.	Cont. 5' o.c.	Moist
Iv	24	Ilex verticillata	Winterberry	24" ht.	Cont. 5' o.c.	Saturated to moist
Vd	11	Viburnum dentatum	Arrowwood	24" ht.	Cont. 5' o.c.	Saturated to dry
GRASSES						
		Festuca rubra	Red Fescue	1 qt.	18" o.c.	Saturated to moist
		Panicum virgatum	Switch Grass	1 qt.	18" o.c.	Moist to dry
MOIST MEADOW MIX @ 15 lbs/ Acre						
		Asclepias incarnata	Swamp Milkweed			
		Andropogon gerardii	Big bluestem			
		Carex stricta	Tussock Sedge			
		Eupatorium fistulosum	Joe Pye Weed			
		Liatris spicata	Gayfeather			
		Rudbeckia hirta	Black-eyed Susan			



M-NCPPC APPROVALS
PROJECT NAME:
PROJECT NUMBER:
For Conditions of Approval see Site Plan Cover Sheet or Approval Sheet
Revisions Listed Below Apply to This Sheet

Approval or Revision #	Approval Date	Reviewer's Initials	Certification Date

GRAPHIC SCALE
30 0 15 30 60 120
(IN FEET)
1 INCH = 30 FT.

DATE	REVISION	DATE	BY	DATE
Rev per pre-accept. comments	6/22/11			
Rev per comments	7/8/11			

BASE DATA	CADD	
DESIGNED	NOA GROUP	03/15/11
DRAWN	NOA GROUP	03/15/11
REVIEWED	BK	03/15/11

RELEASE FOR
BY: DATE

OWNER/DEVELOPER:
DISTRICT PROPERTIES
6500 CHILLUM PLACE, NW
WASHINGTON, DC 20012
PHONE: (202) 606-5305
CONTACT: M. YUNUS SIKDER, CEO

LANDSCAPE PLAN

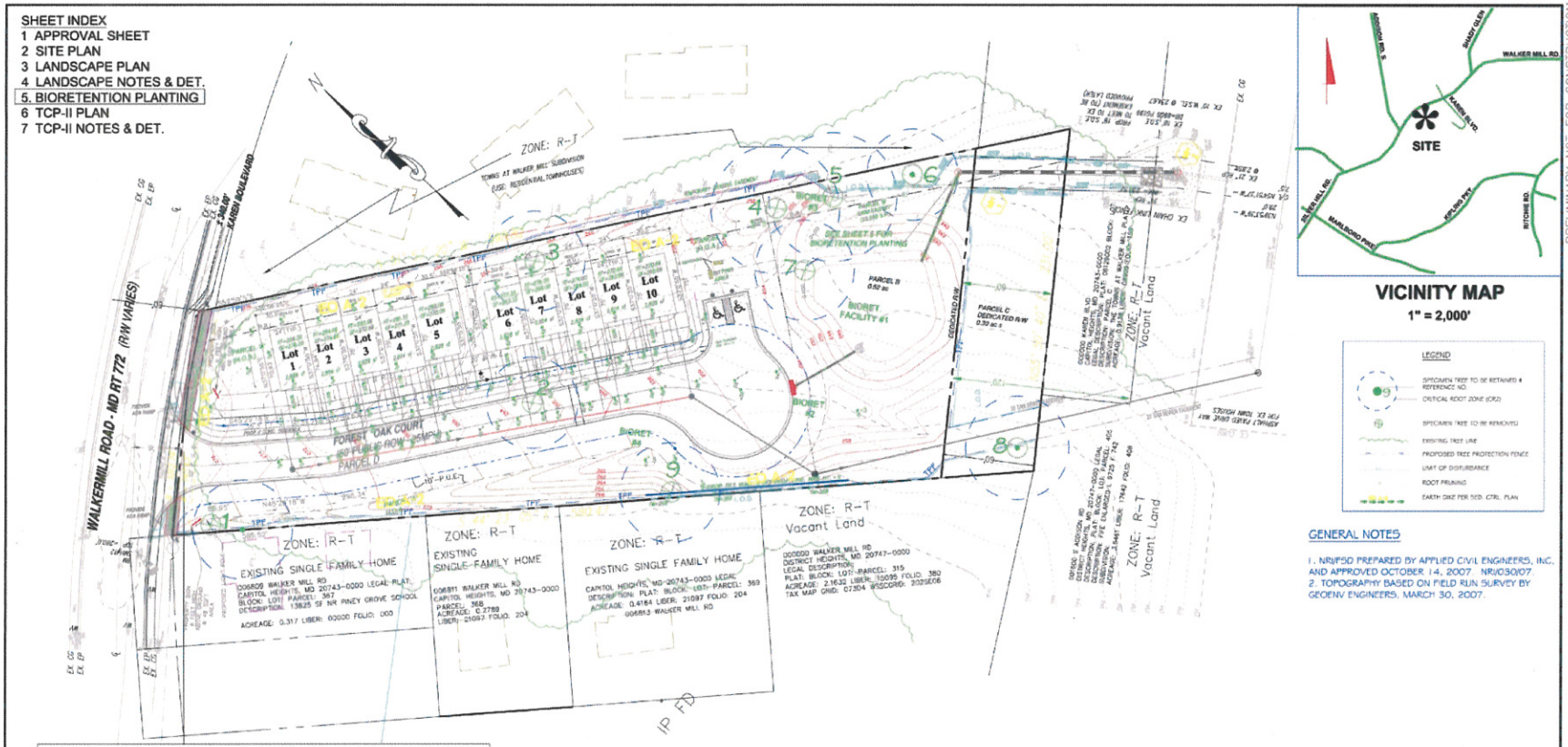
NOA CONSULTING GROUP, LLC.
ENGINEERS, PLANNERS, CONSTRUCTION MANAGERS
CONTACT: BIRAME KANDJI, P.E.

FOREST OAK PROPERTY
PARCEL 370, DISTRICT HEIGHT
PRINCE GEORGES COUNTY, MARYLAND

SCALE: 1"=30'
JOB No.
DATE: 7.8.11
INDEX No.
SHEET No. 5 OF 7

DRD THE DEVELOPMENT REVIEW DIVISION

TREE CONSERVATION PLAN



VICINITY MAP
1" = 2,000'

LEGEND
SPECIMEN TREE TO BE RETAINED & REFERENCE NO.
CRITICAL ROOT ZONE (CRZ)
SPECIMEN TREE TO BE REMOVED
EXISTING TREE LINE
PROPOSED TREE PROTECTION FENCE
LIMIT OF DISTURBANCE
ROOT PRUNING
EARTH DIKE PER SED. CTRL. PLAN

GENERAL NOTES

1. NRI#SD PREPARED BY APPLIED CIVIL ENGINEERS, INC. AND APPROVED OCTOBER 14, 2007. NRI#030/07.
2. TOPOGRAPHY BASED ON FIELD RUN SURVEY BY GEOENV ENGINEERS, MARCH 30, 2007.

PRELIMINARY NOT FOR CONSTRUCTION

SPECIMAN TREES

NUMBER	TREE NAME	SIZE	CONDITION	DISPOSITON
1	RED MAPLE	33"	FAIR	REMOVE
2	BLACK CHERRY	30"	FAIR	REMOVE
3	TULIP POPLAR	31"	GOOD	REMOVE
4	TULIP POPLAR	40"	FAIR	REMOVE
5	TULIP POPLAR	42"	FAIR	REMOVE
6	TUIP POPLAR	30"	POOR	SAVE
7	TULIP POPLAR	32"	FAIR	REMOVE
8	TULIP POPLAR	34"	GOOD	REMOVE
9	RED OAK	33"	POOR	REMOVE

SPECIMEN TREE DATA PER GENOVE ENGINEERS

GRAPHIC SCALE
30 0 15 30 60 120
(IN FEET)
1 INCH = 30 FT.

M-NCPPC
Prince George's County Planning Department
Environmental Planning Section
APPROVAL
TREE CONSERVATION PLAN
TCP2: -
Approved by / Date
01
02
03
04
05

REVISIONS

NO.	DATE	REVISION	BY
Rev per pre submit. comments	04.20.11		
Rev per comments	7.8.11		

BASE DATA	CADD	03/15/11
DESIGNED	NOA GROUP	03/15/11
DRAWN	NOA GROUP	03/15/11
REVIEWED	BK	03/15/11
RELEASE FOR		

OWNER/DEVELOPER:
DISTRICT PROPERTIES
6500 CHILLUM PLACE, NW
WASHINGTON, DC 20012
PHONE: (202) 606-5305
CONTACT: M. YUNUS SIKDER, CEO

TYPE II TREE CONSERVATION PLAN

NOA CONSULTING GROUP, LLC.
ENGINEERS, PLANNERS, CONSTRUCTION MANAGERS
CONTACT: BIRAME KANDJI, P.E.

FOREST OAK PROPERTY
PARCEL 370, DISTRICT HRIGHT
PRINCE GEORGES COUNTY, MARYLAND

SCALE: 1"=30'
JOB No.
DATE: 7.8.11
INDEX No.
SHEET No. 6 OF 7

24

DRD THE DEVELOPMENT REVIEW DIVISION

MEMO

OFFICE OF THE GENERAL COUNSEL
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Gov. Oden Bowie Dr., Suite 4120
Upper Marlboro, Maryland 20772
(301) 952-4501 * (301) 952-3444 fax

TO: Ruth Grover
Urban Design

FROM: Debra S. Borden
Associate General Counsel

DATE: March 28, 2013 Re-verified by M. Mills of the Office of the Gen. Counsel. MTM 5/29/15

RE: Forest Oak DSP 10014 (remand from District Council)

The District Council remanded DSP 10014 (the "DSP") for consideration of six issues. Three of the six issues are legal in nature, so this memo will cover issues 1 through 3 only.

Issue 1. Planning Board shall determine if the Applicant, District Property LLC is an entity registered and in good standing in the State of Maryland.

The applicant has revised its application to show the signature of the property owner, an individual, and the engineer, as an individual as applicants for the DSP. There is no need for the Applicant to provide testimony regarding registration of a foreign LLC, as all applicants listed on the revised application are now individuals.

Issue 2. Applicant shall be informed of Rule 6.2 of the District Council's Rules of Procedure.

At a meeting with planning staff on March 12, 2013, both individual Applicants attended, and were informed of the District Council's Rule of Procedure 6.2. Since then the Applicants have revised the application removing District Properties, LLC from the DSP application, and substituting two individuals, the property owner and the project engineer, as the Applicants.

Issue 3. Planning Board shall consider whether District Property LLC should be represented by an attorney authorized to practice law in Maryland during its proceedings.

The Planning Board's adopted Rules of Procedure do not require entity applicants to be represented by an attorney. Additionally, no local or state law requires entity applicants to be represented by an attorney before the Planning Board[1], and in practice applicants are often represented before the board by

[1] Maryland Rules 2-131 and 3-131 require that "a person other than an individual may enter an appearance only

other professionals such as engineers, architects or landscape architects. We are not aware, and planning staff has not made this office aware, of any operational problems stemming from this policy of allowing other professionals or individuals to represent entities before the Planning Board. Further, state law seems to indicate that LLCs which appear before administrative agencies are not considered to be "doing business" for the purpose of requiring foreign entity registration. Md. Corp. & Assoc. Ann. Code §4A-1009. If these entities are not required to register as foreign corporations because they are not considered to be "doing business" before the Planning Board, then it follows, by analogy and without any contrary statutory pronouncement, that they are not required to be represented by an attorney during Planning Board proceedings.

While the Planning Board may entertain a change to its Rules of Procedure to require attorney representation of entities that appear before it, there is no legal necessity to do so, and there may be practical implications that should be considered prior to approving a revision of this nature. Further, since the DSP application has been revised so that the LLC was removed, and the Applicant is now two individuals including the property owner, the issue as applied to this Application is moot.

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by an attorney" but this provision applies to civil court proceedings within the State, and does not apply to the Planning Board. Md. Rule 1-101 (b) and (c).

Grover, Ruth

From: Schneider, Alwin
Sent: Wednesday, June 10, 2015 12:12 PM
To: Grover, Ruth
Subject: RE: DSP-10014

I removed a line look at the last email

Ruth,

The recent (May 12, 2015) submission of the Forest Oak DSP-10014 is still in conformance with the TCP2-007-12.

Comment: The Environmental Planning Section received a copy of the Forest Oak Property plans (site plan, landscape plan, and a Type 2 Tree Conservation Plan) dated May 8, 2013 and a copy of the District Court Remand stamped March 5, 2013. An approved Stormwater Management Concept Plan signed February 23, 2015 was also included with this application.

The concept proposed a pond adjacent to the western boundary of the site. Staff finds that the approved concept is correctly reflected on the Tree Conservation Plan and Detail Site Plan. Staff also finds that the plans fulfill Item 4 with respect to the plans consistency with the recent approved stormwater concept plan.

The stormwater management information provided is sufficient and the applicant is not required to provide testimony regarding the proposed concept at the time of the Planning Board hearing.

Please let me know if you have and question concerning this email.

Thanks

From: Grover, Ruth
Sent: Wednesday, June 10, 2015 12:08 PM
To: Schneider, Alwin
Cc: Shoulars, Katina
Subject: RE: DSP-10014

Thank you so much!

Ruth E. Grover, M.U.P., A.I.C.P.
Planner Coordinator
Urban Design Section
Maryland-National Capital Park and Planning Commission
Prince George's County Planning Board

Rushern L. Baker, III
County Executive

THE PRINCE GEORGE'S COUNTY GOVERNMENT
Department of Permitting, Inspections and Enforcement
Site/Road Plan Review Division

DPIE
DEPARTMENT OF PERMITTING, INSPECTIONS AND ENFORCEMENT

MEMORANDUM

June 1, 2015

TO: Ruth Grover, Urban Design
Development Review Division, M-NCPPC

FROM: Mary C. Giles, P.E., Associate Director
Site/Road Plan Review Division, DPIE

RE: Forest Oak Property
Detailed Site Plan No. DSP-10014

CR: Walker Mill Road, 2-5092

This memorandum supersedes our previous comments dated April 29, 2013. In response to the Detailed Site Plan No. DSP-10014 referral, the Department of Permitting, Inspections and Enforcement (DPIE) offer the following:

- This site is located on the south side of existing Walker Mill Road, approximately 450 feet west of its intersection with Karen Boulevard. Right-of-way dedication and frontage improvements in accordance with the Department of Public Works and Transportation's (DPW&T) Urban Primary Residential Road Standards are required for Walker Mill Road. A full-width, 2 inch mill and overlay and trails/bike lanes may be required.

- The right-of-way for Forest Oak Court is proposed to be public.
  County Road Code 23-139 requires the following:

  No residential driveway apron may be:

  i) Closer than 3½ feet of the nearest abutting property line.
  ii) Closer than 181 feet to the beginning of the flare of another driveway.

- The proposed plan reflects driveways onto Forest Oak Court that do not comply. It is recommended that the road be converted to a private road; otherwise, the applicant must secure a waiver from DPIE/DPW&T.

- All improvements within the public rights-of-way, as dedicated for public use, are to be in accordance with the County road ordinance, DPW&T's street tree and street lighting standards, DPW&T's urban secondary residential road standards, DPW&T's urban cul-de-sac standard 200.12 and the Americans with Disabilities Act (ADA).

- The future realignment of Walker Mill Road (Arterial A-40) runs along the southern boundary of the subject site. The proposed right-of-way dedication of 60 feet on Parcel C is required and adequate. Coordination between the Maryland-National Park and Planning Commission (M-NCPPC) and DPIE/DPW&T is necessary for the Master Planned roadways and will involve the right-of-way reservation, dedication, and road construction in accordance with DPW&T's specifications and standards.

- An appropriate DPIE permit is required for all access points from existing County roads, improvements of existing access points, utility taps and on-site/right-of-way grading work, and paving associated with this site.

- The detailed site plans meet the intent of the approved Site Development Concept No. 45961-2005-03 dated February 23, 2015. The current approved concept plan proposes use of micro-bio-retention and rooftop disconnect.

This memorandum incorporates the Site Development Plan Review pertaining to Stormwater Management (County Code 32-182(b)). The following comments are provided pertaining to this approval phase:

a) Final site layout, access driveway from the cul-de-sac to environmental site design (ESD) devices, exact impervious area locations are not shown on plans.
b) Exact acreage of impervious areas has not been provided.
c) Proposed grading is shown on plans.
d) Delineated drainage areas at all points of discharge from the site have been provided.
e) Stormwater volume computations have not been provided.
f) Erosion/sediment control plans that contain the construction sequence, and any phasing necessary to limit earth disturbances and impacts to natural resources, and an overlay plan showing the types and locations of ESD devices and erosion and sediment control practices are not included in the submittal.
g) A narrative in accordance with the code has not been provided.

Please submit any additional information described above for further review, with permit submission.

If you have any questions or need additional information, please contact Mr. Mansukh Senjalia, P.E., District Engineer for the area, at 301.636.2060.

MCG:NF:dab

cc: Rey de Guzman, P.E., Chief, S/RPRD, DPIE
Mansukh Senjalia, P.E., District Engineer, S/RPRD, DPIE
Nanji Formukong, Engineer, S/RPRD, DPIE
Eric Foster, Parks and Recreation, MNCPPC
NOA Consulting Group LLC, 23100 Yellow Wood Drive, Clarksburg, Maryland 20871.
Mr. M. Yunus Sikder, CEO, Distict Properties, 6500 Chillum Place, NW, Washington, DC 20012

THE PRINCE GEORGE'S COUNTY GOVERNMENT

Department of Permitting, Inspections and Enforcement
Site/Road Plan Review Division
9400 Peppercorn Place, Suite 420
Largo, Maryland 20774
(301) 883-5710

STORMWATER MANAGEMENT CONCEPT APPROVAL

CASE NAME: DISTRICT HEIGHTS_FOREST OAK PROPERTY CASE #: 45961-2005-03

APPLICANT'S NAME: DISTRICT PROPERTIES

ENGINEER : NOA CONSULTING GROUP, LLC

REQUIREMENTS:

Technical Review is required for PUBLIC/PRIVATE Storm Drain/SWM Construction.

Type of Storm Drainage/SWM Construction is PRIVATE.

These additional approvals are required: None.

These fees apply: FEE-IN-LIEU.

These bonds apply: None.

Required water quality controls: SEE CONDITION 1.

Required water quantity controls: 1 YEAR ATTENUATION(S).

A maintenance agreement is required.

No special conditions apply.

Required easements: STORM DRAIN.

Storm Water Management fee payment of $2,500.00 in lieu of providing on-site attenuation/quality control measures.
(Fee-In-Lieu subject to change during technical review.)

CONDITIONS OF APPROVAL:

Please see second page.

APPROVED BY:

Rey De Guzman

APPROVAL DATE: February 23, 2015
EXPIRATION DATE: February 23, 2018

FOR OFFICE USE ONLY

ADC MAP: 5650 H-1 200' SHEET: 202SE06
STREET NAME: WALKER MILL RD
WATERSHED: 23-Southwest Branch (Western)
NUMBER OF DU'S: 10 COST PER DWELLING: 250

CC: APPLICANT, SCD, PERMITS

P.G.C. FORM #3693 (REV 04/93)

THE PRINCE GEORGE'S COUNTY GOVERNMENT

Department of Permitting, Inspections and Enforcement
Site/Road Plan Review Division
9400 Peppercorn Place, Suite 420
Largo, Maryland 20774
(301) 883-5710

STORMWATER MANAGEMENT CONCEPT APPROVAL

CASE NAME: DISTRICT HEIGHTS_FOREST OAK PROPERTY CASE #: 45961-2005-03

CONDITIONS OF APPROVAL:

1. WATER QUALITY REQUIREMENTS: MICRO-BIORETENTION ROOFTOP DISCONNECT.
2. PROOF OF OFF-SITE GRADING PERMISSION IS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE.
3. SITE DEVELOPMENT PERMIT REQUIRED INCLUDING ULTIMATE R/W FRONTAGE IMPROVEMENTS, INCLUDING STORM DRAINAGE, STREET TREES AND STREET LIGHTING.
4. RESTORATION BOND IS REQUIRED FOR THE EXISTING IMPROVEMENTS WITHIN THE PUBLIC RIGHTS-OF-WAY ALONG FRONTAGE OF THE SITE.
5. DAM BREACH DELINEATION WILL BE REQUIRED DURING TECHNICAL PLAN REVIEW.
6. A STORM DRAIN DESIGN WILL BE REQUIRED FOR TECHNICAL PLAN APPROVAL.
7. THE PROPOSED ROADWAY IS PUBLICALLY MAINTAINED.
8. ADEQUACY ANALYSIS IS REQUIRED FOR THE RECEIVING STORM DRAIN SYSTEM. IF THE RECEIVING STORM DRAIN SYSTEM IS DETERMINED NOT SUFFICIENT, ADDITIONAL ATTENUATION IS REQUIRED IN THE POND.

02/23/2015 REVISION SUPERSEDES PREVIOUS APPROVAL DATED 04/05/2013.
REVIEWED BY IKN.

Case No. DSP–10014
Forest Oak Property

Applicant: Birame Kandji

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

ORDER OF REMAND

IT IS HEREBY ORDERED, after review of the administrative record, that the decision of the Planning Board in PGCPB No. 12–71, to approve with conditions a detailed site plan for ten single–family attached dwelling units in the Townhouse (R–T) Zone on a 2.558–acre site, located at 6821 Walker Mill Road, on the southern side of Walker Mill Road, approximately 450 feet southwest of its intersection with Karen Boulevard, is;

REMANDED, pursuant to §27–132 and §27–290 of the Zoning Ordinance, to the Planning Board to take further testimony and reconsider its decision as follows:

Applicant

On or about September 21, 2012, a Non–Corporate Applicant Affidavit was filed identifying the applicant as District Property, LLC, located at 6500 Chillum Place, N.W., Washington, DC 20012. Non–Corporate Applicant Affidavit, September 21, 2012. The affidavit was signed by Birame Kandji, the engineer consultant for the applicant. Agent Affidavit, September 21, 2012. Before doing business in Maryland, a foreign limited liability company–as is the case here–shall register with the State Department of Assessment and Taxation (SDAT). Md. Code Ann., Corps. & Ass'ns §4A–1002, §4A–1009(b) (2012). According to SDAT, the applicant, District Property, LLC, is not a legally registered company in Maryland.[1]

[1] http://sdatcert3.resiusa.org/ucc-charter/noRecords.asp?EntityName=district%20property%20llc&domain=Charter In January 2012, NOA Group, LLC was also identified as the applicant for DSP–10014. According to SDAT, NOA Group, LLC has been forfeited. http://sdatcert3.resiusa.org/ucc-charter/searchByName_a.aspx?mode=name Last visited 2/9/2013.

1. On remand, Planning Board shall take sworn testimony to determine if the applicant, District Property, LLC, is an entity registered and in good standing with the State Department of Assessment and Taxation (SDAT). The applicant shall present, for inclusion into the record, written evidence of its registration and good standing with SDAT. If necessary, pursuant to Section 8 of the Planning Board Rules of Procedure, until the final decision is made, the applicant shall be allowed to present written evidence of its registration and good standing with SDAT. Planning Board Resolution and Staff Report shall be revised accordingly to reflect District Property, LLC as the applicant.

2. On remand, the applicant shall be informed of Rule 6.2 of the District Council Rules of Procedure, which states

> **6.2. Representation.**
> An individual may represent himself or herself or be represented by an attorney authorized to practice law in Maryland. All other entities shall be represented by an attorney authorized to practice law in Maryland, except that a bona fide civic association or homeowner's association which is a party of record may be represented by any duly elected officer of the association regardless of whether that individual is an attorney.

Rules of Procedure for the Prince George's County District Council.

3. On remand, Planning Board shall also consider whether District Property, LLC should be represented by an attorney authorized to practice law in Maryland during its proceedings.

Stormwater Management

4. In May 2012, Department of Public Works and Transportation (DPW&T) indicated that DSP–10014 was not consistent with the approved Stromwater Management Concept Plan, 45961–2005–01, dated September 2009. PGCPB No. 12–71 at 6, 10–11, Technical Staff Report at 6, 10. There was no testimony from the applicant on this issue. In fact, there was no testimony from the applicant at the public hearing before the Planning Board on July 12, 2012. (7/12/12 Tr. 1–9).

5. On remand, Planning Board shall take testimony from the applicant regarding the status of obtaining written acknowledgment from DPW&T that the subject DSP is in conformance with Stromwater Management Concept Plan, 45961–2005–01 and any subsequent revisions.

Conveyance of Parcel 6

6. On remand, Planning Board shall take testimony from the applicant regarding the status of procuring written confirmation from DPW&T that the area of conveyance is acceptable to DPW&T.

Ordered this 11th day of February, 2013, by the following vote:

In Favor: Council Members Campos, Franklin, Harrison, Lehman, Olson, Patterson, and Toles.

Opposed:

Abstained:

Absent: Council Members Davis and Turner

Vote: 7-0

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

By: _____
Andrea C. Harrison, Chair

ATTEST:

_____
Redis C. Floyd
Clerk of the Council

PGCPB No. 12-71 File No. DSP-10014

RESOLUTION

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

WHEREAS, in consideration of evidence presented at a public hearing on July 12, 2012 regarding Detailed Site Plan DSP-10014 for Forest Oak Property, the Planning Board finds:

1. **Request:** The detailed site plan is for ten single-family attached dwelling units in the Townhouse (R-T) Zone on a 2.558-acre site.

2. **Location:** The subject site is located at 6821 Walker Mill Road, on the southern side of Walker Mill Road, approximately 450 feet southwest of its intersection with Karen Boulevard. The site is also located in Council District 7 and the Developed Tier.

3. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	R-T	R-T
Use(s)	Vacant	Residential
Acreage	2.558	2.558
Parcels	1	4
Lots	0	10

OTHER DEVELOPMENT DATA

Parking Requirements

Parking Required @ 2.04 per dwelling unit:	21
Parking Provided:	22, including 2 handicapped spaces

4. **Surrounding Uses:** The property to the east, zoned R-T, is improved with single-family attached residential units. The property to the south and west, also zoned R-T, is either vacant or improved with single-family detached residential units. The land to the northwest is bordered by Walker Mill Road, with single-family detached and multifamily residential land use beyond.

5. **Previous Approvals:** The project is the subject of Preliminary Plan of Subdivision 4-06151, approved by the Planning Board on September 10, 2009, and formalized in the adoption of PGCPB Resolution No. 09-133, on October 1, 2009. The site is also the subject of approved

Stormwater Management Concept Plan 45961-2005-01, approved by the Department of Public Works and Transportation (DPW&T) on September 17, 2009.

6. **Design Features:** The subdivision is planned to be accessed from a single point along the subject site's Walker Mill Road frontage via Forest Oak Court, a public road. The ten units in the subdivision will each be accessed by a separate driveway leading from the individual lots' frontages on Forest Oak Court. The units are grouped in two five-unit sticks and Forest Oak Court terminates in a cul-de-sac-like configuration with the two handicapped parking spaces located adjacent to its northeastern corner. Stormwater management (SWM) is proposed to be handled in four separate bioretention facilities, primarily located on the southwestern (rear) portion of the site. A small sitting area, including enhanced landscaping and two six-foot-long benches, is provided adjacent to the handicapped parking spaces. Landscaping for the project is provided in accordance with the requirements of the 2010 *Prince George's County Landscape Manual* and includes a mix of deciduous shade trees, including Sweet Gum and Willow Oak; ornamental trees, including Serviceberry, Eastern Redbud, and White Fringetree; an evergreen, White Pine; and shrubs, including Inkberry and Red Winterberry.

   The architecture for the project includes two buildings of five townhouses each. The architecture for each unit will be as proposed herein by the applicant and approved by the Planning Board. Only the inclusion of a rear deck and door accessing that deck are proposed to be left as the homebuyer's option.

   The fronts of the buildings present a varied fenestration pattern and provide architectural features and details creating visual interest. All units indicate either one or two front balconies accessed either by a double glass sliding or a single door. The windows are either rectilinear or arched at the top, with either design providing brickwork with a keystone, in a linear or arched configuration above each window. Each front door has shutters on either side and offers protection from the elements with a small front porch, including a concrete stoop and step and painted eight-inch by eight-inch wooden posts supporting a standing-seam metal roof, specified in a bronze color, creating a porch. The primary roof on the front elevations is specified as black, asphalt shingles, and its roofline is stepped, reflecting adjustments to topography and creating some visual interest. The roofline in front of the buildings is further varied by inclusion of several pediments on most of the portions of the front façade that are stepped out, which are punctuated by a painted wood attic circular vent. All balconies are secured by a balustrade specified as two-inch metal handrail with metal balusters in a black finish. Each unit offers a one-car garage and is accessed by a driveway from Forest Oak Court. Building materials for the front elevations include wood, brick, stucco, and concrete, though the graphic presentation of these materials on the elevation drawings is not entirely clear.

   The rear façades have varied fenestration, but no architectural detail other than mullions on the windows and the inclusion of a paneled door. Additionally, the "wood deck and door" are indicated as optional.

The architecture on all façades of the project would be improved by introduction of a darker contrasting color of brick extending up their pedimented and/or stepped out portions along the front façade and extending up to the roofline. Additionally, the architecture of the side façades facing Walker Mill Road and the recreational amenities would be improved by the addition of more fenestration and/or architectural detail, as these façades are the most highly visible for the subject project. Conditions below accomplish these improvements to the architecture.

The approved preliminary plan required a payment of fee-in-lieu for parkland dedication at the time of final plat. Therefore, on-site recreational facilities are not required. However, the applicant has voluntarily provided a modest passive recreational area adjacent to the cul-de-sac of Forest Oak Court to include some enhanced landscaping and two black six-foot benches, specified as "Victor Stanley CR-18, or similar." Additionally, a tot lot has by condition of this approval been included adjacent to the passive recreational area.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The project is subject to the following sections of the Prince George's County Zoning Ordinance: Section 27-441, Uses Permitted in Residential Zones; Section 27-442, Regulations for Residential Zones; Section 27-433 for specific requirements in the Townhouse (R-T) Zone; Section 27-624, Gateway Signs; and Section 27-285(b)(1) regarding required findings for detailed site plans.

   The proposed single-family attached dwelling units are permitted in the R-T Zone as per Section 27-441. The proposed detailed site plan comports with the requirements as expressed in Section 27-442, Regulations for Residential Zones and Section 27-433, Requirements in the R-T Zone. An evaluation of the subject project against the requirements of Section 27-433 indicated the following:

   - There are not more than six, or less than three, dwelling units in a stick.
   - The minimum width of dwellings is greater than 20 feet.
   - All end walls have a minimum of two features.
   - A recommended condition below ensures that above-ground foundation walls are either clad with finish materials or textured/formed to simulate a clad material.
   - A minimum of 60 percent of the townhouse units are obligated to be brick, stone, or stucco.
   - A condition below would require that two or more dwelling units be identified as having the potential to be made accessible through barrier-free design.

- A condition below would require that prominent façades on the highly visible sides of the end units on Lots 1 and 10 have been given special treatment.

The proposed gateway sign, however, did not exactly comport with the requirements of Section 27-624(a)(3) as to location, nor Section 27-624(a)(1) as to lettering area size, which exceeds the square feet maximum. The sign placement does not clearly comply with the requirement to maintain unobstructed lines of vision for 500 feet in all directions of travel. However, at this location on a curve, the prescribed unobstructed lines of vision do not exist in the first place and the sign does not appear to make the situation worse. A condition of this approval would permit the sign to be eliminated, as a gateway sign for a ten-unit townhouse development in the R-T zone is optional, not required. However, should the applicant wish to retain the sign, a condition of this approval would require that the proposed sign be revised to meet size standards and that the appropriateness of its location and the extent of the needed clear sight at the intersection could be determined by DPW&T prior to signature approval of the plans.

8. **2010 Prince George's County Landscape Manual:** The project has been reviewed for conformance with the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The project is subject to the requirements of Sections 4.1, Residential Requirements; Section 4.2-1, Requirements for Landscape Strips along Streets; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscape Requirements. The subject project is not, however, subject to Section 4.10-1. A condition of this approval requires that, prior to signature approval of the plans, the applicant remove Schedule 4.10-1, Street Trees along Private Streets, and any mention of applicability of this section to the subject project from the plan set as all streets included on the detailed site plan are public streets.

   The Planning Board has reviewed the submitted landscape plan and determined that it is in conformance with the relevant requirements of the Landscape Manual.

9. **Prince George's County Woodland Conservation Ordinance:** The site is subject to the Prince George's County Woodland Conservation Ordinance (WCO) because the gross tract area of the property is greater than 40,000 square feet, and there are more than 10,000 square feet of existing woodland. A Type 2 Tree Conservation Plan (TCP2-007-12) has been submitted and is hereby approved with conditions. The subject project conforms to the applicable requirements of the WCO.

10. **Prince George's Tree Canopy Coverage Ordinance:** The site is subject to the Prince George's County Tree Canopy Coverage Ordinance. The Ordinance requires that, based on the zoning of the site, 15 percent of the site be in tree canopy. The site measures 2.38 acres or 103,696 square feet, requiring 15,550 square feet of the site be in tree canopy. The site plan indicates that the deciduous and evergreen trees on the site provide 40,250 square feet of tree canopy, meeting and exceeding the requirements of the Tree Canopy Coverage Ordinance.

11. **Preliminary Plan of Subdivision 4-06151:** Preliminary Plan of Subdivision 4-06151 was approved by the Planning Board on September 10, 2009, which approval was formalized in

PGCPB Resolution No. 09-133, containing 14 conditions, adopted by the Planning Board on October 1, 2009. The relevant requirements of that approval are indicated in **boldface** type below, followed by Planning Board comment.

2. In conjunction with the detailed site plan, a Type II tree conservation plan shall be approved.

A Type 2 Tree Conservation Plan, TCP2-007-12, has been reviewed by the Environmental Planning Section and is hereby approved, with conditions. As the Type 2 tree conservation (TCP2) is hereby approved by the Planning Board, together with the detailed site plan, the applicant has complied with this condition.

3. Prior to approval of the final plat, the applicant, the applicant's heirs, successors and/or assignees shall have a detailed site plan approved by the Planning Board in accordance with Part 3, Division 9 of the Zoning Ordinance.

The applicant has submitted a DSP for ten townhouses as required pursuant to Section 27-433 of the Zoning Ordinance to be approved in accordance with Part 3, Division 9. The DSP shows ten lots and three parcels; Parcel A is to be dedicated to the homeowners association (HOA) and includes open space and public right-of-way (Forest Oak Court) to be subsequently dedicated to DPW&T, Parcel B for a SWM easement, and Parcel C for dedication of master plan right-of-way. The approved preliminary plan shows 12 lots, Parcel A for the HOA containing open space only, Parcel B for the dedication of right-of-way for public use (Forest Oak Court), and Parcel C to be conveyed to Prince George's County for possible future right-of-way. The majority of the lots and parcel layout on the DSP is consistent with the intent of the approved preliminary plan. Parcel A, originally shown to include the private right-of-way, Forest Oak Court, has been revised per the requirement of the approved preliminary plan to show Forest Oak Court as a dedicated right-of-way for public use. More specifically, the applicant revised the DSP, dated April 23, 2012, which now shows Forest Oak Court as a 50-foot-wide public right-of-way.

4. Development of this site shall be in conformance with the Stormwater Management Concept Plan 45961-2005-01 and any subsequent revisions.

In a memorandum dated May 9, 2012, DPW&T stated that the plan is not consistent with approved Stormwater Management Concept Plan 45961-2005-01, dated September 17, 2009. The previous approved SWM pond has been changed to three bioretention facilities.

A condition of this approval requires that the applicant, prior to signature approval of the plans for the project, provide staff as designee of the Planning Board with a written acknowledgement from DPW&T that the subject DSP is in conformance with Stormwater Management Concept Plan 45961-2005-01 and any subsequent revisions. Therefore, the subject project conforms to this requirement of the approval of the preliminary plan of subdivision.

8. **The detailed site plan shall reflect a standard sidewalk, along both sides of Forest Oak Court, unless modified by Planning Board at that time.**

The subject DSP indicates sidewalk on the townhouse side of Forest Oak Court. The subject plan shows a four-foot-wide sidewalk along the north side of Forest Oak Court. Townhomes are proposed along this side of the road, and the sidewalk appears to be adequate for the proposed use. Sidewalks are not recommended for the opposite (southern) side of the street because there are no townhomes provided on that side of the street. Sidewalks on the north side of Forest Oak Court, and not the south side, appear to be adequate for the proposal. Additionally, in a memorandum dated May 9, 2012, DPW&T stated that sidewalks are required along one side of Forest Oak Court in accordance with Sections 23-105 and 23-135 of the County Road Ordinance.

In accordance with DPW&T's requirement and the Planning Board's decision, this requirement is hereby modified, to only require sidewalk on the northern side of Forest Oak Court.

9. **Permit plans shall demonstrate the installation of a wide sidewalk, a minimum of eight feet in width, along the subject site's entire frontage of existing Walker Mill Road to serve as a side path, unless modified by DPW&T.**

Although there is an existing standard sidewalk along the site's Walker Mill Road frontage, a condition of this approval requires an eight-foot-wide sidewalk along the subject property's Walker Mill Road frontage in its right-of-way, separated from the travel lanes of the road by an eight-foot-wide green strip. If it is not possible to accommodate the entire sidewalk and green strip in the Walker Mill Road right-of-way, a portion of it shall be accommodated on the subject site.

12. **Stormwater Management Concept Plan 45961-2005-01:** In a memorandum dated May 9, 2012, DPW&T indicated that the subject project is not consistent with the approved Stormwater Management Concept Plan, 45961-2005-01, dated September 17, 2009. A recommended condition of this approval would require that, prior to signature approval, the applicant revise the SWM concept and provide staff with written confirmation that the subject DSP conforms to the requirements of the approved SWM concept, or a revision thereto.

13. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

a. **Historic Preservation**—The subject detailed site plan for ten townhouse units and associated parking will have no effect on identified historic sites, resources, or districts.

b. **Archeological Review**—A Phase I archeological survey is not recommended on the subject property as a search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates that the probability of archeological sites within the subject property is low. Further, there are no county historic sites or historic resources located within a one-mile radius of the subject property. Section

106 of the National Historic Preservation Act may require an archeological survey for state or federal agencies if state or federal monies and/or federal permits are required for the project.

c. **Community Planning**—The subject application is consistent with the *Prince George's County Approved General Plan* Development Pattern policies for the Developed Tier in that it supports the General Plan goal to strengthen existing neighborhoods. The application conforms to the land use recommendations of the 2010 *Approved Subregion 4 Master Plan and Adopted Sectional Map Amendment.*

d. **Transportation Planning**—A subdivision condition required that Parcel 6, as shown on the preliminary plan, be reviewed by the Planning Board as part of a conveyance to DPW&T. The Planning Board also noted that the R-T Zone does not require any traffic-related findings.

Regarding access and circulation, the Planning Board stated that they are acceptable and consistent with the approved preliminary plan of subdivision. Further, they stated, the site has frontage on Walker Mill Road, a master plan arterial facility, and that the plan recommends that Walker Mill Road be realigned to the south of the subject property. The arterial roadway is planned to be realigned from Addison Road to a point near Shady Glen Road with 120 feet of right-of-way. During the review of the preliminary plan, DPW&T recommendations for this section of Walker Mill Road were determined. At that time, DPW&T requested dedication of 30 feet of right-of-way along existing Walker Mill Road. DPW&T also requested dedication along the planned southern alignment of Walker Mill Road. Walker Mill Road currently has a recommended right-of-way width of 120 feet, and the preliminary plan was revised by the applicant to provide a 60-foot-wide parcel to accommodate the southern alignment reflected on the master plan. The parcel is Parcel 6 noted above; on this plan it is shown for dedication, and the Planning Board found this acceptable. Further, they noted that DPW&T also requested frontage improvements on existing Walker Mill Road, with the scope of such improvements determined by DPW&T under their authority as described in Subtitle 23 of the County Code, at the time of dedication.

As to Conditions 8 and 9 of the requirements of the approval of Preliminary Plan of Subdivision 4-06151, the Planning Board stated that these conditions, addressing sidewalk requirements, should be further evaluated by the Planning Board in consultation with DPW&T.

With respect to Condition 10 of the requirements of the approval of 4-06151, the Planning Board stated that this condition requires conveyance of Parcel 6 on the preliminary plan to DPW&T at the time of final plat, and requires that the area of conveyance be reviewed by the Planning Board and DPW&T during site plan review. This area of conveyance (shown as dedication at the rear of the site) is deemed acceptable and consistent with the preliminary plan. This, however, should be confirmed by DPW&T.

A condition of this approval requires that, prior to signature approval, the applicant procure from DPW&T, and provide to staff as designee of the Planning Board, written confirmation that the area of conveyance is acceptable to DPW&T and consistent with their expectations during the preliminary plan approval process.

With respect to Condition 14 of the requirements of the approval of 4-06151, the Planning Board noted that Forest Oak Court is required to be dedicated for use as a public right-of-way, but was initially shown as private.

The applicant has revised the plans to indicate a public street and such plans have been circulated for review to DPW&T for review in accordance with their standards and specifications for the purposes of eventual dedication of the right-of-way.

e. **Subdivision Review**—The subject property is located on Tax Map 73 in Grid D-4, within the R-T Zone, and is 2.38 acres. The site is currently undeveloped. The applicant is submitting a detailed site plan for the construction of ten townhouses for the subject property.

The site is the subject of approved Preliminary Plan of Subdivision 4-06151, and the resolution was adopted by the Planning Board on October 1, 2009 (PGCPB Resolution No. 09-133). The preliminary plan is valid until December 31, 2013 pursuant to County Council Bill CB-08-2011. A final plat for the subject property must be accepted by The Maryland-National Capital Park and Planning Commission (M-NCPPC) before the preliminary plan expires or a new preliminary plan would be required. The applicant may ask for an extension of the validity period for the preliminary plan beyond December 31, 2013.

The resolution of approval (PGCPB Resolution No. 09-133) contains 14 conditions. Please see Finding 11 for a discussion of the relevant requirements of that approval.

In conclusion, the Planning Board stated that DSP-10014 is in substantial conformance with the approved Preliminary Plan, 4-06151, and that there are no other subdivision issues connected with the subject project.

f. **Trails**—The subject detailed site plan was reviewed against the requirements of the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the requirements of Preliminary Plan of Subdivision 4-06151, and determined the following with respect to trails requirements:

- Standard sidewalk along both sides of Forest Oak Court is required by Condition 8 of the approval of Preliminary Plan of Subdivision 4-06151, unless modified by the Planning Board at the time of detailed site plan approval. The applicant proposed sidewalk only along the northern side of Forest Oak Court and

the Planning Board is supportive of including sidewalk only on the northern side of Forest Oak Court as there are no proposed townhouses on the southern side.

- Condition 9 of the approval of Preliminary Plan of Subdivision 4-06151 requires an eight-foot-wide sidewalk along the subject site's Walker Mill Road frontage, unless modified by DPW&T. As such sidewalk is not shown on the subject plan, a condition of this approval requires the same be included prior to signature approval.

g. **Permit Review**—Numerous Permit Review comments have either been addressed by revisions to the plans or by conditions of this approval.

h. **Environmental Planning**—The site is not subject to the requirements of the environmental regulations of Subtitle 27 or the woodland conservation requirements of Subtitle 25 that became effective on September 1, 2010 because the site has a previously approved preliminary plan and Type I tree conservation plan (TCPI), and the project is being developed in conformance with those approvals.

The following is a description of the environmental features of the site:

The 2.55-acre site is located on the southern side of Walker Mill Road, approximately 450 feet west of its intersection with Karen Boulevard. The northern half of the site drains into the Lower Beaverdam Creek, within the Anacostia watershed and the southern portion drains into Southwest Branch, within the Patuxent River watershed. The predominant soil type found to occur on this property, according to the Prince George's County Soil Survey, is in the Beltsville series. According to the natural resources inventory (NRI), there are no streams, nontidal wetlands, floodplain, steep slopes, and severe slopes on the site. Existing Walker Mill Road is currently not classified. Master-planned Walker Mill Road is shown to be relocated on the southern side of the site and is classified as an arterial. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads adjacent to this property, which is located in the Developed Tier as delineated on the adopted General Plan.

Environmental review of the site included the following:

- **Natural Resources Inventory**—The site has a signed Natural Resources Inventory (NRII/030/07) that was reviewed with Preliminary Plan 4-06151. The site contains two stands of woodland totaling 2.55 acres. Both stands are dominated by tulip poplar. These stands have moderate priority retention due to the lack of environmental features and abundant presence of invasive species.

- **Prince George's County Woodland Conservation Ordinance**—The site is subject to the requirements of the Prince George's County Woodland Conservation Ordinance (WCO) because the gross tract area of the property is greater than 40,000 square feet and there is more than 10,000 square feet of existing woodland. A Type 2 Tree Conservation Plan (TCP2-007-12) has been submitted and reviewed. The woodland conservation threshold for this site is 0.51 acre and the total requirement based on the proposed clearing is 1.43 acres. This requirement is proposed to be met with 1.43 acres of fee-in-lieu. The approved TCPI proposed to meet part of the requirement on-site and the remaining requirement with fee-in-lieu. The previously proposed fee-in-lieu on the TCPI was acceptable because it was less than one acre. It appears as though the design has changed such that it would not be feasible to provide woodland conservation on-site, increasing the remaining requirement for the site to 1.43 acres. Because the remaining requirement is over one acre, it must be met with off-site woodland conservation. A condition of this approval requires that the TCP2 be revised to remove the proposed fee-in-lieu amount and show the remaining requirement of 1.43 acres to be met with off-site woodland conservation. A condition of this approval requires the removal of the reforestation notes from the plan because no woodland reforestation is proposed.

- **Soils**—According to the Prince George's County Soil Survey, the soil found to occur on the site is in the Beltsville series. This information is provided for the applicant's benefit and no further action is needed as it related to this detailed site plan approval. A soils report may be required by the county during the permit review process. If basements are proposed, then a soils report will be required by the county pursuant to CB-94-2004.

- **Stormwater Management**—A Stormwater Management Concept approval letter, CSD 45961-2005-00, approved by DPW&T, was submitted with this application. However, this approval letter expired on May 16, 2009. The TCP shows a proposed stormwater management facility. Copies of the approved concept letter and plan must be submitted prior to signature approval. A condition of this approval ensures that these two items shall be submitted.

i. **Fire/EMS Department**—The Prince George's County Fire/EMS Department offered information on needed accessibility, private road design, and the location and performance of fire hydrants.

j. **Department of Public Works and Transportation (DPW&T)**—DPW&T offered numerous comments that will be addressed through their separate permitting process. In addition, DPW&T stated that the subject project is not consistent with approved Stormwater Management Concept Plan 45961-2005-01. A condition of this approval requires that, prior to signature approval, the applicant provide staff, as designee of the

Planning Board, with a written statement from DPW&T that the plan is in conformance with the approved stormwater concept for the property or a revision thereto.

k. **Prince George's County Health Department, Division of Environmental Health**—The Division of Environmental Health of the Prince George's County Health Department stated that they had completed a health impact assessment review of the detailed site plan submission for the Forest Oak Property, and offered the following findings and recommendations:

(1) There is an increasing body of scientific research suggesting that artificial light pollution can have lasting adverse impacts on human health. Indicate that all proposed exterior light fixtures will be shielded and positioned so as to minimize light trespass caused by spill light. Light levels at residential property lines should not exceed 0.05 footcandles.

(2) During the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

(3) During the construction phases of this project, no noise should be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.

Conditions of this approval are provided in response to the Health Department's Division of Environmental Health as outlined above.

l. **Maryland State Highway Administration (SHA)**—SHA indicated that Walker Mill Road is incorrectly labeled as MD 772, when it is actually a county road (367). A condition of this approval requires that this oversight be corrected. SHA stated that they had no comment as to access, as Forest Oak Court is to be a county owned and maintained roadway.

m. **Washington Suburban Sanitary Commission (WSSC)**—In an email received February 8, 2012, WSSC offered numerous comments that will be addressed through their separate permitting process.

n. **Verizon**—In an email dated June 22, 2012, a representative of Verizon stated that there should be a ten-foot-wide public utility easement (PUE) parallel, contiguous, and adjacent to the public right-of-way free and clear of all obstructions and graded at no greater than a 4 to 1 slope, providing access to every lot for Verizon. He also asked if the applicant provided a color-coded wet and dry utility plan. As the PUE is appropriately shown on the southwestern side of Forest Oak Court, a condition of this approval requires that, prior to

signature approval, the applicant revise the plans to clearly indicate and label the ten-foot-wide PUE on the northeastern side of Forest Oak Court, as this PUE was required at the time of approval of a preliminary plan of subdivision. A second condition of this approval requires that, prior to issuance of the first building permit for the project, the applicant provide an acceptable, color-coded wet and dry utility plan for the project.

o. **Potomac Electric Power Company (PEPCO)**—In an email received May 11, 2012, a representative of PEPCO stated that they noted that a 10-foot-wide PUE was located on the southern side of Forest Oak Court, but would prefer that it extend fully around the northern side as well, to its intersection with Walker Mill Road and for the full extent of the property. As the PUE was established at the time of preliminary plan of subdivision approval, a condition of this approval requires the additional easement.

p. **The Town of Capitol Heights and the City of District Heights**—In a telephone conversation with staff on June 20, 2012, the Mayor of the Town of Capitol Heights stated that they had no comment on the subject project. In a voicemail received June 22, 2012, the Town Manager of the City of District Heights stated they also had no comment on the subject project.

14. Based on the foregoing and as required by Section 27-285(b)(1) of the Zoning Ordinance, the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

15. As required by Section 27-285(b)(4) of the Zoning Ordinance, which became effective on September 1, 2010, a required finding for approval of a detailed site plan is as follows:

> **The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible.**

The site is not subject to the environmental regulations of Subtitle 27 or the woodland conservation requirements of Subtitle 25 (effective on September 1, 2010) because the site contains no regulated environmental features.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan (TCP2-007-12) and further APPROVED Detailed Site Plan DSP-10014 for the above-described land, subject to the following conditions:

1. Prior to signature approval of the plans, the applicant shall revise the plans for the project as follows:

a. The applicant shall revise the plans for the project to include an eight-foot-wide sidewalk along the subject property's Walker Mill Road frontage and/or in the Walker Mill Road right-of-way, separated from the travel lanes of the road by an eight-foot-wide green strip, unless modified (for a sidewalk in the right-of-way) by the Department of Public Works and Transportation (DPW&T).

b. The cover and template sheets shall be provided for the plan set. The template sheet shall include a template for each townhouse stick, including the dimensions of each building and garage and labeling the garage as such, or a "typical" detail shall be provided for an individual townhouse demonstrating that each garage can comfortably accommodate a parking space measuring a minimum of 9.5 feet by 19 feet. The page numbers of the seven current plan sheets shall be corrected after a cover and template sheet are added to the plan set, with the sheet containing the architectural elevations for the project to be included as its final sheet. Final design of the cover and template sheets and organization of the sheets of the plan set shall be approved by the Urban Design Section as designee of the Planning Board.

c. The applicant shall revise the plans to relocate the handicapped parking out of the public right-of-way. Additionally, the embarking/disembarking area for the handicapped spaces shall be dimensioned on the detailed site plan or in a "typical" detail provided for the handicapped spaces. Final location and design of the handicapped spaces shall be approved by the Urban Design Section as designee of the Planning Board. The location of the handicapped parking shall also be approved by the Department of Public Works and Transportation (DPW&T).

d. If the sign is to be included with the project, the applicant shall:

(1) Revise the plans for the proposed sign so that the lettering area (defined to include the soldier course of decorative brickwork at its periphery) is within the maximum limit of 12 square feet. Final design of the proposed sign shall be approved by the Urban Design Section as designee of the Planning Board.

(2) Present written approval of the location of the sign from the Department of Public Works and Transportation (DPW&T) stating that clear sight at the intersection of Forest Oak Court and Walker Mill Road is adequate.

e. The Type 2 Tree Conservation Plan (TCP2) shall be revised as follows:

(1) The reforestation notes shall be removed from the plan.

(2) The fee-in-lieu shall be removed and the remaining requirement of 1.43 acres shall be shown to be met with off-site woodland conservation.

(3) The plans shall be signed and dated by the qualified professional who prepared them.

f. The applicant shall submit a current copy of the approved stormwater management concept approval letter and plan for the project.

g. The applicant shall revise the plans to correct the name of "Walkermill Road" to "Walker Mill Road," and the route number from "772" to "367."

h. The applicant shall procure from the Department of Public Works and Transportation (DPW&T) and provide to staff as designee of the Planning Board, written confirmation that the area of conveyance designated on the plans for the project is acceptable to them and consistent with their expectations during the preliminary plan approval process.

i. The applicant shall procure from the Department of Public Works and Transportation (DPW&T) and provide to staff as designee of the Planning Board, written confirmation that the subject detailed site plan conforms to the requirements of the approved stormwater management concept for the property or a revision thereto.

j. The applicant shall include a note on the plans indicating that the proposed exterior light fixtures will be shielded and positioned so as to minimize light trespass caused by spill light and shall provide staff with a photometric plan indicating that light levels at residential property lines have been reduced to the degree possible, consistent with safety considerations.

k. The applicant shall include a note on the project plans indicating that, during the construction phases of the project:

(1) No dust shall be allowed to cross over property lines and impact adjacent properties as the applicant intends to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

(2) No noise shall be allowed to adversely impact activities on the adjacent properties as the applicant intends to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.

l. The applicant shall make the following modifications to the proposed architecture for the subject project:

(1) Include a darker contrasting color of brick on the entire first story, extending it to the roofline on each projecting portion of the buildings that has a garage at its base.

(2) Increase the fenestration and architectural detail on the highly visible side elevations (the northwestern side façade of the end unit on Lot 1 and the southeastern side façade of the end unit on Lot 10).

(3) All material labeled "stucco" shall refer to traditional stucco, applied on-site or replaced with either cementitious or vinyl siding.

(4) Above-ground foundation walls shall be clad with finish materials or textured/formed to simulate a clad material, with final material choice to be approved by the Urban Design Section as designee of the Planning Board.

m. The applicant shall redesign the cul-de-sac at the end of Forest Oak Court to conform to the Department of Public Works and Transportation (DPW&T) Standard 200.12, with the designated handicapped parking spaces moved out of the right-of-way and the addition of a driveway entrance in the cul-de-sac. The applicant shall provide the Urban Design Section with written approval from DPW&T of the design of the cul-de-sac, with respect to Standard 200.12, and the location of the handicapped parking spaces and driveway entrances.

n. The applicant shall indicate and label the ten-foot-wide public utility easement on the northern side of Forest Oak Court.

o. The applicant shall revise the detailed site plan to indicate the entity to which Parcels B, C, and D will be dedicated.

p. The applicant shall revise the plans to include a tot lot adjacent to the currently planned passive recreational area. Final design of the tot lot shall be approved by the Urban Design Section as designee of the Planning Board.

q. Two or more dwelling units shall be identified as having the potential to be made accessible through barrier-free design.

2. Prior to issuance of the first building permit for the project, the applicant shall:

a. If a gateway sign is to be installed, provide evidence to staff as designee of the Planning Board that a maintenance agreement for the sign has been approved by the Department of Environmental Resources (DER).

b. Provide evidence to staff as designee of the Planning Board that the applicant has prepared an acceptable color-coded wet and dry utility plan for the subject project.

3. Prior to approval of final plats for the subject property, the applicant shall enter into a Recreational Facilities Agreement (RFA) with The Maryland-National Capital Park and Planning Commission (M-NCPPC) to assure construction of the tot lot and installation of the specified benches. The

facilities shall be designed in accordance with the Department of Parks and Recreation's Facilities Guidelines. The equipment shall be installed prior to issuance of the sixth building permit for the project.

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

* * * * * * * * * * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Shoaff, with Commissioners Washington, Shoaff, Bailey, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, July 12, 2012, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 6th day of September 2012.

Patricia Colihan Barney
Executive Director

By Jessica Jones
Planning Board Administrator

PCB:JJ:RG:arj

2005 JUN 27 P 1:57

CLERK OF THE CIRCUIT COURT

Gemini Title & Escrow, LLC
File No. **05-1205PUR**
Tax ID # **06 0468454**

PRINCE GEORGE'S COUNTY, MD
APPROVED BY
#04
JUN 23 2005
$1738.00 RECORDATION TAX PAID
$3536.00 TRANSFER TAX PAID

191
22393

This Deed, made this 16th day of May, 2005, by and between Bassel M. Kabbani, sole owner, party of the first part, Grantor; and Mohomed Sikder, party of the second part, Grantee.

- Witnesseth -

That for and in consideration of the sum of Three Hundred Ninety Five Thousand And 00/100 Dollars ($395,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt whereof is hereby acknowledged, the said Grantor does grant and convey to the said Mohomed Sikder, as sole owner, in fee simple, all that lot of ground situate in the County of Prince George's, State of Maryland and described as follows, that is to say:

Beginning at a Stone in the road and running (1) S.54" W. 8 17/25 perches to Mr. Wright's Corner (2) S. 39 1/8" E. 36 23/25" (3) N. 59 ½ E.14 perches to corner of Pemm Richardson's Corner and with Richardson's line S. 46 ½ Degrees W. 38 24/25 PRS. to the Beginning, containing 2 64/100 acres; saving and excepting 3,550 square feet deeded to board of county commissioners of Prince George's County as set forth in Deed recorded in Liber 3643 at Folio 690 Land Records of Prince George's County, Maryland. Being Assessed as 2.5585 acres on Tax Map 73 parcel 370 Grid D-4.

Property Address: 6821 Walker Mill Road, District Heights, Maryland

Title Insurer: Fidelity National Title Insurance Co.

INF FL SURC $	20.00
RECORDING FEE	20.00
TR TAX STATE	1,975.00
NON-RESIDENT	14,018.84
TOTAL	16,033.84
Rcpt # 8552	
Blk # 7751	
JUN 27 2005	01:46 PM

Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Mohomed Sikder, as sole owner, in fee simple.

And the said party of the first part hereby covenants that he has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that he will warrant specially the property hereby granted; and that he will execute such further assurances of the same as may be requisite.

As Witness the hand and seal of said Grantor, the day and year first above written.

WITNESS:

_____ _____{Seal}
Bassel M. Kabbani

STATE OF MARYLAND, COUNTY OF Montgomery, to wit:

I hereby certify that on this 16th day of May, 2005, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Bassel M. Kabbani, sole owner, the Grantor herein, known to me (or satisfactorily proven) to be

the person whose name is subscribed to the within instrument, and acknowledged the same for the purposes therein contained, and further acknowledged the foregoing Deed to be his act, and in my presence signed and sealed the same, giving oath under penalties of perjury that the consideration recited herein is correct.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

CRAIG A. PARKER
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires June 1, 2006

Notary Public
My commission expires: _____

THIS IS TO CERTIFY that the within Deed was prepared by, or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.

Attorney

AFTER RECORDING, PLEASE RETURN TO:
Gemini Title & Escrow, LLC
3 Bethesda Metro Center
Suite 520
Bethesda, MD 20814

AFFIDAVIT AS TO TOTAL PAYMENT
PURSUANT TO SECTION 10-912(B)(2) OF THE TAX-GENERAL
ARTICLE OF THE ANNOTATED CODE OF MARYLAND

File Number: **05-1205PUR**

Property: **6821 Walker Mill Road, District Heights, Maryland**

The undersigned make(s) oath, in due form of law and under the penalties of perjury, that the following is true to the best of my/our knowledge, information and belief, in accordance with Section 10-912(b)(2) of the Tax-General Article of the Annotated Code of Maryland (the "withholding law"):

1. I/we am/are the transferor(s) of that real property described in the accompanying deed (the "property").
2. I/we have examined the settlement statement prepared in connection with the transfer of the property, including both the gross amounts due to me/us and the listing of expenses and adjustments which result in a reduction in the net proceeds due to me/us.
3. With respect to the determination of "total payment," stated below, for the purpose of the withholding law:
   (a) The "total payment" includes the fair market value of any property transferred to me/us as part of the sale.
   (b) In calculating the deductions from gross proceeds, "debts incurred in contemplation of sale" (meaning debts secured by the property that were incurred within 90 days of the sale, such as loan funds received from a financing or a previous or new line of credit within the past 90 days prior to the sale of the property) were not deducted from gross proceeds.
   (c) In calculating the deductions from gross proceeds, only my/our expenses arising out of the sale or exchange of the property have been deducted.
4. The amount of "total payment" for the purpose of the withholding law is $ **295,133.50**.

Dated this 16th day of May, 2005.

Bassel M. Kabbani

STATE OF MARYLAND, COUNTY OF Montgomery, to wit:

Sworn and subscribed to before the undersigned this 16th day of May, 2005.

SEAL:

Notary Public
My commission expires _____

CRAIG A. PARKER
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires June 1, 2006

22393 194

State of Maryland Land Instrument Intake Sheet

[ ] City [X] County: Prince George's

Information provided is for the use of the Clerk's Office and State Department of Assessments and Taxation, and the County Finance Office only.

(Type or Print in Black Ink Only All Copies Must Be Legible)

1 Type(s) of Instruments ([ ] Check Box if Addendum Intake Form is Attached.)

1	Deed		Mortgage		Other		Other _____
2	Deed of Trust		Lease				

2 Conveyance Type Check Box

X	Improved Sale Arms-Length /1/		Unimproved Sale Arms-Length /2/		Multiple Accounts Arms Length /3/		Not an Arms-Length Sale /9/

3 Tax Exemptions (if Applicable) Cite or Explain Authority

Recordation	NONE
State Transfer	NONE
County Transfer	NONE

4 Consideration and Tax Calculations

Consideration Amount		Finance Office Use Only	
Purchase Price/Consideration	$ 395,000.00	Transfer and Recordation Tax Consideration	
Any New Mortgage	$ 95,000.00	Transfer Tax Consideration	$
Balance of Existing Mortgage	$	X ( )%	$
Other:	$	Less Exemption Amount	$
		Total Transfer Tax	$
Other:	$	Recordation Tax Consideration	$
		X ( ) per $500	$
Full Cash Value	$ 395,000.00	TOTAL DUE	$

5 Fees

Amount of Fees	Doc. 1	Doc. 2	Agent:
Recording Charge	$ 20.00	$	
Surcharge	$ 20.00	$	Tax Bill:
State Recordation Tax	$ 1,738.00	$	
State Transfer Tax	$ 1,975.00	$	C.B. Credit:
County Transfer Tax	$ 5,530.00	$	
Other	$	$ 40.00	Ag. Tax/Other:
Other	$	$	

6 Description of Property

SDAT requires submission of all applicable information.

A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

District	Property Tax ID No (1)	Grantor Liber/Folio	Map	Parcel No	Var. LOC [ ](5)
06	0468454	/			

Subdivision Name	Lot (3a)	Block(3b)	Sect/AR(3c	Plat Ref.	SqFt/Acreage(4)
Walker Mill Road				/	

Location/Address of Property Being Conveyed (2)

6821 Walker Mill Road, District Heights, Maryland

Other Property Identifiers (if applicable)	Water Meter Account No.

Residential [X] or Non-Residential [ ] | Fee Simple [X] or Ground Rent [ ] Amount

Partial Conveyance? [ ] Yes [X] No | Description/Amt. of SqFt/Acreage Transferred:

If Partial Conveyance, List Improvements Conveyed:

7 Transferred From

Doc. 1 - Grantor(s) Name(s)	Doc. 2 – Grantor(s) Name(s)
Bassel M. Kabbani	Mohomed Sikder
Doc. 1 - Owner(s) of Record, if Different from Grantor(s)	**Doc. 2 - Owner(s) of Record, if Different from Grantor(s)**

8 Transferred To

Doc. 1 - Grantee(s) Name(s)	Doc. 2 – Grantee(s) Name(s)
Mohomed Sikder	

New Owner's (Grantee) Mailing Address

3758 Penderwood Drive, Fairfax, VA 22033

9 Other Names to Be Indexed

Doc. 1 - Additional Names to be Indexed (Optional)	Doc. 2 - Additional Names to be Indexed (Optional)
	All Cash

10 Contact/Mail Information

Instrument Submitted By or Contact Person

Name: Bryn Boggs

Firm: Gemini Title & Escrow, LLC

Address: 3 Bethesda Metro Center Suite 520 Bethesda, MD 20814

Phone: 301-718-8300

[X] Return to Contact Person

[ ] Hold for Pickup

[ ] Return Address Provided

11 IMPORTANT: *BOTH* THE ORIGINAL DEED *AND* A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

Assessment Information

[ ] Yes [X] No Will the property being conveyed be the grantee's principal residence?

[ ] Yes [X] No Does transfer include personal property? If yes, identify:

[ ] Yes [X] No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required)

Assessment Use Only - Do Not Write Below This Line

[ ] Terminal Verification [ ] Agricultural Verification [ ] Whole [ ] Part [ ] Tran. Process Verification

Transfer Number: Date Received: Deed Reference: Assigned Property No.:

Year	19	19	Geo	Map	Sub	Block
Land			Zoning	Grid	Plat	Lot
Buildings			Use	Parcel	Section	Occ. Cd.
Total			Town Cd.	Ex. St.	Ex. Cd.	

REMARKS: