



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 <http://mncppc.iqm2.com/Citizens/Default.aspx>

Specific Design Plan

SDP-8912-H9

Jenkins-Heim, Covington Lot 76, Block B

REQUEST	STAFF RECOMMENDATION
To construct a 12-foot by 29-foot screened porch, with a landing and steps to grade at the rear of an existing single-family detached dwelling within the rear yard setback.	With the conditions recommended herein: •Approval of Specific Design Plan SDP-8912-H9

Location: In the Jenkins-Heim Covington development, on the west side of Eagle Nest Drive, approximately 250 feet south of its intersection with Excalibur Drive.	
Gross Acreage:	0.16
Zone:	LCD
Prior Zone:	R-S
Reviewed per prior Zoning Ordinance:	Sections 27-1704(b) and (h)
Dwelling Units:	1
Gross Floor Area:	2,568 sq. ft.
Planning Area:	71B
Council District:	04
Municipality:	None
Applicant/Address: Michelle Clancy PO Box 310 Lisbon, MD 21765	
Staff Reviewer: Andrew Shelly Phone Number: 301-952-4976 Email: Andrew.Shelly@ppd.mncppc.org	



Planning Board Date:	03/02/2023
Planning Board Action Limit:	03/07/2023
Staff Report Date:	02/15/2023
Date Accepted:	12/14/2023
Informational Mailing:	09/07/2022
Acceptance Mailing:	11/25/2022
Sign Posting Deadline:	01/31/2023

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at http://www.mncppcapps.org/planning/Person_of_Record/. Please call 301-952-3530 for additional information.

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THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Homeowner's Minor Amendment to Specific Design Plan SDP-8912-H9
Jenkins-Heim, Covington Lot 76, Block B

The Urban Design staff has reviewed the homeowner's minor amendment to a specific design plan for the subject property and presents the following evaluation and findings leading to a recommendation of APPROVAL, with conditions, as described in the Recommendation section of this technical staff report.

EVALUATION

The property is within the Legacy Comprehensive Design (LCD) Zone, formerly the Residential Suburban Development (R-S) Zone. However, this application is being reviewed and evaluated in accordance with the prior Prince George's County Zoning Ordinance, pursuant to Sections 27-1704(b) and (h) of the Zoning Ordinance, which allows development applications for property in an LCD Zone to be reviewed under the prior Zoning Ordinance.

This amendment to a specific design plan was reviewed and evaluated for compliance with the following criteria:

- a. The requirements of the following sections of the prior Prince George's County Zoning Ordinance:
 - (1) Sections 27-512 and 27-515, regarding uses permitted in the Residential Suburban Development (R-S) Zone.
 - (2) Section 27-528, regarding required findings in specific design plan applications; and
 - (3) Section 27-530, regarding amendments to approved specific design plan applications.
- b. The requirements of Zoning Map Amendment (Basic Plan) A-7591 (CR-108-1975);
- c. The requirements of Comprehensive Design Plan CDP-8704;
- d. The requirements of Specific Design Plan SDP-8912;
- e. The requirements of the 2010 *Prince George's County Landscape Manual*;

- f. The requirements of the 2010 Prince George’s County Tree Canopy Coverage Ordinance; and
- g. The requirements of the Prince George’s County Woodland Conservation and Tree Preservation Ordinance.

FINDINGS

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

- 1. **Request:** The subject homeowner’s minor amendment to a specific design plan (SDP) is a request to construct a 12-foot by 29-foot screened porch, with a landing and steps to grade at the rear of an existing single-family detached dwelling extending two feet into the rear yard setback.

- 2. **Development Data Summary:**

	EXISTING
Zone	LCD (Prior R-S)
Use	Residential
Lot size	6,182 sq. ft.
Gross Acreage	0.14
Lot	1
Number of Dwelling Units	1

- 3. **Location:** The subject property is in the Legacy Comprehensive Design (LCD) Zone, previously the Residential Suburban Development (R-S) Zone. It is located in the larger development known as the Jenkins-Heim, Covington development, on the west side of Eagles Nest Drive, approximately 250 south of its intersection with Excalibur Drive. More specifically, the subject property is located at 3206 Eagles Nest Drive, Bowie, Maryland, within Planning Area 71B and Council District 7.
- 4. **Surrounding Uses:** The subject property fronts on Eagles Nest Drive and is surrounded on three sides by similar single-family detached homes within the LCD Zone, in the Covington development, which is bounded to the north by MD 197 (Collington Road), to the east by US 301 (Robert Crain Highway), to the south by single-family detached homes in the Residential, Rural Zone (RR), and to the west by Mitchellville Road and single-family attached units in the RR Zone.
- 5. **Previous Approvals:** The subject site Lot 76, Block B was developed as part of the Jenkins-Heim/Covington development. A basic plan for the Jenkins and Heim tracts was approved by the Prince George’s County District Council on October 28, 1975 (Prince George’s County Council Resolution CR 108-1975). An amendment to this basic plan was filed concurrently with Comprehensive Design Plan CDP-8704. On December 3, 1987, the Prince George’s County Planning Board approved CDP-8704 (PGCPB Resolution No. 87-524)

for the Jenkins-Heim/Covington development, subject to 37 conditions, none of which are applicable to the review of the subject SDP.

On June 9, 1988, the Planning Board approved Preliminary Plan of Subdivision (PPS) 4-88086 (PGCPB Resolution No. 88-282), subject to 25 conditions, none of which are applicable to the review of the subject SDP.

On September 21, 1989, the Planning Board approved SDP-8912 (PGCPB Resolution No. 89-489), subject to 16 conditions, none of which are applicable to the review of the subject SDP. Seventeen revisions to this SDP were subsequently approved, seven of which were homeowner's minor amendments for the construction of decks on individual lots. Four of the homeowner's minor amendments approved reductions to the rear building restriction lines equal to or in excess of the subject request. SDP-8912-H2 approved a 9-foot, rear building restriction line; SDP-8912-H3 approved a 12-foot rear building restriction line; SDP-8912-H5 approved a 10-foot rear building restriction line; and SDP-8912-H8 approved an 8-foot reduction of the rear building restriction line. The applicant is requesting a 2-foot reduction of the building restriction line for Lot 76, Block B.

6. **Design Features:** The subject application includes a proposal for a 12-foot by 29-foot screened porch at the rear of an existing single-family detached home. The porch will have a landing and steps to grade. The materials and roofing of the proposed screened porch will match and complement the existing architecture of the home and will be constructed of wood, with a white vinyl railing system and white vinyl wrap posts and beams, enclosed with a screen and matching composite asphalt shingles for the roof. The porch extends into the 20-foot rear yard setback by 2 feet and will be 18 feet from the rear property line. The porch conforms to all side yard setbacks. The proposed screened enclosure has been approved by the design committee of the Covington Manor and the Townes at Covington Homeowners Association, Inc., as stated in a letter that was included with the application and shown on the plan.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the R-S Zone of the prior Zoning Ordinance, as follows:
 - a. The project conforms with the requirements for purposes, uses, and regulations in Sections 27-514.08, 27-514.09, and 27-514.10 of the prior Zoning Ordinance by providing low-density residential use in a planned development.
 - b. Per Section 27-515 of the prior Zoning Ordinance, regarding uses permitted in the R-S Zone, a single-family detached dwelling is a permitted use in the zone.
 - c. The project also conforms to the requirements of Section 27-528 of the prior Zoning Ordinance, regarding required findings for SDP applications, and Section 27-530 of the prior Zoning Ordinance, regarding amendments to approved SDP applications.

8. **Zoning Map Amendment (Basic Plan) A-7591 (CR-108-1975):** The project is in compliance with the requirements of Basic Plan A-7591 (CR-108-1975), as the proposed screened porch addition in the rear yard setback does not alter findings of conformance with the basic plan that was made at the time of approval of the SDP.
9. **Comprehensive Design Plan CDP-8704:** The project complies with the requirements of CDP-8704, except regarding the required rear yard setback. The CDP stipulates that the minimum rear yard setback for single-family detached houses is 20 feet. The proposed screened porch would be approximately 18 feet from the rear property line, encroaching 2 feet into the rear setback.
10. **Specific Design Plan SDP-8912:** SDP-8912 was approved by the Planning Board on September 21, 1989 (PGCPB Resolution No. 89-489), with 16 conditions, none of which are applicable to the review of the subject SDP. The subject application is in compliance with the requirements of SDP-8912 except for the rear yard setback. The proposed screened porch would encroach into the required 20-foot setback by 2 feet.
11. **2010 Prince George's County Landscape Manual:** The addition of a screened porch is exempt from the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) because the requirements were satisfied at the time of SDP-8912 approval.
12. **Prince George's County Tree Canopy Coverage Ordinance:** The subject application is exempt from the Prince George's County Tree Canopy Coverage Ordinance because the applicant proposes less than 5,000 square feet of gross floor area or disturbance.
13. **Prince George's County Woodland Conservation and Tree Preservation Ordinance:** The proposed screened porch would not alter the previous findings of conformance with the Prince George's County Woodland Conservation and Tree Preservation Ordinance that were made at the time of approval of the CDP and SDP.
14. Section 27-528 requires that the Planning Board make the following findings before approving an SDP, unless an application is being processed as a limited minor amendment. Each required finding is listed in **BOLD** text below, followed by staff comments.
 - (a) **Prior to approving a Specific Design Plan, the Planning Board shall find that:**
 - (1) **The plan conforms to the approved Comprehensive Design Plan, the applicable standards of the Landscape Manual, and except as provided in Section 27-528(a)(1.1), for Specific Design Plans for which an application is filed after December 30, 1996, with the exception of the V-L and V-M Zones, the applicable design guidelines for townhouses set forth in Section 27-274(a)(1)(B) and (a)(11), and the applicable regulations for townhouses set forth in Section 27-433(d) and, as it applies to property in the L-A-C Zone, if any portion lies within one-half (1/2) mile of an existing or Washington Metropolitan Area Transit Authority Metrorail station, the regulations set forth in Section 27-480(d) and (e);**

The subject amendment conforms to the requirements of CDP-8704, as outlined in Finding 9, and the applicable standards of the Landscape Manual, as outlined in Finding 12. As the subject amendment does not involve townhouse construction, nor is located in the prior Local Activity Center Zone, the second portion of this required finding does not apply to the subject application.

- (2) The development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the appropriate Capital Improvement Program, provided as part of the private development or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, participation by the developer in a road club;**

This finding was made with the approval of the original SDP and will not be affected by the proposed porch addition.

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

The site is consistent with the approved stormwater management concept plan, and this minor addition will not impact that approval. Therefore, adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties, in accordance with this required finding.

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

The addition of a screened porch to an existing single-family detached dwelling and setback modification does not impact the previously approved Type 2 tree conservation plan.

- (5) The plan demonstrates that the regulated environmental features are preserved and/or restored to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

No regulated environmental features exist on the subject lot. Therefore, this finding is not applicable to the subject SDP.

- 15.** Section 27-530(c)(3) of the prior Zoning Ordinance sets forth the criteria for granting minor amendments to approved SDPs, for the purpose of making home improvements requested by a homeowner (or authorized representative) and approved by the Planning Director (or designee), in accordance with specified procedures, including meeting the following criteria:

- (A) Are located within the approved Comprehensive Design Plan building lines and setbacks or any approved amendments to the Comprehensive Design Plan;**

- (B) Are in keeping with the architectural and site design characteristics of the approved Specific Design Plan; and**
- (C) Will not substantially impair the intent, purpose, or integrity of the approved Comprehensive Design Plan.**

SDP-8912 established the rear yard setback at a minimum of 20 feet. The proposed screened porch addition extends into this rear yard setback by 2 feet, proposing a setback of approximately 18 feet from the rear property line. The subject application does not meet Criterion (A), and therefore, the subject Homeowner's Minor Amendment to SDP-8912-H9 is to be heard by the Planning Board, as stated in Section 27-530(d)(3)(A) of the prior Zoning Ordinance.

Regarding Criterion (B) above, the proposed screened porch addition is consistent with the architectural and site design characteristics of the approved SDP, except regarding the rear yard setback. The proposed screened porch will be constructed of wood, with a white vinyl railing system and white vinyl wrap posts and beams, with a screened enclosure. The proposed screened porch and roof of the enclosure will be in keeping with the existing architectural and site design characteristics of the SDP in materials and design.

Regarding Criterion (C), staff believes that the requested addition will not substantially impair the intent, purpose, or integrity of the approved CDP. The modification of the minimum rear yard for the proposed screened porch enclosure will not be detrimental to the community, nor will it negatively impact the visual characteristics of the neighborhood because the addition is at the rear of the home and not visible from the nearest public right-of-way, affording privacy to the occupants of both the subject property and the adjacent homeowners.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design Section recommends that the Planning Board adopt the findings of this report and APPROVE Homeowner's Minor Amendment to a Specific Design Plan SDP-8912-H9, Jenkins-Heim, Covington Lot 76, Block B, subject to the following condition:

1. The engineer's lot survey plan shall be revised to accurately show the right-side setback measurement on the plan. The setback shall be shown perpendicular from the property line to the closest corner of the proposed structure.

JENKINS-HEIM, COVINGTON LOT 76, BLOCK B

Specific Design Plan - Homeowner Minor Amendment

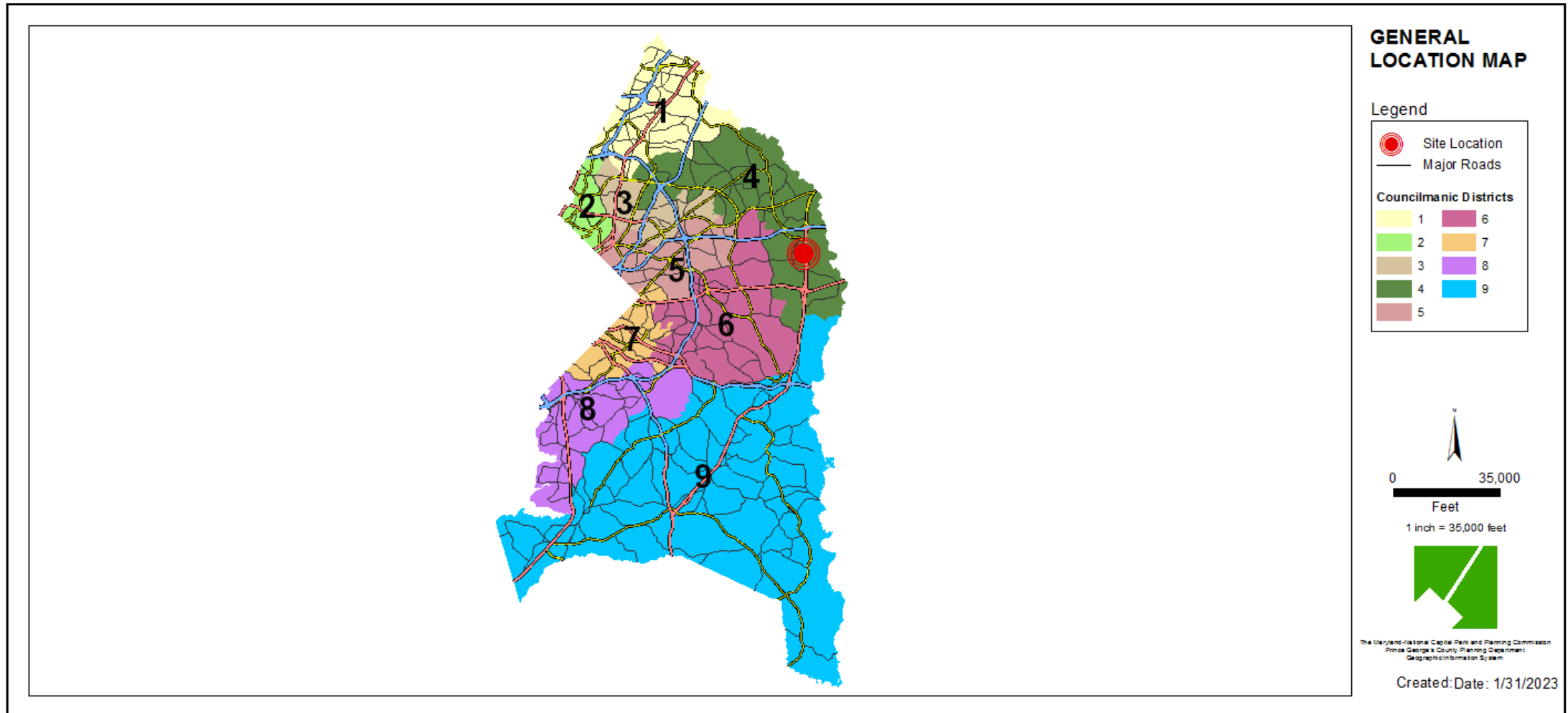
Staff Recommendation: APPROVAL with conditions



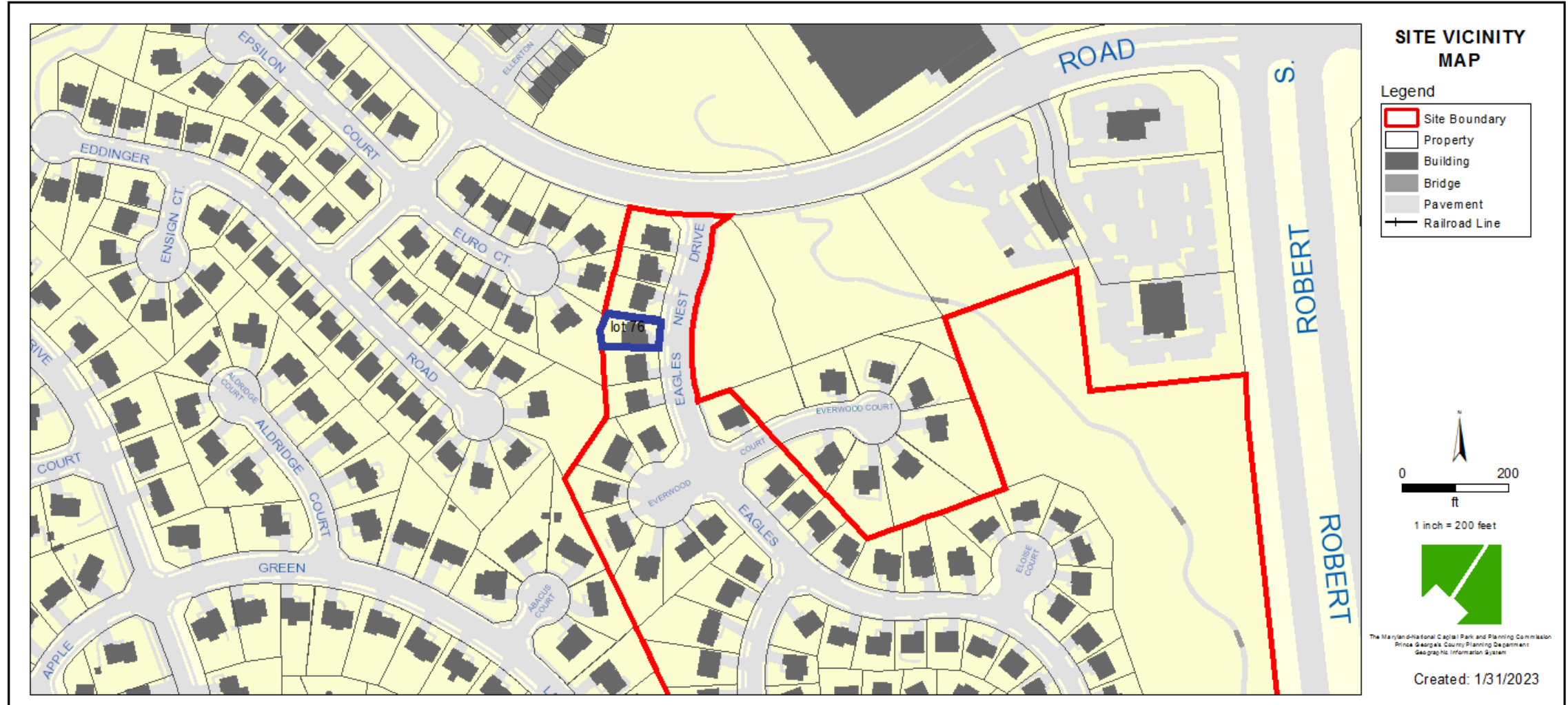
GENERAL LOCATION MAP

Council District: 04

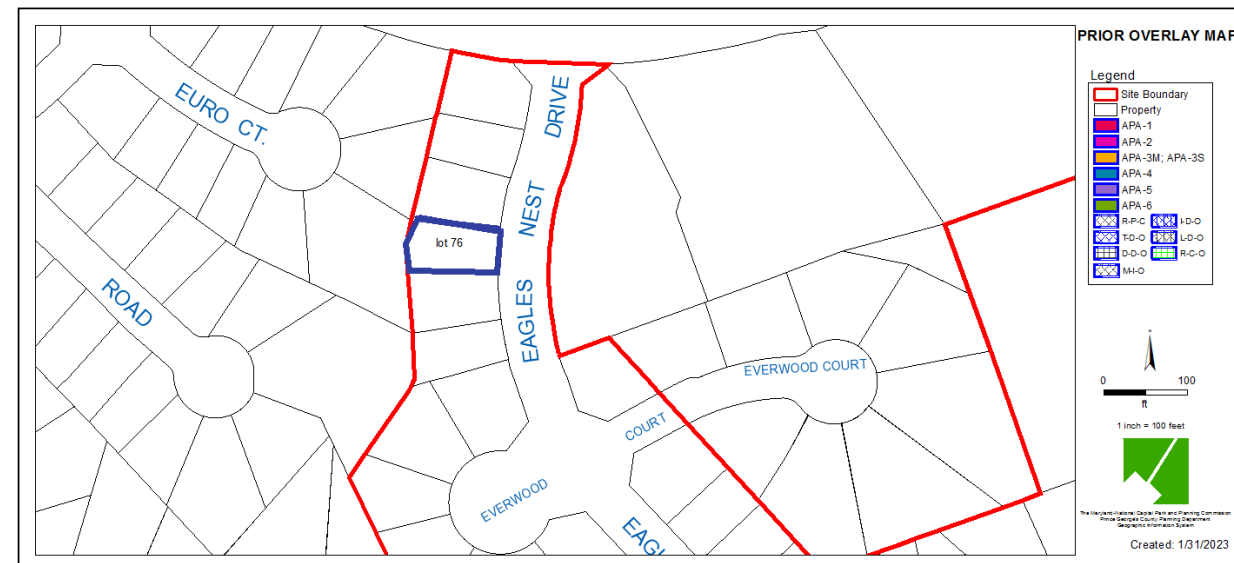
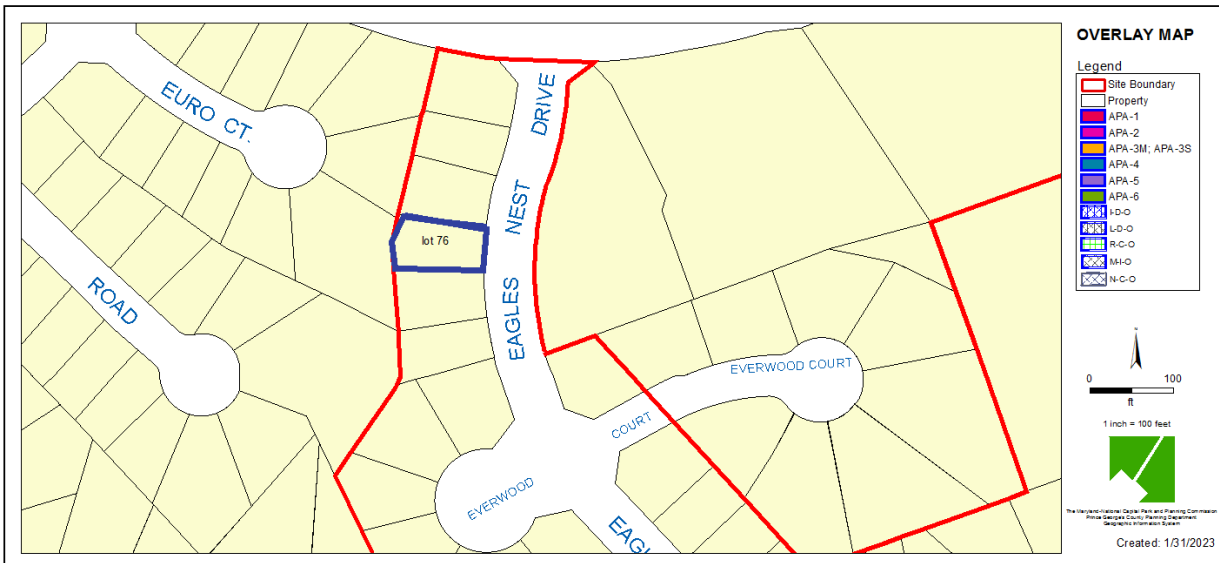
Planning Area: 71B



SITE VICINITY MAP



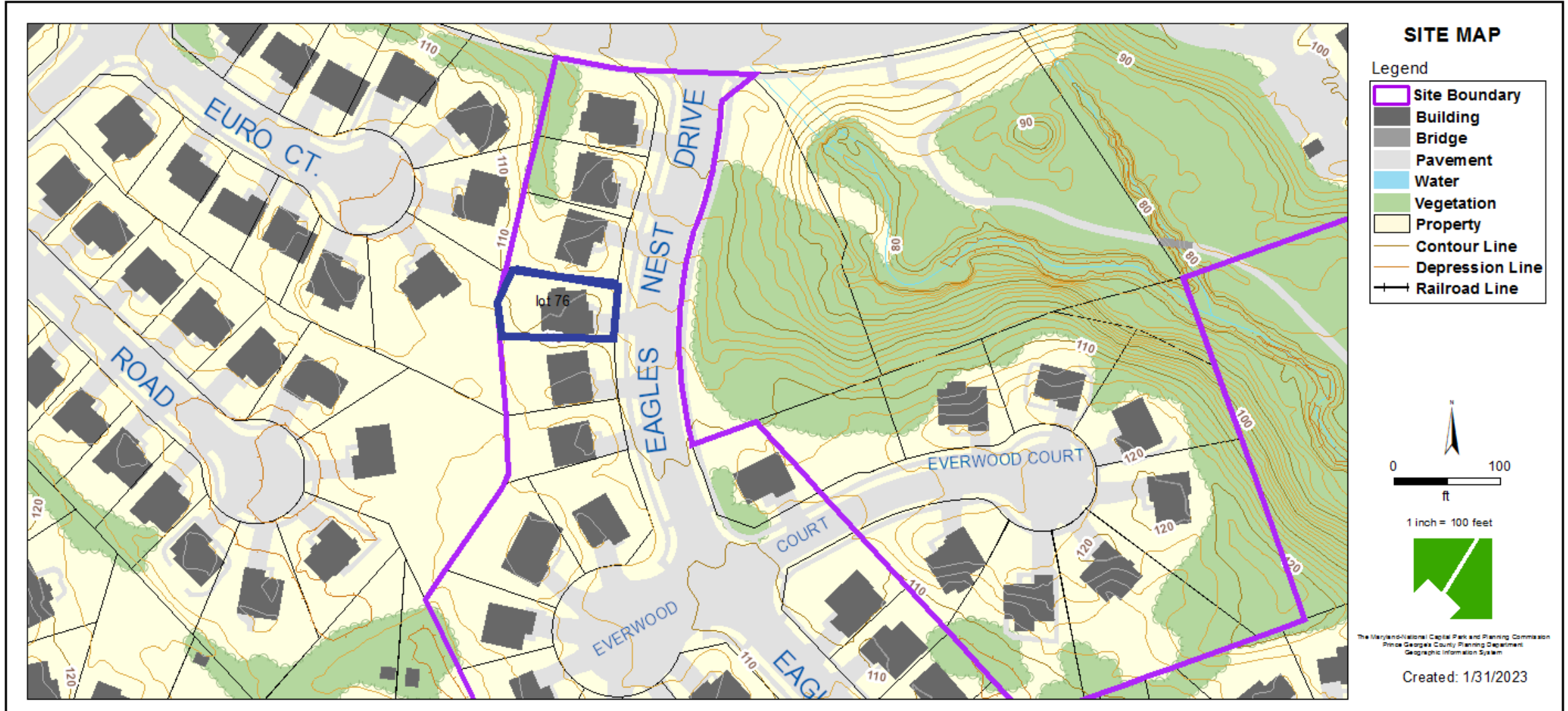
OVERLAY MAP



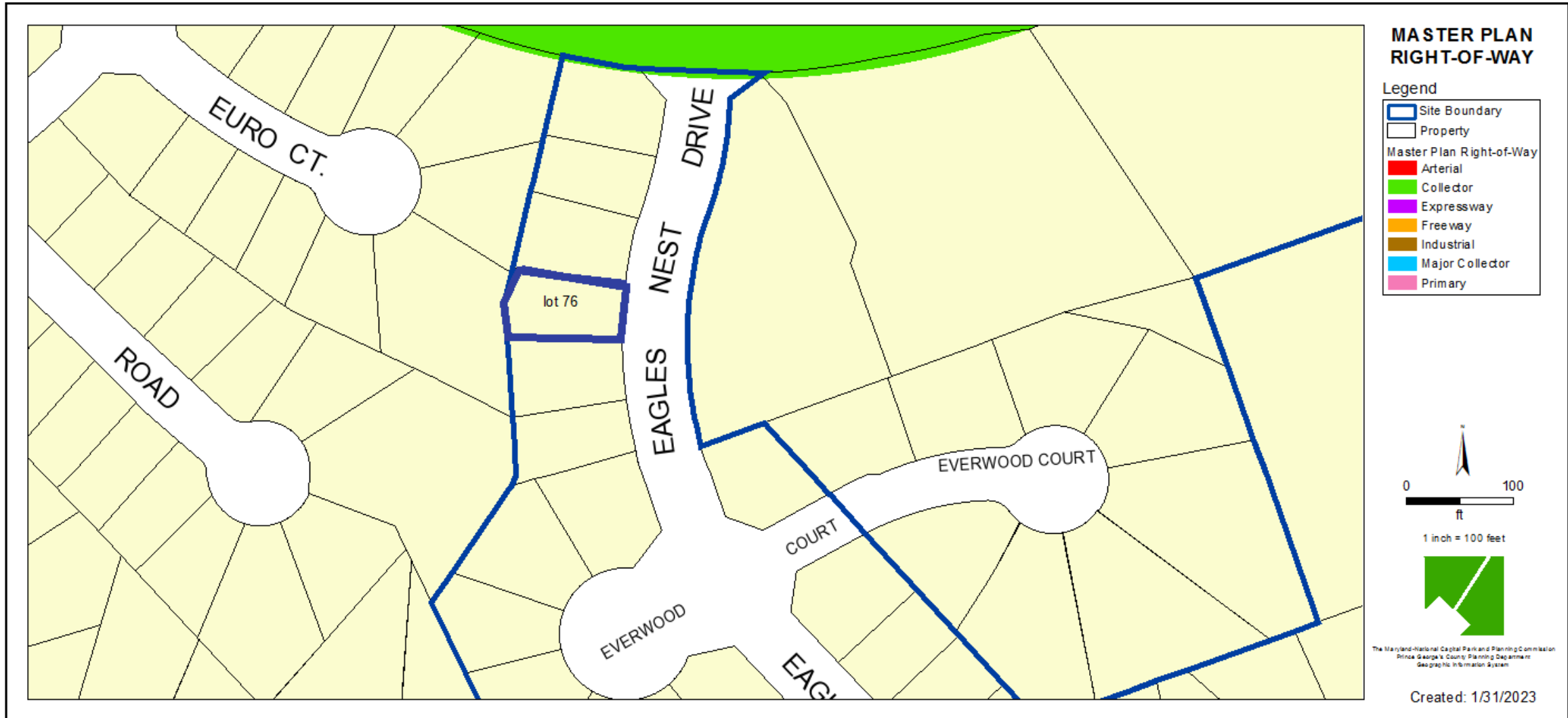
AERIAL MAP



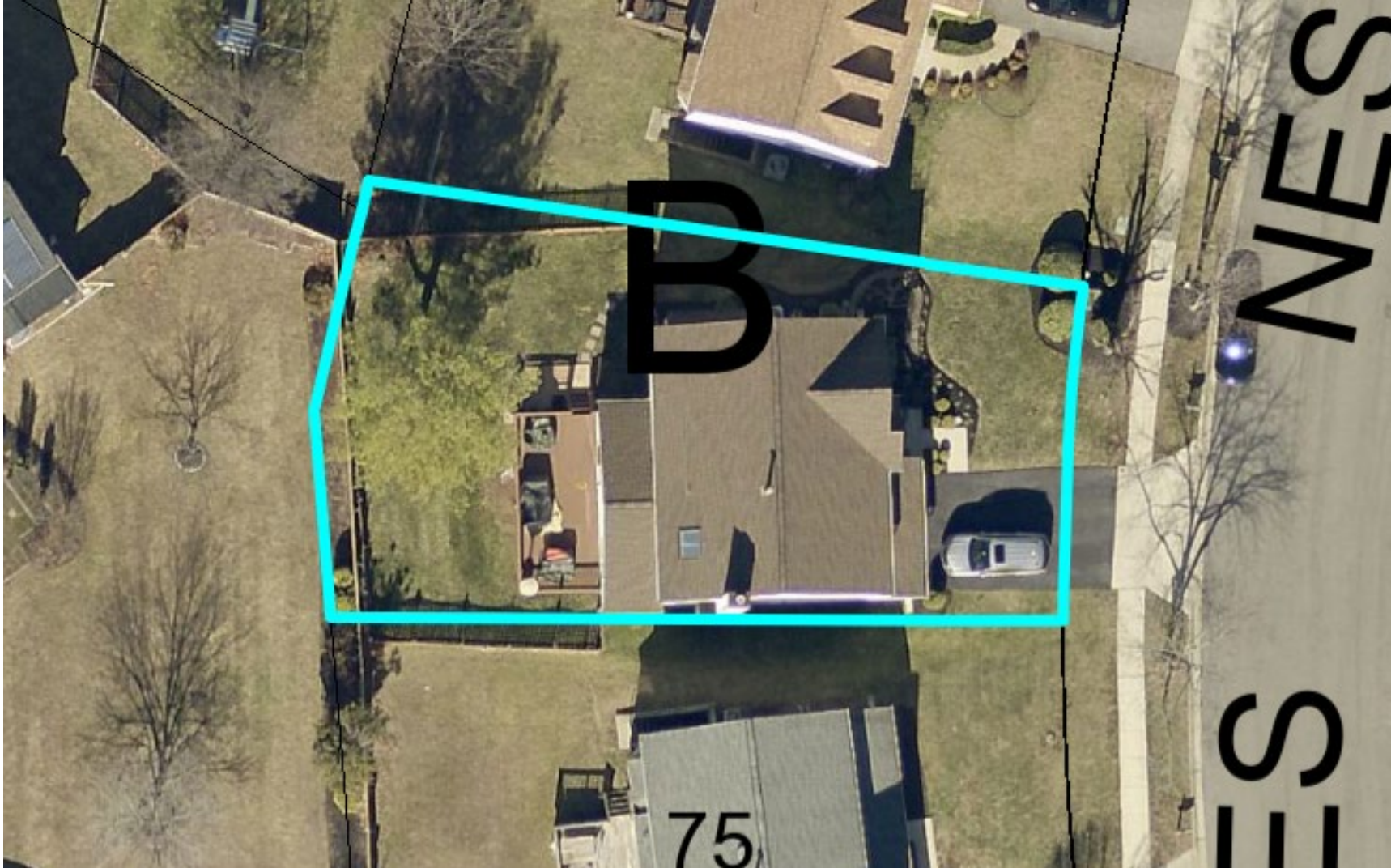
SITE MAP



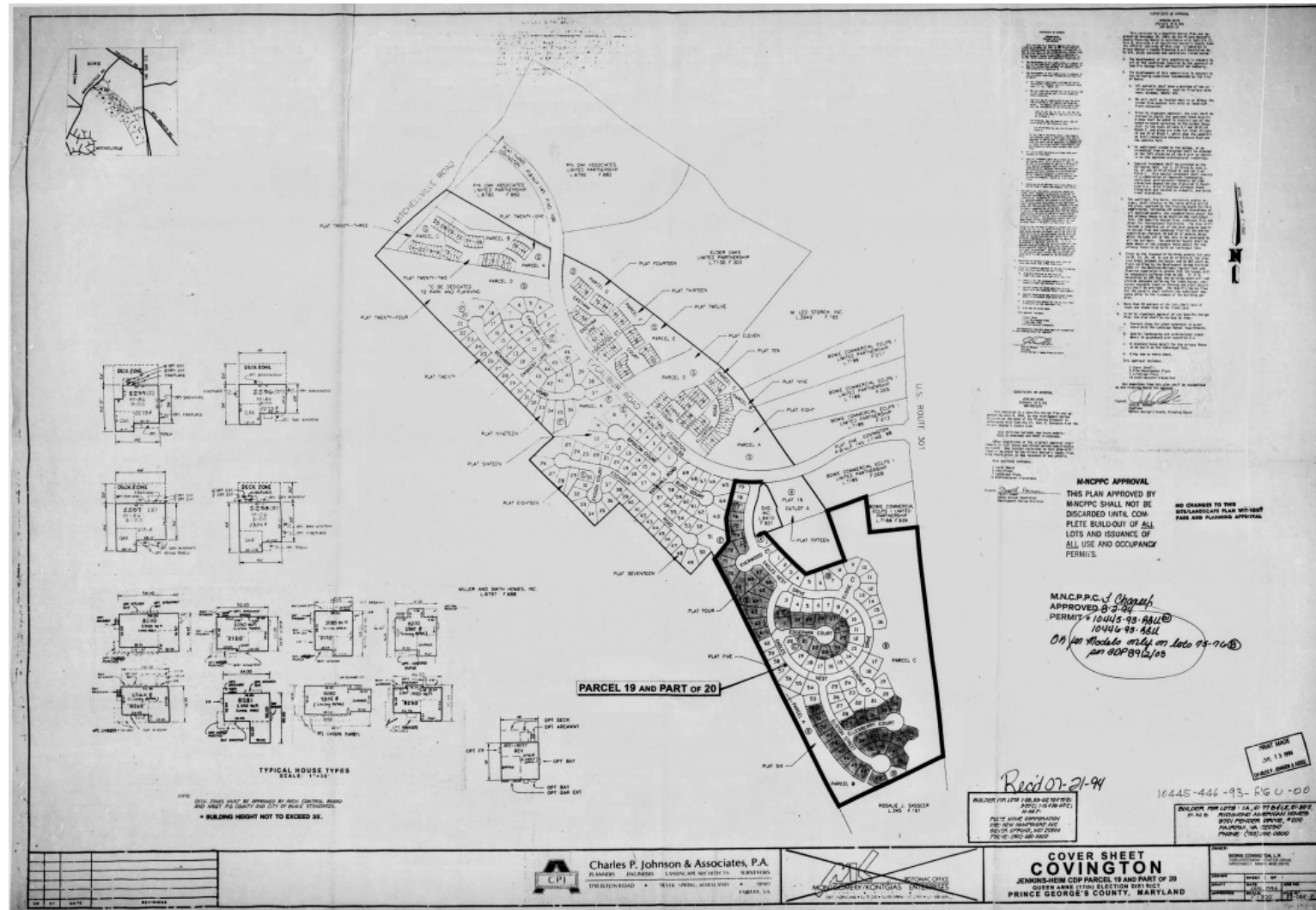
MASTER PLAN RIGHT-OF-WAY MAP



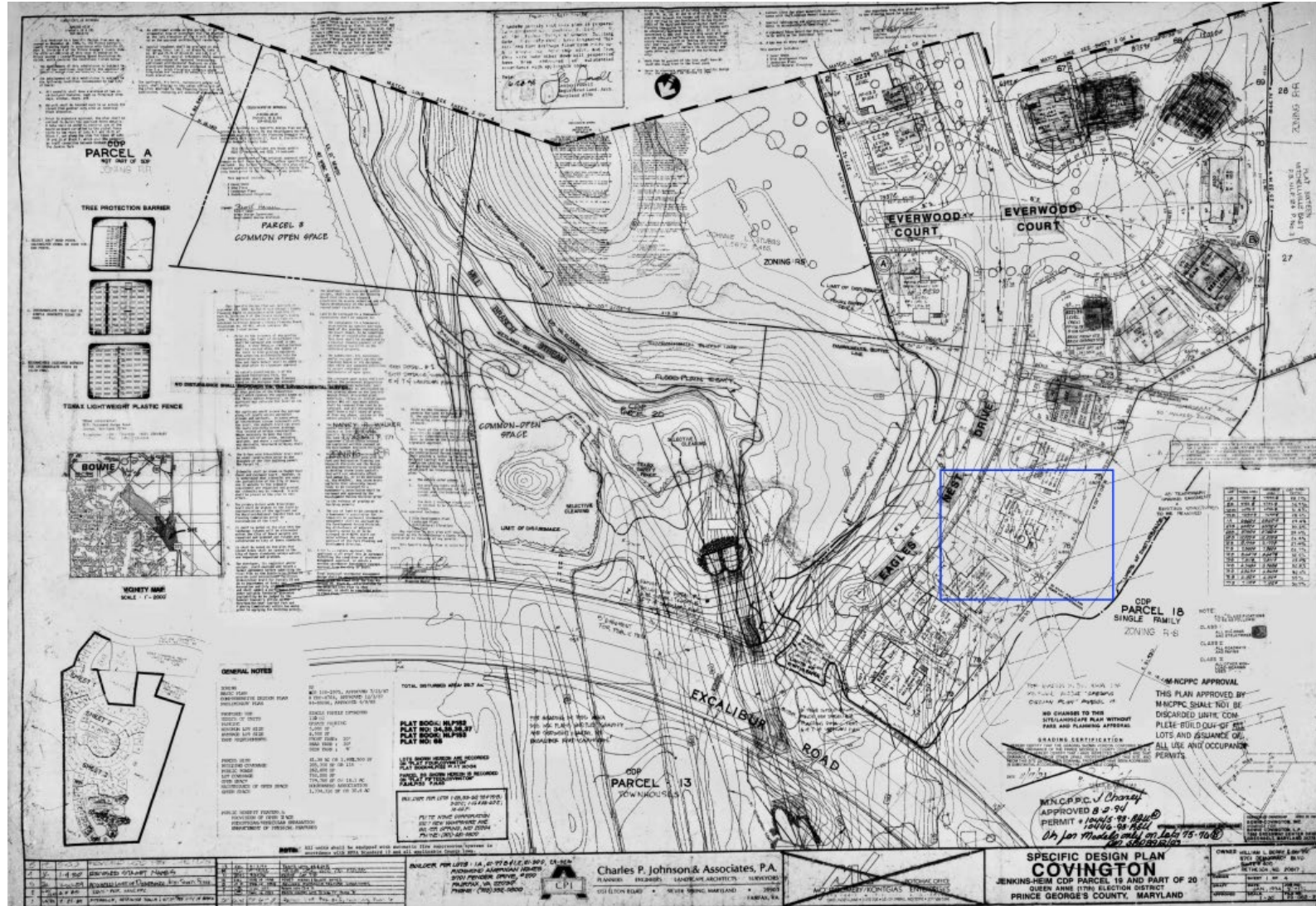
BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



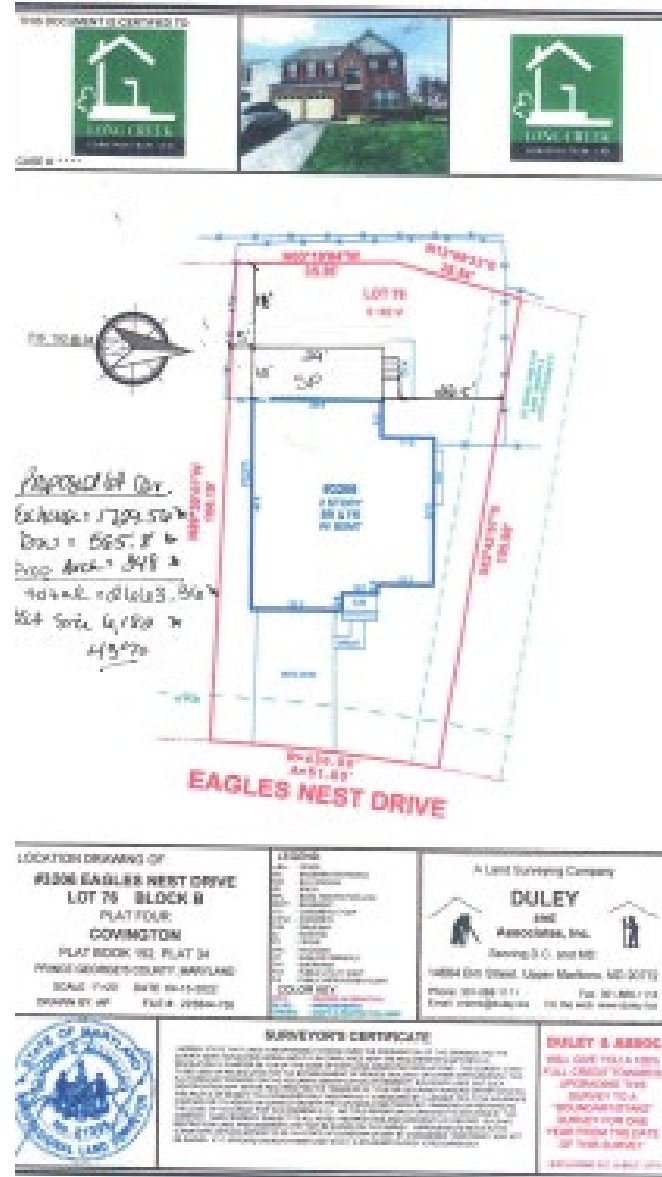
SITE (OR PRELIMINARY PLAN) MAP



SPECIFIC DESIGN PLAN



SITE PLAN



ARCHITECTURAL ELEVATIONS

PROPOSED REAR SIDE ELEVATION
 202 107-119

PROPOSED RIGHT SIDE ELEVATION
 202 107-119

PROPOSED LEFT SIDE ELEVATION
 202 107-119

CONSTRUCTION PLANS
 LONG CREEK CONSTRUCTION LLC
 9333 4th STREET
 LAUREL MARYLAND 20708

New Porch
 3206 Eagles Nest Dr. Bowie, MD. 20716

DATE: 03/02/2022
 DRAWN BY: [redacted]
 CHECKED BY: [redacted]
 PROJECT NO: [redacted]
 SHEET NO: A-1

FOUNDATION/TRIMMING FLOOR PLAN
 202 107-119

ROOF FRAMING PLAN
 202 107-119

ROOF SECTION
 202 107-119

BUILDING SECTION
 202 107-119

CALL MISS UTILITY
 BEFORE BREAKING GROUND
 1- 800- 281- 2177
 TO LOCATE UNDERGROUND UTILITIES

TIMBER POST/ BEAM
 Simpson Strong-Tie
 H2.5

MAXIMUM ALLOWABLE SPACING - CFL #2			
Span	Roof Slope	Decking	Joists
2.0-4.0	12/12	1/2" x 6"	2x8
2.0-4.0	12/12	1/2" x 6"	2x6
2.0-4.0	12/12	1/2" x 6"	2x4
2.0-4.0	12/12	1/2" x 6"	2x2

CONSTRUCTION PLANS
 LONG CREEK CONSTRUCTION LLC
 9333 4th STREET
 LAUREL MARYLAND 20708

New Porch
 3206 Eagles Nest Dr. Bowie, MD. 20716

DATE: 03/02/2022
 DRAWN BY: [redacted]
 CHECKED BY: [redacted]
 PROJECT NO: [redacted]
 SHEET NO: B-1

STAFF RECOMMENDATION

APPROVAL with conditions

[Major/Minor] Issues:

- N/A

Applicant Required Mailings:

- Informational Mailings 09/07/22
- Acceptance Mailings 11/25/2022

STATEMENT OF JUSTIFICATION

Case Name, Application (Case) Number:

Woodward Porch SDP-8912-H9

Description of proposed use/request:

Proposing to construct a 12' x 29' screened porch with landing and steps to grade on rear of existing single-family dwelling.

Description and location of the subject property:

The property is located on the west side of Eagles Nest Drive, approximately 250 feet south of Excalibur Drive. This property is Lot 76 in Block B of the Covington subdivision which is located in the town of Bowie. The property has a physical address of 3206 Eagles Nest Drive.

Description of each required finding:

The use of the proposed structure in this instance is a screened porch which is entirely appropriate for this residential zone. The burden of this section is intended to discuss special exception and their required findings which in essence to not seem to fit the spirit and intent of this application, as this is a homeowner minor amendment due to a setback. Having said that, to show cooperation and good faith, the required findings outlined in Section 27-3604(e) of the Prince Georges County Zoning Ordinance are included here regardless:

A. The proposed use and site plan are in harmony with the purpose of this Subtitle.

As stated, the proposed use is a screened porch on the rear of an existing single-family dwelling. This type of improvement is actually extremely common not just in similar residential neighborhoods, but fairly pervasive in this very subdivision. While the porch is under roof, it is screened and thus not conditioned, relegating this as an amenity space and not an increase to living space.

B. The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle.

Again, this porch is actually an included use within the residential zones and not a use that would require a special exception or the use of this Subtitle. This request is absolutely in conformance.

C. The proposed use will not substantially impair the integrity of any validly approved Area Master Plan, Sector Plan, or Functional Master Plan, or, in the absence of an Area Master Plan, Sector Plan, or Functional Master Plan, the General Plan.

To restate, this type of use is included within all residential plans and generally accepted as a normal use and request. Not only will this not *substantially* impair integrity, it will not impair integrity in any way.

D. The proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area.

Again, it is evident that this entire section of required findings does not apply to this application and instead aim at unique uses. This porch fits within the intended use of a

residential zone. On a single residential lot, this amenity will only positively affect the health of the resident due to increased enjoyment of their property and in no way will affect health or safety outside of the confines of these property lines.

- E. The proposed use will not be detrimental to the use or development of adjacent properties, or the general neighborhood.

Once again, this porch will affect no other property in any way. The required 20' rear setback is only being reduced 2' to result in a distance of 18'. The neighbor's house to the rear is another 40' away resulting in nearly 60' of distance from the proposed porch to their dwelling. And again, being only a residential porch, it creates absolutely no detriment at all.

- F. The proposed site plan is in conformance with an approved Type 2 Tree Conservation Plan.

If this site is subject to a Type 2 TCP, this proposed porch would be in conformance with the plan. There are no trees or vegetation of any kind being removed and there are no other changes to the site plan.

- G. The proposed site plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirements of Subtitle 24: Subdivision Regulations.

There are no environmental features being disturbed with this proposal. The porch is proposed to be on post and pier construction which will cause nearly no ground disturbance in any way. Furthermore, no other environmental features are on the site.

Variance Request/s and required findings for each request.

The lot is in the Covington Subdivision and on April 1, 2022, was rezoned to Legacy Comprehensive Design (LCD). As outlined in section 27-4205(c) of the Prince George's County Zoning Ordinance, development within an LCD refers to the prior development regulations of the prior Comprehensive Design Zone's specific design plan (SDP). The SDP for this subdivision is SDP-8912 which requires 20' from the dwelling to the rear property line; this proposal results in 18'.

When it was approved by the Planning Board, the SDP was based on a total gross floor area. An improvement with a roof (covered porch/deck) is considered an increase in the total gross floor area (despite an open porch NOT being living space) and requires the approval of a Homeowner Minor Amendment (HMA) to SDP-8912 through the Urban Design Section of the Development Review Division. Therefore, while this process is NOT a variance, included below are the required findings found in Section 27-230 of the Zoning Ordinance simply to show cooperation and good faith.

- A. The specific parcel of land is physically unique and unusual in a manner different from the nature of surrounding properties with respect to exceptional narrowness, shallowness, shape, exceptional topographic conditions, or other extraordinary conditions peculiar to the specific parcel;

The subject lot is in fact shallow and has somewhat of a unique shape. The rear lot line changes direction at about the midway point, creating an angular rear lot line. To avoid the reduced rear distance, the developer positioned the house very close to the left lot line and further back from the street, creating a 30' rear setback. This means that the only development that can be approved without a homeowner minor amendment is one that stays at 10' in projection. That creates a very small porch. While the desire would be to have a 14' or 16' porch, the applicants chose a 12' porch to minimize the amount of feet

they had to ask for to only 2'. One can see that other homes in the area do not have this feature and would not need the amendment.

- B. The particular uniqueness and peculiarity of the specific property causes a zoning provisions to impact disproportionately upon that property, such that strict application of the provision will result in peculiar and unusual practical difficulties to the owner of the property;

As stated in the first finding, this peculiarity does not impact most lots in the neighborhood. Furthermore, the applicant only asks for consideration of 2' and only for a screened porch, not a living space addition. Such screened porches are pervasive in the neighborhood, creating the practical difficulty to this lot restricting them from having the same enjoyment of their rear yard that others have.

- C. Such variance is the minimum reasonably necessary to overcome the exceptional physical conditions;

As shown earlier, the owner would have preferred a bigger porch but intentionally decided to keep the size to only 12' in order to only have to ask for 2' of consideration. Any less than 2' would not only render the porch too small to make a difference in the rear yard, but any lower amount would also not require this process; hence, this is the very definition of the "minimum reasonably necessary".

- D. Such variance can be granted without substantial impairment to the intent, purpose and integrity of the general plan or any area master plan, sector plan, or transit district development plan affecting the subject property;

This proposed porch not only has no substantial impact to any of the mentioned plans, it has no affect whatsoever. The resulting setback for this small residential amenity is still 18' to the rear. The 2' request will impact absolutely nothing.

- E. Such variance will not substantially impair the use and enjoyment of adjacent properties;

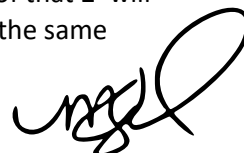
Again, there will be no impact whatsoever. As stated earlier, the proposed porch would remain approximately 60' from the adjacent dwelling. That property in fact is an example of a property that could construct a 12' screened porch WITHOUT needing this process due to their lot and dwelling placement. Approval of this porch will have absolutely no negative impact.

- F. Notwithstanding any other provision of this section, a variance may not be granted if the practical difficulty is self-inflicted by the owner of the property.

The owner in no way caused this situation and subsequent request. The lot shape and house placement by the developer is where this began. The owner is simply asking for 2' to make it right.

Summary/conclusion of request.

To summarize, the owner simply wishes to build a 12' screened porch on the rear of their home for increased enjoyment of their rear yard. Many other neighbors in this subdivision enjoy the very same and were able to have them approved without needing this process. Due to lot shape and house placement, the owner here has to apply for the homeowner minor amendment for only 2'. We hope you see that every effort was made to absolutely minimize the request, and that you agree that the approval of that 2' will impact no neighbor nor County plan in any way; the only affect will be to grant this owner the same amenity enjoyment their neighbors have.





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

PGCPB No. 87-524

File No. CDP-8704

C O R R E C T E D R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the responsibility for the approval of Comprehensive Design Plans, as set forth in Subtitle 27-Zoning of the Prince George's County Code; and

WHEREAS; in consideration of testimony and evidence presented at a public hearing on December 3, 1987, regarding Jenkins-Heim development, CDP-8704, located in Planning Area 71B, at the southeast quadrant of the intersection of U.S. Route 301 (Crain Highway) and Mitchellville Road finds:

1. The use of walk-up apartments rather than mid- and high-rise units, without significant reduction of density, spreads the development envelopes over more of the site at the expense of real and perceived open space. This also increases the overall traffic potential since high-rise/mid-rise traffic factors are less than those generated in the proposed plex/back-to-back/garden units.
2. Public space and general open space in the northern portion of the site (Heim Tract) is not adequate in relationship to the high density. A passive forested park with some active space which includes all of Parcel 4 and part of Parcel 5 should be considered to relieve this lack of "breathing room". Also a more extensive recreation program should be considered in Parcel 8 and some playing fields be located in the Heim Tract.
3. The development guidelines should be redrawn in many cases and supplemented to spell out more realistic space requirements and effective buffering techniques particularly between the project and the major roads it is exposed to and also the rear of Collington Plaza. Guidelines are especially required for the small lot single-family detached units in the Jenkins Tract with specification of how they relate to each other and requirements on decks and other outbuildings and fences.
4. Where there are trees and tree stands such as Parcel 2, indications that vegetation would be preserved should be made. Also, there are many remarkable nursery specimen trees on most of the Jenkins Tract that should be saved in place or moved if possible to maximize their design value in the community. It is appreciated that a large hedgerow in Parcel 18 has been used in the design.

5. A road connection should be extended south into Mitchellville East Cluster.
6. The traffic study contains no information or programs addressing participation in the City of Bowie's Shuttle Bus Program as required in the revised Basic Plan.
7. The following measures should be taken to provide for adequate traffic management:
 - a. Limiting the development to 300 units (Stage I).
 - b. Provision of access solely to U.S. Route 301 via Excalibur Road.
 - c. Provision of a traffic signal at U.S. Route 301 and Excalibur Drive.
 - d. Provision of a designated commuter parking area.
 - e. That a full-time employee of the developer be designated as a ridesharing coordinator.
 - f. An evaluation of the effectiveness of the ridesharing program following the construction of 300 dwelling units. The evaluation should note the percentage reduction in trip generation realized. It is suggested that the evaluation be funded by the applicant and administered by the City of Bowie.
 - g. Accomplishment of an additional traffic study prior to the initiation of construction of any more than 300 dwelling units. The revised study must specifically address the question of whether or not the above actions have limited the traffic impact of the development on the interchange of Maryland Route 197 and U.S. Route 50 (future I-68). It must also consider the traffic impact of approved preliminary plans of subdivision in the area.
8. The Historic Preservation Commission has designated the Dr. John Peach House as a Historic Site. This proposal does not honor that designation. The following recommendations from the HPC should be addressed:
 - a. The developer should produce a study of alternative adaptive uses of the house in its present setting, including the possibility of use as a community center.

- b. The developer should provide alternative configurations of the shopping center which reflect the preservation of the house.
 - c. The developer should preserve the environmental setting, including the seven specimen trees identified by the urban forestry expert, because of their significance to the County; they should be so reflected in any alternative proposals.
 - d. The applicant should work with all interested parties, such as and including, the Planning Board, the City of Bowie, and the Historic Preservation Commission in finding a suitable way to preserve the house in its present setting.
 - e. In the event that no use can be found for the house in its present setting, the house may be relocated, and the HPC will grant a HAWP for the relocation.
 - f. If the house is to be relocated, the cost of the move should be borne by the developer.
 - g. If the house is relocated, the developer should pay for a marker with a brief summary of the history of the house in the vicinity of its former location, and shall provide a plaque to be placed on the house in its new location.
9. The following recommendations were made for the overall site:
- a. "A 100-year floodplain study approval is required by the Department of Environmental Resources prior to site plan approval.
 - b. A 50-foot minimum undisturbed buffer should be retained along all streams which flow through the site. This should include the 100-year floodplain, adjacent non-tidal wetlands, adjacent steep slopes and areas of erodible soils.
 - c. The site plan should minimize the disturbance of slopes greater than 25% and also to maintain as much vegetation as possible and the reforestation of some areas.
 - d. Acoustical design techniques should be incorporated into the design of residences that are located within close proximity to major highways.

- e. Appropriate buffers and noise control techniques should be used to minimize noise intrusion into residential areas and to maintain a 45 dBA interior noise level.
 - f. A stormwater concept plan approval by D.E.R. is required prior to site plan approval.
 - g. Abandoned septic tanks within the property should be dumped by a licensed scavenger, crushed and backfilled to prevent any possible health and safety hazards."
10. The following recommendations are made envisioning two possible scenarios for the L-A-C knoll:
- "Plan I. Leaving the knoll intact:
- a. The preservation zone should be expanded to include the environmental envelope as outlined by the Historic Preservation Commission.
 - b. This preservation zone should be adjusted to include the root zones of the seven specimen trees identified in the applicant's study by Steve Clark and Associates.
 - c. The preservation zone should then be extended south to intersect with proposed Excalibur Road and Elder Oaks Boulevard.
 - d. No grading or activity of any kind should be done within the area covered by the root system of the seven specimen trees.
- Plan II. Movement of the trees:
- a. Detailed plans for the movement of the trees shall be reviewed and approved by the Natural Resources Division, M-NCPPC.
 - b. A limit of activity or disturbance shall be shown on all plans that measures 45' in a radius from the trunk of the National Champion Pin Oak.
 - c. The open space areas for the Urban Park shall not be less than the area designated in the Urban Park Design drawn by the Urban Design Section."
11. Consideration should be given for the developer to give a fee-in-lieu or donation of space for mental health and community

health services to serve the development in exchange for a density increment if needed.

12. Existing and/or planned facilities are not adequate for fire/rescue service. The Fire Department recommends that all multi-family residential units (as shown on the approved amended Basic Plan) and commercial structures be equipped with automatic fire suppression systems in accordance with NTPA Standard 13 and all applicable County laws to alleviate their negative impact on public fire service. The developer should also consider a fee-in-lieu contribution for the Bowie New Town Fire Station in exchange for a density increment.
13. The L-A-C shopping center should be economically viable but consideration of staging to avoid vacancy problems is recommended.
14. The rear of the shopping center which would be visible from Elder Oaks Boulevard and Eversong Lane should have special architectural treatment and/or substantial screening.
15. The site plans in Parcels 3 and 5 should be redesigned to avoid placement of buildings that excessively overlap each other and are too close. All buildings two stories or more should be a minimum of 25 feet apart.
16. Parcel 6 should either reduce its density and redesign to improve the aspect of 60% of the units that front on undesirable inner court or demonstrate that extraordinary landscaping features can overcome the apparent design deficiencies. Particularly, the two, three and four story buildings that are facing each other only 50' to 60' apart should be redesigned.
17. Parcel 14 must have adequate buffering from Mitchellville Road and Excalibur Road and the channelized stream to the south should be revegetated.
18. In the single-family detached units in the Jenkins Tract, more windows into the open space are needed to relieve the long lines of units on very small lot frontages and to provide more visual access to that open space.
19. While the applicants have met the 63 acre open space requirement specified in the Basic Plan, staff considers much of this open space is either unsuitable for passive or active recreation or underutilized.

20. There is still some question as to whether the applicants intend to fulfill the basic plan considerations relating to the provision of open space and outdoor recreation.
21. In accordance with Section 24-126 of the Subdivision Regulations, the applicants should maximize efforts to preserve the existing stands of trees located within the residential areas, namely, Parcels 2, 13, 15, 19 and the L-A-C. Staff believes that such a condition will significantly improve the physical appearance of this area and, hence, lend to an improvement in the quality of life afforded the residents of this development.
22. Staff would like to know the applicant's intent with regard to Parcel 11. The issue of future ownership should be resolved prior to preliminary plan approval.
23. Unless additional Density Increment Factors can be found, reduce the number of dwelling units by one in the residential L-A-C Zone and 24 in the R-U Zone with priority of thinning out Parcel 6.

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 approved the Comprehensive Design Plan for the development of the above-described land with the following conditions:

1. The alignment of Excalibur Road shall meet the current alignment with the Bowie New Town Center at the subdivision stage.
2. Further justification of the open space/green space calculations shall be provided prior to CDP signature approval.
3. A streetscape plan for the total project shall be provided and submitted prior to SDP submittal.
4. A revised definitive staging plan which incorporates the phasing plan and recreational facilities shall be submitted prior to CDP signature approval.
5. Approval of conceptual stormwater management plans must be secured from the City or the Department of Environmental Resources prior to subdivision approval.
6. Stage I shall define the amount of development that may be allowed prior to the completion of the I-68 and Route 197 widening and relocation projects. Stage II shall define development levels after these public improvements have been completed.

7. General guidelines shall be required for the small lot single-family detached units in the Jenkins Tract with specification of how they relate to each other and requirements on decks and other outbuildings and fences prior to CDP signature approval.
8. The Historic Preservation Commission has designated the Dr. John Peach House as a Historic Site. This proposal does not honor that designation. The following recommendations from the HPC shall be addressed prior to SDP:
 - a. The developer shall produce a study of alternative adaptive uses of the house in its present setting, including the possibility of use as a community center.
 - b. The developer shall provide alternative configurations of the shopping center which reflect the preservation of the house.
 - c. The developer shall preserve the environmental setting, including the specimen trees identified by the urban forestry expert, because of their significance to the County; they shall be so reflected in any alternative proposals.
 - d. The applicant shall work with the Planning Board, the City of Bowie, and the Historic Preservation Commission in finding a suitable way to preserve the house in its present setting.
 - e. In the event that no user can be found for the house in its present setting after a thorough search, the house may be relocated, and the HPC will grant a HAWP for the relocation.
 - f. If the house is relocated, the developer shall pay for a marker with a brief summary of the history of the house in the vicinity of its former location, and shall provide a plaque to be placed on the house in its new location.
9. A 100-year floodplain study approval is required by the Department of Environmental Resources prior to specific design plan approval.
10. A 50-foot minimum undisturbed buffer shall be retained along all streams which flow through the site except disturbance necessary for stormwater management. This shall be expanded to include

the 100-year floodplain, adjacent non-tidal wetlands, adjacent steep slopes and areas of erodible soils.

11. The site plan shall minimize the disturbance of slopes greater than 25% and also to maintain as much vegetation as possible and the reforestation of some areas.
12. Acoustical design techniques shall be incorporated into the design of residences that are located within close proximity to major highways.
13. Appropriate buffers and noise control techniques shall be used to minimize noise intrusion into residential areas and to maintain a 45 dBA interior noise level.
14. A stormwater concept plan approval by the Department of Environmental Resources or the City of Bowie is required prior to specific design plan approval.
15. Abandoned septic tanks within the property shall be dumped by a licensed scavenger, crushed and backfilled to prevent any possible health and safety hazards.
16. In regards to the L-A-C knoll:
 - a. The preservation zone shall be established including the root zones of the specimen trees identified in the study done by Steve Clark and Associates for the applicant.
 - b. No grading or activity of any kind shall be done within the area covered by the root system of the identified specimen trees.
 - c. Detailed plans for the movement of any of the trees shall be reviewed and approved by the Natural Resources Division, M-NCPPC, with right of appeal to the Planning Board.
17. The site plans in Parcels 3 and 5 shall be redesigned to avoid placement of buildings that excessively overlap and are too close. All buildings two stories or more, except single-family detached units, shall be a minimum of 25 feet apart, or it can be shown that a juxtaposition of non-living walls and living spaces allow optimum privacy in these living areas.
18. Parcel 6 shall either be reduced in its density and/or redesigned to improve the aspect of 60% of the units that front on undesirable inner courts or demonstrate that extraordinary landscaping features can overcome the apparent design

deficiencies. Particularly, the two, three and four story buildings that are facing each other only 50' to 60' apart be redesigned prior to signature approval. Consideration shall be made to relocating the parking to the edges with the building grouped around inner courtyards.

19. Parcel 14 must have adequate buffering from Mitchellville Road and Excalibur Road and the channelized stream to the south shall be revegetated. Conceptual plans to that effect shall be presented prior to signature approval.
20. In the single-family detached units in the Jenkins Tract, more "windows" shall be designated where appropriate into the open space to relieve the long lines of units on very small lot frontages and to provide more visual access to that open space prior to subdivision approval.
21. In accordance with Section 24-126 of the Subdivision Regulations, the applicants shall maximize efforts to preserve the existing stands of trees located within the residential areas, namely, Parcels 2, 13, 15, 19 and the L-A-C. Also, the specimen trees, primarily on the Jenkins tract, shall be preserved in place or creatively relocated if at all possible within the constraints of ownership of the nursery trees.
22. The applicant shall determine the issue of future ownership of Parcel 11 prior to preliminary plan approval.
23. The rear of the shopping center which would be visible from Elder Oaks Boulevard and Eversong Lane shall have special architectural treatment and/or substantial screening.
24. The traffic study shall provide information and suggest programs for addressing participation in the City of Bowie's Shuttle Bus Program prior to CDP signature approval. Satisfactory participation shall be determined jointly by M-NCPPC and City of Bowie staff.
25. The following measures shall be taken to provide for adequate traffic management:
 - a. Limiting the development to 300 units (Stage IA).
 - b. Provision of access solely to U.S. Route 301 via Excalibur Road until such time as the interchange of U.S. Route 50 and Md. Route 197 is reconstructed.

- c. Provision of a traffic signal at U.S. Route 301 and Excalibur Drive when deemed necessary by the State Highway Administration.
 - d. That a full-time employee of the developer be designated as a ridesharing coordinator or participation in Bowie's ride-share program.
 - e. An evaluation of the effectiveness of the ridesharing program following the construction of 300 dwelling units. The evaluation should note the percentage reduction in trip generation realized. It is suggested that the evaluation be funded by the applicant and administered by the City of Bowie.
 - f. Accomplishment of an additional traffic study prior to the initiation of construction of any more than 300 dwelling units. The revised study must specifically address the question of whether or not the above actions have limited the traffic impact of the development on the interchange of Maryland Route 197 and U.S. Route 50 (future I-68).
 - g. Stage IB may be allowed for 350 additional units with the condition that a special taxing district be created and appropriate tax shall be levied to fund two (2) shuttle buses to link this property with New Carrollton Metro station during the morning and evening rush hours. The details of this operation shall be developed jointly by the City of Bowie and representatives of the applicants. (Maximum allowable density for Stage I A&B totals 650 units).
 - h. Stage II shall not commence until the I-68 and Route 197 widening and relocation projects are completed and shall have a maximum of 835 additional units.
26. A 100-foot building restriction line shall be provided along Route 301. Within that 100 feet, at least 50 feet shall be left as green area and buffered. A 40-foot building restriction line which is entirely used for buffering and screening the existing shopping center shall be designated in Parcel 6.
27. Unless additional Density Increment Factors can be found, reduce the number of dwelling units by 24 in the R-U Zone with priority of thinning out Parcel 6.
28. Recreational facilities shall be subject to the recommendations of the Park and Planning memorandum dated October 16, 1987 and

31. All multi-family residential units and commercial structures shall be equipped with automatic fire suppression systems in accordance with NFPA Standard 13 and all applicable County laws. This condition shall be noted on the CDP and all subsequently approved plans for the subject property.
32. The approved site and landscaped plans for Country Club Gardens (as shown on Video in Exhibit 11) shall be submitted with the Specific Design Plan application for use as design guidelines.
FOR PARCEL 6.
33. The future ownership of the "Urban Park" in Parcel 7 shall be resolved prior to Specific Design Plan approval.
- *34. An Architectural Review Committee (ARC) shall be established for the Heim property to review and recommend exterior elevations, materials, floor plans, building siting, landscaping and signage prior to submittal of any SDP. Artery Organization and the City of Bowie shall be equally represented on the ARC and both must agree on approval.
- *35. An Architectural Review Committee (ARC) shall be established for the Jenkins property to review and recommend exterior elevations, materials, floor plans, building siting, landscaping and signage prior to submittal of any SDP. Colton Communities (or assigns) and the City of Bowie shall be equally represented on the ARC and both must agree on approval.
36. The Stubbs' property right-of-way shall be maintained until other suitable access is provided.
37. The issue of the legal status of the Stubbs' property right-of-way shall be determined at time of preliminary plat of subdivision.

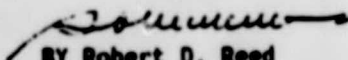
This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Botts, seconded by Commissioner Yewell, with Commissioners Botts, Yewell, Rhoads, and Dabney, voting in favor of the motion, and with

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PGCPB No. 87-524
File No. CDP-8704
Page 12

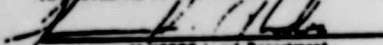
Commissioner Keller voting in the negative, at its regular meeting held on Thursday, December 3, 1987, in Upper Marlboro, Maryland.

Thomas H. Countee, Jr.
Executive Director


BY Robert D. Reed
Community Relations Officer

THC/RDR/AF:lg

APPROVED AS TO LEGAL SUFFICIENCY:


M-NCPPC Legal Department

Date 2/1/88

CERTIFICATE OF APPROVAL
Oakberry
SDP-8912

This Specific Design Plan was approved on September 21, 1989, by the Prince George's County Planning Board in accordance with Subtitle 27, Part 8, Division 4 of the Prince George's County Code. The official decision of this case is embodied in Prince George's County Planning Board Resolution No. 89-483, which contains the conditions listed below:

1. Prior to the issuance of any grading permits, the limit of disturbance line shall be surveyed and staked in the field. A snow fence or similar barrier shall be erected along the length of the limit to keep grading equipment from wandering accidentally into the preservation area. Non-disturbance line and fence detail shall be added to the plan prior to signature approval.
2. To satisfy Condition No. 7 of the approved Preliminary Plat, the applicant shall assure the Planning Board or its designee that adequate legal provisions have been made to assure the construction and maintenance of that portion of the hiker/biker trail which crosses the parcel known as the "Nancy Walker Property", or the applicant may relocate the trail on its property.
3. The applicant shall assure dry passage along all trails across perennial streams and wetlands. In cases where an intermittent stream intersects with the trail, the asphalt trail can cross the swale providing street drainage flow instead of bridge construction. Where necessary to keep the trail surface out of wet areas, including wetlands, and where a realignment is not desirable, boardwalk bridging shall be provided.
4. The 8-foot wide hiker/biker trail shall be under construction prior to the issuance of the 70th building permit for Parcel 19.

5. Sidewalks shall be shown on Eagles Nest Court and Everwood Court. However, it is understood that sidewalks are under the jurisdiction of the City of Bowie, and if waivers to the sidewalk requirement are requested and granted, the sidewalks may be removed. A note shall be placed on the plan to this effect.
6. The primary 8-foot wide hiker/biker trail shall be staked in the field by representatives of the applicant and The Maryland-National Capital Park and Planning Commission prior to construction of the trail.
7. It shall be noted on the plan that the landscape islands will be eliminated unless the City of Bowie waivers are requested and granted and islands are constructed to City of Bowie standards.
8. It shall be noted on the plan that street trees shall be spaced to the City of Bowie standards unless waivers are requested and granted.
9. The developer, its successor and/or assigns, shall execute and record a formal agreement before submitting the Final Plat to the Subdivision Office to provide said recreational facilities (hiker/biker trail for Parcels 19 and 20 to Department of Parks and Recreation and City of Bowie standards) and shall submit a performance bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office of The Maryland-National Capital Park and Planning Commission) within two weeks prior to applying for building permits.
10. The developer, its successor and/or assigns, shall satisfy the Planning Board that there are adequate provisions to assure retention and all future maintenance of the proposed recreational facilities.
11. Land to be conveyed to a Homeowners' Association shall be subject to:

- a. The conveyance to a homeowners association by special warranty deed of the average indicated on the cover sheet, to be submitted at time of record plat approval. This deed shall be accompanied by a receipt showing payment of all outstanding tax bills on the dedicated property.
- b. The subdivider, his successors and/or assigns shall satisfy the Planning Board or its designee, that there are adequate provisions to assure retention and maintenance of open space.
- c. The conveyed open space shall not suffer the permanent disposition of construction materials, soil filling (except as anticipated by the grading shown on the Specific Design Plan), discarded plant materials, refuse or similar waste matter and all man-made debris shall be removed from land to be conveyed, and all disturbed areas shall have a full stand of grass at time any phase, section or the entire project is complete.
- d. The subdivider, his successors and/or assigns shall not disturb (except as anticipated by the Specific Design Plan) in any way the land to be conveyed to a homeowner's association without the expressed written consent of the Development Revision Division.
- e. The subdivider, his successors and/or assigns shall work with the Park and Recreation Planning and Research Division and the Design and Engineering Division sections to develop storm drain outfalls that will not adversely affect land owned by, or to be dedicated to, The M-NCPPC. Any storm drain outfalls that adversely impact lands to be conveyed to a homeowner's association shall be reviewed and approved by the Development Review Division prior

to the release of grading or building permits.

- f. The use of land to be conveyed to a homeowner's association for temporary or permanent stormwater management shall be approved by the Development Review Division. Any disturbance of adjacent property owned by or to be conveyed to M-NCPPC shall not occur without the review and approval of the Park Planning and Development Division.
12. Prior to signature approval, the applicant shall enter into an agreement fulfilling the condition of stormwater management approval, or obtain a revised stormwater management concept approval from the City of Bowie.
 13. Final technical stormwater management design shall be approved by the City of Bowie prior to Final Plat for Lots 43 through 49, Block B. If a revision to the Detailed Site Plan is then indicated, it shall be completed prior to Final Plat.
 14. Prior to the issuance of building permits for Lots 43 through 49, Block B, the applicant shall submit landscaping plans approved by the City of Bowie.
 15. The limit of the environmental buffer described by Condition No. 10 of the approved Comprehensive Design Plan shall be shown on the plan prior to signature approval.
 16. Prior to issuance of building permits, the Architectural Review Committee shall provide a letter to The Maryland-National Capital Park and Planning Commission stating that it has reviewed and approved the following elements, which shall be incorporated into the plan:
 - a. The entire color scheme;

b. Optional skylights shall be offered in bathrooms for all units except when the bathroom faces a street; and

c. The Unit C bathroom window shall be revised to be a half-occulus window.

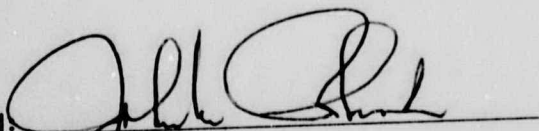
This approval includes:

5 Site Development Plans
7 Landscape Plans
5 Architectural Elevations

Any revision to this plan will require approval by the Prince George's County Planning Board prior to issuance of any permits.

This Specific Design Plan is valid for 6 years.

Signed:



John W. Rhoads
Chairman
Prince George's County Planning Board

CERTIFICATE OF APPROVAL
OAKBERRY
SDP-8912

This Specific Design Plan was APPROVED on September 21, 1989 by the Prince George's County Planning Board in accordance with Subtitle 27, Part 8, Division 4 of the Prince George's County Code. The official decision of this case is embodied in Prince George's County Planning Board Resolution No. 89-483.

This approval includes:

5 Site Development Plans,
7 Landscape Plans,
5 Architectural Elevations and
1 Sign Plan.

Any revision to this plan will require approval by the Prince George's County Planning Board prior to issuance of any permits.

This Specific Design Plan is valid for 6 years.

Signed _____

John W. Rhoads
Chairman
Prince George's County
Planning Board

...da Item:
Recording Specialist:

RESOLUTION PREPARATION/ROUTING

PRINCE GEORGE'S COUNTY PLANNING DEPARTMENT -- M-NCPPC
DEVELOPMENT REVIEW DIVISION

Project Title: Oakberry
File Number: 8912 Resolution Number: 89-983
Board Approval Date: 9-21-89
Staff (Responsible for Resolution): Hansen

Return to
Farroll's file.

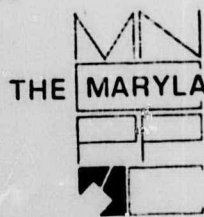
Please review or process as indicated and
send to the next office in sequence.

IF RECEIVED BEFORE 2:00 PM, PLEASE REVIEW OR
PROCESS SAME DAY. IF RECEIVED AFTER 2:00 PM,
PROCESS BY 11:00 AM THE NEXT DAY.

TASK	OFFICE	DATE		INITIALS
		IN	OUT	
Resolution Written* (C)	Dev. Review Staff	8/22		JH
Type 1st Draft	Word Processing	9/25	9/25	EBH
Review/ Correct Draft	Dev. Review Staff	9/26	9/28	JH
Draft Review	Recording Specialist	9/27	9/27	RG
Draft Review	Legal	9/28	9/28	LHM
Draft Returned (C)	Dev. Review	9/28	9/29	JH
Type Final	Word Processing	9/29	9/29	EBH
Final Review	Dev. Review	9/29	10/2	FH
Final Review	Legal	10/2	10/2	EBH
Signature	Planning Board Administrator	10/3	10/3	JH
Final Returned	Dev. Review			JH
Mail Out** (C)	Secretary			JH
Notice to Council*** (C)	Dev. Review Secretary			N/A
File Original****	Recording Specialist	10/6	10/6	RG

*Don't
transmit
to Council*

- * Resolution form should be completed per staff report prior to Planning Board Meeting.
 - ** Copies made for Development Review and Park Planning files with notation in margin of mail-out recipients.
 - *** CDP and SP only
 - **** Recording Specialist returns this slip to Development Review Division for project file.
 - (C) Indicates log book entry (responsibility of person who initials task).
- NOTE: Resolution number is required from Recording Specialist prior to typing 1st draft (to be assigned Friday morning after Thursday hearing).



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

Date: October 6 1989

Re: SDP- 8912 , Specific Design Oakberry

NOTIFICATION OF PLANNING BOARD ACTION

This is to advise that the above-captioned Specific Design Plan was APPROVED by the Prince George's County Planning Board on 9/21/89 in accordance with the enclosed resolution.

Very truly yours,

Fardell Hamner

Development Review Division

PGCPB No. 89-483

SDP-8912

R E S O L U T I O N

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

WHEREAS, in consideration of evidence presented at a public hearing on September 21, 1989, regarding Specific Design Plan 8912 for Oakberry, Parcel 19, Jenkins-Heim Property, the Planning Board finds:

1. The proposed plan will be compatible with existing and programmed public facilities, as shown on the Capital Improvement Program.
2. The proposed plan, as modified by Conditions 12 and 13, will have adequate provisions made for the drainage of surface waters so that there are no adverse effects on either the subject property or adjacent property.
3. The proposed plan will generally conform to the approved Comprehensive Design Plan for the subject property in terms of design standards, density, uses, and amenities and as modified by Conditions 1 and 15.
4. The proposed plan, as modified by Condition Nos. 9, 10 and 11, will conform to the approved Preliminary Plat for the subject property.
5. The subject site will be annexed by the City of Bowie and is subject to certain conditions requested by the City (Conditions 7, 8, 14, and 16)
6. The subject site, as modified by Condition Nos. 2 through 6, will conform to the approved CDP and Preliminary Plat standards for recreational facilities and trails and to the policies established by the Trails Section.

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 Specific Design Plan for the above-described land, subject to the following conditions:

1. Prior to the issuance of any grading permits, the limit of disturbance line shall be surveyed and staked in the field. A

snow fence or similar barrier shall be erected along the length of the limit to keep grading equipment from wandering accidentally into the preservation area. Non-disturbance line and fence detail shall be added to the plan prior to signature approval.

2. To satisfy Condition No. 7 of the approved Preliminary Plat, the applicant shall assure the Planning Board or its designee that adequate legal provisions have been made to assure the construction and maintenance of that portion of the hiker/biker trail which crosses the parcel known as the "Nancy Walker Property", or the applicant may relocate the trail on its property.
3. The applicant shall assure dry passage along all trails across perennial streams and wetlands. In cases where an intermittent stream intersects with the trail, the asphalt trail can cross the swale providing street drainage flow instead of bridge construction. Where necessary to keep the trail surface out of wet areas, including wetlands, and where a realignment is not desirable, boardwalk bridging shall be provided.
4. The 8-foot wide hiker/biker trail shall be under construction prior to the issuance of the 70th building permit for Parcel 19.
5. Sidewalks shall be shown on Eagles Nest Court and Everwood Court. However, it is understood that sidewalks are under the jurisdiction of the City of Bowie, and if waivers to the sidewalk requirement are requested and granted, the sidewalks may be removed. A note shall be placed on the plan to this effect.
6. The primary 8-foot wide hiker/biker trail shall be staked in the field by representatives of the applicant and The Maryland-National Capital Park and Planning Commission prior to construction of the trail.
7. It shall be noted on the plan that the landscape islands will be eliminated unless the City of Bowie waivers are requested and granted and islands are constructed to City of Bowie standards.
8. It shall be noted on the plan that street trees shall be spaced to the City of Bowie standards unless waivers are requested and granted.
9. The developer, its successor and/or assigns, shall execute and record a formal agreement before submitting the Final Plat to the Subdivision Office to provide said recreational facilities

(hiker/biker trail for Parcels 19 and 20 to Department of Parks and Recreation and City of Bowie standards) and shall submit a performance bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office of The Maryland-National Capital Park and Planning Commission) within two weeks prior to applying for building permits.

10. The developer, its successor and/or assigns, shall satisfy the Planning Board that there are adequate provisions to assure retention and all future maintenance of the proposed recreational facilities.
11. Land to be conveyed to a Homeowners' Association shall be subject to:
 - a. The conveyance to a homeowners association by special warranty deed of the average indicated on the cover sheet, to be submitted at time of record plat approval. This deed shall be accompanied by a receipt showing payment of all outstanding tax bills on the dedicated property.
 - b. The subdivider, his successors and/or assigns shall satisfy the Planning Board or its designee, that there are adequate provisions to assure retention and maintenance of open space.
 - c. The conveyed open space shall not suffer the permanent disposition of construction materials, soil filling (except as anticipated by the grading shown on the Specific Design Plan), discarded plant materials, refuse or similar waste matter and all man-made debris shall be removed from land to be conveyed, and all disturbed areas shall have a full stand of grass at time any phase, section or the entire project is complete.
 - d. The subdivider, his successors and/or assigns shall not disturb (except as anticipated by the Specific Design Plan) in any way the land to be conveyed to a homeowner's association without the expressed written consent of the Development Revision Division.
 - e. The subdivider, his successors and/or assigns shall work with the Park and Recreation Planning and Research Division and the Design and Engineering Division sections to develop storm drain outfalls that will not adversely affect land owned by, or to be dedicated to, The M-NCPPC. Any storm drain outfalls that adversely impact lands to be conveyed to a homeowner's association shall be reviewed and approved

by the Development Review Division prior to the release of grading or building permits.

- f. The use of land to be conveyed to a homeowner's association for temporary or permanent stormwater management shall be approved by the Development Review Division. Any disturbance of adjacent property owned by or to be conveyed to M-NCPPC shall not occur without the review and approval of the Park Planning and Development Division.
12. Prior to signature approval, the applicant shall enter into an agreement fulfilling the condition of stormwater management approval, or obtain a revised stormwater management concept approval from the City of Bowie.
13. Final technical stormwater management design shall be approved by the City of Bowie prior to Final Plat for Lots 43 through 49, Block B. If a revision to the Detailed Site Plan is then indicated, it shall be completed prior to Final Plat.
14. Prior to the issuance of building permits for Lots 43 through 49, Block B, the applicant shall submit landscaping plans approved by the City of Bowie.
15. The limit of the environmental buffer described by Condition No. 10 of the approved Comprehensive Design Plan shall be shown on the plan prior to signature approval.
16. Prior to issuance of building permits, the Architectural Review Committee shall provide a letter to The Maryland-National Capital Park and Planning Commission stating that it has reviewed and approved the following elements, which shall be incorporated into the plan:
 - a. The entire color scheme;
 - b. Optional skylights shall be offered in bathrooms for all units except when the bathroom faces a street; and
 - c. The Unit C bathroom window shall be revised to be a half-occulus window.

* * * * *

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Prince George's County Planning Board of The

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Maryland-National Capital Park and Planning Commission on motion of Commissioner Botts, seconded by Commissioner Yewell, with Commissioners Botts, Yewell, Rhoads, Dabney, and Wootten voting in favor of the motion, at its regular meeting held on Thursday, September 21, 1989, in Upper Marlboro, Maryland.

John F. Downs, Jr.
Executive Director

APPROVED AS TO LEGAL SUFFICIENCY


NCPCC Legal Department

Date 10/2/89


By Jacqueline Coachman
Planning Board Administrator

JFD:JC:FH:rbh