THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

PGCPB No. 2020-101 File No. 4-19026

RESOLUTION

WHEREAS, Harbor View Developer Corp. is the owner of a 4.69-acre parcel of land known as Parcel 5, said property being in the 5th Election District of Prince George's County, Maryland, and being zoned Rural-Residential; and

WHEREAS, on April 7, 2020, Harbor View Developer Corp. filed an application for approval of a Preliminary Plan of Subdivision for 7 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-19026 for Harbor View was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on June 11, 2020, for its review and action in accordance with the Land Use Article of the Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on June 11, 2020, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Type 1 Tree Conservation Plan TCP1-009-2020, and APPROVED a Variance from Section 25-122(b)(1)(G), and further APPROVED Preliminary Plan of Subdivision 4-19026 for 7 lots with the following conditions:

1. Prior to signature approval of the preliminary plan the TCP1 shall be revised as follows:

    a. Revise the plan view to show specimen trees 2, 6, and 7 to be removed.

    b. Revise the specimen tree chart to show trees 2, 6, and 7 to be removed.

    c. Revise approval block to add "4-19026" to the DRD column in the OO line.

    d. Revise the woodland conservation worksheet showing the entire site being cleared and the woodland requirement being met within an off-site woodland conservation mitigation bank.

    e. Revise the "Woodland Preserved – Not Counted" symbol to "Woodland Preserved – Counted as Cleared" on the plan view and in the legend.

    f. Have the revised plan signed and dated by the qualified professional who prepared it.

2. Prior to the issuance of a grading permit for the development, A Public Safety Mitigation Fee shall be paid in the amount of $34,776 ($4,968 x 7 dwelling units), based on the Office of Management and Budget FY 2020 Consumer Price Index annual adjustment. Notwithstanding the number of dwelling units and the total fee payments noted in this condition, the final number of dwelling units shall be as approved by the Planning Board and the total fee payment shall be determined by multiplying the total dwelling unit number by the per unit factor noted above. The per unit factor of $4,968 is subject to adjustment on an annual basis in accordance with the percentage change in the Consumer Price Index for All Urban Consumers. The actual fee to be paid will depend upon the year the grading permit is issued.

3. The applicant, or the applicant's heirs, successors, and/or assigns shall provide:

   a. A bicycle lane on Fort Washington Road along the frontage of the subject site, unless modified by the Prince George's County Department of Permitting, Inspections, and Enforcement with written correspondence.

   b. A standard crosswalk, crossing Nubia Court at its intersection with Fort Washington Road, unless modified by the Prince George's County Department of Permitting, Inspections, and Enforcement with written correspondence.

4. Total development within the subject property shall be limited to uses which generate no more than 5 AM peak-hour trips and 6 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.

5. Nonresidential development of the subject property shall require approval of a new preliminary plan of subdivision prior to approval of permits.

6. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan 2584-2019-00 and any subsequent revisions.

7. Prior to approval of a building permit, the building permit plans shall show landscape buffer plantings consistent with Section 4.6 of the Prince George's County Landscape Manual along the northern side of Nubia Court, on Lot 7, along with board-on-board fencing as shown on the Applicant's Landscaping Exhibit submitted with the preliminary plan of subdivision.

8. Prior to approval of the of final plat of subdivision, the applicant, his successors, and/or assigns, shall provide a fee-in-lieu payment for mandatory dedication of parkland.

9. Prior to approval, the final plat of subdivision shall include:

   a. The granting of a 10-foot-wide public utility easement along all public rights-of-way.

b. The dedication of right-of-way, in accordance with the approved preliminary plan of subdivision.

c. A note indicating the maintenance of fencing and landscaping on the north side of Nubia Court is the responsibility of the owner of Lot 7.

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

1. The subdivision, as modified with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.

2. Background—The subject property is located on the west side of Fort Washington Road, approximately 250 feet north of its intersection with Autumnwood Lane. The property consists of 4.69 acres and is within the Rural-Residential (R-R) Zone. This preliminary plan of subdivision (PPS) includes existing Parcel 5 (4.69 acres), recorded by deed in the Prince George's County Land Records, in Liber 40165 folio 131. This site is currently undeveloped and contains existing woodlands. This application includes seven lots for seven single-family detached dwelling units.

   A variance was filed to Section 25-122(b)(1)(G) of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) for removal of six specimen trees on the subject site.

3. Setting—The subject property is located on Tax Map 131 in Grid F-1, in Planning Area 80, and is zoned R-R. The subject site is irregularly shaped and is bound to the east by the right-of-way of Fort Washington Road, and to the north, south and west by the existing single-family detached dwellings in the R-R Zone.

4. Development Data Summary— The following information relates to the subject PPS application and the development.

	EXISTING	APPROVED
Zone	R-R	R-R
Use(s)	Vacant	Residential (Single-Family Detached Dwellings)
Acreage	4.69	4.69
Lots	0	7
Parcels	1	0
Dwelling Units	0	7
Variance	No	Yes
		Section 25-122(b)(1)(G)
Variation	No	No

Pursuant to Section 24-119(d)(2) of the Prince George's County Subdivision Regulations, this case was heard at the Subdivision and Development Review Committee meeting on May 1, 2020.

5. **Previous Approvals**—The subject property is currently undeveloped. It is recorded by deed in the Prince George's County Land Records in Liber 40165 folio 131. There are no prior development approvals associated with the site.

6. **Community Planning**—The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) locates the subject site in the Established Communities Growth Policy area. The vision for the Established Communities area is context-sensitive infill and low- to medium-density development, and Plan 2035 recommends maintaining and enhancing existing public services, facilities, and infrastructure to ensure that the needs of residents are met.

   The 2006 *Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment* (area master plan) recommends residential low-density development on the subject property. Pursuant to Section 24-121(a)(5) of the Subdivision Regulations, this application conforms to the residential low-density land use recommendation of the area master plan.

7. **Stormwater Management**—A Stormwater Management (SWM) Concept Approval Letter (2584-2019-00) and associated plan were submitted with the application for this site. The approval was issued on December 10, 2019 by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). The plan will utilize roof-top disconnects and non-roof-top disconnect structures, a dry well, and grass swales for stormwater structures. A SWM fee is required in lieu of providing on-site attenuation and quality control measures. No further action regarding SWM is required with this PPS review.

In accordance with Section 24-130 of the Subdivision Regulations, development must be in conformance with an approved SWM concept plan, to ensure that on-site or downstream flooding do not occur.

8. **Parks and Recreation**—In accordance with Section 24-135 of the Subdivision Regulations, the Prince George's County Planning Board shall require the payment of a fee-in-lieu of the mandatory dedication of parkland requirement at the time of final plat. The land available for dedication is unsuitable, due to the size and location of the property, as outlined in a memorandum dated May 15, 2020 (Sun to Sievers), incorporated by reference herein.

9. **Trails**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the area master plan, and the Subdivision Regulations to provide the appropriate pedestrian and bicycle transportation recommendations. The site abuts Fort Washington Road, which is a master plan collector roadway (C-722). Fort Washington Road is also associated with a master plan trail where a bike lane is planned.

Existing Conditions, Sidewalks and Bike Infrastructure
The submitted PPS application includes seven lots on a secondary residential road (Nubia Court) that intersects with Fort Washington Road. The subject application is not in a center, or corridor, and is therefore, not subject to Section 24-124.01 of the Subdivision Regulations, the pedestrian and bicycle adequacy legislation, or the Transportation Review Guidelines, Part 2. The portion of Fort Washington Road in the vicinity of the subject property includes a planned MPOT bicycle lane. Sidewalks are in place along Fort Washington Road on both the north and south of the subject property's frontage.

Proposed Pedestrian and Bicycle Facilities
The submitted application includes a standard sidewalk along the property frontage on Fort Washington Road and a standard sidewalk along the south side of Nubia Court. The submitted plans do not include any bicycle infrastructure.

The submitted PPS does not include blocks over 750 feet long and therefore, does not need to provide additional walkway facilities and mid-block crossing facilities, pursuant to Section 24-121(a)(9).

Compliance with the 2009 Countywide Master Plan of Transportation
This development case is subject to the MPOT, which recommends the following facility:

- **Planned bicycle lane along Fort Washington Road.**

The submitted plans do not include a bicycle lane along Fort Washington Road. Installation of a bicycle lane shall be placed along the subject site frontage of Fort Washington Road.

The MPOT provides policy guidance regarding multimodal transportation, and the Complete Streets element of the MPOT recommends how to accommodate infrastructure for people walking and bicycling.

POLICY 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.

The property falls in the Developing Tier. The applicant's submission features a sidewalk along the south side of Nubia Court, which stops immediately after Lot 7. Sidewalks were initially requested on both sides of Nubia Court, per MPOT Complete Streets requirements. The applicant has provided correspondence with DPIE and has been granted a waiver for Rural Secondary Residential Road Standard 100.11, in order to provide a greater landscape buffer from the existing subdivision to the north. Per the modified road standards granted by this waiver, the applicant will provide a five-foot-wide sidewalk on the south side connecting the lots to Fort Washington Road.

POLICY 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities.*

The applicant shall provide a bicycle lane along the property frontage of Fort Washington Road.

POLICY 5: Evaluate new development proposals in the Developed and Developing Tiers for conformance with the complete streets principles.

A crosswalk, crossing Nubia Court, shall be provided at the intersection of Nubia Court and Fort Washington Road.

Compliance with the Area Master Plan
The Bicycle, Pedestrian, Trails Element of the area master plan (pages 75-76) makes the following recommendations:

Policy 1: Incorporate appropriate pedestrian, bicycle, and transit-oriented design and transit-supporting design features in all new development within Centers and Corridor Nodes.

Provide continuous sidewalks and designated bike lanes along...Fort Washington Road...In areas of high pedestrian traffic, wide sidewalks may be appropriate.

Standard sidewalks are shown along Fort Washington Road. A bicycle lane shall be provided along the subject site frontage of Fort Washington Road.

Adequate pedestrian and bicycle transportation facilities will exist to serve the subdivision, as required under Subtitle 24.

10. **Transportation**—The subject property is currently unimproved and is located within Transportation Service Area 2, as defined in Plan 2035. As such, the subject property is evaluated according to the following standards:

Unsignalized Intersections: The procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. A three-part process is employed for two-way stop-controlled intersections:

(a) Vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the critical lane volume is computed. A two-part process is employed for all-way stop-controlled intersections:

(b) Vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the critical lane volume is computed.

Analysis of Traffic Impacts
The application is a PPS for residential dwelling units. Table 1 below summarizes trip generation in each peak hour that was used in reviewing traffic and developing a trip cap for the site, consistent with the Transportation Review Guidelines, Part 1 (Guidelines).

Trip Generation Summary							
	AM Peak Hour			**PM Peak Hour**			
Land Use	**In**	**Out**	**Tot.**	**In**	**Out**	**Tot.**	**Daily**
Single Family units (Guidelines)	1	4	5	4	2	6	63
Total trip	**1**	**4**	**5**	**4**	**2**	**6**	**63**

A June 6, 2019 peak hour turning movement count was received that was collected at the critical intersection of Baron Court and Fort Washington Road. This data was analyzed under existing, and total conditions:

Intersection	AM	PM
	LOS/CLV/delay	LOS/CLV/delay
EXISTING		
Baron Court and Fort Washington Road *	12.6 seconds	13.3 seconds
TOTAL		
Baron Court and Fort Washington Road *	12.7 seconds	13.4 seconds

*Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable. if delay exceeds 50 seconds and at least one approach volume exceeds 100, the critical lane volume is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the Highway Capacity Manual (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the critical lane volume is computed. If the critical lane volume falls below 1,150 for either type of intersection, this is deemed to be an acceptable operating condition.

In evaluating the effect of background traffic, and given the size of the development and the commensurate limited study area, no background developments were identified, nor was any growth factor applied, given the residential nature of the study area and the local road network. The results above show that the critical intersection of Baron Court and Fort Washington Road operates with delays that are well within the 50-second threshold under existing conditions. With the addition of trips from seven dwelling units, the intersection will still operate with delays that are far below the 50-second adequacy threshold.

Master Plan and Site Access
The property is in an area where the development policies are governed by the area master plan, as well as the MPOT. The subject property currently fronts on Fort Washington Road, which is a designated master plan collector road (C-722). The application, however, will dedicate 40 feet from the centerline of Fort Washington Road.

All other aspects of the site regarding access and layout are deemed to be acceptable.

Based on the preceding findings, adequate transportation facilities will exist to serve the subdivision, as required, in accordance with Section 24-124 of the Subdivision Regulations.

11. **Schools**—This PPS was reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and Prince George's County Council Resolution CR-23-200. This property is located outside the I-495 Beltway. An analysis was conducted, and the results are as follows:

Impact on Affected Public School Clusters by Dwelling Units

	Affected School Cluster		
	Elementary School Cluster 6	**Middle School Cluster 6**	**High School Cluster 6**
Proposed Single- Family Detached Dwelling Units (DU)	7 DU	7 DU	7 DU
Pupil Yield Factor	0.158	0.098	0.127
Future Subdivision Enrollment [PYF*DU]	1	1	1
Adjusted Student Enrollment 9/30/2019	4,856	2,912	3,490
Total Future Enrollment [TFE]	4,857	2,913	3,491
State Rated Capacity [SRC]	6,381	3,340	5,206
Percent Capacity [TFE/SRC]	76%	87%	67%

Section 10-192.01 establishes school surcharges and an annual adjustment for inflation, unrelated to the provision of Subtitle 24. The current amount is $9,741 per dwelling if a building is located between Interstate 495 and the District of Columbia; $9,741 per dwelling if the building is included within a Basic Plan or Conceptual Site Plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority, or $16,698 per dwelling for all other buildings. This fee is to be paid to DPIE at the time of issuance of each building permit.

12. **Public Facilities**—In accordance with Section 24-122.01, water and sewerage, and fire and rescue facilities are found to be adequate to serve the subject site, as outlined in a memorandum from the Special Projects Section dated May 8, 2020 (Thompson to Sievers), incorporated herein by reference.

Police

The subject site is in Police District VII. The response standard is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The response time standards established by Section 24-122.01(e) is ten-minutes for emergency calls (priority) and 25-minutes for non-emergency calls (non-priority). The test is applied on the date the application is accepted or within the three (3) monthly cycles following acceptance, pursuant to Section 24-122.01(e)(2). The specified criteria must be met in one of the four cycles or mitigation will be required. The times are based on a rolling average for the preceding 12 months. This PPS was accepted by the Planning Department on April 1, 2020.

The response time standards of 10 minutes for priority calls failed at acceptance and the following May cycle and passed the 25 minutes for non-priority calls. The applicant has two additional monthly cycles to pass the police response time test, which includes both priority and

non-priority response times. Prior to Planning Board approval of the PPS, the applicant shall enter into and submit a ratified Public Safety Mitigation Fee agreement with the Maryland-National Capital Park and Planning Commission-Prince George's County Planning Department for seven (7) single-family dwelling units, in accordance with the Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure (CR-078-2005), if a passing response time is not achieved for priority calls. Pursuant to the Adequate Public Safety Mitigation Guidelines (CR-078-2005), the mitigation fee, if required, is paid to Prince George's County at the issuance of grading permit for the project. The mitigation fee is adjusted annually by the Office of Management and Budget of Prince George's County, and will be further adjusted based on the year that the grading permit is issued.

13. **Use Conversion**—The analyses included in this PPS are for residential development. A new PPS shall be required for nonresidential development of the subject property.

14. **Public Utility Easement (PUE)**—Section 24-122(a) requires that, when utility easements are required by a public utility company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

> "Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748."

The standard requirement for PUEs is 10 feet wide along both sides of all public rights-of-way. The subject site fronts on the public right-of-way of Fort Washington Road, and a public street (Nubia Court) internal to the site. The required PUEs are delineated on the PPS.

15. **Historic**—A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicate that the probability of archeological sites within the subject property is low. The subject property does not contain and is not adjacent to any designated Prince George's County Historic Sites or resources. A Phase I archeology survey is not required.

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

Development Review Case Number	Associated Tree Conservation Plan Number	Authority	Status	Action Date	Resolution Number
NRI-194-2018	N/A	Staff	Approved	2/12/2019	N/A
4-19026	TCP1-009-2020	Planning Board	Pending	Pending	Pending

Proposed Activity
This PPS supports the construction of seven single family lots with a single access road and SWM.

Grandfathering
The project is subject to the current regulations of Subtitles 24, 25 and 27 that came into effect on September 1, 2010 and February 1, 2012 because the application is for a new preliminary plan.

Site Description
This 4.69-acre site is zoned R-R and is located off Fort Washington Road just south of Barron Court in Fort Washington. A review of the available information indicates that the site contains no regulated environmental features such as streams, wetlands, associated buffers, or 100-year floodplain. The soil types found on-site according to the United States Department of Agriculture Natural Resources Conservation Services (USDA NRCS) Web Soil Survey (WSS) are Liverpool-Piccowaxen complex, Piccowaxen-Liverpool complex, and Piccowaxen-Urban land complex soils. No Marlboro clay or Christiana clays are present on-site. According to the Sensitive Species Project Review Area (SSPRA) map received from the Maryland Department of Natural Resources Natural Heritage Program (DNR NHP), there are no rare, threatened, or endangered species found to occur on, or near this property. The site is fairly flat with a high spot in the middle of the site and resulting drainage going in both an easterly and westerly direction off-site. This site is located within two watersheds (Swan Creek and Board Creek), both of which flow into the Potomac River. The site has frontage on Fort Washington Road, which is identified as a master plan collector roadway. The site is located within the Environmental Strategy Area 2 of the Regulated Environmental Protection Areas Map, as designated by Plan 2035.

Master Plan Conformance
The area master plan contains environmental policies that should be addressed during the review of developments within the plan area. The specific language of the master plan is shown in **bold type** and comments are provided in regular type.

Policy 1: Protect, preserve, and enhance the green infrastructure network within the Henson Creek planning area.
The 2017 *Green Infrastructure Plan: A Countywide Functional Master Plan* (GIP), as part of the 2017 *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan,* indicates that the entire site is located in the Evaluation Area within the designated network due to its proximity to adjacent tree areas in adjacent single-family lots. As part of this development, there will be small tree areas left remaining on several lots, along with three specimen trees.

Policy 2: Restore and enhance water quality in areas that have been degraded and preserve water quality in areas not degraded.
Preservation of water quality in this area should be provided through the application of best stormwater management practices. A SWM Concept Approval Letter (2584-2019-00) and associated plan were submitted with the application for this site. The approval was issued on December 10, 2019 by DPIE. The plan will utilize roof-top disconnects and non-roof-top disconnect structures, a dry well, and grass swales for stormwater structures. A SWM fee of $1,750.0 is required in lieu of providing on-site attenuation and quality control measures.

Policy 3: Reduce overall energy consumption and implement more environmentally sensitive building techniques.
The applicant should consider environmentally sensitive building techniques to reduce overall energy consumption.

Policy 4: Reduce light pollution and intrusion into residential, rural, and environmentally sensitive areas.
The Prince George's County Department of Public Works and Transportation should consider the use of full cut-off optics for streetlights to ensure that off-site light intrusion into residential areas is minimized.

Policy 6: Reduce adverse noise impacts to meet State of Maryland noise standards.
The development is not expected to be a noise generator and is not impacted by any nearby sources of noise.

Conformance with the Green Infrastructure Plan
According to the GIP, the subject property is entirely found within the Evaluation Area of the network. The adjacent subdivision's single family lots contain trees within their rear lot areas and this totally wooded site was mapped in the Green Infrastructure network based on woodland connectivity. The GIP did not include this lot or adjacent areas in any network areas. While the Green Infrastructure elements mapped on the subject site will be impacted, the design of the site meets the zoning requirements and the intent of the growth pattern established in Plan 2035.

Environmental Review

Natural Resources Inventory/Existing Conditions
An approved Natural Resource Inventory plan (NRI-194-2018) was submitted with the review package for this PPS, which was approved on February 12, 2019. The NRI verifies that the site contains no regulated environmental features, but contains woodlands and specimen trees. No revisions are required for conformance to the NRI.

Woodland Conservation
The site is subject to the provisions of the WCO because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. The 4.69-acre site is totally wooded. The Type 1 tree conservation plan (TCP1) shows clearing with small wooded areas to remain in several of the rear lots of the yards. These lots are required to have a minimum of 40 feet of area counted as cleared behind the house for an active rear yard space. The small wooded areas do not qualify as woodlands and must be considered cleared. The woodland conservation worksheet should be revised to account for the entire site being cleared, which results in a woodland conservation requirement of 2.81 acres. The TCP1 will meet the requirement with off-site woodland credits. Minor revisions are required to the TCP1, and are included as conditions of this approval.

Specimen Trees
Section 25-122(b)(1)(G) requires that "Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree's condition and the species' ability to survive construction as provided in the Environmental Technical Manual."

The site contains nine specimen trees with the ratings of good (specimen trees 2, 3, 4, 5, 7, 8, and 9), and fair (specimen trees 1, and 6). The current design will remove six specimen trees.

Review of Subtitle 25 Variance Request
A Subtitle 25 variance application, and a statement of justification (SOJ) dated May 6, 2019, in support of the variance, were received for review with this PPS. A revised SOJ in support of the variance dated May 6, 2020, was subsequently submitted on May 8, 2020.

Section 25-119(d)(1) of the WCO contains six required findings that need to be made before a variance can be granted. The Letter of Justification submitted seeks to address the required findings for the six specimen trees and details specific to individual trees have also been provided in the following chart.

SPECIMEN TREE SCHEDULE SUMMARY

Specimen Tree Number	COMMON NAME	Diameter (in inches)	CONDITION	DISPOSITION
1	Red Oak	34	Fair	To be removed
2	White Oak	30	Good	To be removed
3	Red Oak	32	Good	To be removed
4	White Oak	33	Good	To be removed
5	White Oak	39	Good	To be saved
6	White Oak	36	Fair	To be removed
7	Southern Red Oak	30	Good	To be removed
8	White Oak	38	Good	To be saved
9	Bur Oak	30	Good	To be saved

Statement of Justification request
A variance from Section 25-122(b)(1)(G) is requested for the clearing of the six specimen trees on-site. The site consists of 4.69 acres and is zoned R-R. The current proposal for this property is to develop the site with seven single family lots, a public roadway, and associated infrastructure. This variance is requested to the WCO, which requires, under Section 25-122 of the WCO, that "woodland conservation shall be designed as stated in this Division unless a variance is approved by the approving authority for the associated case." The Subtitle 25 Variance Application form requires an SOJ of how the findings are being met.

The text in **bold**, labeled A-F, are the six criteria listed in Section 25-119(d)(1). The plain text provides responses to the criteria.

(A) Special conditions peculiar to the property have caused the unwarranted hardship.

The site is a narrow almost totally wooded parcel surrounded by development. This site is being developed with a single standard cul-de-sac roadway with lots only fronting on one side of this roadway. Specimen trees are located throughout the narrow property.

(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas.

The site contains nine specimen trees and six of these trees are to be removed. These six trees are being removed due to their location within the required roadway, or their critical root zone impact for lot grading. The application will retain the remaining three specimen trees located throughout the property. The development of the site is in keeping with similar projects within the area.

(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants.

Based on the various site constraints such as narrow parcel and having to construct a county standard roadway, the granting of this variance will allow the project to be developed in a functional and efficient manner in conformance with the zoning of the site.

(D) The request is not based on conditions or circumstances which are the result of actions by the applicant.

This request is not based on conditions or circumstances, which are solely the result of actions by the applicant. The applicant will remove six specimen trees due to their location within the required roadway, or their critical root zone impact for site development and to retain the three remaining trees through protective measures. The request is not the result of actions by the applicant.

(E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and

This request is based on the nature of the existing site, the distribution of the subject trees, and the required on-site infrastructure. This request is not based on conditions related to land or a building use on a neighboring property.

(F) Granting of the variance will not adversely affect water quality.

The removal of six specimen trees will not adversely affect water quality. Also, the Harbor View development will not adversely affect water quality because the project will be subject to the requirements of the Prince George's County Soil Conservation District (PGSCD), and the approval of a stormwater concept plan by DPIE. The application will meet the woodland conservation requirement off-site at an off-site woodland banking site. The required findings of Section 25-119(d) have been adequately addressed by the applicant for the removal of Specimen Trees 1, 2, 3, 4, 6 and 7.

Soils/Unsafe Land
The soils found to occur according to the United States Department of Agriculture Natural Resources Conservation Services (USDA NRCS) Web Soil Survey (WSS) are Liverpool-Piccowaxen complex, Piccowaxen-Liverpool complex, and Piccowaxen-Urban land complex soils. No Marlboro clay or Christiana clays are mapped on-site.

17. **Urban Design**—The subject application is reviewed for conformance to the Prince George's County Zoning Ordinance, as follows:

The seven-lot subdivision is required to conform with the applicable requirements of the Zoning Ordinance, at time of building permit, including but not limited to the following:

Section 27-428 for the R-R Zone;
Section 27-441 regarding Uses Permitted in the R-R Zone;
Section 27-442 Regulations in the R-R Zone;
Part 11 Off-street parking and;
Part 12 Signage.

Conformance with the 2010 Prince George's County Landscape Manual
The residential development is subject to Section 4.1, Residential Requirements, of the Landscape Manual. Conformance must be demonstrated at the time of building permit.
In addition, a narrow, elongated section of Lot 7 is shown covering an area between Nubia Court and abutting, existing residential development to the north. The extension of Lot 7 in this fashion and location negates the applicability of Section 4.6, Buffering Development from Streets, by providing a sliver of residential land between the rear of the existing homes to the north and Nubia Court. Typically, a 20-foot-wide landscape buffer planted with two shade trees, eight evergreen trees and twelve shrubs per 100-linear feet would be required between the new road and rear yards of the existing homes, as required by Section 4.6. While it is technically not required, the applicant has provided an exhibit showing landscaping that exceeds the planting requirements of Section 4.6 and a six-foot-tall sight-tight fence that will effectively buffer the development from the existing homes to the north. Maintenance of these plantings and fence will be the responsibility of the owners of Lot 7.

Conformance with the Tree Canopy Coverage Ordinance
Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit. Properties that are zoned R-R are required to provide a minimum of 15 percent of the gross tract area in TCC. The subject site being 4.69 acres will be required to provide a minimum of 0.70 acre of the tract area in TCC. Conformance with this criterion will be evaluated at the time of building permit.

18. **Planning Board Hearing**—At the Planning Board meeting on June 11, 2020, twelve exhibits were entered into the record: five applicant exhibits and seven letters of opposition. Applicant Exhibits A through E were received on June 9, 2020 and included a boundary survey, parcel width comparison, two rear-yard exhibits, and a FEMA floodplain exhibit.

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

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

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, June 11, 2020, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 25th day of June 2020.

Elizabeth M. Hewlett
Chairman

By Jessica Jones
Jessica Jones
Planning Board Administrator

EMH:JJ:TS:nz

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department
Date: June 19, 2020