



# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 2023-100

File No. CDP-22002

## R E S O L U T I O N

WHEREAS, a new Zoning Ordinance, Subtitle 27, Prince George's County Code went into effect on April 1, 2022; and

WHEREAS, the subject property is within the Legacy Comprehensive Design Zone (LCD); and

WHEREAS, the applicant, D.R. Horton, Inc., submitted an application for approval of a comprehensive design plan; and

WHEREAS, pursuant to Section 27-1704(h) of the Zoning Ordinance, property in the LCD Zone may proceed to develop in accordance with the standards and procedures of the prior Zoning Ordinance; and

WHEREAS, therefore, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed this application under the Zoning Ordinance in existence prior to April 1, 2022; and

WHEREAS, in consideration of evidence presented at a public hearing on September 14, 2023, regarding Comprehensive Design Plan CDP-22002 for Dobson Farms, the Planning Board finds:

1. **Request:** This comprehensive design plan (CDP) approves a residential development, with a mix of housing types consisting of up to 1,106 dwelling units.
2. **Development Data Summary:**

Zone(s)	LCD (Prior R-S)
<b>Gross tract area</b>	581.06 acres
100-year floodplain	213.84 acres
Net Comprehensive Design Zone (CDZ) Area*	474.14 acres
Density permitted	(1.6 to 2.6 du/ac)
Base density of the prior R-S-zoned property (1.6 du/ac x 581.06 acres less 50% of the floodplain) in terms of number of dwelling units	758
Maximum density (2.6 du/ac x 581.06 acres less 50% of the floodplain) in terms of number of dwelling units	1,232
Minimum density (1.808 du/ac x 581.06 acres less 50% of the floodplain) in terms of dwelling units	857
Maximum density (2.333 du/ac x 581.06 acres less 50% of the floodplain) in terms of dwelling units	1,106

**Note:** \*Per Section 27-486(a) of the prior Zoning Ordinance, residential density determinations in the Residential Suburban Development (R-S) Zone shall be based on an average number of dwelling units per gross acre, minus 50 percent of the density attributed to any land located within a 100-year floodplain.

3. **Location:** This subject property is located on the south side of McKendree Road, approximately 1,400 feet west of its intersection with US 301 (Robert Crain Highway), and within Planning Area 85A and Council District 9.
4. **Surroundings:** The subject site is bounded to the north by undeveloped land and single-family residences in the Agricultural-Residential (AR) and Residential, Rural (RR) Zones beyond; to the south by Charles County; to the east by McKendree Road, with townhouses in the Residential, Single-Family-Attached (RSF-A) Zone beyond; and to the west by Gardner Road, with a variety of non-agricultural uses in the AR Zone beyond. The property also abuts Mattawoman Creek, which runs east-west along the southern portion of the property and serves as the boundary between Prince George's County and Charles County.

5. **Previous Approvals:** The following applications were previously approved for the subject property:

In 1968, the Prince George's County District Council approved Special Exception SE-1719, for expansion of the golf course and construction of ponds on the property.

In 1969, the District Council approved Special Exception SE-2004, to permit a golf course, a country club, and a concession stand on the property.

In 1978, the District Council approved Special Exception SE-2970, to permit the mining of sand and gravel for five years on a tract of 102 acres on the property.

In 1997, the District Council approved Special Exception SE-4218, to permit the mining of sand and gravel on the property.

In 2003, the District Council approved Special Exception SE-4479, to permit the extension of the mining of sand and gravel on a tract of 65 acres for three years on the property.

In 2011, the District Council approved Special Exception SE-4669, to permit the extension of the mining of sand and gravel for six years on the property.

The property was retained in the Residential-Agricultural (R-A) and Residential-Estate (R-E) Zones in the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (Subregion 5 Master Plan). Portions of the property have been farmed extensively. More recently, certain parts of the property were the site of surface mining operations. While the central portion of the property has been cleared for the mining operation, the northern, eastern, and southern

areas remain generally wooded, especially along Mattawoman Creek and Timothy Branch Stream.

The subject property was rezoned Legacy Comprehensive Design (LCD) Zone through the approved Countywide Map Amendment via Prince George's County Council Resolution CR-136-2021, effective April 1, 2022.

Basic Plan A-10059 was accepted for review on February 17, 2021, prior to effectuation of the new Zoning Ordinance. Publication of the technical staff report (June 28, 2021); the Planning Board hearing (July 29, 2021); adoption of the Planning Board's A-10059-C-10 Resolution No. 2021-109 (September 9, 2021); and the Zoning Hearing Examiner's hearing (March 2, 2022), all occurred prior to effectuation of the new Zoning Ordinance. The District Council's decision of A-10059 (Zoning Ordinance No. 8-2022) also occurred after April 1, 2022, which resulted in a zone set forth within the new Zoning Ordinance, pursuant to Section 27-1703(a). In October 2022, the overall site was rezoned by the District Council, from the R-E and R-A Zones to the R-S Zone or LCD Zone, through A-10059 for 857 to 1,106 dwelling units, subject to five conditions.

The density range permitted with the basic plan was 857 to 1,106 dwelling units. This calculation was determined by Section 27-486(a) of the prior Zoning Ordinance. Residential density determinations, in the prior R-S Zone, shall be based on an average number of dwelling units per gross acre, minus 50 percent of the density attributed to any land located within a 100-year floodplain. The gross acreage is 581.06 acres and the area of 100-year floodplain is 213.84 acres, 50 percent of which is 106.92 acres. Therefore, the net comprehensive design zone area (net CDZ) is 474.14 acres. The R-S Zone permits a minimum density of 1.6 dwelling units per acre, and a maximum density of 2.6 dwelling units per acre. A project may only reach 2.6 dwelling units per acre if an applicant achieves public benefit features and density increment factors. The density range permitted and approved calculations are, as follows:

#### **Density Range Permitted**

- Minimum density calculation permitted (1.6 du/acre x 474.14 acres) = 758 dwelling units
- Maximum density calculation permitted (2.6 du/acre x 474.14 acres) = 1,232 dwelling units

#### **Density Range Approved**

- Minimum density calculation (1.808 du/acre x 474.14 acres) = 857 dwelling units
- Maximum density calculation (2.333 du/acre x 474.14 acres) = 1,106 dwelling units

An approved stormwater management (SWM) concept plan was not submitted with this application. A SWM concept letter and plan approved by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) will be required to be submitted with future

applications. SWM is required to meet environmental site design, to the maximum extent practicable, for water quantity and quality control measures.

6. **Design Features:** The subject CDP fronts along McKendree Road (MC-502) to its north. This portion of McKendree Road falls within the Subregion 5 Master Plan, as well as the 2009 *Approved Countywide Master Plan of Transportation* (MPOT). Both plans recommend this portion of McKendree Road as a four-lane master plan collector roadway, within 100 feet of right-of-way (ROW). At the time of preliminary plan of subdivision (PPS) for the subject property, the applicant will be required to dedicate ROW for the portion that fronts the site.

In addition, the subject property fronts along Gardner Road (C-532) along its western bounds. This portion of Gardner Road also falls within the Subregion 5 Master Plan and the MPOT. Both plans recommend this portion of Gardner Road as a two-lane collector roadway, within 80 feet of ROW. While the overall site has frontage along Gardner Road, no access to the site is anticipated at this location.

Six distinct pods of development have been approved. Pods A and B are shown fronting McKendree Road, on the east and west side of the divided parkway main access road. Pod A, west of the entrance road, is approved to be developed with up to 40 single-family detached dwellings. Pod B, to the east of the entrance road, is approved to be developed with up to 300 single-family attached townhouse units. Pod C, located in the central north portion of the development, is approved to contain a combination of up to 80 single-family detached dwellings and up to 80 single-family attached townhouse units. Pods D and E are centrally located between several of the Mattawoman Creek tributaries reaching through the property. Pod D is approved to include up to 180 single-family detached units. Pod E is approved to contain a combination of up to 220 single-family detached dwellings and up to 80 single-family attached townhouse units. It is anticipated that either Pod C or Pod E will contain up to 80 single-family attached units, but not both, in later development applications. Further west is Pod F, with up to 280 single-family detached units. The dwellings will vary in size and model types to encourage a balanced land development, while also serving the needs of various buyers at various price points, with the specific design to be evaluated at the time of SDP. Although the final total number of all residential dwellings will be determined at subsequent phases of development, the total cumulative number of dwelling units will not exceed the maximum density approved with this CDP. Further, the total number of single-family attached dwelling units will not exceed 35 percent of the final total of units in the development. The minimum lot area for the single-family attached dwellings is approved to be 1,800 square feet. The minimum lot area of the single-family detached dwellings is approved to be 4,000 square feet. The revised illustrative plan, as part of the CDP submittal, proposes 40-, 50-, and 60-foot-wide single-family detached lots, and 20- and 24-foot-wide townhouse lots.

All pods are stated to include various open spaces and several sites for passive and active recreation areas. The on-site private recreational facilities that serve each pod shall be in a central location within the respective development pod as a focal point of the community. Conditions requiring the applicant to provide the location of open space and a list of passive and active recreational facilities have been included herein.

Parcel 6 and a portion of Parcel 8, located on the west side of the property, are within Sustainable Growth Tier IV and; therefore, cannot be included in a major subdivision, pursuant to Section 24-119(a)(2) of the prior Subdivision Regulations. However, this area may still be included in this CDP, for the purposes of providing open space amenities and calculating the density of the development. To ensure that the land within Sustainable Growth Tier IV is used for these purposes and is not developed with residential lots (which would affect the CDP density calculations), a condition of approval has been included herein, stating that no development with residential lots shall occur on the land within Sustainable Growth Tier IV. In support of this, the Planning Board further recommended that the land within Sustainable Growth Tier IV be platted as one or more outparcels, prior to, or concurrently with, approval of final plats of subdivision. All or part of the land within Sustainable Growth Tier IV may be conveyed to the Maryland-National Capital Park and Planning Commission (M-NCPPC), if requested by the Prince George's County Department of Parks and Recreation (DPR) and agreed to by the applicant. This may necessitate the division of land into two or more outparcels, if part of the land is to be conveyed and part of the land is to be retained by the owner.

Vehicular access to the subject site will be provided via McKendree Road, a master plan collector roadway. A condition has been included herein, requiring the applicant to show two access points, subject to approval of the operating agency. Each residential lot will have frontage on a public street, as shown in the circulation plan. The building blocks of this development include interconnecting streets and complimentary conceptual building and parking envelopes. In addition, a significant green area and trail network have been approved. The project has been designed to minimize impacts to sensitive environmental features, to preserve sensitive environmental areas, and be completed in four phases.

### **Development Standards**

This CDP also includes development standards for the single-family detached units and the single-family attached units, as follows:

#### **Single-Family Detached Units**

##### **STANDARDS\***

Minimum Net Lot Area	4,000 square feet
Minimum Front Yard Setback	15 feet
Minimum Rear Yard Setback	15 feet
Minimum Side Yard Setback (one side/combined)	5 feet/10 feet
Minimum Lot Width at Street Line	40 feet
Minimum Lot Width at Front BRL	40 feet
Minimum Frontage on Cul-De-Sac	30 feet
Maximum Height	40 feet

### **Single-Family Attached Units**

#### **STANDARDS\***

Minimum Net Lot Area	1,800 square feet
Minimum Front Yard Setback	15 feet
Minimum Rear Yard Setback	15 feet
Minimum Side Yard Setback (one side/combined)	0 feet
Minimum Lot Width at Street Line	20 feet
Minimum Lot Width at Front BRL	20 feet
Minimum Frontage on Cul-De-Sac	20 feet
Minimum Space between End Buildings	10 feet
Maximum Height	40 feet

**Note:** \*Modifications to the standards can be granted by the Prince George's County Planning Board and/or the District Council, on a case-by-case basis, with the approval of an SDP.

#### **Other Design Standards**

A minimum of 60 percent of all townhouse units shall have a full front façade (excluding gables, bay windows, trim, and doors) constructed of brick, stone, or stucco. For all alley-located townhouses, a deck with a minimum depth of four feet shall be a standard design option. Any deck may encroach on a rear setback by up to 10 feet. Highly visible end units (for dwelling units) require additional design and finish treatments, that will be decided at the time of specific design plan (SDP) approval.

The development standards that govern this development are acceptable, subject to the conditions contained herein.

#### **Green Building Techniques**

A development project of this large scale, with multiple phases, has numerous opportunities to apply green building and sustainable-site development techniques, to achieve green building certification and environmental excellency. A condition has been included herein, requiring the applicant to provide sustainable site and green building techniques to be used in this development, with the submittal of the SDP.

### **COMPLIANCE WITH EVALUATION CRITERIA**

7. **Zoning Map Amendment (Basic Plan) A-10059:** The District Council approved Basic Plan A-10059 on October 17, 2022, for development of up to 1,106 single-family detached and attached dwelling units, in the prior R-S Zone. The approved basic plan was subject to five conditions. The conditions that are relevant to the review of this CDP are provided, as follows:

1. **The Applicant shall provide a stream corridor assessment survey with a NRI plan review.**

An updated Natural Resources Inventory (NRI-001-2022-01) was recently approved, with the required stream corridor assessment survey.

2. **The Applicant shall meet the entire Woodland Conservation requirement on-site for the prior R-S Zone applicable prior to April 1, 2022. The Tree Canopy Coverage requirements shall be met on-site pursuant to the standards of the prior R-S Zone applicable prior to April 1, 2022.**

The TCP1 submitted with this application shows the entire woodland requirement met on-site and using the prior woodland conservation threshold for the R-S Zone.

3. **The Applicant shall create new wetland and enhance existing wetlands with adjoining meadows focusing on providing wildlife habitat.**

The TCP1 submitted with this application shows four types of habitat creation areas approved for the open and forested areas on-site. These habitat areas will be further reviewed with the PPS.

The applicant provided a description of what they envisioned the environmental habitat proffer areas would look like for this application. Below are the applicant's proffered habitat descriptions, with minor technical revisions by the Planning Board:

**Wetland Creation**—New areas of wetlands will be created through minimal grading and the introduction of native wetland species local to the region. These areas will be located in lower topographic regions, within the vicinity of the Mattawoman floodplain, and its connected wetlands. The goal of these new wetlands is to create a habitat extension of the Mattawoman watershed system, creating a more robust transitional buffer between the approved development and the mature woodlands, along Mattawoman Creek. These created wetland areas will add to, and enhance, the existing wetland network, meeting the three criteria for wetlands by containing wetland hydrology, hydric soils, and dominant hydrophytic vegetation. Native pollinator vegetation is anticipated to consist of herbaceous, shrub, and tree species to create a diverse ecosystem. These wetland habitat pockets and extensions will be placed in areas that are currently unforested and would not require the clearing of any woodlands.

**Meadow Habitat Creation**—In areas that are not approved for reforestation plantings, native meadows will be created utilizing minor grade changes and purposeful plantings to create a different type of habitat edge, adjacent to the existing woodlands. These areas are envisioned to create connections from isolated wetlands to forest edge regions. A mix of both wet and dry meadows will ensure maximum plant diversity that will serve as a habitat for birds and pollinating insects. These types of habitats are rarely approved with

development applications, and this development offers a unique opportunity to create something different on this site.

These meadows will be situated in areas that are currently unforested and would not require the clearing of any woodlands.

**Forest Edge Treatment**—Forest edge treatments are selective plantings of new tree and shrub species that can protect vulnerable mature canopy edges of existing woodlands. The planting of understory, flowering, and canopy species along the forest edge is approved to ensure a greater natural buffer between the approved development and the adjacent woodlands, protecting the existing woodlands from windthrow and invasive species encroachment. These forest treatment areas would be selected specifically based on the adjacent woodlands, and their proximity to the approved development footprint. These reinforced edges would be prioritized in locations where woodland is to be cleared and a new forest edge can be created in areas where there are opportunities to further protect more mature forests.

**Woodland Understory Enhancement**—Opportunities exist throughout the existing woodlands for selective low-footprint woodland enhancement. This would be accomplished through the planting and establishment of native herbaceous species, along with infill planting of shrubs and understory trees. The strategic establishment of lower and mid-canopy species within the existing woodland provides the opportunity to balance the existing forest ecosystem with a suitable understory of native trees, shrubs, and herbaceous plantings. To ensure survivability of these areas, extensive deer protection could be utilized, such as fencing and other methods. These enhanced vegetation areas will create a new seed source for the surrounding forest, raising the probability of these plants spreading into the adjacent woodlands.

**4. The Applicant shall provide selective woodland understory enhancement focusing on habitat and biodiversity.**

The TCP1 submitted with this application shows four types of habitat creation areas for the open and forested areas on-site. These habitat areas will be further reviewed in the PPS.

**5. The Applicant shall provide ecological enhancement through selective environmental site design planting motifs that both replicate and increase the biodiversity of the local ecology.**

The TCP1 submitted with this application shows four types of habitat creation areas for the open and forested areas on-site. These habitat areas will be further reviewed in the PPS.

**8. Prince George's County Zoning Ordinance:** This application has been reviewed for conformance with the requirements of the prior Zoning Ordinance, governing development in the R-S Zone, as follows:



- a. **Uses**—In accordance with Section 27-515(b) of the prior Zoning Ordinance, the approved residential uses consisting of both single-family detached and attached units are permitted in the R-S Zone, pursuant to the approved basic plan. The R-S Zone, which is one of nine CDZs, is envisioned as a moderate-density suburban residential zone, that will provide flexibility and imaginative utilization of the land, to achieve a balanced and high-quality residential development, that cannot be achieved through conventional zoning designation. The general principle for land uses in this zone is that uses shall be either residential in nature, or necessary to serve the dominant residential uses.

The following section discusses the purposes of the R-S Zone.

**Section 27-511. – Purposes.**

**(a) The purposes of the R-S Zone are to:**

- (1) Establish (in the public interest) a plan implementation zone, in which (among other things):**
  - (A) Permissible residential density is dependent upon providing public benefit features and related density increment factors;**
  - (B) The location of the zone must be in accordance with the adopted and approved General Plan, Master Plan, Sector Plan, public urban renewal plan, or Sectional Map Amendment Zoning Change; and**
  - (C) Applicable regulations are satisfied for uses authorized pursuant to Section 27-515(b) of this Code.**

The approved CDP is consistent with the purposes of the R-S Zone, as the subject property includes a residential permitted use at a density that is consistent with the zone, the *Plan Prince George's 2035 Approved General Plan* (Plan 2035), and the Subregion 5 Master Plan. All regulations for single-family detached and attached residential dwelling uses, in accordance with Section 27-515(b), are met.

- (2) Establish regulations through which adopted and approved public plans and policies (such as the General Plan, Master Plans, Sector Plans, public urban renewal plans, or Section Map Amendment Zoning Changes) can serve as the criteria for judging individual development proposals;**

The approved CDP meets this purpose, as this property was rezoned to the R-S Zone and conforms with the approved amended basic plan and the Subregion 5 Master Plan.

**(3) Assure the compatibility of proposed land uses with existing and proposed surrounding land uses, and existing and proposed public facilities and services, so as to promote the health, safety, and welfare of the present and future inhabitants of the Regional District;**

The CDP shows single-family residential uses, with a moderate overall density, which is consistent with the neighboring properties. To further assure compatibility, the Planning Board conditioned that the approved larger single-family detached lots be located where abutting lots are developed with, or zoned for, larger lot single-family detached dwellings, unless proposed to be set back and/or buffered above the normal requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual).

To support the residential-low land use suggested by the Subregion 5 Master Plan, but also allow the flexibility allowed by CDZs, a varied housing stock is appropriate. This will ensure a more integrated layout, with both single-family detached and single-family attached dwelling units of varying lot sizes, which will provide for a varied ownership interest that will support an integrated development.

**(4) Encourage amenities and public facilities to be provided in conjunction with residential development;**

The CDP meets this purpose of the R-S Zone, as the project incorporates public benefit features into the development and receives density bonuses in return. The public benefit features approved include 28 acres of open space recreational facilities and a pedestrian trail system. The approved public benefit features are discussed in more detail below, in Finding 3.

**(5) Encourage and stimulate balanced land development;**

The provided CDP meets this purpose by providing two housing types for this development, which are shown to act as a range in affordability between single-family attached dwellings in the area and the conventional single-family detached dwellings available on the market. The approved housing types include single-family detached dwellings and single-family attached dwellings. The dwellings will vary in size and

model types to encourage a balanced land development, while also serving the needs of various buyers at various price points.

**(6) Improve the overall quality and variety of residential environments in the Regional District; and**

The provided CDP and TCP1 include environmental buffers and meet the woodland conservation threshold. The subject property does not approve the removal of specimen trees. The site contains 189 on-site specimen trees, with 147 rated in good condition, 36 rated in fair condition, and 6 rated in poor condition. A full evaluation of the need to remove specimen trees has not been completed with this CDP application because the limits of disturbance (LOD) has not been established, with respect to limiting the on-site environmental impacts.

**(7) Allow qualifying properties in the R-S Zone to develop with uses in the E-I-A Zone pursuant to Section 27-515(b) of this Code.**

The provided CDP is not a qualifying property, under this provision.

- b. **Density Increments**—The subject site is in the LCD Zone, and previously in the R-S Zone which has specific density requirements and factors that can be utilized to increase density, subject to development caps established in the approved basic plan. In the R-S Zone, in accordance with Section 27-513 of the prior Zoning Ordinance, the base density is 1.6 dwelling units per acre and the maximum density is 2.6 dwelling units per acre. The approved maximum 1,106 dwelling units, in the prior R-S Zone, are at a density of 2.33 dwelling units per acre, which is above the base density, but still within the maximum allowed density of 2.6 dwellings per acre.

Per Section 27-486(d) “Increments shall not be allowed for any improvement which is required to be made by the developer (by other laws or regulations).” All requested public benefit features have been evaluated, according to this regulation. In order to achieve a density above the minimum of 1.6 dwelling units per acre, the applicant requested public benefit features and density increment factors, as stipulated in Section 27-513(b), as follows:

**(b) Public Benefit Features and Density Increment Factors.**

- (1) For open space land at a ratio of at least 3.5 acres per 100 dwelling units (with a minimum size of 1 acre), an increment factor may be granted, not to exceed 25% in dwelling units. (This open space land should include any irreplaceable natural features, historic buildings, or natural drainage swales located on the property.)**

The applicant requested a density increment using this factor, with this CDP. The maximum amount that can be requested is a 25 percent increase in dwelling units. The applicant proposed to provide 28 acres of permanent open space. This open space qualifies the applicant for an increment factor of up to 25 percent in dwelling units. Thus, a total of 189 additional dwelling units can be achieved by utilizing this density increment factor.

The location and area of the open space, used for this density increment, is not specified on the CDP. Qualifying areas shall be shown to demonstrate there is space available to meet this requirement, without impacting the environmental features that are being preserved. Therefore, a condition has been included herein, requiring the applicant to note the location of the open space. The open space shall not be located in an area designated for woodland conservation. The Planning Board supported this density increment factor as requested, with an increase of 25 percent in dwelling units.

**(2) For enhancing existing physical features (such as break-front treatment of waterways, sodding of slopes susceptible to erosion action, thinning and grubbing of growth, and the like), an increment factor may be granted, not to exceed 2.5% in dwelling units.**

The applicant requested a density increment using this factor, with this CDP. The maximum amount that can be requested is a 2.5 percent increase in dwelling units. The environmental enhancement features approved include new areas of wetlands, native meadows, forest edge treatments, and selective low-footprint woodland enhancements. A total of 18 dwelling units can be achieved by using this density increment factor. However, these environmental enhancement areas are required, per Conditions 3, 4, and 5 of the zoning approval. Per Section 27-486(d) "Increments shall not be allowed for any improvement which is required to be made by the developer (by other laws or regulations)." Since these enhancements are a requirement of the zoning approval, the Planning Board did not support this density increment factor request.

**(3) For a pedestrian system separated from vehicular rights-of-way, an increment factor may be granted, not to exceed 5% in dwelling units.**

The applicant requested a density increment using this factor, with this CDP. The maximum amount that can be requested is a 5 percent increase in dwelling units. The applicant proposes to construct approximately 14,000 linear feet of trails throughout the community, including the MPOT master plan trail along the Mattawoman watershed. A total of 37 dwelling units can be achieved by using this density increment factor.

A condition has been included herein, requiring the applicant to differentiate the trail counted towards this density increment and the master plan trail. The Planning Board supported this density increment factor, as requested.

- (4) For recreational development of open space (including minimum improvements of heavy grading, seeding, mulching, utilities, off-street parking, walkways, landscaping, and playground equipment), an increment factor may be granted, not to exceed 10% in dwelling units.**

The applicant requested a density increment using this factor, with this CDP. The maximum amount that can be requested is a 10 percent increase in dwelling units. The applicant proposed approximately 10 acres of on-site recreational facilities within the subdivision. Thus, a total of 75 additional dwelling units can be achieved by using this density increment factor. A condition has been included herein, requiring the applicant to show the location and improvements of recreational development that would count toward this density factor, at the time of SDP. The Planning Board supported this density increment factor, as requested.

- (5) For public facilities (except streets and open space areas) an increment may be granted, not to exceed 30 percent in dwelling units.**

The applicant did not request a density increment using this factor.

- (6) For creating activity centers with space provided for quasi-public services (such as churches, day care center for children, community meeting rooms, and the like), a density increment factor may be granted, not to exceed 10 percent in dwelling units.**

The applicant did not request a density increment using this factor.

- (7) For incorporating solar access or active/passive solar energy in design, an increment factor may be granted, not to exceed 5 percent in dwelling units.**

The applicant did not request a density increment using this factor.

In summary, the applicant has conceptually shown density increments, based on Criterion (1)–(4), as noted above. The Planning Board recommended approval of density increments from Criterion (1), (3), and (4), which results in a total of 301 additional dwelling units. Added to the base density of 758 units, only 1,059 units were approved

with this CDP. This is less than the requested 1,106 dwelling units proposed by the applicant.

Conditions have been included herein, requiring the applicant to provide additional details for density increments (1), (3), and (4). As a result, the applicant will earn density increments, subject to certain conditions, as follows:

Factor Number	Density Increment (%)	Density Increment (# of units)
1	25	189
3	5	37
4	10	75
<b>Total</b>		<b>301*</b>

**Note:** \*When adding these earned units together with the base density of 758 units, only 1,059 units will be allowed, as approved.

- c. **Development Standards**—A comprehensive set of development standards has been included in this CDP for the entire development, as discussed in Finding 6 above. The development standards are acceptable and will guide the future development of Dobson Farms, as approved with this CDP.

In addition to the approved development standards, development within the R-S Zone must also comply with additional regulations as stated in Section 27-513(d), as follows:

**(d) Other regulations.**

- (1) Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code.**

The approved CDP is consistent with this requirement. The single-family detached development areas are conceptually shown with frontage on, and direct vehicular access to, a public street. Single-family attached development areas are conceptually shown with a network of private streets and alleys, which will be further reviewed, in accordance with Subtitle 24 of the Prince George's County Code, at the time of PPS.

- (2) Additional regulations concerning development and use of property in the R-S Zone are as provided for in Divisions 1, 4, and 5 of this Part, General (Part 2), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.**

The CDP approves parking, in accordance with the requirements for residential parking. Parking, signage, and landscaping will be fully analyzed with the future SDP application.

- (3) **Notwithstanding any other requirement of this Subdivision, the types of dwelling units permitted shall be limited to one-family detached and attached dwellings. No more than thirty-five percent (35%) of the total number of dwelling units shall be attached units; however, the restrictions for attached dwelling units of this subsection, above, shall not apply to Mixed Retirement Development in the R-S Zone.**

Basic Plan A-10059 approved a maximum of 1,106 dwelling units, containing a mix of detached and attached dwelling units. The unit breakdown provided on the coversheet of the CDP does not add up to the 1,106 maximum dwelling units permitted. In addition, based on the requested and approved public benefit density increments, only 1,059 dwelling units are allowed.

The CDP shows that the residential development consists of up to 600 single-family detached units, up to 200 age-targeted single-family attached units, and up to 380 single-family attached townhomes. The total unit count adds up to a maximum of 1,180 dwelling units, which is above the maximum unit count allowed. In addition, the attached dwelling units make up a total of 49 percent of the total development, which is above the maximum 35 percent threshold allowed. To address this, the CDP shall be modified to replace the “villas” with single-family detached units.

A condition has been included herein, requiring the applicant to revise the CDP to show a maximum of 35 percent attached dwelling units; to revise the CDP and text to provide updated development standards that replace the “villas” with single-family detached dwellings; and address the updated minimum standards to correspond with this conversion.

- (4) **Notwithstanding any other provision of this Subtitle, a grading permit to support the development of uses permitted in the E-I-A Zone on land in the R-S Zone pursuant to Section 27-515(b) may be issued so long as it is in conformance with an approved Comprehensive Design Plan.**

This regulation is not applicable, as the CDP does not include any uses permitted in the prior Employment and Institutional Area (E-I-A) Zone.

- (5) **Notwithstanding the provisions of Section 27-123 of this Code, the minimum standards set forth in the Landscape Manual for landscaping, buffering, and screening for all uses permitted in the E-I-A Zone on land in the R-S Zone pursuant to Section 27-515(b) may be modified by the approved Comprehensive Design Plan.**

This regulation is not applicable, as the CDP does not include any uses permitted in the prior E-I-A Zone.

- d. Section 27-521 of the prior Zoning Ordinance requires the Planning Board to find conformance with the following findings, for approval of a CDP:

- (1) **The plan is in conformance with the Basic Plan approved by application per Section 27-195; or when the property was placed in a Comprehensive Design Zone through a Sectional Map Amendment per Section 27-223, was approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;**

As discussed in Findings 5 and 7 above, the overall site was rezoned by the District Council in October 2022, from the R-E and R-A Zones to the R-S or LCD Zones, through Basic Plan A-10059 (Zoning Ordinance No. 8-2022), for 857 to 1,106 dwelling units, subject to five conditions.

The approved development, combined with unique environmental factors that create an enclave suitable for the subdivision, will result in a development with a better environment than could be achieved under other regulations.

- (2) **The proposed plan would result in a development with a better environment than could be achieved under other regulations;**

The flexibility inherent in CDZs, such as the prior R-S Zone, will allow the applicant to produce a much better environment and achieve high standards for the development, than in regular Euclidean zones. This CDP will create a better environment, when compared to existing development in the surrounding area. Urban design elements imposed in a suburban setting, the preservation of environmental features (and the views into them), recreational trails, and accessible recreational areas, create a development that would satisfy the needs of residents and guests on the subject property. In addition, the applicant is including enhanced environmental features, as discussed in Finding 7 above.



- (3) **Approval is warranted by the way in which the Comprehensive Design Plan includes design elements, facilities, and amenities, and satisfies the needs of the residents, employees, or guests of the project;**

Approval is warranted because the CDP includes design elements and a land use vision that is consistent with the approved basic plan. The design features included in this CDP also aim to highlight the preservation of various environmental features, localized recreational amenity areas in each development pod, and a multi-use pedestrian trail that connects the entire development. The applicant has provided a conceptual design features exhibit that notates some of the features. The CDP contains conditions herein, requiring the applicant to include additional details on the location of open space, woodland conservation areas, and a list of potential passive and active recreation amenities.

Further evaluation of the urban design elements will be reviewed, at the time of SDP. The approved CDP includes diverse housing sizes and types, multiple locations for recreational facilities, and amenities that are consistent with the approved basic plan.

- (4) **The proposed development will be compatible with existing land uses, zoning, and facilities in the immediate surroundings;**

The approved development is compatible with land uses, zoning, and facilities in the immediate surroundings. The surrounding area is generally a mix of undeveloped land and single-family detached and attached dwellings, on lots that are 1.0 acre or less. The residential development, as conditioned, will be compatible with the existing residential environment. The attached housing lots are shown on the revised CDP illustrative plan to be located either interior to the development, abutting other attached housing lots, or buffered from undeveloped properties, in accordance with the requirements of the Landscape Manual. A condition has been included herein, requiring larger single-family detached lots to be located where abutting lots are developed with, or zoned for, larger lot single-family detached dwellings, unless proposed to be set back and/or buffered above the normal requirements of the Landscape Manual. The smallest single-family attached and detached lots shall be located interior to the development. The combination of a variety of lot sizes, with the smallest lots located to the interior of the development, will create a transition from the abutting larger lot developments. The portion of the property located within the Rural and Agricultural Growth Policy Area is approved to remain undeveloped.

- (5) **Land uses and facilities covered by the Comprehensive Design Plan will be compatible with each other in relation to:**

(A) **Amounts of building coverage and open space;**

The amount of building coverage was not shown with this CDP. The exact percentages of both the building coverage and open space will be determined at the time of SDP.

**(B) Building setbacks from streets and abutting land uses; and**

The approved mixed residential development features a compact design, while preserving and enhancing the natural environment. The building setbacks for the approved two housing types were previously discussed in Finding 6, under development standards, and conditions are included herein, requiring the applicant to show varying lot sizes that will provide transition from the abutting lots, to ensure compatibility.

All buffers will be evaluated and implemented at the time of SDP. In addition, the approved development is required to conform to the regulations within the Landscape Manual.

**(C) Circulation access points;**

The subject site will provide primary access from McKendree Road, which is an MPOT planned shared roadway. The planned ROW will facilitate the design and construction of the shared-use path along the site's frontage, as recommended by the MPOT, unless modified by DPIE with written correspondence.

The primary access is designed with a median to allow separate ingress and egress. This entrance connects to all six of the development pods, via a traffic circle. Two additional access points, along McKendree Road, are also shown as right-in/right-out roadways to Pods A and B. No street connection is shown to Gardner Road to the south. Trails and sidewalks are shown to connect all development pods to the main recreation area, and to the larger countywide trail system.

Additional evaluation, analysis, and review of these elements will be carried out, at the time of PPS and SDP reviews.

**(6) Each staged unit of the development (as well as the total development) can exist as a unit capable of sustaining an environment of continuing quality and stability;**

The CDP is approved to be constructed in four phases of development. Each stage of development and the total development site can exist as a unit, capable of sustaining an environment of continuing quality and stability.

- (7) **The staging of development will not be an unreasonable burden on available public facilities;**

The approved development will be subject to a PPS, at which time adequacy of public facilities will be evaluated and tested. However, the Planning Board found that the development, which is anticipated to be completed in four phases, will not create an unreasonable burden on available public facilities.

Per Subtitle 24, the methodology for testing adequate public facilities will be fully evaluated at the time of PPS. It has been conditioned herein, requiring a new traffic impact analysis (TIA) be submitted, prior to acceptance of the PPS, which includes level of service results for a second site access point. An updated TIA, reflecting these changes, will allow the Planning Board to better determine adequacy, at the PPS stage of development.

- (8) **Where a Comprehensive Design Plan proposal includes an adaptive use of a Historic Site, the Planning Board shall find that:**

- (A) **The proposed adaptive use will not adversely affect indistinguishing exterior architectural features or important historic landscape features in the established environmental setting;**
- (B) **Parking lot layout, materials, and landscaping are designed to preserve the integrity and character of the Historic Site;**
- (C) **The design, materials, height, proportion, and scale of a proposed enlargement or extension of a Historic Site, or of a new structure within the environmental setting, are in keeping with the character of the Historic Site;**

The CDP does not approve an adaptive re-use of an historic site.

- (9) **The Plan incorporates the applicable design guidelines set forth in Section 27-274 of Part 3, Division 9, of this Subtitle, and where townhouses are proposed in the Plan, with the exception of the V-L and V-M Zones, the requirements set forth in Section 27-433(d);**

This plan incorporates the applicable design guidelines of Section 27-274 of the prior Zoning Ordinance, and the Planning Board found that the CDP conforms, subject to conditions included herein. The Board agreed with the analysis provided in the applicant's SOJ, which was demonstrated within the CDP. The design guidelines will also be fully evaluated at the time of SDP.

- (10) **The Plan is in conformance with an approved Type 1 Tree Conservation Plan;**

Approved Type 1 Tree Conservation Plan, TCP1-011-2023, was submitted with the CDP application, subject to conditions contained herein.

- (11) **The 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 requirement of Subtitle 24-130-(b)(5).**

This application area contains regulated environmental features (REF), including steep slopes, floodplain, wetlands, streams, and their associated buffers, which comprise the primary management area (PMA).

The information submitted on the TCP1 shows impacts to the PMA for the existing road crossings, grading associated with road placement, and utility extensions. SWM outfalls are not shown at this time, as the full extent of the PMA impacts are not fully engineered. There are areas of non-PMA isolated wetlands and wetland buffers impacted for roads and lots. The impacts to the PMA and REF will be further reviewed, as part of the PPS application, when more detailed information and an approved SWM concept plan are available.

- (12) **Notwithstanding Section 27-521(a)(9), property placed in a Comprehensive Design Zone pursuant to Section 27-226(f)(4), shall follow the guidelines set forth in Section 27-480(g)(1) and (2); and**

This provision is not applicable to the subject application because it was not placed in a CDZ, pursuant to Section 27-226(f)(4) of the prior Zoning Ordinance, regarding a CDZ being included as part of a sectional map amendment.

- (13) **For a Regional Urban Community, the plan conforms to the requirements stated in the definition of the use and satisfies the requirements for the use in Section 27-508(a)(1) and Section 27-508(a)(2) of this Code.**

This provision is not applicable to the subject application because this development is not a regional urban community.

9. **2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance and the Prince George's County Tree Canopy Coverage Ordinance:** This CDP has been reviewed for conformance with the Woodland and Wildlife Habitat Conservation Ordinance (WCO) and the Tree Canopy Coverage Ordinance, as follows:

- a. **Woodland Conservation Ordinance**—The site is subject to 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.

Based on the TCP1 submitted with the CDP application, the overall site contains a total of 198.36 acres of net tract woodlands and 184.03 acres of wooded floodplain. The plan shows a proposal to clear 102.09 acres of on-site woodlands, 1.71 acres of wooded floodplain, and 0.37 acre of off-site woodlands. This application uses the prior zoning (R-S) woodland conservation threshold for a requirement of 20 percent, or 104.86 acres. Currently, the plan's view and woodland conservation worksheet shows 96.21 acres of on-site preservation and 8.65 acres of on-site reforestation, to meet the woodland requirement on-site. A condition has been included herein, requiring the applicant to place the areas of woodland conservation on an open space exhibit.

- b. **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 for more than 5,000 square feet of disturbance or gross floor area. Properties in the prior R-S Zone are required to provide a minimum of 15 percent of the gross tract area in TCC. At the time of SDP review, the applicant must demonstrate conformance with the relevant requirements of the Tree Canopy Coverage Ordinance.

- 10. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The Planning Board has reviewed and adopts referral comments that are incorporated herein by reference and summarized, as follows:

- a. **Community Planning**—In a memorandum dated August 2, 2023 (Calomese to Lockhart), the following comments were offered:

Pursuant to Section 27-521(a)(1), this application conforms to the design guidelines or standards intended to implement the development concept recommended by the Subregion 5 Master Plan or Zoning Map Amendment A-10059. Plan 2035 places this application in the Established Communities Growth Policy Area. The Subregion 5 Master Plan recommends the future land uses of residential low and residential low-transition on the subject property. Residential low areas are designated for single-family detached suburban development that may have up to 3.5 dwelling units per acre. The subject application includes a residential development with a mix of housing types and is consistent with the Subregion 5 Master Plan.

- b. **Transportation Planning**—In a memorandum dated August 7, 2023 (Ryan to Lockhart), a comprehensive review of the application's conformance with the requirements of previous approvals, the prior Zoning Ordinance, the MPOT, and the TIA dated January 6, 2023, was completed and summarized, as follows:

**Analysis of Traffic Impacts**

The subject property is currently unimproved and is located within both Transportation Service Areas 2 and 3 (TSA 2 and TSA 3), as defined in Plan 2035. However, the portion that falls in TSA 3 is not anticipated to have any residential development. As such, the subject property was evaluated according to TSA 2, with the following standards:

**Links and Signalized Intersections:** Level of Service, LOS D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. Mitigation per Section 24-124(a)(6) of the prior Subdivision Regulations, is permitted at signalized intersections within any TSA, subject to meeting the geographical criteria in the MPOT transportation review guidelines supplement.

**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.

For two-way stop-controlled intersections, a three-part process is employed: (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 CLV is computed.

For all-way stop-controlled intersections, a two-part process is employed: (a) vehicle delay is computed in all movements using the Highway Capacity Manual (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed.

**Trip Generation:** The trip generation is estimated using the Planning Board's "Transportation Review Guidelines, Part 1" (Guidelines), the higher amounts from the *Trip Generation Manual* (Institute of Transportation Engineers), and the user provided information. The study has indicated that the subject application represents the following trip generation:

<b>Table 1 - Trip Generation</b>							
		<b>AM Peak</b>			<b>PM Peak</b>		
		In	Out	Total	In	Out	Total
Townhouse / Duplex	645 Units	90	362	452	335	181	516
Single-Family Detached	461 Units	69	277	346	270	145	415
<b>Total new trips</b>		<b>159</b>	<b>639</b>	<b>798</b>	<b>605</b>	<b>326</b>	<b>931</b>

The table above indicates that the approved development would add 798 AM peak-hour trips and 931 PM peak-hour trips.

**Existing Traffic Conditions:** The table below shows the intersections deemed to be critical, as well as the levels of service representing existing conditions. The following represents the intersections deemed critical for the approved development:

EXISTING TRAFFIC CONDITIONS		
Intersections	AM	PM
	(LOS/CLV) delay	(LOS/CLV) delay
US 301 & McKendree Road / Cedarville Road (Signalized)	C / 1,232	F / 1,709
McKendree Road & Daen Chorus Road / Site Access (Unsignalized)*	A / 169	A / 475
US 301 & Cadillac Drive (Signalized)	B / 1,032	C / 1,181
US 301 & Clymer Drive / Matapeake Business Drive (Signalized)	B / 1,084	D / 1,421
US 301 & Chadds Ford Drive / Timothy Branch Drive (Signalized)	C / 1,215	C / 1,275
US 301 & A-55 (Proposed)	N/A	N/A
US 301 & Brandywine Road (Signalized)	C / 1,232	B / 1,099
*Unsignalized intersections. In analyzing two-way stop-controlled intersections, a three-step procedure is undertaken in which the greatest average delay (in seconds) for any movement within the intersection, the maximum approach volume on a minor approach, and the critical lane volume (CLV) is computed and compared to the approved standard. According to the "Guidelines", all three tests must fail in order to require a signal warrant study.		

**Background Traffic Conditions:** The traffic study identified 15 background developments whose impact would affect some, or all, of the study intersections. In addition, a growth of two percent over six years was also applied to the traffic volumes. A second analysis depicting background traffic conditions was done, yielding the following results:

BACKGROUND TRAFFIC CONDITIONS		
Intersections	AM	PM
	(LOS/CLV) delay	(LOS/CLV) delay
US 301 & McKendree Road / Cedarville Road (Signalized)	F / 1,680	F / 2,114
McKendree Road & Daen Chorus Road / Site Access (Unsignalized)*	A / 303	A / 625
US 301 & Cadillac Drive (Signalized)	D / 1,309	F / 1,633
US 301 & Clymer Drive / Matapeake Business Drive (Signalized)	E / 1,476	F / 1,962
US 301 & Chadds Ford Drive / Timothy Branch Drive (Signalized)	F / 1,609	F / 1,778
US 301 & A-55 (Proposed – Signalized)	F / 2,011	F / 1,907
US 301 & Brandywine Road (Signalized)	F / 2,083	F / 2,133
*Unsignalized intersections. In analyzing two-way stop-controlled intersections, a three-step procedure is undertaken in which the greatest average delay (in seconds) for any movement within the intersection, the maximum approach volume on a minor approach, and the critical lane volume (CLV) is computed and compared to the approved standard. According to the "Guidelines", all three tests must fail in order to require a signal warrant study.		

**Total Traffic Conditions:** A third analysis depicting total traffic conditions was done, yielding the following results:

TOTAL TRAFFIC CONDITIONS		
Intersections	AM	PM
	(LOS/CLV) delay	(LOS/CLV) delay
US 301 & McKendree Road / Cedarville Road (Signalized)	F / 2,135	F / 2,437
McKendree Road & Daen Chorus Road / Site Access (Unsignalized)*	A / 877	C / 1,206
US 301 & Cadillac Drive (Signalized)	D / 1,438	F / 1,756
US 301 & Clymer Drive / Matapeake Business Drive (Signalized)	F / 1,605	F / 2,119
US 301 & Chadds Ford Drive / Timothy Branch Drive (Signalized)	F / 1,739	F / 1,935
US 301 & A-55 (Proposed - Signalized)	F / 2,177	F / 2,063
US 301 & Brandywine Road (Signalized)	F / 2,329	F / 2,258
*Unsignalized intersections. In analyzing two-way stop-controlled intersections, a three-step procedure is undertaken in which the greatest average delay (in seconds) for any movement within the intersection, the maximum approach volume on a minor approach, and the critical lane volume (CLV) is computed and compared to the approved standard. According to the "Guidelines", all three tests must fail in order to require a signal warrant study.		

The results under total traffic conditions show that the intersections along US 301 (Robert Crain Highway) do not meet the adequacy requirements. The subject property is located within Planning Area 85A and is affected by the Brandywine Road Club. It is recommended that the applicant contributes a fee to the Brandywine Road Club, in lieu of constructing off-site improvements at these intersections. The TIA indicates that traffic impacts to these intersections can be offset through a pro-rata contribution for planned roadway improvements. Pursuant to CR-9-2017, the Brandywine Road Club fee will be \$1,472 for each single-family dwelling unit, \$1,338 for each single-family attached dwelling unit, and \$2.07 per gross square foot of non-residential use, to be indexed by the appropriate cost indices to be determined by DPIE. Pursuant to Council Bill CB-22-2015, an applicant's pro-rata contribution to the Brandywine Road Club fulfills transportation adequacy requirements and is, therefore, included as a condition of approval, as part of this CDP application, which shall be carried over to the time of each building permit.

The Planning Board concludes that the site access along McKendree Road does not pass the three-tier test for unsignalized intersections. A condition of approval has been included herein, requiring the applicant to perform a traffic signal warrant analysis for this intersection, which is expected to operate adequately, if signalized. In addition, a memorandum was received from DPIE, dated July 12, 2023 (Lord-Attivor to Hancock), which contains the following statement regarding signalization, "During the permitting



stage, the applicant shall perform a traffic signal warrant analysis at McKendree Road and Site Access / Dawn Chorus Lane to help alleviate the excessive northbound and southbound morning (AM) and evening (PM) peak hour delays and failing LOS.” The Planning Board concurred with DPIE and the applicant, that a traffic signal warrant analysis shall be performed at this intersection.

Along with recommending a signal warrant analysis at the site entrance, DPIE recommended that the applicant be required to have two site access points along McKendree Road. Due to the number of approved dwelling units, the Planning Board agreed with this assertion. A condition has been included herein, requiring that a new TIA be submitted, prior to acceptance of the PPS, which includes level of service results for a second site access point. An updated TIA, reflecting these changes, will allow the Board to better determine adequacy at the PPS stage of development.

- c. **Environmental Planning**—In a memorandum dated August 9, 2023 (Schneider to Lockhart), a review of this CDP application and Type 1 Tree Conservation Plan TCP1-011-2023 was completed and is summarized, as follows:

#### **Existing Conditions**

An approved Natural Resources Inventory (NRI-001-2022-01) was submitted with the review package, which was approved on March 31, 2023. The TCP1 shows the required information, in conformance with the NRI, including a review of the stream corridor assessment survey conditioned by the District Council with A-10059. No revisions are required for conformance to the NRI.

#### **Woodland Conservation**

This property is subject to 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.

Based on the submitted TCP1, the overall site contains a total of 198.36 acres of net tract woodlands and 184.03 acres of wooded floodplain. The plan shows clearance of 102.09 acres of on-site woodlands, 1.71 acres of wooded floodplain, and 0.37 acre of off-site woodlands. This application uses the prior zoning (R-S) woodland conservation threshold, for a requirement of 104.86 acres. Currently, the plan’s view and woodland conservation worksheet shows 96.21 acres of on-site preservation and 8.65 acres of on-site reforestation, to meet the woodland requirement on-site.

#### **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 189 on-site specimen trees, with 147 rated in good condition, 36 rated in fair condition, and 6 rated in poor condition.

No Subtitle 25 variance application or SOJ were submitted with the CDP application.

**Stormwater Management**

No SWM concept plan or approval letter was submitted with the subject application. A site development concept will be reviewed and approved by DPIE. A condition has been included herein, for the SWM concept plan and approval letter to be submitted for review, or an indication that an application for such approval has been filed, with the acceptance of the PPS.

**Erosion and Sediment Control**

This site is within a Tier II catchment area. Tier II waters are high-quality waters within the State of Maryland, as designated by the Maryland Department of the Environment, that are afforded special protection under Maryland's Antidegradation Policy. A 150-foot-wide expanded buffer is required on-site for all intermittent and perennial streams, in accordance with the Prince George's County Soil Conservation District (SCD) requirements. Redundant erosion and sediment control measures may be required on the grading, erosion, and sediment control plan reviewed by the SCD. This Tier II buffer is shown on the approved NRI and submitted TCP1. The SCD will review any buffer impacts with future erosion and sediment control plans.

- d. **Subdivision**—In a memorandum dated August 7, 2023 (Diaz-Campbell to Lockhart), it was noted that any on-site recreational facilities proposed to satisfy the mandatory parkland dedication requirement will be evaluated, at the time of PPS and SDP review. It was noted that the applicant requested recreational facilities as a benefit feature, to achieve a density increment over the permitted base density for the development. These facilities shall be considered as an enhancement to, or in addition to, any recreational facilities proposed or required, to satisfy the requirements of Section 24-134 of the prior Subdivision Regulations, at the time of PPS.

Parcel 6 and a portion of Parcel 8, located on the west side of the property, are within Sustainable Growth Tier IV and, therefore, cannot be included in a major subdivision, pursuant to Section 24-119(a)(2) of the prior Subdivision Regulations. However, this area may still be included in the CDP, for the purposes of providing open space amenities and calculating the density of the development. To ensure that the land within Sustainable Growth Tier IV is used for these purposes and is not developed with residential lots (which would affect the CDP density calculations), it has been conditioned herein that no residential lots occur on land within Sustainable Growth Tier IV. In support of this, the Planning Board further recommended that the land within Sustainable Growth Tier IV be platted as one or more outparcels, prior to, or concurrently with, approval of final plats of subdivision. To accomplish this platting, the applicant shall first complete a lot line adjustment by deed (pursuant to Section 24-107(c)(9)), so that the boundary between Parcels 6 and 8 coincides with the boundary between Sustainable Growth Tier IV and Sustainable Growth Tier I. This shall be completed, prior to filing of the PPS, for the remaining area within Sustainable Growth Tier I. The applicant may then file a minor

final plat to record the land within Sustainable Growth Tier IV as outparcel(s). A major PPS, filed within the boundaries of the subject CDP, will then be able to exclude the land within Sustainable Growth Tier IV because the existing parcel boundary will coincide with the Sustainable Growth Tier boundary, yet the open space amenities and calculation of density will still be consistent with the subject CDP.

- e. **Historic Preservation**—In a memorandum dated July 5, 2023 (Stabler, Smith, and Chisholm to Lockhart), an evaluation of background historic research indicated that various parcels, within the subject property, were primarily part of the late seventeenth century land patents called Blackwell and Bullwick, surveyed for Richard Brightwell and Thomas Gantt. The land surrounding these patents was acquired by Thomas Gantt, Jr. and most of the property likely served as open agricultural areas, until the twenty-first century. A chain of title was not completed for the entire property, however.

A Phase I archeology survey was conducted on the subject property, from September to December 2020. The study consisted of background research and an archeological field survey of the 580-acre portion of the property planned for development. The subject property is located south and west of McKendree Road and primarily includes fallow agricultural fields, forests, and wooded floodplain. The property is characterized by relatively level terrain in the north that slopes gently southward toward Mattawoman Creek and its expansive floodplain.

One previously identified site, 18PR602, a Late Archaic prehistoric short-term camp and early to mid-twentieth century artifact scatter associated with a farm outbuilding, is located in the south-central portion of the property. A total of 5,954 shovel test pits (STPs) were excavated. Of these, 45 positive STPs contained 379 artifacts, resulting in the identification of 12 isolated finds, five new archeological sites, and an expansion of previously recorded Site 18PR602. Sites 18PR1193, 18PR1194, and 18PR1197 are late nineteenth- to twentieth-century artifact scatters, associated with former farm buildings. Site 18PR1195 is a prehistoric Late Woodland artifact scatter and Site 18PR1196 is a precontact lithic scatter of unknown temporal affiliation. The applicant's archeological consultant concluded that Sites 18PR1193, 18PR1194, and 18PR1197, and the expansion of Site 18PR602, retain low potential to provide significant data on historic or precontact lifeways, and recommended no further work on those sites. The Late Woodland prehistoric component of Site 18PR1195 represents an archeological resource type that has been little studied along the upper Mattawoman Creek drainage. The applicant's consultant recommended that Site 18PR1195 either be avoided or subjected to Phase II archeological investigations, to evaluate its integrity and significance.

- f. **Special Projects**—In a memorandum dated June 23, 2023 (Walker to Lockhart), it was noted that, pursuant to adopted tests and standards, public safety facilities (fire) and water and sewer service are adequate to serve the approved development. There are no police, fire and emergency medical service facilities, public schools, parks, or libraries shown on the subject property. The staging of development will not be an unreasonable burden on

available public facilities. Another public facilities review will be conducted, at the time of PPS.

- g. **Prince George's County Department of Parks and Recreation (DPR)**—In a memorandum dated August 7, 2023 (Thompson to Lockhart), DPR provided discussion, as follows:

The subject property is not currently adjacent to any existing M-NCPPC-owned property. However, there are approximately 47 acres of land, along the Mattawoman Creek and Timothy Branch Stream, slated for conveyance to M-NCPPC. This dedication area is directly east of the subject property. Conditions of approval of PPS 4-20002 (PGCPB Resolution No. 2021-04), for Dobson Ridge, established the requirements for conveyance of the 47 acres, prior to approval of record plats on the adjacent development.

Mandatory dedication of parkland, per Section 24-134(a), provides for the dedication of land, the payment of a fee-in-lieu, or on-site recreational facilities. The Land Management and Environmental Stewardship Division recommended the conveyance of 300+ acres of park dedication, for inclusion in the Mattawoman Watershed Stream Valley Park. This includes Parcel 6, located within the Rural and Agricultural Growth Policy Area; approximately two miles of the mainstem of Mattawoman Creek; and several tributary streams. The Mattawoman Creek Stream Valley is identified in the Green Infrastructure Plan of the 2017 *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* as one of thirteen special conservation areas (SCA) in Prince George's County. DPR is best suited to serve as the stewards of this SCA, versus a homeowners association, because DPR is able to manage and maintain the SCA as parkland. Recognizing the applicant's need to provide on-site woodland conservation, to meet the requirements of the WCO, DPR supports the placement of woodland conservation easements on lands to be dedicated to M-NCPPC. The Land Management and Environmental Stewardship Division will coordinate with the applicant to complete Zoning Ordinance 8-2022 conditions of approval 1–5, prior to conveyance of all lands to M-NCPPC. The requirement for any land dedication, in accordance with Subtitle 24, will be further evaluated at the time of PPS and therefore, is not a condition of approval, at this time.

- h. **Prince George's County Fire/EMS Department**—At the time of the writing of this resolution, the Fire/EMS Department did not provide any comments.
- i. **Prince George's County Health Department**—In a memorandum dated July 5, 2023 (Adepoju to Lockhart), the Health Department noted that a desktop health review of the CDP submission had been completed. Technical comments were provided, and are conditioned herein, to be included as notes on the CDP.
1. Health Department permit records indicate there are 10 or more carry-out/convenience store food facilities and three markets/grocery stores within a half mile radius of this location. Research has found that people who

live near an abundance of fast-food restaurants and convenience stores, compared to grocery stores and fresh produce vendors, have a significantly higher prevalence of obesity and diabetes.

2. Areas of the property were previously used for mining or farmland. The applicant may consider applying for the Maryland Department of the Environment's Voluntary Cleanup Program prior to the redevelopment of the potential "brownfield sites." Please contact the Land Restoration Program/ Land Management Administration located at 1800 Washington Boulevard in Baltimore Maryland or call (410) 537-3305.
  3. All well and septic structures that are discovered during the development of the site are to be abandoned and backfilled according to regulatory standards. For guidance contact the Prince George's County Department of Environmental Health and Disease control located at 9201 Basil Court in Largo, Maryland or call (301) 883-7681.
- j. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated July 12, 2023 (Lord-Attivor to Hancock), and in an email dated August 7, 2023 (Lord-Attivor to Lockhart), DPIE and Prince George's County Department of Public Works and Transportation have reviewed the TIA dated January 6, 2023, and offered comments, to be addressed as part of the permitting process.
- k. **Washinton Suburban Sanitary Commission (WSSC)**—At the time of the writing of this resolution, WSSC did not provide any comments.
11. **Community Feedback:** At the time of the writing of this resolution, the Prince George's County Planning Department did not receive any written correspondence from the community on this subject application.
12. **Planning Board:** The Planning Board held a public hearing on this application on September 14, 2023. At the hearing, and in rendering its decision, the Planning Board considered all written and oral testimony, along with all exhibits submitted according to the Board's procedures.

Prior to the hearing, and in accordance with the Planning Board's procedures, the applicant provided an exhibit, known as Applicant Exhibit 2, which proposed revised findings and the revision of Conditions 1(i), 5, and 20. In addition, the applicant proposed the addition of Condition 1(m) and the removal of Condition 16. Staff were in agreement with the proposed revised findings and conditions, as presented. The Board found these revisions to be sufficient and voted to approve Comprehensive Design Plan CDP-22002 and Type 1 Tree Conservation Plan TCP1-011-2023, subject to the revised findings and conditions, as outlined in Applicant Exhibit 2.

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 Type 1 Tree Conservation Plan TCP1-011-2023, and further APPROVED Comprehensive Design Plan CDP-22002 for the above-described land, subject to the following conditions:

1. Prior to certificate approval of the comprehensive design plan (CDP), the following revisions shall be made, or information shall be provided:
  - a. Provide an open space exhibit showing the following:
    - (1) The location and acreage of open space that qualifies the development for a density increment factor of 25 percent. The open space shall not be located in an area designated for woodland conservation.
    - (2) The location of woodland conservation areas.
  - b. Add the public benefits density increment table to the coversheet of the CDP, showing the additional units associated as awarded with density increment factors (1), (3) and (4).
  - c. Revise General Note 3 on the coversheet of the CDP, to note the correct number of maximum dwelling units, based on the awarded density increment factors, which are added to the base residential density allowed.
  - d. Revise the CDP to comply with the 35 percent cap on the total number of attached dwelling units, per Section 27-513(d)(3) of the prior Prince George's County Zoning Ordinance.
  - e. Revise General Note 3 on the coversheet of the CDP, to note the associated percentages with each of the approved residential uses.
  - f. Add a general note stating that all well and septic structures discovered during the development of the site are to be abandoned and backfilled, according to regulatory standards.
  - g. Add perimeter bearings and distances to the redline property boundary on Sheet 6 of the plan set, consistent with those shown on the property boundary survey.
  - h. Identify the portion of the subject property that is located in Sustainable Growth Tier IV.
  - i. Add a general note stating that the portion of the subject property, located in Sustainable Growth Tier IV, shall be limited to open space uses and shall not be developed with residential lots.

- j. The Type 1 tree conservation plan (TCP1) shall be revised, as follows:
  - (1) Add “TCP1-011-2023” to the required TCP1 approval block and woodland conservation worksheet.
  - (2) Have the revised plan signed and dated by the qualified professional who prepared it.
- k. Revise Sheet 6 of the Conceptual Design Plan (CDP) to add the letter notations to the legend.
- l. Revise the circulation plan and legend to distinguish the 14,000 linear feet of trails that qualifies the development for a density increment factor of 5 percent.
- m. Revise the CDP to update the minimum development standards for the single-family detached dwellings, to correspond with the removal of the proposed “villas.”
- 2. Prior to acceptance of the preliminary plan of subdivision application, a statement of justification (SOJ) for the necessary primary management area (PMA) impacts shall be included in the application package. The SOJ shall address all proposed impacts on regulated environmental features. PMA impacts, solely associated with the creation of lots, will not be allowed.
- 3. Prior to acceptance of the preliminary plan of subdivision application, a variance request and impact sheets for the removal of any specimen trees shall be included in the application package.
- 4. The preliminary plan of subdivision application shall include a detailed soils study, demonstrating that the site is geologically suitable for the approved development.
- 5. An approved stormwater management concept plan and approval letter, or an indication that an application for such approval has been filed, shall be submitted with the preliminary plan of subdivision application.
- 6. At the time of preliminary plan of subdivision, the applicant shall provide a plan for:
  - a. Evaluating archeology Site 18PR1195, at the Phase II level, and
  - b. Avoiding and preserving the resource in place.
- 7. If a Phase II and/or Phase III archeological evaluation or mitigation is necessary, the applicant shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated at the Maryland Archaeological Conservation Laboratory in St. Leonard, Maryland, prior to approval of any grading permits.
- 8. The preliminary plan of subdivision application shall include a bicycle and pedestrian impact statement.

9. At the time of preliminary plan of subdivision, a new traffic impact analysis shall be submitted.
  - a. In a supplemental analysis, the applicant shall show whether a roundabout at the entrance would be an alternative to address capacity, operational, and safety concerns.
  - b. The Traffic Impact Study Scoping Agreement shall include a second site access point, as recommended by the operating agency.
10. At the time of preliminary plan of subdivision application submittal, the applicant shall submit a traffic signal warrant analysis for McKendree Road and Site Access/Dawn Chorus Lane.
11. Pursuant to density increments awarded, the applicant and the applicant's heirs, successors, and/or assignees shall provide on-site recreational facilities, in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*, to be reviewed by the Development Review Division of the Prince George's County Planning Department, at the time of specific design plan.
12. At the time of specific design plan, the applicant shall submit a list of sustainable site and green building techniques that will be used in the development and will be included in the design guidelines.
13. At the time of specific design plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide a plan for any interpretive signage to be erected and public outreach measures (based on the findings of the Phase I, II, and/or Phase III archeological investigations). The location and wording of the signage and the public outreach measures shall be subject to approval by the Maryland-National Capital Park and Planning Commission staff archeologist. The plan shall include the timing for installation of the signage and implementation of public outreach measures.
14. At the time of specific design plan, the shared-use path and the specifications and details for all master plan facilities, including along the frontage of McKendree Road, shall be shown on the plan.
15. At the time of specific design plan, the applicant shall provide the following general notes on the coversheet:
  - a. During the construction phases of this project, noise shall not be allowed to adversely impact activities on adjacent properties. Indicate intent to conform to the construction activity noise control requirements, as specified in Subtitle 19 of the Prince George's County Code.



- b. During the construction phases of this project, no dust shall be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to the construction activity dust control requirements, as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.
16. Prior to, or concurrent with, approval of the first final plats, the applicant shall record the portion of the property within Sustainable Growth Tier IV as an outparcel(s). The applicant may file a minor final plat, in order to complete recordation of the outparcel(s) in the Prince George's County Land Records.
17. Prior to approval of a building permit for each single-family detached dwelling unit, the applicant and the applicant's heirs, successors, and/or assignees shall provide a fee calculated at \$1,472 per dwelling unit multiplied by (Engineering News Record Highway Construction Cost index at time of payment) / (Engineering News Record Highway Construction Cost Index for first quarter, 1993). All fees shall be paid to Prince George's County (or its designee) and can be indexed by any appropriate cost indices determined by the Prince George's County Department of Permitting, Inspections and Enforcement or the Prince George's County Department of Public Works and Transportation.
18. Prior to approval of a building permit for each single-family attached dwelling unit, the applicant and the applicant's heirs, successors, and/or assignees shall provide a fee calculated at \$1,338 per dwelling unit multiplied by (Engineering News Record Highway Construction Cost index at time of payment) / (Engineering News Record Highway Construction Cost Index for first quarter, 1993). All fees shall be paid to Prince George's County (or its designee) and can be indexed by any appropriate cost indices determined by the Prince George's County Department of Permitting, Inspections and Enforcement or the Prince George's County Department of Public Works and Transportation.
19. At the time of preliminary plan of subdivision and specific design plan, a variety of lot sizes, as conceptually depicted on the revised illustrative plan for the comprehensive design plan, shall be provided. The proposed larger single-family detached lots shall be located where abutting lots are developed with, or zoned for, larger lot single-family detached dwellings, unless smaller lots are proposed to be set back and/or buffered from those lots, above the normal requirements of the Prince George's County Landscape Manual. Otherwise, the smaller single-family detached lots and single-family attached units shall be located interior to the development, to create a transition from the existing abutting larger lots.

## CONSIDERATION

1. At the time of specific design plan, the applicant shall evaluate an appropriate location(s) for a dog park and dog waste stations.


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

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner, Geraldo, and Shapiro voting in favor of the motion at its regular meeting held on Thursday, September 14, 2023, in Upper Marlboro, Maryland.

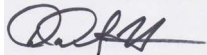
Adopted by the Prince George's County Planning Board this 5th day of October 2023.

Peter A. Shapiro  
Chairman

By   
Jessica Jones  
Planning Board Administrator

PAS:JJ:DL:rpg

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner  
M-NCPPC Legal Department  
Date: September 25, 2023