

RESOLUTION

WHEREAS, OHI Asset (MD) Forestville, LLC is the owner of a 3.08-acre parcel of land known as Parcel 178, said property being in the 6th Election District of Prince George’s County, Maryland, and being zoned Commercial, General and Office (CGO), and is subject to the Military Installation Overlay (MIO) Zone; and

WHEREAS, on November 15, 2022, Marlboro Leasing Co., LLC filed an application for approval of a Preliminary Plan of Subdivision for one parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan of Subdivision PPS-2022-005 for Communicare Health 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 February 2, 2023; and

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

WHEREAS, on February 2, 2023, 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 Preliminary Plan of Subdivision PPS-2022-005 for one parcel with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be revised to remove the 25-foot building restriction line from the PPS, as the required setbacks will be determined, at the time of detailed site plan, when conformance to the 2010 *Prince George’s County Landscape Manual* is evaluated.
2. Development of this site shall be in conformance with Stormwater Management Concept Plan 15427-2022-00, and any subsequent revisions.
3. Prior to its approval, the final plat of subdivision shall include the granting of 10-foot-wide public utility easements, along the public rights-of-way.
4. Prior to acceptance of the detailed site plan (DET), the applicant and the applicant’s heirs, successors, and/or assignees shall show the following improvements on the DET submission:
 - a. A marked bicycle lane along the subject property’s frontage of Marlboro Pike, subject to modification by the Prince George’s County Department of Public Works and Transportation with written correspondence.

- b. Minimum 5-foot-wide sidewalk, along the perimeter of all buildings, to the extent possible.
 - c. Crosswalks and striping that provide pedestrian connections from the parking lot area to the building on-site.
 - d. Two delineated inbound lanes, with striping and directional signage to manage access to the general parking area and separately to the existing pick-up/drop-off area.
 - e. Striping along the pick-up/drop-off, to provide a designated lane for pick-up/ drop-off and a separate bypass lane for all vehicles exiting the site. Signage shall be provided, as part of these improvements, to manage and control movements at this location.
 - f. Demonstrate conformance to Section 27-6206(m)(1)(A) of the Prince George's County Zoning Ordinance, which sets forth a minimum requirement of three stacking spaces for nursing homes, from the building entrance to the roadway where access is provided.
 - g. Demonstrate conformance to Section 27-6206(m)(2) of the Prince George's County Zoning Ordinance, which sets forth a stacking lane distance of 50 feet, between the edge of the street right-of-way and entrances into off-street parking areas.
 - h. Relocation of the sidewalk, along Ritchie Road, to be within the public right-of-way, unless modified by the of the Prince George's County Department of Permitting, Inspections and Enforcement with written correspondence.
5. Prior to signature approval of the preliminary plan of subdivision, a copy of the concept erosion and sediment control plan shall be submitted.
 6. At the time of detailed site plan and final plat, the open space set-aside areas, required by Section 27-6400 of the Prince George's County Zoning Ordinance, shall be delineated on the plans for placement under an easement or covenant. The easement or covenant shall be reviewed and approved by the Subdivision Section of the Development Review Division of the Prince George's County Planning Department, and it shall be fully executed prior to approval of a final plat for the development. The documents shall set forth the rights, responsibilities, and liabilities of the parties and shall include the rights of the Maryland-National Capital Park and Planning Commission. The documents shall be recorded in Prince George's County Land Records, and the Liber/folio indicated on the final plat, prior to recordation.

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 site is located on the north side of Marlboro Pike, at its intersection with Ritchie Road. The property is a 3.08-acre parcel known as Parcel 178, and it is recorded in Prince George’s County Land Records in Liber 45984 folio 591. The property is located in the Commercial, General and Office (CGO) Zone, and is subject to the Military Installation Overlay (MIO) Zone for height. The site is subject to the 2009 *Approved Marlboro Pike Sector Plan and Sectional Map Amendment* (sector plan), Subtitles 24 and 27 of the Prince George’s County Code, and other applicable plans, as outlined herein.

The site is improved with an existing 45,034-square-foot nursing home. The subject preliminary plan of subdivision (PPS) is for subdivision of the property into one parcel, to support the existing development and add an additional 33,000 square feet to the building. The addition will allow expansion of the number of beds in the facility, from 162 to 199. The site is not subject to any prior PPS and a new PPS is required, in accordance with Section 24-1404(g) of the Prince George’s County Subdivision Regulation because, while the prior development was existing prior to January 1, 1990, the additional development exceeds 5,000 square feet. In accordance with Section 24-4503 of the Subdivision Regulations, this PPS is supported by and subject to approved Certificate of Adequacy ADQ-2022-003.

3. **Setting**—The subject site is located on Tax Map 81 in Grid F-4, and it is within Planning Area 75A. North and west of the property are single-family detached homes in the North Forestville subdivision, within the Residential, Single Family – 65 (RSF-65) Zone. Abutting the property, at the northeast corner of Marlboro Pike and Millvale Avenue, is one lot of the North Forestville subdivision which contains a building formerly used as a dwelling, now used as storage, in support of the nursing home’s operations. This abutting property is owned by the applicant (Marlboro Leasing Co., LLC) and is zoned RSF-65. South of the property is Marlboro Pike, with additional single-family detached homes located in the RSF-65 Zone beyond. East of the property is the Epiphany Church and Cemetery, Historic Site 75A-006, also in the RSF-65 Zone. The property and its surroundings are located in the MIO Zone, for height.
4. **Development Data Summary**—The following information relates to the subject PPS and the approved development.

	EXISTING	APPROVED
Zones	CGO/MIO	CGO/MIO
Use(s)	Nursing Home	Nursing Home
Acreage	3.08	3.08
Parcels	1	1
Lots	0	0
Dwelling Units	0	0
Nonresidential GFA	45,034 sq. ft.	78,034 sq. ft.
Variance	No	No
Variation	No	No

Pursuant to Section 24-3305(e) of the Subdivision Regulations, this case was heard at the Subdivision and Development Review Committee (SDRC) meeting on November 28, 2022.

5. **Previous Approvals**—The existing nursing home use was approved by the Prince George’s County District Council in January 1965, via Special Exception SE-1137. The special exception was approved, without conditions. In October 1966, the District Council approved a second Special Exception, SE-1442, to allow use of the property as a special hospital. According to the proceedings which took place at the time, the special hospital use was needed to allow the facility to take emergency patients. However, this use is no longer on the property, leaving the original nursing home as the only remaining use. SE-1442 was also approved, without conditions. In July 1997, the Zoning Hearing Examiner approved Special Exception SE-4259 to allow a 12,000-square-foot addition to the building, including a 2,500-square-foot physical therapy suite which was defined as an accessory use. However, the addition to the building was never constructed. SE-4259 was approved, subject to five conditions, which are not applicable because the addition was never constructed.

6. **Community Planning**—The 2014 *Plan Prince George’s 2035 Approved General Plan* (Plan 2035) and conformance with the sector plan was evaluated, as follows:

Plan 2035

This PPS is located in the Established Communities growth policy area. The vision for the Established Communities area is context-sensitive infill and low- to medium-density development.

Sector Plan/Zoning

The sector plan recommends a commercial land use on the subject property. The Marlboro Pike Corridor is envisioned to provide a safe, attractive, walkable, and vibrant community where people live, work, shop, dine, and recreate (page 13). The existing use was approved via SE-1137, and no change of use is proposed. The building expansion and additional parking spaces are compatible with the surrounding neighborhood.

The sector plan retained the subject property in the Commercial Office (C-O) Zone (page 131). On November 29, 2021, the District Council approved Resolution CR-136-2021, the Countywide Sectional Map Amendment, which reclassified the subject property from the C-O Zone to the CGO Zone, effective April 1, 2022.

Pursuant to Section 24-4101(b)(1) of the Subdivision Regulations, this PPS is consistent with Plan 2035 and conforms to the land use recommendations of the sector plan.

Aviation/Military Installation Overlay Zone

This PPS is located within the MIO Zone for height and is more specifically under Surface B (Approach-Departure Clearance Surface). Section 27-4402(c)(5)(B)(iv)(bb)(II) of the Prince George’s County Zoning Ordinance stipulates that structures in this area shall not exceed a height (in feet) equivalent to 10 feet less than the height derived by dividing the distance between

Surface A and the nearest boundary of the subject property by 50. For this site, no structure shall exceed a height of 500 feet (elevation 774 feet).

7. **Stormwater Management**—Pursuant to Section 24-4303(b) of the Subdivision Regulations, a PPS shall not be approved, until evidence is submitted that a stormwater management (SWM) concept plan has been approved by the Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE). An approved SWM Concept Plan (15427-2022-00) was submitted with this PPS. The approved concept shows the use of a submerged gravel wetland to meet the stormwater requirements for the site.

Development of the site, in conformance with the SWM concept approval and any subsequent revisions, to ensure that no on-site or downstream flooding occurs, satisfies the requirements of Sections 24-4303 and 24-4403 of the Subdivision Regulations.

8. **Transportation**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the sector plan, the Zoning Ordinance, and the Subdivision Regulations, to provide the appropriate transportation facilities.

MPOT and SECTOR PLAN CONFORMANCE

Right of Way

The subject property has frontage on Marlboro Pike (C-410). Per the MPOT and sector plan, the portion of Marlboro Pike that fronts the subject property is designated as a two- to four-lane collector roadway, with an ultimate right-of-way (ROW) width of 80–100 feet. The PPS displays the existing configuration of Marlboro Pike, along the property’s frontage, with a ROW width of approximately 80 feet, which is consistent with the MPOT and sector plan recommendations. This portion of Marlboro Pike has already been constructed as a four-lane collector roadway; therefore, no additional ROW dedication is needed with this PPS.

Pedestrian and Bike Facilities

The MPOT recommends the following facilities:

Planned Bicycle Lane: Marlboro Pike

The Complete Streets element of the MPOT reinforces the need for multimodal transportation and includes the following policies regarding the accommodation of pedestrians and bicyclists (pages 9–10):

Policy 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

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.

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

A circulation plan was submitted, as part of the PPS to demonstrate the site's conformance to Section 24-4200 of the Subdivision Regulations, regarding multimodal circulation design standards. The site circulation plan did not display any on-site pedestrian connections, consistent with the MPOT recommended policies. Based on the site layout, the site will be designed to provide sufficient room for sidewalks, along the perimeter of the building, with crosswalk connections from the parking lot area. As a condition of approval, the site shall be developed with on-site sidewalks along the perimeter of the building, to the extent possible, and with crosswalks connections to provide safe pedestrian travel from the parking lot area. The specific details of these facilities will be evaluated at the time of detailed site plan (DET).

In addition, as a condition of approval, the MPOT recommended bicycle lane, along Marlboro Pike, shall be provided and shown on subsequent site plan applications, subject to modification by the Prince George's County Department of Public Works and Transportation (DPW&T) with written correspondence.

TRANSPORTATION PLANNING REVIEW

Section 24-4202 of the Subdivision Regulations provide design requirements for access and circulation. A primary feature of the subject PPS is closure of the western driveway access point, along with the elimination of an on-site drive aisle, which originates at that western driveway access point and encircles the building. Removal of the western driveway access point causes all inbound traffic to access the site using the eastern driveway access point, and all outbound traffic to depart the site using the western end of the drop-off loop. As part of the initial PPS submission, the applicant provided a circulation plan to demonstrate how the drop-off loop will function with the closure of the western driveway access point. The circulation plan shows that the drop-off loop is 20 feet wide, which provides sufficient width for drivers to navigate out of the site. However, the limited access and circulation design will potentially cause conflicts, given the competing movements to the parking lot area, the pick-up/drop-off area, and site exit. Given the nature of the development as a nursing facility, which will generate a nominal volume of peak vehicle trips, potential conflicts can be eliminated with additional design features. As a condition of approval, the site access driveway, along Marlboro Pike, shall be delineated with two clearly marked inbound lanes, with striping and directional signage designed to manage access to the general parking lot area and separate access to the pick-up/drop-off loop. In addition, the pick-up/drop-off loop shall be striped to provide a designated lane for pick-up/drop-off and a separate bypass lane for all vehicles exiting the site from the parking area. This design shall include directional signs to manage the various approaches and movements.

The circulation plan also shows the location of the loading/delivery area and provides truck turning plans, which demonstrate that a truck with an SU-30 design vehicle classification can safely and adequately maneuver in and out of this space.

The applicant was requested to demonstrate that the site entrance point meets all stacking requirements, which are required by Section 27-6206(m) of the Zoning Ordinance. While the site is an existing facility, the increased building area, as well as the removal of one point of access, intensify the site significantly. Section 27-6206(m)(1)(A) sets forth a minimum requirement of three vehicle stacking spaces (or 60 feet) for a nursing or care home, from the building entrance to the roadway where access is provided. The applicant did not provide sufficient documentation to show that this requirement has been met. In addition, Section 27-6206(m)(2) sets forth a minimum stacking lane distance of 50 feet, between the edge of the street ROW and entrances into off-street parking areas. The 50-foot requirement, in this case, is established because the number of off-street parking spaces would fall between 50 and 249. The applicant also did not provide sufficient documentation to show that this requirement has been met. As a condition of approval, the site layout shall be modified to meet stacking criteria set forth in Sections 27-6206(m)(1)(A) and 27-6206(m)(2), as stated above. The exact details and design shall be shown and evaluated at the time of DET.

The submitted plans depict vehicular movement throughout the development. As stated above, the plans include closing the western point of access, along with an internal circulation driveway which currently circles the building. Several conditions are needed to achieve safer access and circulation within the site, which are included in this resolution. Several on-site pedestrian circulation features are also required and will be evaluated with the DET.

Sections 27-6206(e), 27-6207(b), and 27-6208(b) of the Zoning Ordinance contain requirements for cross access between adjoining developments' internal vehicular, pedestrian, and bicycle circulation systems, respectively. The requirements for vehicular cross access are inapplicable to this site because, even though the property is in a nonresidential base zone, as specified by Section 27-6206(e)(2), all of the abutting properties are residentially zoned. Consequently, the abutting properties, if redeveloped, would not be required by this section to reciprocate cross access. The requirements for pedestrian and bicycle cross access are applicable, as Sections 27-6207(b) and 27-6208(b) do not have any zoning stipulations, but instead specify cross access between any two nonresidential uses. Bicycle and pedestrian cross access could be required to the Epiphany Church and Cemetery, to the east.

However, based on the subject site design and the existing conditions of the adjoining church property, providing bicycle and pedestrian cross access would be impractical, in this case. Any cross access would land pedestrian and bicyclists in the parking area of the church and cemetery, with no direct access to the buildings. One or more existing parking spaces would need to be removed on both properties, in order to facilitate cross access; this could change the on-site vehicular circulation for both properties, which could result in unsafe vehicular movement through the respective parking lots. In addition, the location where pedestrians or bicyclists would enter into the parking area of the church and cemetery would be very close to the point of vehicular entry for that site, also placing pedestrians and bicyclists in some jeopardy. For these

reasons, pedestrian cross access to the adjoining site shall be waived, per Section 27-6207(b)(2); and bicycle cross access to the adjoining site shall be waived, per Section 27-6208(b)(2).

The site includes frontage sidewalk located on-site, instead of in the public ROW, along Ritchie Road. To ensure public access to this sidewalk, its maintenance by the road operating agency, and that it does not overlap the public utility easement (PUE) along Ritchie Road, this sidewalk shall be relocated to be within the public ROW. A tie-in will be needed to the existing frontage sidewalk in front of the church and cemetery, which is also on private property.

Based on the preceding findings, the vehicular, pedestrian, and bicycle transportation facilities will serve the subdivision, meet the findings required of Subtitles 24 and 27, and conform to the sector plan and MPOT.

9. **Public Facilities**—This PPS was reviewed for conformance to the sector plan, in accordance with Section 24-4104(b)(1) of the Subdivision Regulations. Chapter VI of the sector plan, Public Facilities, establishes the following goal for public facilities, within the sector plan area:

- **PUBLIC FACILITIES GOAL: Improve and maintain public facilities throughout the Marlboro Pike sector plan area, and ensure that they are modern, attractive and well located to serve existing communities and future development.**

The development will not impede achievement of the above-referenced goal. This PPS is subject to approved Certificate of Adequacy ADQ-2022-003, which established that, pursuant to adopted tests and standards, public safety facilities are adequate to serve the development. Fire and rescue, and water and sewer service, are adequate for the development, in response to the goals, strategies, and policies of the sector plan. The sector plan does not propose any police, fire and emergency medical service facilities, schools, parks, or libraries on the subject property. As discussed in the findings of ADQ-2022-003, the public facility analysis has determined that the studied facilities are adequate to serve the development.

The 2008 *Approved Public Safety Facilities Master Plan* also provides guidance on the location and timing of upgrades and renovations to existing facilities and construction of new facilities, however, none of its recommendations affect the subject site.

The subject property is located in Sustainable Growth Tier I and is served by public water and sewer, as required by Section 24-4404 of the Subdivision Regulations. Pursuant to Section 24-4405 of the Subdivision Regulations, the 2018 Water and Sewer Plan placed this property in the water and sewer Category 3, Community System. Category 3 comprises all developed land (platted or built) on public water and sewer and undeveloped land with a valid PPS approved for public water and sewer.

10. **Public Utility Easement**—Section 24-4401 of the Subdivision Regulations requires that, when utility easements are required by a public 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 given in Section 24-4205 of the Subdivision Regulations. This section states that PUEs must be located outside the sidewalk and must be contiguous to the ROW. The subject site has frontage along the existing public ROW of Marlboro Pike, as well as a small amount of frontage along the existing public ROW of Ritchie Road. The PPS depicts a 10-foot-wide PUE along both streets, contiguous to the ROW. However, along Ritchie Road, the PUE is not entirely outside the existing frontage sidewalk because the sidewalk is within the boundaries of the subject property, rather than within the ROW. To correct this, the sidewalk must be relocated to be within the public ROW.

11. **Historic**—The subject property is adjacent to Epiphany Church and Cemetery (Historic Site 75A-006). Built from 1867–1871, this wood-frame, front-gable church is clad in board-and-batten siding; the bell tower and rear section were added later. The main block has lancet-arched, stained-glass windows. Initially designated as a chapel, the church building became the home of the independent parish of Epiphany Church in 1871. It was expanded in the early twentieth century, as the congregation of Forestville grew, and remains an excellent example of Gothic Revival ecclesiastical architecture.

The sector plan includes goals and policies related to historic preservation (pages 45–47). The sector plan recommended evaluation of Epiphany Church and Cemetery for historic site designation, which was accomplished through the 2010 *Historic Sites and Districts Plan*.

A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates that the probability of archeological sites, within the subject property, is low. A Phase I archeology survey is not required, as most of the property has previously been disturbed.

The PPS will have a *de minimis* impact on Epiphany Church and Cemetery, Historic Site 75A-006. A DET will be required, at which time the Historic Preservation Commission and/or its designee will review the addition on the subject property for impacts on the adjacent historic site.

12. **Environmental**—The subject PPS was received on November 15, 2022. Environmental comments were provided at the SDRC meeting on November 28, 2022. The PPS is in conformance with Section 24-4300, Environmental Standards, of the Subdivision Regulations; and is in conformance with Section 27-6800, Environmental Protection and Noise Controls, of the Zoning Ordinance.

The following applications and associated plans were previously reviewed for the subject site:

Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
SE-4259	N/A	Planning Board	Approved	8/11/1997	97-56
NRI-052-2022	N/A	Staff	Approved	3/30/2022	N/A
PPS-2022-005	N/A	Planning Board	Approved	2/2/2023	2023-12

Grandfathering

The project is subject to the environmental regulations contained in Subtitles 24 and 27, and in Subtitle 25 because it is for a new PPS.

Site Description

The property is not wooded and contains an existing nursing home. A review of available information, as shown on the approved natural resources inventory (NRI), indicates that no floodplain, streams, or wetlands are found to occur on the property. The site does not contain any Wetlands of Special State Concern, as mapped by the Maryland Department of Natural Resources (DNR). The Prince George’s County Department of the Environment (DOE) watershed map shows that the entire site is within the Western Branch of the Patuxent River basin. The site features steep slopes, within a landscaping area at the south of the property. The site is not identified by DNR as within a stronghold watershed area, and the site is not within a Tier II catchment area. According to available information from the DNR Natural Heritage Program, rare, threatened, and endangered species are not found to occur on-site. The property fronts on Marlboro Pike, which is identified as a scenic road. As designated by Plan 2035, the site is located within the Established Communities area shown on the Growth Policy Map, and within Environmental Strategy Area 1 (formerly the Developing Tier) shown on the Regulated Environmental Protection Areas Map.

Sector Plan Conformance

Chapter V, Natural Environment, of the sector plan, contains goals, policies, and strategies.

Note that Section A of Chapter V references the 2005 *Countywide Green Infrastructure Plan*, which has since been superseded by the 2017 *Green Infrastructure Plan of the Approved Prince George’s County Resource Conservation Plan: A Countywide Functional Master Plan*. Conformance to the 2017 Green Infrastructure Plan is discussed further below, within this finding.

The following guidelines have been determined to be applicable to the current project. The text in **BOLD** below, beginning with Section B, is from the sector plan, and the plain text provides comments on plan conformance.

B. Water Quality and Stormwater Management

GOAL: Restore and enhance water quality in areas that have been degraded and preserve areas not degraded.

POLICY: Ensure that future development and redevelopment along the corridor incorporates innovative and sustainable solutions to stormwater management and utilizes the most current water quality standards.

STRATEGIES:

- Upgrade existing stormwater management facilities within the sector plan area to meet the Maryland Department of the Environment's (MDE) most recent standards.
- When designing stormwater management for new development or redevelopment sites, include additional treatment for drainage from existing neighboring developments that do not meet current stormwater management standards.
- Restore natural drainage patterns to preserve watershed hydrology and wetland functions during the land development process.
- Build stormwater management facilities to address any untreated areas offsite that are included within the drainage area of a development site.
- Identify areas for retrofit projects in collaboration with the Department of Environmental Resources and the Department of Public Works and Transportation.

POLICY: Utilize best management practices and environmentally sensitive design techniques throughout the study area.

STRATEGIES:

- Decrease impervious surfaces to reduce volumes of run off in stormwater management facilities and to accommodate smaller size structures in lieu of larger single treatment areas.

- **Incorporate infiltration devices, rain barrels, pervious paving, green roof technologies, and recycling of stormwater for irrigation where feasible. Figures V-3a, b, and c, alongside, illustrate examples of stormwater management best practices.**
- **Include rain gardens, or bioretention facilities, in site development projects as a part of the landscaping.**

This PPS will support a building addition and a parking expansion on a currently developed parcel. As part of this expansion, minor stormwater facilities are required, at the north end of the site. This submerged gravel wetland will tie into the site's existing drainage network and is within the developed drainage area. Green building techniques will be further reviewed, at the time of DET, in order to evaluate conformance to Section 27-61600, Green Building Standards, of the Zoning Ordinance.

C. Green Building and Energy Efficiency

GOAL: Reduce the overall energy consumption of new development and implement environmentally friendly building techniques.

POLICY: Utilize the most innovative energy efficient and environmentally sensitive design technologies for all new development and redevelopment that occurs throughout the sector plan area.

STRATEGIES:

- **Encourage new buildings to meet LEED certification standards. Attract developers who are accredited LEED professionals or follow environmentally sensitive design practices.**
- **Encourage infill development and adaptive reuse of existing buildings.**
- **Encourage mixed-use and pedestrian and transit-oriented development.**
- **Encourage waste reduction strategies and use of recycled construction materials.**
- **Encourage community gardening for family food production in public parkland and open spaces.**

- **Encourage the use of alternative energy sources, such as solar and wind power.**
- **Require the use of green building techniques such as green roofs, rainwater capture and reuse, sustainable building materials, and alternative energy sources.**

Green building techniques and alternative energy designs will be further reviewed, at the time of DET, in order to evaluate conformance to Section 27-61600.

D. Air Quality

GOAL: Improve air quality throughout the sector plan area to assist the region in meeting the Washington Metropolitan Air Quality Standards.

POLICY 1: Reduce the need for vehicular travel throughout the corridor. Promote alternative modes of travel and development patterns that reduce trips.

STRATEGIES:

- **Provide bicycle routes that are safe, convenient, accessible, and comfortable to increase bicycle usage.**
- **Promote the use of transit services by providing better connectivity to bus stops and more comfortable and convenient waiting areas.**
- **Provide better connectivity to the regional transit service offered through Metro by establishing a shuttle service to the area's closest Metro stations at Suitland and Addison Road.**

POLICY 2: Increase tree canopy coverage in the area.

STRATEGIES:

- **Require a minimum of 10 percent tree canopy coverage on each new development project and redevelopment site.**
- **Ensure the long-term viability of planted and preserved landscapes.**
- **Preserve existing landscape trees during redevelopment.**

The promotion of alternative site access, such as bicycle and pedestrian transportation, which may reduce vehicular air quality impacts, is evaluated in the Transportation finding of this resolution. Promoting the use of transit is beyond the scope of this development, which does not have any transit stops along its frontage. The tree canopy coverage (TCC) requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) are evaluated in the Urban Design finding of this resolution.

E. Noise Intrusion

GOAL: Improve noise quality within the sector plan area.

POLICY: Implement the AICUZ and Joint Land Use Study (JLUS) recommendations to reduce noise intrusion to sensitive developments within the sector plan.

STRATEGIES:

- **Direct noise sensitive development away from areas with high noise intrusion that include but are not limited to residences, schools, and cultural venues.**
- **Encourage land uses that are not sensitive to noise to locate within the areas with high noise intrusion, such as commercial properties, auto-oriented businesses, light industrial properties, and open space.**
- **For all new construction, bring the indoor decibel level down to 45 decibels by increasing insulation, using double pane windows and other common noise attenuation building standards.**
- **Continue current procedures and requirements within areas affected by noise greater than 65dB which require noise abatement.**

This PPS is for expansion of an existing nursing home, which is not a use subject to noise control, per Section 27-6810(a) of the Zoning Ordinance. The use will not change, and the development is proposed to meet local demand. Per Section 27-6810(b) and (c), noise mitigation is not required for the nursing home, as the site is not adjacent to any roads classified as an arterial or higher, and it is not subject to any of the noise zones of the MIO Zone.

Conformance with the 2017 Green Infrastructure Plan

The site contains evaluation areas of the Green Infrastructure Plan, which are contained within a grass area northeast of the developed portion of the site.

The following policies and strategies are applicable to the subject PPS. The text in **bold** is from the Green Infrastructure Plan and the plain text provides comments on plan conformance.

POLICY 1: Preserve, enhance, and restore the green infrastructure network and its ecological functions while supporting the desired development pattern of Plan Prince George's 2035.

Strategies

- 1.1 Ensure that areas of connectivity and ecological functions are maintained, restored, and/or established by:**
 - a. Using the designated green infrastructure network as a guide to decision-making and using it as an amenity in the site design and development review processes.**
 - b. Protecting plant, fish, and wildlife habitats and maximizing the retention and/or restoration of the ecological potential of the landscape by prioritizing healthy, connected ecosystems for conservation.**
 - c. Protecting existing resources when constructing stormwater management features and when providing mitigation for impacts.**
 - d. Recognizing the ecosystem services provided by diverse land uses, such as woodlands, wetlands, meadows, urban forests, farms and grasslands within the green infrastructure network and work toward maintaining or restoring connections between these.**
- 1.2 Ensure that Sensitive Species Project Review Areas and Special Conservation Areas (SCAs), and the critical ecological systems supporting them, are preserved, enhanced, connected, restored, and protected.**
 - a. Identify critical ecological systems and ensure they are preserved and/or protected during the site design and development review processes.**

The property is within the Western Branch of the Patuxent River basin, but it is not within a Tier II catchment area. The site contains no streams, wetlands, or 100-year floodplain.

POLICY 2: Support implementation of the 2017 GI Plan throughout the planning process.

- 2.4 Identify Network Gaps when reviewing land development applications and determine the best method to bridge the gap: preservation of existing forests, vegetation, and/or landscape features, and/ or planting of a new corridor with reforestation, landscaping and/or street trees.**
- 2.5 Continue to require mitigation during the development review process for impacts to regulated environmental features, with preference given to locations on-site, within the same watershed as the development creating the impact, and within the green infrastructure network.**
- 2.6 Strategically locate off-site mitigation to restore, enhance and/or protect the green infrastructure network and protect existing resources while providing mitigation.**

The site is exempt from the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because it contains less than 10,000 square feet of woodland and does not have a previously approved tree conservation plan (TCP).

POLICY 3: Ensure public expenditures for staffing, programs, and infrastructure support the implementation of the 2017 GI Plan.

- 3.3 Design transportation systems to minimize fragmentation and maintain the ecological functioning of the green infrastructure network.**
 - a. Provide wildlife and water-based fauna with safe passage under or across roads, sidewalks, and trails as appropriate. Consider the use of arched or bottomless culverts or bridges when existing structures are replaced, or new roads are constructed.**

No fragmentation of regulated environmental features (REF) is included with this project.

- b. Locate trail systems outside the regulated environmental features and their buffers to the fullest extent possible. Where trails must be located within a regulated buffer, they must be designed to minimize clearing and grading and to use low impact surfaces.**

No trail systems or master-planned trails exist within the boundaries of this PPS.

POLICY 4: Provide the necessary tools for implementation of the 2017 GI Plan.

- 4.2 Continue to require the placement of conservation easements over areas of regulated environmental features, preserved or planted forests, appropriate portions of land contributing to Special Conservation Areas, and other lands containing sensitive features.**

No woodland areas are present on-site, and the site is exempt from the WCO.

POLICY 5: Improve water quality through stream restoration, stormwater management, water resource protection, and strategic conservation of natural lands.

- 5.8 Limit the placement of stormwater structures within the boundaries of regulated environmental features and their buffers to outfall pipes or other features that cannot be located elsewhere.**
- 5.9 Prioritize the preservation and replanting of vegetation along streams and wetlands to create and expand forested stream buffers to improve water quality.**

The approved SWM Concept Plan (15427-2022-00) shows the use of a submerged gravel wetland to meet the current requirements of environmental site design, to the maximum extent practicable. No primary management area (PMA) exists on-site.

POLICY 7: Preserve, enhance, connect, restore, and preserve forest and tree canopy coverage.

General Strategies for Increasing Forest and Tree Canopy Coverage

- 7.1 Continue to maximize on-site woodland conservation and limit the use of off-site banking and the use of fee-in-lieu.**
- 7.2 Protect, restore, and require the use of native plants. Prioritize the use of species with higher ecological values and plant species that are adaptable to climate change.**
- 7.4 Ensure that trees that are preserved or planted are provided appropriate soils and adequate canopy and root space to continue growth and reach maturity. Where appropriate, ensure that soil treatments and/ or amendments are used.**

No woodland exists on-site. Retention of existing woodlands and planting of native species on-site is required by both the Environmental Technical Manual and the Landscape Manual. TCC requirements are evaluated in the Urban Design finding of this resolution.

Forest Canopy Strategies

- 7.12 Discourage the creation of new forest edges by requiring edge treatments such as the planting of shade trees in areas where new forest edges are proposed to reduce the growth of invasive plants.**
- 7.13 Continue to prioritize the protection and maintenance of connected, closed canopy forests during the development review process, especially in areas where FIDS habitat is present or within Sensitive Species Project Review Areas.**
- 7.18 Ensure that new, more compact developments contain an appropriate percentage of green and open spaces that serve multiple functions such as reducing urban temperatures, providing open space, and stormwater management.**

No woodland is present on-site. This site does not contain potential forest interior dwelling species. Green space is encouraged to serve multiple eco-services.

POLICY 12: Provide adequate protection and screening from noise and vibration.

- 12.2 Ensure new development is designed so that dwellings or other places where people sleep are located outside designated noise corridors. Alternatively, mitigation in the form of earthen berms, plant materials, fencing, or building construction methods and materials may be used.**

The site is not located in a designated noise corridor.

ENVIRONMENTAL REVIEW

Natural Resources Inventory

Section 27-6802 of the Zoning Ordinance requires an approved NRI with PPS applications. A signed Natural Resources Inventory (NRI-053-2022) was submitted with this PPS. The site contains no REF or PMA. The NRI indicates that no woodland or specimen trees are identified on-site.

Woodland Conservation

This project is exempt from the Woodland Conservation Ordinance because it contains less than 10,000 square feet of woodland and does not have a previously approved TCP.

Specimen Trees

The approved NRI shows no specimen trees present on-site. No specimen tree removals are included with this project.

Regulated Environmental Features

REF are required to be preserved and/or restored, to the fullest extent possible, under Section 24-4300, Environmental Standards, of the Subdivision Regulations. This site contains no REF; as such, no impacts to REF are included with this project.

Soils

Section 24-4101(c) of the Subdivision Regulations states that the Planning Board shall restrict or prohibit the subdivision of land found to be unsafe for development. According to the U.S. Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, soils present include Beltsville-Urban land complex and Croon-Urban land complexes. Marlboro and Christiana clays are not found to occur on this property. There are no unsafe soils on-site that would require restriction or prohibition of the subdivision.

Erosion and Sediment Control

Section 24-4303(d)(7) of the Subdivision Regulations requires approval of a concept grading, erosion, and sediment control plan by the Soil Conservation District, which shall be required prior to final approval of the PPS (minor or major), if required by Subtitle 32, Water Resources Protection and Grading Code. According to Section 32-126(a), a concept sediment control plan is required, before a grading permit is issued for any site; therefore, a concept sediment control plan is required for this project. The Type 2 tree conservation plan must reflect the ultimate limit of disturbance, not only for installation of permanent site infrastructure, but also for installation of all temporary infrastructure, including erosion and sediment control measures. Prior to signature approval of the PPS, a copy of the approved concept sediment control plan must be submitted to meet the requirements of Section 24-4303(d)(7). A copy of the erosion and sediment control technical plan must be submitted with the first permit.

13. **Urban Design**—The development project will be subject to DET review.

Conformance with the Requirements of the Prince George’s County Zoning Ordinance

The PPS supports construction of a 33,000-square-foot addition to the existing 45,034-square-foot nursing home. The use is permitted in the CGO Zone, and the applicant will be required to file a DET, in accordance with Section 27-3605(a)(1) of the Zoning Ordinance. Conformance with Zoning Ordinance regulations is required for the development and will be reviewed, at the time of DET including, but not limited to, the following:

- Part 27-5 Use Regulations;
- Section 27-4203(d) requirements for CGO Zone as applicable;
- Section 27-6200 Roadway Access, Mobility, and Circulation;
- Section 27-6300 Off-Street Parking and Loading;
- Section 27-6400 Open Space Set-Asides;
- Section 27-6600 Fences and Walls;
- Section 27-6700 Exterior Lighting;
- Section 27-61000 Nonresidential and Mixed-Use Form and Design Standards;
- Section 27-61500 Signage; and
- Section 27-61600 Green Building Standards

Section 27-4200(d)(4)(A)(ii) of the Zoning Ordinance provides dimensional standards, specific to a nursing home in the CGO Zone, where 11 or more persons are cared for; these standards apply to this development. The requirements for a minimum 2-acre site and at least 150 feet of street frontage are met. However, based on the exhibits submitted with this PPS, the building addition will not meet the 25-foot setback required by this section, along the western property line. As discussed below, the Landscape Manual may require a greater building setback of 30 feet, unless alternative compliance is used. Conformance to setback requirements will be required, at the time of DET.

The following development standards shall be addressed, at the time of DET:

- Section 27-4402(c)(5)(B)(iv)(bb)(II) refers to the MIO Zone requirements and stipulates that structures under Surface B shall not exceed a height (in feet) equivalent to 10 feet less than the height derived by dividing the distance between Surface A and nearest boundary of the subject property by 50. For this site, no structure shall exceed a height of 500 feet (elevation 774 feet) in this area.
- Section 27-6305(a) requires a minimum of one parking space per four beds. The PPS shows that the existing facility has 162 beds, and that 37 new beds will be provided, for a total of 199 beds. Therefore, the minimum parking requirement for this site is 50 spaces.
- Section 27-6309(a)(1) requires bicycle racks or lockers to accommodate at least two bicycles, for up to ten parking spaces at all parking areas, and at least one bicycle space for each additional ten parking spaces or major fraction thereof.
- The development will require a 7.5 percent minimum open space set-aside, per Table 27-6403. For this 3.08-acre site, a minimum of 0.23 acre is required for open space set-asides. An exhibit was submitted by the applicant with the PPS, showing that this requirement is intended to be met with an interior courtyard and a SWM facility, at the rear of the property. The details of the areas provided will be evaluated with the DET and in accordance with the criteria in Section 27-6404(a). If the criteria are not met, different areas of the site may need to be designated as open space set-asides.

The open space set-aside exhibit will be required to be resubmitted with the DET and shall be updated to reflect the most recent site layout, at that time. Pursuant to Section 27-6408(a)(3), easements or covenants shall be established for the maintenance and management of the open space set-asides on this single-parcel subdivision. The area subject to the easements/covenants shall be delineated on the DET and final plat, and the associated documents shall be submitted for review and approval by the Maryland-National Capital Park and Planning Commission, prior to approval of the final plat.

- Section 27-61603(a)(2)(A), Green building point system—This development will be required to achieve a minimum of three points.

Conformance with the Tree Canopy Coverage Ordinance

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy, for any development project that proposes more than 5,000 square feet of gross floor area or disturbance and requires a grading permit. Properties that are zoned CGO are required to provide a minimum of ten percent of the gross tract area under TCC, which equals to approximately 0.31 acre for this property. Compliance with this requirement will be evaluated, at the time of DET.

Conformance with the Requirements of the Prince George’s County Landscape Manual

The development is subject to the Landscape Manual. Specifically, Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from Streets, Section 4.7, Buffering Incompatible Uses; Section 4.8, Building Frontage Landscape Requirements; Section 4.9, Sustainable Landscape Requirements; and Section 4.11, Requirements for Nonresidential and Mixed-Use Development, apply to this site. Conformance with the applicable landscaping requirements will be evaluated, at the time of DET review.

Section 4.7(c) indicates that the site is subject to a Type B bufferyard for the site boundaries abutting single-family detached residential uses, requiring a minimum 30-foot building setback and 20 feet of landscape yard width. It is unclear, on the PPS, if this requirement will be met with the addition. Alternative compliance may be required, at the time of DET.


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.

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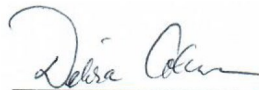
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Doerner, with Commissioners Washington, Doerner, Bailey, and Shapiro voting in favor of the motion and with Commissioner Geraldo absent at its regular meeting held on Thursday, February 2, 2023, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 23rd day of February 2023.

Peter A. Shapiro
Chairman


By Jessica Jones
Planning Board Administrator

PAS:JJ:EDC:rpg



Approved for Legal Sufficiency
M-NCPPC Office of General
Counsel

Dated 2/8/23