



PGCPB No. 2023-126

File No. PPS-2022-043

R E S O L U T I O N

WHEREAS, Potomac Realty Company is the owner of a 7.75-acre parcel of land known as Parcel 68, said property being in the 1st Election District of Prince George's County, Maryland, and being zoned Commercial General Office (CGO); and

WHEREAS, on September 25, 2023, Potomac Realty Company filed an application for approval of a Preliminary Plan of Subdivision for 67 lots and 10 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan PPS-2022-043 for Harmony Garden 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 November 30, 2023; and

WHEREAS, therefore, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed the application under the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on November 30, 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 Type 1 Tree Conservation Plan TCP1-016-2023, APPROVED a Variance to Section 25-122(b)(1)(G), and APPROVED Preliminary Plan of Subdivision PPS-2022-043 for 67 lots and 10 parcels, subject to the following conditions:

1. Prior to signature approval, the preliminary plan of subdivision shall be revised to provide the following:
 - a. Show a 10-foot-wide public utility easement along the frontage of both Old Baltimore Pike and Ammendale Way.
 - b. Show a 10-foot-wide public utility easement along one side of proposed Private Street A.
 - c. Label and dimension right-of-way dedication along the subject property's frontage of Old Baltimore Pike, 40 feet from the centerline.
2. Development of the site shall be in conformance with Stormwater Management Concept Plan 8057-2023, and any subsequent revisions.

3. The applicant and the applicant's heirs, successors and/or assignees shall provide the following facilities and, prior to acceptance, the detailed site plan shall include the details, location, and extent of the following facilities:
 - a. A side path of a minimum 8 feet wide along the subject property's frontage of Old Baltimore Pike, unless modified by the operating agency with written correspondence.
 - b. A minimum of 5-foot-wide sidewalk along the subject property's frontage of Ammendale Way.
 - c. Bicycle parking at any central gathering location.
4. Prior to approval, the final plat of subdivision shall include:
 - a. Right-of-way dedication, in accordance with the approved preliminary plan of subdivision.
 - b. Dedication of 10-foot-wide public utility easements along all abutting public rights-of-way and one side of private rights-of-way, as delineated on the approved preliminary plan of subdivision.
5. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall meet all the requirements of Subtitle 25, Division 2, and the Environmental Technical Manual, and shall be revised as follows:
 - a. Delineate the previously cleared woodlands on the TCP1, as reflected on the Type 2 tree conservation plan, using a separate symbol and label on the plan.
 - b. Distinguish between existing afforestation to remain, existing afforestation to be removed, and woodland clearing on the TCP1.
 - c. Exclude any existing afforestation to remain from being credited as woodland preservation or woodlands retained not credited.
 - d. Revise the location of all hatching used to delineate woodland retention and wooded floodplain clearing shown on the plan, to be consistent with the limits of disturbance.
 - e. All labels and hatching for woodlands retained not credited for woodlands being retained within the 100-year floodplain must be removed from the plan.
 - f. Remove all reforestation/afforestation from collocating over the proposed stormdrains and their respective easements or equivalent easement off-sets, if no easement is required.
 - g. Indicate that the site is subject to the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) on the TCP1 worksheet, and not grandfathered.

- h. Correct errors in the Type 2 tree conservation plan worksheet to accurately reflect the woodland conservation requirement, and how the requirement is being met, once the above changes are made.
- 6. Prior to signature approval of the preliminary plan of subdivision and the Type 1 tree conservation plan, the applicant shall submit a copy of the approved concept grading, erosion, and sediment control plan for the site from the Prince George's Soil Conservation District.
- 7. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area, except for any approved impacts, and shall be reviewed by the Environmental Planning Section, prior to approval of the final plat. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”
- 8. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-016-2023). The following note shall be placed on the final plat of subdivision:

“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-016-2023 or most recent revision), or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance (WCO). This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of The Maryland-National Capital Park and Planning Commission (M-NCPPC), Prince George's County Planning Department.”
- 9. Prior to approval of the final plat of subdivision, in accordance with Section 24-4601(b)(4)(B) of the Prince George's County Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees shall provide a fee-in-lieu payment for mandatory parkland dedication.
- 10. At the time of detailed site plan submittal, the following shall be addressed:
 - a. Widening homeowners association (HOA) Parcels H and J, shifting Lots 1–18 and Alley B (Parcel B) to the east, and reducing the lot depth of Lots 58–67, or other adjustments, so that common sidewalks are within HOA parcels, if feasible. If it is necessary for common sidewalks to be located on private lots, appropriate easements

shall be established, prior to approval of final plats, to ensure common access and maintenance.

- b. Conformance with the requirements for pedestrian and bicycle cross access and/or any requested waiver of the requirements.

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 applicable legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject property is located south of the Old Baltimore Pike and Ammendale Way intersection and is 7.75 acres. The subject property consists of one parcel, known as Parcel 68, recorded by deed in the Prince George's County Land Records in Liber 7732 folio 728. The property is located within the Commercial General Office (CGO) Zone. In accordance with Section 24-4503 of the Prince George's County Subdivision Regulations, this preliminary plan of subdivision (PPS) is supported by and subject to approved Certificate of Adequacy ADQ-2022-099. The site is subject to the 2010 *Approved Master Plan and Sectional Map Amendment for Subregion 1* (master plan), the applicable provisions of Subtitles 24 and 27 of the Prince George's County Code, and other applicable plans, as outlined herein. This PPS was reviewed, in accordance with Section 24-1401 of the Subdivision Regulations, for subdivision of the property into 67 lots and 10 parcels for development of 67 single-family attached dwellings. The site currently consists of vacant land.

The applicant filed a variance request to Section 25-122(b)(1)(G) of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO), to allow the removal of three specimen trees. This request was approved and is discussed further in the Environmental finding of this resolution.

3. **Setting**— The property is located on Tax Map 13 in Grids D3 and D4 and is within Planning Area 62. Old Baltimore Pike abuts the subject property along its northwest boundary and Ammendale Way along the northeast boundary. The properties to the northeast, beyond Ammendale Way, consist of parks and open space land and single-family attached dwellings, within the Residential, Single Family-95 (RSF-95) and Residential, Single-Family-Attached (RSF-A) Zones. The abutting property to the southeast consists of single-family attached dwellings within the RSF-A Zone. The abutting property to the southwest consists of vacant land within the Residential, Rural (RR) Zone. The properties to the west, beyond Old Baltimore Pike, consist of industrial and office uses within the Industrial, Heavy (IH) Zone.

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

	EXISTING	EVALUATED
Zone	CGO	CGO
Use(s)	Vacant	Residential
Acreage	7.75	7.75
Lots	0	67
Parcels	1	10
Dwelling Units	0	67
Gross Floor Area	0	0

Pursuant to Section 24-3305(e) of the Subdivision Regulations, this case was heard at the Subdivision and Development Review Committee (SDRC) meeting on October 13, 2023. Revised plans were received on October 27, 2023, which were used for the analysis contained herein.

5. **Previous Approvals**—No prior approvals are associated with this property.
6. **Community Planning**—Pursuant to Section 24-4101(b)(1) of the Subdivision Regulations, consistency with the 2014 *Plan Prince George’s 2035 Approved General Plan* (Plan 2035) and conformance with the master plan are evaluated, as follows:

Plan 2035

Plan 2035 places the subject property in the Established Communities Growth Policy Area. “Plan 2035 classifies existing residential neighborhoods and commercial areas served by public water and sewer outside of the Regional Transit Districts and Local Centers, as Established Communities. Established communities are most appropriate for context-sensitive infill and low-to medium-density development” (page 20). The proposed single-family attached development abuts an existing single-family attached development and, as such, is found to be context-sensitive and consistent with Plan 2035.

Master Plan/Zoning

The uses proposed by the applicant do not conform to the master plan’s recommendation of commercial (retail/office) land uses on the subject property. However, the master plan recommendation is in direct conflict with the zoning of the property (CGO) that permits certain types of single-family attached dwelling uses. This conflict cannot be reconciled and, therefore, pursuant to Section 24-4101(b)(3) of the Subdivision Regulations, the uses permitted by the Prince George’s County Zoning Ordinance supersede the recommendations set forth in the master plan, for the purpose of finding conformity.

On November 29, 2021, the Prince George's County District Council approved Prince George's County Council Resolution CR-136-2021, the Countywide Sectional Map Amendment, which reclassified the subject property from the Commercial Shopping Center (C-S-C) Zone to the CGO Zone, effective April 1, 2022.

7. **Stormwater Management**—Pursuant to Section 24-4303(b) of the Subdivision Regulations, an application for a major subdivision must include an approved stormwater management (SWM) concept plan. SWM Concept Plan 8057-2023, approved by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), was submitted with this PPS. The SWM concept plan shows the use of micro-bioretenion and submerged gravel wetlands to detain and treat water before it leaves the site.

Development of the site, in conformance with 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. **Parks and Recreation**—This PPS has been reviewed for conformance with the requirements and recommendations of Plan 2035, the master plan, the 2022 *Land Preservation, Parks and Recreation Plan for Prince George's County*, the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, and the Subdivision Regulations, as they pertain to public parks and recreational facilities. The proposed development has no impact on the master plan for parks and open space recommendations. The master plan has no recommendations for the subject property.

Park and recreation amenities serving the subject property include the Vansville Park/School Community Center, directly across the street from the development site, which is improved with a full basketball court, a football/soccer field combo, a picnic shelter, a recreation center, a softball diamond, an outdoor tennis court, and trails. Muirkirk South Park is within 1.9 miles and provides a picnic area, a picnic shelter, a playground, and a lighted softball diamond.

Section 24-4601 of the Subdivision Regulations, which relates to mandatory dedication of parkland, provides for dedication of land, payment of a fee-in-lieu, and/or provision of private on-site recreational facilities to meet the recreational needs of residents of the subdivision. The PPS is for development of 67 lots. Based on the proposed density of development, 10 percent of the net residential lot area should be required to be dedicated to The Maryland-National Capital Park and Planning Commission (M-NCPPC) for public parks, which equates to 0.78 acre for public parklands. The subject property is not adjacent or contiguous to any property currently owned by M-NCPPC. The 0.78 acre of dedicated land would not be sufficient to provide for the types of active recreational activities that are needed. As such, the applicant proposed to provide a fee-in-lieu of parkland dedication.

The projected population for the development is 184 new residents. Per Section 24-4601(b)(4)(B) of the Subdivision Regulations, the Prince George's County Planning Board may approve the payment of fees, in place of parkland dedication.

The applicant's proposal, to provide a fee-in-lieu of parkland dedication, will meet the requirements of Section 24-4601(b)(4)(B).

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

Master Plan Right of Way

The subject property has frontage on Old Baltimore Pike (C-108), along the northwestern bounds of the site. Per the MPOT and the master plan, the portion of Old Baltimore Pike that fronts the subject property is designated as a four-lane collector roadway, with an ultimate right-of-way (ROW) width of 80 feet. The PPS labels the portion of Old Baltimore Pike, along the property's frontage, with an existing variable-width ROW. The subject PPS shall be updated, prior to signature approval, to label and provide a dimension demonstrating that 40 feet from the centerline is dedicated to achieve an ultimate 80-foot-wide ROW, along the site's frontage of Old Baltimore Pike.

In addition, the subject property also has frontage on Ammendale Way, along the northeastern bounds of the site. Neither the MPOT nor the master plan contain lane designations or ROW recommendations for Ammendale Way. The PPS displays the portion of Ammendale Way, along the property's frontage, with a variable-width ROW. The PPS shows the property boundary 35 feet from the centerline. No additional ROW is needed.

Master Plan Pedestrian and Bike Facilities

This PPS is subject to the MPOT, which recommends the following facilities:

- **Planned Side Path: Old Baltimore Avenue**

In addition, the MPOT's Complete Streets element reinforces the need for multimodal transportation and includes the following policies regarding the accommodation of pedestrians and bicyclists (pages 9 and 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.

The master plan also contains specific recommendations related to bicycle and pedestrian facilities along Old Baltimore Pike, and are copied below (pages 58 and 27):

Policy 2: Provide sidewalks and neighborhood trail connections within existing communities to improve pedestrian safety, allow for safe routes to schools, and provide for increased nonmotorized connectivity between neighborhoods:
Strategies

- **Provide an eight-foot-wide side path along Old Baltimore Pike from Muirkirk Road to Odell Road. This trail will provide access to Vansville Community Center, Muirkirk South Community park, and the programmed elementary school in the Vansville area.**

Policy 5: Create new bicycle and pedestrian connections:

Strategies

- **Improve pedestrian and bicycle circulation alongside Old Baltimore Pike, establishing off-road routes parallel to the road.**

The MPOT and master plan support the provision of a side path along the frontage of Old Baltimore Pike. This side path, as well as a sidewalk along the frontage of Ammendale Way, will be required to be shown on the detailed site plan (DET), prior to acceptance. Bicycle parking at any central gathering location on-site, to complete bicycle facilities, will also be required.

The submitted plans provide private roads and private alleys throughout the development to serve the site. This is permitted under Section 24-4204(b)(1)(D) of the Subdivision Regulations, which states:

In any zone where townhouse or two-family dwellings are permitted, except within the Transit-Oriented/Activity Center base and Transit-Oriented/Activity Center Planned Development zones, the Planning Board may approve the use of private streets and alleys provided:

- (i) **The pavement width of private streets shall not be less than twenty-two (22) feet in width;**
- (ii) **The pavement width of private alleys shall not be less than eighteen (18) feet in width; and**
- (iii) **Subsections (i) and (ii) above shall only be applicable provided that the accessibility of the private streets and alleys to emergency equipment is ensured by the County Fire Chief or the Chief's designee.**

Alleys do not carry a designation that requires sidewalks along their frontage. For this reason, the applicant does not have to provide sidewalks along both sides of the internal alleys. However, an internal private street is provided, which will have sidewalks on both sides and connects to sidewalks along the frontage of all units and abutting public ROWs, for complete pedestrian connections throughout the subdivision.

Zoning Ordinance Development Standards - Access and Circulation

The PPS include one full movement access to the site along Ammendale Way. In addition, the internal roadways are confined only to the site, thereby, ensuring that no cut-through traffic will take place from any neighboring developments. The PPS displays conformance with Section 27-6206(f)(1) of the Zoning Ordinance, which establishes a minimum street connectivity index score of 1.50. The PPS shows 6 links and 4 nodes, achieving a street connectivity index of 1.50 which meets the requirement.

Section 27-6207(b)(1) and Section 27-6208(b)(1) of the Zoning Ordinance require the internal pedestrian and bicycle circulation system be designed to allow for cross access between the development's buildings and parking areas and those on adjoining lots containing a multifamily, townhouse, nonresidential, or mixed-use development, or the boundary of adjoining vacant land containing those uses. The applicant requested a waiver from this requirement, per Section 27-6207(a)(2)(C) of the Zoning Ordinance, citing that it would be impracticable to provide cross access to the abutting single-family attached development. The reasons provided include the fact that the internal sidewalk of the abutting single-family attached development does not reach the boundary of the subject property, and that a connection could not be made without the consent of the abutting homeowners association (HOA). The applicant also cited the proximity of the existing internal sidewalk to the existing sidewalk along the frontage of Ammendale Way, which will connect to the proposed development once the required frontage improvements are made. Further analysis of the on-site pedestrian and bicycle network is required, with the review of the DET. Cross access will be analyzed at that time when buildings and other site features are finalized, and at which time conformance with the applicable criteria shall be demonstrated and/or any request for waiver submitted.

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 master plan and MPOT.

10. **Public Facilities**—This PPS was reviewed for conformance to the master plan, in accordance with Section 24-4101(b)(1). The master plan identifies the need for public facility adequacy in its vision and policy statement:

- **To provide needed public facilities in locations that efficiently serve the subregion's population.**

The proposed development will not impede achievement of any of the above-referenced goals. The master plan does not propose any police, fire and emergency medical service facilities, schools, parks, or libraries on the subject property. This PPS is further supported by an approved Certificate of Adequacy (ADQ-2022-099), which ensures adequate public facilities to support the

proposed land use. 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, none of which affect this site.

The subject property is located in Sustainable Growth Tier 1 and will be 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 applicant has not provided sufficient evidence of the immediate or planned availability of public water and sewerage, because the 2018 *Water and Sewer Plan* placed this property in the “Dormant” water and sewer Category 3, inside the sewer envelope. Renewal of Category 3, therefore, via the administrative amendment process, will be required to be obtained, prior to final plat approval.

11. **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.”

In accordance with Section 24-4205 of the Subdivision Regulations, all roads, public or private, shall have a public utility easement (PUE) at least 10 feet in width. The PUE shall be located outside the sidewalk, where a sidewalk is constructed or if the Subdivision Regulations or Subtitle 27 require a sidewalk, and shall be contiguous to the ROW. The subject site has frontage along the existing public ROWs of Old Marlboro Pike and Ammendale Way and the PPS includes one private ROW, shown as Private Street A on Parcel A. The required 10-foot-wide PUEs are shown on the Type 1 tree conservation plan (TCP1) without conflict with proposed sidewalks, but the PUEs have not been shown on the PPS. The PUEs shall be shown on the PPS, prior to signature approval.

12. **Historic**—The master plan contains goals and policies related to historic preservation (pages 101–104). However, these are not specific to the subject site or applicable to the proposed development. 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. The property does not contain, and is not adjacent to, any designated Prince George’s County historic sites or resources.
13. **Environmental**—This 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 have been reviewed for the subject site:

Development Review Case	Associated Tree Conservation Plan or Natural Resource Inventory	Authority	Status	Action Date	Resolution Number
NA	TCP2-072-90	Staff	Approved	6/27/1990	NA
NA	NRI-118-2022	Staff	Approved	8/5/2022	NA
PPS-2022-043	TCP1-016-2023	Planning Board	Approved	11/30/2023	2023-126

Grandfathering

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

Plan 2035

The site is located within the Established Communities of the Growth Policy Map and Environmental Strategy Area 2 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map, as designated by Plan 2035. The site is located east of the boundary for Focus Area 2 of the plan. The site has regulated areas and evaluation areas mapped within the 2017 *Countywide Green Infrastructure Plan of the Approved Prince George’s County Resource Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan).

Master Plan Environmental Conformance

The following policies of the master plan are applicable to the current project, with regards to natural resources preservation, protection, and restoration. The text in **BOLD** is from the master plan and the plain text provides comments on plan conformance.

Environmental Infrastructure

Goals:

- **Preservation, enhancement, and, where appropriate, restoration of environmentally sensitive features through the identification of a green infrastructure network of local significance and local and countywide special conservation areas.**
- **Implementation of the master plan’s desired development pattern while protecting environmentally sensitive features and meeting the full intent of environmental policies and regulations.**
- **Restoration and enhancement of water quality in areas that have been degraded and preserve water quality in areas not degraded.**

Policy 1: Protect, preserve and enhance the identified green infrastructure network within the Subregion 1 plan area.

Conformance to this policy is evaluated in the Green Infrastructure Plan section of this resolution.

Policy 2: Restore and enhance water quality in areas that have been degraded and preserve water quality in areas not degraded.

Strategies

- **Identify opportunities for restoration within the primary corridors and target mitigation efforts to these areas.**
- **Fully restore stream and wetland buffers possible during the land development process.**
- **Utilize existing stream corridor assessments, or require new assessments as part of the development review process, and include them with the submission of a natural resource inventory as development is proposed for each site. Mitigate identified sites from these assessments during the land development process.**
- **Encourage the use of conservation landscaping techniques that reduce water consumption and the need for fertilizers or chemical applications.**
- **Reduce the area of impervious surfaces during redevelopment projects.**
 - **Where development proposals contain extensive areas of impervious surfaces (e.g., parking lots, pavement, buildings), use innovative methods or technologies, such as porous pavement and concrete, turf blocks, water detention facilities, and the placement of stormwater retention facilities, to allow water to infiltrate.**
 - **Minimize the number of parking spaces and provide for alternative parking methods that reduce the area of impervious surfaces.**
- **Prohibit the disposal of possible pollutants and the permitting of septic tanks in aquifer recharge areas. Prohibit filling or dumping which may permit the intrusion of pollutants.**
- **Utilize the countywide water resources functional master plan when it becomes available, to address the relationship of planned growth to water resources for both waste disposal and safe drinking water and include an analysis of water resource protection areas, groundwater resources, water quality standards, TMDLs, and wastewater and stormwater management.**

- **Address existing flooding concerns in conformance with the County Code on all new development and redevelopment.**
- **Use Low-Impact Development (LID) stormwater management techniques such as green roofs, rain gardens, innovative stormwater outfalls, underground stormwater management, bioretention with appropriate soil mixtures, green streets, cisterns, rain barrels, grass swales, and stream restoration to the fullest extent possible during the development review process.**
- **Implement the following best management practices in each primary and secondary corridor:**
 - **Provide wider stream buffers along streams in the Beaverdam Creek subwatershed to provide greater protection to the designated wetlands of special state concern.**
 - **Require stream stabilization projects on new developments; establish a stream valley park; and in the upper portions of Indian Creek subwatershed.**
 - **Consider opportunities in the Indian Creek subwatershed for wetland creation on sites that were previously mined.**
 - **Develop a comprehensive plan for the management of stormwater volumes in the Paint Branch subwatershed and the Little Paint Branch and Patuxent corridors.**
 - **Develop a long-term strategy for dealing with bacteria issues.**
 - **Identify hot spots for bacteria and implementation options to address each hot spot.**
 - **Develop a long-term strategy for dealing with bacteria issues in the Anacostia basin.**

The applicant is encouraged to consider implementing as many of the above strategies, as practical, during the final design process of the SWM system for the site. DPIE is the governing body required to evaluate the final stormwater design for this project and find it in conformance with Federal, State, and County requirements, prior to issuance of the first building permit.

Policy 3: Implement the State Storm Water Management Act of 2007 in Subregion I as of the adoption of this Plan to enhance the water quality and control flooding in the Anacostia and Patuxent River watersheds.

The project is required to meet current Federal, State, and County requirements for SWM design under the review of DPIE.

Policy 4: Implement more environmentally sensitive building techniques and reduce overall energy consumption.

The use of green building techniques and energy conservation techniques should be used, as appropriate, in the final design of this project.

Policy 5: Reduce light pollution and intrusion, especially into the Rural Tier and environmentally sensitive areas.

The reduction of light pollution through the use of alternative lighting technologies is encouraged to reduce light pollution into the regulated environmental features (REF) being preserved on-site and to reduce light pollution off-site.

Policy 6: Reduce air pollution by placing a high priority on transportation demand management (TDM) projects and programs.

Strategies

- **Design development and redevelopment projects to minimize the need for motor vehicle trips and to prevent conditions that may create local air pollution nuisances.**
- **Provide an improved, continuous network of sidewalks and bikeways.**
- **Enhance bus services by including new routes, increasing bus frequency, improving pedestrian access to transit stops, and more bus shelters.**
- **Provide park-and-ride lots along major roads for carpools, vanpools, and transit users.**

The reduction of air pollution using the strategies listed above is encouraged in the final design of this project.

Policy 7: Reduce adverse noise impacts to meet State of Maryland noise standards.

The site is not proposed to be developed with a noise generating use as listed in Section 27-6810 of the Zoning Ordinance, nor is it adjacent to any roadways regulated for noise. Noise pollution will be further evaluated by the appropriate agencies, for conformance with federal, state, and County laws.

Green Infrastructure Plan Conformance

According to the approved Green Infrastructure Plan, the on-site regulated area is associated with an existing wooded stream and associated floodplain located on the eastern and southern portions of the site. Two small evaluation areas are located in the northeast corner 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.**
 - b. **Prioritize use of public funds to preserve, enhance, connect, restore, and protect critical ecological systems.**

Approximately half of the regulated areas on-site are proposed to be preserved. No sensitive species project review areas and special conservation areas are located on or within the vicinity of the subject site.

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.**

Type 2 Tree Conservation Plan TCP2-072-90 was used for rough grading purposes and for the site to install a stormwater conveyance system, from Ammendale Way to a stormwater basin. The majority of the 0.57 acre of afforestation established on the TCP2 is proposed to be removed and re-established off-site. The existing afforestation on-site arguably sets the limits of development for future use. The applicant should preserve more of the original afforestation area on-site, which is labeled as Forest Stand A on the approved natural resources inventory (NRI). The NRI labels this afforestation area as a mixed hardwood associated with only 10 percent invasive cover in the herbaceous layer.

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.**
 - 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.**

The site was previously rough graded for installation of stormwater conveyance devices in the 1990s. The site remains vacant with no buildings. Since implementation of the TCP2, vegetation has regrown in areas previously graded. REF exist on-site, the preservation of which is discussed in the Preservation of REF/Primary Management Area (PMA) section of this resolution. No trails were proposed with 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.**

The site contains existing woodlands and REF proposed for retention. On-site woodlands will be placed in a woodland conservation easement; retained floodplain (not already in a SWM easement) will be placed in a floodplain easement; and all undeveloped REF, inclusive of the PMA retained on-site, will be placed into a conservation easement. These easements are required as part of meeting the site's woodland conservation requirement and the requirements of Subtitles 24 and 32.

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.**

SWM Concept Plan 8057-2023-00, approved by DPIE, was submitted with this PPS that shows two gravel wetlands and two micro-bioretenion facilities to meet the SWM requirements for this project on-site. DPIE has determined that this proposed SWM concept plan is in conformance with the current code.

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.**

The on-site woodland is proposed to be placed in a woodland conservation easement to meet the woodland conservation requirement of this PPS. Planting details will be shown on the revised TCP2, as required by the 2018 Environmental Technical Manual (ETM).

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.**

The existing implemented TCP2 established the forest edges that were supposed to be maintained in perpetuity with this site, with the afforestation area. The proposed development will reduce those edges. This development is greater than the boundaries set by the prior TCP2, with existing afforestation on-site.

Environmental Review

Existing Conditions/Natural Resources Inventory

The site has an approved NRI plan (NRI-118-2022), which shows the existing conditions of the property are consistent with the PPS and the TCP1. Three specimen trees have been identified on-site.

The site contains REF, which includes a stream and its respective buffer. PMA, inclusive of the REF, as well as 100-year floodplain and steep slopes are also mapped on-site. The forest stand delineation indicates that there is one forest stand, which has a medium rating for preservation and restoration. The majority of this stand is designated as an existing afforestation area on-site.

The site currently has a total of 1.18 acres of woodlands on-site, inclusive of existing afforestation area.

The site is located within the Indian Creek watershed, which is not a stronghold or a Tier II watershed. The site does not contain any known historic structures and is not considered a historic site. The site shares frontage with Old Baltimore Pike, which is mapped as a historic road.

Woodland Conservation

This property is subject to the provisions of the WCO because the property is greater than 40,000 square feet, contains more than 10,000 square feet of existing woodland, and is subject to a PPS. With this PPS, grandfathering of the currently implemented TCP2-072-90 will be lost and a revision to the TCP2 will be required, prior to permit. TCP1-016-2023 was submitted for review, which covers the area of this PPS.

According to the worksheet shown on the TCP1, the site is 7.75 acres, and incorrectly shows the property zoned as C-G-O, instead of CGO. A total of 0.52 acre of existing woodlands are on the net tract and there are 0.16 acre within the floodplain. The site has a woodland conservation threshold of 0.78 acre, or 15 percent of the net tract, as tabulated. No off-site clearing is shown on the plan. The TCP1 shows a total woodland conservation requirement of 0.78 acre, based on the proposed clearing shown. The TCP1 shows this requirement will be met by providing 0.03 acre of woodland preservation on-site, 0.07 acre of afforestation/reforestation on-site, and 0.68 acre of off-site woodland conservation on another property, with bank credits.

The TCP1 requires revisions. It is unclear on the TCP1 where the division between what was previously approved for afforestation is located within Forest Stand A and what is simply existing woodlands that has grown outside of the afforestation area. The existing afforestation area cannot be credited as existing woodlands on-site, but any woodlands that grew outside of the afforestation area must be counted as existing woodlands. Similarly, the area previously cleared between Ammendale Way to what is shown as Forest Stand A on the NRI needs to be accounted, as reflected on the approved TCP2. The previously cleared treeline needs to be added and labeled as such on the plan. This area must be included in both the existing woodland and woodland clearing calculations. Any areas of additional woodlands that subsequently developed outside of the afforestation area, that are proposed to be cleared on the TCP1, must be accounted for. Changes in the acreage of the 0.57 acre of required and implemented afforestation/reforestation from the TCP2 also need to be accounted for in the worksheet. Footnotes or an exhibit shall be added to the TCP1 set of plans, as necessary, to explain how the numbers were calculated.

The areas labeled as Woodland Preservation Area B and the adjoining 0.15-acre area labeled as Woodland Preserved Not Credited on the plan both appear to be located on an area previously afforested, per the approved TCP2. Woodland preserved not credited and woodland preservation credit can only be given on areas of existing woodlands, not on areas of previously established afforestation. The plan and worksheet must be revised accordingly, excluding any afforestation as being woodland preservation or woodlands retained not credited.

It was noted that the woodland clearing within the floodplain and woodland preserved not credited associated with two of the proposed outfall structures is not consistent with the limits of disturbance (LOD). All hatching for woodland retention and woodland clearing within the floodplain shown on the plan must be consistent with the LOD.

An area shown within the 100-year floodplain on the TCP1 is labeled as woodland preserved not credited, part of which is on top of existing riprap. All labels and hatching for woodlands retained not credited for woodlands being retained within the 100-year floodplain must be removed from the plan.

Part of Woodland Reforestation Area B is shown on-top of a proposed stormdrain pipe. The afforestation cannot be placed on top of this pipe. It must also be shown off-set from the pipe to account for a stormdrain easement, if one is required, or the equivalent based on the size of the pipe.

The TCP1 worksheet must be adjusted with the correct zoning code CGO (not C-G-O) and indicate "N" in the boxes for the "Is this site subject to the 1989 or 1991 ordinance" and for "Is this site subject to the 1991 ordinance". The site is only subject to the 2010 ordinance. Once the above changes are made to the plan, the TCP1 worksheet must be corrected, accordingly.

Section 25-122(c)(1) prioritizes methods to meet woodland conservation requirements. The applicant submitted a statement of justification (SOJ) on April 21, 2023, requesting approval of off-site woodland conservation, as reflected on the TCP1 worksheet. The applicant stated that on-site preservation cannot be fully utilized because most of the priority woodland is centrally located on-site, limiting development. The SOJ does not mention that most of the area labeled as existing woodlands on the NRI is actually an existing afforestation area that was established to remain, in perpetuity. As mentioned above, the TCP1 worksheet and plan need to be revised to clearly distinguish what is being counted as woodland preservation and as existing afforestation that will remain on-site. The applicant indicated in the SOJ that the proposed woodland preservation is 0.05 acre (now 0.03 on the revised TCP1) and that afforestation/reforestation totaled 0.07 acre on-site.

The existing afforestation is a priority for retention and should have been considered with the design of this project, instead of for its removal and relocation off-site.

Per Section 25-122(c)(1)(D), only specimen, champion, and historic trees in good condition are prioritized for preservation over off-site mitigation. There are only two specimen trees on-site that meet the minimum good condition requirement for preservation, both of which were requested for removal, as part of the subject PPS. The request for removal of these trees (see the Specimen Trees section of this resolution) is approved.

The next priority is allowing for credit of natural regeneration on-site; however, there are no opportunities for natural regeneration on-site with this design. The area to the south of the development is largely encumbered with an existing pond and associated Washington Suburban Sanitation Commission SWM ROW. Once the on-site mitigation options detailed above are exhausted, off-site mitigation options are then appropriate for the site.

Once the above changes for on-site credit and afforestation/reforestation are shown on the plan, the TCP worksheet and any associated tables must be revised.

Further technical revisions to the TCP1 are required and are included as conditions of approval of this PPS.

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 (CRZ) of each tree in its entirety or preserve an appropriate percentage of the CRZ in keeping with the tree’s condition and the species’ ability to survive construction as provided in the [Environmental] Technical Manual.” The code, however, is not inflexible.

The authorizing legislation of the WCO is the Maryland Forest Conservation Act, which is codified under Title 5, Subtitle 16 of the Natural Resources Article of the Code of Maryland Regulations (COMAR). Section 5-1611 of the Natural Resources Article requires the local jurisdiction to provide procedures for granting variances to the local forest conservation program. The variance criteria in the WCO are set forth in Section 25-119(d). Section 25-119(d)(4) clarifies that variances granted under Subtitle 25 are not considered zoning variances.

A Subtitle 25 variance was submitted for review with this PPS. The approved NRI-118-2022 identifies three specimen trees on-site. The following analysis is a review of the request to remove three specimen trees.

The letter of justification (LOJ) requests the removal of three specimen trees identified as ST-1, ST-2, and ST-3. The condition of the trees proposed for removal ranges from poor to good. The TCP1 shows the location of the trees proposed for removal, for development of the site, roadways, utilities, SWM, and associated infrastructure.

Specimen Tree Variance SOJ Table						
ST-#	DBH	Common Name	Location	Rating	Impacted by Design Elements	Construction Tolerance
ST-1	39.5”	Red Maple	Centrally located outside of PMA	Good	Development of Lot 48. Critical root zone impacts for private street, stormwater management facilities, and associated grading.	Good
ST-2	30.5”	Pin Oak	Centrally located outside of PMA	Good	Proposed private street and associated grading.	Good
ST-3	35”	Pin Oak	Centrally located outside of PMA	Poor	Proposed street and stormwater management facilities.	Good

Evaluation

Section 25-119(d)(1) contains six required findings [text in **bold** below] to be made before a variance from the WCO can be granted. An evaluation of this variance request, with respect to the required findings, is provided below in plain text.

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

In relation to other properties in the area, special conditions peculiar to the subject property would cause an unwarranted hardship, if the applicant were required to retain the three specimen trees located on-site. Those special conditions relate to the specimen trees themselves, such as their size, condition, species, and on-site location.

The three specimen trees are clustered together and centrally located on-site. All of the specimen trees proposed for removal are located outside of the REF.

The table above indicates the three specimen trees requested for removal are for the development of roadways, building footprints, SWM, circulation, and grading. The species proposed for removal are pin oaks and red maple. The condition ratings of these trees range from poor to good, with most classified in good condition. The trees have good construction tolerances; however, all species of the included specimen trees have limiting factors for their construction tolerance, specifically if significant impacts are proposed to the CRZ.

Specimen Trees ST-1, ST-2, and ST-3 are integral to the developable portion of the site, to the creation of a private road needed for automobile circulation within the site, and for construction of SWM facilities to detain and safely convey stormwater off-site.

Retention of these trees and protection of their respective CRZs would have a considerable impact on the proposed development by creating challenges for building siting and for adequate circulation and infrastructure through the site.

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

Enforcement of the requirement that all specimen trees be preserved, along with an appropriate percentage of their CRZ, would deprive the applicant of rights commonly enjoyed by others in similar areas. All variance applications for the removal of specimen trees are evaluated, in accordance with the requirements of Subtitle 25 and the ETM, for site-specific conditions. Specimen trees grow to such a large size because they have been left undisturbed on a site for sufficient time to grow; however, the species, size, construction tolerance, and location on a site are all somewhat unique for each site.

Based on the location and species of the specimen trees proposed for removal, retaining the trees, and avoiding disturbance to the CRZ of Specimen Trees ST-1, ST-2, and ST-3, would have a considerable impact on the development potential of the property. If similar trees were encountered on other sites, they would be evaluated under the same criteria. The three specimen trees requested for removal are located within the developable parts of the site.

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

Not granting the variance to remove Specimen Trees ST-1, ST-2, and ST-3 would prevent the project from being developed in a functional and efficient manner. This is not a special privilege that would be denied to other applicants. If other similar developments featured REF and specimen trees, in similar conditions and locations, they would be given the same considerations during the review of the required variance. Other applicants, with similar circumstances, would receive the same approval.

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

The existing site conditions or circumstances, including the location of the specimen trees, are not the result of actions by the applicant. The location of the trees and other natural features throughout the property is based on natural or intentional circumstances that long predate the applicant's interest in developing this site. In addition, to date, the applicant has not undertaken any construction on the site that would cause the need for the removal of the specimen trees with the proposed development.

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

There are no existing conditions relating to land or building uses on the site, or on neighboring properties, which have any impact on the location or size of the specimen trees. The trees have grown to specimen tree size based on natural conditions and have not been impacted by any neighboring land or building uses.

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

Requirements regarding the SWM concept will be reviewed and approved by DPIE. Erosion and sediment control requirements are reviewed and approved by the Prince George's County Soil Conservation District (SCD). Both SWM and sediment and erosion control requirements are to be met, in conformance with state and local laws, to ensure that the quality of water leaving the site meets state standards which are set to ensure that no degradation occurs. Granting this variance will require adherence to these standards.

Conclusion

The required findings of Section 25-119(d) were adequately addressed for the removal of Specimen Trees ST-1, ST-2, and ST-3. The variance for removal of these three specimen trees, for development of 67 single-family attached dwellings, is approved.

Regulated Environmental Features

Section 24-4303(d)(5) of the Subdivision Ordinance states: “Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of REF in a natural state, to the fullest extent possible, consistent with the guidance provided by the ETM established by Subtitle 25. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required pursuant to Subtitle 27, for the reasonable development of the lot outside the regulated feature. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat.”

Impacts to the REF should be limited to those that are necessary for development of the property. Necessary impacts are those that are directly attributable to the infrastructure required for the reasonable use of, and orderly and efficient development of, the subject property, or those that are required by the County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for SWM facilities. Road crossings of streams and/or wetlands may be appropriate, if placed at the location of an existing crossing or at the point of least impact to the REF. SWM outfalls may also be considered necessary impacts, if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, SWM facilities (not including outfalls), and road crossings, where reasonable alternatives exist. The cumulative impacts for development of a property should be the fewest necessary and sufficient to reasonably develop the site, in conformance with the County Code.

The REF on this property, as delineated in the approved NRI plan, includes a stream and its associated buffers. PMA, inclusive of these REF, existing floodplain, and adjacent steep slopes are also mapped along the southern portion of the site. The applicant submitted an LOJ for seven impacts to the REF and PMA, dated April 21, 2023. A summary of the proposed impacts are as follows:

PMA Impacts

Impact #	Type of Impact	Square footage Impact to REF
1	Installation of stormwater outfall structure and riprap	210
2	Installation of stormwater outfall pipe	965
3	Installation of stormwater outfall pipe	540
4	Installation of stormwater outfall pipe	445
5	Installation of stormwater outfall structure and riprap	345
6	Installation of stormwater outfall pipe	555
7	Installation of stormwater outfall structure and riprap	360
	Total	3,420 square feet

Impacts 1–7

Impacts 1–7 are for stormwater pipes, outfall structures, and riprap. These impacts total 3,420 square feet of floodplain and PMA impacts. These impacts all qualify as necessary impacts, and REF have been preserved and/or restored in a natural state, to the fullest extent possible, in accordance with the requirements of Section 27-6808 of the Zoning Ordinance and Section 24-4300 for Impacts 1-7.

Erosion and Sediment Control

The applicant stated, in their SDRC response letter dated October 26, 2023, that the SCD is currently reviewing the concept grading, erosion, and sediment control plan for the site. An approved copy of the concept grading, erosion, and sediment control plan from the SCD is required, prior to signature approval of the PPS and TCP1.

Soils

The predominant soils found to occur on-site, according to the U.S. Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, include Christiana-Downer-Urban land complex (5–15 percent slopes), Elkton silt loam (0–2 percent slopes), and Russett-Christian-Urban land complex (0–5 percent slopes).

According to available information, no unsafe soils containing Marlboro clay exist on-site; however, unsafe soils containing Christiana complexes are mapped on this property. According to DPIE, when existing or proposed steep slopes exceed the ratio of 5 horizontal to 1 vertical or 20 feet in height on unsafe soils, government agencies should require a full geotechnical report that includes a global stability analysis, with the proposed (mitigated) 1.5 safety factor line determined and shown on the plans submitted for County review and approval. An addendum letter, prepared by Geotechnical Laboratories, Inc. dated April 17, 2023, was provided with this PPS. The letter states that the clay soils encountered on-site have a medium plasticity, with a liquid limit of 30 and a plastic index of 10, and are considered as non-problematic soils based on the results of the additional soil analysis.

14. **Urban Design**—The subject PPS includes 67 lots and 10 parcels for development of 67 single-family attached dwellings. The use proposed for this property in the CGO Zone is permitted, per Section 27-4203(d) of the Zoning Ordinance. Section 27-4203(d)(2) provides intensity and dimensional standards applicable to townhouse development in the CGO Zone:

- Density: Maximum 20 dwelling units/net acre.
- Lot Width, Minimum: 20 feet.
- Lot Coverage: Maximum 65 percent of net lot area. Applicable to the lot coverage of the development lot as a whole rather than individual lots under townhouse units.
- Front Yard Depth: Minimum 10 feet.
- Side Yard Depth: Minimum 8 feet. Applicable to the buildings on the edges of the development lot as a whole. Within the development lot as a whole, a minimum separation of 8 feet is required between buildings.
- Rear Yard Depth: Minimum 15 feet.
- Principal structure height: Maximum 50 feet.

This PPS allows a density of 8.6 dwelling units/acre which is within the maximum density standard for this property. Conformance with the zoning requirements governing uses and density requirements will be reviewed at the time of detailed site plan (DET).

Conformance with the 2022 Prince George’s County Landscape Manual

This development, in the CGO Zone, will be subject to the requirements of the current *Prince George’s County Landscape Manual*. The site is subject to Section 4.1, Residential Requirements; Section 4.5, Stormwater Management Facilities; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscape Requirements. Conformance with the applicable landscaping requirements will be determined at the time of DET. The PPS does not pose an impediment to achieving conformance with future landscaping requirements.

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 projects that propose more than 5,000 square feet of gross floor area, or disturbance, and requires a grading permit. The subject site is in the CGO Zone and is required to provide a minimum of 10 percent of the gross tract area to be covered by tree canopy. Compliance with this requirement will be evaluated, at the time of DET. The PPS does not pose an impediment to achieving conformance with tree canopy requirements.

Other Design Criteria

The TCP1 shows a common use sidewalk traveling north-south through Lots 1–18, which serves those dwellings and their connection to the public ROWs. Common use pedestrian facilities should not be located on private lots, where feasible. This would require a common use easement over the sidewalk, which is not consistent with the intent of the layout design guidelines in Section 24-4103 of the Subdivision Regulations, and further reduces the private front yard areas of the individual lots. Shifting Lots 1–18, as well as Alley B (Parcel B), 5 feet to the east would allow space for the sidewalk to be located on HOA Parcel H. This may be accomplished by reducing the lot depth of the lots east of Alley B, which shall be further evaluated for feasibility, at the time of DET.

The applicant provided an open space set-aside exhibit with the PPS, in conformance with Section 27- 6400, demonstrating that open space exceeding the minimum requirement will be provided. The design of the open space set-aside areas will be further evaluated with the DET, to ensure the minimum requirements are met.

- 15. **Citizen Feedback**—The Prince George’s County Planning Department did not receive any written correspondence from members of the community regarding this PPS, prior to the deadline for submission, and no community members signed up to speak at the Planning Board meeting on November 30, 2023.


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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner, and Shapiro voting in favor of the motion, and with Commissioner Geraldo absent at its regular meeting held on Thursday, November 30, 2023, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 14th day of December 2023.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:AH:gh

APPROVED AS TO LEGAL SUFFICIENCY



David S. Wamer
M-NCPPC Legal Department
Date: December 12, 2023