

RESOLUTION

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

WHEREAS, the applicant, LAH Goodman LLC, submitted an application for approval of a detailed site plan under the requirements of the prior Zoning Ordinance; and

WHEREAS, pursuant to Section 27-1704(b) of the Zoning Ordinance, projects which received development or permit approval prior to the effective date of the new Zoning Ordinance, until and unless the period of time under which the development approval or permit remains valid expires, the project may proceed to the next steps in the approval process (including any subdivision steps that may be necessary) and continue to be reviewed and decided under the Zoning Ordinance and Subdivision Regulations under which it was approved; and

WHEREAS, pursuant to Section 27-1903(c) of the Zoning Ordinance, development proposals of any type may choose to be reviewed and approved under the requirements of the prior Zoning Ordinance; and

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

WHEREAS, in consideration of evidence presented at a public hearing on May 25, 2023, regarding Detailed Site Plan DSP- 21039 for Goodman Heights, the Planning Board finds:

1. **Request:** This detailed site plan (DSP) approves construction of recreation facilities owned and operated by a homeowners association.
2. **Development Data Summary:**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone(s)	RSF-65 (Prior R-55)	RSF-65 (Prior R-55)
Use(s)	Residential	Residential
Acreage	11.76	11.76
Net tract area	10.74	10.74
Area within existing 100-year floodplain	1.02	1.02
Number of lots	28	28
Minimum lot area (square feet) *	6,500 sq. ft.	6,710 sq. ft.

**Note:** \*Minimum lot area requirements for the prior R-55 Zone

**Other Development Data**

<b>Parking</b>	<b>REQUIRED</b>	<b>PROVIDED</b>
One-Family Detached Dwellings at 2.0 x 28 units	56	56

3. **Location:** This site is located on the north side of Crandall Road, approximately 350 feet east of Gladys Court and 800 feet west of Margie Court, and is within Planning Area 70 and Council District 5.
4. **Surrounding Uses:** The site is bounded to the north by Lanham Forest Park, in the Reserved Open Space (ROS) Zone; to the east and west by single-family detached homes in the Residential, Single-Family-65 (RSF-65) Zone; and to the south by Crandall Road, with single-family detached residential communities in the RSF-65 Zone beyond.
5. **Previous Approvals:** The site is subject to Preliminary Plan of Subdivision (PPS) 4-05019, which was originally approved by the Prince George’s County Planning Board on January 25, 2007, and reconsidered on September 22, 2022 (PGCPB Resolution No. 07-26(C)(A)). This PPS approved 28 lots, 2 parcels, and 3 outlots for development of 28 single-family detached dwellings. The PPS also approved a variation from Section 24-130 of the prior Prince George’s County Subdivision Regulations for impacts to regulated environmental features (REF). This variation was the subject of the 2022 reconsideration, as the REF on-site had changed since the original approval of the PPS in 2007. All lots, parcels, and outlots approved with PPS 4-05109 have been platted, in accordance with the approved PPS.
6. **Design Features:** The approved DSP includes a recreational facility, which will serve the development’s 28 one-family detached dwellings. The plan approves a 2,400-square-foot playground; a 10-foot-wide asphalt pedestrian trail, which will be 9,635 square feet in length; 11 sitting areas; and 1 U-shaped bicycle rack. The pedestrian trail will encircle the stormwater management (SWM) facility pond.

**Recreational Facilities**

The recreation area is located on Parcel A, in the northeast corner of the development, and will be safely accessible by the network of sidewalks throughout the community. The playground within this parcel will be approximately 2,400 square feet and will include a multi-feature play structure, swings, a climbing wall, benches, and a bike rack. There will also be a pedestrian trail which encircles the SWM facility pond.

The site plan notes that the recreational facilities will be completed prior to issuance of the 15th building permit. A condition has been included herein requiring the applicant to revise this time frame to complete the recreational facilities prior to issuance of the 28th building permit. The revision was to provide additional time for the residences closest to the facilities to be constructed, prior to the recreational facilities being utilized by the community.

## COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the prior R-55 Zone and the site plan design guidelines of the Zoning Ordinance.
- a. The subject application is in conformance with the requirements of Section 27-441(b) of the prior Zoning Ordinance, which governs permitted uses in residential zones. The approved recreational facilities, owned by a homeowners association, are permitted in the prior R-55 Zone.
  - b. The application is also in conformance with the requirements of Section 27-445(a)(1), Homes Association Recreational Use, which states that a DSP shall be approved for all Homes Association Recreational Uses, in accordance with Part 3, Division 9, of this Subtitle. The subject application has been filed in conformance with this section.
  - c. Section 27-283 of the prior Zoning Ordinance provides site design guidelines for DSPs. This section references the following applicable design guidelines described in Section 27-274(a) of the prior Zoning Ordinance:
    - (a) **The Conceptual Site Plan shall be designed in accordance with the following guidelines:**
      - (2) **Parking, loading, and circulation**
        - (C) **Vehicular and pedestrian circulation on a site should be safe, efficient, and convenient for both pedestrians and drivers. To fulfill this goal, the following guidelines should be observed:**
          - (ix) **Pedestrian and vehicular circulation routes should generally be separate and clearly marked.**
          - (x) **Crosswalks for pedestrians that span vehicular lanes should be identified by the use of signs, stripes on the pavement, change of paving material, or similar techniques; and**
          - (xi) **Barrier-free pathways to accommodate the handicapped should be provided**

The Goodman Heights subdivision will contain 28 single-family detached homes. There will be no parking spaces provided adjacent to the approved recreational facilities. The facilities will be accessible by the internal sidewalk network throughout the development.

**(3) Lighting.**

- (A) For uses permitting nighttime activities, adequate illumination should be provided. Light fixtures should enhance the design character.**

The DSP does not include any illumination in the recreational facilities areas, including the playground area, and along the pedestrian trail. The statement of justification states that the recreational facilities are intended for daytime use only. A condition has been included herein requiring that solar-powered bollard lighting be provided in the playground area and along the pedestrian trail, for pedestrian safety and wayfinding, as there are no restrictions limiting the recreation facility areas to daytime use only. A condition has also been included herein requiring the applicant to provide the details of the solar bollard lights.

**(4) Views.**

- (A) Site design techniques should be used to preserve, create, or emphasize scenic views from public areas.**

The recreational facility area located on Parcel A is accessed from the Crooks Hill Road cul-de-sac, which extends from Crandall Road. This area will provide additional views into Parcels A and B, which are to be owned and maintained by the homeowner's association. The recreational facilities will be buffered by landscaping and vegetation.

**(5) Green Area.**

- (A) On-site green area should be designed to complement other site activity areas and should be appropriate in size, shape, location, and design to fulfill its intended use.**

The recreation area will be located on Parcel A, in the northeast corner of the development, and will be safely accessible by the network of sidewalks throughout the community. In addition, there is a woodland conservation requirement of 4.07 acres for the site. This requirement is approved to be met with 1.56 acres of woodland preservation, 0.41 acre of afforestation/reforestation on-site, and 2.10 acres of off-site woodland conservation credits. The approved green areas are proportional and accessible to the community.

**(6) Site and streetscape amenities.**

- (A) Site and streetscape amenities should contribute to an attractive, coordinated development and should enhance the use and enjoyment of the site.**

The approved development features site and streetscape amenities that include a playground, benches, bicycle racks, and trash receptacles. These amenities will be clearly visible and accessible to residents of the subdivision.

**(7) Grading.**

- (A) Grading should be performed to minimize disruption to existing topography and other natural and cultural resources on the site and on adjacent sites. To the extent practicable, grading should minimize environmental impact.**

Grading is being performed, to the extent necessary, and is minimized to provide full preservation of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) requirements on-site.

8. **Preliminary Plan of Subdivision 4-05109:** The property is subject to PPS 4-05019, which was originally approved by the Planning Board on January 25, 2007, and reconsidered on September 22, 2022 (PGCPB Resolution No. 07-26(C)(A)). PPS 4-05019 was approved, subject to 18 conditions. The following conditions warrant discussion, in relation to the subject DSP:

- 2. Prior to final plat the TCPII shall be approved. All approved reforestation areas shall be placed in conservation easements at time of final plat.**

A Type II Tree Conservation Plan (TCPII-032-07) was approved, prior to platting of the property. However, revised TCPII-032-07-01 has been filed with this application, due to changes to the REF on-site and in anticipation of new plats being filed.

- 7. Prior to the approval of the TCPII, re-evaluate the necessary grading behind Lots 4-7 to preserve more woodland adjacent to the regulated area.**

The approved grading behind Lots 4–7 and the woodland preservation areas are shown on the TCPII.

- 8. Prior to the approval of the TCPII, show on this plan all the proposed clearing for the playground and the proposed locations of all playground equipment.**

Conformance to the above conditions have been met. The approved clearing for the playground and the locations of all playground equipment are shown on the TCPII.

11. **Prior to issuance of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association the open space land (Parcels A and B). Land to be conveyed shall be subject the following:**

- e. **Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and storm drain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.**

The applicant has submitted this DSP in accordance with this condition. The approved DSP shows the limits of disturbance, SWM facilities, and utilities associated with the development.

12. **The applicant, his heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFAs) to DRD for approval prior to the submission of final plats, for construction of recreational facilities on homeowners land. Upon approval by DRD, the RFA shall be recorded among the county land records.**

A recreational facilities agreement was previously recorded for the Goodman Heights subdivision, in Liber 47365 folio 337 of the Prince George's County Land Records. The recorded RFA requires that recreational facilities be constructed for the subdivision, in accordance with DSP-21039. The site plan notes that the approved recreational facilities will be completed, prior to issuance of the 15th building permit. A condition has been included herein to revise this note to state that the recreational facilities will be completed prior to issuance of the 28th building permit.

14. **Development of this site shall be in conformance with the Stormwater Management Concept Plan 19930-2006-00 and any subsequent revisions.**

The applicant has submitted a copy of the most recently approved SWM concept plan and approval letter for the site (19930-2006-01). A condition has been included herein requiring the applicant to provide an updated SWM concept plan, prior to certification of the DSP and TCPII.

9. **2010 Prince George's County Landscape Manual:** The approved development is subject to the applicable standards of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Specifically, this application is subject to conformance with Section 4.9, Sustainable

Landscaping of the Landscape Manual. A landscape plan was submitted for the approved recreational facilities area. The plan shows 13 deciduous minor shade trees to be planted. The required plantings and schedules have been provided on the landscape plan, demonstrating conformance with the Landscape Manual.

10. **Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance:** This application is subject to the provisions of the 1991 Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because it has previously approved tree conservation plans and is subject to the environmental regulations contained in prior Subtitles 24 and 27.

Type II Tree Conservation Plan TCPII-032-07-02 was submitted with the DSP application. Based on the TCPII, the site’s gross area of 11.76 acres contains 7.51 acres of woodland in the net tract area and 1.02 acres of wooded floodplain, resulting in a woodland conservation threshold of 2.15 acres (20 percent). The woodland conservation worksheet notes the removal of 5.90 acres in the net tract area and 0.04 acre in the floodplain area, for a woodland conservation requirement of 4.07 acres. The requirement is approved to be met with 1.56 acres of woodland preservation, 0.41 acre of on-site afforestation/reforestation, and 2.10 acres of off-site woodland conservation credits.

Technical revisions to the TCPII are required and included as conditions in this resolution.

11. **Prince George’s County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, of the Prince George’s County Code, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading or building permit for more than 5,000 square feet of disturbance. Properties in the prior R-55 Zone are required to provide a minimum of 15 percent of the gross tract area in TCC.

12. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows:

- a. **Historic Preservation**—The Planning Board has reviewed and adopts the memorandum dated March 20, 2023 (Stabler to Lockhart), incorporated herein by reference, which provided an evaluation that 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 recommended. The subject property does not contain, and is not adjacent to, any designated Prince George’s County historic sites or resources.
- b. **Community Planning**—The Planning Board has received and adopts the memorandum dated April 21, 2023 (Dickerson to Lockhart), incorporated herein by reference, which provided an evaluation of the application, stating that pursuant to Part 3, Division 9, Subdivision 3, of the Prior Zoning Ordinance, master plan conformance is not required for this application.

- c. **Transportation Planning**—The Planning Board has reviewed and adopts the memorandum dated April 26, 2023 (Ryan to Lockhart), incorporated herein by reference, which offered the following review comments:

This application is subject to the 2009 *Approved Countywide Master Plan of Transportation*, as well as the 2010 *Approved Glenn Dale-Seabrook-Lanham and Vicinity Approved Sector Plan and Sectional Map Amendment*. The subject site does not impact any master plan roads, nor are any roadways approved with the subject application.

The subject application is limited in scope, and only approves a 10-foot-wide asphalt trail and additional recreational amenities. Bicycle racks are also shown within the recreational area. The Planning Board has evaluated the location of the trail, in relation to the existing sidewalk network and SWM location, and found that it will not result in any conflicts with roadways or bicycle and pedestrian facilities.

- d. **Subdivision**—The Planning Board has reviewed and adopts the memorandum dated April 21, 2023 (Diaz-Campbell to Lockhart), incorporated herein by reference, which provided an evaluation of this proposal and offered the following comments:

The property is subject to PPS 4-05019, which was originally approved by the Planning Board on January 25, 2007, and reconsidered on September 22, 2022 (PGCPB Resolution No. 07-26(C)(A)). The applicable conditions that affect this DSP were evaluated above in Finding 7. Conditions have been included herein requiring technical corrections to the DSP.

- e. **Prince George's County Department of Parks and Recreation (DPR)**—The Planning Board has reviewed and adopts the email dated April 26, 2023 (Thompson to Lockhart), incorporated herein by reference, which evaluated the PPS conditions regarding the on-site private recreational facilities.

- f. **Environmental Planning**—The Planning Board has reviewed and adopts the memorandum dated April 24, 2023 (Rea to Lockhart), incorporated herein by reference, which provided an evaluation of the previous approvals and the current approval contained herein, and summarized as follows:

#### **Natural Resources Inventory**

A Natural Resources Inventory (NRI-029-2006-03) was approved on February 11, 2022, and was provided with this application. The site contains four nontidal wetlands with its associated buffer. There are 10 specimen trees scattered throughout the site. The TCPII and the DSP show all required information correctly in conformance with the NRI.

#### **Specimen Trees**

The approved revised NRI identifies a total of 11 specimen trees, with one tree considered off-site. Nine of the 10 on-site specimen trees are located in areas previously



shown as disturbed. The TCP is grandfathered and all on-site specimen trees, slated for removal, are grandfathered from the Subtitle 25 Variance process.

### **Soils**

The predominant soil found to occur, according to the U.S. Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, include the Christiana-Downer-Urban land complex, Zekiah, and issue soils, frequently flooded, and Christiana-Downer complex. Marlboro clay has not been identified on or within the immediate vicinity of this property; however, unsafe soils containing Christiana complexes have been mapped on-site. The geotechnical investigation and the slope stability analysis that was submitted with this case was reviewed and, based on the information provided, the slope stability meets the minimum required factor of safety of 1.5.

### **Stormwater Management**

An SWM concept plan and approval letter was submitted with the subject application (19930-2006-01). The concept features a submerged gravel wetland surrounded by an asphalt pedestrian path. The concept letter indicates that a SWM fee-in-lieu, in the amount of \$7,000, is owed for on-site attenuation/quality control measures. The concept approval expired on April 24, 2023, and a condition has been included herein for the SWM concept to be updated, prior to certification of the DSP and TCPII.

- g. **Prince George's County Fire/EMS Department**—As of the writing of this resolution the Fire/EMS Department did not provide comments.
  - h. **Prince George's County Department of Permitting, Inspections, and Enforcement (DPIE)**—The Planning Board has reviewed and adopts the memorandum dated March 31, 2023 (Giles to Lockhart), incorporated herein by reference, which noted that the subject application is consistent with SWM Concept Plan 19930-2006-1, which was approved on April 24, 2020. A condition has been included herein for the SWM concept plan to be extended.
  - i. **Special Projects**—As of the writing of this resolution, the Special Projects Section did not provide comments.
  - j. **Washington Suburban Sanitary Commission (WSSC)**—As of the writing of this resolution, WSSC did not provide comments.
13. Based on the foregoing analysis, and as required by Section 27-285(b) of the prior Zoning Ordinance, the DSP represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the prior Prince George's County Code, without requiring unreasonable cost and without detracting substantially from the utility of the approved development for its intended use.

14. As required by Section 27-285(b)(4) of the prior Zoning Ordinance, which became effective on September 1, 2010, a required finding for approval of a DSP is as follows:

**(4) The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

Impacts to the primary management area and isolated wetlands were approved with the reconsideration of PPS 4-05109. Impacts were approved in four areas for a sewer line connection, stormwater outfalls, and development of roadways and lots, for a total of 29,948 square feet. This DSP does not approve any new impacts to REF on-site or on adjacent sites. The REF on this property has been preserved and/or restored, to the fullest extent possible.

15. **Community Input**—On May 23, 2023, a call was received from a resident regarding the subject application. This call was received after the Tuesday noon deadline, prior to the Planning Board hearing. A summary of the call is below:

The resident experiences increased traffic, as cars and delivery vehicles do not know there is no outlet at the end of Crandall Road. Vehicles then use her street (Margie Court) as a turnaround. She would like a no outlet sign to be placed at the entrance to the new subdivision. In addition, she has concerns with vehicles parked on both sides of Crandall Road. The Planning Board found that Crandall Road was not part of the approved development, and the Board does not control signage on County-owned rights-of-way or parking enforcement.

16. **Planning Board Hearing**—The Planning Board held a public hearing on this application on May 25, 2023. At the hearing, and in rendering its decision, the Planning Board considered all written and oral testimony, along with all exhibits submitted according to the Planning Board's procedures. During the hearing, the applicant's representative provided background on the submitted revised conditions of approval, as saved in the additional backup. The revised and added conditions included 1e, 1i–1k, and 2f. The Planning Board was in agreement and approved the conditions, as revised.

No one appeared at the public hearing to testify in opposition to the application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED Type II Tree Conservation Plan TCPH-032-07-02, and further APPROVED Detailed Site Plan 21039 for the above-described land, subject to the following conditions:

1. Prior to certificate approval of this detailed site plan (DSP), the applicant shall:
  - a. Provide a general note stating the current zone of the subject property.

- b. Provide a table on the coversheet indicating the disposition (eventual ownership) of each of the parcels and outlots. The table should indicate that each parcel and outlot is going to be conveyed to the homeowners association. Do not include the private lots in the table.
  - c. Provide an updated stormwater management concept plan, approved, and signed by the Prince George's County Department of Permitting, Inspections and Enforcement.
  - d. Sheet six of the DSP notes that a total of five benches will be located in the playground area, where only four benches are shown. Provide the stated five benches in the playground area.
  - e. Provide solar-powered bollard lighting in the playground area and along the pedestrian trail, to provide adequate lighting levels for the recreational facilities.
  - f. Provide the details and specifications for the bollard lighting.
  - g. Show the bearings and distances for Parcels A and B, and Outlots 1–3, in conformance with the record plat.
  - h. Show the existing access easement (recorded in Liber 9721 folio 201) located on Outlot 3 unless this easement has been extinguished.
  - i. Provide dog waste stations in locations approved by the Urban Design Section.
  - j. Modify the trail and the stormwater management facility to conform to the approved technical stormdrain plan.
  - k. Modify the note establishing the trigger for construction of the recreational amenities, as follows:

“The recreational facilities shall be completed prior to the issuance of the 28th building permit.”
2. Prior to signature approval, the Tree Conservation Plan II shall be revised as follows:
- a. Show the stormwater management outfall pipe.
  - b. Use standard symbols, as found in the *Environmental Technical Manual*.
  - c. Label the tot lot.
  - d. Add the Site Statistic Table, as shown on Natural Resources Inventory NRI-029-2006-03.
  - e. Have the plans signed and dated by the qualified professional who prepared them.

- f. Modify the limit of disturbance and the forest conservation worksheet to conform to the approved technical stormdrain plans.
3. Prior to issuance of any permits, which impact wetlands, wetland buffers, streams, Waters of the United States, or 100-year floodplain, the applicant shall submit copies of all federal and state wetland permits, evidence that approved conditions have been complied with, and associated mitigation plans.


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

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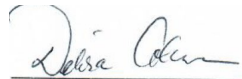
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, Doerner, and Shapiro voting in favor of the motion at its regular meeting held on Thursday, May 25, 2023, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 22nd day of June 2023.

Peter A. Shapiro  
Chairman

  
By Jessica Jones  
Planning Board Administrator

PAS:JJ:DL:jah

  
Approved for Legal Sufficiency  
M-NCPPC Office of General  
Counsel

Dated 6/14/23