

R E S O L U T I O N

WHEREAS, Reid Temple AME Church, Inc. is the owner of a 10.75-acre parcel of land known as Lot 2 of Kyle's Addition to Glenn Dale recorded in Plat Book NLP 111-16, and Tax Parcel 120, said property being in the 14th Election District of Prince George's County, Maryland, and being zoned Rural Residential (R-R) (0.61 acre) and Multifamily Medium Density Residential-Condominium (R-18C) (10.14 acres); and

WHEREAS, on August 31, 2017, the Reid Temple Community Development Corporation filed an application for approval of a Preliminary Plan of Subdivision for one parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-16034 for The Woodlands at Reid Temple 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 16, 2017, for its review and action in accordance with the Land Use Article of the Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on November 16, 2017, 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 TCP1-008-17, and APPROVED a Variance to Section 25-122(b)(1)(G), and further APPROVED Preliminary Plan of Subdivision 4-16034, including Variations from Section 24-121(a)(3) and Section 24-122(a), for one parcel with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the applicant shall revise the PPS to:
 - a. Revise the general notes and plan to reflect the current legal description of the property, and remove the leasehold information.
 - b. Provide a general note indicating that the mandatory dedication requirements are to be met with private on-site recreational facilities.

2. Total development within the subject property shall be limited to a mix of uses which generate no more than 33 AM and 40 PM peak hour trips. Any development generating a traffic impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
3. A substantial revision to the uses on the subject property that affects Subtitle 24 adequacy findings shall require the approval of a new preliminary plan of subdivision prior to approval of any building permits.
4. Development of this site shall be in conformance with an approved Stormwater Management Concept Plan (14624-2017-00) and any subsequent revisions.
5. The applicant and the applicant's heirs, successors, and/or assignees shall provide private on-site recreational facilities in accordance with the standards outlined in the *Park and Recreational Facilities Guidelines* and allocate appropriate and developable areas for the private on-site recreational facilities. The recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division of the Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department, for adequacy and proper siting with the certification of the detailed site plan (DSP). The DSP general notes shall indicate appropriate triggers for construction of the facilities.
6. The applicant and the applicant's heirs, successors, and/or assignees shall submit three original recreational facilities agreements (RFAs) to the Development Review Division (DRD) for construction of recreational facilities, for approval prior to submission of final plats. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records and the liber and folio of the RFA shall be noted on the final plat prior to recordation.
7. The applicant and the applicant's heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities prior to issuance of building permits.
8. Prior to certification of the detailed site plan (DSP), the plan shall reflect the following:
 - a. The DSP shall reflect the 65 dBA Ldn line, and the buildings and outdoor activities areas shall be located outside of the 65 dBA Ldn or mitigated to reduce noise levels at or below 65dBA Ldn for exterior noise and 45 dBA Ldn for interior noise.
 - b. Full vehicular access onto Facchina Place, an existing 50-foot-wide right-of-way.
9. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised as follows:
 - a. Revise General Note 11 by referencing the correct stormwater management concept case number associated with this site.

- b. Have the qualified professional who prepared the TCP1 sign and date it and update the revision box with a summary of the revisions made.
 - c. Show the correct gross tract area within the Multifamily Medium Density Residential-Condominium (R-18C) Zone on the Woodland Conservation worksheet.
 - d. Show Specimen Tree 15 as being saved on the plan and on the associated Specimen Tree table.
10. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-008-17). 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 (TCP1-008-17), 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. 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, Prince George’s County Planning Department.”
11. Prior to issuance of permits for this subdivision, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:

“This plat is subject to the recordation of a Woodland Conservation Easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 Tree Conservation Plan, when approved.”
12. Prior to issuance of the first grading permit, written permission from the property owner of Specimen Tree 12 shall be obtained for its removal as part of the permit review package, if determined to be necessary by the Maryland-National Capital Park and Planning Commission, Environmental Planning Section.
13. The following shall be provided prior to final plat approval:
 - a. A 10-foot-wide public utility easement shall be provided along the subject site’s frontage along MD 193 (Glenn Dale Road) and Old Prospect Hill Road.
 - b. Age restrictive covenants for the subject property shall be established, recorded in land records, and the Liber and folio of the covenants shall be reflected on the final plat.

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

1. The subdivision, as modified with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject property is located on the eastern side of MD 193 (Glenn Dale Boulevard), approximately 170 feet north of its intersection with Daisy Lane. The site is comprised of Lot 2, recorded among the Prince George's County Land Records on plat titled Kyle's Addition to Glenn Dale in Plat Book NLP 111-16, and tax Parcel 120, the subject of a deed recorded in Liber 34947 folio 224. The property contains two existing single-family detached dwellings, which are proposed to be razed. The overall area of the property is 10.75 acres, with approximately 0.61 acre located in the Rural Residential (R-R) Zone and 10.14 acres located in the Multifamily Medium Density Residential-Condominium (R-18C) Zone. This application is to consolidate the existing lot and parcel into one parcel for the development of apartment housing for the elderly. A total of 252 dwelling units are included, which includes 48 two-bedroom units and 204 one-bedroom units. A detailed site plan (DSP) is required for the development of this site in accordance with the requirements of the underlying zoning and proposed use, as contained in Section 27-441 of the Prince George's County Zoning Ordinance. A Detailed Site Plan, DSP-16044, for the development has been reviewed concurrently with this application and was heard by the Planning Board on November 16, 2017, following this application.

The subject site has frontage along MD-193, a master plan arterial right-of-way. Section 24-121(a)(3) of the Subdivision Regulations limits access to arterial and higher classification rights-of-way. The applicant requests approval of a variation for one access point from the subject site, to provide ingress and egress to MD 193. The Planning Board approves the variation, as discussed further.

Section 24-122(a) of the Subdivision Regulations requires that a 10-foot-wide public utility easement (PUE) be provided along all public rights-of-way, as is required by the public utility companies. The subject site has frontage along three public rights-of-way; MD 193, Facchina Place, and Old Prospect Hill Road. Facchina Place stubs to the subject site along the eastern boundary. The applicant is not proposing to provide a PUE along the street stub, and requested approval of a variation from Section 24-122(a). Utility easements are provided along the remaining rights-of-way abutting the site. The Planning Board approves the variation, as discussed further.

The subject site contains 26 specimen trees and 1 specimen tree immediately adjacent to the site which will be affected by the proposed development. Of the 27 specimen trees, 22 are proposed to be removed. Section 25-122(b)(1)(G) of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance requires the preservation of specimen trees, to which the applicant requested a variance in order to develop the site. The Planning Board approves the variance for the removal of 20 specimen trees, as discussed further.

3. **Setting**—The property is located on Tax Map 36, Grids D-3 and D-4, in Planning Area 70 and is zoned R-R and R-18C. Development surrounding this site includes single-family detached homes in the R-R Zone to the east, single-family detached homes in the Residential-Estate (R-E) and R-R Zones to the west, the public right-of-way of MD 193 to the southwest with single-family detached homes in the R-R Zone beyond, and the Glenn Dale Golf Course in the Open Space (O-S) Zone to the north.
4. **Development Data Summary**—The following information relates to the subject PPS application and the approved development.

	EXISTING	APPROVED
Zone	R-R (0.61 acre) R-18C (10.14 acres)	R-R (0.61 acre) R-18C (10.14 acres)
Use(s)	Single-family detached (to be razed)	Apartment Housing for the Elderly (252 Units)
Acreage	10.75	10.75
Lots	1	0
Outlots	0	0
Parcels	1	1
Dwelling Units:	2	252
Public Safety Mitigation Fee	No	No
Variance(s)	No	Yes
Variation(s)	No	Section 25-122(b)(1)(G) Yes Section 24-121(a)(3) Section 24-122(a)

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on September 22, 2017. The requested variations from Section 24-121(a)(3) and Section 24-122(a) of the Subdivision Regulations were accepted on October 6, 2017 and heard at the SDRC meeting on October 20, 2017, as required by Section 24-113(b) of the Subdivision Regulations.

5. **Previous Approvals**—The site was subject to a previously approved PPS 4-07025 (PGCPB Resolution No. 08-67), approved by the Prince George’s County Planning Board on April 24, 2008 for one lot and three parcels for the addition of an active adult community (390 dwelling units) to an existing golf course and two single-family detached dwellings on the site. The PPS (4-07025) included a larger land area which included Parcels 120, 76 and 21 and Lot 2 (152.62 acres). The parcel containing the golf course (Parcel 121) is currently under separate ownership, and the applicant has filed this application to separate the subject site from the previous PPS approval. This PPS approval supersedes PPS 4-07025 for the area included in this application.

6. **Community Planning**—The *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035) locates the property in the Established Communities growth policy area. The vision for Established Communities is a context-sensitive infill and low- to medium-density development. Although the PPS proposes high-density residential development, the proposal conforms to the zoning imposed on the subject site (R-18C). Further, the development is consistent with the land use recommendation of the master plan, which is discussed further below.

The subject property is within the 2006 *Approved Sector Plan and Sectional Map Amendment for the East Glenn Dale Area for portions of Planning Area 70* (East Glenn Dale Sector Plan and SMA) boundary. The sector plan recommends development of a “planned active adult community with luxury residential units” on the subject property. The East Glenn Dale Area SMA reclassified the subject property into the R-18C Zone. The sector plan designated this property in Focus Area 1, the area between Prospect Hill Road and Daisy Lane. The development conforms to the sector plan recommendations for the subject property. The following are development recommendations, goals, and policy/strategy for Focus Area 1 (sector plan pages 17 and 18) that pertain to the development of this property:

Development of a planned active adult community with luxury residential units may be located on portions of the golf course and on portions of the adjacent Kyle and Scheig properties, in order to retain the existing 18-hole golf course.

1. **The residential portion of the project shall be located solely within the “development pods” of the project—areas zoned R-18C, primarily located on the Kyle property and the interior of the Scheig property, and adjacent golf course.**
3. **Residential development shall be limited to a maximum of 390 dwelling units, all of which shall be “for sale,” and none of which shall be rental units, for the project consisting of the Glenn Dale Golf Course, Kyle and Scheig properties. If additional, adjacent properties are included in the overall project, a maximum of 2.5 additional units per acre of additional development would be permitted (based on the amount of acreage added by the adjacent property), but solely within the “development pods.”**
4. **The residential development may include a mix of housing types: (1) single-family attached, (2) townhouse, (3) duplex, (4) quadplex, or (5) multifamily condominiums, pursuant to the regulations of the R-18C Zone. In addition to the golf course, the active adult development should include amenities for the residents, including a multipurpose clubhouse and other recreational opportunities for the community where residents may recreate, relax, and meet with or entertain others. The active adult community may also include an additional facility for residents in an assisted living complex. The units of any such additional facility shall be included in,**

and shall not be in addition to, the 390-unit maximum permitted. No residential or other structure shall be more than four stories in height.

- 5. Pursuant to federal regulations, at least 80 percent of the dwelling units in the planned active adult community must be occupied by at least one person at least 55 years of age. Covenants setting forth the minimum age of the residents, and the minimum occupancy percentage of such residents, shall be submitted with the application and shall be filed in the land records at the time the subdivision plat is recorded. No change in the minimum age shall be permitted, unless both the covenants and the site plan have been amended.**
- 6. At the time of subdivision plan and plat approvals, protective covenants or no less binding conservation easements shall be recorded on the golf course portion of the development project to retain the open space character of the property in perpetuity (and in any event, for no less than 30 years from the date of recordation), while allowing the golf course owner/operator to improve and/or expand the golf course and banquet facilities on the property.**

The subject site was known as part of the Kyle property, and is proposed to be developed with 252 units of apartment housing for the elderly. Pursuant to Section 24-121(a)(5), this application conforms to the area sector plan.

- 7. Stormwater Management**—The site has an approved Stormwater Management Concept Letter and Plan (14624-2017-00) that expires on June 6, 2020. The approval is in conformance with the current code. A fee payment will be determined by the Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE) at the time of technical review in lieu of providing on-site attenuation/quality control measures. One bioswale, one stone storage facility, two submerged gravel wetlands, eight micro-bioretenion ponds, and permeable pavements are proposed on-site. Three outfall structures are proposed to convey water into the proposed woodland preservation area on-site, and a bioswale and outfall structure is proposed on Glenn Dale Road to treat additional stormwater from the site.

The approved concept plan is not consistent with the Type 1 tree conservation plan (TCP1), as the limits of disturbance on the approved stormwater management (SWM) concept plan do not match that of the TCP1. Specifically, the location and sizes of proposed SWM devices and associated grading differs significantly on the SWM concept plan from what is shown on the TCP1. There appears to be greater amounts of woodland clearing that will result in the grading and installation of three outfall structures shown on the SWM concept plan that are shown as woodland preservation areas on the TCP1.

Development must be in conformance with the approved SWM concept plan, or subsequent revisions, to ensure that on-site or downstream flooding does not occur. Consistency between the proposed development shown on the DSP, the TCP2, and the approved SWM concept plan shall be addressed with the DSP.

8. **Parks and Recreation**—This PPS has been reviewed for conformance with the sector plan, 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. To satisfy the mandatory dedication requirement of Section 24-134 of the Subdivision Regulations, the applicant's statement of justification (SOJ) indicates that the residents will be served by a variety of private on-site recreational amenities, such as a fitness center, walking trails, gathering spaces, and services for the active adult community. Per Section 24-134(a)(1), the PPS is subject to a mandatory dedication requirement of 1.61 acres. However, due to the size and location (not contiguous to existing parkland), the Planning Board finds that the proposal to provide private on-site recreational facilities will best serve the recreational needs of the future residents. The private on-site recreational amenities shall be provided in accordance with Section 24-135(b) of the Subdivision Regulations, to be reviewed and approved at the time of DSP.
9. **Trails**—The PPS application has been reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the area sector plan in order to implement planned trails, bikeways, and pedestrian improvements.

Background

The MPOT recommends master plan trails/bikeways that impact the subject property. Designated bike lanes are recommended along MD 193. The MPOT text for MD 193 is copied below:

MD 193 Shared-Use Side path and Designated Bike Lanes: Provide continuous pedestrian and bicycle accommodations along MD 193 with either a wide sidewalk or side path for pedestrians and recreational cyclists, and wide curb lanes, bike lanes, or shoulders for on-road bicyclists. MD 193 is a major east/west corridor in northern Prince George's County and provides access to many schools, parks, and commercial areas. Pedestrian safety along the corridor is a concern and the provision of facilities to safely accommodate pedestrians and bicyclists is a priority (page 26).

The stretch of MD 193 that abuts the subject site is open section with paved shoulders. No curb and gutter or sidewalks exist along MD 193 from MD 564 (Lanham-Severn Road) to MD 450 (Annapolis Road). The Maryland State Highway Administration (SHA) has implemented bicycle improvements along the road as part of the Upper Marlboro to College Park bicycle route. Bicycles are accommodated by a combination of designated bicycle lanes, paved shoulders, pavement markings, and signage. The frontage of the subject site includes a wide paved shoulder and pavement markings for bikes. No additional bicycle improvements are necessary along this segment of MD 193.

The Complete Streets element of the MPOT reinforces the need for these recommendations and includes the following policies regarding sidewalk construction and the accommodation of pedestrians.

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

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.

A comprehensive sidewalk network is shown on-site on the TCP1 and SWM concept plan associated with this PPS application. The DSP being processed concurrently with this application reflects the same. Sidewalk access is shown around the proposed buildings, and from the parking lots to the various buildings. Bicycle parking is also included on the DSP.

10. **Transportation**—On April 24, 2008, the Planning Board approved PPS 4-07025, which covered the subject property. Based on information provided in PGCPB Resolution No. 08-67, the application consisted of 152.62 acres, which included the entirety of the subject application. The application was approved for the construction of 390 active adult condominium apartments. Preliminary Plan 4-07025 was approved with a number of conditions, and those conditions remain active in association with the remaining land under that subdivision. This PPS will however, supersede PPS 4-07025 within the limits of the subject property.

Traffic Impact

The application analyzed is a PPS for the residential development of apartment housing for the elderly with a total of 252 dwelling units. This development will generate 33 (13 in, 20 out) AM peak trips and 40 (25 in, 15 out) PM peak trips. These rates were determined by using the 2012 “Transportation Review Guidelines, Part 1” (Guidelines).

The traffic generated by the proposed PPS will impact the following intersections:

- MD 193 and Prospect Hill Road
- MD 193 and Daisy Lane
- Daisy Lane and Facchina Lane

The findings outlined below are based upon a review of materials and analyses conducted, consistent with the Guidelines.

The subject property is located within Transportation Service Area (TSA) 2, as defined in Plan Prince George’s 2035. As such, the subject property is evaluated according to the following standards:

- a. **Links and signalized intersections:** Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better;
- b. **Unsignalized intersections:** The procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted. A three-part process is employed for two-way stop-controlled intersections: (a) vehicle delay is computed in all movements using *The Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using *The Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed. Once the CLV exceeds 1,150 for either type of intersection, this is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

Since the trip generation is projected to be fewer than 50 trips in either peak hour, a traffic impact study was not required. The applicant provided peak-hour turning movement counts dated January 2017. Based on an analysis of that data, the following results were determined:

EXISTING CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 193 (Glenn Dale Boulevard) @ Daisy Lane	D/1,312	B/1,083
MD 193 @ Prospect Hill Road	A/943	A/971
Daisy Lane @ Facchina Lane*	11.5 seconds	9.8 seconds
*Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable. If delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using <i>The Highway Capacity Manual</i> (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed. If the CLV falls below 1,150 for either type of intersection, this is deemed to be an acceptable operating condition.		

In evaluating the effect of background traffic, the traffic data was evaluated by adding traffic from background developments, as well as growth in through traffic. In looking at the average daily traffic (ADT) database maintained by SHA, there has been negative growth along MD 193, based on the last 10 years of available data. A one percent growth to the traffic volumes along MD 193 was applied. Based on the department's PGAtlas database, a total of five approved developments were identified. Included in the approved developments is PPS 4-07025, a 152-acre development which includes the entirety of the subject application. Preliminary Plan of Subdivision 4-07025 was approved with a trip cap of 70 AM and 101 PM peak hour trips. There was a separate trip cap

established for the golf course, which currently exists. Consequently, the trips associated with the golf course will not be used in the background analyses. However, the rest of the trip cap will be part of the background analyses. Additionally, the analysis included the planned expansion of a nearby private school, which is the subject of recently approved PPS 4 17020.

It is noted that the intersection of Daisy Lane and Facchina Lane is not affected by any background developments. A background scenario based on growth in traffic and planned developments yielded the following results:

BACKGROUND CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 193 (Glenn Dale Boulevard) @ Daisy Lane	D/1,350	B/1,107
MD 193 @ Prospect Hill Road	A/981	A/992
Daisy Lane @ Facchina Lane*	11.5 seconds	9.8 seconds

Based on trip generation rates from the Guidelines, 252 proposed age-restricted dwelling units will generate 33 (13 in, 20 out) AM peak trips and 40 (25 in, 15 out) PM peak trips. A trip distribution of 60 percent to/from the north and west on MD 193, and 40 percent to the south and east on MD 193 was assumed. A total traffic analysis revealed the following results:

TOTAL CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 193 (Glenn Dale Boulevard) @ Daisy Lane	D/1,357	B/1,114
MD 193 @ Prospect Hill Road	A/983	A/995
Daisy Lane @ Facchina Lane*	11.3 seconds	9.7 seconds

Based on the results shown above, it is concluded that all critical intersections will operate adequately. The development is approved with an AM trip cap of 33 trips and a PM trip cap of 40 trips.

Master Plan, Right of Way Dedication

The property is located in an area where the development policies are governed by the East Glenn Dale Sector Plan and SMA, as well as the MPOT. The property fronts on MD 193, a master-planned arterial road (A-16). This road is currently built to its ultimate master plan cross section. Consequently, no additional right of way will be required. Because the property fronts on an arterial road, the applicant filed a variation request, which is addressed below.

The application shows two points of vehicular access: a right-in/right-out vehicular access on eastbound MD 193 and an emergency-only access to and from Facchina Place, and a pedestrian-only access to Old Prospect Hill Road. The Planning Board approves the limited access to MD 193, the pedestrian access to Old Prospect Hill Road, and full vehicular access to Facchina

Place. Direct access to Facchina Place will benefit the future residents of the development whose destinations are to the south and east of the planned development. Approximately 40 percent of the traffic from the development will be oriented to and from those destinations. Since the subject property is projected to generate 33 and 40 trips in the AM and PM peak hours, respectively, approximately 8 trips during the morning peak hour would be oriented to and from the south and east. Because access to MD 193 will be a right-in/right-out only, the future residents associated with those eight trips would have to make a right turn on MD 193, and then a U-turn at Prospect Hill Road and eventually back to the intersection of MD 193 and Daisy Lane. That maneuver would cover a distance of approximately 4,300 feet. A less circuitous path would be to use Facchina Place and then make a right turn onto Daisy Lane. This option would cover a distance of approximately 1,900 feet. An additional eight vehicles per hour on Facchina Lane/Place will have slightly more than a de minimus impact from a capacity standpoint. During the evening peak hour, the number of returning trips to the site from the south and east would be approximately 10 trips. However, due to the right-in access from westbound MD 193, almost all of those returning vehicles would most likely use MD 193, rather than Facchina Lane/Place. Consequently, this use of Facchina Lane/Place is likely to be limited to the AM peak period only. The use of Facchina Place as a secondary point of access/egress will create a safer and more optimal circulation for the site from the standpoint of transportation.

Variation Request for Access to MD 193

The applicant requested a variation from Section 24-121(a)(3), which limits individual access to roads of arterial and higher classification. In executing this variation request, the applicant must meet several requirements pursuant to Section 24-113(a), as discussed further in the finding below.

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

11. **Variation from Section 24-121(a)(3)**—Section 24-121(a)(3) of the Subdivision Regulations provides the following criteria for access for lots fronting on an arterial or higher classification right-of-way:

- (3) **When lots are proposed on land adjacent to an existing or planned roadway of arterial or higher classification, they shall be designed to front on either an interior street or a service road. As used in this Section, a planned roadway or transit right-of-way shall mean a road or right-of-way shown in a currently approved State Highway plan, General Plan, or master plan. If a service road is used, it shall connect, where feasible, with a local interior collector street with the point of intersection located at least two hundred (200) feet away from the intersection of any roadway of collector or higher classification.**

This standard denies access to the site via MD 193 by virtue of its classification as an arterial right-of-way. Section 24-113(a) sets forth the required findings for approval of variation requests, as follows:

- (a) **Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:**

Approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. The right-in/right-out access to MD 193 will minimize the traffic impact on adjacent residential developments and roadways.

- (1) **The granting of the variation will not be detrimental to the public safety, health, welfare, or injurious to other property;**

The access will be permitted and constructed to SHA standards. The access is significantly greater than the 200 feet criterion stipulated in Section 24-121(3). The access will minimize traffic from the local roadways, and provide a more direct path for those citizens whose destinations are located to the north and west of the subject site. Therefore, the granting of this variance request will not be detrimental to public safety, health, welfare, or injurious to other properties.

- (2) **The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The location and configuration of the subject property, with extensive frontage along MD 193 and constrained access via local neighborhood streets, makes access conditions unique. While the site is accessible to local neighborhood streets, Facchina Place and Old Prospect Hill Road, allowing direct access to MD 193 will significantly lessen the impact on these neighborhood streets.

- (3) **The variation does not constitute a violation of any other applicable law, ordinance, or regulation; and**

Strict conformance to the requirements of the Subdivision Regulations is under the sole authority of the Planning Board. Further, the access will be required to be approved, permitted, and constructed pursuant to SHA standards. The granting of this variation will not violate any other applicable law, ordinance, or other regulation.

- (4) **Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if strict letter of these regulations is carried out;**

The subject property has approximately 709 linear feet of frontage on MD 193, a road that is classified as arterial and denied access pursuant to Section 24-121(a)(3). The site only has approximately 105 linear feet of frontage on Old Prospect Hill Road and 70 linear feet along Facchina Place. The only other properties accessed from Old Prospect Hill Road and Facchina Place consist of single-family detached residential lots and the golf course. Old Prospect Hill Road is a substandard roadway, leaving Facchina Place as the most viable alternative for access to the site. However, the use of Facchina Place for sole access would force traffic traveling north on MD 193 to take a circuitous route when entering and leaving the site. The use of MD 193 will facilitate a more direct route for ingress and egress and alleviate traffic on Facchina Place.

- (5) **In the R-30, R-30c, R-18, R-18c, R-10, R-10, and R-H zones, where multi-family dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113 (a) above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the prince George's County Code.**

The majority of the subject property is located in the R-18C Zone. All of the units (252) proposed in this application will be available to the elderly.

Based on the preceding findings, the Variation from Section 24-121(a)(3) for one direct vehicular right-in/right-out access to MD 193 is approved.

12. **Schools**—This PPS has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Adequate Public Facilities Regulations for Schools* (CR-23-2001 and CR-38-2002), and it is concluded that the subdivision is exempt from a review for schools because it is apartment housing for the elderly.
13. **Fire and Rescue**—This PPS has been reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(d) of the Subdivision Regulations. The response time standard established by Section 24-122.01(e) is a maximum of seven minutes travel time from the first due station.

The project is served by Glenn Dale Fire/EMS, Company 818, which is located at 11900 Glenn Dale Boulevard.

The Deputy Fire Chief Dennis C. Wood, Emergency Services Command of the Prince George's County Fire/EMS Department, stated in writing that, as of September 6, 2017, the project is within a seven-minute travel time from the first due station.

The Fire Chief, as of May 15, 2016, has outlined the adequacy of personnel and equipment as required by Section 24-122.01(e).

14. **Police Facilities**—The subject property is in Police District II, Bowie. The response time standards established by Section 24-122.01(e) is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The PPS was accepted for processing by the Planning Department on August 31, 2017. Based on the most recent available information provided by the Police Department as of December 2015, the police response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls are met.

15. **Water and Sewer**—Section 24-122.01(b)(1) of the Subdivision Regulations states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.”

The 2008 *Water and Sewer Plan* placed this property in water and sewer Category 4, Community System Adequate for Development Planning. The property is within Tier 1 under the Sustainable Growth Act and will therefore be served by public systems. A water and sewer Category 3 must be obtained prior to final plat approval.

16. **Use Conversion**—The total development included in this PPS is 252 multifamily residential units (apartment housing for the elderly) in the R-18C and R-R Zones. If a substantial revision to the mix of uses on the subject property is proposed that affects Subtitle 24 adequacy findings as set forth in the resolution of approval, that revision of the mix of uses shall require approval of a new PPS prior to approval of any building permits.

17. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a) of the Subdivision Regulations, when utility easements are required by a public utility company, the subdivider should 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.”

A 10-foot wide PUE is required to be provided along all public rights-of-way. The subject site has frontage along three public rights-of-way; MD 193, Facchina Place, and Old Prospect Hill Road. A 10-foot-wide PUE is shown on the PPS along MD 193 and Old Prospect Hill Road. Facchina Place stubs to the subject site along the eastern boundary. The application includes an access driveway from Facchina Place, with woodland preservation abutting the access driveway, and has therefore not provided a 10-foot-wide PUE at this location. The applicant requested approval of a variation, as discussed further.

Variation to Section 24-122(a)—Section 24-122 (a) of the Subdivision Regulations provides the following criteria for locating PUEs:

- (a) **When utility easements are required by a public utility company, the subdivider shall include the following statement in the dedication documents: Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.**

The standard utility easement required by public utility companies is 10-foot-wide along all public rights-of-way. Facchina Place, a public right-of-way, stubs the eastern boundary of the subject site. Facchina Place is not proposed to extend into the site. Therefore, the public right-of-way will terminate at the eastern boundary of the subject site. The application includes woodland preservation on-site, north and south of the pavement area extending from Facchina Place. The applicant did not propose a PUE along Facchina Place, in order to minimize further impacts to woodland preservation areas, and requested approval of a variation from Section 24-122(a) along Facchina Place. Section 24-113(a) sets forth the required findings for approval of variation requests, as follows:

- (a) **Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:**

Approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. PUEs will be provided along the site's remaining two public right-of-way frontages, along MD 193 and Old Prospect Hill Road. Further, PUEs along Facchina Place were not platted in conjunction with the abutting lots to the east, which are all currently developed.

- (1) **The granting of the variation will not be detrimental to the public safety, health, welfare, or injurious to other property;**

The plan proposes to provide PUEs along the site frontages of MD 193 (approximately 709 linear feet) and Old Prospect Hill Road (approximately 105 linear feet). The site has minimal frontage along Facchina Place, approximately 70 linear feet, where public utilities are not proposed to serve the subject site or abutting properties to the east, which are already developed. Therefore, the granting of the variation will not be detrimental to the public safety, health, welfare, or injurious to other property.

- (2) **The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The terminus of Facchina Place, a stub road, abuts the subject site to the east and provides access to existing single-family detached lots. The abutting lots were not platted providing a PUE along Facchina Place. The provision of a PUE on the subject site would be inconsistent with the surrounding development and serves no purpose, as no PUEs have been provided on abutting lots to provide a continuous location for utilities along Facchina Place. This condition is unique to the property and not generally applicable to other properties.

- (3) **The variation does not constitute a violation of any other applicable law, ordinance, or regulation; and**

The subject application and variation were referred to the public utility companies. No referral responses were received concerning the location of the dry utilities and the requested variation. Therefore, approval of this variation will not constitute a violation of any other applicable law, ordinance, or regulation.

- (4) **Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if strict letter of these regulations is carried out;**

Adherence to the requirements of Section 24-122(a), in this case, would result in the needless loss of woodland preservation areas. The location of PUEs has been provided along the site's more significant right-of-way-frontages. Providing a PUE along Facchina Place would result in a particular hardship to the applicant, as it would not provide the appropriate location of utilities for the site, since there are no other PUEs along Facchina Place, and would reduce the woodland preservation area.

- (5) **In the R-30, R-30c, R-18, R-18c, R-10, R-10, and R-H zones, where multi-family dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113 (a) above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the prince George's County Code.**

All units proposed in this application (252) will be accessible to the elderly.

Based on the preceding findings, the variation from Section 24-122(a) to eliminate the PUE requirement along Facchina Place is approved.

18. **Historic**—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 project may be visible from a Prince George’s County designated historic site (Prospect Hill, 70-025). The subject property is adjacent to a parcel on which Prospect Hill and Outbuildings, Historic Site 70-025, is located. However, the subject property is not adjacent to the environmental setting; therefore, no sight line studies are required.

A house located at 11415 Old Prospect Hill Rd is scheduled to be demolished with the development of this site. The house was constructed circa 1954, according to tax records. Its style and condition are not yet known. In an effort to document buildings that are more than 50 years old and are proposed to be demolished, Historic Preservation staff requests permission to photo document the structure located at 11415 Old Prospect Hill Road prior to demolition.

19. **Environmental**—The following applications and associated plans for the subject site have been reviewed, or are under review:

Development Review Case	Associated Tree Conservation Plan	Authority	Status	Action Date	Resolution Number
4-03088	TCPI-060-03	Planning Board	Approved	1/29/2004	No. 04-18
4-07025	TCPI-060-03-01	Planning Board	Approved	5/15/2008	No. 08-67
DSP-04023	TCPII-088-04	Planning Board	Approved	11/18/2004	No. 04-271
ROSP-0235-01		Planning Board	Approved	11/9/2000	No. 00-206
DSP-16044	TCP2-028-17	Planning Board	Pending		
NRI-127-06	N/A	Staff	Approved	10/11/2006	N/A
NRI-127-06-01	N/A	Staff	Approved	09/14/2007	N/A
NRI-127-06-02	N/A	Staff	Approved	10/18/2007	N/A
NRI-127-06-03	N/A	Staff	Approved	5/16/2017	N/A
NRI-127-06-04	N/A	Staff	Approved	10/16/2017	N/A

Proposed Activity

The current application is for the creation of a new subdivision for development of apartment housing for the elderly in the R-R and R-18C Zones. The current application also seeks to separate the site from Type II Tree Conservation Plan TCPII-088-04 and Type 1 Tree Conservation Plan TCP1-060-03-01, and to establish a separate Type 1 Tree Conservation Plan (TCP1-008-17) that deals specifically with existing Parcel 120 and Lot 2 only.

Grandfathering

The project is subject to the requirements of Subtitle 24 (Subdivision Regulations), Subtitle 25 (Woodland and Wildlife Habitat Conservation Ordinance (WCO)), and Subtitle 27 (Zoning Ordinance) that became effective on September 1, 2010 because the application is for a new PPS.

Site Description

The site is mostly wooded with an existing single-family dwelling located on the eastern side of the property. According to the approved Natural Resources Inventory (NRI-127-06-04), 9.72 acres of woodlands exist on-site. A review of available information identified that no regulated environmental features, such as areas of steep slopes, 100-year floodplain, wetlands, streams, associated buffers, and primary management area (PMA), exist on-site. This site is outside of the Chesapeake Bay Critical Area. The majority of the site is located in the Horsepen Branch watershed, while a small portion of the northeastern corner of the site is located within the Folly Branch watershed. The entire site drains into the Patuxent River basin and is located in a stronghold watershed. The predominant soils found to occur on-site, according to the U.S. Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS), Web Soil Survey, include Christiana-Downer complex (5–10 percent slopes), Downer-Hammonton complex (2–5 percent slopes), Russett-Christiana complex (2–5 percent slopes), Sassafras sandy loam (2–5 percent slopes) Northern Coastal Plain, Sassafras sandy loam (0–5 percent slopes), Udorthents highway (0–65 percent slopes), Woodstown sandy loam (2–5 percent slopes) Northern Coastal Plain. According to available information, soils containing Marlboro clay are not known to occur on-site; however, soils containing Christiana complexes are found on this property. This site is not within a Sensitive Species Protection Review Area (SSPRA) based on a review of the SSPRA GIS layer prepared by the Heritage and Wildlife Service, Maryland Department of Natural Resources (MDNR). The approved NRI indicates that forest interior dwelling species (FIDS) habitat is not located on-site.

Plan Prince George's 2035 Approved General Plan (2014)

The site is now located within the Established Communities area of the Growth Policy Map and Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map, as designated by Plan Prince George's 2035.

Countywide Green Infrastructure Plan (2017)

According to the Green Infrastructure Plan, the subject site contains an evaluation area within the designated network of the plan. While the green infrastructure elements mapped on the subject site will be impacted, there are no associated regulated environmental features located on-site. The site meets the zoning requirements and the intent of the growth pattern established in the General Plan.

Area Master Plan/Sector Plan Conformance

The subject site is within the East Glenn Dale Area Sector Plan and SMA. Within the Environmental Infrastructure section of the sector plan are goals, policies, and strategies. The following policies and strategies have been determined to be applicable to the current project. The text in **bold** is the text from the sector plan and the plain text provides comments on plan conformance.

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

No regulated areas within the green infrastructure network exist on-site; a large portion of the evaluation area on-site is shown to be protected in woodland preservation along the northeastern portion of the site.

Policy 2: Restore and enhance water quality in areas that have been degraded and preserve water quality in areas no degraded.

An SWM concept letter and plan, that is in conformance with the current code, was submitted with this application. The Site/Road Plan Review Division of DPIE will review the project for conformance with the current provisions of the County Code which addresses the state regulations.

Policy 3: Protect and enhance tree cover within the sector plan study area.

Protection of woodlands is approved on-site. Any off-site mitigation that may be proposed as part of the Type 2 tree conservation plan shall be on property located within the sector plan study area.

Policy 4: Reduce overall energy consumption and implement more environmentally sensitive building techniques.

The use of green building techniques and energy conservation techniques is encouraged, as appropriate.

Policy 5: Reduce light pollution and intrusion into residential and environmentally sensitive areas.

The use of alternative lighting technologies is encouraged so that light intrusion onto adjacent properties is minimized. The use of full cut-off optic light fixtures is required as a condition of the DSP.

Policy 6: Reduce adverse noise impacts to meet State of Maryland noise standards.

The site is abutting MD 193, an arterial right-of-way capable of producing noise impacts to the subject property. The applicant provided a noise analysis prepared by Phoenix Noise and Vibration, dated October 4, 2017, which concluded that noise levels above 65 dBA Ldn occur along the MD 193 frontage of the property, which contains woodland preservation areas and parking facilities according to the layout shown on the TCP1. Noise levels exceeding 65 dBA Ldn do not reach the proposed buildings and, therefore, no mitigation is required. The 65 dBA Ldn noise contour shall be reflected on the PPS and

TCP1, and will be further evaluated at the time of DSP to ensure that the final placement of buildings and outdoor activity areas will not be adversely impacted by noise.

Environmental Review

As revisions are made to the plans submitted, the revision boxes on each plan sheet shall be used to describe the changes, the date made, and by whom.

Natural Resources Inventory

A signed Natural Resources Inventory (NRI-127-06-04), which included a detailed forest stand delineation, was submitted with the application. This NRI expires on October 16, 2021. This site contains 9.72 acres of existing woodlands and 26 specimen trees. No regulated environmental features including steep slopes, 100-year floodplain, wetlands, streams, or associated buffers inclusive of PMA exist on-site. The NRI indicates that no FIDS habitat is located on-site and that the site is not within an SSPRA, based on a review of the SSPRA GIS layer prepared by the Heritage and Wildlife Service, MDNR.

Woodland Conservation

This site is subject to the provisions of the WCO because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. A Type I Tree Conservation Plan (TCP1-008-17) was submitted with this PPS application.

This site was previously associated with a larger tract of land that was part of previously approved Detailed Site Plan (DSP-04023) and Type II Tree Conservation Plan (TCP1I-088-04). However, TCP1I-088-04 was never implemented and will be required to be revised to reconcile any loss of woodland conservation that may be associated with the land area superseded by this approval.

The site is split-zoned R-18C and R-R, and has a woodland conservation threshold of 20 percent (applicable to both zones) or 2.15 acres. According to the worksheet, the cumulative woodland conservation requirement, based on the total clearing of 7.63 acres for this project, is 4.10 acres. The TCP1 meets this requirement with 1.51 acres of on-site preservation and 2.59 acres of off-site woodland conservation credits. The worksheet, as submitted, will require one revision; the gross tract area within the R-18C has been incorrectly stated as 10.75 acres, when in fact it is 10.14 acres.

The TCP1 does not fully show the approved SWM concept for the site, which appears would result in additional clearing. The plan needs to be revised to correctly show the design and associated limits of disturbance for all SWM. The limits of disturbance must be consistent with the concept.

The TCP1 general notes require one revision. General Note 11 references a SWM concept plan case number that is associated with a different site. General Note 11 must be revised with the correct SWM concept case number.

After all revisions have been made, have the qualified professional who prepared the TCP1 sign and date it and update the revision box with a summary of the revisions made.

Specimen Trees

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

Effective October 1, 2009, the State Forest Conservation Act was amended to include a requirement for a variance if a specimen, champion, or historic tree is proposed to be removed. This state requirement was incorporated into the adopted County Code that became effective on September 1, 2010.

A Subtitle 25 Variance application and an SOJ dated October 11, 2016, in support of a variance to remove 22 of the 27 identified specimen trees, was received. The SOJ submitted seeks to address the required findings for all 22 specimen trees to be removed as a group; however, details specific to individual trees has also been provided. The Planning Board agrees with the approach to the analysis because there are similar concerns for all of the trees with respect to the required findings, and because the location, species, and condition of the trees has been called out separately, as necessary.

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

The specimen trees on-site are interspersed throughout Lot 2 and Parcel 120. Retaining all of the specimen trees on-site would create a hardship and make use of the site not lucrative. Slightly under half of the specimen trees proposed to be removed are in fair to poor condition, which include Specimen Trees 1–2, 4–5, 10, 12, 14, 17, and 22–24. Specimen Tree 12, a 36-inch southern red oak in poor condition, is located off-site on Parcel 121 to the north of the site and requires prior written permission from the owner of Parcel 121 before it can be removed. Specimen Tree 12 is not included in the approval of a variance for this site because of its off-site location. The remaining trees proposed for removal are located on-site and are in good condition. These trees include Specimen Trees 3, 6, 8–9, 15–16, 18–20 and 27. Specimen Tree 15, a 33-inch southern red oak in good condition, appears to be capable of saving as only one-third of its critical root zone is proposed to be impacted.

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

If the trees were to remain preserved, the site could not be developed in accordance with current zoning and allowed density. If other properties include trees in similar locations on a site, the same considerations would be provided during the review of the required variance application.

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

The removal of specimen trees in the most developable areas of the site is supported because of the significant amount of grading required to develop the site. The grading necessary to bring the site to a buildable grade warrants the removal of them. If other properties include trees in similar locations and in similar condition on a site, the same considerations would be provided during the review of the required variance application.

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

A small portion of the site was previously developed with a single-family dwelling; however, the applicant has taken no action to date on the subject property.

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

The variance does not arise from a condition relating to the land or building use, either permitted or nonconforming on a neighboring property. There are no existing conditions on the neighboring properties that have any impact on the location or size of the trees, nor are there conditions that are affecting the layout and development of the size with respect to the specimen trees to be removed.

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

Granting the variance to remove the specimen trees will not directly affect water quality because the reduction in tree cover caused by specimen tree removal is minimal. Specific requirements regarding SWM for the site will be further reviewed by DPIE.

The required findings of Section 25-119(d) have been adequately addressed by the applicant for the removal of Specimen Trees 1–6, 8-10, 13–14, 16–23, and 27.

20. **Urban Design**—This application is being processed concurrently with Detailed Site Plan DSP-16044, which includes development details for the parcel included in this application. The following comments are offered with respect to the Urban Design review:

Conformance with the Requirements of the Zoning Ordinance

- a. The application is subject to the requirements of Section 27-441, Uses Permitted, of the Zoning Ordinance. An “[a]partment housing for elderly or handicapped families in a building other than a surplus public-school building” is permitted in the R-18C Zone subject to a special exception, except under certain circumstances (emphasis added), where a DSP is the regulatory tool, as listed in Footnote 63, which reads as follows:

A Special Exception shall not be required provided:

- 1. The property is one (1) gross acre or less in size and is located adjacent to a R-18C zoned lot or parcel recommended for an active adult community in an Approved Sector Plan and Sectional Map Amendment;**
- 2. The property is located within one (1) mile of a fire station;**
- 3. A Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle;**
- 4. Regulations concerning the net lot area, lot coverage and green area, lot width, frontage, yards, building height, distance between unattached townhouses, density, site access, accessory buildings and other requirements of the R-R Zone shall be established and shown on the Detailed Site Plan for approval by the Planning Board and the District Council; and**
- 5. Age restrictions shall be in conformance with the Federal Fair Housing Act and set forth in covenants submitted with the application and filed in the land records at the time the final plat of subdivision is recorded.**

Likewise, in the R-18C Zone, the same use is permitted subject to a special exception, except under certain circumstances (emphasis added), where a DSP is the regulatory tool, as listed in Footnote 117, which reads as follows:

A Special Exception shall not be required provided:

- 1. The property is identified for active adult community in an Approved Sector Plan and Sectional Map Amendment;**
- 2. The property shall not be subject to the condominium or other home ownership recommendation as the zone requires or as may be stated within an Approved Sector Plan and Sectional Map Amendment;**
- 3. A Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle;**

4. **Regulations concerning the net lot area, lot coverage and green area, lot width, frontage, yards, building height, site access, distance between unattached townhouses, density, accessory buildings and other requirements of the R-18 or R-18C Zones shall be established and shown on the Detailed Site Plan for approval by the Planning Board and the District Council.**
5. **Age restrictions shall be in conformance with the Federal Fair Housing Act and set forth in covenants submitted with the application and filed in the land records at the time the final plat of subdivision is recorded; and**
6. **The applicant must demonstrate by evidence in the record that:**
 - (A) **The net lot area is at least fifty percent (50%) of the minimum net lot area normally required in the zone;**
 - (B) **The density is not more than twice what is normally allowed in the zone; and**
 - (C) **The project is financed at least partially by tax credits approved by the State of Maryland.**

The applicant contends that the specified circumstances in both footnotes apply to the subject property, and has filed a Detailed Site Plan, DSP-16044, in accordance with these requirements. Conformance with these requirements will be analyzed during the DSP review.

- b. Conformance with the Zoning Ordinance regulations, as modified by the applicable footnotes in the use table, is required for the development at the time of DSP review including, but not limited to, the following:
 - Section 27-428, R-R Zone (Rural Residential)
 - Section 27-437, R-18C Zone (Multifamily Medium Density Residential-Condominium)
 - Section 27-441, Uses permitted (Residential Zones)
 - Section 27-442, Regulations (Residential Zones)
 - Part 11 Parking and Loading
 - Part 12 Signs

Conformance with the 2010 Prince George’s County Landscape Manual

The development is subject to the requirements of the 2010 *Prince George’s County Landscape Manual*. Specifically, the development will be subject to Section 4.1, Residential Requirements; Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements. Conformance to the requirements of those sections will be evaluated at the time of DSP review.

Tree Canopy Coverage Ordinance

The development is subject to the Prince George’s County Tree Canopy Coverage Ordinance because it will require a building and/or grading permit that proposes more than 5,000 square feet of disturbance. This ordinance requires 15 percent tree canopy coverage for properties zoned R-R and R-18C. Therefore, the subject 10.75-acre property must provide 1.61 acres of site area to be covered by tree canopy. This requirement can be met either through woodland conservation, proposed on-site landscaping and street trees, or a combination of the above, and will be evaluated at the time of DSP review.

- 21. **Enterprise Road Corridor**—No formal comment had been received at the time of the Planning Board hearing.

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

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PGCPB No. 17-150
File No. 4-16034
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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 Doerner, seconded by Commissioner Bailey, with Commissioners Doerner, Bailey, and Hewlett voting in favor of the motion, and with Commissioners Geraldo and Washington absent at its regular meeting held on Thursday, November 16, 2017, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 7th day of December 2017.

Elizabeth M. Hewlett
Chairman

By Jessica Jones
Planning Board Administrator

EMH:JJ:SC:rpg