

R E S O L U T I O N

WHEREAS, Tinker's Preserve, LLC is the owner of a 14.08-acre parcel of land known as Parcel 136, recorded in Prince George's County Land Records in Liber 40670 folio 358, said property being in the 9th Election District of Prince George's County, Maryland, and being zoned One-Family Detached Residential (R-80) within the Military Installation Overlay (M-I-O) Zone; and

WHEREAS, on March 12, 2019, Tinker's Preserve, LLC filed an application for approval of a Preliminary Plan of Subdivision for 22 lots and 4 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-17033 for Tinker's Preserve 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 June 6, 2019, 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 June 6, 2019, 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 TCP1-003-2019, and APPROVED a Variance to Section 25-122(b)(1)(G), and further APPROVED Preliminary Plan of Subdivision 4-17033 for 22 lots and 4 parcels with the following conditions:

1. Prior to signature approval of this preliminary plan of subdivision, the following revisions shall be made to the plan:
  - a. Revise all references from "MIOH" to "M-I-O."
  - b. Revise the Site Data table Density Allowed and Density Proposed to reflect the correct net tract area.
  - c. Revise the Site Table acreages for Parcels C and D to reflect the figures provided in Applicant's Exhibit A.
  - d. Delineate and label the extent of the public and private rights-of-way abutting the subject site.

- e. Revise General Note 6 with the Stormwater Management Concept Plan approval date.
  - f. Revise General Note 18 from “NRI-128-2017” to “NRI-128-2017-01.”
  - g. Provide a complete table of regulations governing the proposed development in accordance with Section 27-442 of the Zoning Ordinance.
  - h. Provide a general note indicating the recording reference for existing Parcel 136.
  - i. Revise label from “Future Park Trail (by Others)” to “Conceptual Master Plan Trail alignment (by others).”
2. Development of this site shall be in conformance with an approved Stormwater Management Concept Plan (No. 57620-2018) and any subsequent revisions.
  3. Total development shall be limited to uses that would generate no more than 16 AM and 20 PM peak-hour vehicle trips. Any development generating an impact greater than identified herein shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
  4. Prior to issuance of any building permit for the subject property, the applicant and the applicant’s heirs, successors, and/or assignees shall demonstrate that the following required adequate pedestrian and bikeway facilities, as designated below, in accordance with Section 24-124.01 of Subdivision Regulations and the cost cap in Subpart (c), have (a) full financial assurances, (b) have been permitted for construction through the applicable operating agency’s access permit process, and (c) have an agreed-upon timetable for construction and completion with the appropriate operating agency:

An off-site, five-foot-wide concrete sidewalk along both sides of Rosecrans Drive from the subject site to Tarquin Avenue, as illustrated on the bicycle and pedestrian impact statement improvements exhibit.
  5. At the time of final plat, 3.75 +/- acres of parkland as shown as Applicant’s Exhibit ‘A’ shall be conveyed to the Maryland-National Capital Park and Planning Commission (M-NCPPC). The land to be conveyed shall be subject to the following conditions:
    - a. An original, special warranty deed for the property to be conveyed, (signed by the Washington Suburban Sanitary Commission Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, Upper Marlboro, along with the application of first final plat.

- b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to application of the building permit.
  - c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.
  - d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.
  - e. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled, and underground structures shall be removed. DPR shall inspect the site and verify that land is in an acceptable condition for conveyance, prior to dedication.
  - f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
  - g. No stormwater management facilities, tree conservation, or utility easements shall be proposed on land owned by, or to be conveyed to, M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond, maintenance and easement agreements shall be required prior to the issuance of grading permits.
6. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan shall be revised, as follows:
- a. Provide a property owner awareness certification block.
  - b. Revise label from "Future Park Trail (by Others)" to "Conceptual Master Plan Trail alignment (by others)."
7. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-003-2019). 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 (TCP1-003-2019), 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 M-NCPPC, Prince George’s County Planning Department.”

8. Prior to signature approval of the preliminary plan of subdivision, the following note shall be placed on the Type 1 tree conservation plan, which reflects this approval, directly under the woodland conservation worksheet:

“NOTE: This plan is in accordance with the following variance from the strict requirements of Subtitle 25 approved by the Planning Board on (ADD DATE):  
The removal of four specimen trees (Section 25-122(b)(1)(G), ST-4, a 33-inch Blackgum, ST-5, a 32-inch Southern Red Oak, ST-6, a 36-inch Chestnut Oak, and ST-8, a 33-inch Yellow Poplar.”

9. Prior to approval of the final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area, except for any approved impacts, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

"Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."

10. Prior to issuance of any permits, which impact wetlands, wetland buffers, streams, or waters of the United States, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
11. Substantial revision to the uses on the subject property that affect Subtitle 24 adequacy findings shall require approval of a new preliminary plan of subdivision, prior to approval of any permits.
12. Prior to approval of the final plat, the applicant and the applicant’s heirs, successors, and/or assignees shall:
  - a. Grant 10-foot-wide public utility easements along the public rights-of-way of Rosecrans Drive, Meetinghouse Court, and Coolridge Drive on the final plat.
  - b. Obtain a renewal of water and sewer Category 3 through the administrative amendment procedure.

- c. Delineate the floodplain and provide the appropriate floodplain note on the final plat.
13. Prior to approval of the final plat, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a homeowners association has been established. The draft covenants shall be submitted to the Subdivision and Zoning Section to ensure that the rights of The Maryland-National Capital Park and Planning Commission are included. The liber/folio of the declaration of covenants shall be noted on the final plat prior to recordation.
  14. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the homeowner's association land as identified on the approved preliminary plan of subdivision. Land to be conveyed shall be subject to the following:
    - a. A copy of the deed for the property to be conveyed shall be submitted to the Subdivision and Zoning Section of the Development Review Division, Upper Marlboro.
    - b. All waste matter of any kind shall be removed from the property, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
    - c. The conveyed land shall not suffer the disposition of construction materials or soil filling, other than the placement of fill material associated with permitted grading operation that are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.
    - d. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved site plan and tree conservation plan. 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 stormdrain outfalls.
    - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to the homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by the Development Review Division.
    - f. The Planning Board, or its designee, shall be satisfied that there are adequate provisions to ensure retention and future maintenance of the property to be conveyed.

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 approximately 160 feet west of the intersection of Tarquin Avenue and Rosecrans Drive. This preliminary plan of subdivision (PPS) includes Parcel 136, recorded in Prince George’s County Land Records in Liber 40670 folio 358.

This application includes 22 lots and 4 parcels for 22 single-family detached dwelling units.

A variance was filed to Section 25-122(b)(1)(G) of the Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (WCO) for removal of four specimen trees on the subject site. The Planning Board approved the variance request, as discussed further.

3. **Setting**—The property is located on Tax Map 107 in Grid B-2, in Planning Area 81A, is zoned One-Family Detached Residential (R-80), and is within the Military Installation Overlay (M-I-O) Zone. Coolridge Drive abuts the site to the north and Rosecrans Drive abuts the site to the east. Adjacent properties to the north, east, and south are zoned R-80, within the M-I-O Zone. Properties north, east, and southeast of the site are developed with residential uses, and properties to the southwest are vacant. Adjacent property to the east is zoned Reserved Open Space, and the existing land use is parks and open space.
4. **Development Data Summary**—The following information relates to the subject PPS application and the approved development.

	<b>EXISTING</b>	<b>APPROVED</b>
Zone	R-80/M-I-O	R-80/M-I-O
Use(s)	Vacant	Residential
Acreage	14.08	14.08
Lots	0	22
Parcels	1	4
Dwelling Units	0	22
Variance	No	Yes
		Section 25-122(b)(1)(G)
Variation	No	No

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on April 5, 2019.

5. **Community Planning**—The *Plan Prince George’s 2035 Approved General Plan* (Plan 2035) locates the subject site in the Established Communities area. The vision for the Established Communities area is to accommodate context-sensitive infill and low- to medium-density development.

The subject site is located within the boundaries of both the 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan* (Central Branch Avenue Sector Plan) and the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (Subregion 5 Master Plan and SMA). The western portion of the property, which is within the floodplain, is within the area of the Central Branch Avenue Sector Plan and is not proposed for development. The Subregion 5 Master Plan and SMA recommends residential low land uses on the subject property. The 2016 *Approved Military Installation Overlay Zoning Map Amendment* retained the subject property in the R-80 Zone and applied the M-I-O Zone. The site is located within Area E, Conical Surface (20:1) - Left Runway of the M-I-O Zone. Pursuant to Section 27-548.54 of the Zoning Ordinance, the maximum building height on the subject property shall not exceed 340 feet.

Pursuant to Section 24-121(a)(5) of the Subdivision Regulations, this application conforms to the residential land use recommendation of the master plan.

6. **Stormwater Management**—In accordance with Section 24-130 of the Subdivision Regulations, a Stormwater Management (SWM) Concept Plan (57620-2018) was submitted with this application, however it has not yet been approved. The submitted SWM concept plan, shows the proposed use of a submerged gravel wetland and dry wells. Development must be in accordance with an approved SWM concept plan to ensure that on-site or downstream flooding do not occur. Submittal of an approved SWM concept approval letter is required prior to signature approval of the PPS.
7. **Parks and Recreation**—The PPS has been reviewed and evaluated for conformance with the requirements of the Subdivision Regulations, the Subregion 5 Master Plan and SMA, the 2017 *Land Preservation, Parks and Recreation Plan* for Prince George’s County, and the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, as policies in these documents pertain to public parks and recreational facilities.

The subject property is 14.08 acres, zoned R-80 within the M-I-O Zone, located west of Tarquin Avenue, and currently vacant. The Meetinghouse Branch of Tinkers Creek flows north to south through the western portion of this property. The application includes 22 single-family detached residential lots, and dedication of Parcel ‘C’, located along the western and northern sections of the property, to the Maryland-National Capital Park and Planning Commission (M-NCPPC) for parkland. Construction and related disturbance on the property to be conveyed to M-NCPPC relative to the Tinkers Creek stream restoration project and the proposed utility (sewer connection & storm drain outfall) work is anticipated, however, bonding for construction and maintenance agreements will be required.

Per Section 24-134(a)(1) of the Subdivision Regulations, this PPS is subject to 0.77 acre of mandatory dedication of parkland for active and/or passive recreation. There is a high need for parkland and a moderate need for recreation facilities in the area of this SG Park Community. The applicant submitted Applicant’s Exhibit A on May 9, 2019, which revised the acreage for mandatory dedication from 3.73 acres to 3.75 acres. The size and shape of Parcel C, as delineated on Applicant’s Exhibit A provided to M-NCPPC, is acceptable for the mandatory dedication of

parkland requirement, which will be added to the Tinkers Creek Stream Valley Park, as recommended by the Subregion 5 Master Plan and SMA.

8. **Trails**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the Subregion 5 Master Plan in order to implement planned trails, bikeways, and pedestrian improvements. The subject site is located within the Branch Avenue Corridor; therefore, it is subject to Section 24-124.01 of the Subdivision Regulations and the “Transportation Review Guidelines, Part 2.”

One master plan trail impacts the subject property with a stream valley trail proposed in the area plan along Tinkers Creek. This trail is reflected on the submitted plans, although it is noted that it will be constructed by the Prince George’s County Department of Parks and Recreation (DPR) at a later time. M-NCPPC is in the process of acquiring land along the stream valley, and no trail designs or alignment analysis has been completed at this time. The MPOT includes several policies related to pedestrian access and the provision of sidewalks. The Complete Streets section includes the following policies regarding sidewalk construction, the accommodation of pedestrians, and provision of complete streets:

**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.**

Sidewalks are shown on both sides of all internal roads on the subject site, consistent with these policies. Supplementing the sidewalk network is a short trail connection linking the two culs-de-sac on-site, and a trail around the SWM pond.

The area master plan (page 120) includes a strategy for off-road trails and is noted below:

**Tinkers Creek Stream Valley Trail: This trail will connect to the Pea Hill Branch and Piscataway Creek trails, provide access to the Clinton area, and provide access between adjoining residential communities. A portion of the trail has been approved for construction through the Bevard North development.**

The submitted plans include a conceptual alignment for the stream valley trail along the west side of Tinkers Creek. The construction of the trail is not appropriate at this time.

#### **Review of the Proposed Off-Site Improvements**

The bicycle and pedestrian impact statement submission proposes that off-site sidewalks be upgraded along Rosecrans Drive in order to make them compliant with the Americans with Disabilities Act (ADA). These sidewalks will extend the sidewalk network on-site to the



intersection of Rosecrans Drive and Tarquin Avenue. The cost estimate for the sidewalk improvements is \$5,352, which is within the cost cap of \$6,600. The off-site improvement will improve ADA accessibility and pedestrian access around the subject property, within the constraints and provisions of Section 24-124.01.

**Demonstrated Nexus Finding**

The off-site sidewalk proffered by the applicant will extend the ADA-compatible sidewalk along Rosecrans Drive to the intersection of Tarquin Avenue and provide enhanced pedestrian access between the subject site and the surrounding community.

**Finding of Adequate Bicycle and Pedestrian Facilities**

The sidewalk improvements proffered by the applicant, along Rosecrans Drive, will accommodate safe and ADA-compatible access around the subject site. Sidewalk access is provided on-site, consistent with the Complete Street policies of the MPOT, and off-site improvements will enhance ADA access to the site. The off-site improvement proffered is within the specified cost cap in Section 24-124.01(c) and improves the sidewalk network, consistent with the guidance of Section 24-124.01(d). Based on the requirements and criteria contained in Section 24-124.01 and the sidewalks proposed by the applicant on- and off-site, the bicycle and pedestrian facilities are adequate to serve the subject property.

9. **Transportation**—A traffic count dated December 2018 was submitted by the applicant for the critical intersections. The findings and conclusions outlined below are based upon review of these materials and analysis conducted, consistent with the “Transportation Review Guidelines, Part 1,” (Guidelines).

The table below summarizes the trip generation in each peak-hour that will be used for the analysis and for formulating the trip cap for the site:

<b>Trip Generation Summary, 4-17033, Tinker’s Preserve</b>							
<b>Land Use</b>	<b>Use Quantity</b>	<b>AM Peak-Hour</b>			<b>PM Peak-Hour</b>		
		<b>In</b>	<b>Out</b>	<b>Tot</b>	<b>In</b>	<b>Out</b>	<b>Tot</b>
Single-family Detached	22 units	3	13	16	13	7	20
<b>Total Trip Cap for Proposed Use</b>		<b>3</b>	<b>13</b>	<b>16</b>	<b>13</b>	<b>7</b>	<b>20</b>

The traffic generated by the PPS would impact the following intersections, interchanges, and links in the transportation system:

- Old Branch Avenue and Tarquin Avenue (unsignalized)
- Old Branch Avenue and Kirby Road (signalized)

**Existing Traffic:**

The subject property is located within Transportation Service Area 2, as defined in Plan 2035. As such, the subject property is evaluated according to the following standards:

**Links and signalized intersections:** Level of service D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

**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 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. Once the CLV exceeds 1,150, 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.

The following critical intersections identified above, when analyzed with existing traffic using counts taken in December 2018 and existing lane configurations, operate as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM and PM)		Level of Service (LOS, AM and PM)	
	Old Branch Avenue and Tarquin Avenue*	11.0	15.4	B
Old Branch Avenue and Kirby Road	807	1142	A	B
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations.				

**Background Traffic**

None of the critical intersections identified above are programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation “Consolidated Transportation Program,” or the Prince George’s County “Capital Improvement Program.”

For the intersection of Old Branch Avenue and Tarquin Avenue, background traffic in the study area was developed using one approved, but unbuilt, development. For the intersection of Old Branch Avenue and Kirby Road, background traffic in the study area was developed using three approved, but unbuilt, developments. A one percent annual growth rate for a two-year period was also applied for background traffic for both intersections. The critical intersections, when analyzed with background traffic and existing lane configurations, operate as follows:

<b>BACKGROUND TRAFFIC CONDITIONS</b>				
<b>Intersection</b>	<b>Critical Lane Volume (AM and PM)</b>		<b>Level of Service (LOS, AM and PM)</b>	
	Old Branch Avenue and Tarquin Avenue*	11.9	16.2	B
Old Branch Avenue and Kirby Road	905	1242	A	B

\*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations.

The following critical intersections, interchanges, and links identified above, when analyzed with the programmed improvements and total future traffic as developed using the guidelines, including the site trip generation as described above, operate as follows:

<b>FUTURE TRAFFIC CONDITIONS</b>				
<b>Intersection</b>	<b>Critical Lane Volume (AM and PM)</b>		<b>Level of Service (LOS, AM and PM)</b>	
	Old Branch Avenue and Tarquin Avenue*	12.3	16.9	B
Old Branch Avenue and Kirby Road	911	1245	A	B

\*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations.

Under future conditions, both intersections will operate at acceptable levels of service and/or intersection delay, as defined by the Guidelines. The intersection of Old Branch Avenue and Tarquin Avenue does not exceed 50 seconds of minor street delay in the background and total traffic conditions during the morning and evening peak-hour. Therefore, tier two and three of the three-tier test of adequacy was not conducted and is deemed to be adequate.

A trip cap, consistent with the trip generation assumed for the site, of 16 AM and 20 PM peak-hour vehicle trips, is approved.

**Site Access Evaluation**

The site will have one access point from Tarquin Avenue. Access and circulation are acceptable. When dedicated and constructed, the extension and design of the loop and island at the northwest bend of Rosecrans Drive must meet County standards.

Coolridge Drive stubs the subject site to the north and is delineated on the PPS as a 50-foot-wide right-of-way. Twenty feet of this right-of-way was dedicated to public use with the Griga Subdivision, recorded in Plat Book NLP 96-23. It appears that this dedication was in addition to a 30-foot-wide private right-of-way, which ran along the northern property line of the site and is recorded in County Land Records in Liber 521 folio 352. Although no access to Coolridge Drive is approved with this application, the extent of the private right-of-way and public right-of-way abutting this site shall be delineated and labeled on the PPS.

**Master Plan Roads**

The site is not within, or adjacent to, any master plan transportation roadways.

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

- 10. **Schools**—Per Section 24-122.02 of the Subdivision Regulations, the Planning Board shall analyze school facilities at the time of PPS. The results of the analysis are as follows:

Impact on Affected Public School Clusters  
 Multifamily Units

Affected School Clusters #	Elementary School	Middle School Cluster #2	High School Cluster #2
Dwelling Units	22 DU	22 DU	22 DU
Pupil Yield Factor	0.177	0.095	0.137
Subdivision Enrollment	4.0	2.0	3.0
Actual Enrollment in 2018	10,847	5,049	7,716
Total Enrollment	10,851	5,051	7,719
State Rated Capacity	13,348	5,374	8,998
Percent Capacity	81%	94%	88%

Section 10-192.01 of the Prince George’s County Code establishes school surcharges and an annual adjustment for inflation. The current amount is \$16,371, as this project falls outside of I-95/I-495 (Capital Beltway). This fee is to be paid at the time of issuance of each building permit.

- 11. **Public Facilities**—In accordance with Section 24-122.01, police and fire and rescue facilities are found to be adequate to serve the subject site, as outlined in a memorandum from the Special Projects Section dated April 29, 2019 (Ryan to Turnquest), incorporated by reference herein.

12. **Water and Sewer**—Section 24-122.01(b)(1) 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* designates Parcel 136 in “dormant” water and sewer Category 3, inside the sewer envelope, in the Growth Tier, and within Tier 1, under the Sustainable Growth Act. Dormant Category 3 is considered a Category 4 designation, although the maps have not been amended (Water and Sewer Plan, Section 2.1.2). Category 3, obtained through the administrative amendment procedure, must be approved before approval of the final plat.

13. **Use Conversion**—The total development included in this PPS includes 22 single-family dwelling units in the R-80 and M-I-O 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 and reflected on the PPS, that revision of the mix of uses shall require approval of a new PPS, prior to approval of any building permits.

14. **Public Utility Easement (PUE)**—Section 24-122(a) requires that, when utility easements are required by a public company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.”

The standard requirement for PUEs is 10 feet wide along both sides of all public rights-of-way. The subject site fronts on the public right-of-way of Coolridge Drive, to the north. The subject site fronts on the proposed public rights-of-way of Rosecrans Drive and Meetinghouse Court. The required PUEs are delineated on the PPS.

15. **Historic**—A Phase I archeological survey was completed in 2018, and one archeological site was identified. No further work is required. This proposal will not impact any historic sites, resources, or known archeological sites.
16. **Environmental**—The following applications and associated plans were previously reviewed for the subject site:

Development Review Case #	Associated Tree Conservation Plan	Authority	Status	Action Date	Resolution Number
4-17033	TCP1-003-2109	Planning Board	Pending	Pending	Pending
NRI-128-2017	N/A	Staff	Approved	1/09/2018	N/A
NRI-128-2017-01	N/A	Staff	Approved	4/30/2019	N/A

### **Proposed Activity**

The PPS includes 4 parcels and 22 single-family lots, with SWM. The project will impact regulated environmental features for a stormwater outfall structure and a sewer line connection. Four specimen trees are also approved for removal as discussed further.

### **Grandfathering**

This project is not grandfathered, with respect to the environmental regulations contained in Subtitle 24 that came into effect on September 1, 2010 because the application is for a new PPS. This project is subject to the WCO and the Environmental Technical Manual.

### **Master Plan Conformance**

The site is located within the Subregion 5 Master Plan and SMA. The Environmental Infrastructure section of the master plan contains goals, policies, recommendations, and strategies. The following guidelines have been determined to be applicable to the subject application. The text in **BOLD** is text from the master plan, and the plain text provides findings on PPS conformance.

**POLICY 1: Implement the master plan's desired development pattern while protecting sensitive environmental features and meeting the full intent of environmental policies and regulations.**

**Ensure the new development incorporates open space, environmental sensitive design, and mitigation activities.**

**Protect, preserve and enhance the identified green infrastructure network within Subregion 5.**

The project site contains regulated environmental features, woodland areas, and elements of the 2017 *Countywide Green Infrastructure Plan* (Green Infrastructure Plan) of the *Approved Prince George's County Resource Conservation Plan: A countywide Functional Master Plan*; the site proposes to provide bioretention and infiltration per the unapproved SWM concept letter. Impacts to this sensitive area have been limited to those required, or only necessary for development, such as outfalls and a stream valley trail.

**POLICY 2: Encourage the restoration and enhancement of water quality in degraded areas and the preservation of water quality in areas not degraded.**

**Protect and restore groundwater recharge areas such as wetlands and headwater areas of streams.**

This proposal is for development of a wooded lot into a residential subdivision. The SWM design is required to be reviewed and approved by the Prince George's County Department of Permitting, Inspections, and Enforcement (DPIE), to address surface water runoff issues, in accordance with Subtitle 32, Water Resources Protection and Grading

Code. This requires that environmental site design be implemented, to the maximum extent practicable.

The SWM Concept Plan (57620-2018) submitted with the subject application proposes one submerged gravel wetland pond and dry wells. One outfall structure is shown for the pond structure. The application proposes one outfall, one sewer line connection, and one water line connection that will impact the 100-year floodplain and stream buffer. No wetlands or streams would be directly affected by the proposed concept.

**POLICY 3: Ensure that, to the extent that is possible, land use policies support the protection of the Mattawoman Creek.**

**Conserve as much land as possible in the rural tier portion of the water shed as natural resource land (forest, mineral, and agriculture).**

**Minimize impervious surfaces in the Developing Tier portion of the watershed through use of conservation subdivisions and environmentally sensitive design and, especially in the higher density Brandywine Community Center, incorporate best stormwater design practices to increase infiltration and reduce run-off volumes.**

The site is not within the Mattawoman Creek watershed or Rural Tier. All of the development will be outside the environmentally sensitive areas, except for the impacts of a new stormwater outfall and a tie-in to an existing sewer manhole. The remaining sensitive areas will be persevered.

**POLICY 4: Enhance the county's Critical Area protection management in response to local, regional, and statewide initiatives and legislative changes.**

The subject property is not located in the Chesapeake Bay Critical Area.

**POLICY 5: Reduce air pollution through transportation demand management (TDM) projects and programs.**

**Promote "climate-friendly" development patterns through the planning processes and land use decisions.**

**Increase awareness of the sources of air pollution and green-house gas emissions.**

Air quality is a regional issue that is currently being addressed by the Council of Governments.

**POLICY 6: Encourage the use of green building techniques that reduce resource and energy consumption.**

The development applications for the subject property, which require architectural approval, should incorporate green building techniques and the use of environmentally sensitive building techniques to reduce overall energy consumption. The use of green building techniques and energy conservation techniques is encouraged, to the greatest extent possible.

**POLICY 7: Ensure that excessive noise-producing uses are not located near uses that are particular sensitive to noise intrusion.**

The 22 residential lots are located on Rosecrans Drive, which is not designated as a master-planned roadway. This development will not generate enough traffic to produce noise above the state standard.

**Countywide Green Infrastructure Plan**

The site is within the designated network of the Green Infrastructure Plan and contains regulated and evaluation areas. This area contains a perennial stream, associated stream buffers, and adjacent woodlands. Impacts are within both the regulated and evaluation areas for the residential development.

The following policies support the stated measurable objectives of the Green Infrastructure Plan:

**POLICY 1: Preserve, protect, enhance or restore the green infrastructure network and its ecological functions while supporting the desired development pattern of the 2002 General Plan.**

Almost the entire site is within either a regulated or evaluation area, and is completely wooded. Any development within the on-site woodlands will impact a portion of the green infrastructure network. However, preservation is focused on the areas of highest priority.

**POLICY 2: Preserve, protect, and enhance surface and ground water features and restore lost ecological functions.**

The site has an unapproved stormwater concept, which addresses surface water runoff issues, in accordance with Subtitle 32. The primary management areas (PMA) associated with this application are located along the northern and western boundary. The application shows one outfall and one sewer line connection that will impact the PMA, and the remaining PMA will be preserved woodlands.

**POLICY 3: Preserve existing woodland resources and replant woodland, where possible, while implementing the desired development pattern of the 2002 General Plan.**



The 2002 General Plan has been superseded by Plan 2035. The property is subject to the WCO. The overall site contains a combined total of 13.46 acres of net tract and floodplain woodlands. The plan proposes to clear 7.85 acres of net tract woodland. After meeting the requirement, the site will have approximately 6 acres of woodland conservation, mostly provided through preservation on the net tract and within the floodplain.

### **Environmental Review**

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

### **Natural Resources Inventory/Existing Conditions**

An approved Natural Resources Inventory (NRI-128-2017-01), which included a detailed forest stand delineation (FSD), was submitted with the application. The site is fairly flat along the eastern portion of the site and then sloping north and west towards the two adjacent on-site stream systems. The site contains areas of 100-year floodplain, streams, wetlands, and their associated buffers. The FSD report describes one forest stand totaling 13.46 acres, with 7 specimen trees. No revisions are required for conformance to the NRI.

### **Woodland Conservation**

This property 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 1 Tree Conservation Plan (TCP1-003-2019) was submitted with the PPS.

The overall site contains a total of 13.46 acres of woodlands and has a woodland conservation threshold of 2.06 acres. This site proposes to clear 7.85 acres of woodland, resulting in a woodland conservation requirement of 4.09 acres. The TCP1 meets the requirement with 2.16 acres of on-site preservation, 0.09 acre of on-site reforestation, 0.06 acre of on-site natural regeneration, and 1.78 acres of off-site woodland conservation.

The site contains seven specimen trees with the following ratings: excellent (Specimen Tree 5), good (Specimen Trees 1 and 8), fair (Specimen Trees 2, 4 and 6), and poor (Specimen Tree 7). These specimen trees are located throughout the development area. The current design removes four specimen trees due to the location, SWM, water line installation, and grading required for development.

During the SDRC meeting, the master plan trail was requested to be delineated, and the most recent TCP1 plan revision submitted on April 29, 2019 shows the location of this trail. The trail goes in a north to south direction from Coolridge Drive, across the property, and within the site's PMA to the southwest corner of the site, entering an M-NCPPC property. At this time, no clearing is shown for this trail, and the clearing will be evaluated on the TCP2.

### **Specimen Trees**

Section 25-122(b)(1)(G) of the WCO 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 in the adopted County Code effective on September 1, 2010.

A Subtitle 25 Variance application and a statement of justification (SOJ) in support of a variance for the removal of four specimen trees, has been submitted. The TCP1 shows the removal of four specimen trees, and the limits of disturbance on the plan also show that these trees are to be removed.

Section 25-119(d)(1) of the WCO contains six required findings to be made before a variance can be granted. The submitted SOJ seeks to address the required findings for the specimen tree. The text in **BOLD**, labeled A–F, are the six criteria listed in Section 25-119(d)(1). The plain text provides responses to the criteria.

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

The property is fully wooded and contains extensive PMA (8.78 acres). As a result, the developable area on this site is limited. Three of the specimen trees to be removed are located in the limited developable area, which is within the SWM area and within individual lots.

Two of the trees are to be removed for SWM and one is to be removed for a single-family dwelling. One tree is to be removed for a water connection. The stormwater facility and water connection are necessary for the development of the site. The limited developable area on a site that is fully wooded causes an unwarranted hardship.

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

The property is fully wooded, and the specimen trees are located throughout the site. Denying the removal of trees in the most suitable areas of development would deprive the applicant from developing the property. If other properties include trees in a similar location and in similar condition 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 a site is supported if the tree could become a hazard. These trees will be affected by the mass grading that must occur to prepare the site for development. If other properties include trees in a similar location 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;**

The site is entirely wooded and contains no existing structures. 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; and**

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 four specimen trees will not directly affect water quality because the site will have to follow strict SWM requirements and sediment control. Specific requirements regarding SWM for the site will be further reviewed by DPIE.

The required findings of Section 25-119(d)(1) have been adequately addressed by the applicant for the removal of Specimen Trees 4, 5, 6, and 8.

**Regulated Environmental Features/Primary Management Area**

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

placement, parking, SWM facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and be sufficient to reasonably develop the site, in conformance with the County Code.

The site contains regulated environmental features. According to the TCP1, impacts to the PMA are for the required improvements, to construct a connection to an existing sewer line, water line construction, and for one SWM outfall. An SOJ was received with the application on April 30, 2019 for impacts to the PMA and stream buffer.

#### **Statement of Justification for PMA Impacts**

The SOJ includes three separate PMA impacts totaling 4,380.92 square feet (0.10 acre), or approximately 0.01 percent of the 5.47 acres of PMA mapped on the property.

#### **Analysis of Impacts**

A total of three impacts are described below:

##### **Impact 1: Water Connection**

Impact area: 1,280.35 square feet of stream/wetland buffer, 1257.53 square feet of 100-year floodplain, and a total 2,498.01 square feet of PMA impact.

The water line starts from an off-site stub on Coolridge Drive, crosses the on-site PMA, and comes behind Lot 5, and then between Lots 5 and 6, to supply the subdivision with water service.

This impact is unavoidable and is necessary to convey drinking water to the subdivision. DPIE has reviewed, but has not approved, the water line design. Impact 1 is approved.

##### **Impact 2: Sewer Connection and Minor Grading**

Impact area: 488.59 square feet of stream/wetland buffer, 791.52 square feet of 100-year floodplain, and a total 912.33 square feet of PMA impact.

The subdivision will tie into an existing on-site sewer line. This existing sewer line manhole is located between Lots 6 and 7. Due to the existing grades and a one-foot increase in the floodplain determination, the minor lot disturbance for the sewer line connection is necessary.

This impact is unavoidable and is necessary for the development of the site. Impact 2 is approved.

##### **Impact 3: Stormwater Pond Outfall Structure**

Impact area: (0 square feet of stream/wetland buffer, 970.58 square feet of 100-year floodplain, and a total 970.58 square feet of PMA impact).

The subdivision has one SWM pond that is located in the southwest corner of the development, adjacent to Rosecrans Drive. The outfall installation goes through the stream buffer and 100-year floodplain and stops at the wetland buffer.

This impact is unavoidable and is necessary to safely convey stormwater to the wetland system. DPIE has reviewed, but has not approved, the outfall design and location. Impact 3 approved.

Based on the level of design information available at the present time, the regulated environmental features on the subject property have been preserved and/or restored, to the fullest extent possible, based on the limits of disturbance shown on the impact exhibits. The impacts approved, in concept, are for one water line connection, one sewer line connection, and one SWM outfall.

### **Soils**

According to the U. S. Department of Agriculture, Natural Resources Conservation Services, Web Soil Survey, the following soils are present on the site: Croom-Marr complex, Sassafras sandy loam, Sassafras-Urban land complex, and Woodstown-Urban land complex. According to available information, Marlboro Clay nor Christiana complex do not occur on, or in the vicinity of, this site.

17. **Urban Design**—This application is reviewed for conformance with the requirements of the Zoning Ordinance, as follows:

The R-80 Zone has various regulations, in accordance with Section 27-442 of the Zoning Ordinance. The plan meets all regulations for the R-80 Zone. However, the plan only shows a few regulations.

The applicant shall revise the PPS to provide a complete table of the regulations governing the development, in accordance with Section 27-442. In addition, the project meets the purposes of the R-80 Zone, as stated in Section 27-429 of the Zoning Ordinance, by protecting stream valleys on the south and west sides of the site, and offers lots of various sizes. The R-80 Zone use is permitted by-right and no detailed site plan approval is required.

### **Tree Canopy Coverage Ordinance**

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit. Properties zoned R-80 are required to provide a minimum of 15 percent of the gross tract area to be covered by tree canopy. The subject site is 14.08 acres in size and the required TCC is 2.1 acres. The PPS is in conformance with the requirements of the Tree Canopy Coverage Ordinance, since there are more than 2.3 acres of the existing woodland to be preserved on the site.

### **Conformance with the 2010 Prince George's County Landscape Manual**

In accordance with Section 27-454(b)(1) of the Zoning Ordinance, the development is subject to the 2010 *Prince George's County Landscape Manual* (Landscape Manual), specifically Section 4.1 (Residential Requirements) and Section 4.9 (Sustainable Landscaping Requirements). Conformance with the Landscape Manual will be determined at the time of permit.

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

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, Doerner, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, June 6, 2019, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 27th day of June 2019.

Elizabeth M. Hewlett  
Chairman

By Jessica Jones  
Planning Board Administrator

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