

R E S O L U T I O N

WHEREAS, Valley View LLC is the owner of a 11.73-acre parcel of land known as Tax Map 73 in Grid A-2 and is known as acreage Parcels 133, 140 and 343, said property being in the 18<sup>th</sup> Election District of Prince George's County, Maryland, and being zoned R-T; and

WHEREAS, on November 5, 2014, Valley View LLC filed an application for approval of a Preliminary Plan of Subdivision for 78 lots and 6 parcels for the development of two-family semidetached dwelling units; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-14005 for Valley View 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 April 2, 2015, 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 April 2, 2015, 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 the Type 1 Tree Conservation Plan (TCP1-055-06), and APPROVED Preliminary Plan of Subdivision 4-14005, Valley View, including a Variance from Section 25-122(b)(1)(G) for 78 lots and 6 parcels with the following conditions:

1. Prior to signature approval of the Preliminary Plan of Subdivision, the plan shall be revised as follows:
  - a. Revise the plan to delineate the 20-foot-wide Type "A" Bufferyard along the western property line adjacent to single-family detached development.
  - b. Revise the layout of Street C and abutting lots to reflect "Applicant Revised PMA Impact #2 dated March 9, 2015." Areas of PMA that are disturbed for the road shall be replanted to the extent possible and further reviewed with the DSP.
  - c. Add the proposed property lines for Parcels E and F.
  - d. Remove the entrance feature from Lot 2.

2. Prior to signature approval of the Preliminary Plan of Subdivision the TCP1 should be revised as follows:
  - a. Revise the plan to show all the required TCP1 notes as noted in the Environmental Technical Manual (ETM).
  - b. Revise the approval block to read "TCP1-055-06" not "TCP1-055-06-01."
  - c. Show proposed grading with a different symbol on the plan view.
  - d. Add proposed contour symbol and label to legend.
  - e. Revise the legend to remove "Patuxent River PMA" to "Primary Management Area."
  - f. Remove small forest conservation table.
  - g. Remove steep slopes symbol from the plan view and legend.
  - h. Revise the plan view so that all the symbols are readable.
3. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-055-06-01). 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 (TCP1-055-06-01), 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."
4. Prior to the approval of the first grading permit, the Final Storm Water Management Plan (SWM) which includes a planting detail for the all submerged gravel wetland shall be reviewed and approved by DPIE. The detail shall consist of various types of hydrophytic plantings to help remove pollutants. The planting plan showing the location, species and spacing of these pond plantings shall be provided, and a copy provided to the Environmental Planning Section.
5. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area except for any approved impacts and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

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

6. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
7. In accordance with Section 24-123 of the Subdivision Regulations, the applicant and the applicant's heirs, successors and/or assignees shall provide the following unless modified by the Department of Permitting, Inspections and Enforcement (DPIE):
  - a. Provide standard sidewalks along both sides of all internal roads with the exception of one segment of Street C abutting the PMA.
  - b. Provide a standard sidewalk along the subject site's entire frontage of Highmount Lane.
  - c. Provide a standard sidewalk along the subject site's entire frontage of Suffolk Avenue.
  - d. Provide striped crosswalks across the private drive lanes at the site's ingress/egress points off Suffolk Avenue and Highmount Lane.
8. Prior to the approval of the first building permit, the applicant and the applicant's heirs, successors and/or assignees, shall provide a financial contribution of \$210 to the Department of Public Works and Transportation (DPW&T) for the placement of one “Share the Road with a Bike” sign along Suffolk Avenue.
9. A substantial revision to the uses on the subject property that affects Subtitle 24 adequacy findings, as set forth in a resolution of approval, shall require the approval of a new preliminary plan of subdivision prior to the approval of any building permits.
10. Total development within the subject property shall be limited to equivalent development which generates no more than 55 AM and 62 PM weekday peak-hour vehicle 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.
11. Prior to approval of the detailed site plan, the applicant shall address the following:
  - a. Evidence of a waiver from DPIE from Section 23-139 for the driveways directly accessing Highmount Lane (Lots 1, 2, 19-22), if required.
  - b. The design of the gateway sign shall be located on Lot 22 (east of Street A).

12. The applicant and the applicant's heirs, successors and/or assignees, shall construct a six-foot-wide asphalt trail connector from Street B to the existing trail system in Capitol Heights Neighborhood Park (M-NCPPC) to the north. A section of this trail connection will be located on a homeowner's association Parcel E, and the remaining portion will be constructed on parkland Parcel F, and the Capitol Heights Neighborhood Park. The asphalt Trail Connector shall be shown on Detailed Site Plan, with an exhibit showing the off-site public trail connection.
13. At the time of approval of the DSP, the applicant shall obtain approval from DPR of the Trail Construction Plan for the asphalt trail connector on Parcel F (M-NCPPC) and the Capitol Heights Neighborhood Park. The Trail Connector shall:
  - a. Be designed and constructed in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines.
  - b. Be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed and approved by DPR prior to construction.
  - c. The location of the trail shall be staked in the field and approved by DRD prior to construction.
14. Prior to approval of the final plat, the applicant and the applicant's heirs, successors and/or assignees, shall demonstrate that a homeowners' association (HOA) has been established. The draft covenants shall be submitted to the Development Review Division (DRD) to ensure the rights of M-NCPPC are included. The liber and folio of the declaration of covenants shall be noted on the final plat prior to recordation.
15. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees, shall convey to the homeowners' association (HOA) land as identified on the approved preliminary plan of subdivision or as modified by the DSP. 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 Review Section of the Development Review Division (DRD), Upper Marlboro.
  - b. All waste matter of any kind shall be removed from the property prior to conveyance, 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, 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 HOA shall be in accordance with an approved detailed site 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 a HOA. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD in accordance with the approved detailed site plan.
  - f. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
16. Prior to approval of final plat, the applicant and the applicant's heirs, successors and/or assignees, shall submit three (3) original Recreational Facilities Agreements (RFA) to DRD for construction of the private recreational trail on homeowners land, for approval prior to the submission of final plats. Upon approval by the Development Review Division (DRD) of the M-NCPPC Planning Department, the RFA shall be recorded among the County Land Records and the liber and folio indicated on the plat prior to recordation. The RFA shall contain appropriate triggers for construction and bonding as determined at the time of DSP.
17. Prior to approval of final plat, the applicant and the applicant's heirs, successors and/or assignees, shall submit to The M-NCPPC Department of Parks three (3) original Recreational Facilities Agreements (RFA) for construction of recreational trail facilities on park property. The RFA shall be approved prior to the approval of final plats. Upon approval the RFA shall be recorded among the County Land Records and noted on the final plat of subdivision. The RFA shall contain appropriate triggers for construction and bonding as determined at the time of DSP.
18. Development of this site shall be in conformance with the Stormwater Management Concept Plan, 13059-2014-01 and any subsequent revisions.
19. Approval of this PPS shall supersede PPS 4-06022 (PGCPB Resolution No. 07-79) for the development of the site.
20. A Type II Tree Conservation Plan shall be approved at the time of approval of the detailed site plan.
21. At the time of final plat, the applicant and the applicant's heirs, successors and/or assignees, shall convey to the M-NCPPC Parcel F, 1.62± acres of land. Land to be conveyed shall be subject the following:
- a. At the time of final plat the applicant an original, special warranty deed for the property to be conveyed, (signed by the WSSC Assessment Supervisor) shall be submitted to the

Subdivision Review Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the Final Plat.

- b. The 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, sidewalls, curbs and gutters, and front-foot benefit charges prior to and subsequent to Final Plat.
  - c. The boundaries and acreage of land to be conveyed to the 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, the DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by The M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, The M-NCPPC) shall be submitted to the DPR within two weeks prior to applying for grading permits.
  - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by The M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by The M-NCPPC, the DPR shall review and approve the location and design of these facilities. The DPR may require a performance bond and easement agreement prior to issuance of grading permits.
  - f. 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. The DPR shall inspect the site and verify that land is in acceptable condition for conveyance, prior to dedication.
  - g. All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of the DPR.
  - h. The applicant shall terminate any leasehold interests on property to be conveyed to The M-NCPPC.
  - i. No stormwater management facilities, or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to The M-NCPPC without the prior written consent of the DPR. The DPR shall review and approve the location and/or design of these features. If such proposals are approved by the DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits
22. At time of final plat, the applicant and the applicant's heirs, successors and/or assignees, shall grant a ten-foot-wide public utility easement (PUE) along all public streets and one side of all private streets.

23. At time of final plat approval, the applicant shall dedicate one-half of the additional right-of-way along Highmount Lane, to an ultimate right-of-way width of 60 feet, (30 feet from center line on the project side), as reflected on the approved preliminary plan of subdivision.

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 Tax Map 73 Grid A-2, and is known as acreage Parcels 133, 140, and 343. This site is improved with a single-family dwelling unit which is to be razed. The properties are not the subject of a record plat. The property has frontage on Highmount Lane to the south and Suffolk Avenue to the west. The total acreage is 11.73 acres in the R-T Zone. The applicant is proposing 78 lots and 6 parcels for the development of two-family semidetached dwelling units. All proposed lots are above the minimum requirement of 1,500 square feet as required by the Zoning Ordinance, the smallest lot being 2,072 square feet and the largest proposed lot is 5,245 square feet.

Parcels 140 and 343 were subject of Preliminary Plan of Subdivision 4-06022 (PGCPB Resolution No. 07-79) which was approved on April 5, 2007 and adopted on May 3, 2007. That preliminary plan (PPS) approval was for the development of 10.92 acres in the R-55 Zone with 30 single-family detached lots and two parcels. The approval is valid through December 31, 2015. The approval of this PPS will supersede the previous PPS approval. Subsequent to that approval, the property was rezoned R-T. PPS 4-12021 was proposed in a similar lotting pattern as that proposed with this application, but was withdrawn prior to the public hearing. In the R-T Zone, a detailed site plan shall be approved for all attached dwellings, in accordance with Part 3, Division 9 of Subtitle 27, prior to approval of the final plat.

The 78 semidetached residential lots are served by three access points. Six lots have access from Suffolk Avenue through a 24-128(b)(9) service road. This access has a minimum right-of-way width of 16-feet, and is a right-in right-out one-way shared driveway with parking. The parcel (Parcel A) is to be owned and maintained by the homeowners association. The remaining 72 lots have access from Highmount Lane through two private roads (A and C). Neither a vehicular nor pedestrian connection is required between these two lotting areas due to significant steep slopes.

The mandatory dedication requirement for the subdivision is fulfilled through the construction of both a private and public pedestrian trail from the end of private Street B to connect with the Capitol Heights Neighborhood Park (M-NCPPC) abutting to the north. The trail connection will be accessible for the 72 units that have access from Highmount Lane. The six lots accessed from

Suffolk Avenue will have access to the abutting Capitol Heights Neighborhood Park by a sidewalk in Suffolk Avenue.

During the review period of this subdivision, the stormwater concept was approved, which resulted in significant layout changes to the applicant's original proposal to meet environmental site design standards. The original design proposed a road connection from Street C to the eastern end of Street B, and a road along the western boundary of the primary management area (PMA). Due to safety concerns and possible future maintenance issues for the homeowners, DPIE required a redesign of the stormwater concept. This redesign reduces the previously proposed impervious area, and supports wildlife habitat as analyzed by the Environmental Planning Section.

The applicant has filed a variance (25-122(b)(1)(G)) for the removal of eight of the ten specimen trees, Planning Board approves the variance for the removal of five of the ten specimen trees located on-site. A justification for PMA disturbance was submitted for review. With replacing Impact 2 with the "Applicant's Revised PMA Impact #2," Planning Board approves the proposed impacts to the PMA. The impacts will be further reviewed with the DSP.

3. **Setting**—The property abutting to the north is zoned O-S (Open-Space) within the Transit District Overlay (T-D-O) for the Capitol Heights Transit District Development Plan and is known as the Capitol Heights Neighborhood Park (M-NCPPC). The property to the east is zoned R-55 (One-family Detached Residential) and is vacant. The properties across Highmount Lane are zoned R-55 (One-family Detached Residential) and are developed with single-family detached residential and townhomes. The properties adjacent to the west are zoned R-T (Townhouse) and are developed with single-family detached dwelling units. The properties across Suffolk Avenue are zoned R-55 (One-family Detached Residential) and are developed with single-family detached, with the Capitol Heights Elementary School directly to the north of those properties.
4. **Development Data Summary**—The following information relates to the subject PPS application and the proposed development.



	EXISTING	APPROVED
Zone	R-T	R-T
Use(s)	Residential	Single-family semidetached
Acreage	11.73	11.73
Lots	0	78
Outlots	0	0
Parcels	3	6
Dwelling Units:		
Single-Family Detached	1(to be razed)	0
Semidetached Dwelling	0	78
Public Safety Mitigation Fee	No	No
Variance(s)	No	Yes
		25-122(b)(1)(G)
Variation(s)	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 November 21, 2014.

5. **Community Planning**—This application is consistent with the *Plan Prince George's 2035 Approved General* Plan Residential Medium-High Land Use policy for the area and conforms to the Residential Medium-High Land Use designation of the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment*. The property is in Joint Base Andrews Imaginary Runway Surface F with a maximum height limit of 500 feet. There are no master plan issues associated with this application.

6. **Stormwater Management**—The Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) Site/Road Plan Review Division has determined that on-site stormwater management is required. A Site Development Concept Plan, 13059-2014-01, was approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan consistent with the approved PPS.

During the review period of this subdivision, the stormwater concept was approved, which resulted in significant layout changes to the applicant's original proposal to meet environmental site design standards. The original design proposed a road connection from Street C to the eastern end of Street B, and a road along the western boundary of the primary management area (PMA). Due to safety concerns and possible future maintenance issues for the homeowners, DPIE required a redesign of the stormwater concept. This redesign reduces the previously proposed pervious area, and supports wildlife habitat as analyzed by the Environmental Planning Section.

7. **Parks and Recreation**—The surrounding parks and recreation facilities include Capitol Heights Neighborhood Park and Rollins Avenue Neighborhood Park (M-NCPPC). Capitol Heights Neighborhood Park is abutting to the north and consists of an active park with facilities including basketball courts, a sitting area, and an on-site trail. Rollins Avenue Neighborhood Park, which is

approximately one-quarter mile to the east, is currently undeveloped, but is in the design/permitting stages of development. Upon its completion, the Rollins Avenue Neighborhood Park will include a multiage play area, tennis court, small shelter, dog park, community gardens, a loop trail and parking. Construction of the Rollins Avenue Neighborhood Park should be under construction within the next 18 months.

The applicant is proposing to develop 78 semidetached dwelling units on the property. Using current occupancy statistics for single-family dwelling units, the development proposal will generate 200 new residents to the area. In accordance with Section 24-134(a)(1) of the Subdivision Regulations. The Planning Board approves to fulfill the requirements of mandatory dedication, direct pedestrian access to the adjacent park be required to serve the residents. The applicant has agreed to construct a trail connection to tie into the existing trail system on the adjacent Capitol Heights Neighborhood Park from the subject site. This trail connector would start at the end of Street B, north through homeowner's association (HOA) open space Parcel E and meander through the existing Parkland and tie into the existing trail at the western portion of the Capitol Heights Neighborhood Park. DPR estimates that the current alignment would consist of approximately 900 linear feet of a new trail to be constructed by the applicant. The trail will allow direct pedestrian access to the park. At time of Detailed Site Plan, the applicant shall submit detailed construction plans for the trail connection. Construction of the on-site [private](#) and off-site public trail connection will fulfill the requirements of the mandatory dedication of parkland.

In addition to the trail construction, the applicant has proffered to dedicate to M-NCPPC approximately 1.62 acres of land (Parcel F) for future use by the DPR. This land would enlarge the acreage of the Capitol Heights Neighborhood Park and could allow for opportunities to extend the public trail to the east of this property. The ultimate goal is to provide a pedestrian linkage from Capitol Heights Neighborhood Park to Rollins Avenue Neighborhood Park should future funds and lands become available.

8. **Trails**—The property is located immediately to the south of existing M-NCPPC parkland, approximately 450 south of Capitol Heights Elementary School, and approximately 4,300 linear feet from the Addison Road Metro, although the actual walking or biking distance to the station is significantly longer. The parkland to the north of the site includes existing recreational facilities as discussed. The site is located outside of and to the south of both the Addison Road Metro Center and the Central Avenue Corridor and is not subject to the requirements of Section 24-124.01 (Adequate Public Pedestrian and Bikeway Facilities in County Centers and Corridors) or the "Transportation Review Guidelines – Part 2."

The applicant has worked with staff to incorporate a trail connecting the site to the parkland immediately to the north of the subject site, as indicated on the revised plans. This trail will run from the northeast corner of the site (from Private Road Parcel D) to the park facilities located to the north. This trail will provide direct access from the planned dwelling units to the existing recreation facilities. The six dwellings fronting on Suffolk Avenue will have access to the park along Suffolk Avenue.

The applicant has agreed with the recommendations of DPW&T to complete a standard sidewalk along Suffolk Avenue, not only along the frontage of the subject property, but also north to the terminus of the existing sidewalk, approximately 115 linear feet. This off-site sidewalk construction will provide a complete sidewalk connection to the existing elementary school. There is an existing crosswalk at the elementary school for school children to cross over from the east side of Suffolk Avenue to the west side, where the school is located. The off-site sidewalk connection is not a condition of this approval because this application is not subject to Section 24-124-01 of the Subdivision Regulations. However, this off-site improvement is supported as required by The Department of Permitting, Inspections and Enforcement (DPIE).

Standard sidewalks are recommended along the site's frontage of Highmount Lane and along both sides of all internal roads, with the exception of Street B which will have a sidewalk along only one side due to topographical constraints in the environmental area adjacent to the road. The sidewalk network as proposed by the applicant is acceptable, although striping for crosswalks is recommended at the site's ingress/egress points along Suffolk Avenue and Highmount Lane. The on-site sidewalk will be further reviewed at the time of DSP.

Both the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the area master plan recommend designated bike lanes and continuous sidewalks along Suffolk Avenue. The applicant is proposing the completion of the sidewalk in the vicinity of the subject site, as noted above. The provision of one bikeway sign along Suffolk Avenue is recommended. Pavement markings for designated bike lanes (or other bicycle treatment) should be considered by DPIE at the time of road resurfacing, if adequate right-of-way exists.

This property is located within the Developed Tier; 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 and the accommodation of pedestrians, which support the improvements being made by the applicant.

**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.**

**Policy 9: Provide trail connections within and between communities as development occurs, to the extent feasible and practical.**

The submitted plan reflects the necessary sidewalk connections along all necessary road frontages and internal roads, with the exception of one road segment where environmental constraints prevent it. The application also reflects off-site sidewalk or trail connections to both nearby

recreation facilities and the Capitol Heights Elementary School, and the Capitol Heights Neighborhood Park (M-NCPPC).

From the standpoint of non-motorized transportation, this plan fulfills the intent of applicable master plans and functional plans, and meets the finding required for a preliminary plan of subdivision as required under Section 24-123 of the Subdivision Regulations with conditions of approval.

9. **Transportation**—The application is a preliminary plan of subdivision for a residential subdivision consisting of 78 lots. Using trip generation rates in the “Transportation Review Guidelines, Part 1,” it is determined that the proposed development would generate 55 AM (11 inbound and 44 outbound) and 62 PM (40 inbound and 22 outbound) weekday peak-hour vehicle trips. The traffic generated by the proposed preliminary plan would impact the following intersections, interchanges, or links in the transportation system:

- MD 332 and Clovis Avenue/Chamber Avenue
- MD 332 and Suffolk Avenue (non-signalized)
- MD 332 and Old Central Avenue (non-signalized)
- MD 214 and MD 332/Addison Plaza
- Suffolk Avenue and Site Access (6 lots, non-signalized)
- Brooke Road and Highmount Lane (non-signalized)

A traffic study dated December 2014 was submitted by the applicant for the critical intersections. It was revised in February 2015. Traffic counts for the critical intersections were taken in December 2014. The findings and recommendations outlined below are based upon a review of materials and analyses conducted by the staff of the Transportation Planning Section consistent with the “Transportation Review Guidelines, Part 1” (*Guidelines*).

The subject property is located within Transportation Service Area (TSA) 1, as defined in *The Plan Prince George’s 2035 General Plan*. As such, the subject property is evaluated according to the following standards:

**Links and signalized intersections:** Level of Service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Regulations, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the *Transportation Guidelines*.

**Unsignalized intersections:** The procedure for un-signalized 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 un-signalized 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 (as identified above), when analyzed with existing traffic using counts taken in December 2014 and existing lane configurations, operate as follows:

<b>EXISTING TRAFFIC CONDITIONS</b>				
<b>Intersection</b>	<b>Critical Lane Volume (CLV, AM &amp; PM)</b>		<b>Level of Service (LOS, AM &amp; PM)</b>	
MD 332 and Clovis Avenue/Chamber Avenue	781	944	A	A
MD 332 and Suffolk Avenue/Sultan Avenue	686*	611*	A	A
MD 332 and Old Central Avenue	883*	834*	A	A
MD 332 MD 214/Addison Plaza	798	1,265	A	C
Suffolk Avenue and Site Access (six lots)	----	----	----	----
Brooke Road and Highmount Lane	246*	191*	A	A
*In analyzing un-signalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the critical lane volume for each intersection, and all are within the threshold of acceptable operations.				

The critical intersections identified above are not programmed for improvements 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." Background traffic has been developed for the study area. A total of 23 background developments whose impacts would affect the critical intersections were added to existing conditions. The following critical intersections identified above, when analyzed with background traffic and existing lane configurations, operate as follows:

<b>BACKGROUND TRAFFIC CONDITIONS</b>				
<b>Intersection</b>	<b>Critical Lane Volume (CLV, AM &amp; PM)</b>		<b>Level of Service (LOS, AM &amp; PM)</b>	
MD 332 and Clovis Avenue/Chamber Avenue	930	1,103	A	B
MD 332 and Suffolk Avenue/Sultan Avenue	818*	764*	A	A
MD 332 and Old Central Avenue	968*	923*	A	A
MD 332 MD 214/Addison Plaza	953	1,481	A	E
Suffolk Avenue and Site Access (six lots)	----	----	----	----
Brooke Road and Highmount Lane	315*	260*	A	A
*In analyzing un-signalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the critical lane volume for each intersection, and all are within the threshold of acceptable operations.				

The intersections under study, when analyzed with any programmed improvements and total future traffic, including the site trip generation as described above and a distribution of 50 percent east, 45 percent west, and five percent south, operate as follows:

<b>TOTAL TRAFFIC CONDITIONS</b>				
<b>Intersection</b>	<b>Critical Lane Volume (CLV, AM &amp; PM)</b>		<b>Level of Service (LOS, AM &amp; PM)</b>	
MD 332 and Clovis Avenue/Chamber Avenue	950	1,121	A	B
MD 332 and Suffolk Avenue/Sultan Avenue	874*	825*	A	A
MD 332 and Old Central Avenue	996*	954*	A	A
MD 332 MD 214/Addison Plaza	953	1,501	A	E
Suffolk Avenue and Site Access (six lots)	347*	287*	A	A
Brooke Road and Highmount Lane	365*	319*	A	A
*In analyzing un-signalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the critical lane volume for each intersection, and all are within the threshold of acceptable operations.				

It was found that all critical intersections operate acceptably under total traffic in both peak hours.

There are no master plan roadways in the immediate vicinity of the planned development. The plan provides adequate right-of-way dedication along Suffolk Avenue and proposed dedication along frontage of Highmount Lane of 30 feet from centerline totaling 0.09 acres of right-of-way dedication. These are residential roadways. Access is shown from Highmount Lane onto Suffolk Avenue. Six of the proposed residential lots will have access to Suffolk Avenue via a 16-foot-wide one-way private drive on HOA land pursuant to Section 24-128(b)(9) of the Subdivision Regulations.

Private streets are shown within the proposed development to serve the remaining 76 lots. They are 26 feet width, which is enough to accommodate on street parking on one side.

#### **State Highway Administration (SHA)**

SHA offered several comments. Each comment is briefly noted below with staff response:

- a. In the exhibits the list of intersections does not match the schematic diagrams or list of intersections shown in the capacity analysis summary (Exhibit 10).

Noted, these errors were corrected in the revised traffic study.

- b. SHA recommended that future traffic studies “will need to include appropriate and adequate field notes and measurements to allow reviewers to verify, at a minimum, approach speed limits, lane usage, lane widths and storage lengths used in all calculations.”

The critical intersections were analyzed in accordance with the “Transportation Review Guidelines, Part 1.” The critical lane analysis at signalized intersections is a broad evaluation of the capacity of an intersection that determines the level-of service (LOS) for a given set of demand volumes and geometrics. An analysis of queue lengths or delays can be requested by an operating agency, but such tools cannot be used in lieu of the board’s standards. In general, field notes and measurements, lane widths, lane storage lengths, etc. are not required unless an operating agency specifically requests them on a case-by-case basis.

**Department of Public Works & Transportation (DPW&T)**

DPW&T offered separate comments. Each comment is briefly noted below with staff response:

- a. DPW&T cited a potential traffic study issue (sight distance problem) at the site entrances to the six proposed townhouses on Suffolk Avenue and recommended a sight distance study.

A study was previously completed and the sight distance is adequate.

- b. DPW&T recommended no driveway entrances on Highmount Lane for Lots 1–2, and Lots 19–22.

These are permitting issues that need to be worked out by the applicant with the Department of Permitting Inspection and Enforcement (DPIE). On March 18, 2015, the applicant and staff met with DPIE, who agreed that the applicant shall apply for a waiver of Subtitle 23 from DPIE for relief from the regulations of the design requirements of the driveway entrances onto Highmount Lane. DPIE stated that a waiver was supportable for the driveway entrances onto Highmount Lane for PPS 4-14005.

- c. All of the semidetached residences must have driveway parking spaces. The residences do not have additional parking spaces within the development for overflow parking.

It should be noted that internal roads are twenty-six feet wide, wide enough to accommodate on-street parking on one side. According to the applicant there is enough space on internal roads for 50 additional parking spaces, which is demonstrated on the PPS and TCP1.

- d. Exhibit 2 showing existing lane use conflicts with the site plan where six residences are proposed on Suffolk Avenue.  
The revised traffic study shows the correct lane configuration at this location.

- e. DPW&T indicated that the westbound approach at MD 332 and Old Central Avenue is stop controlled and was omitted from *The Highway Capacity Manual* (HCM) analyses.

The westbound movement is very low at this intersection. There is a minimal amount of delay. In accordance with the *Guidelines* the critical lane volume (CLV) was calculated at this location below the threshold of 1,150.

- f. Exhibit 5 does not account for turning movements at Suffolk Avenue and the site entrance to six proposed residences.

This was corrected in the revised traffic study.

- g. DPW&T suggested that the 30 single-family houses already approved for the site should not have been included as background traffic.

The previous subdivision was an approved background development. However, the consultant removed them and added all of the proposed 78 residences and included an updated reallocation of trips from the site entrance on Suffolk Avenue (six residences) in the revised traffic study.

Based on the preceding findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Subdivision Regulations with conditions.

10. **Schools**—This PPS has been reviewed for impacts on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and County Council Resolution CR-23-2003, and has concluded the following findings:

**Impact on Affected Public School Clusters  
Attached Single-Family Units**

<b>Affected School Clusters #</b>	<b>Elementary School 3 Cluster</b>	<b>Middle School 3 Cluster</b>	<b>High School 3 Cluster</b>
Dwelling Units	78	78	78
Pupil Yield Factor	0.145	0.076	0.108
Subdivision	11	6	8
Actual Enrollment	6,696	2,135	1,860
Total Enrollment	6,707	2,141	1,868
State Rated Capacity	8,786	2,890	2,252
Percent Capacity	76%	74%	83%

County Council Bill CB-31-2003 established a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-495/95 and the District of Columbia; \$7,000



per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority (WMATA); or \$12,000 per dwelling for all other buildings. CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$9,035 and \$ 15,489 to be paid at the time of issuance of each building permit.

In 2013, Maryland House Bill 1433 reduced the school facilities surcharge by 50 percent for multifamily housing constructed within an approved transit district overlay zone; or where there is no approved transit district overlay zone within a one-quarter mile of a Metro station; or within the Bowie State MARC Station Community Center Designation Area, as defined in the 2010 *Approved Bowie State Marc Station Sector Plan and Sectional Map Amendment*. The bill also established an exemption for studio or efficiency apartments that are located within the county urban centers and corridors as defined in §27A-106 of the County Code; within an approved transit district overlay zone; or where there is no approved transit district overlay zone then within a quarter mile of a Metro station. This act is in effect from October 1, 2013 through September 30, 2018.

The school facilities surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

11. **Fire and Rescue**—This PPS was reviewed for adequacy of fire and rescue services in accordance with Sections 24-122.01(d) and 24-122.01(e)(1)(C) and (E) of the Subdivision Regulations. Section 24-122.01(e)(1)(E) of the Subdivision Regulations states that “A statement by the Fire Chief that the response time for the first due station in the vicinity of the property proposed for subdivision is a maximum of seven (7) minutes travel time. The Fire Chief shall submit monthly reports chronicling actual response times for call for service during the preceding month.”

The proposed project is served by Capitol Heights Fire/EMS Co. 5, a first due response station (a maximum of seven (7) minutes travel time), is located at 6061 Central Avenue and is within the response time.

#### **Capital Improvement Program (CIP)**

There are no CIP projects for public safety facilities proposed in the vicinity of the subject site. The above findings are in conformance with the 2008 *Approved Public Safety Facilities Master Plan* and the “Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure.”

12. **Police Facilities**—The subject property is located in Police District III, Palmer Park. The response time standard is ten minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by The Maryland-National Capital Park and Planning Commission (M-NCPPC) Planning Department on November 5, 2014.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Nonemergency Calls
Acceptance Date 11/05/2014	10/2014–9/2013	6 minutes	13 minutes
Cycle 1			
Cycle 2			
Cycle 3			

Based upon police response times, the response time standards of ten minutes for emergency calls and 25 minutes for nonemergency calls were met on November 13, 2014.

13. **Water and Sewer Categories**—The 2008 *Water and Sewer Plan* designated Parcel 140 in a water and sewer Category 3 inside the sewer envelope within Tier 1, under the Sustainable Growth Act, and will therefore be served by public systems. The 2008 *Water and Sewer Plan* designated Parcels 133 and 343 in a dormant water and sewer Category 3 inside the sewer envelope within Tier 1 under the Sustainable Growth Act. A “dormant” Category 3 is considered a Category 4 designation although the maps have not been amended (2008 *Water and Sewer Plan*, Section 2.1.2). Category 3, obtained through the Administrative Amendment Procedure with the Department of the Environment, must be approved for Parcels 133 and 343 before recordation of a final plat.
14. **Health Department**—The Environmental Engineering/Policy Program of the Prince George’s County Health Department has reviewed the PPS. Prior to the issuance of any future grading permit for the property, a raze permit is required for the demolition of any existing structures. Any existing or abandoned shallow wells on the property need to be properly backfilled by a licensed well driller or witnessed by a representative of the Prince George’s County Health Department Division of Environmental Health.
15. **Use Conversion**—This preliminary plan of subdivision was analyzed based on the proposal for residential development. The analysis includes access, mandatory dedication, public facilities, and density specifically related to the land use and layout proposed with this application. While the subject application is not proposing any nonresidential development, if such a land use were proposed, a new preliminary plan of subdivision shall be required.
16. **Public Utility Easement (PUE)**—At time of final plat, the applicant and the applicant’s heirs, successors and/or assignees, shall grant a ten-foot-wide public utility easement (PUE) along all public streets and one side of all private streets.
17. **Historic**—The subject property, an 11.73 acres zoned R-T, is located 4,500 feet north and 4,500 feet east of the intersection at Highmount Lane and Suffolk Avenue. The proposed project includes a single-family semidetached subdivision of 78 lots and six parcels. There are two designated Prince George’s County historic sites in the vicinity. There are no Prince George’s County Historic Sites within the boundaries of the proposed project.

A Phase I archeological survey was conducted on the subject property in 2006. No archeological sites were identified and no further work was recommended. No additional archeological investigations are required on the subject property. The development of the subject property will have no effect on identified archeological resources or historic sites.

18. **Environmental**—The Environmental Planning Section signed a Natural Resource Inventory, NRI-041-06-02, for this project area on December 31, 2012. The site, formerly known as Highmount Estates, had a Type 1 Tree Conservation Plan (TCP1-055-06) approved in conjunction with PPS 4-06022 in May 3, 2007 (PGCPB Resolution No. 07-79). After this PPS approval, a pre-preliminary plan (P-12001) was submitted and reviewed. Subsequently, PPS 4-12021 was submitted and reviewed, but was withdrawn prior to approval.

The submitted PPS and TCP1 proposes a 11.73-acre residential subdivision in the R-T Zone, with 78 semidetached lots. The project is subject to the environmental regulations of Subtitle 24 and 25 that came into effect on September 1, 2010 and February 1, 2010 because the application is for a new preliminary plan. This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) effective September 1, 2010 because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland.

#### **Site Description**

This 11.73-acre site in the R-T Zone is located off Suffolk Avenue and Highmount Lane, with frontage on both streets. According to mapping research and as documented on the approved NRI, there are regulated environmental features present on-site. The site contains wetlands, streams, steep slopes, 100-year floodplain, Primary Management Areas (PMA) and associated buffers. A large portion of the site drains east to an on-site unnamed stream and the remainder drains west to an offsite system, both systems drain ultimately to Watts Branch within the Anacostia River watershed. The predominant soils found to occur on-site, according to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), are the Adelphi-Holmdel complex, Christiana-Downer complex, Collington-Wist complex, Collington-Wist-Urban land complex, Elkton silt loam, and Sassafras-Urban land complex. According to available information, Marlboro clay is not identified on the property, but Christiana complex which contains clay deposits, is found to occur on this property. According to the Sensitive Species Project Review Area (SSPRA) layer prepared by the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered (RTE) species on or in the vicinity of this property. There are no nearby noise sources and the proposed use is not expected to be a noise generator. There are no designated scenic or historic roads adjacent or within the site area. According to the approved Countywide Green Infrastructure Plan, the site contains Regulated, Evaluation and Network Gap Areas within the designated network of the plan.

### **Plan Prince George's 2035 Approved General Plan**

Prior to the current application submitted, the site is now located within the Established Communities area of the Growth Policy Map and Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan*.

### **Master Plan Conformance**

The Master Plan for this area is the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* (Subregion 4 Master Plan SMA). In the Subregion 4 Master Plan SMA, the Environmental Infrastructure section contains goals, policies and strategies. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is the text from the master plan and the plain text provides comments on plan conformance.

### **Policy 1**

#### **Protect, preserve and enhance the green infrastructure network in Subregion 4.**

According to the approved Natural Resource Inventory NRI-041-06-02, the site contains regulated environmental features within or adjacent to the subject property. Approximately 90 percent of the site is within the Green Infrastructure Network and contains Regulated Areas, Evaluation Areas and Network Gap Areas. The Regulated Area is found along the on-site stream system and the TCP1 show the woodlands as being saved. Native plantings are proposed in the open areas of the Regulated Areas. The on-site Evaluation and Network Gap Areas for the most part are proposed to be impacted due to the steep slopes and the grading needed for development. There are areas of Evaluation and Network Gap Areas adjacent to the Regulated area that will remain woodlands or planted with native plants.

### **Policy 2**

#### **Minimize the impacts of development on the green infrastructure network and SCA's.**

Development is focused in the most developable area of the site, outside of the Primary Management Area (PMA). There are impacts proposed for a road, trail and stormwater outfall. Impacts are evaluated below.

### **Policy 3**

#### **Restore and enhance water quality in areas that have been degraded, and preserve water quality in areas not degraded.**

The applicant proposes one large submerged gravel wetland area, four bio-retention basins, impervious driveways and drywells to handle stormwater management for the entire project. This Stormwater Management Concept No. 13059-2014-01, has been approved by Prince George's Department of Permitting, Inspections and Enforcement (DPIE). A stormwater management fee for on-site attenuation/quality control measures is required.

#### **Policy 4**

**Improve the base information needed for the county to undertake and support stream restoration and mitigation projects.**

The site has an approved NRI that details existing conditions of the site. The subject property has one stream system on-site and the TCP1 does not propose to impact this stream. There are unwooded areas within the on-site stream buffer that are proposed to be planted with native species. An existing sewer line is located to the west of the stream and this utility right-of-way will remain open.

The Department of Public Works & Transportation (DPW&T) is requiring the applicant to do frontage improvements for Highmount Lane. The improvement from the east side of Street B to the eastern most property line will not be required until development is proposed for the property abutting to the east, Tax Parcel 144. No stream restoration or mitigation is proposed as part of this application.

#### **Policy 5**

**Require on-site management of stormwater through the use of environmentally sensitive stormwater management techniques (i.e., fully implement the requirements of ESD) for all development and redevelopment projects.**

The applicant proposes one large submerged gravel wetland area, four bio-retention basins, impervious driveways and drywells to handle stormwater management for the entire project. This Stormwater Management Concept No. 13059-2014-01 has been approved by Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). A stormwater management fee for on-site attenuation/quality control measures will be required by DPIE.

#### **Policy 6**

**Assure that adequate stream buffers are maintained and enhanced and utilized design measures to protect water quality.**

The subject property is maintaining the existing wooded stream buffer and planting native vegetation in the open areas of the buffer. The stream buffer is being minimally impacting for the proposed stormwater outfall structure and sewer connection. This impact area is partially open and containing edge woodland vegetation. The area between the impact area and the on-site stream is proposed for reforestation plantings.

#### **Policy 7**

**Reduce air pollution to support public health and wellness by placing a high priority on transit-oriented development and transportation demand management (TDM) projects and programs.**

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

**Policy 8**

**Reduce adverse noise impacts so that the State of Maryland's noise standards are met.**

The proposed subdivision will not be a generator. There are no nearby noise sources that will impact the site.

**Policy 9**

**Implement environmental sensitive building techniques that reduce overall 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 should be encouraged and implemented to the greatest extent possible, and further reviewed at the time of DSP.

**Policy 10**

**Implement land use policies that encourage infill and support TOD and walkable neighborhoods.**

This site is not an infill site and is not within a TOD.

**Policy 12**

**Ensure that the Chesapeake Bay Critical Area is protected to the maximum extent possible through the implementation of water quality and other related measures.**

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

**Policy 13**

**Preserve, restore, and enhance the exiting tree canopy.**

Subtitle 25, Division 3 requires a ten percent tree canopy coverage. Tree Canopy Coverage will be addressed at the time of DSP. Woodland Conservation is discussed in the Environmental Review Section.

**Policy 14**

**Improve the county's capacity to support increases in the tree canopy.**

See Policy 13.

**Countywide Green Infrastructure Plan Conformance**

Ninety percent of the site contains areas of Regulated, Evaluation and Network Gap Areas within the designated network of the 2005 *Approved Countywide Green Infrastructure Plan* (Green Infrastructure Plan). Regulated Area is primarily located in the eastern portion of the site within

the on-site unnamed stream system. The Evaluation Area is mapped to the west of the Regulated Area and along the northern property line, which is wooded parkland. The Network Gap fills in the remaining project area.

The following policies support the stated measurable objectives of the 2005 *Approved Countywide 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.**

The on-site woodlands and stream system are connected to a large contiguous off-site area of sensitive habitat consisting of woodland and regulated environmental features. This off-site area is located to the north and west of the site. Development has been focused in the Network Gap and Evaluation Areas in an effort to preserve the on-site regulated environmental features. As such, a majority of the existing woodlands will be disturbed. The PMA on-site is being minimally disturbed for a stormwater management outfall, sewer connection, walking trail and roadway.

**Policy 2**

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

The applicant proposes one large submerged gravel wetland area, four bioretention basins, impervious driveways and drywells to handle stormwater management for the entire project.

**Policy 3**

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

The 2002 *Prince George's County Approved General Plan* has been superseded by the *Plan Prince George's 2035 Approved General Plan*. The property is subject to the Woodland Conservation Ordinance. The site has a woodland conservation threshold of 2.06 acres. The project proposes to remove 5.12 acres of woodlands, and provide a total of 0.97 acres of on-site woodland conservation. An additional .89 acres of woodland within the 100-year floodplain will also be preserved and placed within a conservation easement at the time of final plat.

In consideration of the extensive green infrastructure, woodlands, regulated environmental features on-site, the woodland conservation threshold of 2.06 acres should be met on-site to meet conformance with the Green Infrastructure Plan. Additional opportunities to meet the threshold on-site will be evaluated at the time of Detailed Site Plan review.

**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.

An approved Natural Resources Inventory, NRI-041-06-03, was submitted with the application. The site contains regulated environmental features, woodlands and ten specimen trees. The NRI states that the 11.73-acre site is partially wooded with 5.34 acres. The NRI is correctly reflected on the TCP1 and preliminary plan. No revisions to the NRI are required.

The site is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (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.

The site contains a total of 5.37 acres of woodlands. The site has a woodland conservation threshold of 2.06 acres and a total requirement of 4.75 acres. The TCP1 proposes to meet the requirement with on-site preservation (0.22 acres) and planting (0.75 acres) and off-site woodland conservation (3.78 acres). The site should provide the woodland conservation threshold on-site, which will be further reviewed at the time of DSP for additional opportunities to provide on-site woodlands without a loss of lots.

Several revisions are required. The limits of disturbance (LOD) are not shown for the sewer line and stormwater outfall. Revise the limit of disturbance to account for these disturbances and revise the worksheet as necessary. The TCP1 does not show the required TCP1 notes provided in the Environmental Technical Manual (ETM). Revise the plan to correctly show all the TCP1 notes as noted in the ETM. Also, revise the M-NCPPC Tree Conservation Approval block on the plan to read "TCP1-055-06." The proposed grading, limit of disturbance and primary management area (PMA) is difficult to distinguish from other line symbols. Revise the TCP1 so that these symbols are readable. Show a revised proposed grading symbol to the legend with a label. Show proposed locations of all proposed dry wells and stormwater management structures. Remove the steep slopes symbol from the plan view and legend.

### **Specimen Tree Removal**

Section 25-122(b)(1)(G) of the County Code 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, a statement of justification in support of a variance, and a tree removal plan were stamped as received by EPS on September 22, 2014.



The specimen tree table on the TCP1 shows the removal of eight of the ten on-site specimen trees. The limits of disturbance (LOD) on the plan also show that these trees are to be removed.

Section 25-119(d) of the WCO contains six required findings [**text in bold**] to be made before a variance can be granted. The Letter of Justification submitted seeks to address the required findings for all eight specimen trees as a group; however, details specific to individual trees has also been provided. Staff 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**

With the exception of specimen trees #4, #5, and #10, the other trees requested to be removed (1, 6, 7, 8 and 9) are located within the most developable portion of the site, where development should be focused. The condition rating of these specimen trees are listed as poor, fair to good; however by focusing development in this area, more of the most sensitive area of the site can be preserved. If these trees were to be preserved, development would be significantly limited and unable to be fully developed in accordance with the allowed zoning.

Specimen tree #4 and #5 are located at the boundary line of the PMA. According to the limits of disturbance on the TCP1, no disturbance to the tree itself is proposed, although a portion of its root zone will be disturbed. Based on the proposed design, staff does not support the removal of trees #4 and #5 at this time.

Specimen tree #10 is located near the perimeter of the site and is proposed to be removed for the trail connection. Because the trail is conceptual, and the final alignment has not been determined, further evaluation of this request will be addressed at the time of final design to determine if removal of the tree can be avoided.

The two trees to remain (2 and 3) are located adjacent to the on-site stream system.

**(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 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 Planning Board generally supports the removal of specimen trees in the most developable areas of the site particularly when it serves to preserve the most sensitive areas of the site. 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**

The site is undeveloped with the exception of one single-family dwelling which is to be razed. 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 requested 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 stormwater management for the site will be further reviewed by the Department of Permitting, Inspections and Enforcement (DPIE).

The required findings of Section 25-119(d) have been adequately addressed by the applicant, therefore, Planning Board approves of the variance for the removal of **specimen trees #1, 6, 7, 8 and 9**, and disapproval for the removal of specimen trees #4, 5, and 10.

**Impacts to the Primary Management Area (PMA)**

Wetlands, streams, and a 100-year floodplain are found to occur on this property. These features and the associated buffers comprise the PMA on the subject property in accordance with the Subdivision Regulations.

The Subdivision Regulations requires that: "...all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible." (Section 24-130(b)(5)).

Impacts to the 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 stormwater management 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. Stormwater management 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, stormwater management 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 sufficient to reasonably develop the site in conformance with County Code.

Impacts to regulated environmental features must first be avoided and then minimized. If impacts to the regulated environmental features are proposed, a statement of justification must be submitted in accordance with Section 24-130 of the Subdivision Regulations. The justification must address how each impact has been avoided and/ or minimized. A statement of justification and exhibits for the proposed impacts were stamped as received by the Environmental Planning Section on February 27, 2015.

The preliminary plan proposes impacts to the PMA a stormwater management outfall, sewer connection, road improvements, private road and a trail. The current Environmental Technical Manual (ETM) provides guidance in determining if a site has been designed to meet the threshold of “fullest extent possible.” The first step in the evaluation is determining if an impact is avoidable. If an impact cannot be avoided because it is necessary for the overall development, the next step is to minimize the impact. If an impact cannot be minimized, mitigation if proffered may be considered depending on the extent of the impact. The following is a summary of each impact requested.

#### **Summary of Impacts to the Primary Management Area (PMA)**

- **Impact #1(a)**

**Road Improvements**—This request proposes to impact 1,500 square feet of PMA and 20 linear feet of stream bed impacts for road improvements to the existing Highmount Lane as required by the Prince George’s County Department of Public Works and Transportation (DPW&T). The impacts are to widen Highmount Lane to the end of the subject property line. Planning Board approves this impact.

- **Impact #1(b)**

**Public Utility Easement**—This request proposes to impact 2,100 square feet of PMA and 25 linear feet of stream bed for the construction of a ten-foot public utility easement (PUE) along the proposed extension of Highmount Lane. This impact is necessary for the development of the property. The Planning Board approves this impact.

**Avoidance/Minimization Analysis**—These impact areas were discussed in the Subdivision Development Review Committee (SDRC) meeting and Prince George’s County Department of Public Works and Transportation (DPW&T), now the Department of Permitting, Inspections and Enforcement (DPIE), expressed their strong desire to have Highmount Lane improved to the property line. These impacts are necessary for the development of the property and cannot be avoided or minimized. The Planning Board approves these impacts.

- **Impact #2**

The request consists of three separate impacts totaling 3,500 square feet of PMA and 200 square feet of wetland buffer for the removal of an existing driveway (used by the former residence), the construction of a portion of a private road and a stormwater management outfall structure (rip-rap). The outfall structure will receive overflow stormwater from a storm event that bypasses the environment site design wetland pond facility. The impacts for these areas are located in both edge and un-forested area areas within the expanded PMA.

**Existing driveway**—There are three impacts in this area and one is for the removal of the existing former driveway pavement.

**Private Road**—There are two proposed access points off of Highmount Lane for this project. The subject private road that will result in impacts is located on the eastern portion adjacent to the existing stream system. The letter request to side grading to allow for the designed with of the proposed road, along with parking space. The applicant states this access point is the “one of two access roads into the majority of the site and is important for fire protection.” There are approximately seven proposed parking spaces within the affected areas.

**Avoidance/Minimization Analysis**—This driveway was constructed before environmental and PMA regulations and is partially located within expanded PMA buffer (steep slopes). The Planning Board approves this impact.

Staff does not generally support impacts for parking spaces within the right-of-way, nor side grading for roads. The site’s regulated environmental features and PMA are located along eastern portion of the site, making a larger contiguous area available for development. Because the environmental constraints of the site are limited to one area (the eastern portion of the site, this particular impact can be avoided by focusing all development, with the exception of necessary impacts, on the developable portion of the site, which is the area outside of the PMA. With the subject site, this specific permanent impact can be avoided by shifting the road approximately 20 feet to the west.

On March 9, 2015, the applicant submitted a revised exhibit (Applicant's Revised PMA Impact #2) showing an alternative design to minimize and restore the proposed impact area. The exhibit shows the parking to be removed from within the PMA and road aligned outside of the PMA. The Planning Board approves the Applicant's Revised PMA Impact #2, dated March 9, 2015.

**Stormwater outfall**—This impact is unavoidable because the outfall structure is necessary to safely convey stormwater safely to the stream system. The Planning Board approves this impact.

- **Impact #3**

**Stormwater Outfall**—This impact of 700 square feet of PMA (wetland buffer) is for the construction of a stormwater management outfall structure and rip-rap. The LOD for this impact is not shown on the TCP1. The outfall structure is for the large on-site submerged gravel wetland stormwater facility. The impacts for this area are located in both forested and un-forested area areas within the PMA.

**Avoidance/Minimization Analysis**—This impact is unavoidable and is necessary to safely convey stormwater to the wetland system. The Planning Board approves this impact.

- **Impact #4**

**Sewer Line**—This request proposes to impact 3,400 square feet of PMA (wetland buffer) and 15 linear feet of stream bed for the construction of a proposed sewer line extension to connect to an existing on-site sewer line. The impacts for this area are located in both forested and un-forested area areas within the PMA.

**Avoidance/Minimization Analysis**—This impact will be both permanent and temporary, because the line is required to remain un-vegetated and the surrounding impacts will be reforested. The applicant states that “Sewer from the units along the northern edge of the property cannot reach the sewer in Highmount Lane, so a sewer connection across the PMA is necessary.” The ideal sewer connection is usually made at an existing manhole location. The closest manhole is used for this proposed sewer line impact. The Planning Board approves this impact.

- **Impact #5**

**Trail**—This request proposes to impact 1,200 square feet of PMA for a trail connection to the adjacent The Maryland-National Parks and Planning Commission (M-NCPPC) owned property to the north. The trail will be part of the neighborhood trail that connects this development to the M-NCPPC trail system and will fulfill DPR mandatory dedication requirement.

**Avoidance/Minimization Analysis**—The trail is to be designed to meet the Americans with Disability Act (ADA) trail standards. This alignment was preferred because it resulted in the fewest impacts to woodlands and wetland areas. At the time of DSP, the trail alignment will be further refined to minimize impacts to the extent practicable. The Planning Board approves this impact.

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 and the recommended conditions. The impacts approved in concept are for stormwater management outfalls, a sewer connection, a trail, road improvements on Highmount Lane, grading for a private road as shown on Applicant's Revised PMA Impact #2 exhibit, and the removal of an existing driveway. The Planning Board approves PMA impacts.

#### **Soils**

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 (WSS), are the Aldephi-Holmdel complex, Christiana-Downer complex, Collington-Wist complex, Collington-Wist-Urban land complex, Elkton silt loam, and Sassafra-Urban land complex. According to available information, Marlboro clay is not identified on the property, but Christiana complex is found to occur on this property. This information is provided for the applicant's benefit. The county may require a soils report in conformance with CB-94-2004 during the building permit process review.

In accordance with County Code Section 24-152, there are no scenic or historic roads located on or adjacent to the subject property. The subject property is located adjacent to Suffolk Avenue and Highmount Lane. These roadways are not identified as master planned roads. No additional information is required concerning roadways for the subject property.

19. **Urban Design**—Detailed site plan (DSP) approval is required for all attached dwellings in the R-T Zone in accordance with Section 27-433 of the Zoning Ordinance.

Conformance with the following Zoning Ordinance provisions is required for the proposed development at time of DSP:

- 27-433, R-T Zone (Townhouse)
- 27-441, Uses permitted (Residential Zones)
- 27-442, Regulations (Residential Zones)
- 27-582 of Part 11 Parking and Loading, and Part 12 Signs

The two-family semidetached lots on the PPS range in size between 2,072 and 3,982 square feet. The proposed lots exceeds the minimum lot size of 1,500 square feet which required by the Zoning Ordinance.

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

The application is subject to the requirements of the 2010 *Prince George's County Landscape Manual*. More particularly, the application is subject to Section 4.1, Residential Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; Section 4.9, Sustainable Landscaping Requirements; and 4.10, Street Trees Along Private Streets. Conformance with the requirements of each of these sections will be evaluated further at time of DSP review.

The PPS incorrectly delineates a ten-foot-wide "Type A" bufferyard and building setback. While a "Type A" bufferyard is required pursuant to Section 4.7, Buffering Incompatible Uses, of the Landscape Manual, this bufferyard includes a 20-foot-wide building setback and a ten-foot-wide landscape yard. The full required bufferyard width should be delineated on the PPS. The PPS as designed complies with the Section 4.7 requirements adjacent to single-family attached development.

### **Recreational Facilities**

The subject subdivision is located south of the Capitol Heights Neighborhood Park, which is a seven-acre property owned by the M-NCPPC, improved with active recreational facilities. The subject subdivision proposes a trail connection to the adjacent parkland to the north for the benefit of future residents for the fulfillment of the requirements of mandatory dedication. The applicant should also consider the inclusion of attractively designed sitting or gathering areas, or open play areas within the development to the extent practicable at the time of DSP.

### **Design Comments**

The plan shows easements for future entry features at the project entrance from Highmount Lane on both sides of the proposed Street A. The plan should be revised to remove the entrance feature from Lot 2. Attractive entrance features can enhance the aesthetics of the streetscape and subdivision, and also help create a unique identity for the development. The remaining entrance feature is proposed in an HOA easement on Lot 22 and will be maintained by the Home Owners' Association (HOA). The entrance features shall be located outside of the public utility easement(s), as discussed further.

The dwelling units along the northern side of Street B create a monotonous streetscape. At the intersection of Streets B and A, a minimum of 25-foot-wide green open space between units 30 and 31 should be provided to enhance the visual interest within the subdivision for both roadways. The creation of the 25-foot-wide open space may result in a loss of two lots. The opportunity to recover the lots will depend on a detailed analysis of the trail connection at time of detailed site plan review. The PPS approval will include 78 lots, however, prior to signature approval of the PPS, Lots 31 and 32 should be removed and can be recouped at the time of DSP.

After the publishing of this report, and further discussions with the applicant and the Urban Design Section, Staff does not believe that the removal of Lots 31 and 32 is necessary. The Planning Board approved this revision by approving the revised conditions Applicants Exhibit #1.

The subdivision should be designed to provide adequate parking for residents and visitors. While parking will be evaluated at time of detailed site plan, Urban Design staff acknowledges that the PPS proposes areas for on-street parking, which will benefit visitors to the subdivision.

#### **Lots Fronting Highmount Lane**

The lotting pattern for the lots proposed fronting Highmount Lane to the south have three design challenges. Lots 1, 2, 19, 20, 21 and 22 are proposed with direct vehicular access to Highmount Lane. The Subdivision and Zoning Regulations requires that each lot have frontage on and direct vehicular access to a public street unless otherwise authorized by Subtitle 24. The ability to use private streets is permissive and not required. Section 23-139 of the County Road Code requires that driveways be a distance of 18 feet apart. On referral to the Department of Permitting, Inspections and the Enforcement (DPIE), it was noted that the proposed driveways for these lots do not meet this standard. In discussions with DPIE and the applicant, it was determined that a waiver from the design standards of Section 23-139 for the driveways could be supported by DPIE. At the writing of this TSR a waiver had not been filed or received from the applicant, primarily due to this issue being presented late in the review process.

As a result of the additional discussion with DPIE, staff recommends that the driveways on the lots directly accessing Highmount Lane be designed to provide for turnaround capabilities to avoid vehicles having to back out on to Highmount Lane. After the publishing of this report, and further discussions with the applicant and DPIE, Staff agrees with DPIE determination not to require turn around capabilities on the individual driveways. The Planning Board approved this revision by approving the revised conditions Applicants Exhibit #1.

Finally, a gateway sign is required by Section 27-624(b)(1) by the Zoning Ordinance for attached dwellings in the R-T Zone. Two entrance feature locations are currently proposed on the PPS within an HOA easement on Lot 2 and 22. It appears that the easements are of insufficient size to provide an appropriate entrance feature, due to the size of the lots. Further, staff does not recommend separate HOA parcels when an easement is appropriate, and is permitted by the Subdivision Regulations and Part 12 of the Zoning Ordinance. In addition, a separate parcel would reduce the lots sizes. Staff has reviewed the applicant's proposal and finds that only one-entrance feature should be permitted. Highmount Lane is a dead-end street and does not support thru traffic. One entrance feature is recommended, and would be most appropriate on Lot 22, on the east side of Street A at its intersection with Highmount Lane.

These design elements will be further analyzed with the detailed site plan and could result in the loss of lots (semidetached dwelling units). If the applicant is not able to provide a waiver from DPIE for the driveway setback a reduction in the number of driveways would result in a loss of lots. The entrance feature required pursuant to Section 27-624(b)(1) of the Zoning Ordinance must be located outside of the ten-foot-wide public utility easements along Street A and Highmount Lane, providing appropriate sight distances. These issues must be evaluated together at the time of DSP, and are conditioned.



20. At the Planning Board hearing on April 2, 2015, the Planning Board approved revised conditions, Applicant's Exhibit No. 1, which were incorporated into the conditions of approval.

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

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Shoaff, Geraldo, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, April 2, 2015, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 30<sup>th</sup> day of April 2015.

Patricia Colihan Barney  
Executive Director

By Jessica Jones  
Planning Board Administrator

PCB:JJ:SN:ydw