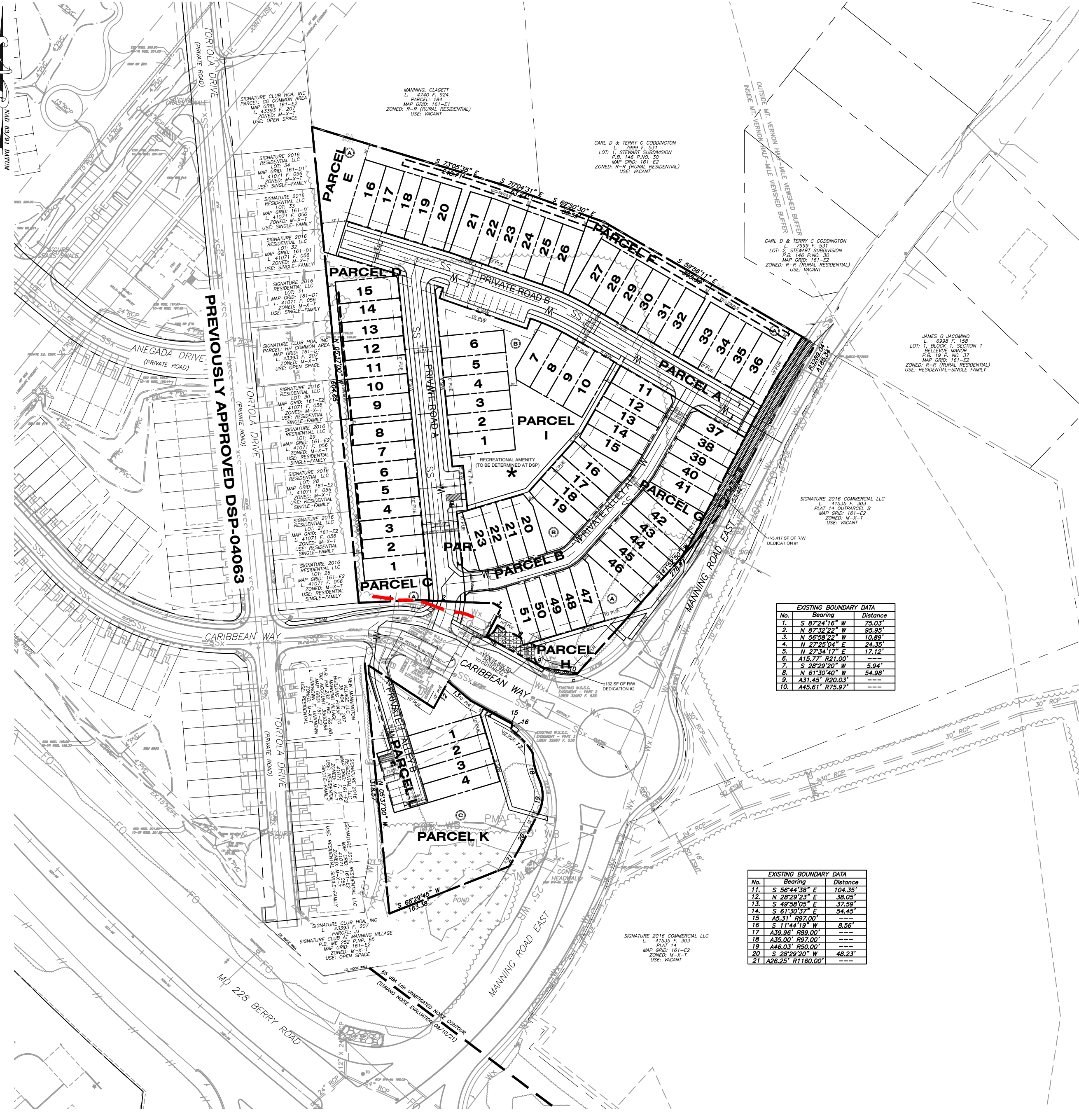


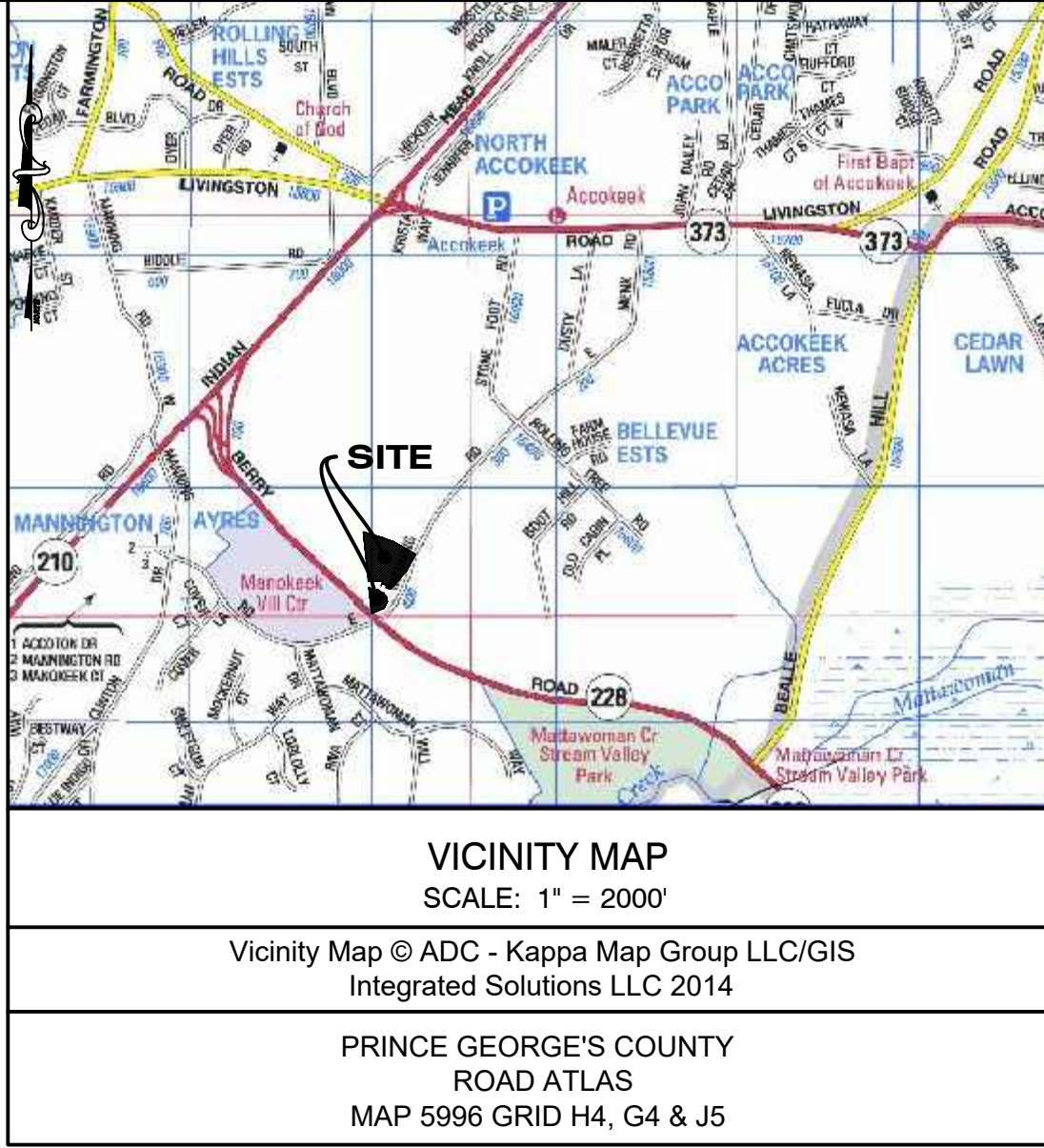
OUTPARCELS A & B SIGNATURE CLUB
PRELIMINARY PLAN OF SUBDIVISION
PPS - 4 - 20015

- | | |
|-----|--|
| --- | EX. PROPERTY BOUNDARY |
| --- | EX. ADJACENT PROPERTY |
| --- | EX. EASEMENT |
| --- | EX. ROAD EASEMENT |
| --- | EX. RIGHT OF WAY EASEMENT |
| --- | EX. SANITARY SEWER EASEMENT |
| --- | EX. STORMDRAIN EASEMENT |
| --- | EX. UTILITY EASEMENT |
| --- | EX. WATER UTILITY EASEMENT |
| --- | EX. TOP OF BANK |
| --- | EX. STREAM |
| --- | EX. STREAM BUFFER (60' PER SIDE) |
| --- | EX. WETLAND |
| --- | EX. 25' WETLAND BUFFER |
| --- | EXISTING TREE LINE |
| --- | PRIMARY MANAGEMENT AREA (PMA) |
| --- | EX. BUILDING |
| --- | EX. DRIVE |
| --- | EX. OVERHEAD POWER LINE |
| --- | EX. UNDERGROUND POWER LINE |
| --- | EXISTING GAS LINE |
| --- | EXISTING FENCE |
| --- | EX. ROAD |
| --- | EX. GRAVEL ROAD |
| --- | EX. RIGHT OF WAY |
| --- | EX. SANITARY SEWER UTILITY |
| --- | EX. SIDEWALK |
| --- | EX. MAJOR CONTOUR (10' INTERVAL) |
| --- | EX. MINOR CONTOUR (2' INTERVAL) |
| --- | EX. WATER UTILITY LINE |
| --- | PROPOSED LIMIT OF DISTURBANCE |
| --- | PROPOSED PROPERTY LINE |
| --- | SETBACK |
| --- | ROAD RIGHT OF WAY |
| --- | PROPOSED ROAD CURB |
| --- | ROAD |
| --- | ROAD CENTERLINE |
| --- | PROPOSED BUILDING |
| --- | BUILDING RESTRICTION LINE |
| --- | PUBLIC UTILITY EASEMENT (PUE) |
| --- | PROPOSED SANITARY SEWER |
| --- | PROPOSED STORMDRAIN EASEMENT |
| --- | PROPOSED STORMWATER MANAGEMENT ESMT |
| --- | PROPOSED UTILITY EASEMENT |
| --- | WATER UTILITY EASEMENT |
| --- | 65 dBA L ₉₀ UNMITIGATED NOISE CONTOUR |
| --- | PROPOSED SANITARY SEWER UTILITY |
| --- | PROPOSED WATER UTILITY |
| --- | PROPOSED SIDEWALK |
| --- | MAJOR CONTOUR (10' INTERVAL) |
| --- | MINOR CONTOUR (2' INTERVAL) |
| --- | WALL |
| --- | EX. STEEP SLOPES (25% OR GREATER) |
| --- | EX. STEEP SLOPES (15-25%) |
| --- | PROPOSED STORMDRAIN |
| --- | STORMWATER MANAGEMENT FACILITY |
| --- | PROPOSED BLOCK |
| --- | PROPOSED PARCEL AND AREA |
| --- | RIGHT OF WAY DEDICATION |
| --- | RIGHT OF WAY TO REVERT BACK TO PARCEL |
| --- | PROPOSED SIDEWALK |



SHEET INDEX

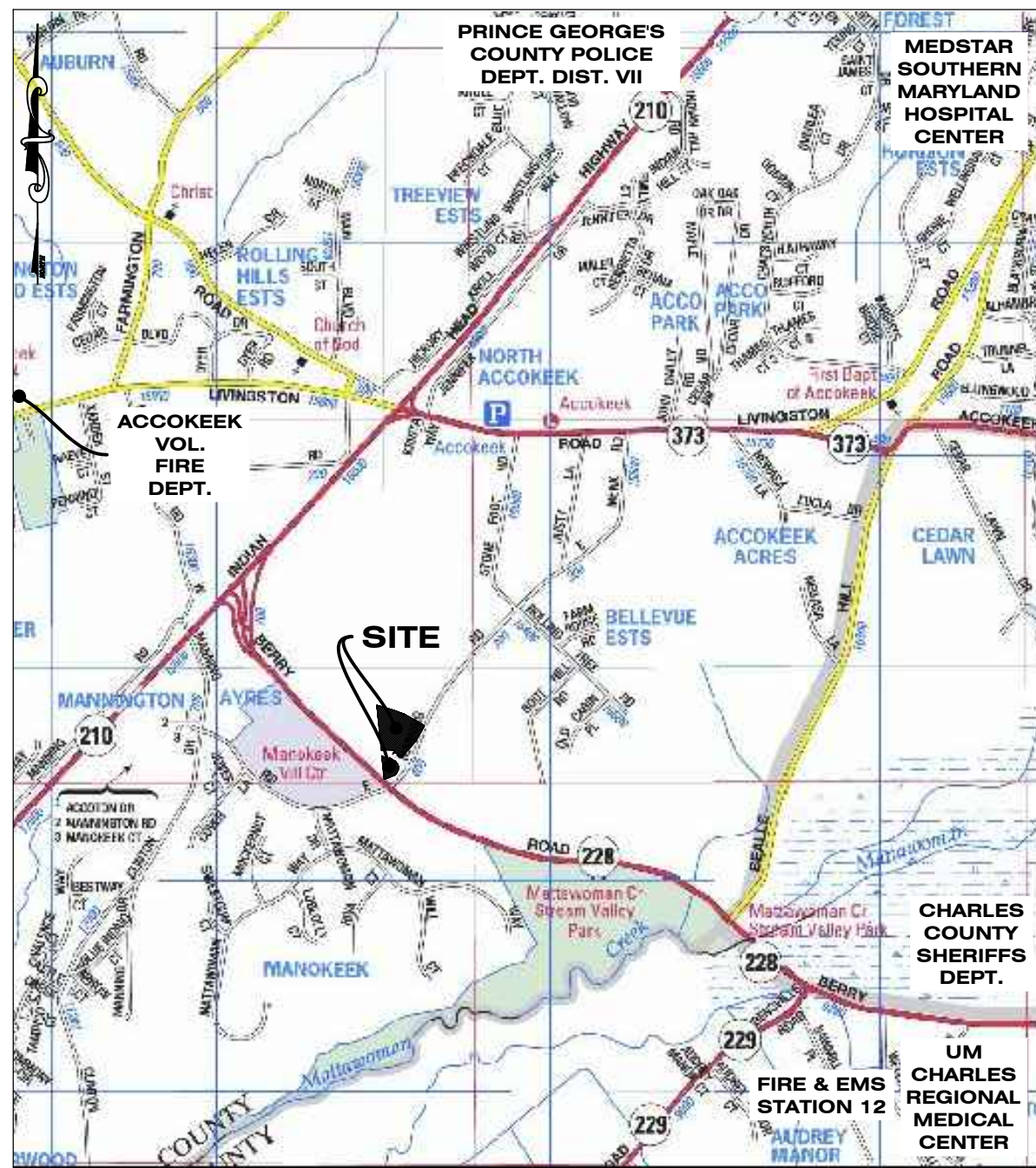
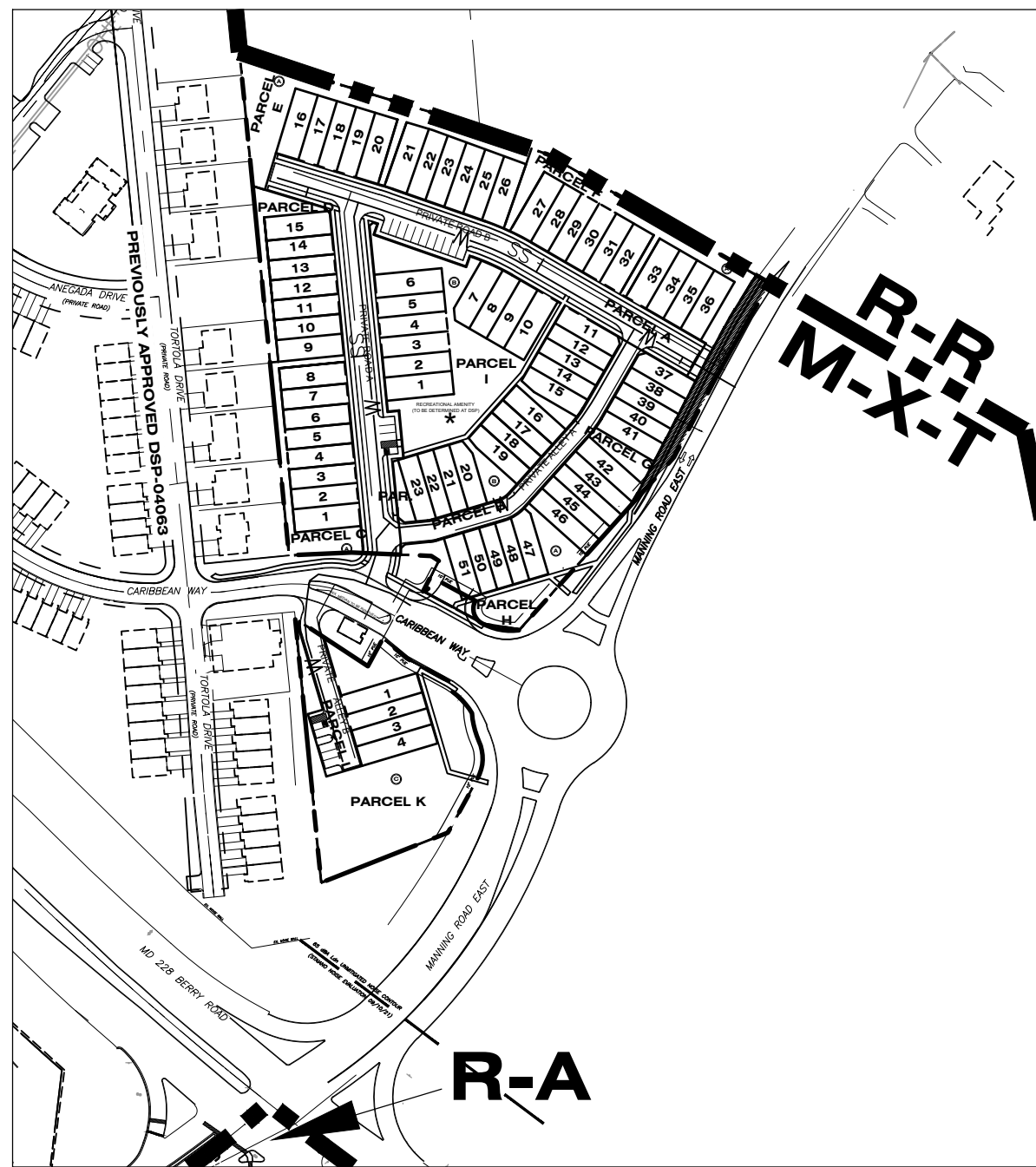
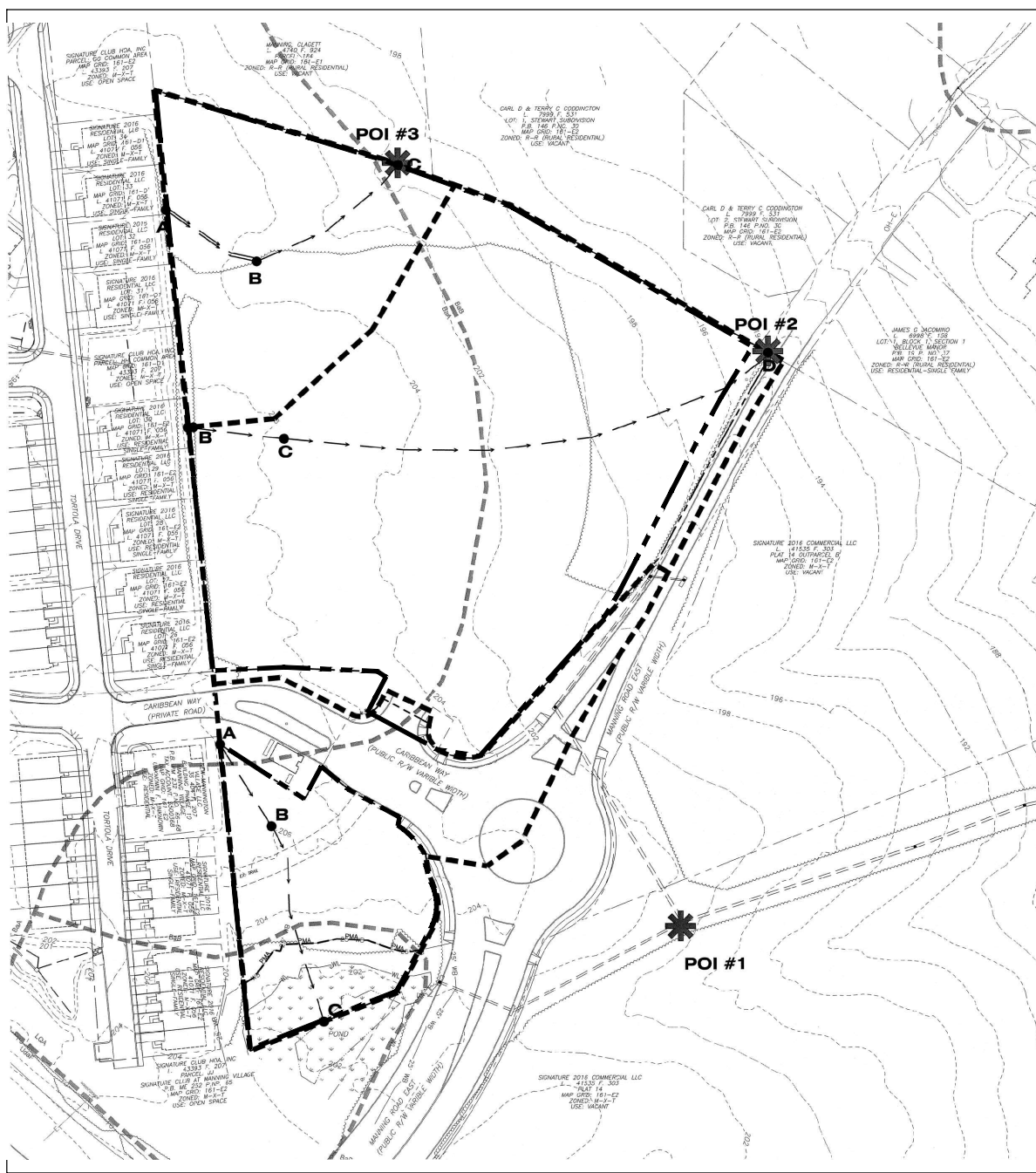
1.	COVER SHEET
2.	APPROVAL SHEET
3.	EXISTING CONDITIONS PLAN
4.	PLAN SHEET



BLOCK	PARCEL	SF	ACRES	DESCRIPTION	DEDICATION/ OWNERSHIP
	PARCEL A	47,074	1.08	PRIVATE ROAD	HOA
	PARCEL B	9,993	0.23	PRIVATE ALLEY	HOA
	PARCEL C	5,274	0.12	OPEN SPACE	HOA
	PARCEL D	3,552	0.08	OPEN SPACE	HOA
	PARCEL E	13,348	0.31	OPEN SPACE	HOA
	PARCEL F	9,978	0.23	OPEN SPACE	HOA
	PARCEL G	1,804	0.04	OPEN SPACE	HOA
	PARCEL H	9,686	0.22	OPEN SPACE	HOA
	PARCEL I	20,291	0.47	OPEN SPACE	HOA
	PARCEL J	1,004	0.02	OPEN SPACE	HOA
	PARCEL K	31,563	0.72	OPEN SPACE	HOA
	PARCEL L	6,017	0.14	PRIVATE ALLEY	HOA
SUBTOTALS					
SUBTOTALS	3	63,084	1.45	PRIVATE ROAD/ ALLEY	HOA
	9	96,500	2.22	OPEN SPACE	HOA
TOTAL HOA DEDICATION					
TOTAL	12	159,584	3.66	ALL PARCELS	HOA

SUBDIVISION SUMMARY TABLE	
TOTAL NUMBER OF PARCELS	12
NUMBER OF BLOCKS	3
NUMBER OF LOTS	78
AVERAGE PARCEL SIZE	13,299 SQ FT
AVERAGE LOT SIZE	1,936 SQ FT

DEVELOPMENT TYPE SUMMARY TABLE			
LAND USE	SF	ACRES	LAND PERCENTAGE
78 RESIDENTIAL UNITS (INCLUDES 4 LIVE-WORK UNITS)	151,030	3.47	49%
OPEN SPACE	96,500	2.21	31%
PRIVATE ROADS / ALLEYS	63,085	1.45	20%
TOTAL	310,615	7.13	100%
LIVE / WORK (NON-RESIDENTIAL) AREA	+/- 780 SF PER UNIT @ 4 UNITS		+/- 3,120 SF TOTAL NON-RESIDENTIAL GFA



2
1

PROPOSED DRAINAGE AREA MAP DETAIL

SCALE: NOT TO SCALE

NOTE: REFER TO SITE DEVELOPMENT CONCEPT PLAN #52665-2020-0

THE ABOVE INSET REPRESENTS THE EXISTING DRAINAGE DIVIDE FOR THIS SITE PRIOR TO STOCKPILING.

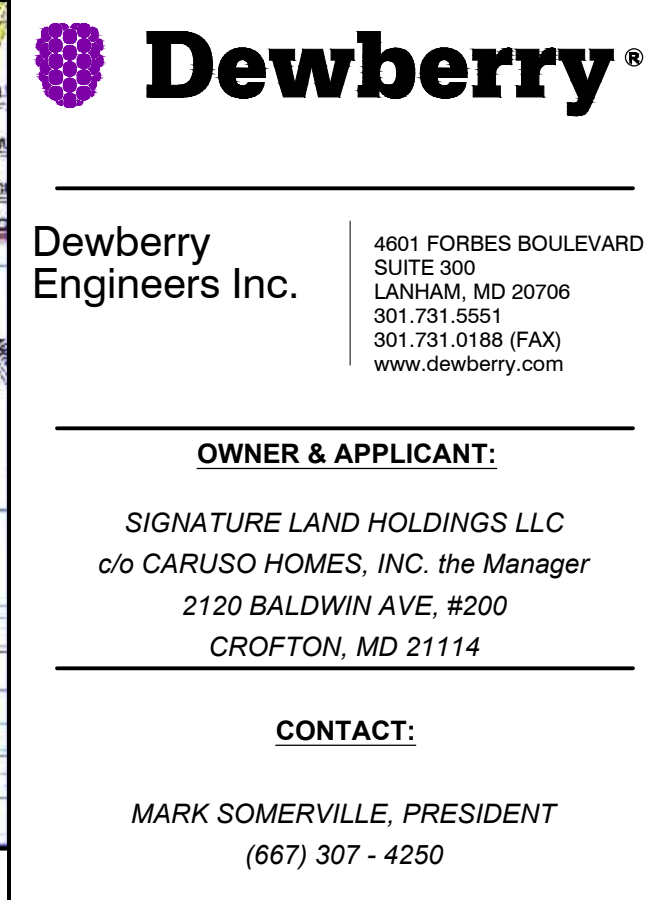
3 ZONING MAP
 1 SCALE: 1"=200'

4 1	LOCAL EMS VICINITY MAP
	SCALE: NOT TO SCALE
	ACCOCKKEE FIRE DEPARTMENT - 1.5 MILES
	FIRE & EMS STATION 12 - 6.0 MILES
	CHARLES COUNTY SHERIFF'S DEPARTMENT ANNEX - 7.1 MILES
	PRINCEGEORGE'S COUNTY POLICE DEPT. DIST. VII - 7.0 MILES
	UM CHARLES REGIONAL MEDICAL CENTER - 13.2 MILES
	MEDSTAR SOUTHERN MARYLAND HOSPITAL CENTER - 12.1 MILES

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF THAT THE PLAN SHOWN HEREON IS CORRECT; THAT THE INFORMATION HAS BEEN TAKEN FROM AVAILABLE RECORDS AND FIELD SURVEYS FOR: DEWBERRY ENGINEERS, INC.

NOTE:
THIS PLAN IS FOR ENTITLEMENT PURPOSES ONLY AND SHALL NOT BE
USED FOR CONSTRUCTION..

SWM DEVICES AND LOCATIONS SHOWN ON THIS PLAN ARE SUBJECT TO
CHANGE. PLEASE REFER TO THE APPROVED STORM DRAIN AND PAVING
PLANS AS WELL AS THE APPROVED SWM PLANS FOR FINAL DESIGN.



OWNER & APPLICANT:

SIGNATURE LAND HOLDINGS LLC
c/o CARUSO HOMES, INC. the Manager
2120 BALDWIN AVE, #200
CROFTON, MD 21114

CONTACT:

MARK SOMERVILLE, PRESIDENT
(667) 307 - 4250

SEAL



6/17/2022

PROFESSIONAL CERTIFICATION:

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY REGISTERED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 3302

EXPIRATION DATE: JUNE 6, 2028

KEY PLAN

SCALE

AS-SHOWN

No.	DATE	BY	Description

REVISIONS

TITLE

PRELIMINARY
PLAN OF
SUBDIVISION

APPROVAL SHEET

PROJECT NO. 50126687

2

SHEET NO. 2 OF 4

NOTE:
THIS PLAN IS FOR ENTITLEMENT PURPOSES ONLY AND SHALL NOT BE
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SWM DEVICES AND LOCATIONS SHOWN ON THIS PLAN ARE SUBJECT TO
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MARK SOMERVILLE, PRESIDENT
(667) 307 - 4250

PARCEL A AND OUTPARCEL B
 PRELIMINARY PLAN OF SUBDIVISION
 PPS - 4 - 20015
 PRINCE GEORGE'S COUNTY, MD
 5TH ELECTION DISTRICT
 TAX MAP GRID: 16-E2
 WSSC GRID: 2215W01

SEAL



6/17/2023

PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS
WERE PREPARED OR APPROVED BY ME, AND
THAT I AM A DULY REGISTERED LANDSCAPE
ARCHITECT UNDER THE LAWS OF THE STATE
OF MARYLAND, LICENSE NO. 3302
EXPIRATION DATE: JUNE 6, 2028

KEY PLAN

SCALE

0' 50' 100'

SCALE: 1"=50'

No.	DATE	BY	Description

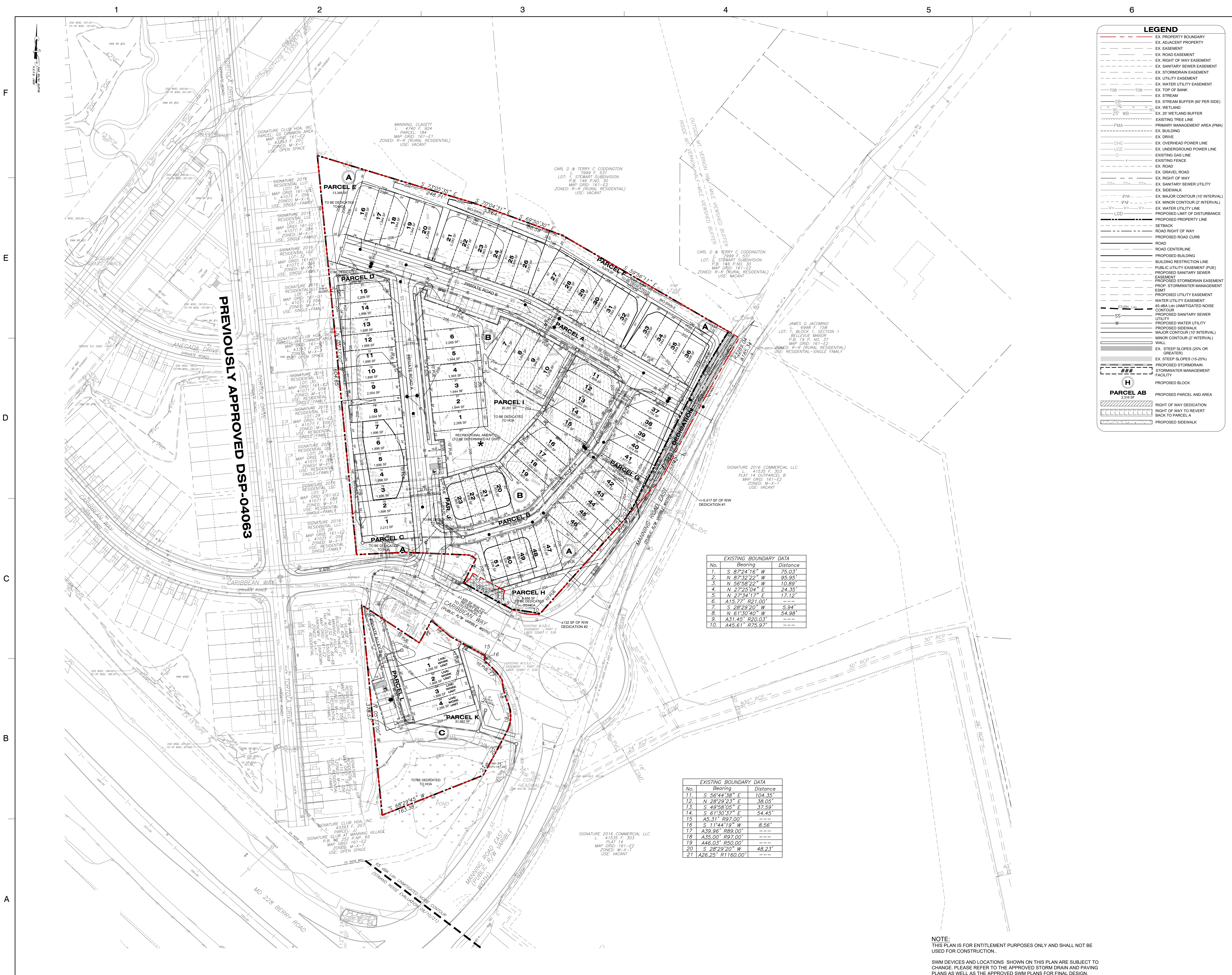
REVISIONS

TITLE

PRELIMINARY
PLAN OF
SUBDIVISION

PLAN SHEET

PROJECT NO. 50126687



STATEMENT OF JUSTIFICATION

PRELIMINARY SUBDIVISION PLAN (4-20015)

OUTPARCELS A & B SIGNATURE CLUB

APPLICANT/OWNER: SIGNATURE LAND HOLDINGS, LLC

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Gibbs and Haller
1300 Caraway Court, Suite 102
Largo, Maryland 20774
(301) 306 – 0033
egibbs@gibbshaller.com
Attorney for the Applicant

APPLICANT

The Applicant and Owner for this Preliminary Subdivision Plan is Signature Land Holdings, LLC. Signature Land Holdings, LLC is a Maryland limited liability company. It is also the owner of the property forming the subject matter of this application. Caruso Homes, Inc. will be the developer and builder of the residences ultimately to be constructed on the property. Caruso is also the parent to Signature 2016 Residential, LLC. Signature 2016 Residential, LLC is the owner and developer of Signature Club at Manning Village, a major residential development located contiguous to the property forming the subject matter of this application. Caruso has substantial experience both locally and regionally in residential development projects. Signature Club at Manning Village is a prime example of Caruso's efforts. Signature Club is an approximate 57-acre project zoned M-X-T (Mixed Use Transportation Oriented). In addition to two existing manor-style homes, 95 single family detached homes and 218 townhouse units are currently under development.

THE PROPERTY

The property forming the subject matter of this Preliminary Subdivision Plan application is located generally on the west side of Manning Road East, just north of its intersection with Berry Road (MD 228). More particularly, the property is depicted as Outparcel A and Outparcel B on Tax Map 161, Grid E-2 (the "Property"). They comprise 6.178 and 1.06 acres respectively and are zoned M-X-T. Outparcels A & B are also shown on a final plat recorded among the Land Records of Prince George's County at Plat Book ME 252, Plat 64, a copy of which is marked Exhibit "A" and attached hereto.

BACKGROUND AND HISTORY OF OUTPARCELS A & B

Outparcels A & B were formerly part of a larger property known as Parcel 25 and otherwise referred to as the “Vincent Property.” As evidenced by a quit-claim deed dated December 26, 2001, Parcel 25 was conveyed from the Vincent Family to TSC/MUMA Mattawoman Associates Limited Partnership (the Applicant’s predecessor in interest). That deed is recorded among the Land Records of Prince George’s County in Liber 15344 Folio 682, a copy of which is marked Exhibit “B” and attached hereto. A review of Exhibit “B” confirms that Parcel 25 consisted of approximately 12.99 acres on both the east and west sides of Manning Road.

In August 2001, TSC/MUMA filed two preliminary plan applications for Parcel 25. One application was for that part of Parcel 25 on the east side of Manning Road, and also included what is now Lot 12. That preliminary plan (4-01064) was approved by the Planning Board in February 2002 pursuant to the adoption of PGCPB Resolution No. 02-08.¹ The second application was for the remaining 7.30 acres of Parcel 25 on the west side of Manning Road that now comprises Outparcels A & B. That preliminary plan (4-01065) was approved by the Planning Board in January 2002 pursuant to the adoption of PGCPB Resolution No. 02-09. A copy of that Resolution is included with this application. No development was proposed in Preliminary Plan 4-01065. Rather, the 7.3 acres were proposed as an outlot. Ultimately, that land was designated as an outparcel due to a finding of inadequate water and sewer facilities.

In 2005, TSC/MUMA still owned the 57-acre Signature Club property, as well as Parcel 25 and Lot 12. The Signature Club property and Lot 12 were each zoned M-X-T, while Parcel 25 was zoned R-R (Rural, Residential). On January 13, 2005, the Planning Board recommended approval of Zoning Map Amendment A-9960 which requested a rezoning of Parcel 25 from the

¹ On the same day that 4-01064 was approved, the Planning Board approved 4-01063 which was also filed by TSC/MUMA for what is now the 57-acre Signature Club property.

R-R Zone to the M-X-T Zone. Certain provisions in that Resolution provide helpful background information regarding the instant proposal and its relationship to adjacent properties. On page 2 of that Resolution, it states:

Because the site serves as a connection between the two M-X-T sites, the applicant requests this rezoning to create a more unified development scheme.

The applicant has submitted an Illustrative Plan with this application. The plan proposes a residential component, a live/work component, and a community center on the western portion [of] the property and a retail center with office pad sites on the eastern portion of the property.

Outparcels A & B comprise the “western portion of the property” for which a residential component, live/work component, and a community center were considered. Page 4 of Resolution No. 04-295 goes on to state:

The applicant acquired these smaller tracts [Parcel 25] between the approved development proposal [Pod 2] and Manning Road East to provide access because of State Highway Administration access restrictions associated with the other adjoining road (MD 228). Allowing the owner to incorporate the extra land area acquired to provide access into the larger development area is consistent with master plan concepts for future land use and development.

Ultimately, the District Council approved A-9960-C pursuant to its adoption of Zoning Ordinance No. 2-2006, a copy of which has been submitted with this application. That approval was subject to several conditions which are discussed further below.

The above quote from Page 4 of Resolution No. 04-295 references the provision of an access way through Parcel 25. This is significant because the provision of that access way resulted in the creation of Outparcels A & B. That process merits further discussion. In 2017, a request to reconsider 4-01063 – the original Preliminary Plan for the Signature Club property – was approved by the Planning Board pursuant to the adoption of PGCPB 02-07(A). A copy of that Resolution is marked Exhibit “C” and attached hereto. There were several amendments in Resolution No. 02-07(A). Most notable is Condition 18, which states:

At the time of final plat, the applicant shall process a lot line adjustment along, and including, the access easement northeastward to the public right-of-way to incorporate this area into the subdivision and to give the subdivision direct access onto Manning Road.

The final plats for Signature Club and Outparcels A & B show that Condition 18 was satisfied through the dedication of a right-of-way that grants access from the Signature Club property, between Outparcels A & B, to Manning Road. The Final Plat for Signature Club which evidences this right-of-way is recorded among the Land Records of Prince George's County at Plat Book SJH 251, Plat 4. A copy of that plat is marked Exhibit "D" and attached hereto. That Final Plat shows an area labeled "P/O Parcel 25" which was "incorporated[d] . . . into the subdivision" as required by Condition 18. This is also evident on the Final Plat for Outparcels A & B, which shows that the "P/O Parcel 25" "give[s] the subdivision direct access onto Manning Road" as required by Condition 18 (See Exhibit "A"). Consequently, Parcel 25 was split in two. Condition 1 of 4-01065 required that at the time of final plat, Parcel 25 was to be designated as an outparcel. Since Parcel 25 was now split in two by the new access road, the result was the designation of two outparcels – Outparcels A & B.

Development of Outparcels A & B was always envisioned as another stage of the Signature Club at Manning Village project. This is most recently evident in the Approved Guide to New Zones, which the District Council adopted in July 2019 as part of the upcoming Countywide Map Amendment. That document contains "test cases" which analyze certain properties in the M-X-T Zone for purposes of recommending a new zone. Significantly, in "Test Case 5" on page 14 of the Approved Guide to New Zones, all of Pod 2, Pod 3, and Outparcels A & B were analyzed together. A copy of Test Case 5 is marked Exhibit "E" and attached hereto. Given the close relationship between the subject property and the Signature Club property, it is also helpful to summarize the development history of that project.

As abovementioned, the Signature Club property is also in the M-X-T Zone. It is currently being developed with 95 single-family homes and 218 townhouses. The current development scheme was approved pursuant to DSP-04063-04. However, proposed development of the Signature Club property has changed several times.

The Signature Club property was initially processed as part of a larger project known as Manokeek. The Manokeek development, which consisted of approximately 97 acres, was the subject of a Conceptual Site Plan (CSP-99050) approved in 2000. The land area subject to CSP-99050 was divided into three pods. Pod 1 comprised the area south of Berry Road which is now the Manokeek Village Shopping Center. Pod 2 comprised the 57-acre Signature Club property. Finally, Pod 3 comprised Lot 12 on the east side of Manning Road. A copy of the Planning Board approval Resolution (PGCPB No. 00-142) is filed with this application.

Two Preliminary Subdivision Plans for Manokeek were processed concurrently with the Conceptual Site Plan: 4-01063 and 4-01064. Preliminary Subdivision Plan 4-01063 proposed a single lot, Lot 11, for the area designated Pod 2 in CSP-99050. At the time, it was intended to be developed with an age restricted retirement community. Preliminary Plan 4-01063 approved total development of 800 units of senior housing and 70,000 square feet of mixed retail and office space with a trip cap of 244 AM peak hour trips and 366 PM peak hour trips. A copy of Planning Board Resolution PGCPB No. 02-07 dated February 7, 2002 and approving 4-01063 is filed with this application.

At the time, it was envisioned that all of the residential units would be constructed as condominiums thus allowing for the approval of a single lot. The single lot was later depicted as Lot 11 on a final plat recorded among the Land Records of Prince George's County at Plat Book 205, Plat 45. A copy of that plat is marked Exhibit "F" and attached hereto.

Later, in December 2005, CSP-99050 was revised by CSP-99050-01. That revision impacted only Pod 2. It proposed a reduction in overall density from 800 units to 315 units, including 111 single family detached units, 140 townhouses, 4 semi-detached units, and 60 multifamily units, all of which were to remain under a condominium regime for an age-restricted community. It also proposed to eliminate the retail and office space that was approved in the original Conceptual Site Plan. A copy of the Planning Board approval Resolution (PGCPB No. 05-228) is filed with this application.

In 2006, a Detailed Site Plan (“DSP-04063”) was then approved for Lot 11 (Pod 2) proposing a unit mix and layout for the retirement community. The project was known as “Signature Club at Manning Village.” As approved, DSP-04063 authorized the development of a total of 315 residential units which would consist of 111 single family detached units, 62 residential townhome units, 82 residential villas and 60 low-rise multifamily units, all being developed under a condominium regime.

Prior to development the project went into foreclosure and stalled for over a decade. In that time, market trends shifted the demand from condominium to fee simple ownership. As a result, in 2016, Lot 11 was resubdivided into 315 individual lots. Those lots are now recorded among the Land Records of Prince George’s County at Plat Book ME 252, Plat 65; Plat Book SJH 250, Plats 96-99; and Plat Book SJH 251, Plats 1-4. Copies of those plats are marked Exhibit “G” and attached hereto. As abovementioned, a reconsideration of the original Preliminary Plan for Signature Club (4-01063) was granted in 2017. That reconsideration amended the original Plan to require a new Detailed Site Plan. Ultimately, DSP-04063-04 approved the current development scheme of 95 single-family homes and 218 townhouses. A copy of the Planning Board approval Resolution (PGCPB No. 17-153) is filed with this application.

In anticipation of development, the Applicant/Owner filed a Conceptual Site Plan (CSP-20001) as required in the M-X-T Zone. In general, the Conceptual Site Plan proposed the same development which is proposed in this Preliminary Subdivision Plan application. Specifically, CSP-20001 proposed 75-80 townhouse units, including 4 live/work units which will be located on Outparcel B. CSP-20001 was approved on July 22, 2021 pursuant to the Planning Board's adoption of Resolution No. 2021-86. A copy of this Resolution is included with this application. The Resolution found conformance with all applicable regulations in the M-X-T Zone and approved 75-80 townhouse units, 4 of which will be live/work units. The approval of CSP-20001 was not appealed to the District Council. On September 21, 2021, the District Council issued a memorandum indicating that it had waived its right to review CSP-20001. A copy of this memorandum is included with this application.

NEIGHBORHOOD AND SURROUNDING USES

Outparcels A & B are located on the west side of Manning Road East, just north of its intersection with Berry Road (MD 228). While both Outparcels have frontage on Manning Road East, neither has frontage on MD 228. Both Outparcels will also have frontage along Caribbean Way, which is the access road from Manning Road East to the Signature Club property. The subject property is approximately one half mile east of the intersection of Berry Road (MD 228) and Indian Head Highway (MD 210).

As discussed above, Outparcels A & B are bound to the west/northwest by the Signature Club at Manning Village project. The 313 approved residential dwellings are currently under development. Immediately north of the property is vacant land which is wooded and zoned R-R. Further northeast are several single-family homes. East of the property, on the opposite side of Manning Road, is the land which was designated Pod 3 in CSP-99050, as well as the residue of

Parcel 25, which is now designated Outparcel B. South of the property on the opposite side of Berry Road (MD 228) is a large single-family detached residential subdivision. West of that is the area designated as Pod 1 on CSP-99050 which is now the Manokeek Village Shopping Center.

DEVELOPMENT PROPOSAL/PRELIMINARY SUBDIVISION PLAN

Signature Land Holdings, LLC proposes to develop the Property with a 78 unit townhouse community which will include a live/work component. The plan proposes 74 townhouse units on Outparcel A, and 4 townhouse units on Outparcel B. The 4 townhouse units on Outparcel B are proposed as live/work units. Each portion of the development will be accessed from Caribbean Way. Caribbean Way is the right-of-way that will connect the Signature Club property to Manning Road East. It is the Applicant's intent that the proposal in Preliminary Plan 4-20015 serves as the next stage of development in the Signature Club at Manning Village project.

PRINCE GEORGE'S COUNTY 10-YEAR WATER AND SEWER PLAN

The 2010 Water and Sewer Plan designates the property in Water Category 5 and Sewer Category 5. Pursuant to the adoption of CR-87-2020, the property is now in Water Category 4 and Sewer Category 4. A copy of CR-87-2020 is marked Exhibit "H" and attached hereto.

2017 APPROVED PAYWIDE GREEN INFRASTRUCTURE PLAN

The green infrastructure network includes designated areas of countywide environmental significance. It identifies significant natural resources including streams, wetlands, buffers, 100 year floodplains, severe slopes, interior forests, colonial water bird nesting sites and unique habitats. All of Outparcel A and a majority of Outparcel B is designated in the Evaluation Area of the Green Infrastructure Plan. A small area in the southern portion of Outparcel B is designated in the Regulation Area due to the presence of wetlands.

WOODLAND CONSERVATION ORDINANCE

A Tree Conservation Plan (TCP) is required for all land development proposals that are subject to Subtitle 25 unless exempted by Section 25-119. A TCP1 (TCP1-025-01) and TCP2 (TCP-116-01) have previously been approved for the property. A new TCP1 has been submitted with this application.

2009 MASTER PLAN OF TRANSPORTATION

Outparcels A & B front on the west side of Manning Road East. According to the 2009 Prince George's County Master Plan of Transportation, Manning Road East is designated as a primary roadway (P-501) with a variable right-of-way width of 60 feet. The northeastern boundary of Outparcel A is within the Manning Road East right-of-way. As shown on the Plan, approximately 5,417 square feet will be dedicated to that right-of-way.

NATURAL RESOURCE INVENTORY

Outparcels A & B are the subject of an approved Natural Resource Inventory (NRI-118-2020).

CONFORMANCE WITH APPLICABLE PROVISIONS OF SUBTITLE 24/SUBDIVISION REGULATIONS

Analysis of the applicable provisions of the Subdivision Regulations follows:

DIVISION 3 – REQUIREMENTS: PLANNING, DESIGN, AND PUBLIC FACILITIES.

Sec. 24-121. - Planning and design requirements.

- (a) The Planning Board shall require that proposed subdivisions conform to the following:**
 - (1) All lots shall be designed to be located wholly within the County and platted in conformance with all of the requirements of the Zoning Ordinance applicable to the subject property.**

The proposed lots are entirely located within Prince George's County and will also be platted in conformance with all of the requirements of the Zoning Ordinance, including the specific requirements of the M-X-T Zone.

- (2) In cases where the proposed subdivision is situated in a portion of the Regional District not planned to be served by public water and/or sewerage facilities, proposed lots shall be designed to meet the minimum lot size requirements for individual systems, as contained in Subtitle 22 of this Code and in the Comprehensive Ten Year Water and Sewerage Plan.**

This provision is inapplicable as the property is in Water Category 4 and Sewer Category 4.

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

Outparcels A & B do not have frontage on a roadway of arterial or higher classification. The proposed lots will front on and be accessed by private roads and alleys.

- (4) Residential lots adjacent to existing or planned roadways of arterial classification shall be platted with a minimum depth of one hundred and fifty (150) feet. Residential lots adjacent to an existing or planned roadway of freeway or higher classification, or an existing or planned transit right-of-way, shall be platted with a depth of three hundred (300) feet. Adequate protection and screening from traffic nuisances shall be provided by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line, when appropriate.**

The proposed residential lots will not be adjacent to existing or planned roadways of arterial classification.

- (5) The preliminary plan and final plat shall conform to the area master plan, including maps and text, unless the Planning Board finds that events have occurred to render the relevant recommendations within the comprehensive plan no longer appropriate, is no longer applicable, or the District Council has not imposed the recommended zoning. Notwithstanding any other requirement of this Section, a proposed preliminary plan or final plat of subdivision may be designed to conform with the land use policy recommendations for centers, as approved within current County general plan. In such cases, the Planning Board may approve a preliminary plan application as may be designed to conform with the land use policy recommendations for centers, as duly approved within the current General Plan.**

The project is located in Planning Area 84 and is governed by the Subregion 5 Master Plan and Sectional Map Amendment, most recently approved in 2013. The Future Land Use Map for Subregion 5 is found on page 31 of that Master Plan. The Map shows Outparcels A & B depicted in purple, which corresponds to a recommendation of mixed-use development. The proposed development also conforms to the vision, policies, and strategies contained within the General Plan Prince George's 2035. Like the Subregion 5 Master Plan, the General Plan's "Generalized Future Land Use Map" also recommends "mixed use" development for Outparcels A & B. Outparcels A & B are also designated within the "Established Communities" Growth Policy Area. Finally, while no longer technically applicable, the property is in the Developing Tier of the 2002 General Plan. The purpose of the Developing Tier is to provide for a pattern of medium density, suburban residential development with distinct commercial centers and employment areas. This Preliminary Subdivision Plan conforms with the above goals. With an approximate density of 10.95 units per acre, and a live/work component, it will achieve the type of employment based, medium density residential development that is envisioned by the applicable planning documents. Outparcels A & B will be another stage of the Signature Club development. Pod 1 of Signature Club is developed with a retail shopping center. Pod 2 is being developed with a mix of residential units.

- (6) When indicated by a master plan or the General Plan or when requested by a public agency, land may be placed in reservation, pursuant to Division 7 of this Subtitle.**

As stated above, the 2009 Master Plan of Transportation shows a portion of the Manning Road East right-of-way in the northeast corner of Outparcel A. The Plan proposes the dedication of 5,417 square feet to that right-of-way. No reservation is necessary.

- (7) Provision shall be made for the eventual ownership of outlots or residue parcels by incorporating them into platted lots or into adjacent parcels or by other means deemed acceptable by the Planning Board.**

This provision is inapplicable as no residue parcels or outlots are proposed on the Plan.

- (8) Corner lots shall be rounded with a radius of not less than twenty (20) feet or provided with an equivalent truncation.**

The Applicant questions whether this provision is applicable since all lots front on private internal roads. However, if this provision were to be deemed applicable, the Applicant submits that this criterion is met and satisfied.

- (9) Walkways, with rights-of-way not less than ten (10) feet wide, shall be provided through all blocks over seven hundred fifty (750) feet long, when deemed necessary by the Planning Board.**

No blocks over 750 feet long are being proposed. Therefore, this provision is inapplicable.

- (10) Generally, subdivisions shall be designed to avoid unnecessary and costly roads, utility extensions, grading, and energy consumption.**

This subdivision will be designed so as to avoid unnecessary and costly roads or utility extensions. Caribbean Way, which will provide access to Manning Road East from both the subject property and the Signature Club development, is already under construction. Moreover, access to individual lots will be provided through a system of private alleys.

- (11) Significant natural features which are impossible or difficult to reproduce, such as waterways, streams, hills, wooded lands, and specimen trees, should be preserved to the degree practicable.**

There is an area of wetlands in the southern portion of Outparcel B. Development of Outparcel B will avoid disturbance of those wetlands and comply with the 25-foot wetland buffer as required by Condition 3 in Council Zoning Ordinance No. 2-2006 approving ZMA A-9960-C enacted on January 9, 2006.

- (12) Lot size averaging may be permitted for preliminary plans accepted prior to July 1, 2006 in accordance with the Zoning Ordinance when the Planning Board finds that:**

- (A) The subdivision design provides for better access, protects or enhances historic resource or natural features and amenities, or otherwise provides for**

a better environment than that which could be achieved by the exclusive use of standard lots.

- (B) The subdivision design provides for an adequate transition between the proposed sizes and locations of lots and the lots, or lot size standards, of any adjacent residentially zoned parcels.**
- (C) The subdivision design, where applicable, provides for an adequate transition between the proposed natural features of the site and any natural features of adjacent parcels.**

Lot size averaging is not being proposed in this Subdivision.

- (13) Generally, lots, except at corners, should have access to only one (1) street.**

Each lot will be served by internal private roads and alleys which will connect to Caribbean Way.

- (14) If an entrance feature or gateway sign is proposed in a residential subdivision, it shall be identified on the preliminary plan on a separate Homeowners' Association parcel, or easement located on a homeowner's lot, and be designed in accordance with the standards in Section 27-624 of the Zoning Ordinance. A Homeowners' Association or other entity or person designated in a maintenance arrangement approved by the Department of Permitting, Inspections, and Enforcement, shall be responsible for the maintenance of the entrance feature or gateway sign.**

No entrance or gateway sign is proposed.

- (15) The Planning Board shall not approve a preliminary plan of subdivision until evidence is submitted that a stormwater management concept plan has been approved by the Department of Permitting, Inspections, and Enforcement or the municipality having approval authority, unless the Planning Board finds that such approval will not affect the subdivision.**

A Site Development Concept Plan has been filed and is currently under review.

- (16) Except as indicated in Section 24-132, the subdivision shall be designed and platted in accordance with the provisions for woodland conservation and tree preservation contained in Subtitle 25.**

A Site Development Concept Plan and a new TCP1 has been filed and is currently under review.

- (17) Historic resources should be preserved.**

No historic resources are located on the property.

- (18) Significant archeological sites identified in accordance with the Planning Board Guidelines for Archeological Review should be preserved in place, to the extent practicable and should be interpreted as appropriate.**

It is the applicant's belief and understanding that no archeological review will be required for this Preliminary Subdivision Plan. The applicant has submitted an Historic Presubmittal Checklist for pre-acceptance review.

- (19) Condominium townhouse dwelling units approved after September 1, 2012 shall conform to the lot standards of this Subtitle and Subtitle 27 for possible future conversion to fee simple lots.**

No condominium townhouse units are proposed and therefore this provision is inapplicable.

Sec. 24-122. - Public facilities requirements.

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

A public utility easement will be provided along any existing or proposed public road frontage as required.

- (b) Land for public facilities shown on the General Plan, functional master plans and/or area master plans, and watershed plans shall be reserved, dedicated, or otherwise provided for.**

No public facilities are shown on the General Plan or on the Master Plan which impact this property. A Site Development Concept Plan has been prepared and submitted. In addition, a Stormwater Management Concept Plan has been filed (No. 52665-2020-0) and is currently under review. The applicant believes that appropriate measures are being proposed to handle and treat all stormwater runoff as required by applicable ordinances.

- (c) Stormwater management facilities, existing or proposed as part of the development, shall have sufficient capacity to convey surface water runoff.**

See above response.

DIVISION 4 – REQUIREMENTS: TRANSPORTATION AND CIRCULATION.

Sec. 24-123 – General Requirements.

(a) The Planning Board shall require that preliminary plan conform to the following:

- (1) The rights-of-way of all highways, streets, and transit facilities shown on the General Plan, functional master plans, and area master plans shall be shown on the preliminary plan and, when reserved or dedicated, shown on the final plat.**

All rights-of-way shown on the General Plan and applicable Master Plans have been observed on the Preliminary Subdivision Plan as filed. As abovementioned, the 2009 Master Plan of Transportation shows a portion of Outparcel A within the Manning Road East right-of-way. This Preliminary Subdivision Plan proposes the dedication of 5,417 square feet to that right-of-way.

- (2) All proposed streets shall be continuous and in alignment with existing or platted streets in adjoining subdivisions so as to create a street network that is functional and easily understandable. Generally, streets should cross other streets at right angles.**

This subdivision is not proposing the dedication of any new public streets. All proposed lots will access Caribbean Way through a system of private roads.

- (3) All internal subdivision streets shall be wholly within the County and shall not be designed to directly connect to an adjacent county unless the applicant has obtained the prior written approval of the District Council and the appropriate land use authority of the adjacent County.**

(A) An applicant must file a written request for said approval. The request shall be filed with the Clerk of the District Council. The District Council must either approve or disapprove said request within forty-five (45) days from the date of filing. Failure of the District Council to act within said forty-five (45) day period shall constitute an approval of the request. For purposes of this provision an internal subdivision street shall be deemed to be a public roadway having a right-of-way width of eighty (80) feet or less.

(B) After public hearing before the District Council, the Council shall not allow the proposed bi-county subdivision unless it finds that delivery of public safety services, utility services, and tax collection will be timely and adequate for the lots in Prince George's County.

The internal private roads and alleys will be wholly within Prince George's County and will not connect in any way to an adjoining county.

- (4) All streets proposed for dedication to public use shall be designed to the standards of the County road ordinance and street standards for width and minimum curve radii or to the standards of municipalities having jurisdiction. Variations from these standards may be granted by the Planning Board upon the recommendation of the Department of Permitting, Inspections, and Enforcement or upon the recommendation of the municipality or other governmental authority having jurisdiction.**

Manning Road East is presently in existence. Construction of Caribbean Way will conform to County road dedication requirements and construction standards.

- (5) Arterial highways shall have a minimum right-of-way width of one hundred and twenty (120) feet; collector streets, a minimum right-of-way width of eighty (80) feet; and parkways, such right-of-way width as may be designated by the Planning Board. The width of secondary subdivision streets shall be not less than fifty (50) feet and the width of primary subdivision streets not less than sixty (60) feet.**

This provision is inapplicable.

- (6) Land for bike trails and pedestrian circulation systems shall be shown on the preliminary plan and, where dedicated or reserved, shown on the final plat when the trails are indicated on a master plan, the County Trails Plan, or where the property abuts an existing or dedicated trail, unless the Board finds that previously proposed trails are no longer warranted.**

If sidewalks are requested along Caribbean Way, they will be provided. Internal pedestrian circulation systems within the subdivision will be provided by means of internal sidewalks. No trails are proposed to be provided as none are required by any Master Plan.

Sec. 24-124 – Adequate Roads Required.

- (a) Before any preliminary plan may be approved, the Planning Board shall find that:**

- (1) There will be adequate access roads available to serve traffic which would be generated by the proposed subdivision, or there is a proposal for such roads on an adopted and approved master plan and construction scheduled with one hundred percent (100%) of the construction funds allocated within the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, and/or such roads are incorporated in a specific public**

facilities financing and implementation program as defined in Section 27-107.01 (186.1); and

- (2) The traffic generated by the proposed subdivision will be accommodated on major intersections and major roadways within the established study area such that they will be functioning below the minimum peak-hour service levels adopted by the Planning Board in the "Guidelines for the Analysis of the Traffic Impact of Development Proposals," as may be amended from time to time (hereinafter the "study area" refers to major intersections and major roadways as defined in the "Guidelines")

* * * * *

A transportation study has been provided with this application which demonstrates adequacy of access roads and that major roadways and intersections will accommodate traffic generated by the proposed subdivision.

Sec. 24-128 – Private Roads and Easements.

- (a) No subdivision plan or plan of development (however designated) shall be approved that provides for a private road, right-of-way, or easement as the means of vehicular access to any lot, and no building permit shall be issued for the construction of any building in a subdivision unless such building is to be located on a lot or parcel of land having frontage on and direct vehicular access to a public street, except as hereinafter provided.
- (b) The Planning Board may approve preliminary plans of development containing private roads, rights-of-way, alleys, and/or easements under the following conditions:

* * * * *

(7) In Comprehensive Design and Mixed Use Zones:

- (A) For land in the V-L, V-M, R-L, R-S, R-M, R-U, M-U-I, L-A-C, M-A-C, M-X-C, M-U-TC, and M-X-T Zones, the Planning Board may approve a subdivision (and all attendant plans of development) with private roads to serve attached single-family dwellings, two-family dwellings, and three-family dwellings, but not single-family detached or multifamily dwellings, in accordance with the requirements of Subsections (e) and (f) of Section 27-433 of the Zoning Ordinance, except as hereinafter provided. In all of the above zones, and in the R-R Zone when developed as a cluster subdivision, the Planning Board may approve a subdivision with alleys to serve any permitted use, provided the lot has frontage on and pedestrian access to a public right-of-way. The District Council may disapprove the inclusion of alleys during the consideration of the detailed site plan for a cluster subdivision. For the purposes of this Section, an "alley" shall mean

a road providing vehicular access to the rear or side of abutting lots, and which is not intended for general traffic circulation.

- (i) The pavement width of private roads may be reduced to not less than a minimum of twenty-two (22) feet when it is determined that the provision of the minimum width is consistent with a safe, efficient, hierarchical street system for a development.**
- (ii) The pavement width of private alleys shall be not less than eighteen (18) feet when it is determined that the provision of the minimum width is consistent with a safe, efficient, vehicular access to individual lots. Since alleys only provide vehicular access to lots with frontage on a public street, alleys shall not be required to be improved with street trees or curb and gutter, unless a drainage problem has been identified by the Department of Permitting, Inspections, and Enforcement or the Department of Public Works and Transportation.**

As stated above, each lot is proposed to be accessed by 22-foot private roads and/or alleys. Section 24-128(b)(7)(A) provides that, for property zoned M-X-T, the Planning Board may approve alleys to serve individual uses, provided that the lot has frontage and pedestrian access to a public right-of-way. The proposed lots do not have frontage or pedestrian access to a public right-of-way. Therefore, the applicant has sought a variation from that requirement in order to permit each lot to be accessed by 22-foot private roads and/or alleys.

DIVISION 5 – REQUIREMENTS: ENVIRONMENTAL AND PARKS.

Sec. 24-129 – One hundred (100) year floodplain.

- (a) Land shall be platted in a manner that protects the public against loss of life or property due to the one hundred (100) year flood, while minimizing the public and private costs of flood control measures. The Planning Board shall require that proposed subdivisions conform to the following:**

* * * * *

There is no 100 year floodplain on the property.

Sec. 24-130 – Stream, wetland, and water quality protection and stormwater management.

- (a) Proposed subdivisions shall be designed to minimize the effects of development on land, streams and wetlands, to assist in the attainment and maintenance of water quality standards, and to preserve and enhance the environmental quality of stream valleys.**

There are wetlands in the southern portion of Outparcel B. Those wetlands are protected by a 25 foot buffer which was imposed by Condition 3 of Zoning Map Amendment A-9960-C (see discussion below of prior approvals). As shown on the Plan, Outparcel B will be developed so as not to disturb the protected wetland area. In addition, a Stormwater Management Concept Plan has been submitted and is under review. The applicant believes that all required water quality standards will be met and satisfied and there will be no environmental degradation as a result of this development.

- (b) The Planning Board shall require that proposed subdivisions conform to the following:**
- (1) The preliminary plan shall demonstrate adequate control of the increased runoff due to the ten (10) year storm or such other standards as State law or the County shall adopt.**
 - (2) The stormwater control shall be provided on-site unless the Planning Board, on recommendation from the County, waives this requirement.**
 - (3) The submission of a storm drainage and stormwater management concept plan, and approval thereof by the County, may be required prior to preliminary plan approval.**
 - (4) Where a property is partially or totally within an area covered by an adopted Watershed Plan, the preliminary plan shall conform to such plan.**
 - (5) Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible consistent with the guidance provided by the Environmental Technical Manual established by Subtitle 25. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required pursuant to Subtitle 27, for the reasonable development of the lot outside the**

regulated feature. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat.

- (c) The submission of a sediment control concept study, and approval thereof by the Soil Conservation District, may be required prior to final plat approval.**

As noted above, a Conceptual Stormwater Management Plan (52665-2020-0) has been submitted and is currently under review. Additionally, a Natural Resources Inventory has already been approved (NRI-118-2020) and shows no impacts to sensitive environmental features.

PRIOR CONDITIONS OF APPROVAL

There have been three prior approvals impacting Outparcels A & B, each of which were approved subject to several conditions. A discussion of relevant conditions follows:

Zoning Map Amendment Application A-9960-C

Condition 3: The wetland area located at the southwestern corner of this property shall be protected from grading disturbances, throughout the development process. During the review of all subsequent plans, the wetland and the 25-foot buffer area shall be shown on all plans and shall be protected by a platted conservation easement.

As shown on the Plan, development will not disturb the area within the wetland and 25-foot buffer.

Condition 4: All Conceptual Site Plans, Preliminary Plans of Subdivision, Detailed Site Plans, and Tree Conservation Plans proposing residential development on this site shall include a Phase I and Phase II Noise Study, as appropriate, to show the location of the 65 dBA Ldn noise contour (mitigated and unmitigated), and to show that all State noise standards have been met for interior areas of residential and residential-type uses.

The required Noise Studies have been submitted with this application.

Condition 5: The Conceptual Site Plan shall show the proposed community center in a more prominent location.

The Applicant requested that Condition 5 be deleted. On January 24, 2022, the Zoning Hearing Examiner released its decision recommending approval of the Applicant's request. A copy of the decision of the Zoning Hearing Examiner is marked Exhibit "I" and attached hereto. Subsequently,

the District Council entered an Order dated March 14, 2022 deleting Condition 5. A copy of that Order is marked Exhibit “J” and attached hereto.

Condition 6: The bufferyard required between land uses in the M-X-T Zone and uses on adjoining R-R land shall be doubled.

As shown on the Landscape Plan, the buffer yard between the subject property and the land to the north which is zoned R-R has been doubled.

Condition 7: The Woodland Conservation Threshold shall be at 20 percent.

All development will be in accordance with this condition.

Preliminary Subdivision Plan 4-01065

Condition 1: Prior to signature approval, the preliminary plan shall be revised to designate the property as “Outparcel” A.

This condition is satisfied as the Property is presently identified as Outparcels A & B (see Exhibit “A”). As noted above, Outparcels A & B were formerly a single tract identified as Parcel 25. However, Parcel 25 was split into two parcels in order to provide access to the “Signature Club at Manning Village” Subdivision.

Condition 2: At the time of final plat approval, the applicant shall dedicate a right-of-way along Manning Road as shown on the submitted preliminary plan. Improvements within the dedicated right-of-way shall be determined by DPW&T.

As noted above, the Applicant proposes the dedication of 5,417 square feet for the Manning Road right-of-way.

Condition 3: Development of Outparcel A shall require approval of a new preliminary plan of subdivision.

This condition is satisfied by the filing of the instant Preliminary Subdivision Plan.

Conceptual Site Plan CSP-20001

Condition 2: Prior to acceptance of a preliminary plan of subdivision, the applicant shall:

- a. Provide a pedestrian and bicycle transportation exhibit that illustrates:
 - (1) Sidewalks on both sides of all streets, public or private, excluding alleyways.
 - (2) Bicycle accommodations into and throughout the subject site.
- b. Provide preliminary details of the proposed community center as part of a private recreational facility package, if required, or provide written evidence that the condition from Zoning Map Amendment A-9960-C requiring one has been removed or revised.
- c. Provide shared roadway bicycle facilities on the street cross section for Manning Road East, unless modified by DPIE with written correspondence to the Planning Department.

Included with this application is a pedestrian and bicycle transportation exhibit demonstrating satisfaction of this Condition. With respect to Condition 2(b), and as abovementioned, the District Council issued an Order dated March 14, 2022 granting the Applicant's request to delete Condition 5 of ZMA A-9960-C. A copy of this Order is attached as Exhibit "J" as written evidence that Condition 5 has been deleted.

CONCLUSION

Based on the foregoing, the applicant respectfully submits that all required statutory criteria are met and satisfied. Therefore, the applicant requests that this Preliminary Subdivision Plan be approved as submitted.



Edward C. Gibbs, Jr., Esq.
GIBBS AND HALLER
1300 Caraway Court, Suite 102
Largo, Maryland 20774
(301) 306 – 0033
egibbs@gibbshaller.com
Attorney for the Applicant

15344 682

QUIT-CLAIM DEED

MADE this 26th day of December, 2001, by and between LEE D. VINCENT, L. DANIEL VINCENT, by Lee D. Vincent his Attorney-in-Fact pursuant to a Power of Attorney dated December 17, 2001 and recorded prior hereto, AND LEE DAVIS VINCENT, SUCCESSOR EXECUTOR OF THE ESTATE OF LARA DAWN VINCENT, STATE OF CONNECTICUT COURT OF PROBATE NO. 98-0262 (ADMINISTRATION NO. 61383, ORPHAN'S COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND), hereinafter collectively referred to as "Grantor", and TSC/MUMA MATTAWOMAN ASSOCIATES LIMITED PARTNERSHIP, hereinafter referred to as "Grantee".

WITNESSETH, that for good and valuable consideration receipt of which is hereby acknowledged, Grantor does hereby grant, release, and forever quit-claim unto Grantee, as sole owner, all that parcel of ground situate in Prince George's County County, State of Maryland, and being described as follows:

IMP FD SURE \$ 5.00
RECORDING FEE 20.00
IR TAX STATE 1,175.00
NOTARY 1,200.00
Real PGCC Ref # 49229
RESPOLGR Mkr # 2611
Jan 08, 2002 09:27 am

See SCHEDULE A attached hereto and incorporated herein.

TOGETHER with the buildings and improvements thereupon, erected, made, or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances, and advantages, to the same belonging or in anywise appertaining.

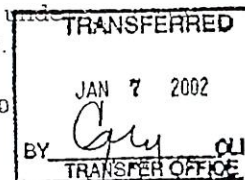
BY execution of this Deed, Grantor hereby certifies under

All taxes on assessments certified to the Collector of Taxes for Prince George's County, MD by 1-4-02 have been paid Dept. of Finance Prince George's County MD. This statement is for recordation and is not assurance against further taxation even for prior periods, nor does it guarantee satisfaction of outstanding tax sales.

- 1 -

RECORDATION TAX AND
TRANSFER TAX PAID
OFFICE OF FINANCE
PRINCE GEORGE'S COUNTY, MD

01A01#0259TXREC.
PGCC 01:46PM01-04-02



the penalties of perjury that the actual consideration paid or to be paid, including the amount of any mortgage or Deed of Trust outstanding is in the total sum of \$235,000.00.

IN WITNESS WHEREOF, the Grantor has set their hands and seals.

WITNESS:

Susan S. Wells

Lee D. Vincent (SEAL)
Lee D. Vincent

Susan S. Wells

Lee D. Vincent (SEAL)
L. Daniel Vincent, by Lee D. Vincent his Attorney-in-Fact

Susan S. Wells

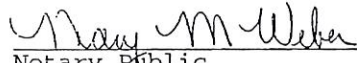
Lee Davis Vincent (SEAL)
Lee Davis Vincent, Successor
Executor of the Estate
of Lara Dawn Vincent

15344 684

STATE OF CONNECTICUT
COUNTY OF NEW LONDON, ss: GROTON

I HEREBY CERTIFY that on this 27th day of DECEMBER, 2001, before me, the subscriber, a Notary Public, for the State and County aforesaid, personally appeared Lee D. Vincent, individually, and as Attorney-in-Fact for L. Daniel Vincent and as Successor Executor of the Estate of Lara Dawn Vincent, known to me or satisfactorily proven, to be the person whose name is subscribed to the within instrument and did acknowledge that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year aforesaid.



Notary Public

My Commission Expires: DECEMBER 31, 2005.

This is to certify that this Quit-Claim Deed was prepared by or under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.



Mark G. Levin

F:\Clients\T\TSC Muma Mattawoman - 006018\Vincent Property\Documents\Quit Claim Deed.doc

RECORDING RETURN TO:
O'MALLEY, MILES, NYLEN
& GILMORE, P.A.
P.O. Box 689
Greenbelt, MD 20768

- 3 -

AFTER RECORDING RETURN TO:

ASSESSED AS 12.2274 ACRES

15344 685

SCHEDULE "A"

DESCRIPTION OF 12.9961 ACRES

PISCATAWAY (5th) DISTRICT
PRINCE GEORGE'S COUNTY, MARYLAND

BEING all of Parcel 25 as shown on Prince George's County, Maryland Tax Map Number 161, Grid E2, being more particularly described as follows:

BEGINNING for the same at a one inch open end iron pipe found on the southern end of the South 05°37'22" East, 2834.80 feet line of Outlot 2, as shown on a plat of subdivision titled "PLAT TEN, MANOKEEK" recorded among the Land Records of Prince George's County, Maryland in Plat Book 189 as Plat Number 10; thence as now surveyed in W.S.S.C. Datum and binding on part of the of said plat line for the following course,

- 1) North 05°37'22" West, 999.38 feet; thence departing said plat line and binding on the Land now or formerly owned by Manning Clagett, acquired by a deed recorded among the aforesaid Land Records in Liber 4740 at Folio 924, for the following two (2) courses,
- 2) South 73°05'56" East, 248.71 feet to a fence post found; thence,
- 3) South 70°04'52" East, 53.64 feet to the southwestern corner of Lot 1 as shown on a plat of subdivision titled "STEWART SUBDIVISION", recorded among the aforesaid Land Records in Plat Book 146 as Plat Number 30; thence binding on a southern plat line of said "STEWART SUBDIVISION" for the following course,
- 4) South 69°50'52" East, 86.59 feet; thence binding in part on a southern plat line of said "STEWART SUBDIVISION", crossing a county road described in a deed dated April 11, 1931, and recorded May 4, 1931 in the aforesaid Land Records in Liber 361 at Folio 303, said county road now known as Manning Road East, binding in part on the southwestern line of Lot 1, Block 1 as shown on a plat of subdivision titled "SECTION 1 OF BELLEVUE MANOR", recorded among the aforesaid Land Records in Plat Book 19 as Plat Number 37, and binding in part on the Land now or formerly owned by Victor J. Christiansen and Patricia Christiansen, acquired by a deed recorded among the aforesaid Land Records in Liber 7006 at Folio 883, for the following course,
- 5) South 59°56'33" East, 661.38 feet to a 30" beech tree, passing in transit a 1 ½ inch open end iron pipe found, a distance of 39.60 from the southeastern end thereof; thence binding on the said Land of Christiansen for the following course,
- 6) South 08°53'39" East, 200.38 feet to a 1 ½ inch open end iron pipe found on the northeastern end of the North 68°29'23" East, 615.01 feet line of Outlot 3, as shown on a plat of subdivision titled "PLAT ELEVEN, MANOKEEK", recorded among the aforesaid Land Records in Plat Book 189 as Plat Number 11; thence binding in part on the said plat line, crossing the aforesaid Manning Road East, and binding in part on the North 68°29'23" East, 288.07 feet line of the aforesaid Outlot 2 for the following course,

15344 686

- 7) South 68°29'23" West, 940.71 feet to the **POINT OF BEGINNING**, containing 566,110 square feet or 12.9961 acres of land.

I hereby certify to the best of my professional knowledge, information, and belief, that the information described herein is correct and is based upon a field run Boundary Survey, prepared by Loiederman Soltesz Associates in March 2001. A title report was not provided.

 9.14.01

Loiederman Soltesz Associates
Robert R. MacWilliams
Property Line Surveyor
MD. Reg. No. 600

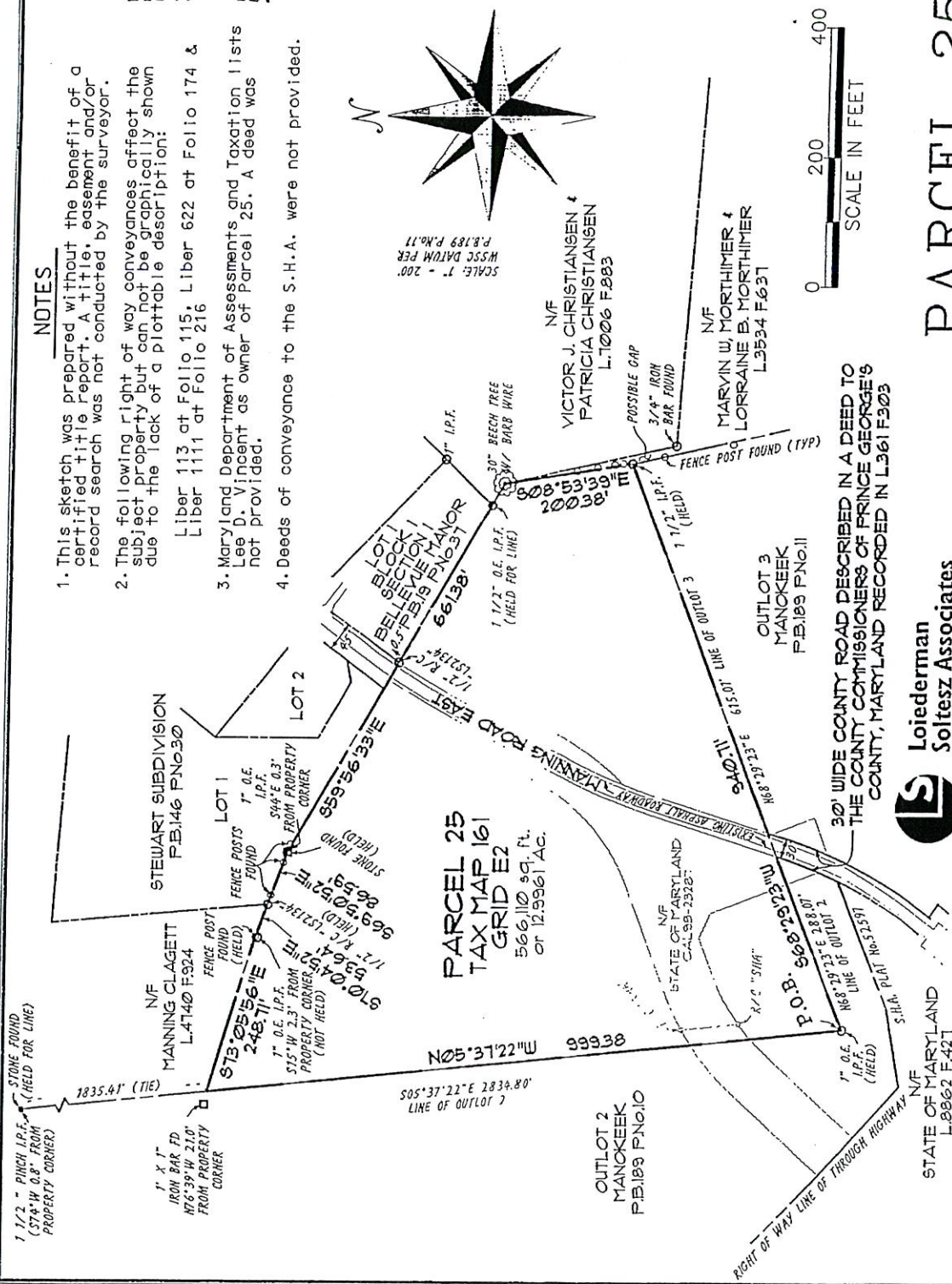


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15344 687

NOTES

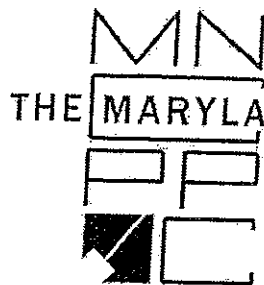
1. This sketch was prepared without the benefit of a certified title report. A title, easement and/or record search was not conducted by the surveyor.
2. The following right of way conveyances affect the subject property but can not be graphically shown due to the lack of a plottable description:
 - Liber 113 at Folio 115, Liber 622 at Folio 174
 - Liber 1111 at Folio 216
3. Maryland Department of Assessments and Taxation I Lee D. Vincent as owner of Parcel 25. A deed was not provided.
4. Deeds of conveyance to the S.H.A. were not provided



**Loiederman
Soltesz Associates**

Civil Engineering Land Planning Land Surveying Environmental Sciences
4407 Fortus Boulevard Lubans, Maryland 20706 301-794-7555 Fax 301-794-7656
www.lpsesdci.com

PARCEL 25
TAX MAP 161 GRID E2



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 02-07(A)

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco
File No. 4-01063

AMENDED RESOLUTION

WHEREAS, TSC/MUMA is the owner of a 57.47-acre parcel of land known as Outlot 2, Record Plat VJ189@9, said property being in the 5th Election District of Prince George's County, Maryland, and being zoned M-X-T; and

WHEREAS, on August 15, 2001, TSC/MUMA, Mattawoman, L.P. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 1 lot; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-01063 for Manokeek, Lot 11 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 January 10, 2002, for its review and action in accordance with Article 28, Section 7-116, 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 January 10, 2002, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

*WHEREAS, by letter dated January 4, 2017, the applicant requested a waiver and reconsideration of the findings and conditions to convert the approved age-restricted (senior) community to market-rate and divide the single existing lot into lots for individual dwelling unit ownership; and

*WHEREAS, on February 2, 2017, the Planning Board approved the waiver and request for reconsideration for good cause in furtherance of substantial public interest (Rules of Procedure, Section 10(e)); and

*WHEREAS, on July 20, 2017, the Planning Board heard testimony regarding the reconsideration.

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 I Tree Conservation Plan (TCPI/52/97-01), and further APPROVED Preliminary Plan of Subdivision 4-01063, Manokeek, for *[1] 315 lots and 35 parcels, including a *variance to Section 27-548(h) and variations from Section 24-130 *and Section 24-121(a)(4) with the following conditions:

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1. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCPI/52/97-01). The following note shall be placed on the Final Plat of Subdivision:

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCP I/52/97-01), or as modified by the Type II 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 Conservation/Tree Preservation Policy.”
2. A Type II Tree Conservation Plan shall be approved in conjunction with the Detailed Site Plan.
3. Prior to signature approval of the Preliminary Plan, the Type I Tree Conservation Plan shall be revised to remove all wetland buffer impacts not approved with the variation request and the Woodland Conservation Worksheet shall be revised to reflect the reduced acreage of woodland clearing.
4. A Phase II Noise Study shall be prepared for all residential living and use areas located within the 65 dBA noise contour and shall be submitted as part of the Detailed Site Plan submission. The study shall include noise attenuation measures to mitigate the exterior noise levels to 65 dBA or less in outdoor residential use areas and to attenuate interior noise levels for residential living areas to no more than 45 dBA.
5. The applicant, his heirs, successors and/or assignees shall provide an internal trail system, subject to the following:
 - a. All internal *homeowners' association paths/trails shall be a minimum of six feet wide and asphalt.
 - b. Appropriate signage and pavement markings shall be provided in order to ensure safe pedestrian crossings at the Berry Road and Manning Road intersection.
6. Total development within the subject property shall be limited to 800 units of senior housing and 70,000 square feet of mixed retail and office space; or different uses allowed under the governing Conceptual Site Plan which generate no more than the number of peak hour trips (244 AM peak hour trips and 366 PM peak hour trips) generated by the above development. Community facilities, skilled care facilities, and incidental office and retail space which are not public but are developed within the senior housing community shall be considered a part of the 800-unit community. Any development which generates a greater impact than that identified herein above shall require a new preliminary plat of subdivision with a new determination of the adequacy of transportation facilities.

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7. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, or (b) have been permitted for construction through the SHA access permit process, and (c) have an agreed-upon timetable for construction with the SHA or the DPW&T;

MD 228 at Manning Road:

- a. Prior to the approval of the Detailed Site Plan, the applicant shall submit the results of State Highway Administration (SHA) and the County Department of Public Works and Transportation (DPW&T) of a traffic signal warrant study for the intersection of MD 228 and Manning Road. If deemed warranted by the SHA and the DPW&T, the applicant shall bond the signal with the appropriate agency prior to the release of the initial building permit, and install the signal if directed prior to the release of the bonding for the signal.
- b. Provide the following lane configuration at MD 228 and Manning Road:
 - (1) Along the westbound approach, two through lanes and an exclusive right-turn lane (exclusive left-turn lanes are being built along eastbound and westbound MD 228 as part of the project which is being completed).
 - (2) Along the southbound Manning Road approach, an exclusive through lane, dual left-turn lanes and an exclusive right-turn lane. Per direction of the SHA, the right-turn lane should be designed as a free-flow channelized lane.

Manning Road at Senior Living/Retail entrance (north of MD 228):

- a. Provide a roundabout, or a similar intersection design that provides sufficient capacity and safety, with design details to be coordinated with the SHA and the DPW&T. A consideration in the design should be the potential continuation of Manning Road as C-526 to the north to serve the properties which make up Employment Area E.
8. At the time of final plat approval, the applicant shall dedicate right-of-way along Manning Road as shown on the submitted preliminary plan. Improvements within the dedicated right-of-way shall be determined by DPW&T.
9. In addition to normal review, the Detailed Site Plan review shall consider:
- a. The proximity of the residential structures to the power lines, with a goal of maximizing that distance.

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- b. Landscaping necessary to minimize the visual impact of the development on adjoining properties.
 - c. Building height and views.
- 10. Development of the site shall be in conformance with Stormwater Concept Plan 8004410-2000-01, or any revisions thereto.
- 11. The applicant, his successors, and/or assignees shall provide adequate, private recreational facilities in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*.
- 12. Submission of three original, executed Recreational Facilities Agreements (RFA) to the Development Review Division (DRD) of the Prince George's County Planning Department for their approval, three weeks prior to a submission of a final plat. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
- 13. Submission to DRD of a performance bond, letter of credit or other suitable financial guarantee, in an amount to be determined by DRD, within at least two weeks prior to applying for building permits.
- 14. The developer, his successor and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed recreational facilities.
- 15. The land to be conveyed to a homeowners' association shall be subject to the following:
 - a. A copy of an unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Review Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
 - 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 land to be conveyed shall not be filled or disturbed in any way without prior written consent of the DRD.
 - d. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners' association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.

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- e. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
 - f. Stormdrain outfalls shall be designed to avoid adverse impacts on adjacent land owned by, or to be conveyed to The Maryland-National Capital Park and Planning Commission (M-NCPPC). If the outfalls require drainage improvements on land to be conveyed to or owned by M-NCPPC, the Department of Parks and Recreation (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. There shall be no disturbance of any adjacent land that is owned by, or to be conveyed to M-NCPPC, without the review and approval of DPR.
 - h. 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.
 - *i. Conveyance shall take place prior to issuance of building permits.
16. The private recreational facilities shall be reviewed by the Urban Design Review Section of DRD for adequacy and property siting, prior to approval of the Detailed Site Plan by the Planning Board.
17. The following notes shall be placed on the final plat:
- a. "An automatic fire suppression system shall be provided in all proposed buildings in accordance with National Fire Protection Association Standard 13 and all applicable Prince George's County laws."
 - *[b. ~~"Access is provided by an easement created pursuant to Section 24-128(b)(9) of the Subdivision Regulations."~~]
- *18. At the time of final plat, the applicant shall process a lot line adjustment along, and including, the access easement northeastward to the public right-of-way to incorporate this area into the subdivision and to give the subdivision direct access onto Manning Road.
- *19. Prior to approval of any final plat for single-family detached lots, a variation from Section 24-128(b)(7)(A) of the Subdivision Regulations shall be submitted for approval by the Planning Board in accordance with the submittal requirements contained in Section 24-113(b) of the Subdivision Regulations.

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- *20. Prior to signature approval, the following technical corrections shall be made to the preliminary plan of subdivision:
- a. Extend the standard sidewalk along the east side of Tortola Drive, across Parcels W and GG, unless modified by Southern Maryland Electric Cooperative.
 - b. Delineate the 150-foot lot depth from Berry Road (MD 228) and 300-foot lot depth from Indian Head Highway (MD 210).
 - c. Revise the lot table on the cover sheet to indicate the lots approved for a variation that are wholly within the 150-foot and 300-foot lot depths from Berry Road (MD 228) and Indian Head Highway (MD 210).
 - d. Revise the lot table on the cover sheet to include a check mark next to Lots 215 through 222 to indicate that they are subject to approval of a variance to Section 24-548(h) of the Subdivision Regulations for more than 6 units in a building group which do not have 24-foot-wide end units.
 - e. Remove the minimum setbacks provided in the development tabulations chart.
 - f. Remove reference to Lot 12 and Outparcel B from General Note 1.
 - g. Revise General Note 20 to include that outdoor activity areas will be attenuated for exterior noise (a maximum of 65 dBA Ldn).
 - h. Label all roads interior to the site as private.
 - i. Remove the lines and labels indicating BRL and 75-foot Lot Depth Buffer.
 - j. Reflect and label the location of the proposed 10-foot-wide public utility easement.
 - k. Revise the line types shown on the plan so that property lines are clearly distinguishable from other line types.
 - l. Correct the symbol "WET" on the plans, sometimes shown backwards, to "WL" to be consistent with the wetland delineation.
 - m. Delineate the unmitigated and mitigated 65 dBA Ldn noise contours pursuant to the noise study dated June 12, 2017.
 - n. Retaining walls and storm drains shall be located on homeowners' association (HOA) parcels with sufficient space to allow for maintenance, where feasible, or

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shall be located on private lots, to the minimum extent necessary, and within easements allowing for maintenance by the HOA.

- *21. Prior to signature approval of the preliminary plan of subdivision, the Type I tree conservation plan (TCPI) shall be revised as follows:
- a. Update the approval block to the current standard with all previous approval information typed in. Include the original TCPI approval approved with Preliminary Plan of Subdivision 4-97091 by John P. Markovich on March 5, 1998.
 - b. Correct the approval block to show TCP I. The block currently shows TCP II.
 - c. Correct the M-X-T acreage, shown differently on the Parcel Disposition chart and the Woodland Conservation worksheet.
 - d. Correct the preservation area total. Sheet 5 shows two "Preservation Area 5B," one equaling 0.07 ac. and one equaling 0.22 ac. The 0.22 ac. is not represented in the Tree Preservation Areas chart. Additionally, Sheet 5 shows a "Tree Preservation Area NC-5B = 0.22 Ac." not represented in any of the tables.
 - e. Correct the symbol "WET" on the plans, sometimes shown backwards, to "WL" to be consistent with the wetland delineation.
 - f. Revise Preservation Area 11B to exclude the area of the existing natural gas conduit and associated easement.
 - g. Provide a minimum of a 10-foot clear zone from the wetland buffer for the installation, maintenance, and inspection of the sound wall, unless a lesser clear zone is deemed appropriate, for the portion of the wall adjacent to Lots 72 and 73.
- *22. The final plat shall delineate and label the location of any maintenance easements on private lots in accordance with the approved preliminary plan of subdivision and detailed site plan.
- *23. 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 Development Review Division to ensure that the rights of the Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department, are included. The covenants shall include the purpose, rights, and responsibilities for use of the maintenance easement delineation on the preliminary plan of subdivision. The liber and folio of the declaration of covenants shall be noted on the final plat prior to recordation.

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- *24. Prior to approval of any final plat, a variation from Section 24-128(b)(12) of the Subdivision Regulations shall be submitted for approval by the Planning Board in accordance with the submittal requirements contained in Section 24-133(b) of the Subdivision Regulations.
- *25. At the time of detailed site plan, provide a color-coded utility plan locating all existing and proposed public and private utilities. The location of public utility easements shall be shown on the detailed site plan.
- *26. The final location of the portion of the wall abutting stormwater pond basin #2 shall be further evaluated prior to approval of the detailed site plan.

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, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is *located on the northeast quadrant of the intersection of Indian Head Highway (MD 210) and Berry Road (MD 228) in Accokeek.
3. Environmental Issues and Variation Request—A review of the available information indicates that streams, wetlands, and wetland buffers are found to occur on the property while there are no areas of 100-year floodplain. No areas of steep slopes with highly erodible soils or areas of severe slopes have been found to occur on the property. MD 228, which is located along the southern property line, and MD 210, which is located along the western property line, have been identified as noise generators which would have adverse noise impacts on any residential development. The soils found to occur according to the Prince George's County Soil Survey include Beltsville silt loam and Aura gravelly loam, which have limitations with respect to perched water tables, impeded drainage, and a hard stratum. Marlboro clay is not found to occur in the vicinity of this property. The sewer and water service categories are S-4 and W-4. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication titled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic or historic roads in the vicinity of the property. This property is located in the Mattawoman Creek watershed.

A Forest Stand Delineation (FSD) for proposed Lot 11 was submitted and reviewed in conjunction with the review of Preliminary Plan of Subdivision 4-97091 and Conceptual Site Plan CSP-99050. The FSD was found to satisfy the requirements for a Detailed Forest Stand Delineation in accordance with the Woodland Conservation and Tree

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Preservation Technical Manual. Conditions at the site have not changed sufficiently to necessitate revisions to the previously submitted FSD. No additional information is required.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet; there are more than 10,000 square feet of existing woodland; and there is a previously approved Type I Tree Conservation Plan (TCPI/52/97). TCPI/52/97 was approved with CSP-99050 and has been reviewed for conformance with this Preliminary Plan of Subdivision. TCPI/52/97-01 is recommended for approval subject to the condition that it is revised to remove all wetland buffer impacts not approved with the variation request. In addition, the Woodland Conservation Worksheet should be revised to reflect the reduced acreage of woodland clearing.

MD 228 and MD 210 have been identified as noise generators that will impact the residential components of the subdivision. The location of the 65 dBA noise contour as shown on the Preliminary Plan of Subdivision as revised on November 28, 2001, has been reviewed by the Environmental Planning Section and found to be accurately reflected on the plan. The approved Conceptual Site Plan (CSP-99050) shows several residential buildings within the limits of the 65 dBA noise contour. Condition 5 of PGCPB No. 00-142 states:

"The applicant shall submit a detailed Noise Study for review and approval in conjunction with the Preliminary Plan of Subdivision for development of Pod 2 which clearly reflects the limits of the 65 dBA noise contours for MD Routes 210 and 228 at the residential areas of Pod 2. The study shall propose noise attenuation measures for all residential areas which are located within the 65 dBA noise contours."

Due to the level of detail available with the submittal of the Preliminary Plan of Subdivision, Condition 5 above has been addressed conceptually at this time. However, the full intent of the condition with regard to adverse noise impacts on the proposed residential areas has not been *fully addressed because a noise study submitted did not *[adequately address the noise impact on residential structures] specify building materials to be used. The study was required to ensure that adequate noise attenuation measures would be ensured for all residential structures. This issue is best addressed at the time of Detailed Site Plan when architecture can be reviewed. At the time of Detailed Site Plan review the specific location, orientation, and construction materials for the *noise wall and residential units will be identified and the location of exterior residential use areas will also be identified. At that time, the details will be available to fully address the noise impacts to the extent necessary to carry out the full intent of the approval condition. A Phase II Noise Study should be prepared for all residential living and use areas located within the 65 dBA noise contour and submitted as part of the Detailed Site Plan submission. The study should include noise attenuation measures to mitigate the exterior

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noise levels to 65 dBA or less in outdoor residential use areas and to attenuate interior noise levels for residential living areas to no more than 45 dBA.

*Section 24-121(a)(4) of the Subdivision Regulations requires residential lots to be platted with a 150-foot lot depth when adjacent to an existing or planned roadway of arterial classification, and a 300-foot lot depth when adjacent to an existing or planned roadway of freeway or higher classification. Berry Road (MD 228), to the west of the site, is an existing expressway subject to the 150-foot lot depth requirement and MD 210, to the north of the site, is an existing freeway subject to the 300-foot lot depth requirement. A variation request for 55 of the lots, which do not meet the required 150-foot and 300-foot lot depth requirement, was submitted on May 17, 2017 and heard at the Subdivision and Development Review Committee meeting on June 16, 2017 in accordance with the requirement for the submittal of a variation contained in Section 24-113 of the Subdivision Regulations. An evaluation of the requested variation is provided below.

*Variation from Section 24-121(a)(4) — Section 24-121(a)(4) of the Subdivision Regulations provides the following criteria for lots abutting specific rights-of-way:

- *(4) Residential lots adjacent to existing or planned roadways of arterial classification shall be platted with a minimum depth of one hundred and fifty (150) feet. Residential lots adjacent to an existing or planned roadway of freeway or higher classification, or an existing or planned transit right-of-way, shall be platted with a depth of three hundred (300) feet. Adequate protection and screening from traffic nuisances shall be provided by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line, when appropriate.

*The subject site has frontage along MD 228 to the west and MD 210 to the north, requiring 150-foot and 300-foot lot depths, respectively. This application includes approval of a variation for 55 lots, which do not meet the required lot depths. Section 24-113(a) sets forth the required findings for approval of variation requests as follows:

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

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*Approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-121(a)(4) could result in practical difficulties to the applicant that may result in the applicant not being able to develop this property for its intended purpose.

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

*As previously discussed, mitigation will be provided to ensure no ground-level noise impacts will affect the outdoor activity areas. Conditions pertaining to the structural design of units for the mitigation of interior noise will also be applied. The conversion of condominium units to fee-simple lots does not alter the noise impacts evaluated with previous approvals. Therefore, the Planning Board finds that the proposed variation is in conformance with this requirement.

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

*The site is triangular shaped with the majority of the property's boundaries being along the abutting MD 228 and MD 210 rights-of-way, which both generate vehicular noise impacting this site. This property was previously approved as a residential condominium senior community that is being converted to market-rate fee-simple lots. Development of the site conforms to the land use recommendation of the master plan and M-X-T Zone. The previous approvals, existing improvements, and the conversion of units to fee-simple ownership lots is a condition which is unique to this property and not generally applicable to other properties.

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

*The lot depth requirement is unique to the Subdivision Regulations for the general purpose of protecting residential lots from the adverse impacts that vehicular traffic may produce, and is under the sole authority of the Planning Board. Conditions of approval require exterior and interior mitigation of noise impacts. Therefore, approval of this variation will not constitute a violation of any other applicable law, ordinance, or regulation.

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

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*Adherence to the requirements of Section 24-121(a)(4), in this case, would result in the loss of 55 lots, a 17 percent reduction in the total units proposed with this preliminary plan, which complete the lotting pattern oriented closest to MD 228 and MD 210. This would result in a particular hardship to the applicant, as they would be incapable of developing the property to its full potential if the strict regulations were carried out.

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

*The site is not located in any of the listed zones. Therefore, this finding does not apply.

*Based on the preceding findings, the variation to Section 24-121(a)(4) for the 55 lots that do not meet the 150-foot and 300-foot lot depths is approved.

Streams, wetlands, and wetland buffers are found to occur on this property. These areas are to be protected in accordance with Section 24-130(b)(6) and Section 24-130(b)(7) of the Subdivision Ordinance. The wetland and wetland buffer on this property run from the southern property line to the northern property line, effectively severing the western third of the property from the access point located along the eastern property line. The approved conceptual site plan (CSP-99050) proposes several impacts to these protected areas. The variation request dated November 29, 2001, has addressed only one impact to the wetland buffers on this property. The variation request has been reviewed in accordance with Section 24-113(a) of the Subdivision Ordinance for the one wetland buffer impact for the proposed road and utility crossing along the northern property boundary.

- a. The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property. Comment: The granting of this variation will eliminate the need to access the western portion of the property from MD 210 and MD 228, which would create significant public safety concerns from the perspective of the Transportation Planning Section and the Maryland State Highway Administration. Therefore, the proposed wetland buffer impact will not be detrimental to the public safety, health, or welfare, or injurious to other property.
- b. The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other

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properties. Comment: Because the Transportation Planning Section and the Maryland State Highway Administration have clearly indicated that access from this property to MD 228 or MD 210 is not acceptable and the western-third of the property is severed from access by the wetlands and wetland buffers, there would be no reasonable access to approximately 19 acres of the site if this variation were not granted.

- c. **The variation does not constitute a violation of any other applicable law, ordinance, or regulation.** Comment: The granting of this variation will not constitute a violation of any other applicable law, ordinance, or regulation because the wetland and wetland buffer impacts will require wetland permits from the United States Corps of Engineers and/or the Maryland Department of Environment, prior to the issuance of any grading permits impacting the wetland or wetland buffer.
- d. **Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.** Comment: This oblong-shaped property, which runs in an east-west direction, is bounded on the north by private ownership, bounded on the east by Manning Road, bounded on the south by MD 228, and bounded on the west by MD 210. The wetland runs from the southern property line to the northern property line, effectively severing approximately one-third of the acreage from the eastern access. If the variation were not approved it would result in a significant hardship due to the loss of nearly one-third of the developable area.

The preliminary plan has been revised to include only one impact to the wetlands and wetlands buffer. Any other impacts proposed in the future would require the approval of a variation request in conjunction with a new preliminary plan of subdivision. The one variation is approved.

- 4. Community Planning—The 1993 *Subregion V Master Plan* specifically recommends mixed-use development for the subject property. Along the northwest side, the property adjoins MD 210. The southeast side adjoins MD 228. The northeast part of the property adjoins land recommended for employment land use as part of proposed Employment Area "E." The 1993 *Subregion V Sectional Map Amendment* classified this property in the M-X-T Zone via Amendment 12 in Council Resolution CR-60-1993, which approved the Master Plan and SMA. The proposed mixed-use development in the M-X-T Zone was approved in CSP-99050 on August 1, 2000. *~~[Senior housing]~~ Residential and commercial land uses were determined to conform with the master plan recommendations for mixed use in this area. Remaining site planning issues will be addressed in detailed site plans when submitted.

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5. Parks and Recreation—The property is subject to the mandatory park dedication requirements of Section 24-134 of the Subdivision Regulations. In accordance with previous approvals, the applicant will provide private recreational facilities. The exact location and amount of these facilities will be determined at the Detailed Site Plan phase and a Recreational Facilities Agreement will be required at the time of final plat.
6. Trails—The applicant will need to provide an internal trail and pathway system in accordance with the *Adopted and Approved Subregion V Master Plan* and the approved Preliminary Plan, 4-97091. All internal paths/trails should be a minimum of six feet wide and asphalt. Appropriate signage and pavement markings should be provided in order to ensure safe pedestrian crossings at the Berry Road and Manning Road intersection. There are other previously approved trail recommendations for the Manokeek development. However, they impact other sections of the Manokeek proposal and do not affect the subject site.
7. Transportation—The applicant prepared a traffic impact study dated May 2000 and prepared in accordance with the methodologies in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. The applicant also provided turning movement counts at the critical intersections dated September 2001 in light of the fact that the original study was slightly more than one-year old at the time of submission. The previous study, which was prepared in support of Conceptual Site Plan SP-99050, was deemed to be valid when combined with the new counts, and there has been no significant change in background development or other underlying assumptions since its preparation. Therefore, the Transportation Planning Section has reviewed the application, the study, and the new counts, and the findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff which are consistent with the *Guidelines*.

Summary of Traffic Impact Study

The traffic impact study analyzed the following intersections:

- MD 210/MD 228 - signalized now and in the future - NEW COUNTS
- MD 228 WB left/MD 210 SB left - under construction now; signalized in the future
- MD 228/Manning Road - unsignalized now; signalized in the future - NEW COUNTS
- Manning Road/Sr. Living Ent. - future; unsignalized
- Manning Road/Retail North Ent. - future; unsignalized - not relevant to subject application

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- Manning Road/Retail South Ent. - future; unsignalized - not relevant to subject application

With the development of the subject property, the traffic consultant determined that adequate transportation facilities in the area can be attained with four improvements in place:

- a. The widening of MD 228 to four lanes, which is currently operational.
- b. The reconfiguration of the MD 210/MD 228 intersection, which is currently operational.
- c. The signalization of the MD 228/Manning Road intersection, along with needed upgrades to the Manning Road approaches to the intersection.
- d. The installation of a roundabout along Manning Road just north of MD 228 to serve the uses planned for the site on the north side of MD 228.

The applicant proposed to construct the improvements proposed above which are not currently under construction.

Staff Analysis of Traffic Study

Existing conditions in the vicinity of the subject property are summarized as follows:

EXISTING CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 210/MD 228	1,056	1,390	B	D
MD 228 WB left/MD 210 SB left	planned			
MD 228/Manning Road	39.9*	51.2*	--	--
Manning Road/Senior Living Entrance	planned			
*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 <i>Guidelines</i> , an average delay exceeding 45.0 seconds indicates inadequate traffic operations. Delays of +999 are outside the range of the procedures, and should be interpreted as excessive.				

A review of background development in the area was conducted by the applicant. The traffic study also includes a growth rate of 1.5 percent per year along MD 210 and MD 228 to account for growth in through traffic. The widening of MD 228 to a four-lane divided highway between MD 210 and the Mattawoman Creek is currently funded for construction in the State Consolidated Transportation Program (CTP). This project,

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which includes a major reconfiguration of the MD 210/MD 228 intersection, is currently operational but was considered to be a part of the background traffic situation in the traffic study. Background traffic conditions (existing plus growth in through traffic plus traffic generated by background developments, including preliminary plan 4-01012) are summarized below:

BACKGROUND CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 210/MD 228	998	1,069	A	B
MD 228 WB left/MD 210 SB left	375	1,042	A	B
MD 228/Manning Road	46.4*	70.0*	--	--
Manning Road/Senior Living Entrance	planned			
*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 <i>Guidelines</i> , an average delay exceeding 45.0 seconds indicates inadequate traffic operations. Delays of +999 are outside the range of the procedures, and should be interpreted as excessive.				

The original Conceptual Site Plan presumed the development of three "pods," with two pods north of MD 228 and one to the south. The subject application is limited to Pod 2, which is the one north of MD 228 and west of Manning Road. Relevant staff assumptions regarding site trip generation are listed below:

- a. Pod 2, the portion north of MD 228 and west of Manning Road, was proposed by the conceptual plan to contain up to 1,239,000 square feet in senior housing and community/care facility space, and also up to 70,000 square feet of commercial space. The traffic study assumes 800 senior housing units. The staff's analysis will consider:
 - (1) 800 units of senior housing, with the assumption that the community/care facility space is incidental to the senior housing community project.
 - (2) Because the conceptual plan did not integrate the uses within Pod 2, staff assumed that the commercial uses may be open to the public rather than open to residents of the senior housing community only. Therefore, staff assumed up to 70,000 square feet of retail or office space, whichever has the highest trip generation.
- b. The *Guidelines* allow a percentage of retail trips to be considered as pass-by trips, i.e., trips which are already on the roadway. With a potential for as much as 422,500 square feet of retail space on the site, the *Guidelines* would suggest a 40 percent pass-by rate. Given that the property straddles a major highway,

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however, staff does not believe that the property will function as a single large retail center but rather as two smaller centers, suggesting that a slightly higher pass-by rate would apply. The traffic study assumed pass-by rates of 46 percent and 48 percent for the south and north sides of MD 228. The staff agrees with the assumption, but prefers to use a single rate of 47 percent for both sides of the highway.

The table below shows the site trip generation, as assumed by the transportation staff and incorporated in the transportation staff's recommendations:

SITE TRIP GENERATION - MANOKEEK M-X-T				
Area/Use	Pass-By Trips - in/out (AM & PM)		Net New Trips (AM & PM)	
Pod 1 - Total Net Trips - Preliminary Plan 4-01012 - NOT PART OF THIS APPLICATION	45/45	308/308	131/54	380/380
Pod 2 - Sr. Housing - 800 units plus	0/0	0/0	72/32	40/88
Pod 2 - Commercial - 70,000 square feet	0/0	105/105	126/14	119/119
Pod 2 - Total Net Trips	----	----	198/46	159/207
Pod 3 - Total Net Trips - Preliminary Plan 4-01064 -NOT PART OF THIS APPLICATION	----	----	104/43	262/262

Total traffic under future conditions without improvements, as analyzed by the transportation staff, is summarized below. As both preliminary plans 4-01063 and 4-01064 are being processed concurrently and utilize the similar access to the regional highway system and will receive similar off-site conditions, the traffic for both developments is included as a part of total traffic:

TOTAL TRAFFIC CONDITIONS W/O IMPROVEMENTS			
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)
MD 210/MD 228	1,022	1,108	B B
MD 228 WB left/MD 210 SB left	420	1,152	A C
MD 228/Manning Road	172.1*	+999*	-- --
Manning Road/Senior Living Entrance	10.2*	38.1*	-- --

*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*, an average delay exceeding 45.0 seconds indicates inadequate traffic operations. Delays of +999 are outside the range of the procedures, and should be interpreted as excessive.

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With improvements to the southbound leg of Manning Road at the MD 228 intersection, which were conditions of approval for the Conceptual Site Plan, total traffic would be as summarized below:

TOTAL TRAFFIC CONDITIONS WITH IMPROVEMENTS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 210/MD 228	1,022	1,108	B	B
MD 228 WB left/MD 210 SB left	420	1,152	A	C
MD 228/Manning Road	1,058	1,285	B	C
Manning Road/Senior Living Entrance	10.2*	38.1*	--	--
<p>*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 <i>Guidelines</i>, an average delay exceeding 45.0 seconds indicates inadequate traffic operations. Delays of +999 are outside the range of the procedures, and should be interpreted as excessive.</p>				

With the planned development and the improvements to the southbound leg of Manning Road at the MD 228 intersection, which have been made a condition of the Conceptual Site Plan approval, all intersections within the study area for this application operate acceptably in both weekday peak hours. The applicant will be required to construct all improvements needed to relieve any inadequacies identified under the Total Traffic condition. Transportation staff would note that the applicant has submitted a traffic signal warrant study for the intersection of MD 228 and Manning Road. Therefore, while that condition was a part of conceptual plan approval and the approval of preliminary plan 4-01012, only the needed bonding of any warranted improvements will be required.

Plan Comments

The plan *[is] was proposed to be served by an access easement, *pursuant to Section 24-128(b)(9) of the Subdivision Regulations, which would be created by an adjacent application (Preliminary Plan 4-01065). This easement would connect to a dedicated right-of-way within the same application. ~~*[The location and size of this easement is acceptable.]~~ Direct access to this property from MD 210 or MD 228 is denied for safety reasons*~~[- the easement is provided pursuant to Section 24-124(b)(8) of the Subdivision Regulations].~~ It should be noted that Section 24-128(b)(9) is limited to single lots using an easement for access in lieu of access to a public street, and is not applicable to a lotted subdivision. With the conversion of the existing single lot for condominium development to 315 fee-simple lots, a lot line adjustment along and including the proposed easement northeastward to the public right-of-way, to give the subdivision direct access onto Manning Road, shall be required.

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MD 210 is a Master Plan freeway (F-11 in the *Subregion V Master Plan*), and MD 228 is a planned expressway facility (E-7 in the same plan). The conceptual plan makes provision for these facilities. The *Subregion V Master Plan* also recommends a future grade-separated interchange at the MD 228/Manning Road intersection and at the MD 210/MD 228 intersection. It was not immediately clear that the plan, when submitted, made adequate provision for this future interchange. The transportation staff initially believed additional frontage along MD 228 and a larger area adjacent to the MD 210/MD 228 intersection was needed to accommodate the interchange. During review of this plan, however, the State Highway Administration determined that the existing right-of-way plus any right-of-way planned for dedication by the applicant would be sufficient to accommodate future improvements at both locations. Interchange concepts which are deemed to be acceptable to the State Highway Administration have been prepared, and these do not appear to require additional right-of-way. Therefore, the transportation staff has determined that no additional right-of-way for the MD 228/Manning Road interchange or the MD 210/MD 228 interchange must be provided by this plan.

*Access and Circulation

*The reconsideration includes the conversion of the previously analyzed senior community on an existing single lot into 315 market-rate single-family lots and 35 HOA parcels which will be accessed via a network of private roads. Section 24-128(b)(7)(A) allows for developments in the M-X-T Zone to be served by private roads, but not single-family detached dwellings. Of the 315 lots, 95 lots included in this subdivision are single-family detached lots and, therefore, do not conform to the requirements of Section 24-128(b)(7)(A). The applicant filed a variation request from Section 24-128(b)(7)(A) with this preliminary plan application to allow 95 single-family detached lots to be served by private roads. The variation request submitted on June 28, 2017, however, did not meet the technical submittal requirements for a variation pursuant to Section 24-113(b), which requires a petition for a variation to be submitted at least 30 calendar days prior to a public hearing by the Planning Board. The variation, although not meeting the technical requirements for submittal, is necessary to support the lotting pattern and has been analyzed in accordance with the required findings for approval of a variation, as discussed further.

*Variation from Section 24-128(b)(7)(A)—Section 24-128(b)(7)(A) of the Subdivision Regulations requires the following:

*(b) The Planning Board may approve preliminary plans of development containing private roads, rights-of-way, alleys, and/or easements under the following conditions:

*(7) In Comprehensive Design and Mixed Use Zones:

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*(A) For land in the V-L, V-M, R-L, R-S, R-M, R-U, M-U-I, L-A-C, M-A-C, M-X-C, M-U-TC, and M-X-T Zones, the Planning Board may approve a subdivision (and all attendant plans of development) with private roads to serve attached single-family dwellings, two-family dwellings, and three-family dwellings, but not single-family detached or multifamily dwellings, in accordance with the requirements of Subsections (e) and (f) of Section 27-433 of the Zoning Ordinance, except as hereinafter provided. In all of the above zones, and in the R-R Zone when developed as a cluster subdivision, the Planning Board may approve a subdivision with alleys to serve any permitted use, provided the lot has frontage on and pedestrian access to a public right-of-way. The District Council may disapprove the inclusion of alleys during the consideration of the detailed site plan for a cluster subdivision. For the purposes of this Section, an "alley" shall mean a road providing vehicular access to the rear or side of abutting lots, and which is not intended for general traffic circulation.

*The subject site includes a network of private streets which provide access to all of the lots within the subject preliminary plan, including 95 single-family detached lots.

*Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of a variation request:

*(a) Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle and Section 9-206 of the Environment Article; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:

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

*The 95 single-family detached lots included in this subdivision were previously approved to be developed under a condominium regime within a single lot served by private roads. The private road network included in this subdivision is consistent with previous approvals and is partially constructed. The creation of

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fee-simple lots for these units will allow for greater flexibility in ownership without substantial alteration to the infrastructure previously approved. Therefore, the granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to any other property.

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

*This property was previously approved as a residential condominium senior community that is being converted to market-rate fee-simple lots. The infrastructure for the site was partially constructed in accordance with previous approvals to provide private road access to all of the condominium dwelling units. The private road network is to remain, while allowing for fee-simple lot ownership of properties. The previous approvals, existing improvements, and the conversion of units to fee-simple ownership lots is a condition which is unique to this property and not generally applicable to other properties.

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

*The variation to Section 24-122(a) is unique to the Subdivision Regulations and under the sole authority of the Planning Board and, therefore, does not violate any other law, ordinance, or regulation.

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

*The physical conditions of the site are such that the site is triangular-shaped with the majority of the property's boundaries being shaped by the abutting MD 210 and MD 228 rights-of-way, from which no access is permitted. In addition, a Southern Maryland Electric Cooperative (SMECO) easement and transmission lines bisect the property in one location and a large swath of environmentally-sensitive area bisects the property in another location, which limit the achievable development pattern. The dwelling units within this development were previously approved to be accessed by a network of private roads. Moreover, approximately two-thirds of the site has been graded and infrastructure installed, including water and sewer lines, street paving, curb and gutter, and storm drains, in accordance with previous approvals. Requiring strict compliance for single-family detached units to be accessed via public streets

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would substantially alter the existing infrastructure and further restrict the developable area, therefore, resulting in a particular difficulty to the owner.

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

*The subject property is zoned M-X-T; therefore, this provision does not apply.

*The site is unique to the surrounding properties and the variation is supported by the required findings. The approval of the variation will not have the effect of nullifying the intent and purpose of the Subdivision Regulations, which, in part, is to encourage creative residential subdivision design that accomplishes the purpose of the Subdivision Regulations in a more efficient manner.

*The variation to Section 24-128(b)(7)(A) for the 95 single-family units served by private roads is supported, however, because the petition for the variation did not meet the submittal requirements, it cannot be approved at this time. Prior to approval of a final plat for any single-family detached lot, the applicant shall obtain approval of a variation from Section 24-128(b)(7)(A), and the approval shall be noted on the final plat.

Transportation Issue Conclusions

*The original preliminary plan review considered the development of up to 800 age-restricted residences with a small retail component. The reconsideration for conversion to 315 market-rate residences will be within the established trip cap for this preliminary plan.

Based on these findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with conditions placing a cap on total development and requiring the noted road improvements.

8. Schools—The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities in accordance with Section 24-122.01 and 24-122.02 of the Subdivision Regulations and the *Regulations to Analyze the Development Impact on Public School Facilities* (revised January 2001) (CR-4-1998).
*[The proposed subdivision is exempt from the APF test for schools because it involves a commercial use and a proposal for senior housing only.] Commercial development is exempt from the adequate public facilities test for schools, however, the conversion of

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senior housing to a market-rate housing development will impact school facilities as shown in the following table, and will be subject to the school facilities surcharge for each dwelling at the time of building permit.

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

Affected School Clusters #	Elementary School Cluster 6	Middle School Cluster 6	High School Cluster 6
Dwelling Units	220 DU	220 DU	220 DU
Pupil Yield Factor	.145	.076	.108
Subdivision Enrollment	32	17	24
Actual Enrollment	5,318	1,695	2,911
Total Enrollment	5,350	1,712	2,935
State Rated Capacity	6,487	2,457	4,013
Percent Capacity	82%	70%	73%

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

Affected School Clusters #	Elementary School Cluster 6	Middle School Cluster 6	High School Cluster 6
Dwelling Units	95 DU	95 DU	95 DU
Pupil Yield Factor	.177	.095	.137
Subdivision Enrollment	17	9	13
Actual Enrollment	5,318	1,695	2,911
Total Enrollment	5,335	1,704	2,924
State Rated Capacity	6,487	2,457	4,013
Percent Capacity	82%	69%	73%

*County Council Bill CB-31-2003 established a school facilities surcharge in the amount of: \$7,000 per dwelling if a building is located between the Capital Beltway (I-95/495) 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; or \$12,000 per dwelling for all other buildings. Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation, and the current amounts are \$9,116 and \$ 15,628 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

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zone or, where there is no approved transit district overlay zone, within 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 County urban centers and corridors as defined in Section 27A-106 of the County Code; within an approved transit district overlay zone or, where there is no approved transit district overlay zone, within one-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.

9. Fire and Rescue—The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities and concluded the following:
- a. The existing fire engine service at Accokeek Fire Station, Company 24, located at 16111 Livingston Road, has a service response time of 2.25 minutes, which is within the 3.25-minute response time guideline.
 - b. The existing ambulance service at Accokeek Fire Station, Company 24, located at 16111 Livingston Road, has a service response time of 2.25 minutes, which is within the 4.25-minute response time guideline.
 - c. The existing paramedic service at Allentown Road Fire Station, Company 47, located at 10900 Fort Washington Road, has a service response time of 8.83 minutes, which is beyond the 7.25-minute response time guideline. The nearest fire station, Accokeek, Company 24, is located at 16111 Livingston Road, which is 2.25 minutes from the development. This facility would be within the recommended response time for paramedic service.
 - d. The existing ladder truck service at Oxon Hill Fire Station, Company 21, located at 7600 Livingston Road, has a service response time of 13.80 minutes, which is beyond the 4.25-minute response time guideline.

The above findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*. To alleviate the negative impact on fire and rescue services due to the inadequate service discussed above, the Fire Department recommends that all commercial structures be fully sprinklered in accordance with National Fire Protection Association Standard 13 and all applicable Prince George's County laws.

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10. Police Facilities—The proposed development is within the service area for District IV-Oxon Hill. In accordance with Section 24-122.1(c) of the Subdivision Regulations of Prince George's County, existing county police facilities will be adequate to serve the proposed Manokeek development. This police facility will adequately serve the population generated by the proposed subdivision.
11. Health Department—The Health Department raised a concern regarding the power transmission lines running through the property. There is inconclusive data to prove a direct link between electromagnetic fields and health risks; however, literature on the subject suggests that caution and prudent avoidance are good planning tools. With this in mind, the Health Department recommends that any residential structure be located on the property at a maximum distance from the power lines.
12. Stormwater Management—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, # 8004410-2000-01, was approved with conditions on March 12, 2001, 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. The plan is valid through March 12, 2004.
13. Public Utility Easement—The plan correctly identifies the required 10-foot-wide public utility easement. This easement will be included on the final plat.
14. Accokeek Development Review District Commission (ADRDC)—Referrals were sent to the ADRDC. Comments were received on October 10, 2001. The ADRDC recommends "heavy" landscaping to buffer the proposed uses from the adjoining properties. Sight lines are requested to illustrate the effectiveness of any proposed landscaping. In addition, the ADRDC recommends that the building height be examined, with a possible limitation of three stories, equal to the tallest existing building in Accokeek. Staff concurs that these issues are important, but these are site plan issues rather than preliminary plan issues. Staff recommends that the site plan examine these issues in detail.
- *15. Urban Design—Detailed site plan approval for the development of the subject site is required in accordance with the requirements of the M-X-T Zone. On April 10, 2017, the District Council approved DSP-04063 for the subject site. The DSP will be required to be revised to reflect the lotting pattern approved with the reconsideration of this preliminary plan. This preliminary plan includes 95 single-family detached lots that are 40 and 54 feet wide and range from 4,673 to 12,040 square feet in area; 218 townhouse lots that are 20 and 22 feet wide and range from 1,639 to 2,792 square feet in area; and 2 semidetached lots, for 2 existing attached dwellings units located on-site, that are 33 feet wide and 2,717 square feet in area. Additional lot standards, such as setbacks and lot coverage, will be evaluated with the DSP review. Section 27-548 of the Zoning Ordinance sets forth the regulations for development in the M-X-T Zone. The provisions of Section 27-548(h) are further analyzed as follows:

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*Section 27-548(h) of the Zoning Ordinance includes the following lot requirements for townhouse development in the M-X-T Zone.

*(h) Townhouses developed pursuant to a Detailed Site Plan for which an application is filed after December 30, 1996, shall be on lots at least one thousand eight hundred (1,800) square feet in size, and shall have at least sixty percent (60%) of the full front facades constructed of brick, stone, or stucco. In addition, there shall be no more than six (6) townhouses per building group, except where the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than six (6) dwelling units (but not more than eight (8) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than six (6) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development, and the end units on such building groups shall be a minimum of twenty-four (24) feet in width. The minimum building width in any continuous, attached group shall be twenty (20) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet.

*Variance from Section 27-548(h)—The applicant has filed a variance from the requirements of Section 27-548(h) of the Zoning Ordinance, which requires that townhouse lots in the M-X-T Zone be a minimum of 1,800 square feet and that no more than 6 townhouse units be provided per building group, unless it is demonstrated that more than 6 townhouse units (but not more than 8) would create a more attractive living environment. This provision further requires that building groups containing more than 6 units not exceed 20 percent of the total building groups in the development and that the end units of such building groups be a minimum of 24 feet wide. This application includes lot sizes less than 1,800 square feet and more than 6 townhouse units in a row, but not more than 8, for approximately 12 percent of the building groups which have lot widths less than 24 feet wide for the end units, as discussed further.

*The lots in this application will accommodate 20- and 22-foot-wide townhouse units. The minimum lot size proposed to accommodate these units is 1,639 square feet. Fifty-six of the 218 total townhouse lots have lot sizes between 1,639 and 1,800 square feet. The lotting pattern provides that 5 of the 43 building groups will contain more than 6 units, but not more than 8; however, the end units are 20 feet wide in 2 of the building groups and 22 feet wide in 3 of the building groups having more than 6 units. Therefore, a variance from the requirement of Section 27-548(h) is required.

*Section 27-230 of the Zoning Ordinance sets forth the required findings for approval of variance requests, as follows:

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*(a) A variance may only be granted when the District Council, Zoning Hearing Examiner, Board of Appeals, or the Planning Board as applicable, finds that:

*(1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;

*The physical conditions of the site are such that the site is triangular shaped with the majority of the property's boundaries being shaped by the abutting MD 210 and MD 228 rights-of-way. In addition, a SMECO easement and transmission lines bisect the property in one location and a large swath of environmentally-sensitive area bisects the property in another location, which limit the achievable development pattern. Moreover, approximately two-thirds of the site has been graded and infrastructure installed; including water and sewer lines, street paving, curb and gutter, and storm drains, in accordance with previous approvals. The combination of these factors has resulted in an extraordinary situation.

*(2) The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and

*The site has been designed consistent with previous approvals and much of the infrastructure is currently in place. The development pattern and number of units included in this application is consistent with the density previously approved with DSP-04063 for the subject site, under a condominium regime. The strict application of this Subtitle would result in less density, thereby resulting in an undue hardship to the owner by preventing optimal development of the property, while avoiding sensitive environmental areas.

*(3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.

*The development is consistent with the goals and recommendations of the master plan, as previously discussed, for a mixed-use development and, therefore, will not impair the intent, purpose, or integrity of the master plan.

*Based on the preceding findings for each of the criteria, a variance from Section 27-548(h) for the lot square footages for 56 townhouse lots and the end unit lot widths for 5 of the building groups exceeding 6 units is approved.

*The development will also be subject to the provisions of the 2010 Prince George's County Landscape Manual at the time of detailed site plan. Failure to provide adequate

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landscaping and buffering may result in the loss of lots or the applicant would need to obtain approval for alternative compliance. Conformance with the requirements of the Zoning Ordinance, Landscape Manual, and the Prince George's County Tree Canopy Coverage Ordinance will be further evaluated with the review of the detailed site plan.

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 adoption of this Resolution.

* * * * *

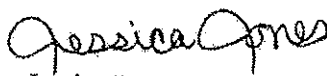
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Scott, seconded by Commissioner Eley, with Commissioners Scott, Eley, Brown, Lowe and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, January 10, 2002, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 7th day of February 2002.

*This is to certify that the foregoing, indicated in underline and deletion, is a true and correct copy of the reconsideration action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission relating to the transportation analysis 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, July 20, 2017, in Upper Marlboro, Maryland. The adoption of this amended resolution based on the reconsideration action taken does not extend the validity period of the preliminary plan of subdivision.

*Adopted by the Prince George's County Planning Board this 20th day of July 2017.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

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[Brackets] and ~~strikethrough~~ indicate deleted language

OWNER'S DEDICATION

WE, THE SIGNERS, OWNERS OF THE PROPERTY SHOWN HEREON AND DESCRIBED IN THE SUBDIVISION MAP, HEREBY AGREE TO SUBDIVIDE THE LAND SHOWN ON THE MAP INTO LOTS 13-28, 201-287, 280-289 & SIGNATURE CLUB AT MANNING ROAD. WE AGREE TO DEDICATE THE LAND SHOWN ON THE MAP TO THE PUBLIC AS A PARK AND RECREATION AREA. WE AGREE TO DEDICATE THE LAND SHOWN ON THE MAP TO THE PUBLIC AS A PARK AND RECREATION AREA. WE AGREE TO DEDICATE THE LAND SHOWN ON THE MAP TO THE PUBLIC AS A PARK AND RECREATION AREA.

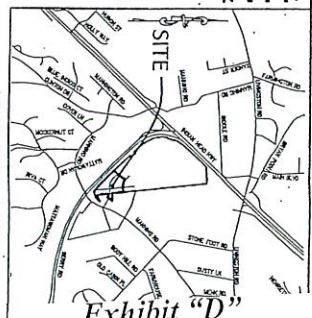
SURVEYOR'S CERTIFICATE

I, the undersigned, a duly licensed Professional Land Surveyor, have surveyed the land shown on the map and have found that the same is correctly shown and described. I have also found that the same is correctly shown and described. I have also found that the same is correctly shown and described.

NOTES

- 1. DEVELOPMENT OF THIS PROPERTY MUST CONFORM TO THE DETAILED SITE PLAN WHICH WAS APPROVED BY THE PRINCE GEORGE'S COUNTY DISTRICT OFFICIALS. ANY VIOLATION OF THE DETAILED SITE PLAN SHALL BE CONSIDERED A VIOLATION OF THE DISTRICT OFFICIALS' DECISION.
- 2. THE DEVELOPMENT OF THIS PROPERTY SHALL BE IN CONFORMANCE WITH THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE, AS AMENDED BY ANY SUBSEQUENT REVISIONS THEREOF.
- 3. THE DEVELOPMENT OF THIS PROPERTY SHALL BE IN CONFORMANCE WITH THE PRINCE GEORGE'S COUNTY SUBDIVISION MAP ACT, AS AMENDED BY ANY SUBSEQUENT REVISIONS THEREOF.

5TH 261 @ 4



VICINITY MAP
SCALE 1" = 200'

LINE	FROM	TO	BEARING	DISTANCE
1	280	281	N 89° 15' 00" W	15.00'
2	281	282	N 89° 15' 00" W	15.00'
3	282	283	N 89° 15' 00" W	15.00'
4	283	284	N 89° 15' 00" W	15.00'
5	284	285	N 89° 15' 00" W	15.00'
6	285	286	N 89° 15' 00" W	15.00'
7	286	287	N 89° 15' 00" W	15.00'
8	287	288	N 89° 15' 00" W	15.00'
9	288	289	N 89° 15' 00" W	15.00'
10	289	290	N 89° 15' 00" W	15.00'

MANNING ROAD
80' VARIABLE FOLLO 695

FILED
SEP 19 2018

PRINCE GEORGE'S COUNTY, MD

LOTS 13-28, 201-287, 280-289 & SIGNATURE CLUB AT MANNING ROAD

PISCATAWAY (5TH) ELECTION DISTRICT PRINCE GEORGE'S COUNTY, MARYLAND

SCALE: 1" = 50' DATE: MAY 29, 2018



FOR PUBLIC WATER AND SEWER SYSTEMS ONLY

THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION
PRINCE GEORGE'S COUNTY PLANNING BOARD

APPROVED: *[Signature]* July 26, 2018
CHAIRMAN: *[Signature]* ASST. SECRETARY

APPROVED: *[Signature]* DATE: *[Signature]*
PRINCE GEORGE'S COUNTY, MARYLAND

RECORDED: 9/19/18
PLAY BOOK: 541/261



LOT	AREA (SQ. FT.)	AREA (AC.)
13	1,100.00	0.025
14	1,100.00	0.025
15	1,100.00	0.025
16	1,100.00	0.025
17	1,100.00	0.025
18	1,100.00	0.025
19	1,100.00	0.025
20	1,100.00	0.025
21	1,100.00	0.025
22	1,100.00	0.025
23	1,100.00	0.025
24	1,100.00	0.025
25	1,100.00	0.025
26	1,100.00	0.025
27	1,100.00	0.025
28	1,100.00	0.025
29	1,100.00	0.025
30	1,100.00	0.025
31	1,100.00	0.025
32	1,100.00	0.025
33	1,100.00	0.025
34	1,100.00	0.025
35	1,100.00	0.025
36	1,100.00	0.025
37	1,100.00	0.025
38	1,100.00	0.025
39	1,100.00	0.025
40	1,100.00	0.025
41	1,100.00	0.025
42	1,100.00	0.025
43	1,100.00	0.025
44	1,100.00	0.025
45	1,100.00	0.025
46	1,100.00	0.025
47	1,100.00	0.025
48	1,100.00	0.025
49	1,100.00	0.025
50	1,100.00	0.025
51	1,100.00	0.025
52	1,100.00	0.025
53	1,100.00	0.025
54	1,100.00	0.025
55	1,100.00	0.025
56	1,100.00	0.025
57	1,100.00	0.025
58	1,100.00	0.025
59	1,100.00	0.025
60	1,100.00	0.025
61	1,100.00	0.025
62	1,100.00	0.025
63	1,100.00	0.025
64	1,100.00	0.025
65	1,100.00	0.025
66	1,100.00	0.025
67	1,100.00	0.025
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72	1,100.00	0.025
73	1,100.00	0.025
74	1,100.00	0.025
75	1,100.00	0.025
76	1,100.00	0.025
77	1,100.00	0.025
78	1,100.00	0.025
79	1,100.00	0.025
80	1,100.00	0.025
81	1,100.00	0.025
82	1,100.00	0.025
83	1,100.00	0.025
84	1,100.00	0.025
85	1,100.00	0.025
86	1,100.00	0.025
87	1,100.00	0.025
88	1,100.00	0.025
89	1,100.00	0.025
90	1,100.00	0.025
91	1,100.00	0.025
92	1,100.00	0.025
93	1,100.00	0.025
94	1,100.00	0.025
95	1,100.00	0.025
96	1,100.00	0.025
97	1,100.00	0.025
98	1,100.00	0.025
99	1,100.00	0.025
100	1,100.00	0.025

TEST CASE 5: Accokeek

M-X-T to CN

Location: Southeast corner of Indian Head Highway and Berry Road

Current Zone: M-X-T

Is your property within the Plan 2035 Innovation Corridor and/or along the US 1 Corridor?	No
Is your property within 500 feet of the Rural and Agricultural Area, with no major road between?	No
Is there an approved CDP, CSP, DSP, SDP, or PPS for your property?	YES—South of Berry Road entitlements: DSP-01036/04 for 7-11, Wendy's and Credit Union and large office building. Built between 2000-2005
Is the CDP, CSP, DSP, SDP, or PPS, master plan policy/strategy, or current development on the property predominately residential or nonresidential?	Primarily nonresidential
What is the highest intensity abutting zone? If there is no abutting zone, then what is the closest zone to your property?	R-R (Rural Residential), which will convert to similarly named RR (Residential Rural) in the new ordinance.

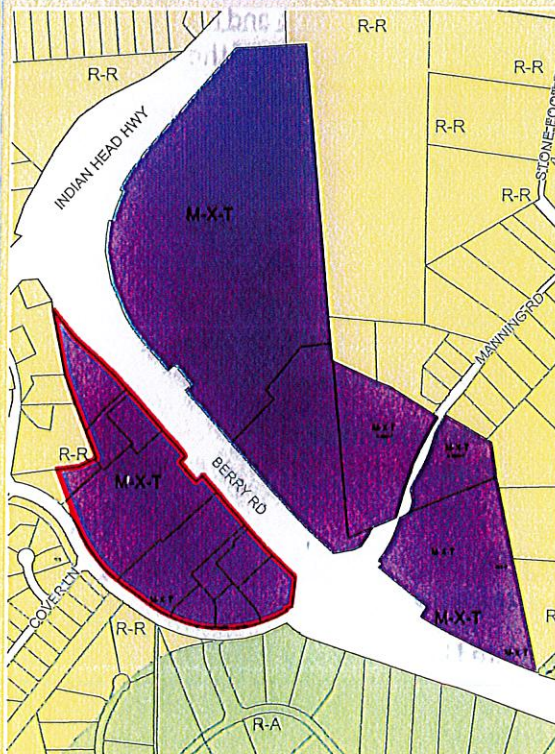
New Zone

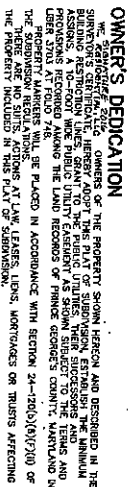
Commercial Neighborhood (CN)

NOTES

The CN zone provides land for a diverse range of small-scale, low-intensity retail and service commercial development that provides goods and services primarily serving the daily needs of residents of the immediately surrounding neighborhoods.

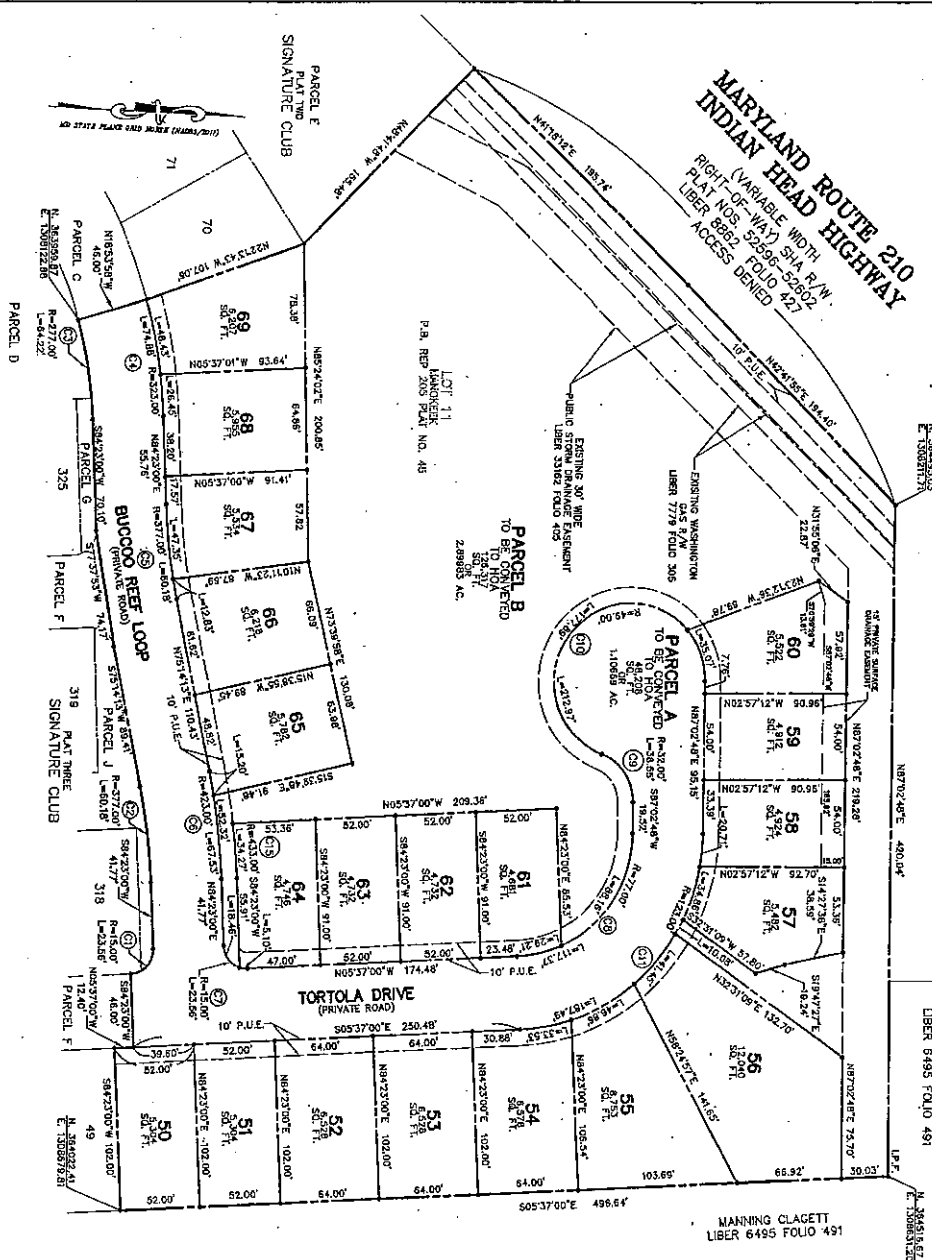
Development allowed in the CN Zone includes retail sales and services; personal services, eating establishments, recreation and entertainment, offices, limited vehicle sales and services, institutional uses, and supporting public facilities. Medium-density residential development is encouraged on the upper floors of nonresidential establishments, and may exist as stand-alone buildings when integrated into a horizontal mixed-use development.





DATE 7-19-22

FILED
SEP 19 2018
CLERK OF THE JUDICIAL COURT
FOR THE DISTRICT OF COLUMBIA



CORR	RAJUS	LENGTH	NUMBER	CH. BEARING	CH. DISTANCE	B.E. T.
01	272.600	60.85	30.01	57.74.51.7 W	8.407	690.907
02	272.600	60.85	30.01	57.74.51.7 W	8.407	690.907
03	353.000	74.88	30.02	57.74.51.7 W	74.71	1.931.58
04	353.000	74.88	30.02	57.74.51.7 W	74.71	1.931.58
05	353.000	74.88	30.02	57.74.51.7 W	74.71	1.931.58
06	353.000	74.88	30.02	57.74.51.7 W	74.71	1.931.58
07	353.000	74.88	30.02	57.74.51.7 W	74.71	1.931.58
08	353.000	74.88	30.02	57.74.51.7 W	74.71	1.931.58
09	353.000	74.88	30.02	57.74.51.7 W	74.71	1.931.58
10	353.000	74.88	30.02	57.74.51.7 W	74.71	1.931.58
11	353.000	74.88	30.02	57.74.51.7 W	74.71	1.931.58
12	353.000	74.88	30.02	57.74.51.7 W	74.71	1.931.58
13	353.000	74.88	30.02	57.74.51.7 W	74.71	1.931.58
14	353.000	74.88	30.02	57.74.51.7 W	74.71	1.931.58
15	353.000	74.88	30.02	57.74.51.7 W	74.71	1.931.58
16	353.000	74.88	30.02	57.74.51.7 W	74.71	1.931.58
17	353.000	74.88	30.02	57.74.51.7 W	74.71	1.931.58
18	353.000	74.88	30.02	57.74.51.7 W	74.71	1.931.58
19	353.000	74.88	30.02	57.74.51.7 W	74.71	1.931.58
20	353.000	74.88	30.02	57.74.51.7 W	74.71	1.931.58
21	353.000	74.88	30.02	57.74.51.7 W	74.71	1.931.58
22	353.000	74.88	30.02	57.74.51.7 W	74.71	1.931.58
23	353.000	74.88	30.02	57.74.51.7 W	74.71	1.931.58
24	353.000	74.88	30.02	57.74.51.7 W	74.71	1.931.58
25	353.000	74.88	30.02	57.74.51.7 W	74.71	1.931.58
26	353.000	74.88	30.02	57.74.51.7 W	74.71	1.931.58
27	353.000	74.88	30.02	57.74.51.7 W	74.71	1.931.58
28	353.000	74.88	30.02	57.74.51.7 W	74.71	1.931.58
29	353.000	74.88	30.02	57.74.51.7 W	74.71	1.931.58
30	353.000	74.88	30.02	57.74.51.7 W	74.71	1.931.58
31	353.000	74.88	30.02	57.74.51.7 W	74.71	1.931.58
32	353.000	74.88	30.02	57.74.51.7 W	74.71	1.931.58
33	353.000	74.88	30.02	57.74.51.7 W	74.71	1.931.58
34	353.000	74.88	30.02	57.74.51.7 W	74.71	1.931.58
35	353.000	74.88	30.02	57.74.51.7 W	74.71	1.931.58
36	353.000	74.88	30.02	57.74.51.7 W	74.71	1.931.58
37	353.000	74.88	30.02	57.74.51.7 W	74.71	1.931.58
38	353.000	74.88	30.02	57.74.51.7 W	74.71	1.931.58
39	353.000	74.88	30.02	57.74.51.7 W	74.71	1.931.58
40	353.000	74.88	30.02	57.74.51.7 W	74.71	1.931.58
41	353.000	74.88	30.02	57.74.51.7 W	74.71	1.931.58
42	353.000	74.88	30.02	57.74.51.7 W	74.71	1.931.58
43	353.000	74.88	30.02	57.74.51.7 W	74.71	1.931.58
44	353.000	74.88	30.02	57.74.51.7 W	74.71	1.931.58
45	353.000	74.88	30.02	57.74.51.7 W	74.71	1.931.58
46	353.000	74.88	30.02	57.74.51.7 W	74.71	1.931.58
47	353.000	74.88	30.02	57.74.51.7 W	74.71	1.931.58
48	353.000	74.88	30.02	57.74.51.7 W	74.71	1.931

NOTES

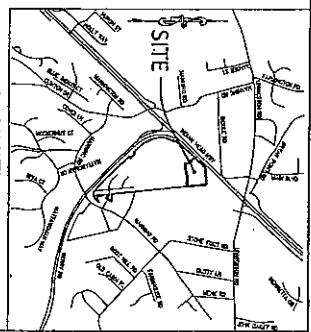
[illegible]

SURVEYOR'S CERTIFICATE

7/25/18
DATE

John Price
JOHN A. PRICE
PROFESSIONAL LAND SURVEYOR
MARYLAND NO. 21846
LICENSE EXPIRES: MAY 31, 2020

PLAT ONE
LOTS 50-68 & PARCELS A & B
SIGNATURE CLUB A
MANNING VILLAGE
PISCATAWAY (5TH) ELECTION DISTRICT
PRINCE GEORGES COUNTY, MARYLAND
SCALE: 1" = 50' DATE: MAY 29, 2011

VICINITY MAP
SCALE: 1" = 2000'

SJH250 @ 9k

RECORDED: 9/19
PLAT BOOK: SHC
PLAT NO.: 91
P230355

MSA C2381-20344

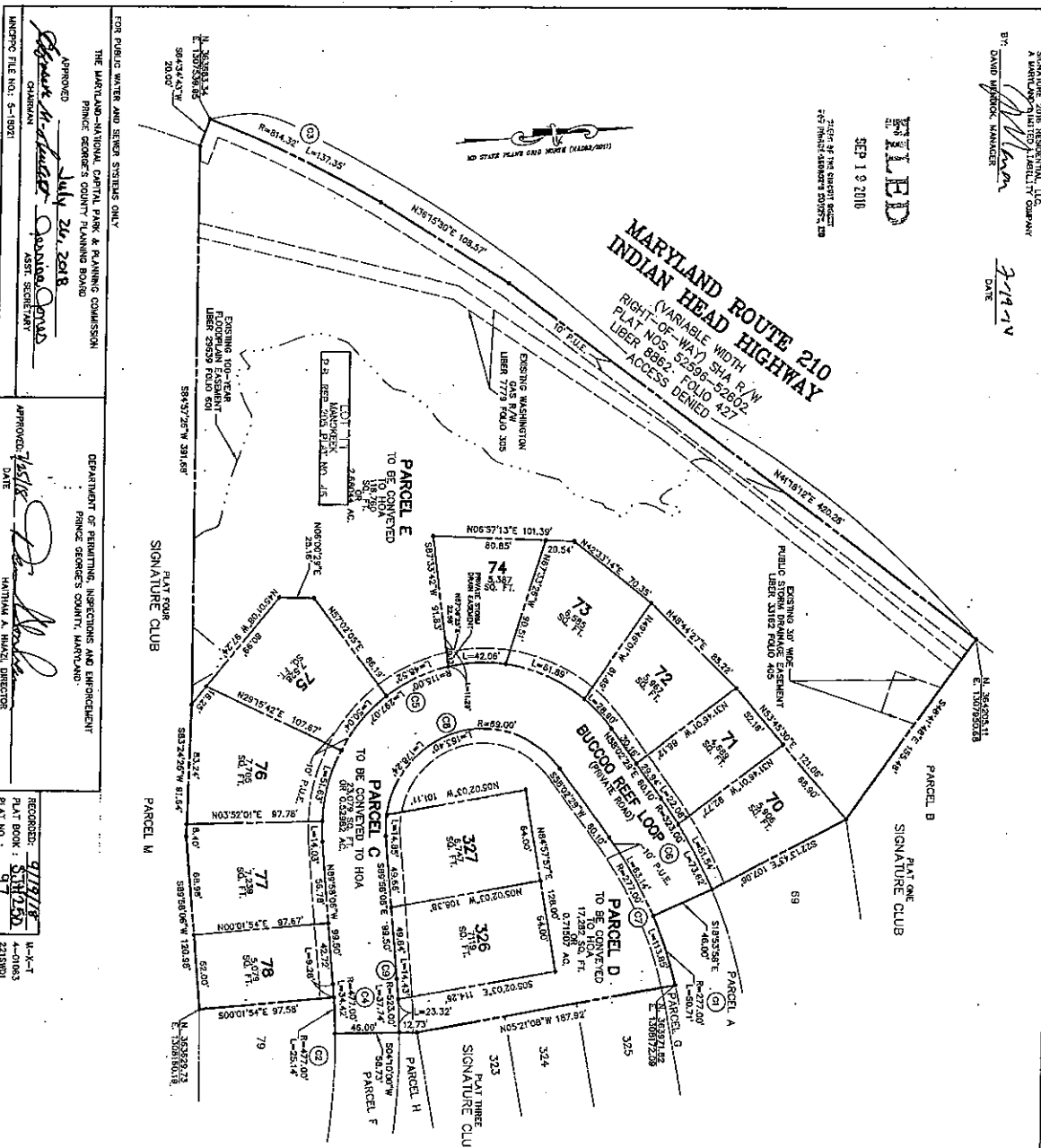
OWNER'S DEDICATION

WE, SIGNATURES, 2016, OWNERS OF THE PROPERTY SHOWN HEREON AND RESIDENTS IN THE SIGNATURES COMMUNITY, HEREBY ADOPT THIS PLAN OF SUBDIVISION, ESTABLISH THE MINIMUM LOT AREA, LOT DIMENSIONS, LOT SHAPES, LOT LAYOUTS, LOT SIZES, LOT SPACES AND ASSOCIATED PUBLIC UTILITY EASEMENTS AS SHOWN HEREON, TO BE USED FOR THE SUBDIVISION OF THE PROPERTY SHOWN HEREON INTO LOTS, BLOCKS, TRACTS, OR OTHER UNITS OF LAND, AND WE HEREBY DEDICATE THE PUBLIC UTILITY EASEMENTS AS SHOWN HEREON TO THE PUBLIC UTILITY COMPANIES AND THE PUBLIC UTILITY COMPANIES SHALL BE PLACED IN ACCORDANCE WITH SECTION 24-120(b)(1)(ii) OF THE PROPERTY RECORDS ACT, AND WE HEREBY DEDICATE THE PUBLIC UTILITY EASEMENTS AS SHOWN HEREON TO THE PUBLIC UTILITY COMPANIES AND THE PUBLIC UTILITY COMPANIES SHALL BE PLACED IN ACCORDANCE WITH SECTION 24-120(b)(1)(ii) OF THE PROPERTY RECORDS ACT.

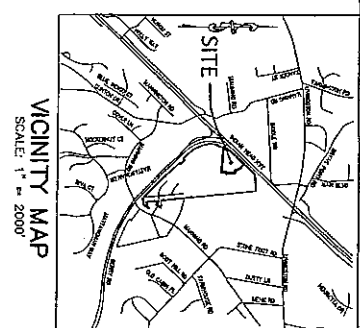
SIGNATURES 2016 RESIDENTIAL, LLC
A MARYLAND LIMITED LIABILITY COMPANY
BY: *William*
DAVID WYCKOFF, MANAGER
DATE: 3/19/17

FILED
SEP 19 2018
7:07 PM
745 PINE STREET
BALTIMORE, MD 21201

MARYLAND ROUTE 210
INDIAN HEAD HIGHWAY
RIGHT-OF-WAY 50' SHA R/W
PLAT NOS. 22595-22602
LIBER 8892 FOLIO 427
ACCESS DENIED



LOT	AREA	LENGTH	WIDTH	AREA	LENGTH	WIDTH
70	277.00	50.00	55.40	277.00	50.00	55.40
71	277.00	50.00	55.40	277.00	50.00	55.40
72	277.00	50.00	55.40	277.00	50.00	55.40
73	277.00	50.00	55.40	277.00	50.00	55.40
74	277.00	50.00	55.40	277.00	50.00	55.40
75	277.00	50.00	55.40	277.00	50.00	55.40
76	277.00	50.00	55.40	277.00	50.00	55.40
77	277.00	50.00	55.40	277.00	50.00	55.40
78	277.00	50.00	55.40	277.00	50.00	55.40
79	277.00	50.00	55.40	277.00	50.00	55.40



NOTES

1. THE SUBDIVISION OF THIS PROPERTY MUST CONFORM TO THE DETAILED SITE PLAN WHICH WAS APPROVED BY THE PRINCE GEORGES COUNTY PLANNING BOARD ON APRIL 10, 2006, (PG-06-03), OR AS AMENDED BY ANY SUBSEQUENT RESOLUTIONS THEREOF. ON APRIL 10, 2006, (PG-06-03), OR AS AMENDED BY ANY SUBSEQUENT RESOLUTIONS THEREOF.
2. THE PLAT IS SUBJECT TO A PRIVATE REVENUE FACILITIES AGREEMENT RECEIVED BY SIGNATURES 2016 RESIDENTIAL, LLC, DATED MAY 1, 2006, (PG-06-03), OR AS AMENDED BY ANY SUBSEQUENT RESOLUTIONS THEREOF.
3. DIRECT ACCESS TO MARYLAND ROUTE 210 - INDIAN HEAD HIGHWAY IS PROVIDED TO THE SUBDIVISION BY A DEED DATED MAY 1, 2006, (PG-06-03), OR AS AMENDED BY ANY SUBSEQUENT RESOLUTIONS THEREOF.
4. THE PLAT IS SUBJECT TO THE SIGNATURES 2016 RESIDENTIAL, LLC, DATED MAY 1, 2006, (PG-06-03), OR AS AMENDED BY ANY SUBSEQUENT RESOLUTIONS THEREOF.
5. APPROVAL OF THIS PLAT IS BASED UPON THE REASONABLE EXPECTATION THAT PUBLIC WATER AND SEWER SERVICE WILL BE AVAILABLE WHEN NEEDED AND IS CONTINGENT ON FULFILLING ALL OF THE REQUIREMENTS OF THE MARYLAND SUBDIVISION COMMISSION PROJECT.
6. THE SUBDIVISION OF THIS PROPERTY SHALL BE IN CONFORMANCE WITH APPROVED STANDARDS AND REGULATIONS OF THE MARYLAND SUBDIVISION COMMISSION PROJECT.
7. THE SUBDIVISION OF THIS PROPERTY SHALL BE IN CONFORMANCE WITH APPROVED STANDARDS AND REGULATIONS OF THE MARYLAND SUBDIVISION COMMISSION PROJECT.
8. THE SUBDIVISION OF THIS PROPERTY SHALL BE IN CONFORMANCE WITH APPROVED STANDARDS AND REGULATIONS OF THE MARYLAND SUBDIVISION COMMISSION PROJECT.
9. AN AUTOMATIC FIRE SUPPRESSION SYSTEM SHALL BE PROVIDED TO EACH BUILDING IN ACCORDANCE WITH THE MARYLAND SUBDIVISION COMMISSION PROJECT.
10. THE PLAT AND THE PRIVATE STORM DRAIN SYSTEM ARE SUBJECT TO A DECLARATION OF THE PRINCE GEORGES COUNTY LANDS.
11. THE PLAT IS SUBJECT TO THE SIGNATURES 2016 RESIDENTIAL, LLC, DATED MAY 1, 2006, (PG-06-03), OR AS AMENDED BY ANY SUBSEQUENT RESOLUTIONS THEREOF.
12. THE PLAT IS SUBJECT TO THE SIGNATURES 2016 RESIDENTIAL, LLC, DATED MAY 1, 2006, (PG-06-03), OR AS AMENDED BY ANY SUBSEQUENT RESOLUTIONS THEREOF.
13. THE PLAT IS SUBJECT TO THE SIGNATURES 2016 RESIDENTIAL, LLC, DATED MAY 1, 2006, (PG-06-03), OR AS AMENDED BY ANY SUBSEQUENT RESOLUTIONS THEREOF.
14. THE PLAT IS SUBJECT TO THE SIGNATURES 2016 RESIDENTIAL, LLC, DATED MAY 1, 2006, (PG-06-03), OR AS AMENDED BY ANY SUBSEQUENT RESOLUTIONS THEREOF.
15. THE PLAT IS SUBJECT TO THE SIGNATURES 2016 RESIDENTIAL, LLC, DATED MAY 1, 2006, (PG-06-03), OR AS AMENDED BY ANY SUBSEQUENT RESOLUTIONS THEREOF.

SURVEYOR'S CERTIFICATE

I, HEREBY CERTIFY THAT THE PLAT SHOWN HEREON IS CORRECT, THAT IT IS A TRUE AND ACCURATE REPRESENTATION OF THE LAND SHOWN HEREON, AND THAT THE PLAT IS SUBJECT TO THE SIGNATURES 2016 RESIDENTIAL, LLC, DATED MAY 1, 2006, (PG-06-03), OR AS AMENDED BY ANY SUBSEQUENT RESOLUTIONS THEREOF.

DATE: 7/25/17
SIGNATURE: *William*
DAVID WYCKOFF, MANAGER

PLAT TWO
LOTS 70-78, 326 & 327
& PARCELS C, D & E
SIGNATURE CLUB AT MANNING VILLAGE
PISCATAWAY (9TH) ELECTION DISTRICT
PRINCE GEORGES COUNTY, MARYLAND
SCALE: 1" = 50' DATE: MAY 29, 2018

FOR PUBLIC WATER AND SEWER SYSTEMS ONLY

THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION
PRINCE GEORGES COUNTY PLANNING BOARD
APPROVED: *William*
DATE: July 24, 2018
CHAIRMAN
APR: SECRETARY

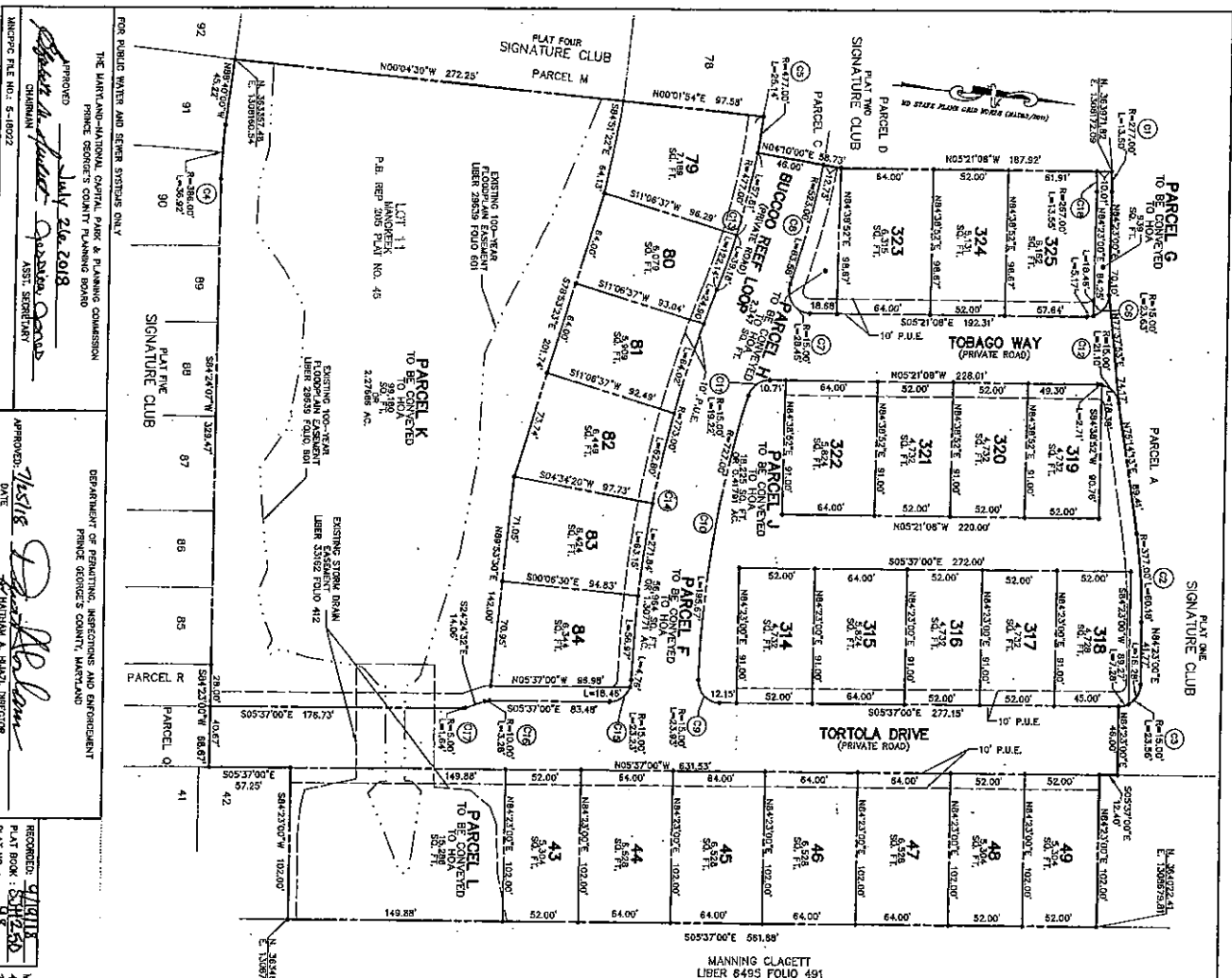
DEPARTMENT OF PERMITTING, INSPECTIONS AND ENFORCEMENT
PRINCE GEORGES COUNTY, MARYLAND
APPROVED: *William*
DATE: 7/25/17
HATHAM A. HAZEL, DIRECTOR

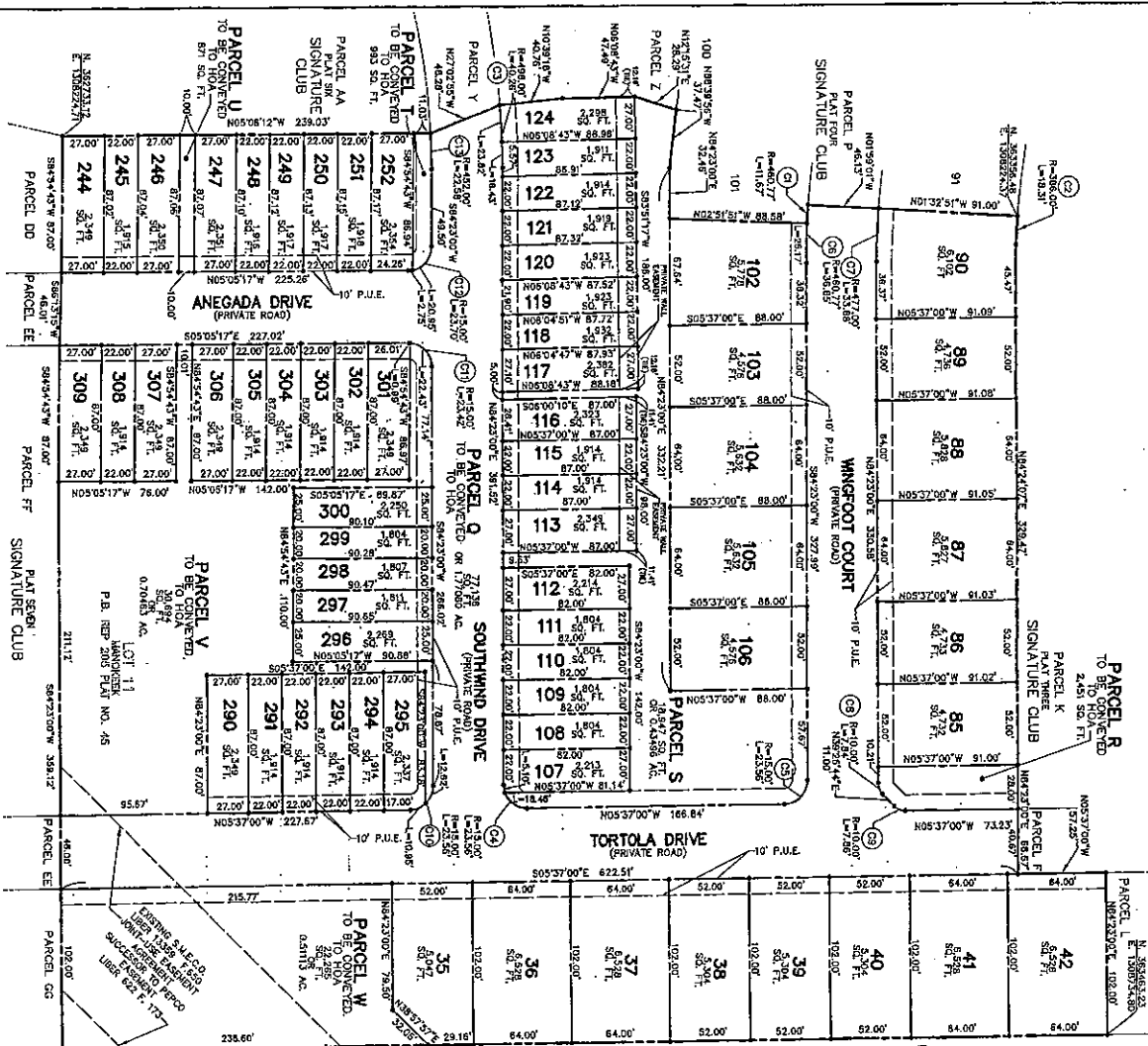
RECORDED: 9/19/18
PLAY BOOK: 511250
PLAY NO. 1
U-6-1
4-01063
2213901

RECORDED: 9/19/18
PLAY BOOK: 511250
PLAY NO. 1
U-6-1
4-01063
2213901

THE LANDS, LLC
A MARYLAND LIMITED LIABILITY COMPANY
10000 WOODBURN DRIVE, SUITE 200
PISCATAWAY, MD 21122
(410) 761-1000 FAX (410) 761-1001

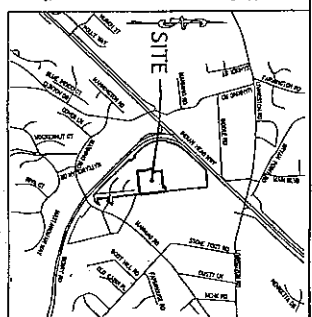
MDA C2381-20315





MANNING VILLAGE
PISCATAWAY (5TH) ELECTION DISTRICT
PRINCE GEORGE'S COUNTY, MARYLAND
SCALE: 1" = 50'
DATE: MAY 29, 2018

Wm. WATKINS, LLC
10000 WOODBURN ROAD, SUITE 200
PISCATAWAY, MD 20754
20309-0009 • 800.624.2838
WWW.WWATKINS.COM



854251 @ 1

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2020 Legislative Session

Resolution No. CR-87-2020Proposed by The Chairman (by request – County Executive)Introduced by Council Members Turner, Taveras, Davis, Hawkins and Harrison

Co-Sponsors _____

Date of Introduction September 9, 2020

RESOLUTION

1 A RESOLUTION concerning

2 The 2018 Water and Sewer Plan (June 2020 Cycle of Amendments)

3 For the purpose of changing the water and sewer category designations of properties within the
4 2018 Water and Sewer Plan.5 WHEREAS, Title 9, Subtitle 5 of the Environment Article of the Annotated Code of
6 Maryland requires the County to adopt a comprehensive plan dealing with water supply and
7 sewerage systems, established the procedures governing the preparation and adoption of said
8 plan, and provides for amendments and revisions thereto; and9 WHEREAS, pursuant to said procedures, the County Executive submitted to the County
10 Council her recommendations on water and sewer plan amendment requests within the June
11 2020 Cycle of Amendments; and12 WHEREAS, the County Council received testimony through an advertised public hearing
13 on the June 2020 Cycle of Amendments; and14 WHEREAS, the County Council notified the Washington Suburban Sanitary Commission,
15 the Maryland-National Capital Park and Planning Commission, the State and County Health
16 Departments, the Maryland Department of Planning and the Maryland Department of the
17 Environment of the public hearing and provided each agency with copies of the June 2020 Cycle
18 of Amendments.19 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's
20 County, Maryland, that the Prince George's County 2018 Water and Sewer Plan, as adopted by
21 CR-64-2019, and amended by CR-75-2019, CR-11-2020, and CR-45-2020 is further amended by
22 adding the water and sewer category designations as shown in Attachment A, attached hereto

1 and made a part hereof.

2 BE IT FURTHER RESOLVED that maps identified as the "Prince George's County,
3 Maryland, 2018 Water Map" and "Prince George's County, Maryland, 2018 Sewer Map", are
4 hereby amended to incorporate the approved category changes with the property location
5 delineated on the map in Attachment B, attached hereto and made a part hereof.

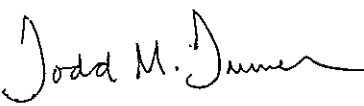
6 BE IT FURTHER RESOLVED that within five working days of the adoption of this
7 Resolution, it shall be transmitted to the County Executive by the Clerk of the Council.

8 BE IT FURTHER RESOLVED that this Resolution shall take effect on the day following
9 the first regularly scheduled Council meeting day which occurs after the County Executive
10 transmits her comments on the Resolution, or on the day that the County Executive indicates she
11 has no comments, or ten (10) working days following the transmittal of this Resolution to the
12 County Executive, whichever shall occur first. Prior to the effective date of this Resolution, the
13 Council may reconsider its action based upon any recommendation received from the County
14 Executive.

15 BE IT FURTHER RESOLVED that upon the effective date of this Resolution, it shall be
16 transmitted by the Clerk of the Council to the Secretary of the Maryland Department of the
17 Environment.

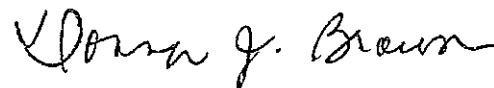
Adopted this 20th day of October, 2020.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: 

Todd M. Turner
Council Chair

ATTEST:



Donna J. Brown
Clerk of the Council

WATER AND SEWER CATEGORY AMENDMENT

Sewershed Application Council District	Development Proposal/ Tax Map Location	Acreage/ Zoning	Current Category	Requested Category	Executive's Recommendation	Council Approval
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Mattawoman

20/M-01 Signature Club District 9	80 single-family attached townhouse dwelling units with a minimum 1,784 SF of livable space and a minimum sale price of \$275,000. 161, E-2; Outparcels A & B	7.29 M-X-T	5	4	4	4
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Countywide
Redesignations

8	Bock & Tucker Roads area		5	3	3	3
9	Manning Road area		5	3	3	3

Category 3 – Community System

Category 4 – Community System Adequate for Development Planning

Category 5 -- Future Community System

Category 6 – Individual System

APPLICATIONS

REQUEST

MAP #

Mattawoman

20/M-01

Signature Club

5 to 4

1

Countywide

Redesignations

Bock & Tucker Roads area

5 to 3

2

Manning Road area

5 to 3

3

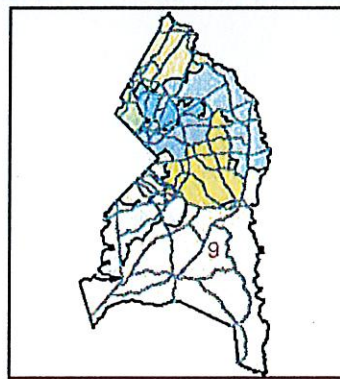
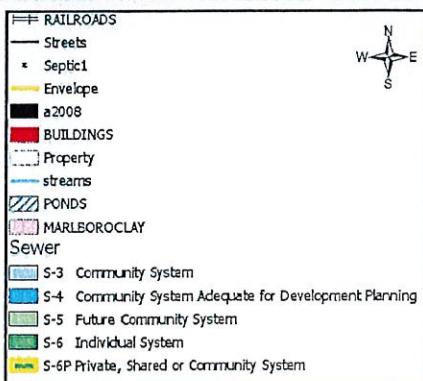
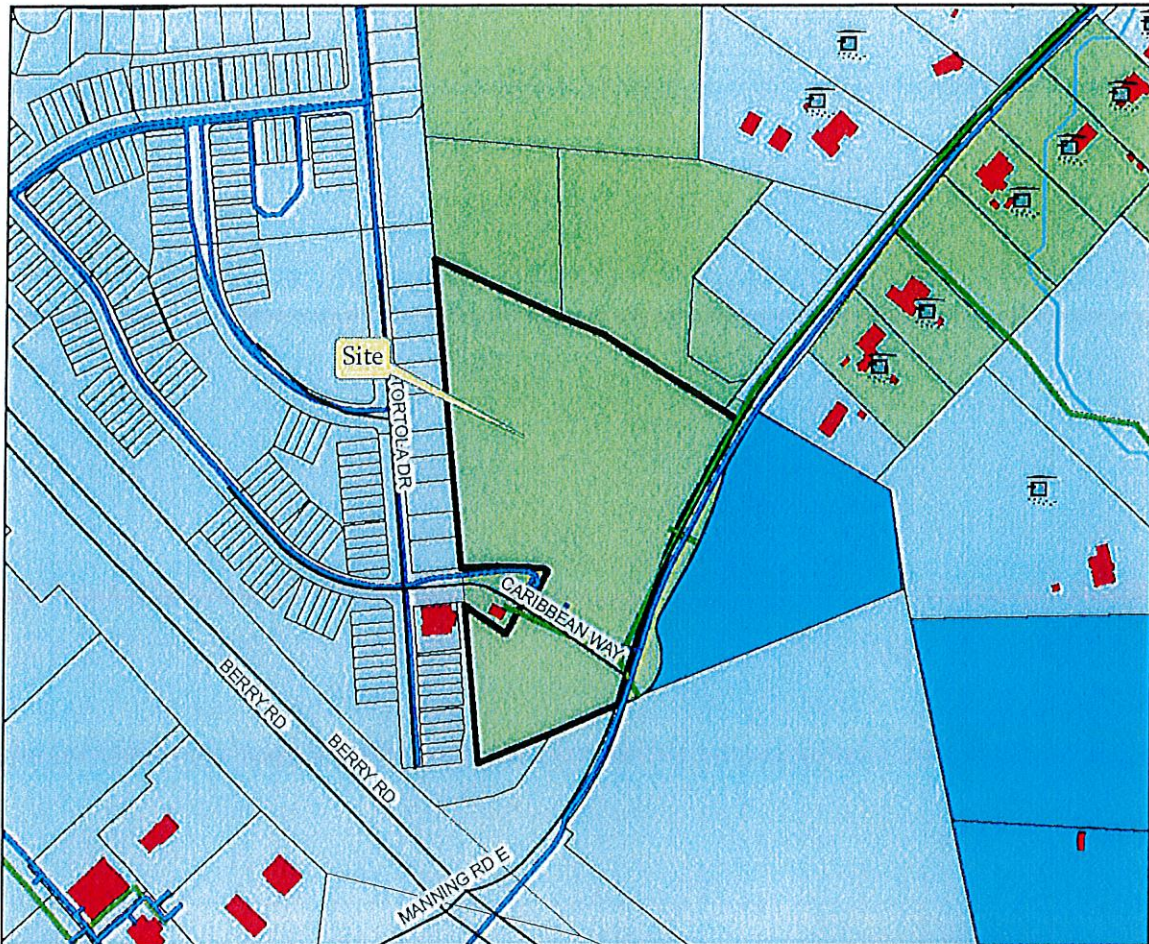


Angela D. Alsobrooks
County Executive

Signature Club WSSC Grid 221SW01

Category 5 to 4

June 2020 LA Cycle
Application: 20/M-01



Prince George's County Government, Maryland
Department Of Permitting, Inspections And Enforcement
Site/Road Plan Review Division

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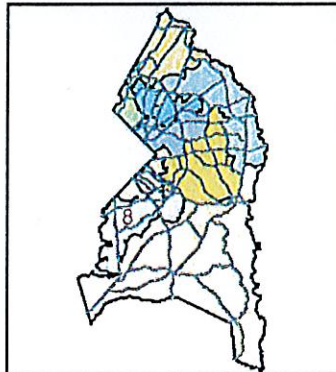
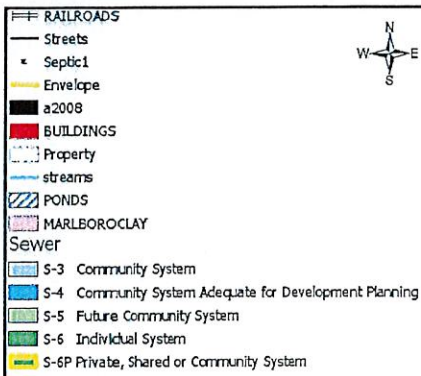
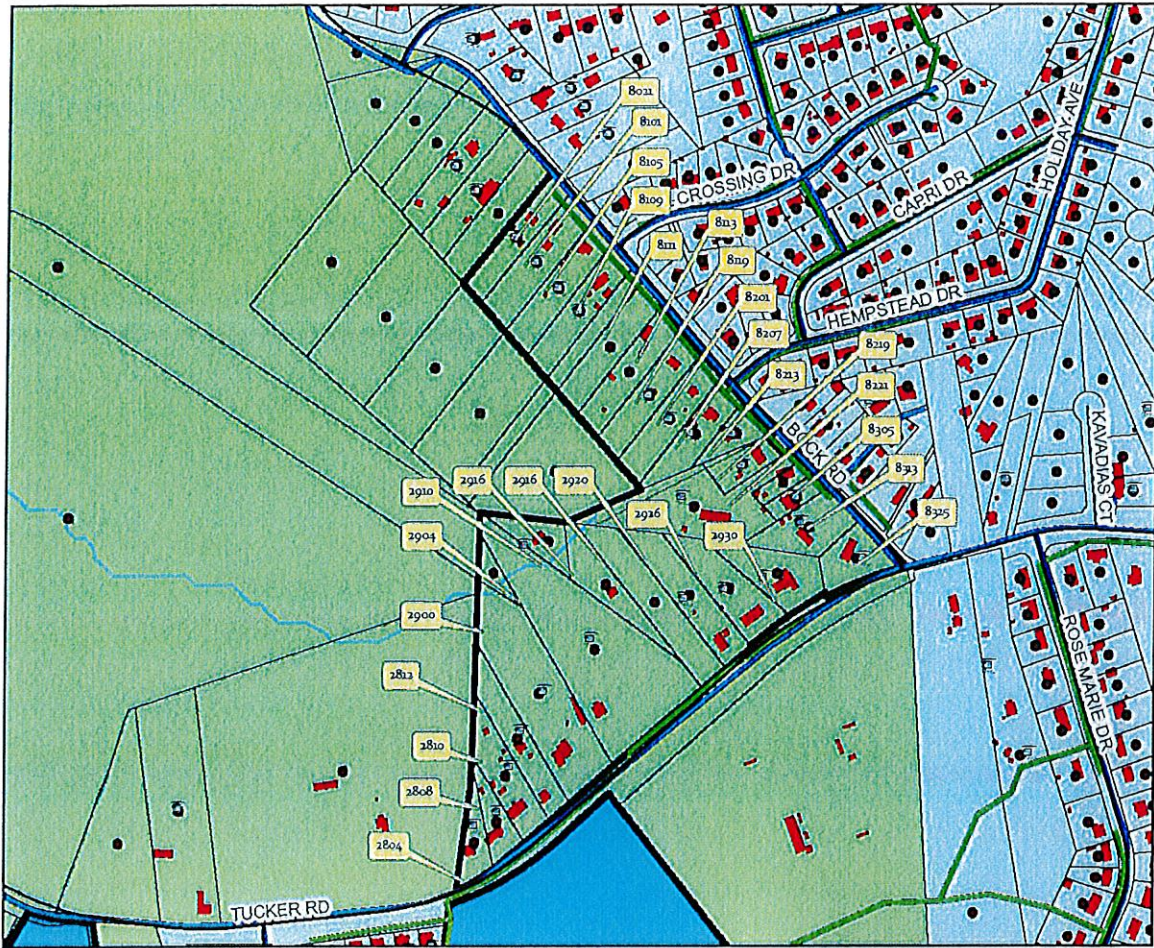


Angela D. Alsobrooks
County Executive

Bock & Tucker Roads Area WSSC Grid 211SE03

Countywide Redesignation

June 2020 LA Cycle



Prince George's County Government, Maryland
Department of Permitting, Inspections And Enforcement
Site/Road Plan Review Division

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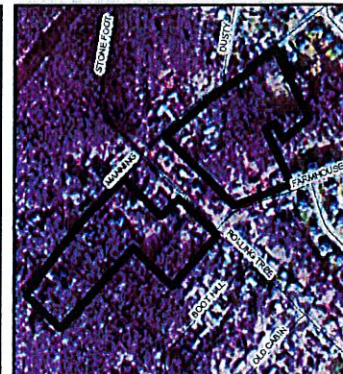
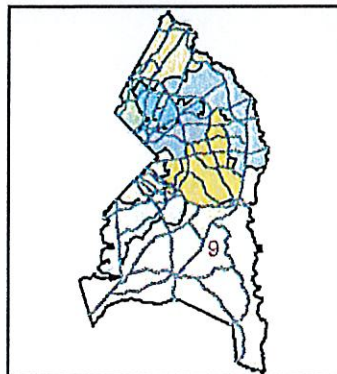
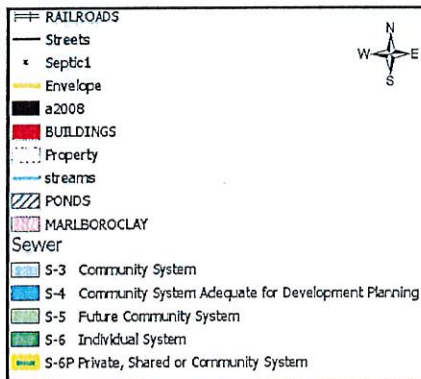
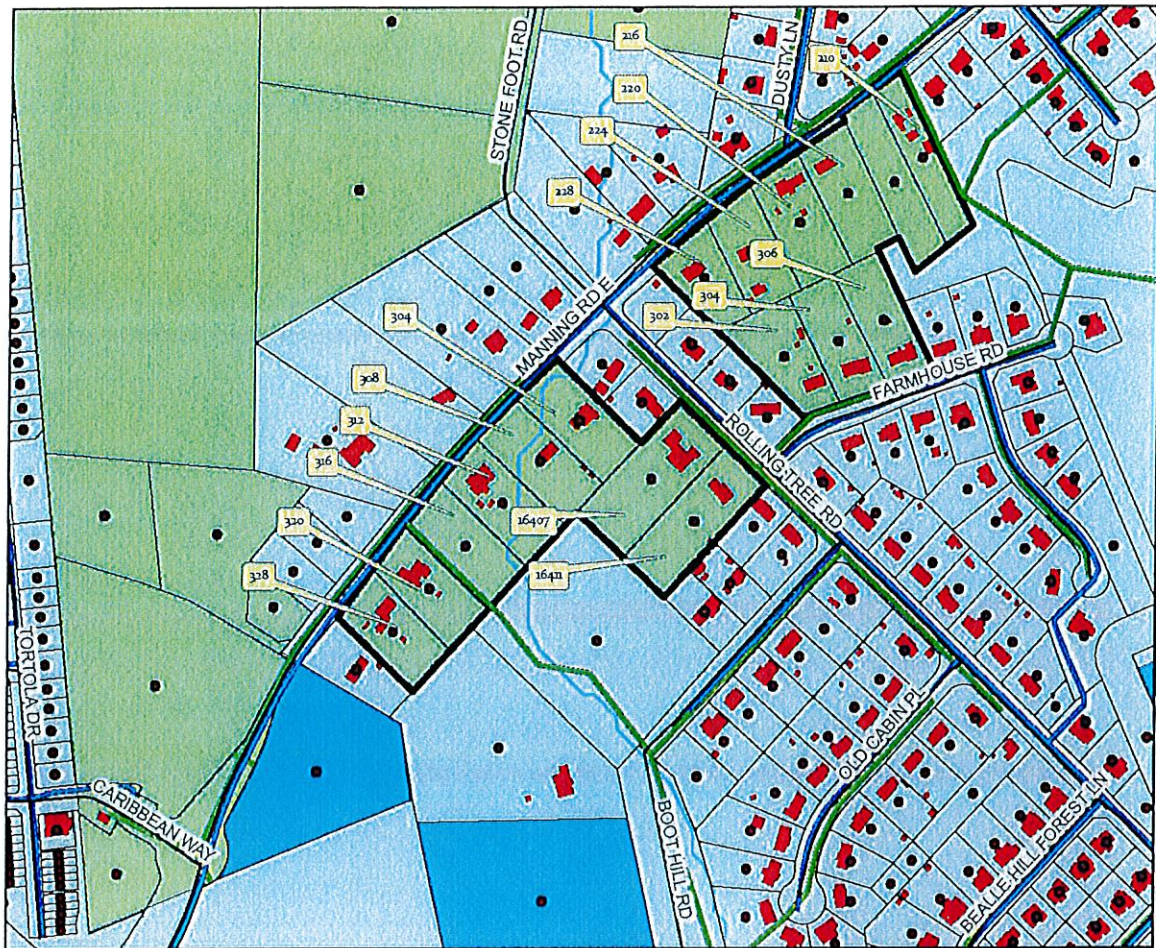


Angela D. Alabrooks
County Executive

Manning Road Area WSSC Grid 221SW01

Countywide Redesignation

June 2020 LA Cycle



Prince George's County Government, Maryland
Department Of Permitting, Inspections And Enforcement
Site/Road Plan Review Division

180 90 0 180 360 540 720 Feet

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**DISTRICT COUNCIL FOR PRINCE GEORGE'S COUNTY, MARYLAND
OFFICE OF THE ZONING HEARING EXAMINER**

**ZONING MAP AMENDMENT
A-9960-C-01**

DECISION

Application:	Amendment of Conditions
Applicant:	Signature Land Holdings, LLC
Opposition:	N/A
Hearing Date:	November 17, 2021
Hearing Examiner:	Joyce B. Nichols
Recommendation:	Approval

NATURE OF REQUEST

- (1) A-9960-C-01 is a request for the Amendment of Conditions, deleting Condition 5 (Zoning Ordinance 2-2006) of approval of A-9960 which rezoned the subject property from the R-R (Rural Residential) to the M-X-T (Mixed Use Transportation Oriented) Zone.
- (2) Signature Land Holdings, LLC owns the Subject Property containing approximately 7.238+/- acres of land, located on the east and west side of Manning Road East, approximately 120 feet north of Berry Road (MD 228) and approximately 2,300 feet east of the Indian Head Highway (MD 210)/Berry Road intersection, and identified as Outparcels A&B on Tax Map 161, Grid E2, and among the Land Records of Prince George's County in Plat Book ME 252, Plat No. 64, in Accokeek, Maryland.
- (3) No one appeared in opposition to the request. Clifford L. Woods, Accokeek Development Review Commission, testified in support.
- (4) The record of the original Application A-9960-C has been made a part of the record in this case and is incorporated herein by reference.
- (5) At the close of the hearing the record was left open to allow the inclusion into the record of several documents. Upon receipt of these documents the record was closed on December 16, 2021.

FINDINGS OF FACT

- (1) On January 9, 2002, upon adoption of Zoning Ordinance No. 2-2006, the District Council gave approval to A-9960 subject to the following conditions:

"Exhibit T"

1. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
 - a. Widening of the southbound approach of Manning Road, to provide four approach lanes, two left-turn lanes, one through lane, and one right-turn lane.
 - b. Operation of the dual left-turn lanes along the westbound MD Route 228 approach.
 - c. Modification of the island in the southwest quadrant of the intersection, to eliminate the eastbound free right turn along MD Route 228 and restriping to provide two receiving lanes for the westbound left turns.
 - d. Restriping the shoulder of westbound MD 228 to provide an exclusive right-turn lane.
 - e. Elimination of the split-phasing of the MD Route 228/Manning Road signal.
2. The total combined development of the western portion (8.57 acres) of the subject property and Pod 2 on CSP 99050 shall not exceed the total development approval for Pod 2 on CSP 99050.
3. The wetland area located at the southwestern corner of this property shall be protected from grading disturbances, throughout the development process. During the review of all subsequent plans, the wetland and the 25-foot buffer area shall be shown on all plans and shall be protected by a platted conservation easement.
4. All Conceptual Site Plans, Preliminary Plans of Subdivision Detailed Site plans, and Tree Conservation Plans proposing residential development on this site shall include a Phase I and Phase II Noise Study, as appropriate, to show the location of the 65 dBA Ldn noise contour (mitigated and unmitigated), and to show that all State noise standards have been met for interior areas of residential and residential type uses.
5. The Conceptual Site Plan shall show the proposed community center in a more prominent location.

6. The bufferyard required between land uses in the M-X-T Zone and uses on adjoining R-R land shall be double.
7. The Woodland Conservation Threshold shall be at 20 percent.

Applicant's Request

(2) The development has proceeded in a manner different from that anticipated in 2006 and as a result there is no longer a need or a demand for two community centers. The original Signature Club was requested to be a gated community, creating access problem to the community center. The development character has since changed from a gated community to regular open development, eliminating any access issues. The Applicant is requesting a deletion of Condition 5 and has proffered covenants guaranteeing all property owners the right to have unlimited access to, and use of, the one clubhouse.

LAW APPLICABLE

Amendment of Conditions

(1) An Application for the amendment of conditions attached to a piecemeal zoning map amendment may be approved in accordance with §27-135(c), which provides, in pertinent part, as follows:

(c) The District Council may (for good cause) amend any condition imposed or site plan approved (excluding Comprehensive Design Zone Basic Plans or R-P-C Zone Official Plans) upon the request of the applicant without requiring a new application to be filed, if the amendment does not constitute an enlargement or extension.

(1) In the case of an amendment of a condition (imposed as part of the approval of the zoning case), the request shall be directed, in writing, to the District Council, and shall state the reasons therefore. Before the Council amends a condition, the Zoning Hearing Examiner shall hold a public hearing on the request, in accordance with [Section 27-129](#), and shall notify all parties of record (including all parties of record on the original application and any amendments thereto) in the same manner as required for an original application. The Planning Board shall post a sign on the subject property, setting forth the date, time, and place of the hearing, in the same manner as required for an original application. After the close of the hearing record, the Zoning Hearing Examiner shall file a written recommendation with the District Council. Any person of record may appeal the commendation of the Zoning Hearing Examiner within fifteen (15) days of the filing of the Zoning Hearing Examiner's decision with the District Council. If appealed, all persons of record may testify before the District Council. Persons arguing shall adhere to the District Council's Rules of Procedure, and argument shall be limited to thirty (30) minutes for each side, and to the record of the hearing.

Good Cause

(2) The District Council may grant Applicant's request if it finds "good cause" to do so. The Zoning Ordinance does not define "good cause" so we must look to court opinions for guidance.

(3) In Kay Construction Company v. County Council, 227 Md. 479, 177 A.2d 694 (1962), the Court of appeals of Maryland considered the definition of “good cause” where a Council resolution was reconsidered upon the resignation of a Councilmember and reversed allegedly for “good cause shown.” The Court held that “mere reargument based on the evidence originally presented to and accepted by the Council” is not good cause. (277 Md. At 488) The Court in reliance on a prior decision (Zoning Appeals Board v. McKinney, 174 Md. 551, 199 A. 540 (1938)), did note that in the absence or presence of a statutory requirement, the administrative body has the right to correct errors in its decisions caused by fraud, surprise, mistake, or inadvertence. More recently the Court of Appeals has held that the determination whether “good cause” exists to allow the waiver of a condition precedent is left to the discretion of the trier of fact and will only be reversed where no reasonable person would take the view adopted. Rios v. Montgomery County, 386 Md. 14, 121 (2005)

CONCLUSIONS OF LAW

Compliance with §27-135(c)

1. The background to this request is that the approval of Zoning Ordinance 2-2006 on January 9, 2006 was carried out concurrently with the detailed design of the adjacent property to the west, the original Signature Club at Manning Village, which had been placed in the M-X-T Zone by the September 1993 *Approved Master Plan and Sectional Map Amendment for Subregion 5*.

In 2005, the Application for A-9960 for the Subject Property was proceeding in parallel with the review of Detailed Site land DSP-04063 for the adjacent Signature Club at Manning Village; and the applicant in each case was the same entity, TSC/MUMA Mattawoman Associates Limited Partnership. The development concepts at the time were for the Signature Club at Manning Village to be a gated, age-restricted community, while the Subject Property (then known as the “Vincent Property”) was proposed or the currently-proposed combination of attached residential development and a live-work component.

Discussions with the Accokeek Development Review District Commission during their review of the two applications resulted in a shared desire to provide for the use of the proposed community center for the meetings of the Accokeek Development Review District Commission, but also share concerns that the location of the Signature Club’s center behind the gates of the private community would be impractical. As such, there was an agreement in principle to instead locate the community center outside the gates of the private community on the Vincent Property. These discussions resulted in the inclusion of a community center in the Vincent Property proposal, and guiding conditions being included in the approval resolutions of both DSP-04063 and A-9960, including Condition 5 which is the subject of the instant request, and a Condition of DSP-04063 which left open the question of whether “public amenity” was needed at the original Signature Club property, and which provided that the appropriateness of its inclusion was to be left to an agreement between the applicant and the Accokeek Development Review District Commission.

Subsequently, market conditions and property owners changed, and the development concept for the Signature Club was revised from a gated, age-restricted private community to a conventional, market-rate development with a mix of attached and detached dwellings, and a community center was approved as a part of the revised Detailed Site Plan. This change in the character of the development of the original Signature Club allows the subject development to be integrated with the original Signature Club development in a way which was not possible previously.

To this end, the two developments will now share a single homeowner's association, and an agreement has been reached between the Accokeek Development Review District Commission and this Applicant to provide for access to the community center for the Accokeek Development Review District Commission for its meetings.

The Staff Report issued in the recent review and approval of CSP-20001 also addressed this history, stating in its Finding 7,

"... the applicant indicates that the units proposed in this CSP will be the next state of the larger Signature Club at Manning Village and will be incorporated into the homeowners association (HOA) of DSP-04063-04 (where 313 units are located to the west of the subject site)) and will have access to the community center in that pod. Any incorporation of this development into the adjacent existing HOA will have to be evaluated and conditioned accordingly, at the time of PPS.

Given the schematic nature of a CSP, the condition has been fulfilled by simply showing the location of the future community center in the center of the larger section. However, the applicant should either provide details of the community center at the time of PPS, as part of the adequate recreation facility evaluation, or provide evidence that this condition attached to the rezoning application has been removed by the District Council."

The Application of this background to Condition 5 of Zoning Ordinance 2-2006 is that Condition 5 is no longer relevant. As stated above Condition 5 reads,

5. The Conceptual Site Plan show the proposed community center in a more prominent location.

This condition presupposed that there would be a community center on the Subject Property in lieu of one of the original Signature Club property, pursuant to the discussions with the Accokeek Development Review District Commission regarding their access to the center. And while the condition does not explicitly require the construction of a center, it is clearly implicit in its language. This implicit character is reflected in Staff's Finding 7, quoted above.

But the change in the development character of the original Signature Club, the construction of a community center on that property, and the agreement between the Applicant and the Commission providing for their use of the center make a second center redundant. Furthermore,

the proposed development at the Subject Property, 7580 townhouses, including four live-work units, is too small to support a community center on its own without imposing an undue burden on the homeowners through their HOA fees for its maintenance and operation.

The change in the character of the original Signature Club, the agreement with the Accokeek Development Review District Commission for the use of the community center on the original Signature Club property, and the financial burden on the future homeowners of the Subject Property for maintenance and operation of a duplicate center constitute good cause for the amendment of the conditions of A-9960-C to delete Condition 5.

Finally, the deletion of Condition 5 would not constitute an enlargement or extension of the proposed development. §27-135(c)

Purposes

2. The fifteen purposes of the Zoning Ordinance are laid out in section 27-102(a). The harmony of the subject Application with these Purposes is as follows:

- (1) To protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County;***

The approval of the requested deletion would protect and promote the health, safety, morals, comfort, convenience, and welfare of the inhabitants of the County because the deletion of Condition 5 will eliminate the requirement for a duplicate amenity whose maintenance and operation would impose an undue financial burden on the future residents of the subject property.

- (2) To implement the General Plan, Area Master Plans, and Functional Master Plans;***

The approval of the requested deletion will not alter the conformance of the Subject Property to the land use and the proposed public facilities recommendations which have been in the Master Plans for almost the last thirty years. The General Plan places the Subject Property in the Established Communities policy area, which seeks context-sensitive development; the requested deletion of Condition 5 will better conform to the current surrounding development context, which no longer provides for an abutting gated, private community. As such the approval of this request will not affect the conformance of the Subject Property to the General Plan.

As to the Functional Master Plans: Protections to the County's Green Infrastructure Network will not be affected by the proposed deletion. The Subject Property is not in a Priority Preservation Area. No Historic Sites or Resources are on or in the immediate vicinity of the Subject Property. The Water Resources Functional Master Plan makes no recommendations which are directly applicable to the consideration of the requested deletion. No proposed site for public safety facilities are on or adjacent to the Subject Property. No Park facilities are recommended on or adjacent to the Subject Property. The requested deletion is not relevant to the County Master Plan of Transportation.

Because the requested amendment does not conflict with the General Plan, the Master Plan or the applicable Functional Master Plans, approval of the subject request will be in harmony with the Ordinance's purpose of implementing those Plans.

- (3) *To promote the conservation, creation, and expansion of communities that will be developed with adequate public facilities and services;***

The requested deletion does not strictly relate to the adequacy of public facilities, which will in any case be reviewed for the Subject Property at the time of a future Preliminary Plan of Subdivision. That review will include a review of the private recreation facilities which will be required in lieu of a public parkland dedication, and if a community center is not proposed, other facilities will be necessary to meet the requirements of the Subdivision Ordinance. As such, the requested deletion will be in harmony with this Purpose.

- (4) *To guide the orderly growth and development of the County, while recognizing the needs of agriculture, housing, industry, and business.***

The future development as delineation on approved Conceptual Site Plan CSP-20001 will recognize the modern provisions of the County Code which guide the orderly growth and development of the County. Particularly relevant provisions are the subsequent adoption of the Landscape Manual, the M-I-OZ, enhanced environmental protections, and the requirements for the provision of adequate public facilities; furthermore, the integration of the Subject Property into the original Signature Club and the shared use of its facilities are a good example of orderly growth and development. As such, the requested deletion is in conformance with this Purpose of the Zoning Ordinance.

- (5) *To provide adequate light, air, and privacy;***

The requested deletion would be in harmony with this Purpose because the existence of a community center does not directly speak to the provision of adequate light, air or privacy. Arguably, however, the deletion of a duplicate center would provide greater privacy for the future homeowners who would otherwise have surrounded that facility.

- (6) *To promote the most beneficial relationship between the uses of land and buildings and protect landowners from adverse impacts of adjoining development;***

Similar to Purpose (5), above the requested deletion will be in conformance with this Purpose of the Zoning Ordinance because the deletion of a duplicate facility would provide greater privacy (and thus less adverse impact) for the future homeowners who would otherwise have surrounded that facility.

(7) *To protect the County from fire, flood, panic, and other dangers;*

The requested deletion of Condition 5 will not affect the conformance of the proposed development to this Purpose of the Zoning Ordinance.

(8) *To provide sound sanitary housing in a suitable and healthy living environment within the economic reach of all County residents;*

The requested deletion of Condition 5 will not affect the conformance of the proposed development to this Purpose of the Zoning Ordinance, because the suitable and healthy living environment of the combined developments of the original Signature Club and the Subject Property will still include a shared community center.

(9) *To encourage economic development activities that provide desirable employment and a broad, protected tax base;*

This Purpose is not relevant to the requested deletion, because private homeowner association facilities are not taxed.

(10) *To prevent the overcrowding of land;*

The requested deletion will not affect this Purpose of the Zoning Ordinance as no additional development is proposed in place of the community center which is requested to be deleted.

(11) *To lessen the danger and congestion of traffic on the streets, and to insure the continued usefulness of all elements of the transportation system for their planned functions;*

The requested deletion will not affect this Purpose of the Zoning Ordinance as no net additional traffic would be generated by the community center which is requested to be deleted; trips to the community centers will occur regardless of whether there are one or two, and the location of the center on the original Signature Club is so close to the Subject Property that the use of vehicles to access it is unlikely.

(12) *To insure the social and economic stability of all parts of the County;*

As the Zoning Ordinance is the principal tool for the implementation of the planning process by enacting legal requirements which implement the planning goals that strive to maintain the social and economic stability of the County, a development's conformance with the requirements and regulations of the Zoning Ordinance is prima facie evidence of the Applicant's harmony with this Purpose.

Beyond that, however, the requested deletion would promote the economic stability of the future homeowners at the Subject Property by removing the financial requirement to support the

operation and maintenance of a duplicate facility.

- (13) To protect against undue noise, and air and water pollution, and to encourage the preservation of stream valleys, steep slopes, lands of natural beauty, dense forests, scenic vistas, and other similar features;***

The requested deletion will not have any effect on undue noise, and air and water pollution, the preservation of stream valleys, steep slopes, lands of natural beauty, dense forests, scenic vistas, and other similar features. As such, the approval of the requested deletion would be in conformance with this Purpose of the Zoning Ordinance.

- (14) To provide open space to protect scenic beauty and natural features of the County, as well as to provide recreational space; and***

- (15) To protect and conserve the agricultural industry and natural resources.***

are not directly applicable to the approval of this request. §27-102(a)

3. In addition to the general purposes of the Ordinance, the specific purposes of the M-X-T Zone are found in Section 27-542(a) of the Zoning Ordinance.

- (1) To promote the orderly development and redevelopment of land in the vicinity of major interchanges, major intersections, major transit stops, and designated General Plan Centers so that these areas will enhance the economic status of the County and provide an expanding source of desirable employment and living opportunities for its citizens;***

The requested deletion of Condition 5 will not affect the conformance of the proposed development to this Purpose of the M-X-T Zone as (1) it will not affect the relationship of the land in question to its site in the vicinity of a major intersection; and (2) development at the site will continue to provide space for both desirable employment – in live/work units – and living opportunities.

- (2) To implement recommendations in the approved General Plan, Master Plans, and Sector Plans, by creating compact, mixed-use, walkable communities enhanced by a mix of residential, commercial, recreational, open space, employment, and institutional uses;***

The requested deletions will not affect the conformance of the proposed development to this purpose of M-X-T Zone because it will not affect the use mix, and the new shared Signature Club community will still contain recreational facilities, including a community center.

- (3) To conserve the value of land and buildings by maximizing the public and private***

development potential inherent in the location of the zone, which might otherwise become scattered throughout and outside the County, to its detriment;

The location of the subject Application will remain in keeping with this Purpose of the M-X-T Zone because the requested deletion will maximize the private development potential of the Subject Property by removing a financial requirement of the future homeowners to support the operation and maintenance of a duplicate facility.

- (4) To promote the effective and optimum use of transit and reduce automobile use by locating a mix of residential and non-residential uses in proximity to one another and to transit facilities to facilitate walking, bicycle, and transit use.***

The approval of the requested deletion will not affect the conformance of the development to this Purpose of the M-X-T Zone because the location of the center on the original Signature Club is so close to the Subject Property, that the use of vehicles to access it is unlikely.

- (5) To facilitate and encourage a twenty-four (24) hour environment to ensure continuing functioning of the project after workday hours through a maximum activity, and the intersection between the uses and those who live work in, or visit the area;***

The approval of the requested deletion of Condition 5 will not affect the conformance of the development to this Purpose of the M-X-T Zone because the deletion of the duplicate community center will not affect the mix of residential and non-residential uses required by Section 27-547(d)).

- (6) To encourage an appropriate horizontal and vertical mix of land uses which blend together harmoniously;***

The approval of the requested deletion will not affect the conformance of the development to this Purpose as it will not inhibit the creation of a harmonious mix of uses.

- (7) To create dynamic, functional relationships amongst individual uses within a distinctive visual character and identity;***

The approval of the requested deletion will not affect the conformance of the development to this Purpose as it will not affect inter-use relationships, visual character, or identity. The new, larger Signature Club community will contain a centrally-located community center, and the deletion of the duplicate center, in addition to relieving the financial burden described above, will prevent the dilution of communal activity focused on the center, actively promoting a dynamic and functional relationship between the single center and its surrounding residents.

- (8) To promote optimum land planning with greater efficiency through the use of economies of scale, savings in energy, innovative stormwater management techniques, and provision of public facilities and infrastructure beyond the scope***

of single-purpose projects;

By deleting the requirement for a duplicate facility, the approval of this request will actively implement the Purpose which seeks optimum land planning and greater efficiency.

- (9) *To permit a flexible response to the market and promote economic vitality and investment; and***

The approval of the requested deletion of Condition 5 will actively enhance the conformance of the development to this Purpose of the M-X-T Zone because it will promote economic vitality by relieving the financial burden on the future homeowners to support the operation and maintenance of a duplicate facility.

- (10) *To allow freedom of architectural design in order to provide an opportunity and incentive to the developer to achieve excellence in physical, social, and economic planning.***

The freedom of architectural design as well as opportunities and incentives for planning excellence will not be affected by the requested amendments. §27-542(a)

(4) Given (1) the change in the character of the original Signature Club, (2) the agreement with the Accokeek Development Review Commission for the use of the community center on the original Signature Club property, (3) that the deletion of Condition 5 would relieve the future homeowners of the Subject Property of the financial burden for the maintenance and operation of a duplicate community center and (4) the proposed deletion of Condition 5 does not constitute an enlargement or extension, there is a good cause (substantial reason), and it would not be an impermissible change of mind, for the District Council to delete Condition 5 as requested.

RECOMMENDATION

Based on a finding of good cause, amend the original conditions of approval of A-9960-C by deleting Condition 5, and revise them as follows:

1. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
 - a. Widening of the southbound approach of Manning Road, to provide four approach lanes, two left-turn lanes, one through lane, and one right-turn lane.
 - b. Operation of the duel left-turn lanes along the westbound MD Route 228 approach.

- c. Modification of the island in the southwest quadrant of the intersection, to eliminate the eastbound free right turn along MD Route 228 and restriping to provide two receiving lanes for the westbound left turns.
 - d. Restriping the shoulder of westbound MD 228 to provide an exclusive right-turn lane.
 - e. Elimination of the split-phasing of the MD Route 228/Manning Road signal.
2. The total combined development of the western portion (8.57 acres) of the subject property and Pod 2 on CSP 99050 shall not exceed the total development approval for Pod 2 on CSP 99050.
 3. The wetland area located at the southwestern corner of this property shall be protected from grading disturbances, throughout the development process. During the review of all subsequent plans, the wetland and the 25-foot buffer area shall be shown on all plans and shall be protected by a platted conservation easement.
 4. All Conceptual Site Plans, Preliminary Plans of Subdivision, Detailed Site Plans, and Tree Conservation Plans proposing residential development on this site shall include a Phase I and Phase II Noise Study, as appropriate, to show the location of the 65 dBA Ldn noise contour (mitigated and unmitigated) and to show that all State noise standards have been met for interior areas of residential and residential type uses.
 5. The bufferyard required between land uses in the M-X-T Zone and uses on adjoining R-R land shall be doubled.
 6. The Woodland Conservation Threshold shall be at 20 percent.



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of the Clerk of the Council
301-952-3600

March 21, 2022

RE: A-9960-C-01 Manokeek (Development)
Signature Land Holdings, LLC, Applicant

NOTICE OF FINAL DECISION OF THE DISTRICT COUNCIL

Pursuant to the provisions of Section 27-134 of the Zoning Ordinance of Prince George's County, Maryland requiring notice of decision of the District Council, you will find enclosed a copy of Zoning Ordinance No. 3 - 2022 setting forth the action taken by the District Council in this case on March 14, 2022.

CERTIFICATE OF SERVICE

This is to certify that on March 21, 2022 this notice and attached Council order were mailed, postage prepaid, to all persons of record.

A handwritten signature in cursive script, reading "Donna J. Brown".

Donna J. Brown
Clerk of the Council

Wayne K. Curry Administration Building
1301 McCormick Drive Largo, MD 20774

Exhibit "J"

Case No.: A-9960-C-01
Manokeek (Development)
Amendment of Conditions

Applicant: Signature Land Holdings, LLC

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

ZONING ORDINANCE NO. 3 -2022

AN ORDINANCE concerning an application request to delete Condition 5 of Zoning Map Amendment A-9960-C, previously enacted by the District Council in Zoning Ordinance No. 2-2006, which approved rezoning of approximately ± 7.238 acres of land, located on the east and west side of Manning Road East, approximately 120 feet north of Berry Road (MD 228) and approximately 2,300 feet east of the Indian Head Highway (MD 210)/Berry Road intersection, from the R-R (Rural Residential) Zone to the M-X-T (Mixed Use Transportation Oriented) Zone, identified as Outparcels A&B on Tax Map 161, Grid E2, and among the Land Records of Prince George's County in Plat Book ME 252, Plat No. 64, in Accokeek, Council District 9.

WHEREAS, on January 9, 2006, the District Council enacted Zoning Ordinance No. 2-2006, approving Zoning Map Amendment A-9960 to rezone the property subject to seven (7) conditions:¹

1. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:

¹ Zoning Ordinance No. 2-2006, conditionally approved Zoning Map Amendment A-9960-C. The "C" indicates "Conditions" were imposed by the District Council when the property was rezoned in 2006. PGCC § 27-157(b). The "01" indicates the instant application request or first amendment of conditions previously imposed by the District Council.

- a. Widening of the southbound approach of Manning Road, to provide four approach lanes, two left-turn lanes, one through lane, and one right-turn lane.
 - b. Operation of the dual left-turn lanes along the westbound MD Route 228 approach.
 - c. Modification of the island in the southwest quadrant of the intersection, to eliminate the eastbound free right turn along MD Route 228 and restriping to provide two receiving lanes for the westbound left turns.
 - d. Restriping the shoulder of westbound MD 228 to provide an exclusive right-turn lane.
 - e. Elimination of the split-phasing of the MD Route 228/Manning Road signal.
2. The total combined development of the western portion (8.57 acres) of the subject property and Pod 2 on CSP 99050 shall not exceed the total development approval for Pod 2 on CSP 99050.
 3. The wetland area located at the southwestern corner of this property shall be protected from grading disturbances, throughout the development process. During the review of all subsequent plans, the wetland and the 25-foot buffer area shall be shown on all plans and shall be protected by a platted conservation easement.
 4. All Conceptual Site Plans, Preliminary Plans of Subdivision, Detailed Site Plans, and Tree Conservation Plans proposing residential development on this site shall include a Phase I and Phase II Noise Study, as appropriate, to show the location of the 65 dBA Ldn noise contour (mitigated and unmitigated) and to show that all State noise standards have been met for interior areas of residential and residential type uses.
 5. The Conceptual Site Plan shall show the proposed community center in a more prominent location; and
 6. The bufferyard required between land uses in the M-X-T Zone and uses on adjoining R-R land shall be doubled.
 7. The Woodland Conservation Threshold shall be at 20 percent; and

WHEREAS, the sole request of this application is to delete Condition 5 of Zoning Map Amendment A-9960-C, which the District Council approved by enactment of Zoning Ordinance No. 2-2006; and

WHEREAS, the development has proceeded in a manner different from that anticipated in 2006 and as a result there is no longer a need or a demand for two community centers; and

WHEREAS, the original Signature Club was requested to be a gated community, creating an access problem to the community center; and

WHEREAS, the development character has since changed from a gated community to regular open development, eliminating any access issues; and

WHEREAS, the Applicant is requesting deletion of Condition 5 and has proffered covenants guaranteeing all property owners the right to have unlimited access to, and use of the one clubhouse; and

WHEREAS, the application was advertised and the property was duly posted prior to public hearing; and

WHEREAS, on November 17, 2021, the Zoning Hearing Examiner held an unopposed evidentiary hearing on the application request; and

WHEREAS, the record was left open until December 16, 2021, for submission of several additional documents into the record; and

WHEREAS, on January 24, 2022, the Examiner's written recommendation was duly filed with the District Council; and

WHEREAS, on February 28, 2022, having reviewed the record in this case, the District Council voted to approve the application request to delete Condition 5 in accordance with the Examiner's written recommendation; and

WHEREAS, Conditions 1, 2, 3, 4, 6, and 7 of Zoning Map Amendment A-9960-C, remain in full force and effect; and

WHEREAS, as a basis for this final decision, except as stated otherwise herein, the District Council adopts and incorporates the findings and conclusions of the Examiner; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. The application request to delete Condition 5 as of Zoning Map Amendment A-9960-C, enacted in Zoning Ordinance No. 2-2006, which approved rezoning of approximately ± 7.238 acres of land, located on the east and west side of Manning Road East, approximately 120 feet north of Berry Road (MD 228) and approximately 2,300 feet east of the Indian Head Highway (MD 210)/Berry Road intersection, from the R-R (Rural Residential) Zone to the M-X-T (Mixed Use Transportation Oriented) Zone, identified as Outparcels A&B on Tax Map 161, Grid E2, and among the Land Records of Prince George's County in Plat Book ME 252, Plat No. 64, in Accokeek, Council District 9, is APPROVED.

SECTION 2. Based on approval of the instant application request to delete Condition 5 of Zoning Map Amendment A-9960-C, enactment of this Zoning Ordinance amends Zoning Ordinance No. 2-2006, and the 2006 rezoning of the subject property remains conditionally approved as follows:²

1. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
 - a. Widening of the southbound approach of Manning Road, to provide four approach lanes, two left-turn lanes, one through lane, and one right-turn lane.

² Strikethrough of Condition 5 denotes that it has been DELETED.

- b. Operation of the duel left-turn lanes along the westbound MD Route 228 approach.
 - c. Modification of the island in the southwest quadrant of the intersection, to eliminate the eastbound free right turn along MD Route 228 and restriping to provide two receiving lanes for the westbound left turns.
 - d. Restriping the shoulder of westbound MD 228 to provide an exclusive right-turn lane.
 - e. Elimination of the split-phasing of the MD Route 228/Manning Road signal.
- 2. The total combined development of the western portion (8.57 acres) of the subject property and Pod 2 on CSP 99050 shall not exceed the total development approval for Pod 2 on CSP 99050.
 - 3. The wetland area located at the southwestern corner of this property shall be protected from grading disturbances, throughout the development process. During the review of all subsequent plans, the wetland and the 25-foot buffer area shall be shown on all plans and shall be protected by a platted conservation easement.
 - 4. All Conceptual Site Plans, Preliminary Plans of Subdivision, Detailed Site Plans, and Tree Conservation Plans proposing residential development on this site shall include a Phase I and Phase II Noise Study, as appropriate, to show the location of the 65 dBA Ldn noise contour (mitigated and unmitigated) and to show that all State noise standards have been met for interior areas of residential and residential type uses.
 - 5. ~~The Conceptual Site Plan shall show the proposed community center in a more prominent location; and~~
 - 6. The bufferyard required between land uses in the M-X-T Zone and uses on adjoining R-R land shall be doubled.
 - 7. The Woodland Conservation Threshold shall be at 20 percent; and

SECTION 3. Use of the subject property shall be subject to all requirements in the applicable zones and to the requirements in the conditions, as amended, herein. Failure to comply with any stated condition shall constitute a zoning violation and shall constitute sufficient grounds for the District Council to revoke the rezoning of the subject property; to revoke any use and occupancy

permits; to institute appropriate civil or criminal proceedings; or to take any other action deemed necessary to obtain compliance.

SECTION 4. This Ordinance shall become effective upon enactment.

ENACTED this 14 day of March, 2022, by the following vote:

In Favor: Council Members Burroughs, Davis, Dernoga, Glaros, Hawkins, Ivey, Streeter, Taveras, and Turner.


Opposed:

Abstained:

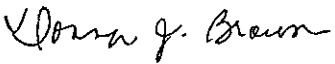
Absent: Council Members Franklin and Harrison.

Vote: 9-0.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF THE
MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

By: 
Calvin S. Hawkins, II, Chair

ATTEST:


Donna J. Brown
Clerk of the Council