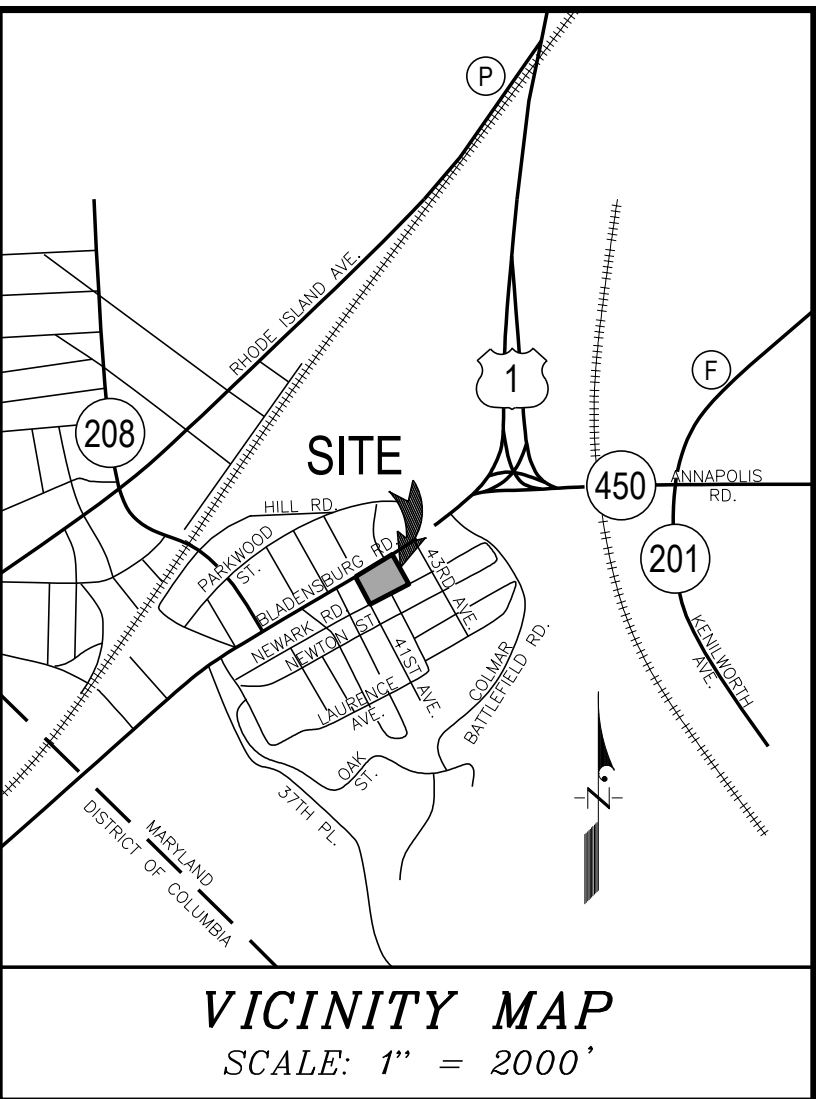


GENERAL NOTES

- Existing parcel lot, deed description/Liber Folio and plat number
- Tax Map: 50 Grid: B4
- 200 foot map reference (WSSC): 205NE04 & 205NE05
- This plan is for the subdivision of Parcel 'J' into Parcels 'K' & 'L'
- Prior approvals: SE-3776, U&O #1314-2021-0, SP-87059, SP-87059-01, SP-87116, CP-24004
- Site Area: Gross: 109,677 Sf. / 2.5178 Ac.
Net: 109,677 Sf. / 2.5178 Ac.
- Zoning: NAC (Neighborhood Activity Center)
- Existing use: Commercial Shopping Center
- Proposed use of property: Commercial Shopping Center
- Intensity and Dimensional Standards
- 10.1. Minimum lot size: 5,000 Sf. 51,172 S.F.
- 10.2. Minimum lot width: 50' 179.95'
- 10.3. Floor Area Ratio (Min./Max.): 0.25/2.00 0.20
11. Sustainable Growth Tier: Yes (Tier 1)
12. Andrews Interim Land Use Control: No
13. Center or Corridor location: No
14. Existing Gross Floor Area: 22,291 SF
Proposed Gross Floor Area: 22,291 SF
15. Stormwater Management Concept number and approval date: SIT-00142-2025, approved Feb. 25, 2025
16. Water/Sewer Category Designation Existing: W-3 / S-3 Proposed: W-3 / S-3
17. Aviation Policy Area: None
18. Mandatory Park Dedication Requirement: N/A
19. Cemeteries on or contiguous to the property: No
20. Historic Site on or in the vicinity of the property: No
21. Natural Resource Inventory was approved on 6/15/2022 as part of a CBCA.
27. Type One Conservation Plan: Exemption Number - WCO-SE-2025-0071
28. Within Chesapeake Bay Critical Area: Yes (CP-24004 approved on May 5, 2025)
29. Wetlands: No
30. Streams: No
31. Soils types provided on NRI-070-12-01.
32. In or adjacent to an easement held by Maryland Environmental Trust, The Maryland Agricultural Land Preservation Foundation, or any land trust or organization: No
33. All existing structures are to remain.

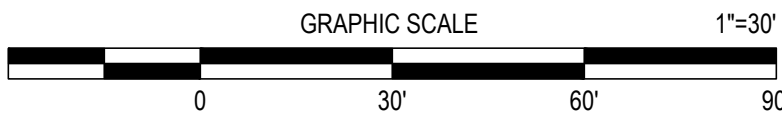


- PRINCE GEORGE'S COUNTY FIREDEPARTMENT
LANDOVER HILLS STATION 830
- PRINCE GEORGE'S COUNTY POLICE DEPARTMENT
HYATTSVILLE - DIVISION 1 POLICE STATION

LEGEND

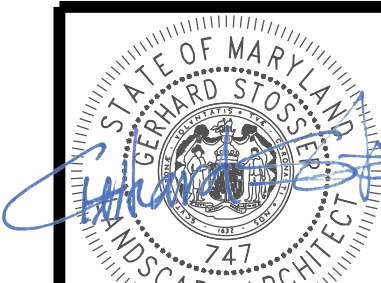
- EXISTING PROPERTY BOUNDARY
- PROPOSED PROPERTY BOUNDARY
- EXISTING 10 FT CONTOUR
- EXISTING 2 FT CONTOUR
- EXISTING SPOT ELEVATION
- EXISTING TREELINE
- CENTERLINE OF EXISTING ROAD
- EXISTING CURB & GUTTER
- EXISTING ACCESS
- EXISTING SEWER
- PROPOSED SEWER
- EXISTING WATER
- PROPOSED WATER
- EXISTING STORM DRAIN
- PROPOSED STORM DRAIN
- PUBLIC UTILITY EASEMENT
- CRITICAL AREA LINE (CBCA)
- SHARED VEHICULAR AND BICYCLE ROUTE
- PEDESTRIAN ROUTE
- EXISTING BIKE RACKS

PPS-2025-009
PRELIMINARY PLAN OF SUBDIVISION
PROPOSED PARCELS "K" & "L"
(BEING A RESUBDIVISION OF EXISTING PARCEL "J")
COLMAR MANOR
BLADENBURG DISTRICT No. 2
PRINCE GEORGE'S COUNTY, MARYLAND




OWNER/APPLICANT

EHP C/O THE MICHAEL COMPANIES, INC.
10100 BUSINESS PARKWAY
LANHAM, MD 20706
ATTN: KEVIN KENNEDY, JR.
PHONE: (301) 459-4400



DATE	DESCRIPTION	BY
10/27/2025	REVISIONS	

		ATWELL 866.850.4200 www.atwell-group.com	
		11721 WOODMORE RD, SUITE 200 MITCHELLVILLE, MD 20721 301.430.2000	
DRAWN BY: CEG	DESIGNED BY: CEG	CHECKED BY: PBW	RECORD NO. J-A85104
SCALE: 1"=30'		DRWG. NO.	

STATEMENT OF JUSTIFICATION

COLMAR MANOR

PPS-2025-009

ADQ-2025-017

APPLICANT/OWNER: EHP, LLC
c/o The Michael Companies Inc.
10100 Business Parkway
Lanham, Maryland 207062

ATTORNEY/
CORRESPONDENT: Matthew C. Tedesco, Esq.
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CIVIL ENGINEER: Paul Woodburn, P.E.
Kevin Garvey
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Mitchellville, Maryland 20721
(301) 420-2000
pwoodburn@atwell.com
kgarvey@atwell.com

TRAFFIC ENGINEER: Lenhart Traffic Consulting, Inc.
Michael Lenhart, P.E., PTOE
231 Najoles Road, Suite 250
Millersville, Maryland 21108
(410) 216-3333 Voice
mlenhart@lenharttraffic.com

REQUEST: Preliminary Plan of Subdivision (PPS) to subdivide Parcel J
into 2 parcels, Parcel K and Parcel L in the NAC Zone.

I. DESCRIPTION OF PROPERTY

1. Addresses – 4101 Bladensburg Road, Brentwood, MD 20722.

2. Proposed Use – Preliminary Plan of Subdivision to subdivide Parcel J into 2 parcels, Parcel K and Parcel L in the NAC Zone.
3. Election District – 2.
4. Councilmanic District – 5.
5. Parcels– Parcel J.
6. Total Acreage – Approximately 2.5178 acres.
7. Tax Map & Grid – Tax Map 50, Grid B4.
8. Location – Southeast quadrant of the intersection of Bladensburg Road and 41st Avenue.
9. Zone – NAC Zone.
10. Zoning Map – 205NE03
11. General Plan Growth Policy – Established Communities.

II. NATURE OF REQUEST

EHP, LLC (hereinafter the “Applicant”) presents in this Preliminary Plan of Subdivision (PPS-2025-009) and Certificate of Adequacy (ADQ-2025-017) applications the subdivision of property located at 4101 Bladensburg Road, Brentwood, MD 20722 (the “Subject Property”). Final Plat 5-24110, was recently approved to consolidate Lots 2-6 and Parcel H into Parcels I and J. The Applicant is requesting the approval of a Preliminary Plan of Subdivision (PPS) to subdivide the newly created Parcel J into two (2) parcels, Parcel K and Parcel L.

The Subject Property is an existing fully developed commercial property within the Neighborhood Activity Center (NAC) Zone, and prior Mixed Use Transportation Oriented (M-X-T) Zone. No regulated environmental features have been identified on this site, and a small portion of the site is within the Chesapeake Bay Critical Area (CBCA) overlay. Included with this submittal is Conservation Plan, CP-24004, which has been approved and certified. The property is currently developed with a McDonalds, with a GFA of 4,912 square feet, and a Commercial Office building with a GFA of 17,825 square feet. No grading, disturbance, or additional development is currently proposed with this application.

Pursuant to County Council Bill CB-013-2018, the Prince George's County Council adopted a new Zoning Ordinance (Subtitle 27 of the County Code), which was to become effective upon the approval of the Countywide Sectional Map Amendment ("CMA"). Pursuant to Council Resolution CR-136-2021, the new Zoning Ordinance became effective on April 1, 2022. As a result, the subject property was rezoned from the M-X-T Zone to the NAC Zone.

III. COMMUNITY

The Subject Property is in Planning Area 68 and Councilmanic District 5. The site is also located within the municipal boundaries of the City of Colmar Manor. More specifically, the site is located at the southeast quadrant of the intersection of Bladensburg Road and 41st Avenue.

The subject property is surrounded by the following uses:

North: Bladensburg Road, and beyond Commercial uses in the NAC Zone and single-family detached residential uses in the Residential, Single-family-65 (RSF-65) Zone.

South: Newark Road, and beyond single-family detached residential uses in the RSF-65 Zone.

East: Commercial uses in the NAC Zone, and beyond 43rd Avenue.

West: 41st Avenue, and beyond Commercial uses in the NAC Zone.

The Subject Property currently lies within the 2009 *Approved Port Towns Sector Plan and Sectional Map Amendment* ("Sector Plan" and "SMA"). The Proposed Land Use Map recommends the Subject Property for the "Mixed-Use" land use designation (Map 5, page 20). The Sector Plan recommends establishing a mixed-use, pedestrian-friendly urban boulevard along Bladensburg Road (Page 28).





The Sector Plan also places the Subject Property in the Bladensburg Road Gateway Character Area. There are several policies and strategies included in the Sector Plan on pages 28-30 to implement the goals of this character area, which include creating the following:

- A mixed-use, pedestrian-friendly boulevard.
- Waterfront mixed-use development.
- A new MARC rail station surrounded by mixed-use development.
- Preservation and expansion of housing options.
- Interpretive elements that highlight the area’s history.
- New and improved public open spaces.

The current NAC zoning for the Subject Property accommodates and promotes the goals of the character area by prioritizing the establishment of high-quality, vibrant, lower- to moderate-density, mixed-use development that fosters economic development, reduces automobile dependency, supports walkable areas, and provides opportunities for alternative modes of travel. Currently no additional development is proposed for the site. As future development plans are considered, the Applicant’s team will take into consideration the various goals, strategies, and policies as outlined in the Sector Plan and current Zoning.

Environmental Policies and Goals/Green infrastructure Plan

The Sector Plan also includes several environmental policies and strategies pertaining to development in the Sector Plan area. The overall goal is to “[e]nsure an interconnected system of public and private lands that contains significant areas of woodlands, wetlands, wildlife habitats, and other sensitive areas, as well as developed areas that benefit from retrofitting and restoration using environmental site design. Provide the Port Towns Sector Plan area with well-designed and strategically located open spaces connected by tree-shaded walks and streets, making the Port Towns a desirable community in which to live, work, and shop.” (Page 49). Similarly, the 2017 Green Infrastructure Plan was implemented to “Preserve, protect, enhance or restore the green infrastructure network and its ecological functions while supporting the desired development pattern of Plan Prince George’s 2035.”

The property is currently developed with a McDonalds, with a GFA of 4,912 square feet, and a Commercial Office building with a GFA of 17,825 square feet. No regulated environmental features, woodlands, or specimen trees have been identified on this site. A small portion of the site is located within the I-D-O overlay Zone of the CBCA. Conservation Plan CP-24004, has been approved and certified. As stated above, no disturbance or additional development is proposed for the site. As future development plans move forward, the environmental goals and policies as outlined in the Sector Plan and Green Infrastructure Plan will be considered.

Additionally, the Subject Property is in the Sewer Envelope and currently in Water Category 3 and Sewer Category 3 (Community System). This category comprises all developed land (platted or built) on public water and sewer, and undeveloped land with a valid preliminary plan approved for public water and sewer.

Plan 2035

The County's updated General Plan, known as "Plan Prince George's 2035" (Plan 2035), places the Subject Property within the Established Communities Growth Policy Area. The Plan 2035 land use vision is conveyed through the Growth Policy Map. The Growth Policy Map visualizes how the County should grow and contains various land uses based on the desired function and intensity of development. The Growth Policy Map places this application in the Established Communities land use area (page 107). Plan 2035 states the following regarding the Local Established Communities Growth Policy Area:

Established Communities: Plan 2035 classifies existing residential neighborhoods and commercial areas served by public water and sewer outside of the Regional Transit Districts and Local Centers, as Established Communities. Established Communities are most appropriate for context-sensitive infill and low-to medium-density development. Plan 2035 recommends maintaining and enhancing existing public services (police and fire/EMS), facilities (such as libraries, schools, parks, and open space), and infrastructure in these areas (such as sidewalks) to ensure that the needs of existing residents are met.

(Plan 2035 at p. 20).

Plan 2035 also recommends a future land use of Mixed-Use for the site, aligning with the Sector Plan. Mixed-Use is described as "Areas of various residential, commercial, employment and institutional uses. Residential uses may include a range of unit types. Mixed-use areas may vary with respect to their dominant land uses, i.e. commercial uses may dominate in one mixed-use area, whereas residential uses may dominate in another." (Page 100)

The existing commercial development continues to accommodate and promote the goals of the various plans by maintaining a mix of uses that foster economic development. Currently no disturbance or additional development is proposed. As future development plans are considered, the Applicant will take into consideration the various policies and goals of the aforementioned plans through the proposed design, layout, and amenities, which will be further analyzed with the appropriate development application. Any future development plans considered will prioritize maintaining or enhancing existing public services or facilities, enhancing the County's open space network, and providing needed infrastructure to the maximum extent practicable.

IV. GENERAL CRITERIA FOR PPS APPROVAL

Pursuant to County Council Bills CB-13-2018 and CB-15-2018, the Prince George's County Council adopted a new Zoning Ordinance (Subtitle 27 of the County Code) and new Subdivision Regulations, which was to become effective upon the approval of the Countywide Sectional Map Amendment (CMA). The requested PPS is to subdivide existing Parcel J into two (2) parcels, Parcel K and Parcel L. No disturbance or additional development is proposed.

Section 24-3402. Minor and Major Subdivision, or Resubdivision.

(e) Major Subdivision.

(1) Preliminary Plan of Major Subdivision;

(D) Preliminary Plan of Major Subdivision Decision Standards

A preliminary plan of major subdivision may only be approved upon finding that it:

(i) Complies with all applicable standards of these Regulations;

COMMENT: Pursuant to all of the documents and plans submitted in support of PPS-2025-009, all applicable standards in the Subdivision Regulations are met.

(ii) Establishes in its layout a good and strong relationship between lots, the street(s), and open space set-asides that is consistent with the purposes of these Regulations and Subtitle 27: Zoning Ordinance, of the County Code;

COMMENT: Not applicable. No lots, streets, or open space set-asides are proposed with this application.

(iii) Complies with all other applicable requirements in Subtitle 27: Zoning Ordinance;

COMMENT: PPS-20254-009 complies with all other applicable requirements of the Zoning Ordinance.

(iv) Conforms with the applicable Area Master Plan or Sector Plan, and current Functional Master Plans; and

COMMENT: The Sector Plan and Plan 2035 recommends the Subject Property for the "mixed-use" land use designation. The current NAC zoning and existing commercial development continue to accommodate and promote the goals of the various plans by maintaining a mix of uses that foster economic development. Currently no disturbance or additional development is proposed. As future development plans are considered, the Applicant's team will take into consideration the various goals, strategies, and policies as outlined in the Sector Plan, Master Plan, and any applicable Functional Master Plans.

(v) Complies with all applicable requirements of the County Code of Ordinances.

COMMENT: PPS-2025-009 complies with all other applicable requirements of the County Code.

V. SUBTITLE 24-4. SUBDIVISION STANDARDS

SECTION 24-4100 – PLANNING AND DESIGN

24-4101. General Standards.

(a) Zoning Ordinance Standards

All preliminary plans of subdivision and final plats shall comply with all applicable standards in Subtitle 27: Zoning Ordinance, Part 6: Development Standards, of the County Code. All information and support materials needed to demonstrate compliance with this Section shall be provided by the subdivider.

COMMENT: PPS-2025-009 complies with all applicable requirements of Part 27-6 of the Zoning Ordinance. Considering no disturbance or additional development is being proposed or considered at this time, many of the 27-6 development standards are not applicable. Notwithstanding, analysis of 27-6 has been included herein.

(b) Conform to Comprehensive Master Plan

- (1) Preliminary plans of subdivision (minor and major) and final plats shall be consistent with the General Plan and shall conform to all applicable Area Master Plans, Sector Plans, or Functional Master Plans, and as referenced in Sections 24-3402(d) and 24-3402(e) of this Subtitle.**
- (2) Should a new Area Master Plan, Sector Plan, and/or Functional Master Plan be approved, affecting a property with an approved preliminary plan of subdivision (major or minor), but prior to approval of a final plat, the approved preliminary plan application shall control in the event of any conflict between the newly approved Area Master Plan, Sector Plan, and/or Functional Master Plan.**
- (3) Should an Area Master Plan, Sector Plan, and/or Functional Master Plan affecting the subject property be in direct conflict with any provision of the County Zoning Ordinance that is applicable to said property – such that the current comprehensive plan and requirements of the Ordinance cannot be reconciled, and/or the District Council has not imposed the respectively corresponding zoning proposal for the area of the subject property – then the provisions of the County Zoning Ordinance shall supersede the recommendations set forth in any applicable Area Master Plan, Sector Plan, and/or Functional Master Plan for the subject property. Notwithstanding any other requirement of this Subtitle, the Planning Board may approve a subdivision application that conforms with land use policy recommendations for centers in the current General Plan for the physical development of land in the County. In such cases, however, the Planning Board shall make specific findings as to the irreconcilable conflict(s).**

COMMENT: The Sector Plan recommends the Subject Property for the “Mixed-Use” land use designation. The current NAC zoning and existing commercial development continue to accommodate and promote the goals of the various plans by maintaining a mix of uses that foster economic development. Currently no disturbance or additional development is proposed. As future development plans are considered, the Applicant will take into consideration the various policies and goals of the aforementioned plans through the proposed design, layout, and amenities, which will be further analyzed with the appropriate development application.

(c) Unsafe Land

- (1) The Planning Director or Planning Board, as appropriate, shall restrict or prohibit the subdivision of land found to be unsafe for development. The restriction or prohibition may be due to a) natural conditions, including but not limited to flooding, erosive stream action, high water table, unstable soils, severe slopes or soils that are unstable either because they are highly erodible or prone to significant movement or deformation (Factor of Safety < 1.5), or b) man-made conditions on the land, including but not limited to unstable fills or slopes.**
- (2) All subdivisions shall conform to the following:**
 - (A) When a preliminary assessment of a site, PGAtlas.com, the USDA Web Soil Survey (<http://websoilsurvey.nrcs.usda.gov>), a geotechnical engineering report, or past activity of a nearby permit indicates that a portion of the land may be unsafe, a detailed geotechnical engineering evaluation of the land shall be prepared by a registered professional geotechnical engineer and submitted for review during the subdivision process. The limits of unsafe land shall be delineated by the registered professional geotechnical engineer and reviewed by M-NCPPC and DPIE. If the land is determined unsafe, it may be platted as part of a lot or parcel in which there is sufficient land to erect a building within the building lines established by the zone in which the land is located. There shall be an additional 25-foot setback between that building and the unsafe area, which shall be identified on the final plat with a building restriction line. These shall also be present on all site plans.**
 - (B) If the unsafe land has become safe for building construction, upon appropriate findings or proposed mitigations that are acceptable to the County, the building restriction line may be removed by the recording of a new final plat approved by the Planning Board.**
 - (C) When the applicant proposes mitigations or remedial actions to correct or alleviate unsafe soil conditions, the proposal shall be referred to DPIE for a determination of whether such measures are sufficient to protect the safety of its future use. The proposal may be approved along with the platting of such land, upon recommendation of a registered professional geotechnical engineer and DPIE, provided that covenants are attached to incorporate the remedial actions and ensure safe soil conditions.**
 - (D) The owner of any land on which unsafe conditions have been found to exist is generally required to notify any potential purchaser of such conditions.**

COMMENT: Based on previous studies/investigations, no unsafe soils or unsafe conditions exist on the Subject Property.

(d) Land in Reservation

When indicated by an applicable Area Master Plan, Sector Plan, Functional Master Plan, or the General Plan, or when requested by a public agency, land may be placed in reservation, in accordance with Section 24-3405, Reservations.

COMMENT: Not applicable. No portion of the land is proposed or will be required to be placed in reservation.

24-4102. Lot Standards.

(a) Conformance with Zoning Ordinance.

All lots in a subdivision shall be in conformance with all of the lot standards and requirements of Subtitle 27: Zoning Ordinance, applicable to the land subject to the subdivision. (See PART 27-4: Zones and Zone Regulations, of Subtitle 27: Zoning Ordinance).

COMMENT: No lots are proposed with PPS-2025-009. The Applicant is requesting the subdivision of one (1) parcel into two (2) parcels in the NAC Zone.

(b) Minimum Lot Area Standards for Individual Systems

If a proposed subdivision is situated in a portion of the County not planned to be served by public water and/or sewer facilities, lots shall be designed to comply with the minimum lot area standards for individual systems in Subtitle 22: On-Site Sewage Disposal Systems, of the County Code, and the Ten Year Water and Sewerage Plan.

COMMENT: The Subject Property is located within the Sewer Envelope, and is currently within Water Category 3 and Sewer Category 3 (Community System—includes all developed land (platted or built) on public water and sewer, and undeveloped land with a valid preliminary plan approved for public water and sewer).

(c) Minimum Lot Depth

- (1) Lots or parcels used for residential purposes adjacent to existing or planned streets classified as arterials shall be platted with a minimum depth of 150 feet.**
- (2) Lots or parcels used for residential purposes adjacent to existing or planned streets classified as expressways or freeways shall be platted with a minimum depth of 300 feet.**
- (3) Adequate protection and screening from traffic nuisances shall be provided in accordance with the requirements of the Landscape Manual.**

COMMENT: Not applicable, no lots or parcels used for residential purposes are proposed with PPS-2025-009.

(d) Lot Design Standards

- (1) Buildings and driveways shall be sited to maintain the existing grade as much as possible.**
- (2) A variety of lot sizes and lot widths are encouraged within groupings of dwellings in order to prevent visual monotony, when appropriate.**

COMMENT: No lots are proposed with PPS-2025-009. The parcel has existing commercial uses, and no new buildings or driveways are currently proposed.

(e) Condominium Development

Condominium townhouses shall be designed to conform to the lot standards of these Regulations and Subtitle 27: Zoning Ordinance, for possible future conversion to fee simple lots.

COMMENT: Not applicable. No condominium townhouses are proposed.

(f) Outlots and Outparcels

Provision shall be made for the eventual ownership of outlots and outparcels by incorporating them into platted lots or into adjacent parcels, or by other appropriate means.

COMMENT: Not applicable. PPS-2025-009 does not propose any outlots or outparcels.

(g) Located Wholly Within County

All lots shall be designed to be located wholly within the County.

COMMENT: No lots are proposed. Notwithstanding, the property is located wholly within Prince George's County.

24-4103. Layout Design Guidelines.

To the maximum extent practicable, subdivisions shall be designed to:

- (a) Site internal streets to maintain the existing grade.**

COMMENT: No applicable. No internal streets are proposed.

- (b) Ensure the spatial relationships, including between the lots and the street, recreation areas, alleys, and development on abutting lots, create the most beneficial relationship for the residents and occupants of the subdivision and abutting properties.**

COMMENT: No lots, streets, recreational areas, or alleys are proposed with PPS-2025-009. The Applicant is requesting the subdivision of one (1) parcel into two (2) parcels in the NAC Zone. The property is currently developed with a McDonalds and a Commercial Office building. The existing on-site circulation network will remain, as no disturbance or additional development is proposed.

- (c) Arrange lotting patterns to avoid the stacking of dwelling units, one behind the other, creating a flag lot relationship.**

COMMENT: No lots are proposed with PPS-2025-009. Notwithstanding, the two (2) proposed parcels will be located side-by-side.

- (d) Arrange lots to avoid the fronts of dwelling units facing the rear and sides of dwelling units on adjoining lots.**

COMMENT: No lots or dwelling units are proposed with PPS-2025-009. Additionally, no lots or dwelling units adjoin the Subject Property.

- (e) Arrange lotting patterns to avoid narrow unusable common ownership parcels.**

COMMENT: No narrow unusable common ownership parcels are created or proposed with the subject application.

- (f) Ensure infill lotting patterns are context-sensitive to the existing established neighborhood.**

COMMENT: No lots are proposed with PPS-2025-009.

- (g) Arrange and sufficiently set back lots and the siting of buildings to preserve views of the site characteristics from streets and abutting lands.**

COMMENT: No lots or buildings are proposed with PPS-2025-009.

- (h) Provide lot access from interior streets and easements.**

COMMENT: No lots are proposed with PPS-2025-009. The existing on-site circulation network will remain, as no disturbance or additional development is proposed.

- (i) Terminate cul-de-sac at locations that will provide for a standard lotting pattern around the end of the cul-de-sac in relationship to the property line and abutting lots. Such cul-de-sac may also be permitted to provide a right-of-way for pedestrian and bicycle access pursuant to Section 27-6206(g), Pedestrian Connections, of Subtitle 27: Zoning Ordinance.**

COMMENT: Not applicable. No cul-de-sacs are proposed.

- (j) Avoid grading that would result in retaining walls on private lots. Retaining walls should be located within common areas, or where common areas are not proposed, adequate access for maintenance shall be provided.**

COMMENT: Not applicable. No grading or disturbance is proposed.

(k) Preserve trees on steep slopes and meet the woodland conservation threshold on-site.

COMMENT: No trees are proposed to be removed, and all existing vegetation will remain undisturbed.

(l) Locate noise fencing or walls within common areas or within homeowners' association easements on private lots when homeowners' association land is not proposed. A 10-foot-wide clear zone for maintenance and inspection around the fence or wall shall be provided. The minimum net lot area shall be provided outside the easement area.

COMMENT: No noise fencing or walls are proposed with the subject application.

(m) Lighting techniques shall comply with Section 27-6700, Exterior Lighting, of Subtitle 27: Zoning Ordinance. In addition, lighting should be designed to decrease adverse impacts on the adjoining and abutting lands.

COMMENT: As future development is considered for the site, details for lighting will be provided with the appropriate development application and will comply with the Zoning Ordinance.

(n) Avoid public use easements for infrastructure, including sidewalks.

COMMENT: No additional infrastructure is proposed with PPS-2025-009. Existing site conditions will remain undisturbed.

24-4104. Grading.

The submission of general grading plans and a Tree Conservation Plan Type 1 (TCP-1) is required for both minor and major subdivisions in order to efficiently plan the subdivision layout, which includes but is not limited to stormwater management, street grades, tree preservation, water and sewerage, and parkland. The submission of a general grading plan, at two-foot contours, shall be required with an application for a preliminary plan of major subdivision and may be required for a preliminary plan of minor subdivision, unless waived by the Planning Director.

COMMENT: This project would be subject to the provisions of the 2024 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) that came into effect on July 1, 2024 and CB-77-2024 which came into effect on January 3, 2024; however, this application does not propose any grading, therefore, a tree conservation plan (TCP) is not required at this time. If grading requiring a fine grading and site plan permit is proposed in the future, a tree conservation plan will be required because the site is larger than 40,000 square feet. The approved exemption letter (WCO-SE-2025-0071) is included with this submittal.

24-4105. Historic Resources and Sites

(b) General Standards.

- (1) Significant archeological sites identified in accordance with the Planning Board Guidelines for Archeological Review shall be preserved in place, to the extent practicable.**
- (2) The flexibility inherent in these Regulations shall be used to protect historic resources and sites, including optional methods of development where appropriate, to design subdivisions that minimize the impact of a subdivision on historic resources and sites and promote the restoration and continued use of such resources.**
- (3) The lotting pattern of a proposed subdivision containing historic resources and sites shall be laid out to promote the long-term maintenance and access to the historic resources.**
- (4) A proposed subdivision containing or adjacent to a historic resource or site shall comply with the following standards:**
 - (A) Lots shall be designed to minimize adverse impacts of new construction on the historic resource;**
 - (B) Natural features (such as trees and vegetation) which contribute to the preservation of a historic resource or provide a buffer between the historic resource and new development, shall be retained; and**
 - (C) Protective techniques (such as limits of disturbance, building restriction lines, and buffers) shall be used.**
- (5) A plan for development may be required to be submitted with an application for a subdivision for the purpose of evaluating the effect of the orientation, mass, height, materials, and design of the proposed development on the environmental setting to protect the integrity of the historic resource.**

COMMENT: The site is currently developed, and no historic resources or significant archeological sites have been identified on the Subject Property.

24-4106. Cemeteries

- (a) A proposed preliminary plan for subdivision (minor or major) which includes a cemetery within the site, when there are no plans to relocate the human remains to an existing cemetery, shall comply with the following standards:**
 - (1) The placement of lot lines shall promote long-term maintenance of the cemetery and protection of existing elements.**
 - (2) The layout shall promote the long-term maintenance and access to the cemetery.**
 - (3) Fence or walls constructed of stone, brick, metal, or wood shall delineate the cemetery boundaries.**
 - (4) If the cemetery is not conveyed and accepted into public ownership, it shall be protected by agreements sufficient to assure its future maintenance and protection. This shall include but not be limited to a fund in an amount sufficient to provide income for the perpetual maintenance of the cemetery. These arrangements shall ensure that stones or markers are in their original location. Covenants or other agreements shall include a determination of the following:**

- (A) Current and proposed land ownership;
 - (B) Responsibility for maintenance;
 - (C) A maintenance plan and schedule;
 - (D) Adequate access; and
 - (E) Any other specifications deemed necessary to assure its future maintenance by the Planning Director.
- (5) Appropriate measures shall be provided to protect the cemetery during the development process.
 - (6) The Planning Director shall maintain a registry of cemeteries identified during the subdivision review process.
- (b) Any cemetery approved in accordance with this Section that does not comply with the use regulations in PART 27-5: Use Regulations, of the Zoning Ordinance shall be deemed to be a certified nonconforming use unless otherwise specified by the Planning Board.

COMMENT: No cemeteries exist on site or are impacted by this application.

SECTION 24-4200 – TRANSPORTATION, PEDESTRIAN, BIKEWAY, AND CIRCULATION STANDARDS

24-4201. General Street Design Standards

Preliminary plans of subdivision (minor or major) and final plats shall comply with the following standards:

- (a) A subdivision may be served by public and private streets, and in rural areas, access easements.

COMMENT: PPS-2025-009 is served by Bladensburg Road and 41st Avenue, which are public rights-of-way.

- (b) The rights-of-way of all highways, streets, trails, and transit facilities shown on the General Plan, Functional Master Plans, and the applicable Area Master Plan or Sector Plan shall be shown on the preliminary plan of subdivision and, when reserved or dedicated, shown on the final plat.

COMMENT: PPS-2025-009 depicts all MPOT rights-of-ways. The master plan ROW has been dimensioned and a note has been added regarding dedication.

- (c) All streets proposed for dedication to public use shall comply with the standards in:
 - (1) Section 27-6200, Roadway Access, Mobility, and Circulation, and all other applicable standards in Subtitle 27: Zoning Ordinance;
 - (2) Subtitle 23: Roads and Sidewalk, of the County Code;
 - (3) These Regulations;
 - (4) The Specifications and Standards for Roadways and Bridges;
 - (5) The standards of the State Highway Administration for state facilities; and
 - (6) Applicable regulations of municipalities having jurisdiction.

COMMENT: The Applicant is not proposing any frontage or roadway dedication.

It is well-established that Fifth Amendment takings challenges to adjudicative land-use exactions and permit conditions are governed by the U.S Supreme Court case *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987), as clarified by *Dolan v. City of Tigard*, 512 U.S. 374 (1994). In *Nollan*, the Supreme Court held that a government could, without paying compensation, demand an easement as a condition for granting a development permit the government was entitled to deny, provided that the exaction would substantially advance the same government interest that would furnish a valid ground for denial of the permit. *Nollan*, 483 U.S. at 831. In other words, there must be an “essential nexus” between “the condition and the original purpose of the building restriction.” *Id.* at 837. The Court further refined that requirement in *Dolan*, holding that an adjudicative exaction requiring dedication of private property must also be “roughly proportional[] . . . both in nature and extent to the impact of the proposed development.” *Dolan*, 512 U.S. at 391. The Supreme Court of the United States significantly clarified and expanded the application of *Nollan* and *Dolan* in *Koontz v. St. Johns River Water Management District*, 570 U.S. 595 (2013). The *Koontz* Court held that “the government’s demand for property from a land-use permit applicant must satisfy the requirements of *Nollan* and *Dolan* even when the government denies the permit and even when its demand is for *money*.” *Id.* at 619 (emphasis added). *Koontz* rejected the distinction between physical takings of property and monetary exactions, thereby clarifying that demands for money are subject to the heightened scrutiny of *Nollan* and *Dolan*. Recently, in *Sheetz v. County of El Dorado, California*, 601 U.S. 267 (2024), the United States Supreme Court unanimously held that legislative exactions are not exempt from the Fifth Amendment *Nollan/Dolan* scrutiny. In other words: the essential nexus and rough proportionality apply equally to administrative or legislative permit conditions.

Consequently, neither the dedication of land nor the reservation of land may be requested or imposed during the preliminary plan of subdivision process when the application proposes no actual development and no increase in existing gross floor area. Where a preliminary plan of subdivision proposes no actual development or increase in existing GFA, but merely maintains the status quo, generating no additional impacts on adequate public facilities and/or infrastructure, there exists no nexus or proportionality to justify any request or demand for dedication or reservation. Thus, imposing any such conditions or requests would constitute an unconstitutional exaction under established Supreme Court precedent.

- (d) All proposed streets shall comply with the standards in Section 27-6206: Vehicular Access and Circulation, of the Zoning Ordinance, and 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. The applicant may petition the Planning Director or review body deciding a parent application to waive or modify cross-access requirements between developments pursuant to Section 27-6206(e)(2)(C) of Subtitle 27: Zoning Ordinance of the Prince George's County Code.**

COMMENT: No streets are proposed with the subject application.

- (e) The topography and drainage of land shall be considered in the design of streets. If necessary to demonstrate such consideration, rough street grading plans may be required.**

COMMENT: No streets are proposed with the subject application.

- (f) 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.**
- (1) An applicant shall file a written request for such approval with the Clerk of the District Council. The District Council shall either approve or disapprove the request within 45 days from the date of filing. Failure of the District Council to act within the 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 street having a right-of-way width of 80 feet or less.**

- (2) The District Council shall not allow the proposed street connection to an adjacent county 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.**

COMMENT: No internal subdivision streets are proposed with the subject application. Notwithstanding, the Subject Property is located wholly within Prince George's County.

- (g) All private streets shall be of sufficient width to accommodate the requirements of the Landscape Manual.**

COMMENT: No private streets are proposed with the subject application.

24-4202. Vehicular Access and Circulation

- (a) A preliminary plan of subdivision (minor or major) shall comply with the street connectivity, access, traffic calming, block design, and all other applicable standards in Section 27-6206, Vehicular Access and Circulation, of Subtitle 27: Zoning Ordinance.**

COMMENT: PPS-2025-009 complies with all applicable requirements of Part 27-6 of the Zoning Ordinance. Considering no disturbance or additional development is being proposed or considered at this time, many of the 27-6 development standards are not applicable. Notwithstanding, analysis of 27-6 has been included herein.

- (b) As used in this Section, a planned street or transit right-of-way shall mean a street or right-of-way shown in a currently approved State Highway Plan, the General Plan, the County's Master Plan of Transportation, or the applicable Area Master Plan or Sector 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 200 feet away from the intersection of any street or collector or higher classification.**

COMMENT: Not applicable. A planned street or transit right-of-way is not proposed.

24-4203. Pedestrian Access and Circulation

- (a) Preliminary plans for subdivision (minor or major) and final plats shall comply with the applicable pedestrian access and circulation standards in Section 27-6207, Pedestrian Access and Circulation, of Subtitle 27: Zoning Ordinance.**

COMMENT: PPS-2025-009 complies with all applicable requirements of Part 27-6 of the Zoning Ordinance. Considering no disturbance or additional development is being proposed or considered at this time, many of the 27-6 development standards are not applicable. Notwithstanding, analysis of 27-6 has been included herein.

- (b) Sidewalks and crosswalks shall comply with the Prince George's County Specifications and Standards for Roadways and Bridges, the standards of the State**

Highway Administration for state facilities, or applicable regulations of municipalities having jurisdiction.

COMMENT: No new sidewalks or crosswalks are proposed with the subject application.

24-4204. Private Streets and Easements

(a) General

Unless exempted in accordance with Section 24-4204(b) below, no subdivision shall be approved with a private street, right-of-way, or easement as the means of vehicular access to any lot, unless the private street, right-of-way, or easement is built to conform to the standards in Subtitle 23: Roads and Sidewalks, of the County Code.

COMMENT: No private streets are proposed within the Subject Property.

24-4205. Public Utility Easements

All roads (public or private) shall have a public utility easement at least ten feet in width. For Redevelopment and Revitalization projects, the public utility easement may be reduced by the Planning Director for good cause, after due consideration of any adverse impacts. The public utility easement shall be located outside the sidewalk, where a sidewalk is constructed or these Regulations or Subtitle 27: Zoning Ordinance require a sidewalk, and shall be contiguous to the right-of-way.

COMMENT: PPS-2025-009 includes PUE's along 41st Avenue and Bladensburg Road as required.

SECTION 24-4300 - ENVIRONMENTAL STANDARDS

24-4301. General.

Environmental features which are impossible or difficult to reproduce, such as floodplain, wetlands, streams, steep slopes, woodlands, and specimen trees, shall be protected.

COMMENT: The submittal package for PPS-2025-009 includes NRI-070-12-01, approved on June 15, 2022.

24-4302. 100-Year Floodplain.

(a) To ensure land is platted in a manner that protects the public against loss of life or property due to the 100-year flood, while minimizing the public and private costs of flood control measures, all subdivisions shall comply with the following standards:

- (1) Except as provided in Sections 24-4302(a)(2) and 24-4302(a)(3) below, lots shall comply with the minimum net lot area required in PART 27-4: Zones and Zone Regulations, of Subtitle 27: Zoning Ordinance, exclusive of any land area within the 100-year floodplain.**
- (2) Where any lot contains a 100-year floodplain area in the AR and AG zones, there shall be a minimum of 40,000 contiguous square feet of area within the lot exclusive of any land within the 100-year floodplain.**

- (3) In the RE and RR zones, any area of a lot in excess of 20,000 contiguous square feet may be in the 100-year floodplain for the purposes of compliance with Section 24-4204, Private Streets and Easements, provided that the lot is to be served by a public water and sewer system, and is in a water and sewer service area Category One, Two, Three, or Four at the time of its approval.**
- (4) The floodplain areas shall be delineated in accordance with Subtitle 32, Division 4, the Floodplain Ordinance, of the County Code.**
- (5) A 25-foot setback from the floodplain shall be established for dwelling units as a building restriction line.**
- (6) In the event that the proposed subdivision is located partially or fully within an area covered by an officially adopted comprehensive watershed management plan, the proposed subdivision shall conform to such plan.**

COMMENT: As depicted on the submitted NRI, the Subject Property does not contain any floodplain, and the proposed subdivision is not located (partially or fully) within an area covered by an adopted comprehensive watershed management plan.

- (b) In the case of a proposed subdivision which includes a 100-year floodplain area along a stream, unless such area is to become a public park or recreation area maintained by a public entity, the area shall be denoted upon the final plat as a floodplain easement. Such easement shall include provisions for ingress and egress, where practicable. The floodplain easement area may be used, if necessary, for utility lines and/or stormwater drainage facilities, open-type fencing, or passive recreation, provided that no structures are built that would interfere with the flood conveyance capacity of such easement area.**

COMMENT: Not Applicable, the Subject Property does not include a 100-year floodplain.

- (c) The 100-year floodplain associated with a watercourse having less than 50 acres of watershed upstream may be excluded from the floodplain area computation, subject to approval in accordance with the requirements of Subtitle 32, Division 4, the Floodplain Ordinance, of the County Code.**

COMMENT: Not Applicable, the Subject Property does not include a 100-year floodplain.

24-4303. Stream, Wetland, and Water Quality Protection and Stormwater Management.

- (a) 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.**

COMMENT: The existing development is consistent with MDE and DPIE's Environmental Site Design (ESD) requirements to provide the required water quality treatment for the site as evaluated with the approved Site Development Concept Plan SIT-00142-2025, which is included with this submittal.

- (b) A preliminary plan of subdivision (minor or major) shall not be approved until evidence is submitted that a stormwater management concept has been approved by DPIE or the municipality having approval authority, if the municipality has approval authority. Submittal materials shall include evidence that the applicable site development concept has been approved.**

COMMENT: A Site Development Concept Plan has been approved by DPIE under case number SIT-00142-2025.

- (c) Regulated stream buffers in Environmental Strategy Areas shall comply with the requirements in Table 24-4303(c): Regulated Stream Buffers in Environmental Strategy Areas.**

COMMENT: There are no regulated stream buffers onsite

- (d) To ensure the purpose and intent of this Section is advanced, a proposed subdivision (minor or major) shall comply with the following:**
- (1) The preliminary plan of subdivision (minor or major) shall demonstrate adequate control of increased run-off.**
 - (2) Stormwater control shall be provided on-site unless, upon recommendation from the County, it is demonstrated equally effective stormwater controls can be provided off-site.**
 - (3) Environmental site design (ESD) techniques are encouraged, where appropriate.**
 - (4) Where land is partially or totally within an area subject to an adopted Watershed Plan, the subdivision conforms to such plan.**
 - (5) Where land is located outside the Chesapeake Bay Critical Area Overlay (CBCAO) zones, the preliminary plan of subdivision (minor or major) and all plans associated with the application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state, to the fullest extent possible, consistent with the Environmental Technical Manual established in accordance with Subtitle 25: Trees and Vegetation, of the County Code. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required in accordance with Subtitle 27: Zoning Ordinance, of the County Code, for the reasonable development of the lot outside the regulated feature.**
 - (6) All regulated environmental features shall be placed in a conservation easement and identified on the final plat.**
 - (7) The approval of a Concept Grading, Erosion, and Sediment Control Plan (CS) by the Soil Conservation District, shall be required prior to final approval of the preliminary plan of subdivision (minor or major) if required by Subtitle 32: Water Resources Protection and Grading Code, of this Code.**

COMMENT: No increased run-off is anticipated as no grading or development is proposed at this time. A portion of the Subject Property is within the CBCAO, and Conservation Plan CP-24004 has been approved and certified.

24-4304. Woodland and Wildlife Habitat Conservation, Tree Preservation, Clearing, and Replacement

- (a) Except for land located in the Chesapeake Bay Critical Area Overlay (CBCAO) zones, development shall comply with the provisions for woodland and wildlife habitat conservation and tree preservation established in Division 2 of Subtitle 25: Woodland and Wildlife Habitat Conservation Ordinance, of the County Code, and the tree canopy requirements of Division 3 of Subtitle 25: Tree Canopy Coverage Ordinance, of the County Code.

COMMENT: This project will be subject to the provisions of the 2024 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) that came into effect on July 1, 2024 and CB-77-2024 which came into effect on January 3, 2024; however, this application does not propose any grading, therefore, a tree conservation plan (TCP) is not required at this time. Future grading, requiring a fine grading and site plan permit, will require a tree conservation plan because the site is larger than 40,000 square feet. The approved exemption letter (WCO-SE-2025-0071) is included with this submittal.

- (b) For land located in the CBCAO zones, all provisions regarding vegetation shall comply with the requirements of Subtitles 5B: Chesapeake Bay Critical Area, and Subtitle 27: Zoning Ordinance, of the County Code.

COMMENT: A portion of the Subject Property is within the CBCAO. Conservation Plan CP-24004 is included with this submittal and has been approved and certified.

SECTION 24-4400 - PUBLIC FACILITY STANDARDS

24-4401.

Preliminary plans of subdivision (minor or major) and final plats of subdivision (minor or major) must be designed to show all utility easements necessary to serve anticipated development on the land being subdivided, consistent with the recommendations and standards relevant to public utility companies. 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.”

COMMENT: PPS-2025-009 does not include any anticipated development on the Subject Property.

24-4402.

Land for public facilities shown on the General Plan, a Functional Master Plan, the applicable Area Master Plan or Sector Plan, or a watershed plan shall be reserved, dedicated, or otherwise provided for.

COMMENT: Now additional public facilities are planned for the Subject Property.

24-4403.

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

COMMENT: The existing stormwater management facilities associated with the site have sufficient capacity to convey surface water runoff as evaluated and approved by DPIE under SIT-00142-2025.

24-4404.

In accordance with the Sustainable Growth and Agricultural Preservation Act (Map 3 of Plan 2035 Prince George's County Sustainable Growth and Agricultural Preservation Act of 2012 (SB236) Map, Adopted November 20th, 2012, as may be amended from time to time), the water and sewer standard for residential subdivisions is:

- (a) A subdivision in the Sustainable Growth Tier I in the General Plan or applicable Functional Master Plan shall be served by public sewer.**
- (b) A subdivision in the Sustainable Growth Tier II in the General Plan or applicable Functional Master Plan shall be served by public sewer, except for a minor subdivision which may be served by on-site sewerage disposal systems.**
- (c) A subdivision in the Sustainable Growth Tier III in the General Plan or applicable Functional Master Plan shall be served by on-site sewerage disposal systems.**
- (d) A subdivision in the Sustainable Growth Tier IV in the General Plan or applicable Functional Master Plan shall be served by on-site sewerage disposal systems. A residential major subdivision served by on-site sewer disposal systems is not permitted.**

COMMENT: The Subject Property is located in the Sustainable Growth Tier 1, and will be served by public water and sewer. The property is within the Sewer Envelope and currently in Water Category 3 and Sewer Category 3.

24-4405.

For purposes of determining whether water and sewerage complies with the standards of this Section, the location of the property within the appropriate service area of the Ten Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage and compliance with the standards for the provision of public sewer and water.

COMMENT: The property is within the Sewer Envelope, and currently in Water Category 3 and Sewer Category 3.

24-4406.

If a water storage tank is proposed to be located on the site of a proposed development, the subdivision shall include reservation of land or an easement for the storage tank and an access easement so that emergency vehicles can adequately use the water storage tank in times of emergency.

COMMENT: Not applicable, the existing site is served by public water and sewer.

SECTION 24-4500 – PUBLIC FACILITY ADEQUACY

24-4501. Purpose

The purpose of this Section is to:

- (a) Ensure that infrastructure necessary to support proposed development is built at the same time as, or prior to, that proposed development;
- (b) Establish level of service (LOS) standards for public facilities including transportation, pedestrian and bikeway adequacy, parks and recreation, police, fire and rescue, and schools that provide clear guidance to the County and applicants about when facilities are considered adequate, and create guidance for future infrastructure investments needed to accommodate existing residents and anticipated growth;
- (c) Establish LOS standards that reflect policy guidance of the General Plan, applicable Area Master Plans or Sector Plans, and the applicable Functional Master Plan for each facility;
- (d) Establish LOS standards that encourage development in the transit-oriented/activity center zones; and
- (e) Re-evaluate approved development that has received adequate public facilities approvals prior to April 1, 2022 for projects that have not been built in a timely manner.

COMMENT: All public facilities are adequate to serve the existing development. A Certificate of Adequacy will be issued in accordance with Section 24-4503 of the Subdivision Regulations prior to the approval of PPS-2025-009. The proposed development has been assigned ADQ-2025-017.

24-4502. Applicability

(a) Applications / Approvals Subject to this Section

This Section applies to:

- (1) An application for a preliminary plan of subdivision (minor or major);
- (2) An application for a final plat for subdivision when specifically required in this Section; and
- (3) A conversion of use from residential to nonresidential, or nonresidential to residential, or the conversion of either a residential or nonresidential use to mixed-use.

COMMENT: Acknowledged. PPS-2025-009 has been assigned ADQ-2025-017.

(b) Applicability of Public Facility Adequacy Standards

- (1) This Section establishes public facility adequacy standards. They are summarized in Table 24-4502: Summary of Public Facility Adequacy Standards. The standards are established in Sections 24-4504, Public Facility Adequacy-Generally, through Section 24-4510, Schools Adequacy, below.

- (2) An application listed in Section 24-4502(a) above shall not be approved until a certificate of adequacy or conditional certificate of adequacy is approved in accordance with the procedures and standards of this Section. No certificate of adequacy or conditional certificate of adequacy shall be approved unless and until it is reviewed and approved in conjunction with one of the applications or subdivision reviews identified in Section 24-4502(a) above and Section 24-4503(a).

COMMENT: Acknowledged. All public facilities are adequate to serve the existing site. A Certificate of Adequacy will be issued in accordance with Section 24-4503 of the Subdivision Regulations prior to the approval of PPS-2025-009. The proposed development has been assigned ADQ-2025-017.

24-4503. Certificate of Adequacy

(a) Applicability

- (1) Except for final plats of subdivision approved prior to October 27, 1970, all development approvals for which a determination of adequate public facilities was made prior to April 1, 2022 and which was still valid on that date shall automatically receive a certificate of adequacy or conditional certificate of adequacy in accordance with this Section, effective April 1, 2022, for a period of twelve (12) years. If all of the required public facilities have been constructed or permitted and bonded as of the effective date of this Subtitle, then adequacy shall remain throughout the development approved by the respective, prior-approved preliminary plan of subdivision. Development that has received a certificate in accordance with this Subsection shall be subject to the requirements of this Section.
- (2) Preliminary plans of subdivision (minor or major) proposed after April 1, 2022 shall receive approval of a certificate of adequacy or conditional certificate of adequacy for each public facility subject to this Section.
- (3) Pursuant to the requirement of final plats of subdivision approved prior to October 27, 1970, to obtain approval of a preliminary plan of subdivision (minor or major) prior to the issuance of a building permit under certain circumstances (see Section 24-3402(b)(1)(B)), such subdivisions shall also receive approval of a certificate of adequacy or conditional certificate of adequacy for each public facility subject to this Section.
- (4) Preliminary plans of subdivision (minor or major) reviewed and approved under the regulations of the Subdivision Regulations in effect immediately prior to the effective date of these Regulations pursuant to the “grandfathering” provisions of Section 24-1704(b) shall be granted a certificate of adequacy in accordance with this Section, effective upon the approval date of the preliminary plan of subdivision (minor or major), for a period of twelve (12) years. Development that has received a certificate in accordance with this Subsection shall be subject to the requirements of this Section.

COMMENT: Acknowledged. PPS-2025-009 has been assigned ADQ-2025-017.

(b) Review Procedure for Certificate of Adequacy or Conditional Certificate of Adequacy

- (1) An application for a certificate of adequacy or a conditional certificate of adequacy shall be initiated by submitting an application to the Planning Director, along with any draft documentation relating to the mitigation of inadequate public facilities, if applicable.**
- (2) After determining the application is complete (see Section 24-3305, Determination of Completeness), the Planning Director shall forward the application to the appropriate departments for review and comment, and after receipt of their comments prepare a written report that:**
 - (A) Identifies existing and planned capital improvements and any available capacity of the public facilities that serve the proposed development in accordance with the terms of this Section;**
 - (B) Identifies capital improvements funded and assumed to be in place to serve the proposed development;**
 - (C) Identifies any previously dedicated, constructed, or funded public facility that would mitigate the impacts of the proposed development;**
 - (D) Sets forth findings and conclusions related to the impact of the proposed development on available capacity; and**
 - (E) Determines whether there is available capacity for each public facility sufficient to accommodate the proposed development in accordance with the standards of this Section.**
- (3) Based on the evaluation and determination in Section 24-4503(b)(2) above, the Planning Director shall either:**
 - (A) Issue a certificate of adequacy if all public facilities are adequate;**
 - (B) Issue a conditional certificate of adequacy if:**
 - (i) All or some of the public facilities are inadequate at the time of application; and**
 - (ii) The applicant has agreed to provide mitigation, reduce project impact, or phase development so that the applicable public facilities will meet the adopted LOS standard for the appropriate public facility when the impacts of the development occur; or**
 - (C) Deny the certificate of adequacy if the public facilities are inadequate, and the applicant has not agreed to conditions that would mitigate or reduce their impacts.**
- (4) A conditional certificate of adequacy shall incorporate conditions consistent with Section 24-4503(b)(3)(B)(ii) above, along with the applicant's consent to those conditions.**
- (5) If the Planning Director denies a certificate, issues a conditional certificate, or requires mitigation, the applicant may:**
 - (A) Withdraw the application and seek a new certificate; or**
 - (B) Appeal the Planning Director's decision to the Planning Board.**
- (6) The period of validity for the certificate shall be twelve (12) years from the date of its approval.**

COMMENT: Acknowledged. PPS-2025-009 has been assigned ADQ-2025-017.

(c) Expiration of Certificate of Adequacy or Conditional Certificate of Adequacy

(1) An approved certificate automatically expires if:

(A) The applicant fails to comply with the conditions of approval in the certificate; or

(B) The period of validity for the certificate expires and the certificate holder does not record a final plat or commence construction in accordance with all the requirements of Table 24-4503(c): Development Requirements Prior to Expiration of Period of Validity for Approved Certificate, below.

(C) The certificate of adequacy shall concurrently expire with any respectively approved preliminary plan of subdivision (minor or major) application.

(2) If a certificate expires in accordance with this Subsection, the development for which the certificate was approved shall no longer be determined to have adequate public facilities for the purposes of these Regulations and shall be required to gain re-approval for a certificate in accordance with the procedures and standards of this Section before proceeding with development.

COMMENT: Acknowledged.

(d) Conformance

Conformance with an approved certificate of adequacy shall be demonstrated at the time a final plat is recorded and when a building permit is issued.

COMMENT: Acknowledged.

(e) Vested or Contractual Rights

Obligations associated with a certificate of adequacy may be deemed satisfied, and the development for which the certificate was approved may be determined to have adequate public facilities for the purposes of these Regulations, under the following circumstances:

(1) The certificate holder has dedicated or deeded land for public purposes (such as dedication of land for public roads or parkland) or has otherwise met, in full, any required financial, infrastructure improvement, land transaction, or other conditions originally deemed necessary to provide adequate public facilities for the proposed development;

(2) The Planning Director may determine the permittee has acquired vested or contractual rights that preclude a new adequacy determination in accordance with this Section and State law; or

(3) In the case of an approval of a certificate of adequacy or conditional certificate of adequacy which includes phased deduction and/or phased required financial contributions for infrastructure improvements, construction of infrastructure improvements, land transactions, or other conditions originally deemed necessary to provide adequate public facilities for the proposed development, if the certificate holder remains in conformance with all requirements pursuant to the phasing schedule, the certificate of adequacy or conditional certificate of adequacy shall remain valid. Once all obligations have been satisfied, the certificate of adequacy shall be deemed satisfied per the conditions of approval.

COMMENT: Acknowledged.

(f) Extension of Expiration by Planning Board

One extension of the period of validity for a certificate may be granted by the Planning Board, for a period of up to six years, upon the certificate holder's submission of a written request for extension to the Planning Board before the expiration date (end of the period of validity), and demonstration that:

- (A) The certificate holder has reasonably pursued completion of the development;
- (B) The extension serves the public interest; and
- (C) There is otherwise good cause for granting the extension.

COMMENT: Acknowledged.

(g) Amendment

(1) Requirement

- (A) A change in use, an increase in dwelling units or nonresidential gross floor area, or a substantial change to the access and circulation design of a project that has received a certificate in accordance with this Section, requires an amendment to the certificate and an adequacy re-determination if the change of use, increase in development, or access and circulation change, increases the public facility capacity needed to accommodate the changed project based on the LOS standard established for the public facility, by more than five percent.
- (B) In re-evaluating the project in accordance with this Subsection, the project shall be credited with the capacity reserved under its original approval, unless the certificate has expired.

(2) General

An amendment of a certificate may only be reviewed in accordance with the procedures and standards of this Section.

COMMENT: Acknowledged.

24-4504. Public Facility Adequacy-Generally

(a) Measuring LOS Standard

- (1) Development subject to this Section shall comply with the LOS standard for each type of public facility that applies to the development.
- (2) The LOS standards for each public facility are summarized in Section 24-4502(b), and established in Sections 24-4504 through 24-4510 for each individual type of public facility.
- (3) The LOS standard for each proposed development subject to this Section shall be measured within the Impact Area for each type of public facility. The Impact Area may vary based on where the proposed development or the public facilities are located.
- (4) If the public facilities needed to meet the LOS standard are not in place and operational at the time of the proposed development, the Planning Director may

include planned capacity in making the determination of adequacy (for each individual type of public facility).

COMMENT: Acknowledged. Notwithstanding, no development is proposed for the Subject Property.

(b) Determining Whether Public Facilities are Adequate

Each type of public facility within the Impact Area is adequate if the demand generated by the development proposed in the application is less than the available capacity. Available capacity is calculated as follows:

- (1) Add capacity within the Impact Area based on the LOS standard for the individual type of public facility; and**
- (2) Where allowed by Sections 24-4504 through 24-4510 below, as appropriate, and the applicable Guidelines, add planned capacity that will alleviate any inadequacy for the individual public facility; and**
- (3) Subtract used capacity and reserved capacity.**

COMMENT: All existing public facilities are adequate to serve the existing commercial development. No disturbance or additional development is proposed.

(c) Limitations on Building Permits Issued in Areas Where Public Facilities Do Not Meet the Adopted Level of Service Standards

- (1) In areas of the County where public facilities are inadequate or a need to finance public facilities exists, the District Council may, by Resolution, establish a building permit limit prescribing the number of building permits to be issued in that area over a period of time.**
- (2) In those areas, the Resolution shall:**
 - (A) Determine the total number and type of building permits that may be issued each year and the number of building permits that may be allocated to each subdivision or development;**
 - (B) Establish a time period, not to exceed six years, during which the building permit limitations will remain in place; and**
 - (C) Initiate a planning process that identifies financing, efficiencies, or similar mechanisms to remedy or avoid the public facility inadequacy in the area.**

COMMENT: No building permits are anticipated as no grading or additional development is proposed.

24-4505. Transportation Adequacy

(a) Applicability

- (1) A certificate for transportation shall be reviewed and approved, approved with conditions, or denied in accordance with Section 24-4503, Certificate of Adequacy.**
- (2) To gain approval of the certificate, the applicant shall demonstrate the proposed development complies with the LOS standards of Section 24-4505(b) below, provides mitigation (if applicable), and complies with the other relevant requirements of this Section.**

COMMENT: Acknowledged. Included with this submittal is a trip generation analysis conducted by Lenhart Traffic Consulting Inc. detailing the vehicular trips for the existing development.

(b) Adopted LOS Standard

Adequate transportation facilities shall be available to accommodate or offset (through alternative trip capture) the vehicular trips within the Transportation Impact Area surrounding the development subject to the requirements of this Section, as defined by the Transportation Review Guidelines. This standard is met if:

- (1) Major intersections and major roadways within the Transportation Impact Area have sufficient capacity to accommodate the vehicular trips generated by the proposed development at or below the minimum peak-hour LOS standard identified in Section 24-4502(b) and this Subsection;**
- (2) The applicant reduces project impacts to a level so that the adopted LOS standard is maintained by any combination of the following:**
 - (A) Reducing the number of dwelling units or floor area;**
 - (B) Incorporating alternative trip capture; or**
 - (C) Incorporating a mix of uses that reduces trips through internal capture, as defined in the Transportation Review Guidelines.**
- (3) Transportation improvements or trip reduction programs that are adequately funded by the applicant or an existing revenue source to alleviate any inadequacy in the adopted LOS standard within the Transportation Impact Area;**
- (4) Any development in the RTO or LTO base and PD zones may also provide a financial contribution to implement a Transportation Demand Management program in accordance with Subtitle 20A, Transportation Demand Management, of this Code. A Transportation Demand Management District shall be established by the Council following any development in an RTO or LTO base zone and PD Zone that exceeds the LOS standards set forth above, unless the Council determines specific, appropriate alternative methods for addressing infrastructure needs; or**
- (5) Any combination of the requirements listed above will ensure that the adopted LOS standard is met.**

COMMENT: Adequate transportation facilities are available to serve the existing development. Included with this submittal is a trip generation analysis conducted by Lenhart Traffic Consulting Inc. detailing the vehicular trips for the existing development.

(c) Availability

Any transportation improvements within the Transportation Impact Area that are counted as available capacity shall be:

- (1) Operational at the time the application for a certificate is submitted; or**
- (2) Included on an adopted and approved Functional Master Plan, Area Master Plan, or Sector Plan, and construction scheduled with 100 percent of the construction funds allocated in the adopted County Capital Improvement Program (County CIP) or in the current State Consolidated Transportation Program (State CTP);**
or

- (3) Incorporated in a specific Public Facilities Financing and Implementation Program, including the County CIP or State CTP with construction scheduled with 100 percent of the construction funds allocated; or
- (4) Fully funded by the applicant, the County, and/or the State government (this includes transportation facilities that are part of the Surplus Capacity Reimbursement Procedure, as defined in the Transportation Review Guidelines); or
- (5) A proposal for a transportation facility on a plan being considered by the U.S. Department of Transportation and/or Federal Highway Administration or Federal Transit Administration, which is funded for construction within the next 10 years. (The Planning Director may condition the approval of the proposed development on a construction schedule that minimizes any inadequacy.); or
- (6) For property located wholly within the Brandywine Road Club, the applicant has entered into a Developer Participation Agreement with the County to share the costs of the improvements before construction of the improvements funded by the Brandywine Road Club; or
- (7) computed Road Club share or made transportation improvements equal to its computed Road Club share; or
- (8) For property zoned M-X-C prior to the effective date of these Subdivision Regulations, if a negotiated fee-in-lieu of required improvements was paid in full.

COMMENT: Acknowledged. Notwithstanding, no transportation improvements are anticipated to serve the existing development.

(d) Mitigation

Mitigation shall be based on projected traffic service at the following levels:

COMMENT: Acknowledged.

(e) Offsets for Transit, Bike, and Pedestrian Facilities

(1) Generally

The applicant may reduce the number of vehicular trips generated by a proposed development in a traffic impact study by including alternative trip capture. Such features include integrated sidewalk, trail, and bikeway networks to divert as many trips as possible from automobile travel and increase the multimodal accessibility and attractiveness of trips to transit stops, schools, parks, libraries, stores, services, and other destinations for all users. These concepts are further articulated in the "complete streets" principles and policies set forth in the *Approved Countywide Master Plan of Transportation*.

(2) Transit, Bike, and Pedestrian Infrastructure

The Transportation Review Guidelines shall incorporate availability and capacity standards for transit, pedestrian, and bikeway facilities that an applicant may consider as mitigation toward APF impacts. These facilities shall include:

- (A) Fixed rail transit stations, bus shelters, and other public transportation facilities;
- (B) Sidewalks and pedestrian crossings at intersections; and

- (C) Multi-use trails, bike paths, and/or pedestrian pathways and crossings.
- (3) Planned Improvements-Alternative Trip Capture**
If the proposed development incorporates transit, bicycle, or pedestrian facilities in its traffic impact study, the applicant shall demonstrate prior to the issuance of a building permit for development that all required adequate pedestrian and bikeway facilities are:
- (A) In place and fully operational; or
 - (B) Have full financial assurances, have been permitted for construction through the applicable operating agency's access permit process, and have an agreed-upon timetable for construction and completion with the appropriate operating agency.

COMMENT: No offsets are requested for transit, bike, and pedestrian facilities.

24-4506. Pedestrian and Bikeway Adequacy

(a) Purpose

This Section establishes general criteria to ensure the adequacy of public pedestrian and bikeway facilities and sets forth the requirements for those who establish subdivisions within certain zoning districts to construct on-site and off-site pedestrian and bikeway facilities and other public streetscape improvements as part of any development project. Pedestrian and bikeway features include integrated sidewalk, trail, and bikeway facilities to divert automobile trips and increase the multimodal accessibility and attractiveness of trips to transit stops, schools, parks, libraries, stores, services, residences, and other destinations for all users. Pedestrian and bikeway facilities should be designed to increase safety for people walking, bicycling, and using transit, and offer the most direct routes to destinations for persons of all abilities.

COMMENT: Acknowledged.

(b) Applicability

- (1) When required by Section 24-4506(b)(3), below, a certificate for pedestrian and bikeways adequacy shall be reviewed and approved, approved with conditions, or denied in accordance with Section 24-4503, Certificate of Adequacy.
- (2) To gain approval of the certificate, the applicant shall demonstrate the proposed development complies with the LOS standards of Section 24-4506(c) below, provides mitigation (if applicable), and complies with the other relevant requirements of this Section.
- (3) Before any preliminary plan of subdivision (minor or major) may be approved for any development applications proposing 11 (eleven) or more new or redeveloped dwelling units and/or otherwise proposing 10,001 or greater square feet of new or redeveloped gross floor area on land lying, in whole or part, within the RMF-20, RMF-48, NAC, TAC, LTO, RTO-L, RTO-H, CN, CGO, CS, NAC-PD, TAC-PD, LTO-PD, RTO-PD, LMXC, LMUTC, and LCD zones, the Planning Director shall find that there will be adequate public pedestrian and bikeway facilities to serve the proposed subdivision and the surrounding area.

- (4) The provisions of Section 24-4506 shall not apply to properties located with Sustainable Growth Tier IV.**

COMMENT: Acknowledged. PPS-2025-009 does not propose any additional development on the Subject Property.

(c) Adopted LOS Standard for Pedestrian and Bikeways Adequacy

- (1) As part of any development project requiring the subdivision or re-subdivision of land subject to the requirements of Section 24-4506(b)(3), above, the Planning Director shall require the developer/property owner to construct adequate pedestrian and bikeway facilities (to the extent such facilities do not already exist):**

(A) Throughout the proposed subdivision; and

(B) Within one-half mile of the subdivision if the Board finds that there is a demonstrated nexus to require the applicant to connect a pedestrian or bikeway facility to a nearby destination, including but not limited to a public school, park, shopping center, multifamily residence, mixed-use activity centers, or line of transit within available public rights of way.

(i) The cost of the off-site pedestrian or bikeway facilities shall not exceed thirty-five cents (\$0.35) per gross square foot of proposed nonresidential development in the application and three hundred dollars (\$300.00) per unit of proposed residential development in the application, indexed for inflation annually from calendar year 2013.

(ii) For purposes of this Subsection, one-half mile includes all areas within one-half mile measured from the outer limits of the circumference of the smallest circle encompassing all the land area of the subdivision and includes the entire lot line of any property partially included within such distance; and "throughout the subdivision" includes all the land area within such circumference.

(iii) No developer/property owner shall be required to acquire additional land not already owned by that developer/property owner in order to construct adequate pedestrian and bikeway facilities. All adequate pedestrian and bikeway facilities required under this Section shall be constructed within existing public easements and rights-of-way, or within land dedicated (or to be dedicated) by the applicant to public use.

(C) The finding of adequate public pedestrian facilities shall, at minimum, include the following criteria:

(i) The degree to which the sidewalks, streetlights, street trees, street furniture, and other streetscape features recommended in the Countywide Master Plan of Transportation and the applicable Area Master Plan or Sector Plan have been constructed or implemented in the area; and

(ii) The presence of elements that make it safer, easier, and more inviting for people to traverse the area.

(D) The finding of adequate public bikeway facilities shall, at minimum, include the following criteria:

(i) The degree to which the bike lanes, bikeways, and trails recommended in the Countywide Master Plan of Transportation and the applicable Area

- Master Plan or Sector Plan have been constructed or implemented in the area;
- (ii) The presence of specially marked and striped bike lanes or buffered bike lanes in which people can safely travel by bicycle without unnecessarily conflicting with pedestrians or motorized vehicles;
 - (iii) The degree to which protected bicycle lanes, on-street vehicle parking, medians, or other physical buffers exist to make it safer or more inviting for people to traverse the area by bicycle; and
 - (iv) The availability of safe, accessible, and adequate bicycle parking at transit stops, commercial areas, employment centers, multifamily residential buildings, mixed-use activity centers, and other places where vehicle parking, visitors, and/or patrons are normally anticipated.
- (E) Examples of pedestrian and bikeway facilities that a developer/property owner may be required to construct shall include, but not be limited to (in descending order of preference):
- (i) Installing or improving sidewalks, including curbs and gutters, and increasing safe pedestrian crossing opportunities at all intersections;
 - (ii) Installing protected bicycle facilities, using on-street parking or medians to separate bicycle traffic from motor vehicle traffic;
 - (iii) Installing or improving streetlights;
 - (iv) Building paved multi-use trails, bike paths, and/or pedestrian pathways and crossings;
 - (v) Building “bulb-out” curb extensions, pedestrian refuge medians, and pedestrian crossing signals at intersections;
 - (vi) Installing a bicycle share station that is operated by the Department of Public Works and Transportation or a municipality;
 - (vii) Installing covered bicycle parking;
 - (viii) Installing street furniture (benches, trash receptacles, bicycle repair stations, bus shelters, etc.);
 - (ix) Installing street trees and planted medians; and
 - (x) One hundred percent (100%) engineering or design plans for nearby pedestrian or bikeway improvements to be constructed by the Department of Public Works and Transportation or trail projects to be constructed by the Department of Parks and Recreation or a municipality.
- (F) The design of facilities for bicyclists and pedestrians shall be in accordance with generally recognized and commonly used transportation engineering and planning standards and practices, including but not limited to, those found in relevant guidance from the Maryland Department of Transportation (MDOT), the National Association of City Transportation Officials (NACTO) Urban Street Design Guide, the NACTO Urban Bikeway Design Guide, and the American Planning Association's and National Complete Streets Coalition's Complete Streets: Best Policy and Implementation Practices.
- (G) If a detailed site plan (minor or major) approval is required for any development within the subdivision, the developer/property owner shall include, in addition to all other required information in the site plan, a pedestrian and bikeway facilities plan showing the exact location, size,

dimensions, type, and description of all existing and proposed easements and rights-of-way and the appurtenant existing and proposed pedestrian and bikeway facilities throughout the subdivision and within the designated walking or biking distance of the subdivision specified in this section, along with the location, types, and description of improvements, property/lot lines, and owners that are within 50 feet of the subject easements and rights-of-way.

- (H) Prior to the issuance of any building permit for development within the subdivision, the developer/property owner shall show that all required adequate pedestrian and bikeway facilities have full financial assurances, have been permitted for construction through the applicable operating agency's access permit process, and have an agreed-upon timetable for construction and completion with the appropriate operating agency.**
- (I) Nothing contained within this Subsection shall be deemed to inhibit in any way the authority of the Planning Director to require a developer/property owner to construct pedestrian and bikeway facilities not otherwise listed in this Section, if such facilities relate to the implementation of "complete streets" principles on roadways required to be improved, constructed, or reconstructed to accommodate motor vehicle traffic that would be generated by proposed subdivisions. Any such pedestrian and bikeway facilities constructed off-site, shall be subject to the cost limitations set forth in Section 24-4506(c)(1)(B).**

COMMENT: PPS-2025-009 has been assigned ADQ-2025-017, which will evaluate the adequacy of pedestrian and bikeway facilities (to the extent such facilities do not already exist).

(d) Availability

Any pedestrian and bikeway improvements within one-half mile of the proposed subdivision to be counted as available capacity shall be:

- (1) Operational at the time the application for a certificate of adequacy is submitted;
or**
- (2) Included on an adopted and approved Functional Master Plan, Area Master Plan, or Sector Plan and construction scheduled with 100 percent of the construction funds allocated in the adopted County Capital Improvement Program (County CIP) or in the current State Consolidated Transportation Program (State CTP);
or**
- (3) Incorporated in a specific County Public Facilities Financing and Implementation Program, including the County CIP with construction scheduled with 100 percent of the construction funds allocated; or**
- (4) Fully funded by the applicant, the County and/or the State government (this includes pedestrian and bikeway facilities that are part of the Surplus Capacity Reimbursement Procedure, as defined in the Transportation Review Guidelines).**

COMMENT: Acknowledged.

(e) Mitigation

Pedestrian and bikeway improvements used to gain approval of the pedestrian and bikeways certificate of adequacy shall not contribute to transportation adequacy offsets for transit, bike, and pedestrian facilities otherwise required by Section 24-4505(e).

COMMENT: Acknowledged.

24-4507. Parks and Recreation Adequacy

(a) Applicability

- (1) A certificate for parks and recreation adequacy shall be reviewed and approved, approved with conditions, or denied in accordance with Section 24-4503, Certificate of Adequacy.**
- (2) To gain approval of the certificate, the applicant shall demonstrate the proposed development complies with the LOS standards of Section 24-4507(b) below, provides adequate mitigation (if appropriate), and complies with all other relevant requirements of this Section.**

COMMENT: Acknowledged.

(b) Adopted LOS Standard for Public Parks and Recreation

(1) The adopted LOS standard for Parks and Recreation is:

(A) Within the Transit Oriented/Activity Center zones, and in the Employment Areas as identified in the General Plan: 2.5 acres of improved public parks per 1,000 residents. These lands shall consist of at least:

- (i) 0.5 acres per 1,000 residents for small urban parks, including pocket parks, plazas, commons/ greens, squares, and neighborhood parks; and**
- (ii) One acre per 1,000 residents for larger urban parks, including parks at schools, community parks, resource parks, and waterfront parks; and**
- (iii) One acre per 1,000 residents for greenways, linear parks, and special facilities.**

(B) Fifteen acres of improved public parks per 1,000 residents in all other areas.

(2) The Department of Parks and Recreation, in consultation with the Planning Department, shall develop Park and Recreation Facilities Guidelines, approved by Resolution of the Council, that establish:

- (A) A methodology for computing the number of residents or equivalent dwelling units for applications subject to this Subsection;**
- (B) A methodology for computing the Impact Areas of park facilities based upon anticipated walking distances and drive times; and**
- (C) Park facility typologies, including natural areas, community centers, and urban civic spaces consistent with Formula 2040. The typologies may assign credits to public parks and recreation facilities based upon their community value, anticipated development expenses, and proximity to new development.**

COMMENT: Acknowledged. No residential development is proposed with the subject application.

(c) Availability and Mitigation

If existing public parks and recreation facilities are not sufficient to meet the adopted LOS standard, the Planning Director may find that adequate mitigation is being provided if:

- (1) For proposed residential development/uses, mandatory dedication of parkland is provided by the applicant pursuant to Section 24-4601, Mandatory Dedication of Parkland;
- (2) Adequate improved public park lands are available and programed to serve the residents of the proposed development with 100 percent of the expenditures for the construction of the facility within the adopted County CIP as determined under the Park and Recreation Facility Guidelines;
- (3) That improvements participated in or funded by the applicant (either on or off-site), including pro rata participation in a specific Public Facilities Financing and Implementation Program, will alleviate any inadequacy as determined under the Park and Recreation Facility Guidelines; or
- (4) The applicant provides payment of an in-lieu fee for the purpose of providing monies for the provision of park and recreation facilities (either on or off-site) necessary to ensure the proposed development will served by adequate park and recreation facilities.

COMMENT: The subject application has been assigned ADQ-2025-017, which will evaluate the adequacy of existing public parks and recreation facilities. As mentioned above, no development is proposed.

24-4508. Police Facility Adequacy

(a) Applicability

- (1) A certificate for police facilities shall be reviewed and approved, approved with conditions, or denied in accordance with Section 24-4503, Certificate of Adequacy.
- (2) To gain approval of a certificate for police facilities, the applicant shall demonstrate the proposed subdivision complies with the adopted LOS standards of Section 24-4508(b) below, provides adequate mitigation (if appropriate), and complies with all other requirements of this Section.

COMMENT: Acknowledged.

(b) Adopted LOS Standard-Police

- (1) The population generated by the proposed subdivision, at each stage, shall not exceed the service capacity of existing police stations, in accordance with the Public Safety Guidelines, approved by Resolution of the Council.
- (2) To demonstrate compliance with this LOS standard, the Chief of Police shall submit the following information, on an annual basis, to the Planning Director:
 - (A) A statement reflecting adequate equipment pursuant to studies and regulations used by the County, or the Public Safety Master Plan for police stations in the vicinity of the area of the proposed subdivision; and
 - (B) A statement by the Police Chief that the rolling 12-month average, adjusted monthly, for response times in the vicinity of the proposed subdivision is a maximum of 25 minutes total for non-emergency calls and a maximum of 10

minutes total for emergency calls for service. For the purposes of this Subsection, response time means the length of time from the call for service until the arrival of Police personnel on-scene or other police response, as appropriate.

- (3) Section 24-4508(b)(2) above, does not apply to commercial or industrial applications for preliminary plans.

COMMENT: Acknowledged. The Subject Property contains existing commercial uses and no additional development is proposed.

(c) Availability and Mitigation

If facilities and personnel at existing police stations are not adequate to meet the adopted LOS standard for Police Facilities, the Planning Director shall find that:

- (1) The population generated by the proposed subdivision at each stage of the proposed subdivision will not exceed the service capacity of existing police stations as determined by the Planning Board in the "Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure" as may be amended from time to time;
- (2) Adequate police facilities available to serve the population generated by the proposed subdivision are programmed with 100 percent of the expenditures for the construction of the facility in the adopted County CIP in accordance with the Public Safety Guidelines; or
- (3) That adequate police facilities and improvements are participated in or funded by the applicant on a pro-rata basis, including participation in a specific Public Facilities Financing and Implementation Program (as defined in Subtitle 27) that will alleviate any inadequacy in accordance with the Public Safety Guidelines.

COMMENT: The subject application has been assigned ADQ-2025-017 to evaluate existing police facilities.

24-4509. Fire and Rescue Adequacy

(a) Applicability

A certificate for fire and rescue facilities shall be approved in accordance with Section 24-4503, Certificate of Adequacy. To gain approval of the certificate, the applicant shall demonstrate the proposed subdivision complies with the LOS standards of Section 24-4509(b), below, provides adequate mitigation (if appropriate), and complies with all other requirements of this Section.

COMMENT: Acknowledged.

(b) Adopted LOS Standard for Fire and Rescue

- (1) The population and/or employees generated by the proposed subdivision, at each stage of the proposed subdivision, will be within the adequate coverage area of the nearest fire and rescue station(s) in accordance with the Public Safety Guidelines.
- (2) The Fire Chief shall submit to the County Office of Audits and Investigations, County Office of Management and Budget, and the Planning Director:

- (A) A statement reflecting adequate equipment in accordance with studies and regulations used by the County, or the Public Safety Master Plan for fire stations in the vicinity of the area where the subdivision is proposed to be located; and
- (B) A statement by the Fire Chief that the response time for the first due fires and rescue station in the vicinity of the proposed subdivision is a maximum of seven minutes travel time. The Fire Chief shall submit monthly reports chronicling actual response times for calls for service during the preceding month.
- (3) Subsection (b)(2), above, does not apply to commercial or industrial applications.

COMMENT: Acknowledged.

(c) Availability and Mitigation

- (1) If existing fire and rescue stations are not sufficient to meet the adopted LOS standard, the Planning Director shall find that:
 - (A) The population and/or employees generated by the proposed subdivision at each stage of the proposed subdivision will not exceed the service capacity of existing police stations as determined by the Planning Board in the "Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure" as may be amended from time to time;
 - (B) A fire and rescue station(s) that can adequately serve the population and/or employees at the proposed subdivision is programmed with 100 percent of the expenditures for the construction of the facility in the adopted County CIP in accordance with the Public Safety Guidelines. However, if construction of the improvements does not commence within 9 years after the first year the fire and rescue station(s) project is fully funded in an adopted County CIP, the preliminary plan for subdivision (minor or major) may not be considered and approved until the facilities are actually constructed;
 - (C) That improvements participated in or funded by the applicant, including participation in a specific public facilities financing and implementation program, will alleviate any inadequacy in accordance with the Public Safety Guidelines; or
 - (D) Should nonresidential development not meet the response time test, the applicant may provide mitigation through:
 - (i) The installation and maintenance of a sprinkler system that complies with NFPA 13 Standards for the Installation of Sprinkler Systems. The installation of sprinklers shall not be waived by any party; and
 - (ii) The installation and maintenance of automated external defibrillators (AEDs) in accordance with COMAR 30.06.01-05, including a requirement for a sufficient number of AEDs to be installed so that no employee is more than 500 feet from an AED.
- (2) Before any preliminary plan for subdivision (minor or major) may be approved, if the location of the property proposed for subdivision is outside the appropriate service area of the Ten Year Water and Sewerage Plan or is in an Rural and Agricultural zone, the Planning Director shall require the applicant to provide

water storage tanks, make water tanker trucks available, or ensure there will be other appropriate sources of water for fire extinguishing purposes.

COMMENT: The subject application has been assigned ADQ-2025-017 to evaluate fire and rescue adequacy.

24-4510. Schools Adequacy

(a) Applicability

- (1) Unless exempted in accordance with Section 24-4510(a)(3) below, a certificate for schools adequacy shall be reviewed and approved, approved with conditions, or denied in accordance with Section 24-4503, Certificate of Adequacy.**
- (2) To gain approval of the certificate for schools adequacy, the applicant shall demonstrate the proposed development complies with the LOS standards of Section 24-4510(b) below or provides adequate mitigation (if appropriate), and complies with all other relevant requirements of this Section.**
- (3) The following are exempt from the requirements of this Section:**
 - (A) A preliminary plan for subdivision (minor or major) which is a redevelopment project that replaces existing dwelling units;**
 - (B) A preliminary plan for subdivision (minor or major) for elderly housing operated in accordance with the State and Federal Fair Housing laws;**
 - (C) A preliminary plan for subdivision (minor or major) that consists of no more than three lots on less than five gross acres of land, whose lots, except for one to be retained by grantor, are to be conveyed to a son or daughter or lineal descendant of the grantor; and**
 - (D) A preliminary plan for subdivision (minor or major) located in the Transit-Oriented/Activity Center base or PD zones.**

COMMENT: Acknowledged.

(b) Adopted LOS Standard for Schools

- (1) The adopted LOS standard for schools is based on school clusters, which are groupings of elementary, middle, and high schools that are impacted by the preliminary plan for subdivision (minor or major).**
- (2) The adopted LOS standard is that the number of students generated by the proposed subdivision at each stage of development will not exceed 105 percent of the state rated capacity, as adjusted by the School Regulations, of the affected elementary, middle, and high school clusters.**
- (3) The number of elementary, middle, and high school students generated by the proposed subdivision shall be determined in accordance with the pupil yield factors for each dwelling unit type as determined by the Planning Director from historical information provided by the Superintendent of the Prince George's County Public Schools.**
- (4) The Planning Director shall determine:**
 - (A) The school cluster or clusters impacted by the proposed preliminary plan for subdivision (minor or major).**

- (B) The actual enrollment, which is the number of elementary, middle, and high school students, as reported by the Superintendent of the Prince George's County Public Schools as of September 30 of the prior year, and as calculated by the Planning Director that is effective in January of each year for use in that calendar year.
- (C) The completion enrollment, which is the total number of elementary, middle, and high school students to be generated by the estimated number of residential completions, for each school cluster.
 - (i) Residential completions are estimated from the total of all substantially completed dwelling units added to the County's assessable tax base in the two previous calendar years.
 - (ii) In determining completion enrollment, the estimated number of residential completions in a given school cluster will not exceed the number of dwelling units shown on:
 - (aa) An approved preliminary plan of subdivision (minor or major) with no waiting period, or with a waiting period less than 24 months as of September 30 of each calendar year; and
 - (bb) All recorded plats not subject to an adequate public facilities test for schools at time of building permit issuance.
- (D) The subdivision enrollment, which is the anticipated number of elementary, middle, and high school students to be generated by all dwelling units shown on the proposed preliminary plan of subdivision (minor or major), multiplied by the pupil yield factor.
- (E) The cumulative enrollment, which is the total of all subdivision enrollments resulting from approved preliminary plans of subdivision (minor or major) in each school cluster for the calendar year in which an adequate public facilities test is being applied.
- (F) The Planning Director shall determine the subdivision's cluster enrollment by adding: the actual number of students in the cluster as of September 30; the number of students anticipated from residential completions in the cluster; the number anticipated from the subdivision; and the number of students anticipated from subdivisions already approved in the cluster within the calendar year. The Planning Director shall then determine the percent capacity by dividing the cluster enrollment by the state rated capacity (adjusted by the School Regulations) of schools in the cluster.

COMMENT: Acknowledged.

(c) Mitigation

When conditioned upon payment of the schools facility surcharge, or when otherwise exempt from the schools facility surcharge pursuant to Section 10-192.01, School Facilities Surcharge, of the County Code, the subdivision may be approved regardless of actual or projected school capacity.

COMMENT: Acknowledged. No residential development is proposed with the subject application.

SECTION 24-4600 – PARKLANDS AND RECREATION FACILITIES

24-4601. Mandatory Dedication of Parkland

(a) Purpose

The purpose of this Section is to establish standards for new subdivisions including residential uses to provide adequate land to meet the park and recreation needs of the residents of the subdivision.

COMMENT: Acknowledged.

(b) Applicability

(1) General

Unless exempted in accordance with Section 24-4601(b)(2) below, all subdivisions which include residential uses shall plat and convey to the M-NCPPC or to a municipality located within the County (but which is not within the Maryland-Washington Metropolitan District) upon the request of such municipality, adequate land to meet the park and recreation needs of the residents of the subdivision, or pay a fee in-lieu, or provide park and recreation facilities as otherwise provided in this Section.

(2) Exemptions

The following are exempted from the standards of this Section:

- (A) Any lot that was legally created by deed prior to April 24, 1970;**
- (B) Any lot being created by the subdivision of land upon which a dwelling legally exists at the time of subdivision; and**
- (C) Any re-subdivision of land for which land was previously dedicated for park and recreation needs, or a fee in-lieu paid, to the extent that land dedication or fees in-lieu are sufficient to accommodate the residents of the subdivision (if lots are added as part of the resubdivision, land shall be dedicated or an in-lieu fee paid in accordance with this Section to meet the park and recreation needs of the residents of the new lots).**

(3) Amount of Park and Recreation Land Required

The amount of land to be dedicated shall be:

- (A) Five percent of land on which a density of one to four dwelling units per net acre is the maximum density allowed in Subtitle 27: Zoning Ordinance;**
- (B) Seven and one-half percent of land on which a density of four to seven and one-half dwelling units per net acre is permissible;**
- (C) Ten percent of land on which a density of seven and one-half to 12 dwelling units per net acre is permissible; and**
- (D) Fifteen percent of land on which a density exceeding 12 dwelling units per net acre is permissible.**

(4) Compliance Alternatives

As an alternative to the dedication of land in accordance with Section 24-4601(b)(3), Amount of Park and Recreation Land Required, above, any of the following, either singly or in combination, shall satisfy the requirements of this Section.

- (A) Active and/or Passive Recreation Land**

- (i) The dedication of land identified for preservation as part of a stream valley park on a Functional Master Plan, Area Master Plan, or Sector Plan, with a finding there is reasonable active recreation in the general area, and that any trails shown on the plans are provided and dedicated.
 - (ii) The location of on-site detention and/or retention ponds may be credited toward lands required for dedication, regardless of ownership, if it is determined that such area will provide active or passive recreation because of specific access provisions, recreational facilities, or visual amenities, and appropriate maintenance agreements have been, or will be, made to ensure compliance with this requirement.
- (B) Fees in-Lieu**
- (i) If it is determined that the dedication of park and recreation land is unsuitable or impractical due to size, topography, drainage, physical characteristics, or similar circumstances, the subdivider shall provide a fee in-lieu of dedication in the amount of five percent of the total new market value of the land as stated on the final assessment notice issued by the State Department of Assessments and Taxation.
 - (ii) The in-lieu fee shall be used for the sole purpose of purchasing or improving land to meet the park and recreation needs of, and benefit, the residents of the subdivision.
- (C) Recreational Facilities**
- Recreational facilities may be provided instead of land or in-lieu fees in any Residential zone, provided that a plan for such recreational facilities is approved by the Planning Board after determining that:
- (i) Such facilities will be equivalent or superior in value, to the land, improvements, or facilities that would have been provided under this Section; and
 - (ii) The facilities will be properly developed and maintained to the benefit of future residents of the subdivision through covenants, a recreational maintenance agreement, or other appropriate means, and that such instrument is legally binding upon the subdivider and the subdivider's heirs, successors, and assigns, and that such instrument is enforceable; and
 - (iii) No permit for construction or occupancy of dwellings shall be issued unless the Planning Board is satisfied that the facilities have been, or will be, provided at the appropriate state of development.

COMMENT: No residential uses are existing or proposed on the Subject Property.

SECTION 24-4700 – CONSERVATION SUBDIVISION STANDARDS

COMMENT: This section does not apply since the property is not located in a zone that permits a conservation subdivision, and the applicant is not proposing a conservation subdivision.

VII. SUBTITLE 27-6. DEVELOPMENT STANDARDS

The intent of the subject application is to create separate parcels from the existing – previously integrated development. Developments of any type approved under the prior Zoning Ordinance or prior Subdivision Regulations are “grandfathered” and all buildings, uses, structures, or site features are deemed legal and conforming. Thus, until future redevelopment of the proposed subdivided lots is proposed, it would be impossible to require an already developed property that is otherwise “grandfathered” to conform to development standards given the subject property was lawfully developed pursuant to the prior Zoning Ordinance. Notwithstanding, the Applicant offers the follow analysis of the 27-6 Development Standards, many of which are not applicable at this time.

Section 27-6105 (b) provides:

(b) Preliminary Plan of Subdivision (Minor or Major)

With regard to the development standards of this Part, preliminary plans of subdivision (minor or major) are best used to ensure appropriate relationships between lots and parcels, streets, alleys, and outparcels; provide for multimodal connectivity; protect and enhance sensitive environmental features; and provide dedication of land for public purposes. Preliminary plans of subdivision (minor or major) are reviewed for compliance with the following Sections of this Part:

- (1) Section 27-6200, Roadway Access, Mobility, and Circulation**
- (2) Section 27-6400, Open Space Set-Asides**
- (3) Section 27-6800, Environmental Protection and Noise Controls**
- (4) Section 27-61300, Agricultural Compatibility Standards**
- (5) Section 27-61400, Urban Agriculture Compatibility Standards**

SECTION 27-6200 – ROADWAY ACCESS, MOBILITY, AND CIRCULATION.

27-6202. Multimodal Transportation System

The design and construction of access and circulation systems associated with a development shall be consistent with the transportation goals, objectives, and actions in the County’s General Plan, the Approved Countywide Master Plan of Transportation, the applicable Area Master Plan or Sector Plan, and other County-adopted plans addressing transportation.

COMMENT: The existing development is consistent with the transportation goals, objectives, and actions in the County’s General Plan, the Approved Countywide Master Plan of Transportation, the applicable Area Master Plan or Sector Plan, and other County-adopted plans addressing transportation.

27-6203. Multimodal Transportation System

Access and circulation systems associated with a development shall provide for multiple travel modes (pedestrian, transit, bicycle, and vehicular), based on the development’s size, character, the zone in which it is located, and its relationship to existing and planned transportation systems. Pedestrian, transit, bicycle, and vehicular access and circulation systems shall be coordinated and integrated as necessary to offer the development’s

occupants and visitors improved transportation choices while enhancing safe and efficient mobility throughout the development and the community.

COMMENT: Access to the site is currently from Bladensburg Road. Bicycle and pedestrian access and circulation are coordinated with vehicular access and circulation for safe and efficient movement of all modalities throughout the site.

27-6204. Circulation Plan or Site Plan Required

Development applications shall include a circulation plan (unless a site plan meeting the requirements of this Section is submitted) that demonstrates how the development follows the requirements of Sections 27-6205 through 27-6208. A circulation plan may be combined with the parking plan required in Section 27-6303, Parking Plan or Site Plan Required

COMMENT: PPS-2025-009 is provided with this application demonstrating conformance to the requirements of Sections 27-6205 through 27-6208 as applicable.

27-6205. Developer Responsible for On-Site Street Improvements

If a street is proposed within a development site, the developer shall bond, construct and maintain road, street, bikeway, sidewalk, and other access and circulation improvements in accordance with the standards for design and construction defined in Subtitle 23: Roads and Sidewalks, SHA design standards (if applicable), or those of the applicable municipalities having jurisdiction, and shall dedicate any required rights-of-way or easements, as required by the Subdivision Regulations and shown on an approved preliminary plan of subdivision.

COMMENT: PPS-2025-009 does not propose any additional/new streets.

27-6206. Vehicular Access and Circulation

(a) Definition of Street Functional Classification

All public streets will be classified by the County according to the system of functional classification defined in the Approved Countywide Master Plan of Transportation (as may be amended from time to time) and shall be designed and constructed to the County's adopted street design standards as authorized by Subtitle 23, Roads and Sidewalks, of the County Code. Within the Regional Transit Districts and Local Centers as designated by the General Plan (as may be amended from time to time), the Prince George's County Urban Street Design Standards shall apply.

COMMENT: Acknowledged. Access to the site is from Bladensburg Road, which is classified as an arterial roadway.

(b) Vehicular Access and Circulation

As a basis for application of many of the vehicular access and circulation standards in this Section, proposed and existing vehicular accessways shall be classified in accordance with the following classifications, which reflect the accessway's relative functions in providing access to and from principal origin

and destination points and accommodating travel mobility. These do not supersede or replace classifications used in the Prince George's County Specifications and Standards for Roadways and Bridges.

(1) Driveways

Driveways are accessways that function solely to provide direct and immediate vehicular access between an alley or street and the principal origin and destination points within an abutting development, or part of a large development. They generally handle low vehicular travel speeds and traffic volumes, but may handle higher vehicular traffic volumes within large commercial and mixed-use developments (e.g., driveways within mixed-use developments or shopping center parking areas). Driveways are generally not located in the public right-of-way for their principal length, or along building frontages in the Transit-Oriented/Activity Center base and Planned Development (PD) zones, and are not considered streets.

(2) Alleys

(A) Alleys make up a specialized classification of accessway that primarily functions to provide secondary vehicular access and/or service and delivery vehicle access between a street and the rear or sides of lots or buildings. Alleys may provide primary vehicular access for dwellings designed to have no driveway access from the fronting street, or access may be provided through a combination of an alley and a driveway from a fronting street. Alleys may not provide primary vehicular access for dwellings that do not have a fronting street unless such dwelling front instead on common open spaces such as a mews or courtyards.

(B) Within the CN, NAC, LTO, RTO-L, RTO-H, LTO-PD, and RTO-PD zones, alleys shall comply with standards established in the Prince George's County Urban Street Design Standards. In all other areas of the County, alleys shall comply with the standards established in Subtitle 23: Roads and Sidewalks, and Subtitle 24: Subdivision Regulations, of the County Code, and the Prince George's County Specifications and Standards for Roadways and Bridges.

(3) Connectivity

The accessways defined in Sections 27-6206(b)(1) and 27-6206(b)(2) shall connect to public or private streets, which shall follow standards of design and construction as defined in the Prince George's County Specifications and Standards for Roadways and Bridges and in Subtitle 23: Roads and Sidewalks, SHA design standards (if applicable), or those of the applicable municipalities having jurisdiction.

COMMENT: All existing vehicular accessways are classified in accordance with the above classifications. No additional accessways are proposed.

(c) Required Vehicular Access and Circulation

A new development shall be served by a system of vehicular accessways and internal circulation (including driveways, and alleys connecting from public or private streets, as well as any required fire lanes, parking lot drive aisles, and any circulation associated with parking, loading, or drive-through service windows) that are designed to accommodate appropriate circulation of firefighting and other emergency vehicles, public transit, school buses, garbage trucks, delivery vehicles, service vehicles, and passenger motor vehicles within the development, as defined by the standards in Subtitle 23: Roads and Sidewalks.

COMMENT: PPS-2025-009 shows the vehicular and pedestrian circulation located throughout the site. The PPS shows three access points along Bladensburg Road, with internal drive aisles that facilitate appropriate circulation of firefighting and other emergency vehicles, public transit, school buses, garbage trucks, delivery vehicles, service vehicles, and passenger motor vehicles within the development.

(d) Vehicular Access Management

(1) Limitation on Direct Access Along Arterial, Major Collector, and Collector Streets

Proposed direct driveway access to a development's principal origin or destination points (including individual lots in a subdivision) may be provided directly from an arterial, major collector, or collector street only if:

- (A) No alternative direct vehicular access from a lower-classified accessway (e.g., local street, driveway, or alley) is available or feasible to provide;**
- (B) Only one two-way driveway, or one pair of one-way driveways, is allowed onto lots with 200 or less feet of lot frontage on the arterial, major collector, or collector street, and no more than one additional two-way driveway or pair of one-way driveways per additional 200 feet of frontage; and**
- (C) development(s) served by the driveway is expected to generate an average daily traffic (ADT) count of 1,000 trips or less, or it is determined that the origin or destination points accessed by the driveway will generate sufficiently low traffic volumes, and the adjacent arterial, major collector, or collector street has sufficiently low travel speeds and traffic volumes, to allow safe driveway access while preserving the safety and efficiency of travel on the arterial, major collector, or collector street.**

COMMENT: No additional driveways or accessways are proposed.

(2) Limitation on Direct Driveway Access along Other Streets

The following standards shall apply to vehicular access along a street other than an arterial street.

- (A) For single-family detached dwellings, two-family dwellings, and three family dwellings, one direct driveway access point is allowed if only the frontage of the lot abuts the street's right-of-way. If the street is on a corner lot of two non-arterial or non-collector streets and abuts the right-of-way of two intersecting streets, two direct driveway access points are allowed (one to each street).
- (B) For townhouse and multifamily dwellings, and for uses in the Public, Civic, and Institutional; Commercial; and Industrial Use Categories, the number of vehicular access points along a public street shall follow State, County, or municipal access standards, as applicable, to protect the function, safety, and efficiency of travel on the street and any associated bikeways and sidewalks.
- (C) Where a through lot or corner lot fronts on roadways of different classifications, direct driveway access to the lot shall be provided only from the lower-classified fronting street, to the maximum extent practicable.

COMMENT: Within the PPS site boundaries, three (3) access points currently exist along Bladensburg Road, which is classified as an arterial roadway. No additional accessways or residential dwellings are proposed.

(3) Shared Driveways

- (A) Driveway access shared between adjoining lots is encouraged and, in the case of County or State access spacing requirements that do not allow individual lot frontages to be served individually, may be required to limit direct vehicular access along streets.
- (B) Easements allowing cross-access to and from lands served by a shared driveway, along with agreements defining maintenance responsibilities of landowners, shall be recorded with the Land Records of Prince George's County before issuance of a building permit for the development proposing the shared driveway access. Such easements shall clearly limit parking of each property owners' vehicles to their side of the driveway, and stipulate that both owners shall share in the costs and responsibility of maintaining the driveway.

COMMENT: No additional shared driveways are proposed.

(e) Cross-Access.

(1) Purpose

The purpose of the following vehicular connectivity standards is to enhance safe and convenient mobility within and between neighborhoods and

developments that helps integrate and connect neighborhoods, allow residents to conveniently visit neighbors and nearby activity centers without compromising the capacity of the County's streets to accommodate through-traffic, improve opportunities for comprehensive and convenient transit service, enhance efficient provision of public services, and improve the speed and effectiveness with which emergency services and police and fire protection can be provided to County residents and lands.

(2) Cross-Access Between Adjoining Developments.

To encourage shared parking and minimize access points along streets, new development, other than industrial development, in the Transit-Oriented/Activity Center base and PD zones and Nonresidential base zones shall comply with the following standards:

(A) The internal vehicular circulation system shall be designed and constructed to provide vehicular cross-access between the development's vehicular use areas and those on adjoining parcels containing a nonresidential or mixed-use development, or to the boundary of adjoining vacant land in a Transit-Oriented/Activity Center base or PD zone or a Nonresidential zone.

(B) Cross-accessways shall provide for two-way vehicular traffic between the vehicular use areas on the adjoining lots through the use of a single driveway or drive aisle that is at least 22 feet wide or through two one-way driveways or aisles that are each at least 14 feet wide.

(C) The Planning Director or review body deciding a parent application may waive or modify the requirement for vehicular cross-access if the applicant clearly demonstrates that such cross-access is impractical or undesirable due to the presence of topographic conditions, natural features, or safety factors.

(D) Easements allowing cross-access to and from lands served by a vehicular cross-access, along with agreements defining maintenance responsibilities of landowners, shall be recorded in the Land Records of Prince George's County before record plat or prior to the issuance of a building permit for the development

COMMENT: Not applicable. No new development is proposed.

(f) Connectivity Standards for Single-Family (Attached and Detached) Residential Development

(1) Minimum Connectivity Index Score Required

New single-family residential subdivisions processed with a preliminary plan of major subdivision shall achieve an internal street connectivity index score in accordance with Table 27-6206(f)(1): Minimum Street Connectivity Index.

(A) Located in Residential and Planned Development Zones = 1.5

(B) Located in Nonresidential and Transit-Oriented/Activity Center Zones = 1.4.

(2) Connectivity Index Score Calculation

The connectivity index for a development is calculated by dividing its links by its nodes. Figure 27-6206(f)(2): Street Connectivity Index, provides an example of how to calculate the connectivity index.

Nodes exist at street intersections, including any intersections to access streets immediately adjacent to the development but outside of its site property, such as intersections that provide access to the development through an entry street or driveway; traffic circles/roundabouts; street intersections with alleys that serve as the only vehicular access to residential dwellings; trail intersections where two or more trails intersect; and cul-desac heads within the development.

Links are stretches of road that connect nodes, stub streets, and pedestrian connections pursuant to Section 27-6206(g) below. Any alley that serves as the only vehicular access to residential dwellings shall also count as a link. Other alleys do not count as links. For purposes of this Subsection, stub streets shall stub at the property line to count a link. Any stub street fully internal to the development and which does not touch the property line (and therefore will not constitute a future street connection) does not count as a link. Links external to the development that connect to nodes associated with the development shall be included in the index calculation, as shall all links attached to nodes providing access to the development.

(3) Reduction in Minimum Index Score

The minimum connectivity index score may be reduced by the Planning Director if the landowner/applicant demonstrates it is infeasible to achieve due to natural features, existing road configurations, or adjacent existing development patterns. In these instances, internal street design shall achieve as high a connectivity index score as reasonably practical, especially by providing stub-outs and other potential connections that may be made in the future, including through public infrastructure improvements.

COMMENT: Not applicable. No residential development is proposed.

(g) Pedestrian Connections

- (1)** A right-of-way (at least ten feet wide) shall be provided for pedestrian and bicycle access between a cul-de-sac head or street turnaround and the sidewalk system of the closest street or pedestrian path (as shown in Figure 27-6206(g): Pedestrian Connections), if the cul-de-sac head or street turnaround:
 - (A)** Is within a half-mile of significant pedestrian generators or destinations such as transit stops, schools, parks, public trails, greenways, employment centers, mixed use development, retail centers, or similar features; and

- (B) Can be connected to an existing or proposed sidewalk, trail, greenway, or other type of pedestrian connection.
- (2) Vacant adjacent land that could be developed in the foreseeable future with sidewalks, trails, greenways, or other types of pedestrian connections to which the pedestrian and bicycle access can be connected.
- (3) These pedestrian connections shall count as links for the purpose of calculating the connectivity index.
- (4) These pedestrian connections may require public use easements in accordance with Subtitle 24: Subdivision Regulations of the County Code.

COMMENT: No cul-de-sacs or turnarounds are proposed, and the Subject Property is not adjacent to vacant land.

(h) External Street Connectivity

- (1) The arrangement of streets in a single-family residential subdivision shall provide for the alignment and continuation of existing or proposed streets into adjoining lands where the adjoining lands are undeveloped and deemed appropriate for future development, or are developed and include opportunities for such connections.
- (2) Street rights-of-way shall be extended to or along adjoining property boundaries such that a street connection or stub street shall be provided for development where practicable and feasible in each direction (north, south, east, and west) for development that abuts vacant lands.
- (3) At all locations where streets terminate with no street connection, but a future connection is planned or accommodated, a sign shall be installed with the words "FUTURE STREET CONNECTION" to inform landowners.
- (4) The final plat (see Subtitle 24: Subdivision Regulations) shall identify all stub streets and include a notation that all stub streets are intended for connection with future streets on adjoining undeveloped or underdeveloped lands.

COMMENT: A single-family residential subdivision is not proposed. No stubs or connections to adjacent parcels for future development are proposed.

(i) Continuation of Adjacent Streets

Proposed street layouts shall be coordinated with the existing street system in surrounding areas. Existing streets shall, to the maximum extent practicable, be extended to provide access to adjacent developments and subdivisions and to provide for additional points of ingress and egress.

COMMENT: No additional streets are proposed. The existing street layout was designed with the surrounding neighborhood and street network in consideration. To minimize potential pedestrian

and vehicular conflicts, multiple site access points are provided from Bladensburg Road to serve the existing commercial development.

(j) Traffic-Calming Measures for Private Streets

- (1) All traffic calming measures shall be coordinated with the applicable operating agency or municipality. Any traffic calming measures proposed in a County right-of-way shall require approval by the DPIE Director. Such approval shall also identify the responsible party for perpetual maintenance for any nonstandard or non-conforming elements that may be proposed.**
- (2) Street widths not in excess of basic design standards, short block lengths, on-street parking, controlled intersections, roundabouts, and other traffic-calming measures are encouraged on all local and subcollector streets that connect between two nodes in the connectivity index system, provided they do not interfere with emergency vehicle access.**
- (3) Residential development shall employ measures to interrupt direct vehicle flow on linear street segments over 800 linear feet long, to the maximum extent practicable (see Figure 27-6206(j): Traffic Calming Measures). Such measures may include, but shall not be limited to:**
 - (A) Stop signs at street intersections;**
 - (B) Mini-roundabouts at intersections;**
 - (C) Curvilinear street segments to slow traffic and interrupt monotonous streetscapes;**
 - (D) Traffic-diverting physical devices such as neckdowns, chicanes, and diverter islands;**
 - (E) Roadway striping to limit vehicular cartway widths or accommodate bike lanes; and**
 - (F) Speed tables, raised intersections or elevated pedestrian street crossings.**
- (4) Any physical installations that narrow the roadway and extend curbs toward the street centerline, such as bulbouts and chicanes, are discouraged on streets less than 24 feet wide, but are encouraged on wider streets as a traffic calming device and to reduce crossing distance for pedestrians, where practicable.**

COMMENT: No private streets are proposed.

(k) Block Design

(1) Block Length

Where blocks are used in the Transit-Oriented/Activity Center base and PD zones and the MU-PD Zone, block length shall be at least 200 feet, but no more than 800 feet. In all other zones block length shall be at least 200 feet, but no more than 1,000 feet in length. The Planning Director (or DPIE Director if any streets forming/abutting the block

are public streets) may allow modifications from these block length standards on determining that:

- (A) Environmental or topographic constraints exist;
- (B) The site has an irregular shape;
- (C) A longer block will reduce the number of railroad grade or water body crossings; or
- (D) Longer blocks will result in less traffic through residential subdivisions from adjoining businesses or areas.

(2) Block Width

To the maximum extent practicable, the width of any block shall be sufficient to permit at least two lots across the depth of the block, exclusive of any alleys, watercourses, or other right-of-way located outside platted lots.

(3) Through-Block Access

In the RSF-95, RSF-65, and RSF-A zones where a block face exceeds more than 800 feet, sidewalks or multi-use paths shall be provided through the block, perpendicular to the long block face to connect parallel sidewalks on either side of the block through the interior of the block.

(4) General Accessway Layout and Design

The vehicular access and circulation system of a development located on a site abutting an existing or planned transit route shall accommodate a transit stop and other associated facilities unless the Planning Director determines that transit facilities already exist to serve the needs of the development.

COMMENT: No block faces are created, as there are no private streets within the development. The existing internal drive aisle is designed to allow easy and convenient vehicular access from the public roadway to the various parking areas.

(I) Driveway Layout and Design

(1) Driveway Width

All driveways serving development, except single-family detached dwellings, two-family dwellings, and three-family dwellings, shall comply with the following minimum width standards:

- (A) One-way driveways shall be at least 11 feet wide, as measured between the edges of paving in a typical tangent section that does not include corner radii.
- (B) Two-way driveways shall be at least 22 feet wide, as measured between the edges of paving in a typical tangent section that does not include corner radii.

(2) Dead-End Driveway Length

Driveways that do not connect back to a street shall be no longer than 150 feet unless they include adequate provision for fire trucks to turn around, as approved by the Fire Chief.

(3) Driveway Intersections

Driveway intersections shall also comply with the following standards:

(A) Alignment

To the maximum extent practicable, driveway intersections along a street shall line up with existing or approved driveway, parking lot drive aisle, or roadway intersections on the opposite side of the street.

(B) Proximity to Adjoining Land

Except for shared driveways provided in accordance with Section 27-6206(d)(3), Shared Driveways, driveway intersections shall be spaced from an adjoining property line by at least two feet or such greater distance as is needed to avoid encroachment of the driveway radius onto the adjacent property or interference with safe use of a driveway on the adjoining property.

(C) Medians in Driveway Entrances

Medians may be incorporated at driveway entrances provided:

- (i) No signage is included within the median other than traffic signs and a single monument sign;**
- (ii) Planted material within the median is limited to minor shade trees, shrubs, ground cover, and grass; and**
- (iii) The minimum driveway width is maintained for each travel and turning lane.**

COMMENT: Future site development will comply with the driveway dimensions specified in this criteria, to be further reviewed and evaluated with the appropriate development applications. No grading, disturbance, or additional development is being proposed or considered at this time.

(m) Vehicle Stacking Space

(1) For Drive-through and Related Uses

(A) Required Number of Stacking Spaces

In addition to meeting the off-street parking standards in Table 27-6305(a): Minimum Number of Off-Street Parking Spaces, uses with drive-through facilities and other auto-oriented uses where vehicles queue up to access a service facility shall provide at least the minimum number of stacking spaces established in Table 27-6206(m)(1)(A): Minimum Stacking Spaces for Drive-Through Facilities and Related Uses.

(B) Design and Layout

Required stacking spaces are subject to the following design and layout standards:

- (i) Stacking spaces shall be a minimum of 10 feet wide and 20 feet long;**
- (ii) Stacking spaces shall not impede on-site or off-site vehicular traffic movements or movements into or out of off-street parking spaces;**
- (iii) Stacking spaces shall not impede onsite or offsite bicycle or pedestrian traffic movements; and**

(iv) Stacking spaces shall be separated from other internal driveways by raised medians if the DPIE Director (for public streets) or Planning Director (for private streets) determine the medians to be necessary for traffic movement and safety.

(2) For Vehicular Parking Area (Parking Lot) Entrance Driveways

Nonresidential and mixed-use development (excluding industrial uses) shall provide stacking lanes between the edge of the street right-of-way and entrances into off-street parking areas in accordance with the minimum stacking lane distance established in Table 27-6206(m)(2).a: Minimum Stacking Lane Distance for Vehicular Parking Area Entrance Driveway (see Figure 27-6206(m)(2).b: Measurement of Stacking Lane Distance for Vehicular Parking Area Entrance Driveway). In the event the number of parking spaces requires a stacking lane distance of 150 feet or greater, this requirement will supersede that of Section 27-6206(l)(2), Dead-End Driveway Length.

COMMENT: Future site development will comply with vehicle stacking requirements as specified in this criteria, to be further reviewed and evaluated with the appropriate development applications. No grading, disturbance, or additional development is being proposed or considered at this time.

27-6207. Pedestrian Access and Circulation.

(a) Required Pedestrian Access.

(1) General Pedestrian Access.

All new development subject to this Section shall be served by an internal pedestrian circulation system (including sidewalks, pedestrian paths, and/or trails) that permits safe, convenient, efficient, and orderly movement of pedestrians among the following origin and destination points within the development, as well as between the adjoining parts of an existing or planned external, community-wide pedestrian circulation system and any adjoining transit stops, bus stops, public parks, greenways, schools, community centers, and shopping areas:

- (A) The primary entrance(s) of principal buildings (or the buildable area of lots, for subdivisions);**
- (B) Off-street parking bays;**
- (C) Any designated or planned transit stations or bus stops and shelters (on-site or on an adjacent street); and**
- (D) Recreation facilities and other common use areas and amenities.**

COMMENT: No new development is proposed. Notwithstanding, PPS-2025-009 shows the existing internal pedestrian circulation that permits safe, convenient, efficient, and orderly movement of pedestrians among the destination points within the Subject Property.

(2) Sidewalks Required.

- (A) All new development subject to this Section, except for development fronting a rural road, or single-family subdivisions where the density is**

1 dwelling unit per 2 acres or less, shall install sidewalks on both sides of all streets having curb and gutter construction within the development site and along the entire frontage of the development site with an existing street (unless an existing sidewalk meeting County standards is already in place).

(B) Where a development site fronts an existing street with insufficient right-of-way width to accommodate installation of a required sidewalk along the frontage, the developer shall install a sidewalk on the development site within a dedicated widening of the right-of-way or dedicated public easement running parallel and adjacent to the public street.

(C) The Planning Director may waive or modify the requirement for sidewalks where the applicant clearly demonstrates that such sidewalks are impractical or infeasible due to the presence of topographic conditions or natural features, such as steep grades that do not allow connections to be made without stairs.

COMMENT: No new development is proposed. Notwithstanding, Bladensburg Road contains an existing sidewalk along the property frontage.

(b) Pedestrian Connectivity.

All new multifamily, townhouse, nonresidential, and mixed-use development shall comply with the following standards:

(1) The internal pedestrian circulation system shall be designed to allow for pedestrian walkway cross-access between the development's buildings and parking areas and those on adjoining lots containing a multifamily, townhouse, nonresidential, or mixed-use development, or to the boundary of adjoining vacant land zoned to allow multifamily residential, nonresidential, or mixed-use development (including land in the Residential, Transit-Oriented/Activity Center, and Nonresidential base and PD zones).

COMMENT: Not applicable. No new multifamily, townhouse, nonresidential, or mixed-use development is proposed.

(2) The Planning Director may waive or modify the requirement for pedestrian cross-access where the applicant clearly demonstrates that such cross-access is impractical or infeasible due to police concerns about through-traffic routes complicating law enforcement, Environmental Site Design requirements, or the presence of any of the following at the point(s) where through-connections would otherwise be required: topographic conditions, natural features, visual obstructions or parking space locations that create traffic hazards, or the existence of mature or protected trees.

COMMENT: Not applicable as pedestrian cross-access is not required.

(3) Easements allowing cross-access to and from properties served by a pedestrian cross-access, along with agreements defining maintenance responsibilities of landowners, shall be recorded with the Land Records of Prince George's County before issuance of a building permit for the development.

COMMENT: Not applicable as pedestrian cross-access is not required.

(4) Pedestrian Walkways through Large Vehicular Parking Areas and Parking Garages

(A) General Standards

(i) All vehicular parking areas and parking structures containing more than 150 parking spaces shall provide a clearly identified and protected pedestrian path between parking areas and the primary pedestrian entrance(s) to the building(s) served by the parking areas, or to a pedestrian walkway providing direct access from the furthest extent of the parking area to the primary building entrance(s).

(ii) Vehicular parking areas containing more than 150 parking spaces shall, at a minimum, include one pedestrian walkway every 6 parallel parking rows (every three double-row parking bays) or every 200 feet, whichever is the lesser dimension (see Figure 27-6207(b)(4): Walkways Through Vehicular Parking Area). The pedestrian walkway shall be constructed of a paved surface with concrete similar to that used for sidewalk standards for public streets. Other hardscape materials, such as brick pavers, may be used provided that they allow smooth surfaces along pedestrian paths and at vehicle crossings.

(iii) Pedestrian walkways providing access between vehicular parking areas and associated buildings may be extended to provide the connections to abutting street sidewalks or to adjoining development required by Section 27-6207(a)(1), General Pedestrian Access, and Section 27-6207(b), Pedestrian Connectivity.

(B) Walkway Standards.

Required pedestrian walkways shall:

(i) Be at least five feet wide in Residential base zones and six feet wide in the Transit-Oriented/Activity Center and Nonresidential base zones, unless expressly stated otherwise in those zone regulations;

(ii) Be distinguishable from vehicular traffic lanes they cross by painted markings, a change in pavement material or color, raised paving height, decorative bollards, and/or flashing caution signals; and

(iii) Provide lighting similar to the lighting standards for residential streets established in the Prince George's County

**Specifications and Standards for Roadways and Bridges or
other standards in Subtitle 23.**

COMMENT: Future site development will comply with the parking area requirements as specified in this criteria, to be further reviewed and evaluated with the appropriate development applications. No grading, disturbance, or additional development is being proposed or considered at this time.

27-6208. Bicycle Access and Circulation.

(a) Required Bicycle Access.

(1) Internal and Adjoining Bicycle Access

All new development subject to this Section shall provide for internal bicycle circulation such that bicycle access to the development's primary use is safe, convenient and intuitive, specifically by providing the following, in coordination with the Department of Public Works and Transportation, State Highway Administration, or a municipality with jurisdiction over the streets.

(A) Bicycle parking facilities required by Section 27-6309, Bicycle Parking Standards, in areas near the primary entrance(s) of principal buildings (or the buildable area of lots, for subdivisions) for bicycle storage;

(B) Connections to any adjacent existing or planned (identified in the applicable Area Master Plan or Sector Plan, or in the Countywide Master Plan of Transportation) on-street or off-street bicycle facilities outside the development, or internal bicycle systems in adjacent developments;

(C) Connections to any designated or planned rail transit or bus stops and shelters (on-site or on an adjacent street);

(D) Connections to any recreational amenities internal to the development, such as open space.

COMMENT: Not applicable as no new development is proposed.

(2) Required Bikeway Network Improvements

(A) All new development subject to this Section shall be required to install bike lanes, bike paths, or other bicycle improvements.

Additional bikeway network improvements are encouraged where appropriate, such as within large development sites and to provide additional connections to nearby bicycle routes. The facilities shall be established in part, through an agreement and/or easements which include assurances for their maintenance.

COMMENT: Not applicable as no new development is proposed.

(B) The Planning Director may, for private streets or, when advised by the permitting agency, for public streets, waive or modify the requirement for bike lanes, bike paths, or other bicycle improvements where the applicant clearly demonstrates that the facilities are

impractical or infeasible due to topographic conditions, natural features, or visual obstructions that create hazards.

COMMENT: Acknowledged. Notwithstanding, a waiver is not requested.

(C) Where a development site fronts an existing street with insufficient right-of-way width to accommodate installation of a required bike path along the frontage, the applicant may install a bike path on the development site, within a public easement running parallel and nearby the public street. Such bicycle paths shall not be restricted from public use and shall allow physical passage at all times.

COMMENT: Acknowledged. Notwithstanding, a bicycle path is not proposed.

(b) Bicycle Connectivity Between Developments.

All new multifamily, townhouse, nonresidential, and mixed-use development shall comply with the following standards:

(1) Any internal bicycle circulation system shall be designed and constructed to provide bicycle cross-access between it and any internal bicycle circulation system on adjoining parcels containing a multifamily, townhouse, nonresidential, or mixed-use development, or to the boundary of adjoining vacant land zoned to allow townhouse, multifamily, nonresidential, or mixed-use development (including land in the Residential, Transit-Oriented/Activity Center, and Nonresidential base and PD zones).

(2) The Planning Director may waive or modify the requirement for bicycle cross-access on determining that such cross-access is impractical or undesirable for typical bicyclists' use due to the presence of topographic conditions, natural features, or safety factors. Undesirable conditions shall be defined as those limiting mobility for bicycles as a form of transportation, such as steep grades, narrow connections bounded on both sides by walls or embankments, or limited visibility when straight-line connections are not achievable.

(3) Easements allowing cross-access to and from lands served by a bicycle cross-access, along with agreements between owners of lands that provide and are served by the cross-access defining the owners' maintenance responsibilities, shall be recorded with the Land Records of Prince George's County before issuance of a building permit for the development.

COMMENT: No new multifamily, townhouse, nonresidential, or mixed-use development is proposed.

(c) General Bikeway Layout and Design

(1) Off-Street Bicycle Facilities

Required bicycle paths shall:

(A) Allow two-way bicycle circulation;

- (B) Be at least ten (10) feet wide and surfaced with a smooth-surface (such as hot-mix asphalt), durable, and dustless material;**
- (C) Be distinguishable from vehicular traffic lanes they cross by painted markings, a change in pavement material or color, raised paving height, decorative bollards, and/or flashing caution signals; and**
- (D) Provide lighting similar to the lighting standards for residential streets established in the Prince George's County Specifications and Standards for Roadways and Bridges or other standards in Subtitle 23 of the County Code.**

(2) On-Street Bicycle Facilities

Required bike lanes shall be designed and provided in accordance with the cross-section, paving, and other standards applicable to the roadways of which they are a part.

COMMENT: No off-street or on-street bicycle facilities are proposed with this application.

(d) Waiver

The Planning Director may waive all or part of the standards in this Section for private streets if it is demonstrated that bicycle access and circulation is not needed in the proposed development due to an established bicycle facility already within or abutting the development, or that compliance with the required bicycle improvements is impracticable because topography, natural features, or the facilities or will create significant risks of harm to bicyclists.

COMMENT: Acknowledged.

SECTION 27-6400 – OPEN SPACE SET-ASIDES.

27-6403. Amount of Open Space Set-Asides Required.

Development subject to the standards in this Section shall provide the minimum amounts of open space set-asides identified in Table 27-6403: Required Open Space Set-Asides, based on the use classification.

Open space set-aside requirements shall not replace requirements for open spaces, mandatory dedication of parkland, stormwater management, or other similar requirements imposed by any other Subtitle of the County Code. However, such requirements may be counted toward open-space set asides pursuant to Section 27-6404(b), below.

COMMENT: Future site development will comply with the required open space set-aside amount as specified in Table 27-6403, to be further reviewed and evaluated with the appropriate development applications. No grading, disturbance, or additional development is being proposed or considered at this time.

27-6404. Areas Counted as Open Space Set-Asides

(a) The features and areas identified in Table 27-6404(a): Open Space Set-Aside Features, shall be credited towards compliance with the open space set-aside standards of this Section for Development in the areas indicated.

(1) No less than fifteen percent (15%) of the total required minimum open space set-aside area within a residential development outside the Transit-Oriented/Activity Center base and Transit-Oriented/Activity Center PD zones shall consist of active recreational areas.

(2) No less than fifty percent (50%) of the total required minimum open space set-aside area within the core area of a Transit-Oriented/Activity Center base or Transit-Oriented/Activity Center PD zone shall be a square, forecourt, or plaza.

(b) Open spaces required by any other section in the County Code, such as, but not limited to, mandatory dedication of parkland, may be credited toward compliance with the open space set aside standards in Table 27-6403: Required Open Space Set-Asides, if they are located and designed in accordance with the standards in this Section.

COMMENT: Future site development will comply with the allowable open space set-aside areas as specified in this criteria, to be further reviewed and evaluated with the appropriate development applications. No grading, disturbance, or additional development is being proposed or considered at this time.

27-6405. Areas Not Counted as Open Space Set-Asides

The following shall not be counted as open space set-asides:

- (a) Private yards not subject to an open space or conservation easement;**
- (b) Street rights-of-way or private access easements, including sidewalks located within those rights-of-way or easements;**
- (c) Vehicular parking areas or lots (excluding the landscaped areas);**
- (d) Driveways for dwellings;**
- (e) Land covered by structures not designated for active recreational uses**
- (f) Designated outdoor storage areas; and**
- (g) Stormwater management facilities and ponds, unless located and designed as a site amenity (e.g., with low fencing, vegetative landscaping, gentle slopes, fountain or other visible water-circulation device, and pedestrian access or seating).**

COMMENT: Acknowledged. Future site development will not include any unallowable open space set-aside areas as specified in this criteria, to be further reviewed and evaluated with the appropriate development applications. No grading, disturbance, or additional development is being proposed or considered at this time.

27-6406. Design Standards for Open Space Set-Asides

Land used as an open space set-aside shall comply with the following design standards:

(a) Location.

Open space shall be located so as to be readily accessible and useable by occupants and users of the development. Where possible, a portion of the open

space set-aside should provide focal points for the development through prominent placement or easy visual access from streets.

(b) Configuration.

- (1) Open space set-asides shall be compact and contiguous unless a different configuration is needed to continue an existing trail or accommodate preservation of natural, historical, and archeological resources.**
- (2) If the development site is adjacent to existing or planned public trails, parks, or other public open space area land, the open space set-aside shall, to the maximum extent practicable, be located to adjoin, extend, and enlarge the trail, park, or other public land (see Figure 27-6406(b).1: Example Open Space Set-Aside Configuration; Figure 27-6406(b).2: Example Open Space Set-Aside Configuration, Townhouse Development; and Figure 27-6406(b).3: Example Open Space Set Aside Configuration, Commercial Development).**

(c) Orientation of Adjacent Buildings.

To the maximum extent possible, buildings adjacent to the required open space set-asides shall have at least one entrance facing the open space set-aside.

(d) Prioritization of Open Space Set-Aside

- (1) Except in the Transit-Oriented/Activity Center base and Planned Development (PD) zones, and to the maximum extent practicable, open space set-asides shall be located and organized to include, protect, and enhance as many of the following open areas and features as possible, in the following general order of priority:**

- (A) Natural features such as riparian areas, riparian buffers, shorelines, flood hazard areas, floodplains, wetlands, steep slopes, and wildlife habitat and woodland areas;**
- (B) Water features such as rivers, bays, lakes, creeks, canals, natural ponds, and retention and detention ponds;**
- (C) Protected trees and other mature trees;**
- (D) Parks and trails (regardless of public or private ownership);**
- (E) Lands with active agricultural uses and activities;**
- (F) Perimeter buffers or visual transitions between different types or intensities of uses;**
- (G) Areas that accommodate multiple compatible open space set-aside uses rather than a single use; and**
- (H) Historic and archeological features.**

- (2) In the Transit-Oriented/Activity Center base and Planned Development (PD) zones, and to the maximum extent practicable, open space set-asides shall be located and organized to include, protect, or enhance the open areas and features identified in Section 27-6406(d)(1) above, except that the establishment of squares, plazas, forecourts, civic greens, and similar urban open space amenities shall have the highest priority.**

(e) Open Space Set-Asides on Property in the Industrial, Heavy (IH) Zone

Development consisting of multiple industrial uses on property in the IH Zone may provide open space set-asides based upon the total development in-lieu of providing

individual open space set-asides for individual uses on individual lots. This provision includes: (1) multiple industrial uses on a single property in the IH Zone, or (2) multiple industrial uses on one or more adjoining properties under the same ownership (and which are located not more than 1,000 feet away from each other) in the IH Zone. These developments shall provide open space set-asides using the following method:

- (1) Applicant calculates the sum amount of open space set-aside required for each individual industrial use or lot.**
- (2) The total sum of open space set-aside required may be placed on any portion of the area included in the calculation.**

COMMENT: The Subject Property is located in the NAC Zone. Future site development will comply with open space set-aside design standards as specified in this criteria, to be further reviewed and evaluated with the appropriate development applications. No grading, disturbance, or additional development is being proposed or considered at this time.

27-6407. Development in Open Space Set-Asides.

Development within open space set-asides shall be limited to that appropriate to the purposes of the type(s) of open space set-asides. Where appropriate, such development may include, but is not limited to, walking, jogging, and biking paths or trails; benches or other seating areas; meeting areas; tables, shelters, grills, trash receptacles, and other picnic facilities; docks and other facilities for fishing; environmental education guides and exhibits; historic interpretive signage; gazebos and other decorative structures; fountains or other water features; play structures for children; gardens or seasonal planting areas; pools; athletic fields and courts; and associated clubhouses.

COMMENT: Acknowledged. Future site development will comply with the allowable development to be located within the open space set-aside areas as specified in this criteria, to be further reviewed and evaluated with the appropriate development applications. No grading, disturbance, or additional development is being proposed or considered at this time.

27-6408. Ownership, Management, and Maintenance of Open Space Set-Asides

(a) Open space set-asides required by this Ordinance or by Subtitle 24: Subdivision Regulations, shall be managed and maintained in compliance with all applicable provisions of Maryland law. To the extent not inconsistent with Maryland law, such open space set-asides shall be managed and maintained as permanent open space through one or more of the following options:

- (1) Conveyance of open space set-aside areas to a property owners' or homeowners' association that holds the land in common ownership;**
- (2) Conveyance of open space set-aside areas to a third-party beneficiary such as an environmental, historical, or civic organization, a municipality, or M-NCPPC, that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land;**
- (3) Establishment of easements or covenants; or**
- (4) If public stormwater management facilities are treated as site amenities, through stormwater management easements.**

(b) All options involving private ownership of open space set-aside areas shall include deed restrictions, covenants, or other legal instruments that ensure continued use of the land for its intended open space purposes, in perpetuity, and provide for the continued and effective management, operation, and maintenance of the land and facilities.

(c) Responsibility for managing and maintaining open space set-asides rests with the owner of the land of the open space set-asides. Failure to maintain open space set-asides in accordance with this Section and the development approval or permit shall be a violation of this Ordinance.

COMMENT: Acknowledged.

SECTION 27-6800 – ENVIRONMENTAL PROTECTION AND NOISE CONTROLS

27-6802. Natural Resource Inventory (NRI).

An approved NRI, in conformance with the Environmental Technical Manual, is required for applications for Subtitle 32, Division 2, Erosion and Sediment Control; Subtitle 32, Division 3, Stormwater Management; Subtitle 25, Division 2, Woodland and Wildlife Habitat Conservation; Subtitle 5B, Chesapeake Bay Critical Area; Planned Development (PD) Zoning Map Amendment applications (Section 27-3602); special exception applications (Section 27-3604); detailed site plan applications (Section 27-3605); and preliminary plan of subdivision (minor or major) applications (Subtitle 24: Subdivision Regulations).

COMMENT: Filed in conjunction with PPS-2025-009, is the approved NRI-070-12-01.

27-6803. Trees and Vegetation

As described in the applicability sections of Subtitle 25: Trees and Vegetation, development shall comply with the requirements of Subtitle 25, Division 1, General; Subtitle 25, Division 2, Woodland and Wildlife Habitat Conservation Ordinance; and Subtitle 25, Division 3, Tree Canopy Coverage Ordinance, of the Prince George's County Code.

COMMENT: This project would be subject to the provisions of the 2024 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) that came into effect on July 1, 2024 and CB-77-2024 which came into effect on January 3, 2024; however, this application does not propose any grading, therefore, a tree conservation plan (TCP) is not required at this time. If grading requiring a fine grading and site plan permit is proposed in the future, a tree conservation plan will be required because the site is larger than 40,000 square feet. The approved exemption letter (WCO-SE-2025-0071) is included with this submittal.

27-6804. Floodplain Management

As described in the applicability sections of Subtitle 32: Water Resources Protection and Grading Code, development shall comply with the requirements for floodplain management in accordance with Subtitle 32, Division 4, Floodplain Ordinance, of the Prince George's County Code.

COMMENT: The subject property does not contain any floodplain as noted on the submitted NRI-070-12-01.

27-6805. Erosion and Sediment Control

An approved Grading, Erosion, and Sediment Control Plan is required as described in the applicability sections of Subtitle 32: Water Resources Protection and Grading Code. Development shall comply with the requirements for sedimentation and erosion control in accordance with Subtitle 32, Division 2, Grading, Drainage and Erosion and Sedimentation Control, of the Prince George's County Code.

COMMENT: No grading or disturbance is proposed with the subject application.

27-6806. Stormwater Management

As described in the applicability sections of Subtitle 32: Water Resources Protection and Grading Code, development shall comply with the requirements for stormwater management in accordance with Subtitle 32, Division 3, Stormwater Management, of the Prince George's County Code.

COMMENT: Filed in conjunction with PPS-2025-009, is the approved Site Development Concept Plan SIT-00142-2025.

27-6807. Chesapeake Bay Critical Area

For all land within the CBCAO Zone, see Section 27-3601, Zoning Map Amendment (ZMA), Section 27-3603, Chesapeake Bay Critical Area Overlay (CBCAO) Zoning Map Amendment, Section 27-4402(a), Chesapeake Bay Critical Area Overlay (CBCAO) Zones, and Subtitle 5B: Chesapeake Bay Critical Area, of the County Code, for applicable regulations and submittal requirements.

COMMENT: A portion of the Subject Property is located in the CBCAO Zone. Filed in conjunction with PPS-2025-009 is the approved Conservation Plan CP-24004.

27-6808. Regulated Environmental Features.

All land located outside the CBCAO Zone is subject to the requirements of Section 24-4300, Environmental Standards, of Subtitle 24: Subdivision Regulations.

COMMENT: The subject property does not contain any regulated environmental features as noted on NRI-070-12-01.

27-6809. Unsafe Lands

All applications shall conform to the requirements pertaining to unsafe land in Section 24-4300, Environmental Standards, of Subtitle 24: Subdivision Regulations.

COMMENT: No portion of the land is unsafe for development.

27-6810. Noise Control

(a) For the principal uses identified below, the maximum level of noise generated by the use on a lot or parcel at any point along its boundary abutting a residential use, a commercial use, a mixed-use development, or an industrial use shall not exceed the maximum allowable noise level for that use established in Table 27-6810: Maximum Allowable Noise Levels for Receiving Lands.

(b) Except within a Transit-Oriented/Activity Center base or PD zone or the MU-PD Zone, the following shall not be located on a lot or parcel adjacent to an existing street classified as arterial or higher unless the applicant demonstrates, through a noise study, that transportation-generated noise is less than, or will be mitigated to be less than, 55 dBA during the hours of 10:00 PM to 7:00 AM and no greater than 65 dBA during the hours of 7:00 AM to 10:00 PM at the proposed location:

(1) Any new structure intended for residential occupancy in the Residential Uses principal use classification;

(2) Day care center for children outdoor activity areas, including but not limited to playgrounds and sitting areas; and

(3) Nursing home facilities.

(c) Where applicable, development shall comply with the requirements for noise control in Section 27-4402(c), Military Installation Overlay (MIO) Zone.

(d) Residential lots and uses that are adjacent to existing or planned streets classified as arterial or higher shall demonstrate that outdoor activity areas are mitigated to 65 dBA during the hours of 7:00 a.m. and 10:00 p.m., and 55 dBA during the hours of 10:00 p.m. to 7:00 a.m., and that interior noise levels are mitigated to 45 dBA or less through the submission of a noise study prepared and signed by a professional engineer with competence in acoustical engineering.

COMMENT: Future site development will comply with the noise regulations as specified in this criteria, to be further reviewed and evaluated with the appropriate development applications. No grading, disturbance, or additional development is being proposed or considered at this time.

SECTION 27-61300 - AGRICULTURAL COMPATIBILITY STANDARDS

27-61302. Applicability

(a) General

Except where exempted by Subsection 27-61302(b), Exemptions, below, the standards in this Section shall apply to all new residential and nonresidential uses (including public, civic, institutional, commercial, or industrial uses) that are proposed to be located adjacent to an ongoing agricultural use or activity in the ROS, AG, and AR base zones.

(b) Exemptions

In addition to the exemptions specified in Section 27-6103, General Exemptions, the standards in this Section shall not apply to residential portions of a conservation subdivision adjacent to an agricultural use or activity taking place within the conservation subdivision's open space set-aside.

COMMENT: Not applicable. The Subject Property is not adjacent to an ongoing agricultural use or activity in the ROS, AG, and AR base zones.

SECTION 27-61400 – URBAN AGRICULTURAL COMPATIBILITY STANDARDS

27-61402. Applicability

The standards in this Section shall apply to all new residential and nonresidential uses that are proposed to be located adjacent to an on-going urban agriculture use in the ROS, AR, RE, RR, RSF-65, RSF-95, RSF-A, RMF-12, RMF-20, RMF-48, and Transit-Oriented/Activity Center base and PD Zones.


COMMENT: Not applicable. The Subject Property is not adjacent to an ongoing agricultural use or activity in the ROS, AR, RE, RR, RSF-65, RSF-95, RSF-A, RMF-12, RMF-20, RMF-48, and Transit-Oriented/Activity Center base and PD Zones.


VIII. CONCLUSION

For all of the above-stated reasons, and based on all of the supporting documents and evidence that has (or will be) submitted into the record for this matter, the Applicant respectfully requests approval of PPS-2025-009 in conformance with the requirements of Subtitle 24 of the Prince George's County Code.

Respectfully submitted,

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