

R E S O L U T I O N

WHEREAS, Shree Rema Corporation is the owner of a 3.46-acre parcel of land known as Parcel 195, said property being in the 6th Election District of Prince George's County, Maryland, and being zoned Commercial Shopping Center (C-S-C); and

WHEREAS, on May 24, 2018, 7618 Marlboro Properties, LLC filed an application for approval of a Preliminary Plan of Subdivision for two parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-18002 for 7618 Marlboro Properties, LLC was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on July 26, 2018, for its review and action in accordance with the Land Use Article of the Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on July 26, 2018, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Type 1 Tree Conservation Plan TCP1-007-18, and APPROVED a Variance to Section 25-122(b)(1)(G), and further APPROVED Preliminary Plan of Subdivision 4-18002 for two parcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the following technical corrections shall be made to the plan:
  - a. Revise General Note 1 recording reference to "Liber 40993 folio 349."
  - b. Revise General Note 18 to specify the proposed gross floor area on each parcel.
  - c. Show consistent symbology for proposed right-of-way dedication.
  - d. General Note 23 on the cover sheet of the PPS shall be revised to read: "The site is adjacent to the Epiphany Church and Cemetery Historic Site (75A-006)."
  - e. General Note 24 on the cover sheet of the PPS shall be changed to read: "The site is adjacent to the Epiphany Church and Cemetery Historic Site (75A-006)."
2. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation

plan (TCP1) shall be revised, as follows:

- a. Add a property owner awareness block.
  - b. Add the TCP1 number (007-18) to the required locations on the plan set.
  - c. Move the Specimen Tree Table to Sheet 1.
3. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-007-18). The following note shall be placed on the final plat of subdivision:
- “This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-007-18), or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission (M-NCPPC), Prince George’s County Planning Department.”
4. Prior to preliminary plan of subdivision approval, the following note shall be placed on the Type 1 tree conservation plan, which reflects this approval, directly under the Woodland Conservation Worksheet:
- “NOTE: This plan is in accordance with the following variance from the strict requirements of Subtitle 25 approved by the Planning Board on (ADD DATE): The removal of one specimen tree (Section 25-122(b)(1)(G)), ST-1, a 36-inch Red Maple.
5. At the time of building permit, the applicant and the applicant’s heirs, successors, and/or assignees shall reconstruct the sidewalk along the site’s frontage of Marlboro Pike to meet current American with Disabilities Act standards and the Prince George’s County Department of Public Works and Transportation specifications, unless modified by the Prince George’s County Department of Permitting, Inspections and Enforcement.
6. At the time of final plat, the applicant and the applicant’s heirs, successors, and/or assignees shall:
- a. Dedicate the public rights-of-way along Ritchie Road, Old Forestville Road, and Marlboro Pike, as delineated on the approved preliminary plan of subdivision.
  - b. Grant the 10-foot-wide public utility easement along the public rights-of-way, as delineated on the approved preliminary plan of subdivision.
  - c. Obtain a renewal of water and sewer Category 3 through the administrative amendment

procedure.

7. Total development shall be limited to uses that would generate no more than 42 AM and 62 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
8. A substantial revision to the mix of uses on the subject property that affects Subtitle 24 adequacy findings, as set forth in a resolution of approval, shall require approval of a new preliminary plan of subdivision, prior to approval of any building permits.
9. Development of this site shall be in conformance with approved Stormwater Management Concept Plan 1871-2018-00 and any subsequent revisions.

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

1. The subdivision, as modified with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject site is located on the north side of MD 725 (Marlboro Pike), approximately 300 feet northwest of the intersection with Forestville Road. This preliminary plan of subdivision (PPS) includes Parcel 195, as described in a deed recorded among the Prince George's County Land Records in Liber 40993 at folio 483. Parcel 195 is an acreage parcel never having been the subject of a final plat of subdivision. The site is undeveloped and zoned Commercial Shopping Center (C-S-C) in the Military Installation Overlay (M-I-O) Zone.

The applicant is proposing two parcels for the construction of 110,050 square feet of gross floor area (GFA) for consolidated storage and 5,000 square feet of GFA for a retail pad site. The property is bounded by dedicated public streets on three sides. Access to this property is proposed via Ritchie Road, Old Forestville Road, and Marlboro Pike.

The site abuts Ritchie Road to the north; Old Forestville Road to the east; and Marlboro Pike, a master-planned collector road, to the south. Additional roadway dedication is provided with this application, along the frontage of those three roadways.

The applicant has filed a Variance to Section 25-122(b)(1)(G) of the Subdivision Regulations for the removal of one specimen tree. The approval of the variance is included in this PPS, as discussed further.

3. **Setting**—The property is located on Tax Map 84 in Grid F-4, is known as Parcel 195, located in Planning Area 75A, and is zoned C-S-C in the M-I-O Zone. Adjacent property to the northeast is zoned C-S-C in the M-I-O Zone and developed with an office building. Adjacent property to the west and southwest is zoned C-S-C in the M-I-O Zone and developed with commercial uses. The

subject property is bounded to the north by Ritchie Road, with property beyond in the One-Family Detached Residential (R-55) Zone developed with a church and cemetery, and in the Commercial Office (C-O) Zone developed with office uses, all within the M-I-O Zone. The site is bounded by Old Forestville Road to the east with property beyond zoned R-55 in the M-I-O Zone and developed with a church. The subject property is bounded to the south by Marlboro Pike, with property beyond zoned Mixed Use-Infill (M-U-I) in the M-I-O Zone and developed with commercial uses.

4. **Development Data Summary**—The following information relates to the subject PPS application and the proposed development.

Zone Use(s)	<b>EXISTING</b> C-S-C/ M-I-O Vacant	<b>APPROVED</b> C-S-C/ M-I-O Consolidated Storage Facility/ Retail Pad Site
Acreage	3.46	3.46
Gross Floor Area	0	115,550 square feet
Parcels	1	2
Lots	0	0
Outlots	0	0
Variance	No	Yes
		25-122(b)(1)(G)
Variation	No	No

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee on June 15, 2018.

5. **Community Planning**—The *Plan Prince George's 2035 Approved General Plan* (Plan 2035) designates the subject property in the Established Communities Growth Policy area. The vision for the Established Communities area is context-sensitive infill and low- to medium-density development. This PPS is consistent with the vision.

The 2009 *Approved Marlboro Pike Sector Plan and Sectional Map Amendment* (Marlboro Pike Sector Plan and SMA) recommends commercial land uses on the subject property. It is within a transition area where investments and redevelopment that are attractive and cohesive, with surrounding community, are envisioned. In addition, the sector plan recommends a boulevard streetscape along the subject property frontage on Marlboro Pike. The boulevard's typical sections include two lanes in each direction, bicycle lanes, a landscape median, and sidewalks. These areas will include thematic and attractive streetscaping to tie together the main street areas corridor-wide. Figures IV-6 and IV-7, on pages 59 and 60 of the plan, illustrate the typical section for boulevard areas with or without a median.

The 2016 *Approved Military Installation Overlay Zoning Map Amendment* reclassified the subject property from the C-O Zone to the C-S-C Zone. The subject site is located within the M-I-O Zone and is impacted by the safety, noise, and height requirements found in

Section 27-548.56; Section 27-548.55; and Section 27-548.54 of the Prince George's County Zoning Ordinance. It is in Height Limit Surface B, where building height should not exceed approximately 159 feet. It is within the 60 and 74 dBA Ldn, respectively, and therefore not in the high-intensity noise area. The subject property is in Accident Potential Zone (APZ) 2, and the proposed use is specifically permitted at this location through the enactment of Prince George's County Council Bill CB-125-2017.

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

6. **Stormwater Management**—A Stormwater Management (SWM) Concept Plan, 1871-2018-00, was approved for the subject site on July 3, 2018, which demonstrates the use of bioretention areas and permeable paving to manage stormwater. Development must be in conformance with that approved SWM concept plan, or subsequent revisions, to ensure that on-site or downstream flooding does not occur.
7. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, this PPS is exempt from the mandatory dedication of parkland requirements because it consists of nonresidential development.
8. **Trails**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the sector plan in order to implement planned trails, bikeways, and pedestrian improvements.

The site is covered by the MPOT and the Marlboro Pike Sector Plan and SMA (sector plan). The site is not located in a designated center or corridor and is not subject to Section 24-124.01 of the Subdivision Regulations or the "Transportation Review Guidelines, Part 2," at the time of this PPS.

#### **Master Plan Compliance and Prior Approvals**

The MPOT and sector plan includes one master plan trail/bikeway that impacts the subject property. Designated bicycle lanes and continuous sidewalks are recommended along Marlboro Pike. The sector plan includes the following streetscape recommendations for Marlboro Pike:

**POLICY 3: Enhance and provide pedestrian-friendly amenities throughout the corridor that assist in transforming the corridor into a safe and comfortable environment.**

#### **STRATEGIES:**

- **Include continuous sidewalks along the entire length of Marlboro Pike and Pennsylvania Avenue. Priority sidewalk installation sites include: the front of District Heights commercial center and Parkland Shopping Center, along the parcel of land to the west of Regency Parkway, and throughout the Forestville Community.**

- **Improve pedestrian crossings by using reflective paint to ensure better visibility.**
- **Buffer pedestrians from vehicular areas where possible with on-street parking or landscaped verges (sector plan, page 61).**

The sector plan also includes the following strategies that reiterate the need for sidewalks and bicycle lanes:

**GOAL: Provide a continuous network of sidewalks, bikeways, and trails that provides opportunities for residents to make some trips by foot or by bicycling, particularly to mass transit, schools, employment centers, and other activity centers. Bicycle opportunities will be safe and convenient for all users, including experienced and avid bicyclists, recreational users, and the area's youth.**

- **Provide bicycle lanes and sidewalks along Marlboro Pike to provide better multi-modal accessibility along the corridor's spine (sector plan, page 63).**

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

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

**POLICY 2: All road frontage improvements and road capital improvement projects within the developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.**

No sidewalks currently exist along the site's frontages of either Old Forestville Road or Ritchie Road. The submitted plans reflect sidewalks at these locations. The sidewalks proposed along Old Forestville Road and Ritchie Road are acceptable, as shown on the submitted plans. The site has a narrow, possibly non-ADA (Americans with Disabilities Acts) compliant sidewalk along Marlboro Pike. This sidewalk shall be reconstructed to meet current ADA standards and County specifications. Bicycle lanes (or other appropriate on-road bicycle improvements) will be accommodated within the existing curb-to-curb space during a future Prince George's County Department of Public Works and Transportation (DPW&T) Capital Improvement Program (CIP) or resurfacing project. Improvements along Marlboro Pike shall be coordinated with current DPW&T designs for the road.

9. **Transportation**—This application is a PPS for a consolidated storage facility and retail development on two parcels. The table below summarizes trip generation in each peak hour that

will be used for the analysis and for formulating the trip cap for the site:

<b>Trip Generation Summary, 4-18002, 7618 Marlboro Properties</b>								
<b>Land Use</b>	<b>Use Quantity</b>	<b>Metric</b>	<b>AM Peak Hour</b>			<b>PM Peak Hour</b>		
			<b>In</b>	<b>Out</b>	<b>Tot</b>	<b>In</b>	<b>Out</b>	<b>Tot</b>
Storage Unit	110,050	square feet	7	4	11	9	10	19
			<b>7</b>	<b>4</b>	<b>11</b>	<b>9</b>	<b>10</b>	<b>19</b>
Retail Development	5,500	square feet	19	12	31	52	56	108
Pass-By of 60 percent			0	0	0	-31	-34	-65
<b>Trip Cap for Parcel Two</b>			<b>19</b>	<b>12</b>	<b>31</b>	<b>21</b>	<b>22</b>	<b>43</b>
<b>Total Trip Cap for Entire Proposed Use</b>			<b>26</b>	<b>16</b>	<b>42</b>	<b>30</b>	<b>32</b>	<b>62</b>

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

- Marlboro Pike and Donnell Drive (signalized)
- Marlboro Pike and Forestville Road (signalized)

The application is supported by traffic counts dated January 2018. The findings outlined below are based upon a review of these materials and analyses conducted by the Planning Board, consistent with the “Transportation Review Guidelines, Part 1” (Guidelines).

### **Existing Traffic**

The subject property is located within Transportation Service Area 1, as defined in Plan 2035. As such, the subject property is evaluated according to the following standards:

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

**Unsignalized intersections:** The procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. A three-part process is employed for two-way stop-controlled intersections: (a) vehicle delay is computed in all movements using *The Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. A three-part process is employed for two-way stop-controlled intersections: (a) vehicle delay is

computed in all movements using *The Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds; (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. Once the CLV exceeds 1,150, this is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally required that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

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

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
Marlboro Pike and Forestville Road	708	955	A	A
Marlboro Pike and Donnell Drive	538	988	A	A

#### Background Traffic

Background traffic in the study area has been developed using two approved, but unbuilt, developments. A one percent annual growth rate for a two-year period was also applied for the background traffic.

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
Marlboro Pike and Forestville Road	729	990	A	A
Marlboro Pike and Donnell Drive	542	1036	A	B

#### Total Traffic

The development has been analyzed with the following trip distributions: for intersection one, 24 percent northbound along Forestville Road, 24 percent southbound along Forestville Road, 10 percent westbound along Marlboro Pike, and 42 percent eastbound along Marlboro Pike for the AM peak. For the PM peak, 23 percent northbound along Forestville Road, 23 percent southbound along Forestville Road, 3 percent westbound along Marlboro Pike, and 51 percent eastbound along Marlboro Pike. For intersection two, 29 percent northbound along Donnell Drive, 29 percent eastbound along Marlboro Pike, and 42 percent westbound along Marlboro Pike for the AM peak. For the PM peak, 24 percent northbound along Donnell Drive, 24 percent eastbound along Marlboro Pike, and 52 percent westbound along Marlboro Pike. The following critical intersections, interchanges, and links identified above, when analyzed with the programmed improvements and total future traffic as developed using the Guidelines, including the site trip generation as described above, operate as follows:



TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
Marlboro Pike and Forestville Road	739	1006	A	B
Marlboro Pike and Donnell Drive	548	1062	A	B

It is determined that the critical intersections operate acceptably under total traffic in both peak hours. A trip cap consistent with the trip generation assumed for the entire proposed site, 42 AM and 62 PM peak-hour vehicle trips, is recommended.

#### **Site Access Evaluation**

The site will have three access points, one each from Marlboro Pike, Old Forestville Road, and Ritchie Road. Access and circulation is acceptable.

#### **Master Plan Roads**

Marlboro Pike is a master plan collector facility with a proposed right-of-way width of 80 to 100 feet and two- to four lanes. The applicant is proposing dedication along the property's frontage that is consistent with neighboring properties, and this is acceptable. Ritchie Road and Old Forestville Road are both primary roadways; the applicant proposes additional dedication along the property's frontage, this dedication is acceptable.

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

10. **Schools**—This PPS was reviewed for impact on school facilities, in accordance with Section 24-122.02 of the Subdivision Regulations and the *Adequate Public Facilities Regulations for Schools* (CR-23-2001 and CR-38-2002), and it was determined that the subdivision is exempt from a review for schools because it is a nonresidential use.
11. **Fire and Rescue**—This PPS was reviewed for adequacy of fire and rescue services, in accordance with Section 24-122.01(d) of the Subdivision Regulations.

The Prince George's County Fire/EMS Department indicates that a five-minute total response time is recognized as the national standard for fire/EMS response times. This arises from the 2016 Edition of the National Fire Protection Association (NFPA) 1710 Standards for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments. This standard is being applied to the review of nonresidential subdivision applications.

The Deputy Fire Chief, James V. Reilly, Emergency Services Command of the Fire/EMS Department, stated in writing that, as of May 29, 2018, the subject project was determined to have a travel time under four minutes; therefore, an associated total response time under five minutes from the closest station (Forestville Fire/EMS, Station 823), which is located at 8321 Old Marlboro Pike. Applying the national standard, the subject property passes the adequacy test.

**Capital Improvement Program (CIP)**

The Prince George's County Fiscal Year 2018–2023 approved CIP provides funding for replacing existing Forestville Station with a new 3-bay fire/EMS station. The above findings are in conformance with the 2008 *Approved Public Safety Facilities Master Plan* and the “Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities.”

12. **Police Facilities**—The proposed development is within the service area of Police District III, Palmer Park. There is 267,660 square feet of space in all the facilities used by the Prince George's County Police Department, and the July 1, 2017 (U.S. Census Bureau) County population estimate is 912,756. Using the national standard of 141 square feet per 1,000 residents, it calculates to 128,698 square feet of space for police. The current amount of space, 267,660 square feet, is within the guideline.
13. **Water and Sewer**—Section 24-122.01(b)(1) of the Subdivision Regulations states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.”

The 2008 *Water and Sewer Plan* designates Parcel 195 in a “dormant” water and sewer Category 3, inside the sewer envelope, in the Growth Tier, and within Tier 1, under the Sustainable Growth Act. A dormant Category 3 is considered a Category 4 designation, although the maps have not been amended (Water and Sewer Plan, Section 2.1.2). Category 3, obtained through the administrative amendment procedure, must be approved before approval of the final plat.

14. **Use Conversion**—The total development included in this PPS is for two parcels. One parcel is for the development of a consolidated storage facility and the second parcel is for a retail pad site in the in the C-S-C and M-I-O Zones. If a substantial revision to the mix of uses on the subject property is proposed that affects Subtitle 24 adequacy findings, as set forth in the resolution of approval, that revision of the mix of uses shall require approval of a new PPS, prior to approval of any building permits.
15. **Public Utility Easement (PUE)**—Section 24-122(a) of the Subdivision Regulations requires that, when utility easements are required by a public company, the subdivider should include the following statement in the dedication documents recorded on the final plat:

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

The standard requirement for public utility easements (PUEs) is 10 feet wide along both sides of all public rights-of-way. The subject site fronts on existing public rights-of-way, Ritchie Road to the north, Old Forestville Road to the east, and Marlboro Pike to the south. The required PUEs have been provided along the frontage of the site abutting the public rights-of-way.

16. **Historic**—Adjacent to the subject property to the north are the Epiphany Church and Cemetery Historic Site (75A-006) and the Forestville School Historic Resource (75A-007). The applicant proposes improving the subject property with a three-story, 110,050-square-foot consolidated storage building. Proposed Parcel 1, containing 2.72 acres, is adjacent to Historic Site 75A-006 and Historic Resource 75A-007. Proposed Parcel 2, containing 0.70 acre, is adjacent to Marlboro Pike.

The subject property is adjacent to the Epiphany Church and Cemetery Historic Site (75A-006). Built from 1867–1871, this wood-frame, front-gable church is clad in board-and-batten siding; the bell tower and rear section were added later. The main block has lancet-arched, stained-glass windows. Initially designated as a chapel, the church building became the home of the independent parish of the Epiphany Church in 1871. It was expanded in the early twentieth century, as the congregation of Forestville grew, and remains an excellent example of Gothic Revival ecclesiastical architecture.

The subject property is also adjacent to the Forestville School Historic Resource (75A-007). The Forestville School was constructed in 1922 at 3101 Ritchie Road in the unincorporated community of Forestville, on property that had been the site of a schoolhouse before the establishment of the Board of County School Commissioners in 1865. As early as 1924, an additional room was constructed on the school and, in 1933, two more rooms were added to the northern (rear) elevation. The construction of additions to the newly built school reflects the growing number of children in Forestville. The Forestville School was closed in 1942 when a new brick school was constructed approximately one-half mile to the southeast; it was then used as storage space by the Prince George's County Board of Education, and finally sold to Epiphany Church in 1945. The current owner, W.L. Meekins, Inc., surveyors, acquired the school in 1969 to use as offices, adding the front-gabled portico in 1975.

According to Section 29-118(a)(2) of the Prince George's County Code, "The Historic Preservation Commission shall conduct a public hearing to make findings as to the significance of any unclassified historic resource designated as such on the master plan for historic preservation, and shall determine whether it should be classified as a Historic Site or property within a Historic District when any zoning map amendment, special exception, subdivision, or site plan approval application is referred to the Commission, as required by either Subtitle 27 or Subtitle 24 of this Code."

One documented property, the Collins House (75A-009), was located on the southern portion of the subject property. The Collins House was a two and one-half story, L-shaped, gable-roofed frame house with a projecting one-bay tower centered in the three-bay southern façade. The modest dwelling was constructed circa 1892 by Andrew Schwartz and was later acquired by George Dove in 1905. George Dove owned and operated the general store on the lot across Marlboro Pike. In 1920, Dove conveyed the house and lot to his daughter and son-in-law, Edna and Norman Collins. When Marlboro Pike was expanded to four lanes in the 1970s, the house was moved to the north. The property remained in the possession of the Dove family until they sold it in 1988. The house was demolished by 1993.

Note 23 on the cover page of the PPS does not acknowledge that there is a cemetery adjacent to the subject property. Note 24 does not acknowledge that the subject property is adjacent to the Epiphany Church and Cemetery Historic Site (75A-006). The general notes shall be updated accordingly.

The subject PPS does not represent any significant impacts to the existing character of Historic Site 75A-006. This application is being processed concurrently with Detailed Site Plan DSP-18013, which is currently scheduled to be heard by the Planning Board in September 2018. Because the details of the associated new construction will be addressed by the Historic Preservation Commission through subsequent required applications, the Historic Preservation Commission recommended approval of the subject application without conditions.

#### **Historic Preservation Commission**

In accordance with Subtitle 29-118(a)(2), the Forestville School Historic Resource (75A-007) was evaluated by the Historic Preservation Commission (HPC) at its July 17, 2018 meeting. The Historic Preservation Section presented findings and conclusions to HPC that evaluated the significance of the school, according to the criteria in Subtitle 29 of the County Code. Staff concluded that the Forestville School retains a moderate degree of integrity and could be found to meet only one of the nine designation criteria, (2)(A)(v) (it represents an established and familiar visual feature of the neighborhood, community, or County due to its singular physical characteristics or landscape) of Subtitle 29-104(a). However, staff noted that HPC Policy 1-89 provides guidance in the use of the cited criterion: The Landmark Criterion, (2)(A)(v), should not be used alone in designating an historic site; it should be used only in combination with one or more of the other criteria of historic or architectural significance. After discussion and questions of staff, HPC concluded that the Forestville School Historic Resource (75A-007) only met one criterion, (2)(A)(v), and in accordance with HPC Policy 1-89, voted 7-0 to delete the Forestville School Historic Resource (75A-007) from the inventory of historic resources.

17. **Environmental**—The following application and associated plans were previously reviewed for the subject site:

Development Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
SE-3820	N/A				
4-17031	TCP1-001-18	Planning Board	Pending	Pending	Pending
NRI-014-18	N/A	Staff	Approved	3/9/2018	N/A

#### **Grandfathering**

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

#### **Site Description**

The site has an approved Natural Resources Inventory (NRI-014-18). The 3.46-acre site is fairly

flat, with no regulated environmental features, but the site does contain an unregulated ephemeral channel. The forest stand delineation plan describes one forest stand totaling 3.06 acres, with one specimen tree.

The two soil types found on-site, according to the U.S. Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, are Sassafras-Urban Land complex and Urban Land-Sassafras complex. Marlboro or Christiana clay do not occur on, or in the vicinity of, this site. According to the Sensitive Species Project Review Area (SSPRA) map received from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on, or near, this property. The on-site stormwater drains to the south towards Marlboro Pike and to an off-site inlet structure. This site is in the Western Branch watershed, which flows into the Patuxent River. The site has frontage on Ritchie Road, Old Forestville Road, and Marlboro Pike, of which Marlboro Pike is identified as a master plan collector roadway. The adjacent Marlboro Pike is designated as a historic roadway. No forest interior dwelling species (FIDS) or FIDS buffer are mapped on-site.

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

The site is located within Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map, as designated by Plan 2035. According to the Green Infrastructure Plan, the site does contain evaluation area within the network.

#### **Approved Subregion 4 Master Plan and Sectional Map Amendment**

In the 2010 *Subregion 4 Master Plan and Sectional Map Amendment*, the Environmental Infrastructure section contains goals, policies, and strategies. The following guidelines have been determined to be applicable to the environmental review of the project. The text in **bold** is text from the master plan and the plain text provides comments on plan conformance.

#### **Policy 1: Protect, preserve and enhance the Green Infrastructure Network in Subregion 4.**

#### **Policy 2: Minimize the impacts of development in the Green Infrastructure Network and SCA's.**

The site is not within a special conservation area. The property is almost entirely within an isolated evaluation area of the green infrastructure network; however, it is considered an infill site because a majority of the surrounding area is densely developed. The site has frontage on three different roads and presents no opportunity to establish connection with existing habitat. The Type 1 tree conservation plan (TCP1) proposes to remove 2.85 acres of the existing 2.89 acres of woodland in the net tract, preserving the remaining 0.04 acre.

**Policy 3: Restore and enhance water quality in degraded areas and preserve water quality in areas not degraded.**

An approved SWM Concept Plan, 1871-2018-00, that is in conformance with the current code, was submitted. Preservation of water quality in this area will be provided through the application of best SWM practices for SWM.

**Policy 4: Improve the base information needed for the county to undertake and support stream restoration and mitigation projects.**

The approved Natural Resources Inventory (NRI-014-18) provides an account of the existing conditions of the site, which is also the site's base information.

**Policy 5: Require on-site management of stormwater through the use of sensitive stormwater management techniques (i.e., fully implement the requirements of ESD) for all development and redevelopment projects.**

The approved SWM concept plan shows eight bioretention areas and two permeable asphalt pavement areas used for SWM.

**Policy 6: Assure that adequate stream buffers are maintained and enhanced and utilized design measures to protect water quality.**

There are no streams on-site.

**Policy 8: Reduce adverse noise impacts so that the State of Maryland's noise standards are met.**

Residential uses are not proposed for this site.

**Policy 10: Implement land use policies that encourage infill and support TOD and walkable neighborhoods.**

This site is considered an infill site. Although completely wooded, it is surrounded by dense development with mostly commercial uses. As an infill site, the proposed project meets the intent of this policy.

**Policy 11: Increase the county's capacity to support sustainable development.**

Building materials are not proposed with this application. However, the use of green building techniques and energy conservation techniques is encouraged, to the greatest extent possible.

**Policy 12: Ensure that the Chesapeake Bay Critical Area is protected to the maximum extent possible through the implementation of water quality and other**

**related measures.**

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

**Policy 13: Preserve, restore, and enhance the existing tree canopy.**

**Policy 14: Improve the county's capacity to support increases in the tree canopy.**

The site is subject to the WCO and the Prince George's County Tree Canopy Coverage Ordinance. The PPS proposes to develop the entire site and remove 2.85 acres of the site's 2.89 acres of woodlands. The tree canopy requirement will be reviewed at the time of site plan review.

**Countywide Green Infrastructure Plan**

The site is not within a special conservation area. The property is almost entirely within an isolated evaluation area of the green infrastructure network; however, it is considered an infill site because a majority of the surrounding area is densely developed. The site has frontage on three different roads and presents no opportunity to establish connection with existing habitat. The TCP1 removes 2.85 acres of the existing 2.89 acres of woodland in the net tract, preserving the remaining 0.04 acres.

**Environmental Review**

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

**Woodland and Wildlife Habitat Conservation Plan**

This property is subject to the provisions of the WCO because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. A Type 1 Tree Conservation Plan (TCP1-007-18) was submitted with this PPS.

The overall site contains a total of 3.06 acres of woodlands and has a woodland conservation threshold of 0.52 acre. This site proposes to clear 2.85 acres of woodland with a woodland conservation requirement of 1.59 acres. The TCP1 proposes to meet the requirement with off-site preservation of 1.59 acres of woodlands.

The site contains one specimen tree with the rating of fair (72). This specimen tree is located adjacent to Ritchie Road. The current design proposes to remove this specimen tree due to the location, proposed utilities, critical root zone impacts, and grading required for development.

The TCP1 must be revised to meet all of the technical requirements of Subtitle 25 of the County Code prior to signature approval of the PPS; however, the information submitted, to date, demonstrates general conformance with the WCO.

**Specimen Trees**

Section 25-122(b)(1)(G) requires that "Specimen trees, champion trees, and trees that are part of a

historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree's condition and the species' ability to survive construction as provided in the Environmental Technical Manual."

A Subtitle 25 Variance application has been submitted with the PPS application. The request is to remove one 36-inch red maple that is in fair condition. The TCP1 shows the removal of one specimen tree, and the limits of disturbance on the plan also show that this tree is to be removed.

**Statement of Justification Request**

A variance from Section 25-122(b)(1)(G) is requested for the clearing of one specimen tree on-site. Section 25-119(d) of the WCO contains six required findings (in **bold**) to be made before a variance can be granted, followed by findings.

**Section 25-119(d)(1)**

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

The property is a totally wooded in-fill lot surrounded by existing commercial uses. Various measures were investigated to save this specimen tree. The specimen tree is located at the northern boundary of the property, adjacent to Ritchie Road. Due to road dedication and the 10-foot-wide PUE required in that location, it will not be possible to preserve the tree.

The condition and location of the one specimen tree proposed for removal is a special condition peculiar to the property. These factors occurred beyond the owner's control and have created an unwarranted hardship for this site.

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

Enforcement of the rule will prevent the necessary road improvements. It will also compromise the location of the PUE, which is typically required to be within the first 10 feet from the right-of-way.

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

The removal of specimen trees is generally supported in areas where necessary impacts are needed, to allow the project to function. Granting the variance, due to necessary impacts, is not considered a special privilege.

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



The applicant has taken no action, to date, on the subject property.

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

The request arises due to standard requirements by other agencies, which standard regulatory practice deemed necessary. It is not uncommon for new development to be required to dedicate land for an existing or planned right-of-way. The request does not arise from a condition relating to the land or building use, either permitted or nonconforming, on a neighboring property.

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

Granting the variance to remove one specimen tree will not directly affect water quality because the site will have to follow strict SWM requirements and sediment control. Specific requirements regarding SWM for the site will be further reviewed by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE).

The Planning Board finds that the required findings of Section 25-119(d) have been adequately addressed by the applicant and approves the variance to section 25-122(b)(1)(G) for the removal of one specimen tree (ST-1).

18. **Urban Design**—A consolidated storage use in the C-S-C Zone requires a DSP, pursuant to Section 27-461, Footnote 69, of the Zoning Ordinance, which also permits the use on a property located within APZ 1 or APZ 2 of the M-I-O Zone. Detailed Site Plan DSP-18013 is currently under review for the proposed consolidated storage building and the retail pad site. The consolidated storage and retail pad site are proposed on separate parcels, with each parcel having frontage and direct access to a public street. However, the proposed development provides for shared internal access between the uses. Conformance to the regulations and requirements of the Zoning Ordinance, the Landscape Manual, and the Tree Canopy Coverage Ordinance will be further reviewed at the time of site plan.
19. **Planning Board Hearing**—At the July 26, 2018 Planning Board hearing, the applicant proffered to communicate with Mr. McClan, an adjacent landowner, about landscaping at the time of detailed site plan.

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

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Doerner, with Commissioners Washington, Doerner, Bailey, Geraldo, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, July 26, 2018, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 13th day of September 2018.

Elizabeth M. Hewlett  
Chairman

By Jessica Jones  
Planning Board Administrator

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