

RESOLUTION

WHEREAS, Summerfield Investors, LLLP is the owner of a 11.34-acre parcel of land known as Tax Map 67 Grid B3, and is part of Outlot 1, said property being in the 13th Election District of Prince George's County, Maryland, and being zoned Local Activity Center (L-A-C) and Development District Overlay (D-D-O); and

WHEREAS, on March 9, 2015, Summerfield Partners, LLC filed an application for approval of a Preliminary Plan of Subdivision for 52 lots and 7 Parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-14001 for Summerfield at Morgan Station, Phase 3, 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 9, 2015, for its review and action in accordance with the Land Use Article of the Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on July 9, 2015, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Type 1 Tree Conservation Plan (TCP1-027-03-03), and further APPROVED Preliminary Plan of Subdivision 4-14001, including a Variation from Section 24-121(a)(4), for lot depth and a Variance to Section 25-122(b)(1)(G) for the removal of four specimen trees with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be revised to make the following technical corrections:
 - a. Combine and modify General Notes 24 and 25 to reflect "Water and Sewer Category 4."
 - b. Label "Denial of Access" along the property frontage on Garrett A Morgan Boulevard.
 - c. Add to General Note 23 the date of the Stormwater Management Concept Approval.
 - d. Revise General Note 16 to reflect Breakdown of proposed dwelling unit by type:
52 Lots for townhouse dwelling units and 7 Parcels.

- e. Revise General Note 19 to reflect "Minimum lot width at front building line and front street line: 16-foot width for interior lots and 22-foot width for exterior lots."
 - f. Add General Note 36 "Variation was approved from Section 24-121(a)(4) for lot depth under 150 feet for 30 lots, specifically Lots 15-16 and 25 through 52."
 - g. Identify the location of the proposed tot-lot or equivalent community gathering space on Parcel B which may include a gazebo and two benches.
2. Prior to signature approval of the Preliminary Plan, the TCP1 shall be revised as follows:
- a. Revise the note below the worksheet to include the floodplain study number (200340).
 - b. Revise the land area covered by the TCP1 to be consistent with previous approvals. The worksheet and associated notes shall be revised.
 - c. Revise the worksheet to ensure that all areas in the total column are consistent with the areas for the overall site at the top of the worksheet and the plan, and to ensure that the calculations reflect the addition of floodplain.
 - d. Revise the approval block to reflect the following:

Prince George's County Planning Department, M-NCPPC Environmental Planning Section TREE CONSERVATION PLAN APPROVAL TCP1-027-03			
Approved by		Date	DRD Case
00	Robert Metzger	3/1/2005	CDP-0301
01	Robert Metzger	9/29/2004	4-03124
02	Robert Metzger	2/25/2005	4-04032
03			4-14001
04			
05			
06			

- e. Show the treeline clearly on all plan sheets.
- f. Remove all Forest Stand Delineation information from the plan.
- g. Revise the legend on each sheet so that the linetype scale for each symbol is consistent with the scale of the symbol on the plan sheet.

- h. Revise the TCP1 notes as follows:
 - (1) Add the Plan Prince George's Environmental Strategy Area designation to note 7 (ESA 1).
 - (2) Revise Note 9 to reflect the standard note language.
 - (3) Add the standard note regarding grandfathering.
 - (4) Add the standard stormwater management note.
- 3. A substantial revision to the uses on the subject property that affects Subtitle 24 adequacy findings, as set forth in a resolution of approval, shall require the approval of a new preliminary plan of subdivision prior to the approval of any building permits.
- 4. Prior to approval of the final plat, the applicant and the applicant's heirs, successors and/or assignees, shall demonstrate that a homeowners' association (HOA) has been established. The draft covenants shall be submitted to the Development Review Division (DRD) to ensure the rights of M-NCPPC are included. The liber and folio of the declaration of covenants shall be noted on the final plat prior to recordation.
- 5. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees, shall convey to the homeowners' association (HOA) land as identified on the approved preliminary plan of subdivision. Land to be conveyed shall be subject to the following:
 - a. A copy of the deed for the property to be conveyed shall be submitted to the Subdivision Review Section of the Development Review Division (DRD), Upper Marlboro.
 - b. All waste matter of any kind shall be removed from the property prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
 - c. The conveyed land shall not suffer the disposition of construction materials, soil filling, other than the placement of fill material associated with permitted grading operation that are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.
 - d. Any disturbance of land to be conveyed to a HOA shall be in accordance with an approved specific design plan. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls.
 - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a HOA. The location and design of drainage outfalls that adversely impact property to be

conveyed shall be reviewed and approved by DRD in accordance with the approved specific design plan.

- f. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
6. Prior to approval of final plat, the applicant and the applicant's heirs, successors and/or assignees, shall submit three (3) original Recreational Facilities Agreements (RFA) to DRD for construction of the private recreational trail on homeowners land, for approval prior to the submission of final plats. Upon approval by the Development Review Division (DRD) of the M-NCPPC Planning Department, the RFA shall be recorded among the County Land Records and the liber and folio indicated on the plat prior to recordation. The SDP shall establish appropriate triggers for construction of the recreational facilities.
7. Development of this site shall be in conformance with the Stormwater Management Concept Plan, 39019-2014 and any subsequent revisions.
8. At the time of SDP, the applicant shall provide private on-site recreational facilities on Parcel B in accordance with Section 24-134 of the Subdivision Regulations, which shall consist of the tot-lot (or equivalent) in Condition 1(g).
9. At time of final plat, the applicant and the applicant's heirs, successors, and/or assignees, shall grant a ten-foot-wide public utility easement (PUE) along all public and one side of private streets, as reflected on the approved PPS.
10. Total development shall be limited to uses which generate no more than 37 AM peak-hour trips and 42 PM peak-hour trips. Any development generating an impact greater than that identified herein above shall require a new determination of the adequacy of transportation facilities.
11. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the June 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment*, the applicant and the applicant's heirs, successors and/or assignees shall provide the following:
 - a. Construct a standard sidewalk along both sides of Private Road 'B,' which shall be reflected on the SDP.
 - b. Construct a trail connection on Parcel E through the subject site to the site's eastern property line. Stairs may be required in some locations due to areas of steep slopes and exceptions to full compliance with Americans with Disabilities Act (ADA) shall be permitted based on the provisions of Section 1019.1 of the Architectural Barriers Act Accessibility Guidelines. Appropriate triggers for construction of the trail shall be determined at the time of SDP.

12. Prior to issuance of any building permits within the subject property, the Bicycle and Pedestrian Impact Statement (BPIS) improvements in accordance with Section 24-124.01 of the Subdivision Regulations shall (a) have full financial assurances; (b) have been permitted for construction through the operating agency's permitting process; and (c) have an agreed-upon timetable for construction with the operating agency.
 - a. Provide a total of six modified R4-11 signs along Garrett A Morgan Boulevard (three northbound and three southbound).
 - b. Provide pedestrian safety signage at the existing signalized crosswalk across Garrett A Morgan Boulevard linking the subject site with the Metro parking lot access road.
 - c. Upgrade the curb ramps and crosswalk as determined by DPIE.
13. In accordance with the approved BPIS improvements, at the time of SDP, provide an exhibit that illustrates the number and location of all signs required along Garrett A Morgan Boulevard and the pedestrian crossing. This exhibit shall also incorporate the required improvements at the pedestrian crossing as determined by DPIE. If it is determined at the time of Specific Design Plan that alternative off-site improvements are appropriate, the applicant shall demonstrate that the substitute improvements shall comply with the facility types contained in Section (d), be within one-half mile walking or bike distance of the subject site, within the public right-of-way, and within the limits of the cost cap contained in Section(c). The Planning Board shall find that the substitute off-site improvements are consistent with the BPIS adequacy finding made at the time of Preliminary Plan.
14. Prior to signature approval of the preliminary plan and TCP1, the proposed sewer extension within the PMA on-site shall be removed.
15. The SDP application package shall contain a Phase II Noise Study prepared and sealed by a Professional Engineer with competency in acoustical analysis. The report shall determine the location of the unmitigated 65 dBA Ldn noise contour, provide a list of the STC ratings required to mitigate interior noise on specific lots.
16. Prior to the approval of building permits for residential buildings located within the unmitigated 65 dBA Ldn noise contour, as determined at the time of SDP, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that building shells of structures have been designed to reduce interior noise levels to 45 dBA Ldn or less.
17. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-027-03-03). 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 (TCP1-027-03-03), or as modified by the Type 2 Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department."

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

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

19. Prior to signature approval of the TCP2 for this site, the liber and folio of the recorded woodland and wildlife habitat conservation easement shall be added to the standard Type 2 Tree Conservation Plan notes on the plan as follows:

"Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded in the Prince George's County Land Records at Liber _____ Folio _____. Revisions to this TCP2 may require a revision to the recorded easement."

20. The applicant and the applicant's heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities, prior to the issuance of building permits. The recreational facilities to be required shall be determined with the full review of the specific design plan.
21. At the time of SDP, coordination between DPW&T and the Transportation Planning Section of M-NCPPC shall determine the right-of-way required for Road Type 'A' (Private Road A), which could result in the loss of a lot.

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

1. The subdivision, as modified with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject property is located on Tax Map 67 Grid B3, and is known as Part of Outlot 1, recorded in the Prince George's County Land Records in Plat Book VJ 161-77 (February 13, 1992) for street dedication, pursuant to the approval of Preliminary Plan of Subdivision 4-90014 (PGCPB Resolution No. 90-105). In 2002 Outlot 1 was further subdivided by deed (Liber 16949 at folio 72) pursuant to Subtitle 24-107(c)(5) for a conveyance to a governmental agency for public use. The northern portion of this property was acquired by The Washington Metropolitan Area Transit Authority (WMATA) for the development of the Morgan Boulevard Metro Station for the Blue Line. The development history of this site began with the Zoning Map Amendment A-9678-C, rezoning the property to the Local Activity Center (L-A-C) Zone on January 9, 1989, and approving a base density of 777 dwelling units. On January 27, 2004, Comprehensive Design Plan CDP-0301 (PGCPB Resolution No. 03-181 and District Council Final Decision) was approved. Outlot 1 was part of a larger 91.9 acre tract of land approved for a total of 900 dwelling units and 60,000 square feet of retail uses. CDP-0301 approved a 25 percent density increase, which would bring the total residential dwelling units to 972. The validation of the density bonuses are analyzed within this report.

This preliminary plan of subdivision (PPS) for the development of 52 single-family attached lots (townhouses) is the third and final phase of CDP-0301. Phase 1 was approved across Garrett A Morgan Boulevard as 4-03124 and Phase 2 was approved north of the subject property as 4-04032.

The property is zoned Local Activity Center (L-A-C) within the Development District Overlay (D-D-O) Zone. This property is along the most southeastern boundary of the D-D-O Zone for the Morgan Boulevard Metro Station.

Garrett A Morgan Boulevard is a master planned arterial, which requires the proposed residential lots to be platted with a minimum lot depth of 150 feet. The applicant has submitted a variation to this development requirement, which is recommended for approval, as discussed further.

The applicant has submitted a variance for the removal of four specimen trees and statement of justification for the disturbance of 0.19 acres (on-site) and 0.39 acres (off-site) of the primary management area (PMA). The disturbance to the PMA is for site grading for a retaining wall, stormwater outfall and a sewer connection. The Planning Board approves the removal of four specimen trees and approves the PMA impacts for the retaining wall and the stormwater outfall. At this time, the Planning Board disapproves the sewer extension impacts on-site which extends off-site through the stream valley. An alternative alignment for a sewer connection is available for the development within the public rights-of-way that would not result in PMA disturbance. This determination is discussed further in the Environmental Section of this report. This disapproval does not preclude the applicant to investigate alternative alignments and further evaluate the sewer connection with the specific design plan (SDP) review.

Direct access from individual lots onto the arterial of Garrett A Morgan Boulevard is not proposed. The townhouse lots will front this arterial roadway, in conformance with the surrounding neighborhood, but will have access via an internal private road which aligns with the existing signalized entrance to the Morgan Boulevard Metro Station directly west. An additional private street parallels Garrett A Morgan Boulevard, off which two private alleys will serve the remaining townhouse lots.

On-site recreational facilities will be provided through a proposed tot-lot or equivalent community gathering space on Parcel B and a private homeowners trail connecting into an existing trail system that terminates at the property's eastern boundary on Parcel E. The two recreational facilities in combination will fulfill the mandatory recreational facilities requirement, serving a diversity of age groups and abilities. The trail connection additionally fulfills one of the density bonuses of CDP-0301, as discussed in the trails section of this report. The siting of the tot-lot or equivalent community gathering space on Parcel B will be reviewed with the SDP through a further analysis of the proposed stormwater bioretention facility which is also proposed on this parcel. If Parcel B cannot accommodate the tot-lot (or equivalent), then an alternative location will be determined at SDP which may result in the loss of lots.

To develop this site the applicant proposes a retaining wall. The retaining wall creates a developable site close to the existing Metro Station. The retaining wall varies in height from 2 feet to 19 feet in height, which will be further reviewed at the time of SDP.

In conformance with Comprehensive Design Plan CDP-0301, the internal lot widths are a minimum of 16-foot-wide and the end units are a minimum of 22-foot-wide. The lots range in size from 1,004 square feet to 2,208 square feet. Comprehensive Design Plan CDP-0301 approved a standard lot size of 1,100 square feet, but variations to the standard may be permitted by the Planning Board at the time of SDP. The Urban Design Section supports this reduction as proposed with the PPS. An open space parcel, Parcel E, will be preserved on the northern portion of the property because of the extensive amount of environmentally sensitive areas. Open space Parcels C, D, F and G provide separation from the townhouse buildings, and will be conveyed to the homeowners association.

3. **Setting**—The property is located on the east side of Garrett A Morgan Boulevard, approximately 1,200 linear feet north of its intersection with Central Avenue (MD 214). The property is zoned L-A-C (Local-Activity-Center) with a Development-District-Overlay (D-D-O). Adjacent properties to the north are zoned L-A-C/D-D-O and were developed as Phase 2 Summerfield at Morgan Station with residential townhouses. The site is bounded on the west by Garret A Morgan Boulevard. The properties directly across Garrett A Morgan Boulevard are zoned M-U-I/D-D-O (Mixed-Use Infill) and developed with the Morgan Boulevard Metro Station. The development to the south and east is zoned R-M (Residential-Medium Development) and is developed with residential townhouses.
4. **Development Data Summary**—The following information relates to the subject PPS application and the proposed development.

	EXISTING	APPROVED
Zone	L-A-C/D-D-O	L-A-C/D-D-O
Use(s)	Vacant	Residential
Acreage	11.34	11.34
Lots	0	52
Outlots	1	0
Parcels	0	7
Dwelling Units	0	52 (Townhouses)
Public Safety Mitigation Fee	No	No
Variance	No	Yes 25-122(b)(1)(G)
Variation	No	Yes 24-121(a)(4)

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on March 27, 2015. The requested Variation to Section 24-121(a)(4) of the Subdivision Regulations was accepted on April 30, 2015, and heard at the SDRC meeting on June 19, 2015 as required by Section 24-113(b) of the Subdivision Regulations.

5. **Community Planning**—The PPS is consistent with the *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035) which designates this area as a Local Transit Center. The application is consistent with the approved Comprehensive Design Plan CDP-0301 and is in conformance with the land use recommendations of the June 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* (Subregion 4 Master Plan SMA).

The *Plan Prince George's 2035 Approved General Plan* designates this area as a Local Transit Center, which is one of its four Local and Suburban Centers. The Local Transit Center consists of smaller scale mixed-use centers that are primarily residential areas well connected by transit, and a viable street grid.

The Subregion 4 Master Plan SMA vision for development of the Morgan Boulevard Metro center includes TOD around the Metro station that creates an urban, mixed-use environment. Distinctive high-quality development would frame Central Avenue and become denser as it approaches the Metro station. A pedestrian-friendly environment would support ground level floor retail and neighborhood services and complement the townhome and multifamily housing north of Morgan Boulevard Metro Station as well as surrounding new residential development. The property is split between Joint Base Andrews Imaginary Runway Surface B and C. In these zones, the maximum height requirement ranges between 440 and 500 feet from the runway surface. Height of the dwelling unit (DU) will be reviewed at the time of SDP. Subsequent to approval of CDP-0301, the District Council approved the May 2004 *Approved Sector Plan and Sectional Map Amendment for the Morgan Boulevard and Largo Town Center Metro Areas*, which placed the subject property in a Development-District-Overlay-Zone, and incorporated the previous approval on the mixed use

L-A-C (Local-Activity-Center) Zone as modified for Comprehensive Design Plan CDP-0301. The approved Comprehensive Design Plan allows for a mix of uses (residential, retail, and office) (page 23 of the May 2004 *Approved Sector Plan and Sectional Map Amendment for the Morgan Boulevard and Largo Town Center Metro Areas*).

The standards of the Morgan Boulevard and Largo Town Center Metro Areas Development District Overlay Zone are not applicable to this CDP and the applicable master plan for this PPS is the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* (Subregion 4 Master Plan SMA). The vision for this area as articulated in the Subregion 4 Master Plan SMA calls for transit-oriented development close to the Morgan Boulevard Metro Station in order to create an urban pedestrian-friendly mixed-use environment. The single-family attached townhomes proposed by this application is in conformance with current zoning, and implements the Subregion 4 Master Plan SMA recommendations providing for a pedestrian-friendly mixed-use environment that complements the existing neighborhood.

Subsequent to approval of CDP-0301, the District Council approved the May 2004 *Approved Sector Plan and Sectional Map Amendment for the Morgan Boulevard and Largo Town Center Metro Areas*, which placed the subject property in a Development-District-Overlay Zone. The Subregion 4 Master Plan SMA was then adopted in 2010. The Subregion 4 Master Plan replaces the May 2004 *Approved Sector Plan and Sectional Map Amendment for the Morgan Boulevard and Largo Town Center Metro Areas* Sector Plan, but the Subregion 4 Master Plan SMA did not replace the Morgan Boulevard and Largo Town Center Metro Areas DDOZ. If this property were not in a comprehensive design zone, it would be subject to the Morgan Boulevard and Largo Town Center Metro Areas DDOZ Development Standards and the Subregion 4 Master Plan.

6. **Stormwater Management**—The Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) has approved a Stormwater Management Concept Plan, 39019-2014-00 that is valid through March 24, 2018, to ensure that development of this site does not result in on-site or downstream flooding. The proposed site will manage stormwater through the use of environmental site design, which includes the use of micro-bioretenion facilities and drywells. Development of the site shall conform to the approved stormwater management concept plan.
7. **Parks and Recreation**—The Department of Parks and Recreation (DPR) review considered the recommendations of the Comprehensive Design Plan CDP-0301, February 1993 and July 1993 *Approved Master Plan and Sectional Map Amendment for Landover and Vicinity (Planning Area 72)* and current zoning and subdivision regulations as they pertain to public parks and recreation. The applicant's proposal includes 52 townhouse dwelling units, occupancy statistics that the proposed development would result in an increase of 140 additional new residents into the Summerfield Morgan Station development.

This subdivision is located within previously approved Comprehensive Design Plan CDP-0301 which includes conditions related to parks and recreation. Condition 3 of the CDP-0301 states:

3. **The applicant, his successors, and/or assigns, shall provide adequate, private**

recreational facilities in accordance with standards outlined in the Parks and Recreational Facilities Guidelines.

The existing Summerfield at Morgan Station development includes numerous private recreational facilities. Staff recommends that the applicant provide additional recreational facilities, because the existing recreational facilities in the Summerfield at Morgan Station project area will not be available to the residents of this PPS, per the applicant.

The subject subdivision is adjacent to the Summerfield Park (M-NCPPC). Summerfield Park includes a soccer field, softball field, basketball and tennis courts, picnic pavilions, fitness stations, playground and trails. In addition, the existing conditions of adjacent parkland including stream, stream buffers, and steep slopes, preclude construction of the trail connector to the park trail system on M-NCPPC-owned property.

However, there is a trail on adjacent property to the southeast of property which extends to the eastern property line of this subdivision. The applicant proposes construction of a trail connector to that trail which will provide a connection to Summerfield Park.

The applicant proposes installation of sewer line through adjacent parkland to serve this subdivision. This area of parkland includes stream and stream buffer. DPR staff believes that the proposed impact on environmentally sensitive areas of public parkland could be avoided with alternative sewer connections in the road rights-of-way. The applicant should relocate proposed sewer line away from the environmentally sensitive areas of parkland, as stated in the Environmental Finding.

Approval of this preliminary plan of subdivision does not imply that the extension of any utility connections through existing parkland will be approved by the DPR. Any utility connections (water and sewer lines) through M-NCPPC property are subject to separate review and approval process by DPR. In those instances when the applicant needs water or sewer lines extensions or connections through existing parkland in order to develop property, the applicant is required to submit all necessary information, along with a request for "permit to construct" on parkland to DPR for their review and approval. If such proposals are approved by the DPR, a performance bond, maintenance and easement agreements will be required prior to the issuance of grading permits.

8. **Trails**—The subject application is located on the east side of Garrett A Morgan Boulevard south of the WMATA right-of-way for the Blue Line. The proposed development is located east of Morgan Boulevard Metro Station. The Summerfield community to the southeast has an extensive network of existing trails. The site is covered by the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2010 *Approved Subregion 4 Master Plan and Endorsed Section Map Amendment* (SMA). The application proposes 52 residential townhouse units. Due to the site's location within the Morgan Boulevard Center (per the Adequate Public Facility Review Map of the General Plan), the application is subject to the requirements of 24-124.01(c) and the associated May 2013 "Transportation Review Guidelines, Part 2" for adequacy.

The PPS review was based on the Bicycle and Pedestrian Impact Statement (BPIS), which was received on February 20, 2015. M-NCPPC has worked with DPW&T and the applicant to identify appropriate off-site improvements for the site given the existing sidewalk and trails network in the vicinity and the relatively low amount of the cost cap for the application per Section 24-124.01(c) of the Subdivision Regulations.

Two master plan trail issues impact the subject property. A private trail connection is recommended through the site, known as part of the East Village in CDP-0301, to Garrett A Morgan Boulevard. This trail will provide direct pedestrian access between the subject site through the adjoining Summerfield development to the public park (M-NCPPC) and its extensive existing trail network. Garrett A Morgan Boulevard is also designated as a master plan bike lane/sidewalk corridor. Decorative wide sidewalks exist along the frontage of the subject site.

Striping for designated bike lanes or other bicycle treatment should be considered comprehensively for the road by DPW&T at the time of road resurfacing or improvements. In the interim, "Bikes May Use Full Right Lane" signs are recommended per DPW&T policy. Adequate right-of-way exists for an in road bike lane if determined appropriate by the operating agency.

The MPOT also contains a section on Complete Streets which provides guidance on accommodating all modes of transportation as new roads are constructed or frontage improvements are made. It also 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.

Previously approved Comprehensive Design Plan CDP-0301 (PGCPB Resolution No. 03-181) included the following conditions of approval related to trail connections including Condition 17(d) specific to the subject site (East Village) to the surrounding existing Summerfield development:

1. **Prior to certification of the Comprehensive Design Plan, the Comprehensive Design Plan drawings and text shall be revised to incorporate the following or the indicated information shall be provided:**

- d. **A pedestrian connection from the end of Willow Hill Drive to Morgan Boulevard, from the end of Willow Hill Drive to Metro, from Morgan Boulevard, through the East Village, and to the existing trails abutting the subject site in the adjoining Summerfield community.**

These connections have been completed through the portion of the development on the west side of Garrett A Morgan Boulevard and are beyond the scope of the subject application.

17. At the time of the Specific Design Plan, the following shall be shown on the Specific Design Plan drawings:

- a. **A continuous minimum eight-foot-wide sidewalk or trail along the subject site's entire road frontage on the west side of Morgan Boulevard to complement the existing trail on the east side of Garrett A Morgan Boulevard and allow for safe pedestrian travel to and from the Metro and Fedex Field.**

Decorative wide sidewalks have been constructed along both sides of Garrett A Morgan Boulevard, including along the frontage of the subject site.

- b. **A pedestrian connection from the end of Willow Hill Drive to Garrett A Morgan Boulevard. In areas where the connection is located along planned roadways, a six-foot wide sidewalk can be substituted for the trail.**
- c. **A pedestrian connection from the end of Willow Hill Drive to Metro to link the existing communities and the subject site to Metro immediately to the south. In areas where the pedestrian connection is located along planned roadways, an eight-foot-wide sidewalk can be substituted for the trail.**

The connections required in b and c above were constructed as part of the Summerfield at Morgan Boulevard Station development west of Garrett A Morgan Boulevard.

- d. **A pedestrian connection from Garrett A Morgan Boulevard, through the East Village, and to the existing trails in the adjoining Summerfield community which abuts the subject property.**

A pedestrian connection linking the East Village with the Summerfield Community was required at the time of PPS 4-04032, but has not been constructed. The MPOT and area master plan recommend two connections from the East Village, one for Phase 2 and one in the current Phase 3 application. Given that the trail was not constructed on Phase 2, the connection being recommended and proposed for Phase 3 is especially important. The trail connection proposed on the subject property will serve as a needed connection between the East Village and the larger trails network throughout the Summerfield community, as envisioned in the earlier approvals for Summerfield and the area master plan. It will also

provide for much better community connectivity and provide the future residents of the subject site with access to the existing recreational facilities at Summerfield Community Park (M-NCPPC). The trail connection shown on the submitted plans will fulfill the previously approved CDP condition, as well as the recommendations of the MPOT and area master plan, and complete the existing trail link which stubs to the subject site.

e. Standard sidewalks along both sides of all roads.

A sidewalk exists along the site's frontage of Garrett A Morgan Boulevard. Sidewalks are reflected along both sides of Private Road 'A' and one side of Private Road 'B.' The Planning Board approves sidewalks on both sides of Private Road 'B.' The other roads are 20-foot-wide alleys where sidewalk construction is not necessary.

f. Comprehensive trail and sidewalk map showing the proposed location of all master plan trails, feeder trail connections and sidewalks.

g. HOA feeder trails a minimum of six feet wide and asphalted.

h. Appropriate pedestrian safety measures such as well marked crosswalks, signage, adequate lighting and curb bump outs.

Pedestrian safety features, signage and crosswalk treatments will be considered and recommended as part of the SDP review. Some signs are proffered as part of the BPIS off-site requirements and additional details will be provided at the time of SDP.

i. Appropriate in-road bicycle facilities along some internal roads on the subject site in keeping with the 1999 AASHTO Guide for the Development of Bicycle Facilities.

Bike lanes are not appropriate along the internal roads as the roads are private and not through streets, serving only the townhouse development. Bike lanes or other bicycle treatment should be considered by DPW&T along the entirety of Garrett A Morgan Boulevard at the time of road resurfacing or frontage improvement.

Proposed On-Site Bicycle and Pedestrian Improvements

The subject site's frontage of Garrett A Morgan Boulevard has already been improved with a decorative wide sidewalk. Internal to the site, a mix of private roads and alleys is proposed. The alleys (Road Type C) do not include sidewalks as they serve as access to the rear-loaded units. Sidewalks are reflected on both sides of Private Road 'A' (Road Type A) and required on both sides of Private Road 'B' (Road Type B).

The existing Summerfield community (SDP-9201 Revisions '01-03') adjacent to the southeast includes an extensive trail network. One of these trails terminates at the boundary of the subject site and will connect the subject site to the existing trail network abutting the subject site.

Review of the Bicycle and Pedestrian Impact Statement (BPIS) and Proposed Off-Site Improvements

Due to the location of the subject site within a designated center, the application is subject to Section 24-124.01(c), which includes a requirement for the provision of off-site bicycle and pedestrian improvements. The Subdivision Regulations includes the following guidance regarding off-site improvements:

- (c) As part of any development project requiring the subdivision or re-subdivision of land within Centers and Corridors, the Planning Board shall require the developer/property owner to construct adequate pedestrian and bikeway facilities (to the extent such facilities do not already exist) throughout the subdivision and within one-half mile walking or bike distance 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 a public school, park, shopping center, or line of transit within available rights-of-way.**

Decorative wide sidewalks exist along both sides of Garrett A Morgan Boulevard along the frontage of the subject site and between the site and the entrance to the Morgan Boulevard station. Crosswalks and pedestrian signals also exist to get the future residents of the subject site across Garrett A Morgan Boulevard and across the ingress/egress point for the Metro station.

Section 24-124.01 also includes specific guidance regarding the cost cap for the off-site improvements. The amount of the improvements is calculated according to Section 24-124.01(c):

The cost of the additional off-site pedestrian or bikeway facilities shall not exceed thirty-five cents (\$0.35) per gross square foot of proposed retail or commercial development proposed in the application and Three Hundred Dollars (\$300.00) per unit of residential development proposed in the application, indexed for inflation.

The subject application is approved for 52 single-family attached (dwelling units). Per Section 24-124.01(c), the calculation of the cost cap for the subject site is \$15,600 based on the cap of \$300 per dwelling unit.

Section 24-124.01 provides specific guidance regarding the types of off-site bicycle and pedestrian improvements that may be required, per Section 24-124.01(d):

- (d) Examples of adequate 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):**

- (1) installing or improving sidewalks, including curbs and gutters, and increasing safe pedestrian crossing opportunities at all intersections;
- (2) installing or improving streetlights;
- (3) building multi-use trails, bike paths, and/or pedestrian pathways and crossings;
- (4) providing sidewalks or designated walkways through large expanses of surface parking;
- (5) installing street furniture (benches, trash receptacles, bicycle racks, bus shelters, etc.); and
- (6) installing street trees.

The submitted Bicycle and Pedestrian Impact Statement (BPIS) fulfills the requirements of the "Transportation Review Guidelines, Part 2." The BPIS Includes the following information, per the outlined review process on pages 9–13 of the "Guidelines":

"Per Section 24-124.01(c), the calculation of the cost cap for the subject site is \$15,600 based on the cap of \$300.00 per each of the 52 dwelling units proposed. Due to the small size of the cost cap, limited off-site improvements can be required."

The pre-application meeting was held between M-NCPPC and the applicant on October 20, 2015. The meeting reviewed the requirements of the May 2013 "Transportation Review Guidelines – Part 2," the required on-site and off-site improvements, and the required findings of adequacy. At the time of the pre-application meeting, it was noted that due to the relatively small size of the development, the cost cap would be fairly low. The nearby Morgan Boulevard Metro Station was identified as the primary pedestrian trip generator. It was also noted that an extensive network of paved hiker-biker trails exists on the Summerfield development immediately to the east of the subject property. These trails provide access between development pods within Summerfield, as well as the various recreational facilities located throughout the development. Although a connection through the subject site to this trail network is shown on the MPOT and area master plan, it was acknowledged that steep and severe slopes may make the provision of this connection difficult.

The BPIS was received on February 20, 2015. The BPIS briefly discusses some of the facilities provided on-site and provides a more detailed analysis of the steep slopes that may prevent the completion of the trail to the rest of Summerfield. This trail connection is discussed further. The BPIS concludes that the sidewalk network and necessary crosswalk and pedestrian signals exist between the subject site and the Metro. Pedestrian safety signage is proposed for the required off-site improvements, but no details are provided. A signage plan with details (type and location

of signs) is recommended for the review and comment of DPW&T/DPIE at the time of SDP. In addition to the wayfinding and safety signage, R4-11 signs (bikes may use full right lane) should be installed along Garrett A Morgan Boulevard, per the approval of DPW&T/DPIE.

Once the signage plan has been completed, coordination with DPW&T/DPIE will take place to ensure their concurrence with the recommended off-site improvements and signage.

Demonstrated Nexus between the Subject Application and the Off-Site Improvements

Section 24-124.01(c) requires that a nexus be found with the subject application in order for the Planning Board to require the construction of off-site pedestrian and bikeway facilities. This section is copied below, and the demonstrated nexus between each of the proffered off-site improvements and the subject application is summarized below:

- (c) **As part of any development project requiring the subdivision or re-subdivision of land within Centers and Corridors, the Planning Board shall require the developer/property owner to construct adequate pedestrian and bikeway facilities (to the extent such facilities do not already exist) throughout the subdivision and within one-half mile walking or bike distance 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 a public school, park, shopping center, or line of transit within available rights of way.**

Nexus

The off-site improvements for wayfinding and bicycle signage will be utilized by the future residents of the subject site, as well as the surrounding communities, by providing wayfinding from the site to the existing Metro station and by better accommodating bicycles along Garrett A Morgan Boulevard consistent with current county standards and guidelines. Although full bike lanes may be considered by DPW&T at the time of road resurfacing or improvement, the R4-11 signs will provide clarification to both motorists and bicycles regarding the appropriate location for bicycles travelling along the road. The enhancements to the pedestrian crossing of Garrett A Morgan Boulevard will directly benefit the future residents of the subject site by enhancing the existing connection between the site and the Metro station.

Connection to the Summerfield Trails Network

The adjacent Summerfield development contains an extensive network of existing trails on both M-NCPPC land and HOA land that extend throughout the Summerfield development, provide for opportunities for walking and biking in the Summerfield area, and provide non-motorized access to different recreational facilities. This network can be seen on the BPIS map and was planned for and approved via Preliminary Plan 4-91121 and Specific Design Plan SDP-1201. This network was intended to extend to adjacent properties (including the subject site) as development occurs, as indicated on prior approvals. One fully constructed HOA trail terminates at the southeast boundary of the subject site as shown on the PPS and depicted in the photographs. The location of this trail connection shall be reflected on the SDP for the subject site.

The connection from the subject site to this trail network is important as this connection will link the subject site to the overall trail network and nearby recreation facilities, as well as fulfill the master plan requirement in the MPOT and area master plan. However, due to steep and severe slopes along that portion of the subject property, Americans with Disabilities Act (ADA) compliance may not be feasible as outlined in the submitted BPIS. Furthermore, the trail connection qualifies for two of the exceptions noted in Section 1019.1 of the Architectural Barriers Act Accessibility Guidelines. One, compliance is not practicable due to the terrain. The steep and severe slopes make the provision of an ADA compliant connection not feasible or practicable. Second, if the necessary ADA ramps and switchbacks were constructed in order to make the connection ADA compliant, it would fundamentally alter the function and purpose of the facility and the setting. The existing Summerfield trails are basically recreational paths in a wooded, natural, park-like setting. Providing the switchback trail construction and the necessary clearing and grading of the wooded hillside would alter the park-like, natural setting of the corridor.

Finding of Adequate Bicycle and Pedestrian Facilities

Section 24-124.01 of the Subdivision Regulations requires that the Planning Board make a finding of adequate bicycle and pedestrian facilities at the time of PPS approval. Section 24-124.01 is applicable to Preliminary Plans within designated Centers and Corridors. The subject application is located within the designated Morgan Boulevard Metro Center and the Central Avenue Corridor, as depicted on the Adequate Public Facility Review Map of the General Plan.

Section 24-124.01 of the Subdivision Regulations also included specific guidance on the criteria for determining adequacy, as well as what steps can be taken if inadequacies need to be addressed.

Section 24-124.01(b)(1) and (2) of the Subdivision Regulations includes the following criteria for determining adequacy:

- (b) Except for applications for development project proposing five (5) or fewer units or otherwise proposing development of 5,000 or fewer square feet of gross floor area, before any preliminary plan may be approved for land lying, in whole or part, within County Centers and Corridors, the Planning Board shall find that there will be adequate public pedestrian and bikeway facilities to serve the proposed subdivision and the surrounding area.**

- 1. The finding of adequate public pedestrian facilities shall include, at a minimum, the following criteria:**
 - a. the degree to which the sidewalks, streetlights, street trees, street furniture, and other streetscape features recommended in the Countywide Master Plan of Transportation and applicable area master plans or sector plans have been constructed or implemented in the area; and**

Two master plan trails issues impact the subject site. The MPOT recommends a trail connection from the subject site to the adjacent Summerfield development and a wide sidewalk along Garrett A Morgan Boulevard. Decorative wide sidewalks exist along the frontage of the subject site. This sidewalk includes decorative and interpretative treatments along the road, including the frontage of the subject site. Striping for designated bike lanes or other bicycle treatment can be considered comprehensively for the road by DPW&T at the time of road resurfacing or improvements.

Conditions of approval address the master plan trail connection to Summerfield, which will give the future residents of the subject site access to the surrounding trails network and park facilities.

- b. **the presence of elements that make is safer, easier and more inviting for pedestrians to traverse the area (e.g., adequate street lighting, sufficiently wide sidewalks on both sides of the street buffered by planting strips, marked crosswalks, advance stop lines and yield lines, "bulb out" curb extensions, crossing signals, pedestrian refuge medians, street trees, benches, sheltered commuter bus stops, trash receptacles, and signage. (These elements address many of the design features that make for a safer and more inviting streetscape and pedestrian environment. Typically, these are the types of facilities and amenities covered in overlay zones).**

The subject site includes an existing wide sidewalk along the frontage of Garrett A Morgan Boulevard and internal sidewalks along both sides of some roads. Additional sidewalks are required along the internal roads consistent with the Complete Streets policies of the MPOT. A sidewalk/trail connection is required from the subject site to the existing trail system on the adjacent Summerfield development (SDP-9201). The trail currently ends at the boundary of the subject site and providing access from the site to the existing trail will make the surrounding trails network and nearby public recreation facilities accessible to the future residents of the subject site. Off-site improvements will include signage, crosswalk, and curb ramp enhancements at the existing crossing of Garrett A Morgan Boulevard between the subject site and Metro. This will be the primary link between the site and Metro and is the location where improvements are most needed.

- 2. **The finding of adequate public bikeway facilities shall, at a minimum, include the following criteria:**

- a. **the degree to which bike lanes, bikeways, and trails recommended in the Countywide Master Plan of Transportation and applicable area master plans or sector plans have been constructed or implemented in the area;**

The MPOT recommends designated bike lanes along Garrett A Morgan Boulevard. Striping for designated bike lanes or other bicycle treatment can be considered comprehensively for the road by DPW&T at the time of road resurfacing or improvements. Conditions of approval address the master plan trail connection to Summerfield, which will give the future residents of the subject site access to the surrounding trails network and park facilities. "Bikes May Use Full Right Lane" signs are required along Garrett A Morgan Boulevard in the interim to address bike access along the road at this time with the current lane configuration.

- b. **the presence of specially marked and striped bike lanes or paved shoulders in which bikers can safely travel without unnecessarily conflicting with pedestrians or motorized vehicles;**

The MPOT recommends designated bike lanes along Garrett A Morgan Boulevard. Striping for designated bike lanes or other bicycle treatment can be considered comprehensively for the road by DPW&T at the time of road resurfacing or improvements. Conditions of approval address the master plan and CDP trail connection requirements to Summerfield, which will give the future residents of the subject site access to the surrounding trails network and park facilities. "Bikes May Use Full Right Lane" signs are required along Garrett A Morgan Boulevard in the interim to address bike access along the road at this time with the current lane configuration.

- c. **the degree to which protected bike lanes, on-street vehicle parking, medians or other physical buffers exist to make it safer or more inviting for bicyclists to traverse the area; and**

Currently, no bike lanes exist along Garrett A Morgan Boulevard. However, bike lanes can be considered comprehensively for the road at the time of road resurfacing or restriping. This will likely require the reduction of the width of the travel lanes and/or the reallocation of space within the existing curb-to-curb roadway. "Bikes May Use Full Right Lane" signs are required along Garrett A Morgan Boulevard in the interim to address bike access along the road at this time with the current lane configuration.

- d. **the availability of safe, accessible and adequate bicycle parking at transit stops, commercial areas, employment centers, and other places where vehicle parking, visitors, and/or patrons are normally anticipated.**

There are existing bicycle racks and lockers at the Garrett A Morgan Boulevard Metro Station which the future residents of the subject site will be able to use.

9. **Transportation**—Comprehensive Design Plan (CDP-0301) was approved by the District Council (January 27, 2004). The following transportation related condition was included in the CDP.

Condition 20:

The following road improvement has been identified as needed for transportation adequacy: At the MD 214/Ritchie Road/Garrett A Morgan Boulevard intersection, construction of a second westbound left-turn lane along the MD 214 approach. At the time of Preliminary Plan submittal, a Traffic Impact Study shall be submitted which includes further analysis of the impact on area traffic of the construction of the Ritchie Marlboro/I-95 interchange. This improvement, or other improvement(s) which achieve adequacy as determined by the Transportation Planning Section in phase with development, may be required for approval of the Preliminary Plan of Subdivision.

This condition no longer applies. The westbound double left-turn lane on Central Avenue (MD 214) is not needed for transportation adequacy based on a recent traffic count and site impact analysis (traffic impact study) submitted by the applicant. The interchange at Ritchie Marlboro Road/Capital Beltway (I-95/I-495) has been completed. No further analysis of this interchange is required.

Traffic Analyses

Although a traffic impact study was not required because the proposed development would generate less than 50 trips, one was submitted and reviewed. The traffic study included six nearby intersections; they are all signalized except Garrett A Morgan Boulevard and Fieldstone Way.

The findings outlined below are based upon a review of materials and analyses conducted by the staff of the Transportation Planning Section consistent with the "Transportation Review Guidelines, Part 1" (*Guidelines*).

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

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

Un-signalized intersections: The procedure for un-signalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. A three-part process is employed for two-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the critical lane volume (CLV) is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using *The Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed. Once the CLV exceeds 1,150 for either type of intersection, this is deemed to be an unacceptable operating condition at un-signalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The following critical intersections, when analyzed with existing traffic using counts taken in May 2014 and existing lane configurations operate as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV) (AM & PM)		Level of Service (LOS), AM & PM)	
Garrett A Morgan Boulevard and Ridgefield Boulevard	385	439	A	A
Garrett A Morgan Boulevard and Morgan Boulevard Metrorail/Site Access	463	557	A	A
Garrett A Morgan Boulevard and Fieldstone Way	371*	411*	A	A
MD 214 and Hill Road	1,129	1,243	B	C
MD 214 and Garrett A Morgan Boulevard	1,366	1,549	D	E
MD 214 and Brightseat Road	1,059	1,313	B	D
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the critical lane volume (CLV) for each intersection, and all are within the threshold of acceptable operations.				

The critical intersections identified above are not programmed for improvements with 100 percent construction funding within the next six years in the current Maryland Department of Transportation "Consolidated Transportation Program" or the Prince George's County "Capital Improvement Program." There were no background developments in the vicinity of the site. Regional traffic growth was estimated at 0.5 percent per year for two years and added to through

traffic movements. The following critical intersections identified above, when analyzed with background traffic and existing lane configurations, operate as follows:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV) (AM & PM)		Level of Service (LOS), AM & PM	
Garrett A Morgan Boulevard and Ridgefield Boulevard	386	441	A	A
Garrett A Morgan Blvd. and Morgan Boulevard Metrorail/Site Access	468	563	A	A
Garrett A Morgan Boulevard and Fieldstone Way	374*	415*	A	A
MD 214 and Hill Road	1,140	1,255	B	C
MD 214 and Garrett A Morgan Boulevard	1,381	1,565	D	E
MD 214 and Brightseat Road	1,071	1,327	B	D
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the critical lane volume (CLV) for each intersection, and all are within the threshold of acceptable operations.				

The intersections under study, when analyzed with any programmed improvements and total future traffic operate as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV) (AM & PM)		Level of Service (LOS), AM & PM	
Garrett A Morgan Boulevard and Ridgefield Boulevard	388	442	A	A
Garrett A Morgan Boulevard and Morgan Boulevard Metrorail/Site Access	500	573	A	A
Garrett A Morgan Boulevard and Fieldstone Way	375*	418*	A	A
MD 214 and Hill Road	1,143	1,259	B	C
MD 214 and Garrett A Morgan Boulevard	1,393	1,566	D	E
MD 214 and Brightseat Road	1,071	1,328	B	D
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the critical lane volume for each intersection, and all are within the threshold of acceptable operations.				

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

Site Access

The site plan was submitted showing one access point opposite and aligning with the Morgan Boulevard Metrorail Station entrance. This intersection is signalized. Road Sections were originally reviewed and approved as part of Comprehensive Design Plan CDP-0301 Text (Exhibit

7 Street Sections). The PPS is approved with revisions to these street sections as depicted on sheet 2 of the PPS (Road Sections). The proposed section Road Type 'A' consolidates to one access point onto Garrett A Morgan Boulevard, which is opposite to and aligns with the Morgan Boulevard Metrorail Station entrance. This intersection is signalized. Proposed Road Type 'A' is a private 46-foot- wide right-of-way, containing a 22-foot-wide road, with 5-foot sidewalks and 6-foot planting strips on both sides of the road. Proposed Road Type 'B' runs parallel to Garrett A Morgan Boulevard, and is a private right-of-way which varies from 41 feet to 52 feet wide, depending on if the section of the road contains parallel parking. The typical street section proposes 22-foot-wide roadway, with 8-foot parallel parking along the east side of the road where possible, and a 5-foot sidewalk along the eastern side. As discussed above in the Trails Finding, the Road Section for Road Type 'B' shall be revised to include a 5-foot sidewalk on the western side of this road. Proposed Road Type 'C' are alleys perpendicular off of Road Type 'B', and are 20 feet wide. Proposed Road 'B,' which parallels Garrett A Morgan Boulevard, is over 400 feet long and is shown without a turnaround, which is acceptable. The applicant submitted a fire truck turn exhibit for Proposed Road B and the alleys. The Office of the Fire Marshall, in a meeting with staff on April 16, 2015, stated that the turning requirements are met with the plan as proposed. Two 20-foot private alleys are shown on the site plan without turnarounds. This is acceptable since they are less than 150 feet long. The site is subject to underlying street sections found in approved CDP-0301. The Department of Public Works and Transportation recommended that the site access point should have a shared thru/left turn lane and a separate right turn lane. The County will review the operation of this access as part of a street construction permit. However, TPS believes that requiring an addition lane beyond the two 11-foot-wide travel lanes proposed in Road Type 'A' is not necessary. This finding is based on the limited development proposed (52 attached dwelling units) and that the Road 'A' connection to Garrett A Morgan Boulevard is an existing signalized intersection. Adequate access roads will exist in accordance with Section 24-124 of the Subdivision Regulations as approved. At the time approval, the width of the required right-of-way for Road Type 'A' (Private Road A) is unresolved. At the time of SDP, coordination between DPW&T and Transportation Planning Section of M-NCPPC shall determine the right-of-way required for Road Type 'A' (Private Road A), which could result in the loss of a lot. Minor modifications to the lotting pattern to address this issue can be expected if required.

Garrett A Morgan Boulevard is a master plan arterial roadway in the *Approved Subregion 4 Master Plan and Endorsed Sectional Map Amendment*. No further dedication is required, direct access is not proposed for any lot. The final plat should reflect a denial of access along the properties frontage of Garrett A Morgan Boulevard.

Based on the preceding findings, adequate transportation facilities will exist to serve the proposed subdivision.

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

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

Affected School Clusters #	Elementary School 3 Cluster	Middle School 3 Cluster	High School 3 Cluster
Dwelling Units	52	52	52
Pupil Yield	0.145	0.076	0.108
Subdivision	8	4	6
Actual	6,696	2,135	4,382
Total Enrollment	6,704	2,139	4,388
State Rated	8,786	2,890	6,211
Percent Capacity	76%	74%	71%

County Council Bill CB-31-2003 established a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority (WMATA); or \$12,000 per dwelling for all other buildings. County Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$9,035 and \$15,489 to be paid at the time of issuance of each building permit.

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

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

11. **Fire and Rescue**—This PPS has been reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(C) and (E) of the Subdivision Regulations.

Section 24-122.01(e) (1) (E) states that “A statement by the Fire Chief that the response time for the first due station in the vicinity of the property proposed for subdivision is a maximum of seven (7) minutes travel time. The Fire Chief shall submit monthly reports chronicling actual response times for call for service during the preceding month.” The proposed project is served by Ritchie

Fire Department a first due response station (a maximum of seven (7) minutes travel time), which is located at 1415 Ritchie Marlboro Road.

12. **Police Facilities**—The proposed development is within the service area of Police District III, Palmer Park. The response time standard is ten minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on March 9, 2015.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Nonemergency Calls
Acceptance Date 3/9/2015	2/2015-3/2014	6 minutes	13 minutes
Cycle 1			
Cycle 2			
Cycle 3			

Based upon police response times, the response time standards of ten minutes for emergency calls and 25 minutes for nonemergency calls were met on March 11, 2015.

13. **Water and Sewer Categories**—The 2008 *Water and Sewer Plan* designates Outlot 1 in Water and Sewer Category 4, inside the sewer envelope, in the Developed Tier, and within Developed Tier 1 under the Sustainable Growth Act. Water and Sewer Category 3, obtained via the Administrative Amendment procedure, must be approved prior to signature of a final plat by the Department of Environment (DoE). Existing water lines are located in Garrett A Morgan Boulevard, Jurgensen Way, Riggos Way and Gibbs Way and abut Outlot 1. Existing sewer lines are located in Jurgensen Way, Riggos Way and Gibbs Way and abut Outlot 1. Water and sewer line extensions or an on-site system may be required to service the proposed subdivision, and must be approved by the Washington Suburban Sanitary Commission (WSSC).
14. **Health Department**—Miscellaneous solid waste materials (construction materials, fencing, carpet, tire, trash) must be collected and properly disposed to a municipal waste landfill. Any wells or septic system components discovered in the course of site development and grading must be backfilled and/or sealed in accordance with Health Department requirements.
15. **Use Conversion**—This preliminary plan of subdivision was analyzed based on the proposal for residential development. The analysis includes access, mandatory dedication, public facilities, and density specifically related to the land use and layout proposed with this application. While the subject application is not proposing any nonresidential development, if such a land use were proposed, a new preliminary plan of subdivision shall be required.
16. **Public Utility Easement (PUE)**—In accordance with Sections 24-122(a) and 24-128 of the Subdivision Regulations, when utility easements are required by a public utility company, the subdivider should include the following statement in the owner's dedication on the final plat:

“Utility easements are granted pursuant to the terms and provisions recorded among the Land Records of Prince George’s County in Liber 3703 at Folio 748.”

The preliminary plan of subdivision delineates a ten-foot-wide public utility easement (PUE) along the Garrett A Morgan Boulevard and one side of interior private streets and will be required on the final plat prior to approval.

17. **Historic**—Located approximately 950 feet southwest of the subject property is the William and Mildred Ridgley Gray Residence Historic Site (72-061). The historic site is not adjacent to the developing property. Three prehistoric archeological sites, 18PR534, 18PR535 and 18PR536 were identified on the west side of Garrett A Morgan Boulevard in a Phase I survey conducted in 1997 prior to the construction of the Morgan Boulevard Metro Station. All three sites were described as small prehistoric lithic scatters and were not determined to be eligible for listing in the National Register of Historic Places. Given the steep slopes on the subject property, it is unlikely that significant archeological resources will be identified. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. This proposal will not impact any historic sites, historic resources or known archeological sites.
18. **Environmental**—The Environmental Planning Section previously reviewed the subject property in 1996 in conjunction with Basic Plan Amendment A-9685 and subsequently as Comprehensive Development Plan CDP-0301 and associated Type 1 Tree Conservation Plan TCP1-027-03, which were approved with conditions. The Environmental Planning Section previously reviewed portions of the overall property with two Preliminary Plans of Subdivision and their associated TCP1’s (4-03124 with TCP1-027-03-01 and 4-04032 and TCP1-027-03-02). SDP-0418 and TCP2-083-04 were also reviewed by the Environmental Planning Section. Staff reviewed and approved a Natural Resources Inventory, NRI-159-14, on February 2, 2015. The subject proposal is for the subdivision of Outlot 1 into 52 townhouse lots and 7 parcels.

Grandfathering

The project is subject to the environmental regulations contained in Subtitles 24 25, and 27 that came into effect on September 1, 2010 and February 1, 2012 because the application is for a new preliminary plan.

Site Description

The preliminary plan is 11.34 acres, and part of an overall site totaling 91.48 acres, in the L-A-C Zone, and is located on the east side of Garrett A Morgan Boulevard, north of Fieldstone Way. A review of the available information indicates that streams, wetlands, 100-year floodplain, areas of steep slopes are found to occur within the limits of the preliminary plan and comprise the Primary Management Area (PMA). The Maryland Department of Natural Resources has mapped this property within the Western Branch watershed of the Patuxent River basin. The Prince George’s Department of the Environment has mapped this property within the Southwest Branch watershed of the Patuxent River basin. The predominant soils found to occur according to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil

Survey (WSS) include the Adelphia-Holmdel complex, the Collington-Wist complex, Collington-Wist-Urban land complex, and the Widewater and issue soils. According to available information, Marlboro clay and Christiana clays are not found to occur on this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or in the vicinity of this property. No Forest Interior Dwelling Species (FIDS) habitat or FIDS buffer are mapped on-site. Fifteen (15) specimen trees were identified on-site and three (3) specimen trees were identified within 100 feet of the property boundary. The site has frontage on Garrett A Morgan Boulevard which is a designated Arterial roadway that is regulated for noise. The site abuts the Blue Line Metro right-of-way of the Washington Metropolitan Area Transit Authority (WMATA), which is regulated for noise and vibration. The site does not front on any scenic or historic roadway. The southern portion of the site is located within the JB Andrews Imaginary Runway Surface 8 [approach/ departure (50:1)] and the northern portion of the site is located within the JB Andrews Imaginary Runway Surface C [approach/ departure (horizontal)]. The site is located within the 2004 Approved Morgan Boulevard and Largo Town Center Metro Areas Sector Plan Development District, the Morgan Boulevard Local Center of the Growth Policy Map and Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan*. According to the approved Countywide Green Infrastructure Plan, the site contains Regulated areas, Evaluation areas, and Network Gap areas.

Approved Sector Plan and Sectional Map Amendment for Morgan Boulevard and Largo Town Center Metro Areas

There are few specific recommendations pertaining to the environmental elements of the May 2004 *Approved Sector Plan and Sectional Map Amendment for Morgan Boulevard and Largo Town Center Metro Areas* that relate to the subject property. The environmental elements pertaining to the subject property are stormwater management, woodland conservation, and the preservation of the unnamed tributaries of Southwest Branch that flow through the Morgan Boulevard core area. The site is currently entirely wooded. The proposed site design will preserve a large portion of the existing woodland and stream valley which is a result of a density increment granted to the applicant in accordance with 27-496(b)(6) of the Zoning Ordinance for preservation irreplaceable features. All applicable environmental elements are addressed in detail as identified in the below in the sections for previous approvals and environmental review.

Conformance with the Countywide Green Infrastructure Plan

The site contains Regulated, Evaluation and Network Gap Areas within the designated network of the 2005 *Approved Countywide Green Infrastructure Plan*. The site contains significant Regulated and Evaluation Areas along the northern portion of the property, which according to the approved NRI, contains floodplain, wetlands and a stream system. The Evaluation Area also extends to the south of the stream valley and is mostly protected by the PMA. The plan proposes significant impacts to the Regulated area, specifically within the stream buffer and stream bed for the installation of a sewer line. The sewer pipe would cross the stream multiple times as it continues downstream to connect with an existing sewer approximately 1,000 feet from the beginning of the extension. The proposed alignment will result in permanent impacts to the stream that would need

future disturbances to access for routine maintenance and repairs. Impacts are discussed in detail in a later section. Based on that detailed discussion, which includes alternatives alignments that can preserve the Regulated Area in full, the proposed design is not in general conformance with the Countywide Green Infrastructure Plan.

Conformance with the 2010 Approved Water Resources Functional Master Plan

The 2010 *Approved Water Resources Functional Master Plan* contains policies and strategies related to the sustainability, protection and preservation of drinking water, stormwater, and wastewater systems within the County, on a countywide level. These policies are not intended to be implemented on individual properties or projects and instead will be reviewed periodically on a countywide level. As such, each property reviewed and found to be consistent with the various countywide and area master plans, county ordinances for stormwater management, floodplain and woodland conservation, and programs implemented by the Prince George's County Department of Permitting, Inspections & Enforcement (DPIE), Prince George's County Department of Health, Prince George's County Department of the Environment (DoE), Prince George's Soil Conservation District, Maryland-National Park and Planning Commission (M-NCPPC) and Washington Suburban and Sanitary Commission (WSSC) are also deemed to be consistent with this master plan.

Environmental Conditions of Approval from previous applications

The Basic Plan, A-9678C, contained several environmental conditions of approval. The conditions were appropriately addressed during the preparation and approval of the Conceptual Design Plan.

The approval of the CDP by the District Council included numerous conditions that dealt with environmental issues to be addressed during subsequent reviews. The environmental issues to be addressed during the review of this Preliminary Plan are addressed below. The respective conditions are in **boldface text**, the associated comments are in plain text.

Comprehensive Design Plan, CDP-0301

2. Prior to certification of the CDP, the CDP and TCPI shall be revised to:

- b. Minimize or eliminate impacts to PMA except where the road crossings, sewer connections, and storm drain outfalls are required. Where crossings are required, they shall be placed at the point of least impact as determined by the Environmental Planning Section.**

This condition has not been fully addressed. The plan does show the location of the storm drain outfall and sewer; however staff is not in support of the proposed sewer alignment because it results in extensive impacts and there are other alternatives which result in less or no impacts. A detailed discussion of the impacts is provided in response to Condition 13 (CDP-0301).

While this condition indicates that minimization or elimination of impacts is required with the exception of sewer extensions, the Planning Boards sole authority to review impacts to regulated areas with the preliminary plan of subdivision stems from Section 24-130 of the Subdivision Regulations and not superseded by the District Council in the review of a zoning case. Moreover, the applicant has not demonstrated that the impact proposed location is required. In fact, alternatives exist that would demonstrate that this alignment is not "required."

- e. **Show the estimated location of the 65 dBA Ldn noise contour along Garrett A Morgan Boulevard and along the Metro line as appropriate.**

The area of proposed development on the site is a minimum of 300 feet from the Washington Metro Area Transit Authority (WMATA) parcel containing the metro line and no further noise or vibration analysis was required for the preliminary plan of subdivision (PPS) application.

The previously approved CDP and PPS for other portions of the overall site showed an unmitigated 65 dBA Ldn noise contour associated with Garrett A Morgan Boulevard; however, the study upon which the contour was based is unavailable. The unmitigated 65 dBA Ldn noise contour shown on the current application is in accordance with the Environmental Planning Section's noise model, based on the State Highway's 2013 Annual Average Daily Traffic (AADT) counts. The location of the noise contour based on the EPS model is not as conservative as the contour previously shown.

The plan shows that all proposed townhouses abutting Garrett A Morgan Boulevard (Lots 26 through 52) are located within the unmitigated 65 dBA Ldn noise contour. These buildings will require enhanced building materials to mitigate interior noise, to below the state standard of 45 dBA Ldn. A certification by a professional engineer with competency in acoustical analysis must be placed on the building permits stating that building shells of structures have been designed to reduce interior noise levels to 45 dBA Ldn or less for residential buildings located within the unmitigated 65 dBA Ldn noise contour. In order to determine the extent of enhanced building materials that will be needed to mitigate interior noise, a Phase II noise report prepared and sealed by a Professional Engineer with competency in acoustical analysis must be submitted with the specific design plan (SDP).

Lots 23 through 52 front on Garrett A Morgan Boulevard with driveway access from the site's interior roadways. Limited outdoor activity areas appear to be located within the unmitigated 65 dBA Ldn noise contour associated with Garrett A Morgan Boulevard, as delineated.

5. **The Woodland Conservation threshold portion of the requirement (8.97 acres) shall be satisfied as on-site preservation of priority woodlands. The balance of the requirements may be satisfied by additional off-site preservation, on-site**

reforestation, or at an approved off-site mitigation bank in the Developing Tier. If the project is phased, woodland on-site that will be cleared in the future can be used to meet the requirements until such time as the off-site mitigation requirement is applicable.

This condition has been addressed. The woodland conservation threshold for the overall 91.48-acre property is 15 percent of the net tract area or 10.09 acres. The woodland conservation requirement is proposed to be met with 5.00 acres of preservation on Phase 2 and 6.58 acres of preservation on the current application for Phase 3. An additional 3.63 acres is shown as preservation on the remaining Phase 4. Even without Phase 4, this condition has been met with the current application because the preservation in Phases 2 and 3 exceed the threshold. The remainder of the requirement is proposed to be met at an off-site bank.

12. At time of Preliminary Plan submittal, a TCPI shall be submitted that includes the following:

- a. Elimination of isolated woodland conservation areas by adjusting the layout and providing larger contiguous forest areas in the vicinity of the PMA and thus further minimizing proposed PMA impacts.**

This condition has been addressed. A contiguous area of woodland preservation totaling 6.58 acres is proposed for Phase 3 under the current application. The woodland preservation area is separated only by existing floodplain, which is not counted as woodland conservation credits, but is still preserved.

- b. The location of all sewer and water lines and stormwater outfalls including those connecting to existing facilities located outside the limits of this application.**

This condition has been addressed; however the sewer location is within a sensitive environmental area. Impacts regarding the location of the sewer are discussed below in Condition 13 of Comprehensive Design Plan CDP-0301.

- c. Mitigation of any off-site clearing at a 1:1 ratio for all woodlands cleared as part of TCPI/27/03.**

The woodland conservation worksheet shown on the TCP1 as submitted meets this condition. The woodland conservation calculations are discussed in detail under the Environmental Review Section.

13. The Preliminary Plan of Subdivision shall be designed to preserve the PMA to the fullest extent possible. If impacts are proposed, a Letter of Justification shall be submitted with the Preliminary Plan application. It shall include a description and

justification of each proposed area of impact. The impacts to each feature of the PMA shall be quantified and shown on 8-1/2 x 11-inch sheets.

This condition has been addressed for three of the four impacts proposed. There is a Primary Management Area (PMA) comprised of Regulated Environmental Features which include streams and wetlands, associated buffers, 100-year floodplain and adjacent steep slopes. These Regulated Environmental Features are required to be preserved and/or restored to the fullest extent possible under Section 24-130(b)(5) of the Subdivision Regulations.

Impacts to the regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for stormwater management facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the regulated environmental features. Stormwater management outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, stormwater management facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with County Code. Impacts to regulated environmental features must first be avoided and then minimized. The statement of justification must address how each impact has been avoided and/or minimized.

The site contains a total of 4.64 acres of PMA consisting of the steep slopes, floodplain, wetlands and its 25-foot buffer and stream and its associated 60-foot buffers. With regard to the proposed impacts staff has received the following information to date:

Statement of Justification received March 10, 2015

The original statement of justification included a request for three (3) impacts totaling 0.19 acres on-site and 0.39 acres off-site consisting of a retaining wall, stormwater outfall and sewer connection. Of the three proposed impacts, it was noted that the proposed sewer connects would result in the most significant impacts. The justification states that a total of three sewer alignments were considered; however, only one alignment was submitted for review.

In a Subdivision Development Review Committee (SDRC) meeting on March 27, 2015, staff from the Washington Suburban Sanitary Commission (WSSC) requested that additional information be submitted that includes alternative alignments to the proposed sewer connection in consideration of the existing natural features, and also noting comments made in a Letter of Finding to the

applicant dated November 25, 2015 which includes the following comments that are applicable to this analysis:

“The proposed sewer main outfall will impact wetlands, stream buffers, 100-year floodplain, steep slopes and possibly large trees. The alignment may need to be adjustment during the design stage.

“The length of all connections should be minimized.”

“The applicant must resolve all environmental issues directly with the Environmental Reviewer. All outstanding environmental issues must be resolved prior to the Design Phase.”

Alternative alignments received from WSSC via e-mail on April 7, 2015

On April 7, 2015 staff received via e-mail and exhibit from WSSC, prepared by Dewberry, Inc. The exhibit showed two (2) alternative alignments within the right of way of Morgan Blvd and Fieldstone Way connecting to an existing sewer. The two options demonstrate that impacts to the PMA for the sewer can be avoided.

Statement of Justification (revised) received May 19, 2015

Staff received a revised statement of justification from the applicant for the proposed impacts. It appears the purpose of the revised statement was to include an additional impact request for a trail connection to an existing off-site trail.

Applicant's proposed alternative alignment received June 23, 2015

An alternative alignment within the stream valley was via e-mail from the applicant. The submitted alignment resulted in a reduction to the primary management area (PMA); however, no justification statement for the exhibit was included.

Analysis of Impacts

Based on the revised statement of justification, the applicant is requesting a total of four impacts described below:

Impact A as noted in the justification statement is for an on-site sanitary sewer and trail connection.

Although these impacts overlap they should have been separated so that staff could evaluate each impact type and its area of impact separately. For the purposes of this review, the trail shall be identified as Impact A1 and the sewer connection shall be identified as Impact A2.

- **Impact A1** is a permanent impact for a shared-use trail connection. The impact has not been separately quantified in the justification statement. The justification states that the trail has been co-located the trail with the sanitary sewer connection; however the disturbance for the sewer extension is limited to the sewer easement and the proposed trail within the PMA is only partially located within the sewer easement. The rest of this impact would result in disturbance only needed for the trail and not the sewer. It is unclear how much area of disturbance within the PMA is solely necessary to construct the trail; however, the proposed area of impact is along the perimeter of the PMA and would likely be minimal independent of the sewer impact. Additionally, the trail, which will connect to an off-site existing trail on the adjacent property to the east, is recommended by the area Master Plan as well as the November 2009 *Approved Countywide Master Plan of Transportation* (MPOT). Because of the location of the existing off-site trail, this impact cannot be avoided and has been minimized to the fullest extent possible. The Planning Board approved the impact for the trail with conditions.
- **Impact A2 and Impact D** (combined) constitute a proposed sewer line extension to connect to an existing sewer approximately 1,000 feet east from the subject site. The impact area for the sewer connection totals 0.52 acres (0.12 on-site and 0.39 off-site) as described in the request. The proposed trail as previously discussed is partially located within the on-site portion of this impact. The proposed sewer line is located within the stream bank and stream bed and crosses the stream diagonally in three separate areas. WSSC encourages that all stream crossings occur perpendicular to the stream. Two of the areas where the stream crossings occur will result in the disturbance of the stream bed. The request states that the disturbance within the stream bed is approximately 159 linear feet, but staff has measured this area as approximately 210 feet. It is unclear what method would be used to install the pipe; however, some type of excavation and/or trenching would be necessary, temporarily altering the natural path of the stream. Also the natural slopes may be altered as needed.

In a letter dated June 1, 2015, DPR provided the following comment with regard to the proposed sewer alignment:

Unfortunately, the applicant proposes installation of sewer line through the adjacent parkland to serve this subdivision. This area of parkland includes stream and stream buffer. DPR staff believes that proposed impact on environmentally sensitive area on public parkland is severe and unacceptable. The applicant should relocate the proposed sewer line away from the environmentally sensitive areas of parkland.

The applicant states that this impact is temporary; however, staff disagrees because the sewer line would be within a perpetual easement that will be subject to future disturbances by WSSC at any time as needed for maintenance of the utility.

The applicant states that they believe that this alignment is the most feasible of the three possible connection points surrounding the property; however at the time this request was received and to date, the location of the other two connection points was not identified and no cost analysis of the three options were included. The submitted location was based on topography, location of connection, and sewer depth for gravity flow. There were no other alignments to compare the proposed alignment to, nor any explanation as to why the proposed alignment is the most appropriate.

Staff's concern with proposed location of the sewer line is not only that it is a permanent disturbance to the stream valley, but that sewer pipes within these areas are subject to exposure due to the erosion and destabilization of the natural soils, as well as cracking. Cracked, exposed pipes could leak untreated sewage into the stream system, ultimately discharging in the Chesapeake Bay. While the standard practice for many years has been to locate sewer connections within the stream valley, it has become apparent that sewer pipes that cross streams and become exposed can result in blocked fish passage. Other disturbances may also occur as a result of creating access roads needed to bring in the construction equipment. Heavy equipment can lead to soil compaction, limiting natural infiltration. Sewer pipes in stream can also cause tree root exposure and bank failure. It is critical that there is first a determination if alternatives exist and only when there are no alternatives, to permit sewer extensions within stream valleys. Stream valleys should no longer be the default location for sewer extensions if they can be avoided.

One of the applicant's justifications is that the proposed alignment would allow the site to drain by natural gravity which was an early traditional practice. Through the evolution of technology, other alternatives have become available that can minimize the need to locate sewer lines within the stream.

The proposed alignment was conceptually approved by WSSC in November 2014. As previously discussed, the approval noted that consideration would need to be given to the environmental constraints of the alignment and stated the alignment may need to be adjusted. In a staff meeting held on April 8, 2014, Rufus Leeth of WSSC presented an alternative design submitted to WSSC from the applicant which showed two alternative alignments (Option Red and Option Blue) for sewer connections within the nearby rights-of-way. Option Blue would be located beginning from the entrance of the proposed development, continue southeast on Morgan Boulevard, and then north on Field Stone Way to connect to an existing sewer in the road. Option Red has a similar alignment but begins on Morgan Boulevard approximately 600 feet south east of Option Blue. WSSC stated in the meeting with M-NCPPC staff that the alignment in the right-of-way is the preferred option, and that locating the sewer line in the stream is neither the most environmentally sound nor cost effective, and the proposed design would require obtaining easements from abutting property owners and wetland permit approvals. In addition to those requirements, mitigation for the impacts at the state and federal level is very likely if approved. Staff understands that lane closures may be necessary to install the sewer within the road but this is not uncommon and would only be temporary. The road could be fully restored with either of these options. To date, these alternative designs have

not been submitted to staff; however based on Mr. Leeth's information the impacts to the PMA can be avoided.

On June 24, 2015, the applicant submitted an alternative design in which the alignment would cross to the east side of the stream and continue along the perimeter of the eastern stream buffer. The alignment crosses areas of the stream at four locations. A portion of the sewer is located in an area of steep slopes. No other information was submitted with the exhibit and it is unclear how much area of PMA would be impacted. Upon review of the design, the clearing for the alignment would result in a break of the contiguous woodlands proposed to be preserved in that area. The clearing would also be in conflict with Condition 12(a) of the CDP to eliminate isolated woodlands.

In a phone conference on June 25, 2015, Mr. Leeth stated that the alternative alignment would reduce impacts than the proposed alignment, but both would still result in significant disturbance to install the pipe and to access it for future maintenance. He stated that the alternative alignment documents contained insufficient information, which includes the steep slopes and culvert crossings, were not shown on the design. He also stated that due to the topography and the stream channel, the area of disturbance may be more significant than as presented. With regard to the applicant's alignment within the road that was previously submitted to WSSC, Mr. Leeth indicated there are significant costs associated for either option. The applicant would need to determine which is more cost effective, and that accessing through such a complex stream valley, as well as constructing within the stream can be very expensive. He stated that working within wet areas presents more of a challenge and there are safety concerns for the persons performing the maintenance work.

With regard to the alignment within the road, Mr. Leeth stated that the impacts to the road and the needed lane or road closures are standard construction practices and would only be temporary. For future maintenance and repairs, accessing and repairing a pipe within the road would be much less expensive than accessing it through steep terrain and performing repairs in wet areas. It should be noted that once the sewer easement is conveyed to WSSC, the agency would be financially responsible for all future maintenance and repairs of the sewer in the road. In conclusion Mr. Leeth stated that the alignment within the road appears to be the more appropriate alignment.

It should be noted that at the time of CDP for the overall site, the applicant requested a five percent increase in the allowed density based in accordance with Section 27-496(b)(6) of the County Code, Public Benefit Features and Density/Intensity Increment, which allows an increase in density above the base density for preserving irreplaceable features (such as stands of trees, natural swales, or historic buildings). At the time of this request, no development was proposed on the subject site area; however the developable area was established by a limit of disturbance (LOD) for future clearing and grading. The plan showed the preservation of the onsite contiguous tract of woodland associated with the stream valley and no impacts to the regulated areas were proposed at that time. It appears

that the proposed preservation on the subject site significantly contributed to the decision to approve of a five percent density increase.

The impact as proposed, negatively affects the preservation of the on-site features to an off-site location resulting in a net increase of that would be in conflict with the intent of Section 27-496(b)(6).

In consideration of all discussed above, (1) the applicant's proposed alternative alignment to reduce the impacts, (2) alternative alignments within the road submitted to WSSC from the applicant which shows the impacts can be avoided, (3) comments from WSSC on the proposed and alternative alignments, (4) comments from DPR on the proposed alignment; (5) the applicant's density increment for preserving irreplaceable features, and (6) the site's Regulated and Evaluation areas of the Countywide Green Infrastructure Plan, the Planning Board denied the proposed impact as shown on the plan. The sewer extension should be relocated within the road in accordance with the exhibit submitted to staff from WSSC, prepared by the applicant's engineer and that the plans be revised accordingly. At the time of SDP, the applicant may investigate alternative alignments of the sewer extension which impacts may be evaluated with the SDP review.

- **Impact B** is 0.12 acres for a proposed stormwater outfall. This impact will affect steep slopes, stream buffer, and floodplain. The request states that the outfall has been located to utilize existing drainage patterns at an area with minimal impacts. It also states that the impact is temporary; however staff disagrees because the easement for the outfall will be subject to routine maintenance as necessary. Outfalls are necessary for development to safely convey stormwater to the stream. The Planning Board approves this impact.
- **Impact C** is an impact of 0.01 acres for the construction of a retaining wall and includes a ten-foot maintenance easement area. According to the request, the existing topography would necessitate more impacts to the PMA if conventional grading is used due to the presence of steep slopes beyond the limit of the PMA. Staff had early preliminary discussions about the proposed developable area in relation to the constraints of the site due to the wider buffers in accordance with the current regulations. The retaining wall is necessary to address the topography in the developable area and bring the site to a suitable grade. The impacts for the wall have been minimized as shown in the exhibit and according to the request, will be temporary. A minimum ten-foot unencumbered area will be retained for future maintenance of the wall. The Planning Board approves this impact.

With regards to Impacts A1, B and C, staff recommends approval and finds that the application adequately demonstrates the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible.

The impacts the Planning Board **Approved** are for a trail connection, stormwater outfall and retaining wall.

In regards to the proposed on-site and off-site sewer extension, the Planning Board **Disapproves** this impact as stated for the proposed sewer line extension for the reasons described herein.

14. **As part of the submission package for the Preliminary Plan, a copy of the currently approved Stormwater Management Concept Plan and letter shall be included.**

An approved Stormwater Management Concept plan and approval letter (39019-2014-00) were submitted with the subject application. The approved concept shows water quality control requirements being met with micro-bioretenment and drywells.

Section 24-130(b) of the County Code requires the following with respect to stream, wetland, and water quality protection and stormwater management:

- (b) **The Planning Board shall require that proposed subdivisions conform to the following:**
- (1) **The plat shall demonstrate adequate control of the increased runoff due to the ten (10) year storm or such other standards as State law or the County shall adopt.**
 - (2) **The stormwater control shall be provided on-site unless the Planning Board, on recommendation from the County, waives this requirement.**
 - (3) **The submission of a storm drainage and stormwater management concept plan, and approval thereof by the County, may be required prior to preliminary plat approval.**
 - (4) **Where a property is partially or totally within an area covered by an adopted Watershed Plan, the plat shall conform to such plan.**

The approved stormwater concept plan is required to be designed in conformance with any approved Watershed Management Plan, pursuant to Subtitle 32 Water Resources and Protection, Division 3 Stormwater Management, Section 172 Watershed Management Planning.

As such, the requirements of Section 24-130(b)(4), which requires that a subdivision be in conformance with any watershed management plan have been addressed with the approval of the SWM concept plan by the County. No revisions are required for conformance with the approved Stormwater Management Concept.

Environmental Review

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

An approved Natural Resources Inventory, NRI-159-14, was submitted with the application. The NRI indicates that streams, wetlands, 100-year floodplain, and areas of steep slopes are found to occur within the limits of the preliminary plan and comprise the Primary Management Area (PMA). The existing features of the site as shown on the TCP1 and the preliminary plan are in conformance with the NRI.

The FSD indicates the presence of two forest stands totaling 11.34 acres. Fifteen (15) specimen trees were identified on-site and three (3) specimen trees were identified within 100 feet of the property boundary. No revisions are required for conformance to the NRI.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet; there are more than 10,000 square feet of existing woodland on-site; and there are previously Tree Conservation Plans. A Type 1 Tree Conservation Plan, TCP1-027-03, was approved with the CDP and covers 72.69 acres. The -01 revision to TCP1-027-03 was approved with Preliminary Plan 4-03124 for Phase 1 of the overall project. The '-02' revision to TCP1-027-03 was approved with Preliminary Plan, 4-04032, for Phase 2. Type 2 Tree Conservation Plan TCP2-083-04 associated with Specific Design Plan SDP-0418 has also been approved.

The current preliminary plan application is for Phase 3 of the overall project. The Woodland Conservation Threshold (WCT) for the overall 91.48-acre property is 15 percent of the net tract area or 10.09 acres. The woodland conservation requirement based on the amount of clearing proposed as shown on the plan for the current application for Phase 3 is 22.16 acres. The woodland conservation requirement for Phase 3 is proposed with to be satisfied with on-site preservation and off-site woodland conservation credits.

The plan requires technical revisions to be in conformance with the Woodland and Wildlife Habitat Conservation Ordinance (WCO). The worksheet has been modified from the original approvals to increase the floodplain area based on an updated floodplain study (200340) as approved by DPIE on September 11, 2014. The note located below the worksheet regarding the source of the updated floodplain information must be updated to reference the floodplain study number. Because the floodplain area has changed, the overall woodland conservation calculations have changed. The worksheet must be revised to reflect the calculations based on the updated floodplain information. Another note below the worksheet indicates that the site area for Phases 3 and 4 in the worksheet were modified from the original approval based on a revised boundary with

the recordation information listed; however, this boundary change was recorded in 2005, after previous approvals were granted. The land area of the current application must account for the land area in the original application and not be reduced for areas of dedication or deed. The note below the worksheet must be revised to provide additional justification or to be removed entirely. The worksheet must be further revised so that the net tract area of all phases of the application shown in the columns of the worksheet total the net tract area shown at the top of the worksheet; the number must be consistent within the worksheet.

The TCP1 approval block must be revised to the current standard approval block including the column for the associated development review case numbers, with all previous approval information typed-in. The original TCP1 was approved with Comprehensive Design Plan CDP-0301 and signed by Robert Metzger on March 1, 2005. The '-01' revision was approved with PPS 4-03124 and was signed by Robert Metzger on September 29, 2004. The '-02' revision was approved with PPS 4-04032 and was signed by Robert Metzger on 2/25/05. The existing treeline must be clearly shown on sheets 2 and 3 of the plan set. All Forest Stand Delineation information such as the stand boundary must be removed from the plan. The legend for each sheet must be revised so that the linetype scale for each plan feature matches the scale that it is shown on the plan. Revise the TCP1 notes to add the General Plan ESA 1 designation to Note 7, revise Note 9 regarding the arterial status of Garret A Morgan Boulevard to the standard note language, include the standard note regarding grandfathering (the current phase is not grandfathered), and add the standard stormwater management note.

Section 25-122(d)(1)(B) of the County Code requires that woodlands preserved, planted or regenerated in fulfillment of woodland conservation requirements on-site be placed in a woodland conservation easement recorded in the land records. This is in conformance with the requirements of the state Forest Conservation Act which requires that woodland conservation areas have long-term protection measures in effect at all times. This requirement applies to Type 2 Tree Conservation Plans (TCP2) applications approved after September 1, 2010 that do not have a Type 1 Tree Conservation Plan (TCP1) approval before September 1, 2010 (non-grandfathered projects). The recordation of a woodland conservation easement is required prior to the signature approval of a TCP2 for a development application that includes on-site woodland conservation areas.

TCP1 applications are required to meet all of the requirements of Subtitle 25, Division 2 which includes the preservation of specimen trees, Section 25-122(b)(1)(G). Every effort should be made to preserve the trees in place, considering the different species' ability to withstand construction disturbance (refer to the Construction Tolerance Chart in the Environmental Technical Manual for guidance on each species' ability to tolerate root zone disturbances).

If after careful consideration has been given to the preservation of the specimen trees there remains a need to remove any of the specimen trees, a variance from Section 25-122(b)(1)(G) is required. Applicants can request a variance from the provisions of Division 2 of Subtitle 25 (the Woodland and Wildlife Habitat Conservation Ordinance or WCO) provided all of the required findings in Section 25-119(d) can be met. An application for a variance must be accompanied by a Letter of

Justification stating the reasons for the request and how the request meets each of the required findings.

A Subtitle 25 Variance Application and a statement of justification in support of a variance were stamped as received by EPS on May 22, 2015. The request is for the removal of four (4) specimen trees that exist on-site. The trees proposed to be removed are labeled as trees 2 through 5.

Section 25-119(d)(1) of the WCO contains six required findings [**text in bold**] to be made before a variance can be granted. The Letter of Justification submitted seeks to address the required findings for the specimen tree. Specimen Trees 2–5 are evaluated together below:

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

Specimen trees 2, 3, and 4 are located along Garrett A Morgan Boulevard centrally on the site which would be considered the most developable area of the site. Specimen tree 5 is located on steep slopes within the PMA and is proposed to be removed for the installation of a stormwater outfall. The outfall is necessary to convey stormwater to the stream valley and has been placed in a location with minimal PMA impacts.

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

The statement of justification states that it is maximizing the development of the property in accordance with the L-A-C Zone and the site's proximity to the Morgan Boulevard Metro Station. This is in keeping with the site's location within the Morgan Boulevard Local Center as designated by *Plan Prince George's 2035 Approved General Plan*. If other constrained properties encounter trees in similar locations on a site, the same considerations would be provided during the review of the required variance application.

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

Granting the variance would allow the subject property to be developed in accordance with the goals of the General Plan and the D-D-O.

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

The existing conditions or circumstances are not the result of actions by the applicant.

- (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 to remove the tree does not arise from any condition on a neighboring property.

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

All proposed land development activities will require sediment control and stormwater management measures to be reviewed and approved by the County.

The project proposes to meet water quality and quantity requirements in accordance with approved Stormwater Management Concept Plan 39019-2014-00.

The Planning Board **Approves** pursuant to Section 25-119(d) for the removal of specimen trees **2 through 5**.

The area of proposed development on the site is a minimum of 300 feet from the Washington Metro Area Transit Authority (WMATA) parcel containing the Metro line and no further noise or vibration analysis was required for the preliminary plan of subdivision (PPS) application.

19. **Urban Design**—The subject site is located within the 2004 Approved Morgan Boulevard and Largo Town Center Metro Areas Sector Plan Development District and was placed in the Morgan Boulevard Metro Core subarea. The 2010 Subregion 4 Master Plan and SMA, which included the subject site, retained the L-A-C-zoned property in the D-D-O but only provided supplemental standards for the I-1 and M-U-I Zones; it did not provide supplemental standards for the L-A-C Zone.

Conformance with the Requirements of the Zoning Ordinance

In general, townhouses are permitted uses in the L-A-C Zone as indicated in Section 27-515 Uses Permitted, of the Zoning Ordinance. A modified use table was not provided for the L-A-C Zone in the Morgan Boulevard D-D-O. Section 27-496 of the Zoning Ordinance will be evaluated at the time of SDP review.

Comprehensive Design Plan CDP-0301-01 which proposes an amendment to Condition 6 of CDP-0301 was continued indefinitely on November 6, 2014. Should the preliminary Plan be approved, it is anticipated the applicant will withdraw the CDP revision which was recommended for disapproval, because the condition is no longer enforceable.

Conformance with the Requirements of Previous Approvals

Zoning Map Amendment A-9678-C was approved by the District Council (Zoning Ordinance No. 3-1989) on January 9, 1989 to rezone the subject property from the R-R Zone to the L-A-C Zone with no more than 465 dwelling units unless the Planning Board found that there was: 1) sufficient

economic justification for the increase; 2) compatibility with the surrounding land uses; and 3) the provision of public benefit features to achieve maximum attached and/or multifamily dwelling unit density. The maximum residential density was set at 1,200 dwelling units.

Comprehensive Design Plan CDP-0301 which covers the subject site was adopted (PGCPB Resolution No. 03-181) by the Prince George's County Planning Board on October 2, 2003 with 23 conditions. On January 27, 2004, the District Council affirmed the Planning Board's decision with 22 conditions. Both the Planning Board and District Council decisions noted the applicant proposed only 900 dwelling units; however, upon further review it was determined the maximum number of dwelling units approved was 972, with the implementation of improvements for density increments.

Two previous specific design plans were approved for a total of 891 dwelling units; Specific Design Plan(s) (SDP-0403), Summerfield At Morgan Station, Phase 1, (PGCPB Resolution No. 04-194) approved on July 29, 2005 for 478 dwelling units, and (SDP-0418), Summerfield At Morgan Station, Phase 2, (PGCPB Resolution No. 05-107) approved on April 28, 2005 for 413 dwelling units.

The subject application proposes 52 dwelling units which are within the unit cap established by the CDP. At the Subdivision and Development Review Committee (SDRC) meeting held on March 27, 2015, the question of density arose and the applicant was asked to provide an explanation of how the density bonus conditions had been fulfilled. The applicant provided an explanation in a letter, dated April 24, 2015, indicating the density conditions had been fulfilled. The Urban Design Section conducted a more extensive review of the CDP findings to more conclusively determine the density that had been approved. The certified plan showed a total density of 972 units, subject to Condition 21 and 22, and an approved density of 894 units until such time that those conditions, below, were satisfied.

- 21. Prior to certification of the CDP, the applicant shall submit additional information regarding green areas for the commercial uses and landscaping of parking lots to qualify for a 10% increase in gross floor area (12,824 square feet).**

This conditions applies to the commercial component, only, therefore, it does not apply to the subject site.

- 22. The applicant shall provide better connectivity by providing the proposed trails and shall provide or make a good faith effort to work with WMATA to provide a covered sidewalk of sufficient width to connect the Metro station to Garrett A Morgan Boulevard to qualify for a 10% increase in dwelling units (77 units) and a 5% increase in FAR (6,412 square feet).**

After the review of a statement provided by the applicant dated April 24, 2015 (Parker/Dlhopsky to Nickle), staff has determined that this condition has been

fulfilled. A new trail is proposed that connects the subject property to the existing trail system that connects to the Summerfield Community Park and other areas. It is noted that WMATA did not agree to the provision of a covered sidewalk.

Density Increment Analysis for Recreation Facilities

The following is taken from the CDP action by the Planning Board pursuant to PGCPB Resolution No. 03-181, Finding 5(b):

- b. For improved common recreational space totaling at least 200 square feet per dwelling unit (available without charge for use by the residents) or 200 square feet per dwelling unit of private open space contiguous to each dwelling unit or a combination of both the above items, which provides at least 200 square feet of either recreational space or private open space per dwelling unit, an increment factor may be granted, not to exceed a 10 percent increase in dwelling units.**

Applicant requests a 10 percent increase in dwelling units.

Approximately 160,000 square feet of combined private and public recreational space including private recreation centers, tot lots, sitting areas and recreation areas will be provided throughout the site.

The Planning Board concludes that the private recreation facilities approved in Specific Design Plan SDP-0403 for 478 multifamily units (which included a clubhouse, pool, five grills and 39 benches), in conjunction with Specific Design Plan SDP-0418 for 413 townhouse units (which included a two-story clubhouse, pool, tot-lot, multi-age play area and rock climbing area), fulfill the mandatory dedication requirements by a total of \$570,060 for the townhouse units and \$18,758 for the multifamily units. Approximately \$7,650 was provided per household for the 77 additional units requested, which staff finds fulfills the above requirement. However, the applicant has stated that the residents of the 52 townhouse units currently proposed will not have access to the central recreational facilities. Therefore, the mandatory recreational facility requirement for the proposed townhouses is to be fulfilled by private on-site facilities as required in Section 24-134 of the Subdivision Regulations. The estimated value of the facilities to be provided is \$58,420. A tot-lot, in addition to the proposed trail connection to the Summerfield subdivision, would fulfill this requirement by providing facilities for a diversity of age groups and abilities. Any financial obligation in excess of the tot-lot or equivalent community gathering space will be spent towards the construction of the trail which is a conformance requirement of the CDP and the 2009 *Approved Countywide Master Plan of Transportation (MPOT)*.

Condition 2(d) from PGCPB Resolution No. 03-181 states the following:

2. Prior to certification of the CDP, the CDP and TCPI shall be revised to:

- d. At the time of the review of the Preliminary Plan, the following Basic Plan consideration shall be evaluated:

In order to address the compatibility of adjacent land uses, the CDP shall show a minimum 100-foot vegetated buffer on the Summerfield site where there is existing residential development adjacent to the boundary and a minimum of 50-foot buffers on Manor Farm where there are undeveloped adjacent residential properties. Existing vegetation will be supplemented where necessary.

The consideration of a minimum 50-foot-wide buffer on Manor Farm (the subject property), adjacent to undeveloped residential property is germane to this application. Because the abutting property is now developed with a compatible residential use and is consistent with the current Landscape Manual by virtue of the existing tree buffer, the 50-foot buffer requirement for the subject site is fulfilled.

Conformance with the 2010 Prince George's County Landscape Manual

Pursuant to Section 27-496(d)(2), Regulations, a development project in the L-A-C Zone is required to conform to the 2010 *Prince George's County Landscape Manual* (Landscape Manual). However, the property is also within the Morgan Boulevard D-D-O which exempts the site from conformance with several requirements of the Landscape Manual. Conformance with the applicable landscaping requirements will be determined at time of SDP when a more detailed plan of development is submitted for review.

Conformance with the Tree Canopy Ordinance (TCC)

The Tree Canopy Coverage Ordinance (TCC) requires ten percent tree canopy coverage for properties in the zone. This requirement can be met either through the preservation of the existing trees, the proposed on-site landscaping, or a combination of both, and will be evaluated at the time of SDP review.

20. **Lot Depth Variation**—The applicant has filed a variation request from Subdivision Regulations, Section 24-121(a)(4), which requires that residential lots adjacent to an existing or planned roadway of arterial or higher classification shall be platted with a minimum lot depth of one hundred and fifty (150) feet. The PPS proposes a lot depth of less than one hundred and fifty feet along Garrett A Morgan Boulevard which is an arterial classification. Thirty (30) lots do not conform to this requirement. They are Lots 15-16, and 25-52, which are proposed with a total of thirty (30) attached dwelling units. In part, Section 24-121(a)(4) of Subdivision Regulation states the following:

Residential lots adjacent to existing or planned roadways of arterial classification shall be platted with a minimum depth of one hundred and fifty (150) feet.

Section 24-113(a) sets forth the required findings for approval of variation request as follows:

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

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

The PPS layout is consistent with the previous approvals, Zoning Map Amendment A-9678-C, Comprehensive Design Plan CDP-0301, the two (2) preliminary plans that cover the developed portions of the CDP-0301 area, 4-03124 and 4-04032, and Specific Design Plans SDP-0403 and SDP-0418. The adjacent approvals show the buildings sited close to and face onto the arterial, Garrett A Morgan Boulevard. The proposed PPS conforms to the previous PPS approvals (Phases 1 and 2), and will not be detrimental to the public safety, health, welfare, or injurious to other property.

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

With the proximity to the Morgan Boulevard Metro Station and with the conditions of the previous approvals and CDP design guidelines this property presents a condition not shared by other properties. Properties around Metro Stations should have increased density to utilize the mass transit to the fullest extent practicable. The CDP design guidelines approved with CDP-0301 reflect the intent to create an urban town center within walking distance to the Metro Station, and this development proposal reflects that intent.

- (3) **The variance does not constitute a violation of any other applicable law, ordinance or regulation.**

The request does not constitute a violation of any law, ordinance or regulation. The requested variation will increase the useable developable areas of the property by planning the development next to the Metro Station, while preserving the environmentally regulated areas on the northern and eastern portions of the subdivision where practicable.

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

The property has a unique shape when compared to abutting properties that fronts on an arterial right-of-way, is adjacent to a Metro line, and is bisected by 4.64 acres of PMA, which is approximately 40.9 percent of the entire site. The applicant is limited by these existing conditions of the property, which are unique and not generally applicable to other properties. The increasing of the lot depths of Lots 15-16, and 25-52 to 150-foot deep would result in the loss of lots on an environmentally challenging property, which would result in a practical difficulty for the applicant.

Based on the proceeding findings, the Planning Board **Approves** a variation from Section 24-121(a)(4) for a lot depth under one-hundred and fifty feet for 30 lots, specifically Lots 15-16, and 25-52.

21. At the public hearing on July 9, 2015, the Planning Board accepted the Applicant's Exhibit #1 into the record. The Planning Board approved revisions to conditions numbered 1(g), 5(d), 5(e), 8, 11(b), and 20 as well as additional Findings 22 and 23 below which are related to the Environmental Finding 18 and Urban Design Finding 19.
22. At the time of SDP, the applicant may investigate alternative alignments of the sewer extension which impacts may be evaluated with the SDP review.
23. Any financial obligation in excess of the tot-lot or equivalent community gathering space will be spent towards the construction of the trail which is a conformance requirement of the CDP and 2009 *Approved Countywide Master Plan of Transportation* (MPOT).

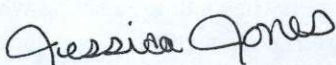
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

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 Shoaff, with Commissioners Washington, Shoaff, Geraldo, Bailey and Hewlett voting in favor of the motion at its regular meeting held on Thursday, July 9, 2015, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 30th day of July 2015.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:SZ:ydw

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPBC Legal Department

Date 7/16/15