



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 16-143

File No. 4-16009

RESOLUTION

WHEREAS, 4620 Melwood Road OPCO, LLC is the owner of a 68.60-acre parcel of land known as Parcel 10, said property being in the 15th Election District of Prince George's County, Maryland, and being zoned Mixed Use-Transportation Oriented (M-X-T); and

WHEREAS, on August 3, 2016, 4620 Melwood Road OPCO, LLC filed an application for approval of a Preliminary Plan of Subdivision for one parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-16009 for Recovery Centers of America, Parcel A, 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 December 1, 2016, 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 December 1, 2016, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type 1 Tree Conservation Plan (TCP1-006-16-01), and further APPROVED Preliminary Plan of Subdivision 4-16009, for one parcel with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised as follows:
 - a. Show the existing 10,445-square-foot block building along the southwest corner of the property as delineated on the Type 1 tree conservation plan.
 - b. Show the required 10-foot-wide public utility easement along Melwood Road and master planned roadway C-636.
 - c. Label the existing crop garden/greenhouse building as "To Be Removed."
 - d. Provide the correct square footage for all structures in the general notes and on the plan.
 - e. Update the general notes to reference companion Type 1 Tree Conservation Plan TCP1-006-16.

- f. Update the general notes to provide the approval date of July 15, 2016 for the stormwater management concept plan.
 - g. Relabel Parcel 10 as Parcel 1.
- 2. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall grant a 10-foot-wide public utility easement along all public rights-of-way.
- 3. A substantial revision to the mix of uses on the subject property that affects Subtitle 24 adequacy findings, as set forth in a resolution of approval, shall require the approval of a new preliminary plan of subdivision prior to the approval of any building permits.
- 4. Prior to signature approval of the preliminary plan of subdivision (PPS), the applicant and the applicant's heirs, successors, and/or assignees shall submit two copies of an approved stormwater management concept plan, signed by the Prince George's County Department of Permitting, Inspections and Enforcement, and two copies of the concept approval letter. The stormwater management concept plan approval number and approval date shall be delineated on the PPS and Type 1 tree conservation plan (TCP1). Any required stormwater management facilities shall be shown on the TCP1.
- 5. Total development within the subject property shall be limited to uses which generate no more than 35 AM peak hour trips and 43 PM peak hour trips. These rates were determined by using the Institute of Transportation Engineer's (ITE) *Trip Generation Manual, 9th Edition*. Any development generating an impact greater than that identified herein above shall require a new determination of the adequacy of transportation facilities.
- 6. At the time of record plat, the applicant shall:
 - a. Dedicate 30 feet of right-of-way from the center line of Melwood Road.
 - b. Dedicate right-of-way for master plan roadway C-636 as depicted on the preliminary plan of subdivision.
- 7. Prior to certificate approval of the preliminary plan of subdivision, the Type 1 tree conservation plan shall be revised as follows:
 - a. Revise the labeling located over the "woodland areas-not counted" to an easier and visibly discerning label wording.
 - b. Remove Specimen Tree 35 (ST-35) from the specimen tree chart.

- c. Show the required 10-foot-wide public utility easement along Melwood Road and master planned roadway C-636.
 - d. Provide the correct square footage for all structures on the plan.
 - e. Relabel Parcel 10 as Parcel 1.
 - f. Have the revised plan signed and dated by the qualified professional who prepared it.
8. Prior to certification of the detailed site plan, and prior to signature approval of the Type 2 tree conservation plan (TCP2) for this property, pursuant to Section 25-122(d)(1)(B), all woodland preserved, planted, or regenerated on-site shall be placed in a woodland conservation easement recorded in land records and the liber/folio of the easement shall be indicated on the TCP2. The following note shall be placed on the TCP2:

“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.”

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

“Conservation easements 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.”

10. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
11. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-006-16). 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 (TCP1-006-16), 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."

12. Prior to signature approval of the preliminary plan of subdivision, Conceptual Site Plan CSP-15003 shall be certified.
13. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees, shall grant a 10-foot-wide public utility easement along all public rights-of-way.
14. The final record plat shall include a note that the applicant, the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$420 to the Department of Public Works and Transportation (DPW&T) for the Share the Road with a Bike signage for the Class III bikeway along Melwood Road. The contribution shall be made prior to the issuance of the first building permit.
15. Prior to signature approval of the preliminary plan and the TCP1, the limit of the archeological investigations and archeological sites 18PR1104 and 18PR1105 shall be shown on the plans.
16. Prior to approval of the detailed site plan, the applicant and the applicant's heirs, successors, and/or assignees shall:
 - a. Submit four copies of the final Phase I archeological report to the Historic Preservation Section (M-NCPPC) for review and approval.
 - b. Ensure that all recovered artifacts from archeological sites 18PR1104 and 18PR1105 are deposited with the Maryland Archeological Conservancy Laboratory in Calvert County, Maryland for permanent curation; proof of disposition shall be provided to the Historic Preservation Section.
17. Prior to approval of the final plat, the applicant and the applicant's heirs, successors, and/or assignees shall establish an archeological conservation easement around archeological sites 18PR1104 and 18PR1105, described by bearings and distances, that includes a 50-foot nondisturbance buffer to protect the resource. The following note shall be placed on the final plat:

"Any ground disturbance within the archeological easements must be reviewed and approved by The Maryland-National Capital Park and Planning Commission (M-NCPPC) Prince George's Planning Department, Countywide Planning Division, Historic Preservation Section."

18. Prior to the approval of any grading permit or any ground disturbance for the subject property, the applicant shall install a super-silt fence around the boundaries of archeological site 18PR1105 and provide proof of the installation and its placement to the Historic Preservation Section (M-NCPPC). The location, installation and removal of the super-silt fence shall be determined at the time of detailed site plan.
19. Prior to approval of any future development within the areas not investigated in the current Phase I survey, in accordance with the Planning Board's directives, as described in the Guidelines for Archeological Review, May 2005, and consistent with Sections 24-104, 24-121(a)(18), and 24-135.01 of the Subdivision Regulations, the subject property shall be the subject of a Phase I archeological investigation to identify any archeological sites that may be significant to the understanding of the history of human settlement in Prince George's County, including the possible existence of slave quarters and slave graves, as well as archeological evidence of the presence of Native American peoples.
 - a. Upon receipt of the report by the Planning Department, if it is determined that potentially significant archeological resources exist in the project area, prior to Planning Board approval of a detailed site plan, the applicant shall provide a plan for:
 - (1) Evaluating the resource at the Phase II level, or
 - (2) Avoiding and preserving the resource in place.
 - b. If a Phase II and/or Phase III archeological evaluation or mitigation is necessary, the applicant shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in a proper manner, prior to any ground disturbance or the approval of any grading permits.
20. Prior to the approval of a raze permit for the main structure on the property, constructed as the German Orphan Home of Washington, DC in 1965, the building shall be documented through the completion of a Maryland Inventory of Historic Properties (MIHP) form according to Maryland Historical Trust (MHT) standards by a qualified 36CFR60 consultant. The draft and final MIHP form shall be reviewed and approved by the Historic Preservation Commission prior to submittal by the applicant to the Maryland Historical Trust.
21. The applicant and the applicant's heirs, successors, and/or assignees shall provide on-site bicycle parking. The location and number of on-site bicycle racks shall be determined at the time of detailed site plan.

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

1. The subdivision, as modified 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 91, Grid A-4, and is known as Parcel 10. The property is located in the Mixed Use–Transportation Oriented (M-X-T) Zone and has a gross tract area of 68.60 acres, of which 2.35 acres is located in the 100-year floodplain. The property is an acreage parcel that has never been the subject of a prior preliminary plan of subdivision (PPS) or record plat. The property has a large amount of street frontage to the west along Melwood Road, a two-lane rural residential historic roadway with an existing 30-foot-wide right-of-way (ROW) width. With this application, additional ROW of 15 feet will be dedicated which will result in an ultimate right-of-way width of 60 feet as discussed further in the Transportation finding. The site also has frontage on a proposed, but unconstructed, master plan collector road (C-636) which extends through the northwest corner of the property and will be dedicated at the time of final plat.

The applicant is proposing to raze the existing 24,000 square-foot, two and one-half-story group residential facility and construct a 72,783-square-foot, two and one-half-story facility. The proposed facility will consist of 120 beds for patients and include outpatient services with an anticipated 64 patients per day. The facility will have 130 employees working three shifts.

In the M-X-T Zone, the Order of Approvals (Section 27-270 of the Zoning Ordinance) requires the approval of a conceptual site plan (CSP) prior to approval of the PPS. The applicant has filed Conceptual Site Plan CSP-15003, which was approved by the Planning Board on December 1, 2016. This PPS is consistent with the CSP.

3. **Setting**—The subject project is located on the eastern side of Melwood Road, approximately 2,600 feet north of its intersection with Pennsylvania Avenue (MD 4), within Planning Area 78 and Council District 6.

The subject property is bounded to the north by vacant land in the Residential Medium (R-M) and Rural Residential (R-R) Zones; to the east by vacant land and a powerline in the Rural Residential (R-R) and Residential-Agriculture (R-A) zones, and beyond single-family attached developments in the Rural Residential (R-R) Zone; to the south by detached single-family dwellings in the Residential-Agriculture (R-A) Zone and Melwood Road, a two-lane, residential historic/scenic roadway within a 30-foot-wide right-of-way; and to the west by Melwood Road, and beyond detached single-family dwellings in the Residential-Agriculture (R-A) Zone and vacant land in the M-X-T Zone.

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

	EXISTING	APPROVED
Zone	M-X-T	M-X-T
Use(s)	Group Residential Facility	Group Residential Facility
Acreage	68.60	68.60
Gross Floor Area	42,050 (of which	85,733 sq. ft.
Parcels	12,950 sq. ft. will remain)	(72,783 sq. ft. new)
Variance	No	No
Variation	No	No

Pursuant to Section 24-113 of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on October 7, 2016.

5. **Environmental**—The Recovery Centers of America project was stamped as received on October 27, 2016. Verbal comments were provided in a Subdivision Development Review Committee (SDRC) meeting on August 12, 2016.

Background

The Environmental Planning Section previously reviewed the following applications and associated plans for the subject site:

Development Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
CSP-15003	TCP1-006-16	Planning Board	Pending	Pending	Pending
4-16009	TCP1-006-16-01	Planning Board	Pending	Pending	Pending
NRI-090-05	N/A	Staff	Approved	9/15/2005	N/A
NRI-090-05-01	N/A	Staff	Approved	4/28/2016	N/A

Proposed Activity

This PPS application is for the removal of an existing building and the construction of a group home and treatment facility.

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. Therefore, the project is required to have a new PPS approval.

Site Description

A review of the available information indicates that streams, 100-year floodplain and steep slopes are found to occur on the property. The predominant soils found to occur according to the U.S. Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web

Soil Survey (WSS) include the Adelphia-Holmdel complex, Dodon fine sandy loam, Marr-Dodon complex and Westphalia-Dodon soils series. According to available mapping information, Marlboro clay does not occur on or in the vicinity of this property; however, a small area of Marlboro clay evaluation area is located in the northwest corner of the property. There are forest interior dwelling species (FIDS) habitat mapped on-site. 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. The site has four stream systems that drain to the north towards Cabin Branch, which is part of the Western Branch watershed, then to Western Branch and then to the Patuxent River basin. The site has frontage on Melwood Road which is not identified as a master plan roadway. Melwood Road is not a traffic noise generator and noise will not be regulated in this subject application. This section of Melwood Road is designated as historic. The site is located within the Westphalia and Vicinity Planning Area. The site is located within the Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan*. According to the 2005 *Approved Countywide Green Infrastructure Plan*, the site contains regulated areas, evaluation areas, and network gap areas.

Plan Prince George's 2035 Approved General Plan (2014): The site is located within the Established Communities area of the Growth Policy Map and Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map as designated by Plan Prince George's 2035 Approved General Plan.

Conformance Finding for 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 and Enforcement, Prince George's County Department of Health, Prince George's County Department of the Environment, Prince George's Soil Conservation District, Maryland-National Park and Planning Commission and Washington Suburban and Sewer and Sanitary Commission are also deemed to be consistent with this master plan.

Environmental Issues Addressed in the Westphalia Sector Plan

The subject property is located in the 2007 Approved Westphalia Sector Plan and Sectional Map Amendment. There are four policies of the Westphalia Sector Plan that relate to the Environmental Infrastructure on the subject property.

Policy 1. Protect, preserve, and enhance the identified green infrastructure network within the Westphalia sector planning area.

The site contains all three (regulated, evaluation and network gap) designated network areas of the 2005 *Approved Countywide Green Infrastructure Plan*. As part of the application, the existing on-site building will be removed and a new building and parking area will be constructed in the same location. The impact area is located within network gap area and outside the Green Infrastructure Plan area. Minor tree clearing is proposed with the network gap area.

Policy 2. Restore and enhance water quality of receiving streams that have been degraded and preserve water quality in areas not degraded.

Remove agricultural uses along streams and establish wooded stream buffers where they do not currently exist. Require stream corridor assessments using Maryland Department of Natural Resources protocols and include them with the submission of a natural resource inventory as development is proposed for each site. Add stream corridor assessment data to the countywide catalog of mitigation sites. Coordinate the road network between parcels to limit the need for stream crossings and other environmental impacts. Utilize existing farm crossings where possible. Encourage shared public/private stormwater facilities as site amenities. Ensure the use of low-impact development (LID) techniques to the fullest extent possible during the development review process with a focus on the core areas for use with bioretention and underground facilities. The site does not currently contain agricultural uses.

The TCP1 shows four on-site stream systems. A stream located just west of the proposed development will be impacted for a stormwater management pipe and outfall structure. This outfall disturbance is required to convey the stormwater safely to the on-site water course. Grading and woodland clearing for the impact will be minimized to the fullest due to the adjacent steep slopes. There is an existing building within the on-site stream buffer that is required to have water and sewer services. Impacts for this utility line disturbance will be in an un-wooded area. There is 1.91 acres of on-site woodlands to be cleared and the remaining 9.68 acres will be placed in preservation. None of the other on-site regulated environmental features are proposed to be impacted as part of this application.

The plan proposes that stormwater management will be provided through the use of three bioretention facilities and two bioswales. The TCPI does show the proposed treatment areas of the seven bioretention facilities. A copy of the approved stormwater concept approval plan was provided with this application. The site has a Stormwater Management Concept letter (11758-2016-00) that was approved on July 15, 2016.

Policy 3. Reduce overall energy consumption and implement more environmentally sensitive building techniques.

- Encourage the use of green building techniques that reduce energy consumption. New building designs should strive to incorporate the latest environmental technologies in project buildings and site design. As redevelopment occurs, the existing buildings should be reused and redesigned to incorporate energy and building material efficiencies.
- Encourage the use of alternative energy sources such as solar, wind and hydrogen power. Provide public examples of uses of alternative energy sources.

The plan proposes to remove an existing group residential facility and replace in the same location another improved group residential facility. The use of environmentally sensitive building techniques should be considered as part of this development.

Policy 4. Plan land uses appropriately to minimize the effects of noise from Andrews Air Force Base and existing and proposed roads of arterial classification and higher.

- Limit the impacts of aircraft noise on future residential uses through the judicious placement of residential uses.
- Restrict uses within the noise impact zones of Andrews Air Force Base to industrial and office use.
- Evaluate development proposals using Phase I noise studies and noise models.
- Provide for adequate setbacks and/or noise mitigation measures for projects located adjacent to existing and proposed noise generators and roadways of arterial classification or greater.
- Provide for the use of appropriate attenuation measures when noise issues are identified.

This application is to raze the existing building on the property and construct a new larger building in the same location for a group residential facility. The site is not located within any noise impact areas associated with Andrews Air Force Base. Melwood Road is not considered a noise generator.

Natural Resource Inventory/Environmental Features

An approved Natural Resource Inventory, NRI-090-05-01, in conformance with the environmental regulations that became effective September 1, 2010, was submitted with the application. The site contains regulated environmental features (steep slopes, streams, floodplains or their associated buffers). After a further review by the applicant's consultant, one specimen tree (ST-35) a 35-inch Southern Red Cedar was determined to be measured and identified inaccurately. A revised NRI has been submitted and approved showing the change. Specimen Tree 35 (ST-35) is now identified as a Leyland Cypress tree measuring 26.7 inches in diameter at breast height (DBH). No specimen trees will be removed with the subject application, and no additional information is required with regard to the NRI.

Woodland Conservation

The site is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland.

The site contains a total of 50.35 acres of woodlands and 2.35 acres of wooded floodplain. The site has a woodland conservation threshold of 9.94 acres, proposes to clear 1.91 acres of woodland with a total requirement of 10.42 acres. The TCP1 proposes to exceed the requirement with on-site preservation (9.68 acres) and specimen tree preservation credit (4.81 ac.), for a total provided of 14.49 acres.

Minor revisions are required to the TCP1 prior to signature approval. The labeling in areas that are located over the "woodland areas-not counted" is difficult to read.

Revise the label letter size to better visibly discern the label wording. Remove Specimen Tree 35 from the specimen tree chart.

Primary Management Area (PMA) Impacts

A statement of justification, including an impact exhibit plan, was reviewed as part of this application. Section 24-130(b)(5) of the Subdivision Regulations states:

"Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible consistent with the guidance provided by the Environmental Technical Manual established by Subtitle 25. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required pursuant to Subtitle 27, for the reasonable development of the lot outside the regulated feature. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat."

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 and associated exhibits reflect two impacts to regulated environmental features associated with the proposed redevelopment. According to the approved NRI, the 68.60-acre site contains a total of 21.62 acres of existing PMA.

Impact 1

Outfall—This request totals 2,057 square feet and is for the installation of a stormwater Management outfall. This disturbance of PMA will disturb wooded waters of the United States and stream buffer areas. The statement of justification indicates that this impact is for a stormwater outfall to have proper out flow of the stormwater to prevent erosion. The location of the outfall is set by the location of the stormwater management facilities. The outfall location is within steep slopes until the slopes flatten out at the banks of an on-site stream system. Stone will be placed at the outfall location and clearing and grading of the wooded slopes will be minimized.

Avoidance/Minimization Analysis

The locations of the stormwater management structures determine where the outfall disturbance should be located. The development is located within an open area on top of a ridge and the down slope surrounding areas are steep and wooded. The applicant determined that the location of the stormwater facilities would cause the least amount of grading and clearing of woodlands for the stormwater outfall construction.

Impact 2

Utilities—This request totals 626 square feet and is for the installation of water and sewer service to an existing building. Currently, this building is not serviced by water and sewer and is required to be connected. This utility impact will occur within a maintained lawn area of stream buffer.

Avoidance/Minimization Analysis

There is an existing building that has no utilities. The utilities will be brought to the building in the front of the site in an existing open area.

Based on the level of design information available the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the impact exhibits.

Soils

The predominant soils found to occur on-site, according to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), are the Adelphia-Holmdel complex, Dodon fine sandy loam, Marr-Dodon complex and Westphalia-Dodon soils series. According to available mapping information, Marlboro clay does not occur on or in the vicinity of this property; however, a small area of Marlboro Clay evaluation

area is located in the northwest corner of the property. Currently, no impacts are proposed near the Marlboro Clay evaluation area, so not further information was required with the subject PPS. The County may require a soils report in conformance with County Council Bill CB-94-2004 during the building permit process review if works is ever proposed within this evaluation area. This information is provided for the applicant's benefit:

Stormwater Management

An approved Stormwater Management Concept plan (11758-2016-00) and approval letter was submitted with the subject application. Proposed stormwater management features include two bioswales and three micro-bioretenention facilities. The concept approval expires July 15, 2019. The site will not be required to pay a stormwater management fee towards providing on-site attenuation/quality control measures. No further information pertaining to stormwater management is required.

Noise

The site has frontage on Melwood Road which is not identified as a master plan roadway. Melwood Road is not a traffic noise generator and noise will not be regulated in this subject application.

6. **Community Planning**—The subject application is located in Planning Area 78 within the Westphalia Community, and within the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan and SMA). The 2007 *Westphalia Sector Plan and Sectional Map Amendment* rezoned the subject property from R-A to the M-X-T Zone, (see Zoning Change 1 on pages 83 and 85), and recommended a low-density residential land use for the property. This application proposes a group residential facility which conforms to the low-density residential land use recommendation within the 2007 *Westphalia Sector Plan and Sectional Map Amendment*.

The application is consistent with the *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035). This application is in conformance with the land use recommendations, and design policies and principles intended to implement the development concepts recommended by the 2007 *Westphalia Sector Plan and Sectional Map Amendment*.

The subject property is located in the Established Communities area of the Prince George's County Growth Policy Map in the *Plan Prince George's 2035 Approved General Plan*. The vision for Established Communities in Prince George's County is to have context-sensitive infill and low to medium-density development. The *Plan Prince George's 2035 Approved General Plan* makes no relevant recommendations influencing a development application on this property. Therefore, the PPS is not inconsistent with Plan Prince George's 2035.

7. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, the preliminary plan application is exempt from Mandatory Dedication of Parkland requirements because it consists of nonresidential development.

8. **Trails**—The following Preliminary Plan was reviewed for conformance with the *Approved Countywide Master Plan of Transportation* and/or the appropriate area Master Plan in order to provide the Master Plan Trails.

Private R.O.W.*	_____	Public Use Trail Easement	_____
PG Co. R.O.W.*	<u>X</u>	Nature Trails	_____
SHA R.O.W.*	_____	M-NCPPC – Parks	_____
HOA	_____	Bicycle Parking	_____
Sidewalks	<u>X</u>	Trail Access	_____

*If a master plan trail is within a city, County, or state right-of-way, an additional two to four feet of dedication may be required to accommodate construction of the trail. Fifteen feet of additional dedication is being provided along Melwood Road.

The PPS application was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (area master plan) in order to implement planned trails, bikeways, and pedestrian improvements. Because the site is not located in either a designated center or corridor, it is not subject to the requirements of Section-24-124.01 and the “Transportation Review Guidelines, Part 2, 2013” at the time of Preliminary Plan.

Background

Two master plan trail recommendations impacts the subject application, while another lies just to the north of the subject site along a planned master plan road. The site frontages along Melwood Road, which is a designated bikeway in the vicinity of the site and the alignment of a proposed collector C-636 crosses the northwest corner of the site. The MPOT includes the following text regarding the planned bikeway along the scenic and historic Melwood Road and the side path along C-636:

Melwood Road Legacy Trail: The facility will preserve segments of Melwood Road within a green buffer as part of the Westphalia trails network. Where feasible, the road alignment should be converted into a trail corridor. Where Melwood Road provides access to existing residences, Melwood Road should be designated as a shared-use bikeway (MPOT, page 36).

C-636 Shared-Use Side path: Provide a shared-use side path along this collector road leading into the Westphalia Town Center. Where the road is part of the town center, wide sidewalks and designated bike lanes may be appropriate (MPOT, page 36).

The portion of Melwood Road that fronts the subject site will be a designated share-use bikeway and will continue to serve motor vehicles. Bikeway signage is recommended along the site’s frontage. Necessary frontage or safety improvements will be determined by the Department of Permitting, Inspections and Enforcement (DPIE). While it is unlikely that road construction for the

collector will be required, the future master plan trail along C-636 can be accommodated within the 80 feet of dedication that is shown on the submitted PPS. The planned trail will be provided in the future concurrently with the construction of the master plan road. P-615 is just to north of the subject site and does not impact the subject property.

The 2009 *Approved Countywide Master Plan of Transportation* (MPOT) reaffirms the need for sidewalks as frontage improvements are made by including several policies related to pedestrian access and the provision of sidewalks. The Complete Streets section includes the following policies regarding sidewalk construction and the accommodation of pedestrians and provision of complete streets:

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.

Consistent with the complete street policies of the MPOT, sidewalks are proposed around the main building and from the main building to the parking compound. The need for additional on-site sidewalk connections will be reviewed at the time of DSP.

9. **Transportation**—The current facility will be razed and replaced with a 72,783-square-foot facility with 120 beds. The facility will also include Outpatient Services that will accommodate approximately 64 patients per day.

The site's only frontage and access is on Melwood Road, a two-lane rural residential road that is currently designated as scenic and historic. Pursuant to recommendations from the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*, there are plans to terminate the middle section of Melwood Road as a navigable road and convert it to a trail. Approximately half of the property's frontage on Melwood Road will be converted to a trail, while the southern half will remain as a navigable road within a 60-foot-wide dedicated public right-of-way. The layout will provide adequate on-site circulation.

Traffic Impact

Master Plan, Right of Way dedication

The property is located in an area where the development policies are governed by the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), as well as the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*. One of the recommendations from the master plan was the transition of portions of Melwood Road to a trail. The section of Melwood Road along the site's frontage is currently improved with a two-lane residential road within a 30-foot right-of-way. The applicant is proposing to widen the road along the property frontage,

including the dedication of an additional 15 feet, and this is acceptable. Another master plan recommendation is the construction of a new collector road (C-636). The location of this proposed facility will impact the northwestern corner of the subject property. Dedication of the portion of C-636 as depicted on the PPS is recommended.

Transportation Findings

The application analyzed is a PPS for the construction of a 120-bed treatment facility. This expanded development will be adding a total of 35 (23 in, 12 out) AM peak trips and 43 (16 in, 27 out) PM peak trips. These rates were determined by using the Institute of Transportation Engineer's (ITE) *Trip Generation Manual, 9th Edition*. This application represents an expansion to an existing facility that was previously generating 7 AM and 9 PM peak trips.

The traffic generated by the PPS would impact the intersection of Melwood Road and Woodyard Road-Old Marlboro Pike.

The application is supported by previous traffic analyses (2016), that were done in support of the Moore Property. The findings below are based upon a review of these materials and analyses conducted by the Transportation Planning Section, consistent with the "Guidelines."

The subject property is located within the 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;

Unsignalized intersections: The procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted. A three-part process is employed for two-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the *The Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using *The Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed. Once the CLV exceeds 1,150 for either type of intersection, this is deemed to be an unacceptable operating condition at unsignalized 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.

It was anticipated that fewer than 50 trips would be generated during either peak hour per the "Transportation Review Guidelines Part 1, 2012," consequently, a traffic impact study was not requested. However, the applicant has provided a study dated November 10, 2016. Using data from this recent traffic analyses the following results were determined:

EXISTING CONDITIONS		
Intersection	AM	PM
	LOS/CLV/delay	LOS/CLV/delay
Melwood Road & Woodyard Road-Old Marlboro Pike *	14.4 Seconds	11.9 Seconds
* Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable.		

The traffic impact study included a number of background developments including the portion of the Westphalia Town Center (Phase 1) that was approved with grandfathered trips. The reconsidered Moore Property was also included in the background analysis. The table below shows the results:

BACKGROUND CONDITIONS		
Intersection	AM	PM
Melwood Road & Woodyard Road-Old Marlboro Pike	257.0 Seconds	388.8 Seconds

Regarding the total traffic scenario, trip generation rates for nursing home (Beds – ITE-620) were applied based on the Institute of Transportation Engineer's (ITE) *Trip Generation Manual, 9th Edition*. It was determined that the proposed development will result in a trip generation of 35 (23 in, 12 out) AM peak trips, and 43 (16 in, 27 out) PM peak trips. Based on this traffic projection, a third analysis (total traffic) revealed the following results:

TOTAL CONDITIONS		
Intersection	AM	PM
Melwood Road & Woodyard Road-Old Marlboro Pike	285.8 Seconds	420.4 Seconds
	A/667	A/883

The results of the traffic analyses show that under total traffic, the critical intersection will operate with a delay in excess of 50 seconds. Under the "Guidelines", the intersection can be evaluated using the CLV procedure even if the intersection is unsignalized. Under that scenario, the intersection was re-evaluated and the results are found to be less than 1,150. Pursuant to the Guidelines, that level of service is deemed acceptable (see table above).

Based on the preceding findings, the plan conforms to the required findings for approval of the PPS from the standpoint of transportation.

10. **Schools**—The subdivision has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the Adequate Public Facilities Regulations for Schools (CR-23-2001 and CR-38-2002) and concluded that the subdivision is exempt from a review for schools because it is a nonresidential use.
11. **Fire and Rescue**—The PPS was reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(e)(1)(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 project is served by Westphalia Fire/EMS, Company 823, a first due response station (a maximum of seven minutes travel time), located at 9051 Presidential Parkway.

Capital Improvement Program (CIP)

There are no CIP projects for public safety facilities proposed in the vicinity of the subject site. The above findings are in conformance with the 2008 *Approved Public Safety Facilities Master Plan* and the “Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities.”

12. **Police Facilities**—The property is within the service area of Police District II, Bowie. There is 267,660 square feet of space in all of the facilities used by the Prince George’s County Police Department, and the July 1, 2015 (U.S. Census Bureau) county population estimate is 909,535. Using 141 square feet per 1,000 residents, it calculates to 128,244 square feet of space for police. The current amount of space, 267,660 square feet, is within the guideline.
13. **Water and Sewer Categories**—Section 24-122.01(b)(1) states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.” The 2008 *Water and Sewer Plan* placed this property in water and sewer Category 3, Community System Adequate for Development Planning, and will therefore be served by public systems.
14. **Use Conversion**—The subject application is proposing the development of 72,783 square feet for a group residential facility along with 12,950 square feet of various outbuildings that will be retained on the site. If a substantial revision to the use on the subject property is proposed that affects Subtitle 24 adequacy and findings as set forth in the resolution of approval, a new preliminary plan of subdivision shall be required prior to approval of any building permits.
15. **Public Utility Easement (PUE)**—Section 24-122 of the Subdivision Regulations requires a public utility easement (PUE) along both sides of all public rights-of-way. The property’s street frontage is along Melwood Road and master planned roadway (C-636). The required public utility

easement is not shown, and a condition has been approved to show the required public utility easement along the public streets on the PPS and TCPI prior to signature approval.

In accordance with 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 Prince Georges County Land Records of Prince George's County in Liber 3703 at Folio 748."

16. **Stormwater Management**—A Stormwater Management Concept Plan, 11758-2016, was approved for this site on July 15, 2016. Development must be in conformance with that approved plan or subsequent revisions to ensure that on-site or downstream flooding does not occur.
17. **Historic**—The subject property comprises 68.6 acres located one-mile north of the intersection of MD 4 and Melwood Road in Upper Marlboro, Maryland. This application proposes the construction of a group residential facility in the M-X-T Zone.

Findings

The subject property is located on a tract of land called The Free School Farm, patented by Francis Swinsen on March 8, 1681. Thomas Holdsworth acquired The Free School Farm and then conveyed 218 acres of the tract to William Digges in 1717. William Digges owned the adjoining Melwood Park tract. The Free School Farm tract was cultivated along with the Melwood Park and other adjoining tracts. William Digges died in 1740 and bequeathed the Free School Farm, Melwood Park and other adjoining lands to his son, Ignatius Digges, after the death of his wife, Elinor Digges. Ignatius Digges died in 1785 and he bequeathed the Melwood Park plantation, the Free School Farm and other tracts to his wife, Mary Digges. Mary Digges died in 1825.

By decree of a Chancery Court case dated July 18, 1827, John Johnson of Annapolis was appointed as trustee to sell the real estate belonging to the estate of Ignatius Digges. In 1834, Nathaniel M. McGregor acquired 135 acres of The Free School Farm that included the subject property. Mary Brooke, through Philemon Chew acting as trustee, purchased 170 acres of The Free School Farm from Nathaniel M. and Susan E. McGregor in August 1836 for a considerable sum, indicating there were already improvements on the property. Mary Brooke and her family lived on the Free School Farm tract until her death in 1852. The 170 ½ acre plantation was then sold by Mary's children to William F. Berry, owner of Blythewood (78-013), in 1859.

According to the 1861 Martenet map and the 1860 Census records, Dr. Samuel T. Taylor was residing in a house on the subject property in the 1860s. The 1878 Hopkins map and the 1870 and 1880 Census records indicate that Henry L. Taylor, a son of Dr. Samuel T. Taylor, was living on the subject property from the 1870s until the 1880s. Mary E. Berry was residing on the tract by the time of the 1900 Census until her death in 1910. In her will, Mary E. Berry bequeathed her real estate to Mamie Kendall Haliday. Mary and James Haliday resided on the subject property until

about 1960. After the death of Mary Haliday, the subject property was acquired by Leslie D. and Catherine G. Milliken in 1960. The Millikins sold 68.7 acres of the Free School Farm tract to The German Orphan Home of Washington, DC in July 1964. The directors of the orphanage built a new home for children of German ancestry on the subject property on Melwood Road in 1965. Established in the District of Columbia in 1879, the orphanage closed its doors in Prince George's County in December 1978. The German Orphan Home of Washington sold the 67.7047-acre tract to SG Housing Corporation in 2001, which operated a substance abuse treatment center at the property.

Melwood Branch and its tributaries run along the northern and central portions of the subject property. Prehistoric archeological sites have been found in similar settings and the probability of the subject property containing significant prehistoric archeological resources is moderate to high.

Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act (NHPA) requires Federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when state or federal monies, or federal permits are required for a project.

Conclusions

The subject property was once part of a large plantation known as Melwood Park (78-015) throughout the eighteenth and early nineteenth centuries. Melwood Park was established by William Digges, who was the second son of Colonel William Digges of Warburton Manor on the Potomac and grandson of Governor Edward Digges of Virginia. His mother was Elizabeth Sewall, a stepdaughter of Lord Baltimore. The Digges family were wealthy planters and active in Maryland politics and government. Large numbers of enslaved laborers worked the land, which was divided into various quarters operated by overseers.

During part of the nineteenth century, the subject property was associated with Blythewood (78-013). From the late nineteenth to mid-twentieth centuries, the property was associated with the Berry and Haliday families. A large building was constructed on the subject property in 1965 and was operated as an orphanage until the late 1970s, and subsequently housed a substance abuse treatment center. Because the existing building is 50 years old, it should be documented before demolition in order to enhance understanding of local mid-century architecture and development practices in Prince George's County.

A Phase I archeological survey was conducted on 28 acres of the subject property in September and October 2016. A total of 423 shovel test pits were excavated in three areas within the 28 acres. Two archeological sites were identified: 18PR1104, the Henry Taylor Site, and 18PR1105, the Melwood Road Site. Site 18PR1104 was identified in the northwestern portion of the subject property and represents a historic residential occupation of the site dating from the mid-nineteenth to late twentieth centuries. Site 18PR1105 is located slightly northwest of the existing 1960s institutional building on the property. It is interpreted as the site of support buildings for the nineteenth and twentieth century farming operation on the subject property.

Both archeological sites are located outside of the limits of disturbance as shown on the subject application. Therefore, archeological easements will be placed around both sites to preserve them in place on the developing property. A super silt fence should be placed around site 18PR1105 during development to protect it from adverse impacts. If future development will impact either of these areas, then additional archeological investigations will be required.

Approximately 40 acres of the subject property were not surveyed for archeological resources. Therefore, if future development is planned in the areas not previously investigated, additional archeological survey(s) will be required, in accordance with the Planning Boards adopted Guidelines for Archeological Review.

If state or federal monies, or federal permits are required for this project, Section 106 review may require archeological survey for state or federal agencies.

18. **Urban Design**—Conformance with the requirements of the *Prince George's County Landscape Manual* (Landscape Manual) and Zoning Ordinance will be further evaluated at the time of DSP.

The Tree Canopy Coverage Ordinance, contained in Section 25-128 of the County Code, requires that a certain percentage of every site, depending on the zoning, be retained in tree canopy coverage. In the M-X-T Zone, in which the subject site is located, 10 percent of the site is required to be covered in tree canopy. As the site measures 68.60 acres, 6.86 acres of the property would be required to be in tree canopy. Conformance with this requirement will be evaluated at time of DSP review.

In the M-X T Zone, a CSP is required to be approved prior to approval of the PPS. The applicant has filed Conceptual Site Plan CSP-15003, which was heard and approved by the Planning Board on December 1, 2016. This PPS is consistent with the CSP.

19. **At the Public Hearing**—At the public hearing for this application on December 1, 2016, the applicant proffered to provide on-site bicycle parking. Therefore, a condition has been added to require that bicycle parking be provided on the site, with the location and number of on-site bicycle racks to be determined at the time of DSP.

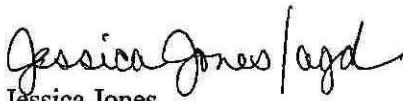
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

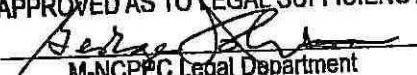
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, Doerner, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, December 1, 2016, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 5th day of January 2017.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:JF:rpg

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department
Date 12/15/16