

R E S O L U T I O N

WHEREAS, Ludlow King III is the owner of a 26.30-acre parcel of land known as Parcels 270, 272, and 276, and residue of Parcel 272 said property being in the 13th Election District of Prince George's County, Maryland, and being zoned Mixed Use–Transportation Oriented; and

WHEREAS, on September 21, 2017, Woodmore Overlook, LLC filed an application for approval of a Preliminary Plan of Subdivision for 215 lots and 16 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-16019 for Woodmore Overlook was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on January 18, 2018, for its review and action in accordance with the Land Use Article of the Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on January 18, 2018, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Type 1 Tree Conservation Plan TCP1-001-11-02, and APPROVED a Variance to Section 25-122(b)(1)(G), and further APPROVED Preliminary Plan of Subdivision 4-16019, including a Variation from Section 24-128(b)(7)(a), for 215 lots and 16 parcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the following technical corrections shall be made to the plan:
 - a. Remove the duplicate reference to Parcel 272 in General Note 1.
 - b. Label the dedication of Ruby Lockhart Boulevard showing connections to existing dedicated public rights-of-way.
 - c. Provide a general note identifying the Prince George's County Code citations of the variations approved.
 - d. Provide floor area ratio calculations consistent with the site identified in the conceptual site plan.

2. Prior to signature approval of the preliminary plan of subdivision, the natural resources inventory (NRI) revision shall be approved. The existing conditions, as shown on the NRI, shall be correctly reflected on all future development plans.
3. Prior to signature approval of the preliminary plan of subdivision (PPS), the Type 1 tree conservation plan (TCP1) shall be revised as follows:
 - a. Revise TCP1 General Note 7 to state that the site is within “Environmental Strategy Area 2, formerly the Developing Tier...”
 - b. Correct the Maryland-National Capital Park and Planning Commission approval block on all pages to show this current application as the “02” revision and put the following information on the “01” row: “Megan Reiser 11/07/2012 4-10022 Preliminary Plan.”
 - c. Correct the symbol for existing woodland on Sheet 2 to match the symbol on other pages and the legend.
 - d. Remove the note, “Clearing Area Subject to MDDNR Tree Removal Permit” on Sheets 1 and 3. The permit is not required for a dedicated right-of-way.
 - e. Correct the Woodland Conservation Worksheet on Sheet 1 to remove the references to the detailed site plan. The associated case number for Phase 1 is this PPS, and the case number for Phase 2 is as yet unknown, and shall be left blank.
 - f. Have the owner(s) sign the owner’s awareness certification.
 - g. Have the revised plan signed and dated by the qualified professional preparing the plan.
4. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-001-11-02). The following note shall be placed on the final plat of subdivision:

“Development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-001-11-02), 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.”

5. At the 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 Maryland-National Capital Park and Planning Commission Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”
6. Prior to approval of the detailed site plan (DSP), the approved stormwater concept plan and letter for the current proposal shall be submitted and correctly reflected on the Type 2 tree conservation plan and the DSP.
7. In conformance with the 2009 *Approved Countywide Master Plan of Transportation*, the applicant and the applicant’s heirs, successors, and/or assignees shall provide, to the extent feasible, standard sidewalks along both sides of all internal roads, excluding alleys, as determined with the detailed site plan.
8. Prior to approval of building permits, the applicant shall submit an acceptable traffic signal warrant study to the Prince George’s County Department of Public Works and Transportation (DPW&T) for signalization at the intersection of Lottsford Road and Ruby Lockhart Boulevard/Palmetto Drive. The applicant should utilize a new 12-hour count and should analyze signal warrants under total future traffic, as well as existing traffic, at the direction of DPW&T, and examine alternatives to signalization for reducing delays from the minor street approaches. If signalization or other traffic control improvements are deemed warranted at that time, the improvements shall be bonded with DPW&T prior to release of any building permit within the subject property, and complete installation at a time when directed by DPW&T. Such installation shall also include:
 - a. The restriping and/or minor widening of the northbound Palmetto Drive approach to provide two approach lanes to the intersection.
9. Total development within the subject property shall be limited to uses which generate no more than 150 AM and 172 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
10. Prior to approval of the 50th building permit, the portion of Ruby Lockhart Boulevard between the subject site and Saint Josephs Drive that is not already bonded and permitted (Station No. 10+10.60 to Station No. 15+43.03) shall (a) have full financial assurances, (b) have been permitted for construction through the Prince George’s county Department of Public Works and

Transportation permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency.

11. Prior to approval of the final plat, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a homeowners association has been established. The draft covenants shall be submitted to the Subdivision Review Section to ensure that the rights of The Maryland-National Capital Park and Planning Commission are included. The liber/folio of the declaration of covenants shall be noted on the final plat prior to recordation.
12. At the time of detailed site plan, the applicant shall provide a sequential platting plan.
13. Prior to approval of the 26th building permit, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the homeowners association land as identified on the approved preliminary plan of subdivision and detailed site plan (DSP), pursuant to the applicant's sequential platting plan. 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, 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 or 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 homeowners association shall be in accordance with an approved DSP. 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 the homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by the Development Review Division, in accordance with the approved DSP.
 - f. The Planning Board, or its designee, shall be satisfied that there are adequate provisions to ensure retention and future maintenance of the property to be conveyed.

14. The applicant and the applicant's heirs, successors, and/or assignees shall provide private on-site recreational facilities in accordance with the *Park and Recreation Facilities Guidelines*. At the time of detailed site plan, the type and siting of the facilities shall be determined, including appropriate triggers for construction.
15. The applicant and the applicant's heirs, successors, and/or assignees shall submit three original recreational facilities agreements (RFA) to the Development Review Division (DRD) for construction of recreational facilities on-site, for approval prior to approval of final plats. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records and the liber folio indicated on the plat prior to recordation.
16. 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 on-site prior to issuance of building permits.
17. A substantial revision to the uses on the subject property that affects Subtitle 24 adequacy findings shall require approval of a new preliminary plan of subdivision prior to approval of any building permits.
18. Development of this site shall be in conformance with approved Stormwater Management Concept Plan 60856-2016-00 and any subsequent revisions.
19. 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 both sides of all public rights-of-way and along one side of all private rights-of-way, as delineated on the approved preliminary plan of subdivision or as shown on an approved color-coded utility plan.
20. Prior to approval of the final plat, the applicant and the applicant's heirs, successors, and/or assignees shall dedicate the public right-of-way of Ruby Lockhart Boulevard to connect to the east and west with the existing dedicated public rights-of-way, in accordance with the approved preliminary plan of subdivision.
21. Prior to approval of the final plat, the applicant and the applicant's heirs, successors, and/or assignees shall vacate the dedicated public right-of-way as reflected on the approved preliminary plan of subdivision.

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 the north side of Ruby Lockhart Boulevard, approximately 200 feet west of the intersection with Lottsford Road. This preliminary plan of subdivision (PPS) includes Parcels 270, 272, and 276 recorded in Prince George's County Land Records in Liber 12955 at folio 332, Liber 12289 at folio 17, and Liber 12289 at folio 29, respectively. This site also includes residue of Parcel 272, created by a deed conveyance to Prince George's County recorded in Liber 12955 at folio 332 in 1999 for a right-of-way, which bisected the parcel into two parts. The property consists of 26.30 acres and is within the Mixed Use—Transportation Oriented (M-X-T) Zone. The site is primarily undeveloped, with the exception of farm buildings on Parcel 272 which are to be razed. The subject application includes 215 lots and 16 parcels for the construction of a townhouse development. A detailed site plan (DSP) will be required for the development of this site in accordance with the requirements of the underlying zoning, as contained in Section 27-546 of the Prince George's County Zoning Ordinance. Conceptual Site Plan CSP-10004 was approved by the Prince George's County District Council on March 26, 2012 for a mixed-use development with 210 units for a planned residential retirement community and 404,000 square feet of retail and commercial development on 45.93 acres. This PPS is for a part (26.30 acres) of the land covered under the conceptual site plan (CSP), being located on the north side of Ruby Lockhart Boulevard. Detailed Site Plan DSP-16025 has been filed and is currently under review for the development of 215 market-rate townhouses for the area of this PPS.

The site was rezoned from the Planned Industrial/Employment Park (I-3) Zone to the M-X-T Zone by Zoning Map Amendment A-10020-C, which was approved by the District Council on August 6, 2010 (Zoning Ordinance No. 6-2010). This PPS has been reviewed for conformance to the Prince George's County Planning Board's conditions of approval of A-10020-C and CSP-10004 and conforms, as applicable to this PPS, to the conditions of those approvals as discussed further. This PPS supersedes 4-10022 for the development of this residential portion of the development.

The site has frontage to the south on Ruby Lockhart Boulevard, which has an ultimate right-of-way width of 70 feet. The applicant shall dedicate public right-of-way totaling approximately 0.73 acre (Parcel 276) for Ruby Lockhart Boulevard. This PPS shall have two vehicular-access driveways onto Ruby Lockhart Boulevard, which have been found to be acceptable and adequate to serve the development.

Attached single-family dwelling units are required to have frontage on a public right-of-way in accordance with Section 24-128(b)(7)(A) of the Subdivision Regulations. The subject application includes approval of a variation for 33 townhouse lots to have frontage on private alleys. With the original application, the applicant requested three variances to the Zoning Ordinance for the M-X-T Zone relative to the minimum lot size, the percentage of the number of building units in a stick greater than six, and the requirement for 24-foot end units. However, the applicant subsequently revised the plans (Applicant's Exhibit A) to meet the specified criteria and withdrew the variance requests.

The subject application also includes approval of a variance to Section 25-122(b)(1)(G) for the removal of three specimen trees.

3. **Setting**—The subject site is located on Tax Map 60, Grids E-3 and F-3, in Planning Area 73 and is zoned M-X-T. Development surrounding this site includes: single-family residential to the north in the M-X-T Zone, and the Commercial Office (C-O) Zone to the east, developed with a planned retirement community. The property is bordered to the south by Ruby Lockhart Boulevard, with property further south in the I-3 Zone, and adjacent properties to the west and southwest are vacant and zoned M-X-T.
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)	Vacant	215 Single-Family Attached Units (Townhouse)
Acreage	26.30	26.30
Gross Floor Area	0	0
Parcels	3	16
Lots	0	215
Outlots	0	0
Variance	No	Yes 25-122(b)(1)(G)
Variation	No	Yes 24-128(b)(7)(A)

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on October 6, 2017. The requested variation from Section 24-128(b)(7)(A) of the Subdivision Regulations was accepted on September 21, 2017 and heard at the SDRC meeting on October 6, 2017, as required by Section 24-113(b) of the Subdivision Regulations.

5. **Previous Approvals**—The site was subject to a previously approved PPS 4-10022 (PGCPB Resolution No. 12-13), approved on February 23, 2012, for two parcels and one outparcel on 45.93 acres for a mixed-use development of 210 dwelling units for senior housing and 404,000 square feet of office space. The subject property is a portion of that larger property. The approval of this PPS (4-16019) will supersede the previous approval for the subject site, being the portion of that approval located on the north side of Ruby Lockhart Boulevard.

The property is subject to Conceptual Site Plan CSP-10004 (PGCPB Resolution No. 11-116) previously approved for a two-phase mixed-used residential and commercial development. Phase 1 was approved on March 26, 2012, for a planned residential retirement community (covered by this PPS), and Phase 2 was approved for 404,000 square feet of retail and office space.

The site is subject to Zoning Map Amendment (ZMA) A-10020-C, which was approved by the District Council on July 12, 2010 (Zoning Ordinance No. 6-2010). The ZMA rezoned 45.93 acres, including Parcels 270, 272, residue of Parcel 272, and Parcel 276, from the I-3 Zone to the M-X-T Zone with 11 conditions.

The following conditions (in **bold**) are applicable to this PPS, and the plain text provides comments on PPS conformance:

1. **The applicant shall observe these recommendations [should be observed] during the preparation and review of the Conceptual Site Plan (CSP):**
 - a. **The site plan shall provide adequate open space at the perimeter, as determined by the Urban Design Section, to serve as a buffer between the project and adjacent lower-density residential development and the church.**
 - b. **Wherever possible, living areas shall be linked to community facilities, transportation facilities, employment areas, and other living areas by a continuous system of pedestrian walkways and bike trails utilizing the open space network.**
 - c. **Buffering in the form of landscaping, open space, berming, attractive fencing, and/or other creative site planning techniques should be utilized to protect existing residential areas, particularly those interfaces with the multifamily buildings in Phase 1 and that adjoining the church in Phase 2.**

The PPS provides a spatial relationship that will allow for adequate buffering placement at the time of DSP. The specific plant materials will be determined at that time. The internal linkages are found appropriate, in relationship to building groups, open space, and recreational areas, and will be further refined with the DSP.

2. **All future submissions for development activities on the subject property shall contain the following:**
 - a. **A signed Natural Resources Inventory (NRI).**
 - b. **A Tree Conservation Plan that covers the entire subject property.**

The above condition has been addressed. A Natural Resources Inventory, NRI-010-10-02, was approved and signed on December 17, 2012. A revision (NRI 010-10-03) was accepted on December 18, 2017, and is currently under review. A Type 1 Tree Conservation Plan, TCP1-001-11-02, was submitted with this PPS and is approved.

- 3. At the time of CSP review, the Applicant and staff of the Department of Parks and Recreation shall develop a mutually acceptable package of parkland, outdoor recreational facilities, fees, or donations to meet the future needs of the residents of the planned retirement community.**

Conformance to Condition 3 was evaluated at the time of CSP. A planned retirement community is no longer being proposed. The change to market-rate townhouses has resulted in modifications to the previously approved recreational facilities. The required findings for adequate recreational facilities for this PPS, pursuant to Subtitle 24 of the Prince George's County Code, are being met with private on-site recreational facilities.

- 4. The Conceptual Site Plan shall show right-of-way along I-308 (Ruby Lockhart Boulevard) and I-310 (the ramp/roadway linking Ruby Lockhart Boulevard and MD 202) consistent with Master Plan recommendations. This right-of-way shall be shown for dedication at the time of Preliminary Plan of Subdivision.**

The right-of-way for I-308 is shown on the approved CSP, and must be reflected on the PPS as right-of-way dedication for I-308 in accordance with the 1990 *Approved Master Plan and Adopted Sectional Map Amendment for Largo-Lottsford, Planning Area 73* (Largo-Lottsford Master Plan and SMA) prior to signature approval. Dedication shall be required at the time of record plat.

- 5.a. Total development within the subject property shall be limited to uses which generate no more than 514 AM and 963 PM peak-hour vehicle trips. Any development generating a greater impact shall require an amendment of conditions with a new determination of the adequacy of transportation facilities.**
- 5.b. The applicant shall make these improvements:**
- (1) MD 202 at Saint Joseph Drive—Provide a third southbound left-turn lane along the southbound MD 202 approach.**
 - (2) MD 202 at Lottsford Road—(i) Convert the existing eastbound right-turn lane to a shared through/right-turn lane; (ii) Convert the westbound shared through/left turn lane to left-turn only (maintaining two (2) through lanes and two (2) left-turn lanes; (iii) Change the existing split-signal phasing to concurrent phasing on the Lottsford Road approaches; and (iv) Modify the median and signals accordingly, as required by the operating agency.**

(3) Lottsford Road at Campus Way North- Provide a second southbound left turn-lane along Campus Way.

- 6. All required transportation facility improvements shall be determined at the time of subdivision approval.**

Conformance to Conditions 4 through 6 is evaluated with this PPS and is further discussed in the Transportation finding of this report.

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

This PPS contains no commercial development and this condition is not applicable.

- 8. Prior to the approval of the initial Detailed Site Plan, the Applicant shall submit an acceptable traffic signal warrant study to the Department of Public Works and Transportation (DPW&T) for signalization at the intersection of Lottsford Road and Ruby Lockhart Boulevard/Palmetto Drive. The Applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of DPW&T, and examine alternatives to signalization for reducing delays from the minor street approaches. If signalization or other traffic control improvements are deemed warranted at that time, the Applicant shall bond the improvements with DPW&T prior to the release of any building permits within the subject property, and complete installation at a time when directed by DPW&T. Such installation shall also include the restriping and/or minor widening of the northbound Palmetto Drive approach to provide two approach lanes to the intersection.**

This condition has been carried forward as a condition of approval to provide for adequate transportation facilities.

- 9. Prior to the approval of the initial commercial Detailed Site Plan under Phase II, the Applicant shall submit an acceptable traffic signal warrant study to the Department of Public Works and Transportation (DPW&T) for signalization at the intersection of Ruby Lockhart Drive and the commercial access. The Applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of DPW&T, and examine alternatives to signalization for reducing delays from the minor street approaches. If signalization or other traffic control improvements are deemed warranted at that time, the Applicant shall bond the improvements with DPW&T prior to the release of any**

commercial building permits under Phase II, and complete installation at a time when directed by DPW&T.

This PPS contains no commercial development and this condition is not applicable.

10. There shall be no direct driveway access between the subject property and Landover Road (MD 202).

The site proposes two direct vehicular accesses onto Ruby Lockhart Boulevard. There is no access to MD 202 (Landover Road) proposed.

11. The Applicant shall provide eight-foot-wide sidewalks and designated bike lanes along both sides of the subject site's portion of Ruby Lockhart Boulevard (consistent with approvals for the Woodmore Town Center), unless modified by DPW&T.

Conformance to Condition 11 is evaluated with this PPS and is discussed further in the Trails finding.

Conformance to Conceptual Site Plan CSP-10004

The CSP was approved with 11 conditions, and the following condition (in **bold**) relates to the review of this PPS. Conditions 4 and 5 are addressed in the Parks and Recreation finding.

6. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant should submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

Conformance to Condition 6 has been addressed with this PPS and is discussed further in the Environmental finding. Any impacts that may occur after the approval of the PPS will be subject to this condition.

The PPS conforms to Zoning Map Amendment A-10020-C and Conceptual Site Plan CSP-10004, as applicable.

6. **Community Planning**—The subject site is located within the Established Communities Growth Policy area of the *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035). Plan Prince George's 2035 describes Established Communities as areas appropriate for context-sensitive infill and low- to medium-density development, and recommends maintaining and enhancing existing public services, facilities, and infrastructure to ensure that the needs of residents are met. This application is consistent with the Established Communities Growth Policy in the General Plan.

Pursuant to Section 24-121(a)(5) of the Subdivision Regulations, the subject application is not required to conform with the employment land use recommendation of the master plan because the Planning Board approved Conceptual Site Plan CSP-10004 on December 8, 2011 for a mixed-use office and residential development and, in 2010, the District Council approved Zoning Map Amendment A-10020 that changed the zoning from the I-3 Zone to the M-X-T Zone.

7. **Stormwater Management**—A Stormwater Management Concept Plan, 60856-2016-00, was approved for this site on April 26, 2017. Development must be in conformance with that approved plan, or subsequent revisions, to ensure that on-site or downstream flooding does not occur.
8. **Use Conversion**—The total development included in this PPS is 215 single-family attached dwelling units in the M-X-T Zone. If a substantial revision to the mix of uses on the subject property is proposed that affects Subtitle 24 adequacy findings as set forth in the resolution of approval and reflected on the PPS plan, that revision of the mix of uses shall require approval of a new PPS prior to approval of any building permits.
9. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a) of the Subdivision Regulations, when utility easements are required by a public company, the applicant shall include the following statement in the dedication documents recorded on the final plat:

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

A 10-foot wide public utility easement (PUE) is required to be provided along all public rights-of-way. The site has frontage along Ruby Lockhart Boulevard, and Parcel 276 is to be dedicated for right-of-way to extend the road westward toward Saint Josephs Drive. The PPS correctly delineates a 10-foot-wide public utility easement along the existing and proposed public rights-of-way. This subdivision provides internal circulation through a network of private streets and alleys. Section 24-128(b)(12) of the Subdivision Regulations requires that 10-foot-wide PUEs be provided along one side of all private streets; the PPS meets this requirement.

10. **Parks and Recreation**—This PPS has been reviewed for conformance with the requirements of the Subdivision Regulations, the master plan; the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, A-10020-C, and CSP-10004, as they pertain to public parks and recreational facilities and applicable to the review of a PPS.

The subject property does not abut any Maryland-National Capital Park and Planning Commission (M-NCCPC) property, but is in the vicinity of Regent Forest Community Park, three quarters of a mile to the northeast, and Woodmore Town Center Park, one-half mile to the west. Pedestrian access to Woodmore Town Center Park is currently limited because Ruby Lockhart Boulevard is not constructed to the west of the property at this time, but will connect as a condition of approval.

There will be 215 single-family attached residential units, with a projected population of 471 residents. The residential development on the approved CSP was comprised of 210 total units (96 multifamily units and 114 single-family attached units), which had a projected population of 530 persons.

The following conditions of CSP-10004 are applicable to this application, as it relates to parks and recreation:

- 4. At time of detailed site plan, the private on-site recreational facilities shall be reviewed. The following issues shall be addressed:**
 - a. The applicant shall provide a list of proposed private recreational facilities and their cost estimates.**
 - b. The minimum size of the community building and timing of its construction shall be determined.**
 - c. The developer, his successor and/or assigns shall satisfy the Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed recreational facilities.**
- 5. The developer, his successor and/or assigns shall contribute a lump sum payment of \$165,000 to M-NCPPC for the development of recreational facilities in the local area. The fee payment shall be paid prior to the recordation of the record plat to Park Community CG, Account Code 840702.**

Section 24-134 of the Subdivision Regulations requires mandatory dedication of 2.60 acres of land from the proposed development for public parkland. This mandatory dedication requirement may also be satisfied by the provision of a fee in-lieu payment, or private on-site recreational facilities.

The applicant proposes on-site private recreational facilities including a 2,500-square-foot pre-school playground, a 5,000-square-foot playground, and a 1,690-square-foot outdoor sitting area. Per Section 24-135(b), the requirements shall be met by the provision of on-site private recreational facilities, which is consistent with Condition 4 of the approval of CSP-10004. The on-site recreational facilities package shall be reviewed and approved at the time of DSP and serve the population generated by development.

The applicant met with Prince George's County Department of Parks and Recreation (DPR) as required by the rezoning case (A-10020-C), to develop an acceptable mutually-agreed upon recreational facilities package to address the needs of the future residents of this development. As per Condition 5 of CSP-10004, the applicant agreed to a contribution of \$165,000 to M-NCPPC to assist in the development of additional recreational facilities in the Regent Forest Community Park or the Woodmore Town Center Park. However, for the fulfillment of mandatory dedication adequacy (Subtitle 24), the applicant shall provide private on-site recreational facilities.

11. **Trails**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the area master plan in order to implement planned trails, bikeways, and pedestrian improvements.

There are no master plan trails issues in either the MPOT or the area master plan that impact the subject application. Ruby Lockhart Boulevard is partially constructed along the subject site, with the existing segment including standard sidewalks along both sides. The site's frontage improvements along Ruby Lockhart Boulevard shall be consistent with the existing cross section, and shall be reviewed by the Prince George's County Department of Public Works and Transportation (DPW&T) and the Prince George's County Department of Permitting, Inspection and Enforcement (DPIE) at the time of review of street construction permits.

The Complete Streets element of the MPOT reinforces the need for sidewalks within new developments and includes the following policies regarding sidewalk construction and the accommodation of pedestrians. The applicable MPOT recommendations are copied below:

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.

A comprehensive sidewalk network is provided on-site. Sidewalks along both sides of all internal roads, excluding alleys, and access around the buildings and from the parking lots to the various buildings shall be provided. No additional sidewalks are recommended at this time, although at the time of DSP, it may be appropriate to incorporate paths within the central open space (Parcel C1) or provide pedestrian access from the terminus of the easternmost internal private street, south to Ruby Lockhart Boulevard.

12. **Transportation**—The application is for a residential subdivision of 215 townhouse lots. The PPS is for the purpose of creating fee-simple lots where a previous PPS (4-10022) proposed a single parcel for 210 age-restricted (senior) units. The overall M-X-T site, including an additional area of approximately 20 acres south of Ruby Lockhart Boulevard, was reviewed with PPS 4-10022. The traffic study was based on 220 lots, while the most recent plan and the applicant's most recent statement of justification reflects 215 lots. Analysis is therefore based on 215 lots. The following table summarizes site trip generation; this trip generation will be used for the analysis and for formulating the trip cap for the site:

Trip Generation Summary, 4-16019, Woodmore Overlook								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Tot	In	Out	Tot
Townhouses	215	residences	30	120	150	112	60	172
Total Site Trips			30	120	150	112	60	172
Proposed Cap					150			172

This site poses some issues regarding the adequacy determination and the trip cap that is ultimately approved. These issues include:

- a. The site has not been platted pursuant to the prior PPS. The July 2011 traffic study from that previous case cannot be used to make a finding for this plan. Page 23 of the “Transportation Review Guidelines” (Guidelines) discusses the “vesting” of a transportation adequacy finding, and explicitly states that, “Prior to recordation, the filing of a PPS subsequent to a prior approval involves an entire set of new findings. In such a circumstance, new traffic studies or data consistent with these guidelines will be needed.” Ultimately, the applicant provided a traffic study dated October 2017 using counts dated February 2017.
- b. As noted above, the subject site (26.30 acres) is part of a larger site (45.93 acres) that was reviewed as PPS 4-10022. The original PPS (4-10022) was approved with off-site transportation improvements and with a trip cap of 514 AM and 963 PM peak-hour vehicle trips. The traffic study for this PPS is done with the premise of “borrowing” from the previously-approved trip cap and allowing the remainder of the trip cap to reside with the remainder of PPS 4-10022. This subdivision and the resulting trip cap will stand on its own, apart from the previous subdivision. The analysis was conducted in this manner due to:
 - (1) The current proposal replaces 210 units of age-restricted housing, and generates approximately 125 additional trips in each peak hour.
 - (2) The Planning Board’s action in approving this subdivision cannot modify the conditions placed on the previous subdivision. There is no procedure currently in place to revise a PPS to modify the trip cap on that plan. The analysis does not “borrow” trips from 4-10022. This subdivision and the resulting trip cap will stand on its own, apart from the previous subdivision.

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

- MD 202 at McCormick Drive/Saint Josephs Drive (signalized)
- MD 202 at Lottsford Road (signalized)

- Lottsford Road at Ruby Lockhart Boulevard/Palmetto Drive (unsignalized)
- Ruby Lockhart Boulevard at Saint Josephs Drive (future/signalized)
- Ruby Lockhart Drive at site access residential (future/unsignalized)

The proposal is of sufficient size that it will generate 50 or more vehicle trips, and so a full traffic study was required and submitted by the applicant. The study is dated October 2017, and this document was referred to the Maryland State Highway Administration (SHA), DPW&T, and DPIE. The Planning Board found the traffic study to be consistent with the Guidelines.

Existing Traffic

The subject property is located within Transportation Service Area (TSA) 2, as defined in Plan Prince George's 2035. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level of Service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 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 Guidelines.

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

The following intersections, when analyzed with existing traffic using counts taken in February 2017 and existing lane configurations, operate as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
MD 202 at McCormick Drive/Saint Josephs Drive	1,016	1,258	B	C
MD 202 at Lottsford Road	1,069	1,207	B	C
Lottsford Rd. at Ruby Lockhart Blvd./Palmetto Drive	+999*	78.6*	--	--
Saint Josephs Drive at Ruby Lockhart Blvd.	389	982	A	A
Ruby Lockhart Drive at site access residential	Future			
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

Background Traffic

None of the critical intersections identified above are programmed for improvement 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. Background traffic has been developed for the study area using the approved, but unbuilt, development in the immediate area and 0.5 percent annual growth rate in through traffic along the study area roadways, over a six-year period. The critical intersections, 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)	
MD 202 at McCormick Drive/Saint Josephs Drive	1,441	1,832	D	F
MD 202 at Lottsford Rd.	1,392	1,670	D	F
Lottsford Rd. at Ruby Lockhart Blvd./Palmetto Drive	+999*	876.9*	--	--
Saint Josephs Drive at Ruby Lockhart Blvd.	814	1,432	A	D
Ruby Lockhart Drive at site access residential	Future			
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

Total Traffic

The following critical intersections, interchanges, and links identified above, when analyzed with the programmed improvements and total future traffic as developed for the previous PPS using the Guidelines, including the site trip generation as described above and the distribution as described in the traffic study, operate as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
MD 202 at McCormick Drive/Saint Josephs Drive	1,452	1,838	E	F
MD 202 at Lottsford Road	1,394	1,672	D	F
Lottsford Road at Ruby Lockhart Blvd./Palmetto Dr.				
Maximum Vehicle Delay (in seconds)	+999	+917.5	No Pass	No Pass
Approach Volume	331	611	No Pass	No Pass
Critical Lane Volume	1,266	1,011	No Pass	Pass
Saint Josephs Drive at Ruby Lockhart Blvd.	829	1,447	A	D
Ruby Lockhart Drive at site access residential	44.3*	40.1*	A	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 greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

A number of inadequacies in one or both peak hours are noted in the table above. All inadequacies and their related recommendations are summarized below:

Lottsford Road and Ruby Lockhart/Palmetto: The intersection of Lottsford Road and Ruby Lockhart/Palmetto operates unacceptably as an unsignalized intersection under total traffic in both peak hours. 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 if it is deemed warranted by the appropriate operating agency. The warrant study is, in itself, a more detailed study of the adequacy of the existing unsignalized intersection. As a result, a signal warrant study shall be completed at this location. With the installation of a signal, and modification of the northbound leg to provide a two-lane approach, the intersection would operate at LOS D in both peak hours.

MD 202 and Saint Josephs Drive: The intersection of MD 202 and Saint Josephs Drive operates below the appropriate standard under total traffic in both peak hours. No improvements are recommended by the traffic study at this location. Instead, the applicant proposes the completion of Ruby Lockhart Boulevard from the subject site to Saint Josephs Drive. This connection will redirect some site trips away from this intersection, and also direct some trips from critical to

non-critical movements. By making this connection, this is proposed as a means to mitigating the intersection.

Therefore, the applicant proposes mitigation at the intersection of MD 202 and Saint Josephs Drive, which is carried forward as a condition of this approval. The application meets the geographic eligibility criteria for a Transportation Facilities Mitigation Plan (TFMP) established by the Prince George's County Council in Council Resolution CR-29-1994, "Guidelines for Mitigation Actions." The application was found to meet the fifth criterion by virtue of the site being within one-half mile of a bus stop having peak hour headways of 15 minutes or less.

SHA reviewed this proposal, and did not oppose the mitigation. A point of fact is that this particular mitigation action involves an improvement that does not modify the intersection in terms of physical improvements or changes to lane assignments or signal operations. The impact of the mitigation actions at this intersection is summarized as follows:

IMPACT OF MITIGATION				
Intersection	LOS and CLV (AM & PM)		CLV Difference (AM & PM)	
MD 202 and Saint Josephs Drive				
Background Conditions	D/1441	F/1832		
Total Traffic Conditions	E/1452	F/1838	+11	+6
Total Traffic Conditions w/Mitigation	D/1449	E/1810	-3	-28

The options for improving this intersection to LOS D, the policy level of service at this location, are very limited. Additional through lanes along MD 202 would not be feasible to implement due to existing development, and the master plan proposes an overpass to connect Saint Josephs Drive with McCormick Drive. Given the size of the proposal versus the potential cost of such structures, however, the applicant has opted for a smaller-scale improvement.

The CLV at the critical intersection is between 1,450 and 1,813 during the AM peak hour, the mitigation actions must mitigate at least 150 percent of the trips generated by the subject property, according to the Guidelines. The above table indicates that the mitigation action would bring the intersection to a policy LOS D. As the CLV at the critical intersection is over 1,813 during the PM peak hour, the mitigation actions must mitigate at least 100 percent of the trips generated by the subject property and bring the CLV to 1,813 or better, according to the Guidelines. The above table indicates that the mitigation action would mitigate more than 100 percent of site-generated trips during the PM peak hour and bring the CLV to less than 1,813. **Therefore, the applicant's proposed mitigation at MD 202 and Saint Josephs Drive meets the requirements of Section 24-124(a)(6)(B)(i) of the Subdivision Regulations in considering traffic impacts.**

MD 202 and Lottsford Road: The intersection of MD 202 and Lottsford Road operates below the appropriate standard under total traffic in both peak hours. In view of the minimal impact of this development at this location, along with the extension of Ruby Lockhart Boulevard, the traffic study recommends no improvements at this location. It is noted that this improvement was not required of the age-restricted residential development approved on this site under Preliminary Plan of Subdivision 4-10022, and with the connection of Ruby Lockhart Boulevard, the impact of this development upon the MD 202/Lottsford Road intersection will remain the same.

SHA comments are minor in nature and have been incorporated into this resolution. The most significant comment involves the issue that the traffic study shows no adverse impact to any intersections in the study area. This was addressed by noting that the traffic study was done with the premise of “borrowing” from the previously-approved trip cap and allowing the remainder of the trip cap to reside with the remainder of 4-10022. This was not deemed to be acceptable, and the analysis adds trips atop the approved development; thereby, showing an impact to intersections within the study area.

Master Plan Right-of-Way

Ruby Lockhart Boulevard is a master plan industrial/commercial facility. Adequate right-of-way of 70 feet has been dedicated for a portion of Ruby Lockhart Boulevard and is shown on the PPS, but must be labeled “to be dedicated.”

Access and circulation are acceptable. The right-of-way at the southeastern corner of the property shall be vacated, as shown on the plan “to be vacated.” That right-of-way was deemed necessary to serve the C-O-zoned property to the east; now that property is developed with residential uses and the right-of-way is no longer needed. The vacation is required to be completed in accordance with Section 24-112 of the Subdivision Regulations prior to final plat approval for the subject site.

13. **Schools**—The PPS has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CR-23-2003, and the following conclusions have been made:

Impact on Affected Public School Clusters
Single-family Attached Units

Affected School Clusters	Elementary School Cluster 4	Middle School Cluster 4	High School Cluster 4
Dwelling Units	218 DU	218 DU	218 DU
Pupil Yield Factor	0.145	0.076	0.108
Subdivision Enrollment	32	17	24
Actual Enrollment in 2016	11,412	4,539	7,498
Total Enrollment	11,444	4,556	7,522
State Rated Capacity	13,826	5,374	8,998
Percent Capacity	83%	85%	84%

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-95/495 (Capital Beltway) and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or CSP that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings. Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation, and the current amounts are \$9,317 and \$ 15,972, 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 (T-D-O) Zone, or where there is no approved T-D-O Zone within 0.25 mile of a Metro station, or within the Bowie State MARC Station Community Center Designation Area, as defined in the 2010 *Approved Bowie State Marc Station Sector Plan and Sectional Map Amendment*. The bill also established an exemption for studio or efficiency apartments that are located within County urban centers and corridors as defined in Section 27A-106 of the County Code; within an approved T-D-O Zone; or where there is no approved T-D-O Zone then within 0.25 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.

14. **Fire and Rescue**—This PPS has been reviewed for adequacy of fire and rescue services in accordance with Section 24 122.01(d) of the Subdivision Regulations. The response time standard established by Section 24-122.01(e) is a maximum of seven minutes travel time from the first due station.

The project is served by Saint Josephs Fire/EMS, Company 806, which is located at 2901 Saint Josephs Drive.

The Deputy Fire Chief, Dennis C. Wood, Emergency Services Command of the Prince George's County Fire/EMS Department, stated in writing that, as of October 25, 2017, the project is within a seven-minute travel time from the first due station.

The Fire Chief, as of May 15, 2016, has outlined that personnel and equipment is adequate as required by Section 24-122.01 (e).

15. **Police Facilities**—The subject property is in Prince George's County Police District II, Bowie. The response time standards established by Section 24-122.01(e) is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The PPS was accepted for processing by the Planning Department on August 31, 2017. Based on the most recent available information provided by the Police Department as of December 2015, the police response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls are met.

16. **Water and Sewer**—Section 24-122.01(b)(1) of the Subdivision Regulations states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.”

The 2008 *Water and Sewer Plan* placed this property in water and sewer Category 3, Community System Adequate for Development Planning. This property is located in the Sustainable Growth Tier 1 and will therefore be served by public systems.

17. **Historic**—Three Archeological Sites (18PR975, 18PR976, and 18PR977) were identified in the Phase I archeological survey of the subject property in 2009 filed with PPS 4-10022. All were located within the northern portion of the property, which is within the limits of this PPS 4-16019. The Phase I archeological survey of the 45.93-acre site identified in PPS 4-10022, known as the King property, identified three twentieth-century farm-related outbuildings: the base of a silo, a well, and an animal pen. A total of 293 shovel test pits were excavated across the site and only 13 contained cultural materials. Three archeological sites were designated, 18PR975, 18PR976, and 18PR977. Site 18PR975 is a small scatter of window glass that was collected from the plow zone and Site 18PR976 is an artifact scatter around several farm outbuildings. Site 18PR977 is a low-density and highly-dispersed nineteenth century artifact scatter that was probably related to a nearby residence that was located on an adjoining property. No further work was recommended on Sites 18PR975, 18PR976, and 18PR977. The Planning Board determined that no additional archeological investigations were necessary on the subject property.

The subject property does not contain and is not adjacent to any Prince George's County historic sites or resources. This proposal will not impact any historic sites, historic resources, or significant archeological sites.

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

Development Review Case Number	Associated Tree Conservation Plan Number	Authority	Status	Action Date	Resolution Number
CSP-10004	TCP1-001-11	Planning Board	Approved	12/08/2011	11-116
4-10022	TCP1-001-11-01	Planning Board	Approved	02/23/2012	12-13
4-16019	TCP1-001-11-02	Planning Board	Pending	Pending	Pending
N/A	TCP2-037-2017	Director	Pending	Pending	Pending
DSP-16025	TCP2-037-2017-01	Planning Board	Pending	Pending	Pending

A Natural Resources Inventory, NRI-010-10-02, was approved and signed on December 17, 2012, and a revision (NRI-010-10-03) was accepted for review on December 18, 2017, and is currently under review.

Grandfathering

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

Site Description

The site contains a stream and 100-year floodplain in the northeast corner, and a stream in the southern section, along the east boundary line. The northern section of the property drains to the Western Branch, a stronghold watershed, of the Patuxent River basin. The stream on the southern section of the property drains to the Southwest Branch of the Patuxent River basin. The site is located within the Established Communities 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. According to the 2017 *Countywide Green Infrastructure Plan* (Green Infrastructure Plan), the site contains regulated areas and evaluation areas.

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 Adelphi-Holmdel complex (0-2 percent slopes), Collington Wist complexes (0-10 percent slopes), and Marr-Dodon complexes (5-15 percent slopes). Marlboro clay is not found to occur in the vicinity of this property, nor are Christiana complexes.

Plan Prince George's 2035 Approved General Plan (2014)

The site is currently located within Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map, as designated by Plan Prince George's 2035.

Largo-Lottsford Approved Master Plan and Adopted Section Map Amendment (July 1990)

The Largo-Lottsford Master Plan and SMA does not indicate any significant environmental issues applicable to this property. The project is in conformance with the master plan.

Countywide Green Infrastructure Functional Master Plan (2017)

According to the Green Infrastructure Plan, the subject site contains an evaluation area within the designated network of the plan. The regulated areas are located along the eastern boundary of the site and associated with the floodplain and streams. The TCP1 focuses preservation and protection within the regulated area, where woodland preservation is proposed. A limited portion of the regulated area will be impacted for the connection to the existing sewer and for stormwater management outfalls. The remainder of the northern section of the site will be developed with the proposed townhomes. The parcel south of Ruby Lockhart Boulevard will remain undeveloped at this time. The conceptual design, as reflected on the TCP1, is in keeping with the goals of the Green Infrastructure Plan and focuses preservation on the most sensitive areas of the site.

Review of Previously Approved Conditions CSP-10004 and TCP1-001-11 (PGCPB Resolution No. 11-116)

There is one previously approved environmental condition related to the subject application shown below (in **bold**), and the plain text provides comments on PPS conformance:

6. **Prior to issuance of any permits which impact wetlands, wetland buffers, streams, or Waters of the U.S., the applicant should submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.**

This condition has been addressed with this application by providing a design that avoids impacts to wetlands, wetland buffers, streams, and waters of the U.S.

Woodland Conservation

This site is subject to the provisions of the WCO because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. A Type 1 Tree Conservation Plan (TCP1-001-11-02) was submitted with this PPS application. The site includes impacts to the adjacent property, known as Balk Hill subdivision. A revision to Type II Tree Conservation Plan TCP11-082-05-04 is currently under review for rough grading and will be addressed separately.

The TCP includes the site identified in PPS 4-10022, of which the subject property was a part. This PPS is for a portion of the site containing 26.30 acres, the TCP used the original site for analysis. The 46.25-acre site (4-10022) contains 33.87 acres of existing woodland on the net tract

and 0.04 acre of woodland within the 100-year floodplain. The site has a woodland conservation threshold of 6.93 acres, or 15 percent of the net tract, as tabulated. The TCP1 shows a total woodland conservation requirement of 10.32 acres. The TCP1 meets this requirement by providing 20.33 acres of on-site woodland preservation and 0.08 acre of reforestation/afforestation. Four specimen trees are identified on the property and one off-site, with the critical root zone (CRZ) extending onto the property. Three specimen trees are to be removed with this application.

Specimen Trees

Section 25-122(b)(1)(G) requires that “Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree’s condition and the species’ ability to survive construction as provided in the Environmental Technical Manual.”

Effective October 1, 2009, the State Forest Conservation Act was amended to include a requirement for a variance if a specimen, champion, or historic tree is proposed to be removed. This state requirement was incorporated in the adopted County Code that became effective on September 1, 2010.

The site contains four specimen trees and the CRZ of one off-site specimen tree. Specimen Tree 1 has a rating of good and Specimen Trees 2–5 all have a rating of poor. The current design proposes to remove Specimen Trees 2, 3, and 4 for the development of the townhomes and associated infrastructure. Specimen Trees 1 and 5 are located on the southern parcel of land and are proposed to be preserved with this application.

A Subtitle 25, Division 2 Variance application, a statement of justification (SOJ) in support of a variance, and a tree removal plan were received for review on September 21, 2017.

Section 25-119(d)(1) of the WCO contains six required findings to be made before a variance can be granted. The SOJ submitted seeks to address the required findings for the three specimen trees (ST 2, 3, 4) together; however, details specific to individual trees has also been provided in the following chart.

SPECIMEN TREE SCHEDULE SUMMARY

Specimen Tree	Common Name	DBH (in inches)	Condition	Comments	Disposition
1	Pin Oak	43	Good	Minor vine cover	To be saved
2	Pin Oak	34	Poor	Broken limbs	To be removed
3	White Ash	35	Poor	Split trunk	To be removed
4	White Ash	33	Poor	Diseased	To be removed
5	Sassafras*	38	Poor	Crown dieback, basal decay	To be saved

*Located off-site with CRZ extending onto subject property

Statement of Justification Request

A variance to Section 25-122(b)(1)(G) was requested for the clearing of the three specimen trees on-site. According to the NRI, the site has 3.95 acres of primary management area (PMA) containing streams, stream buffers, and floodplain. The TCP1 identifies four on-site specimen trees, and one located off-site with the CRZ extending onto the subject property. This property is to be developed with townhouse units, with associated infrastructure. This variance was requested to the WCO (Section 25-122), which requires that “woodland conservation shall be designed as stated in this Division unless a variance is approved by the approving authority for the associated case.” The Subtitle 25, Division 2 Variance application form requires an SOJ of how the findings are being met.

Section 25-119(d)(1)

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

There are a total of four specimen trees on this property, with Specimen Tree 1 and the CRZ of Specimen Tree 2 located within the 3.95 acres of PMA. Specimen Trees 2, 3, and 4 are to be removed for the proposed development. The property has access solely from Ruby Lockhart Boulevard. The layout has, in part, been based on the limited options for viable ingress and egress on-site. Due to the property only having frontage on one master plan right-of-way, development options and the ability to provide sufficient access to the site and provide internal site circulation is limited. Hardships related to the unique size of the buildable area of the site, ingress and egress requirements, preservation of existing natural features within the PMA, and previous public right-of-way dedication by Prince George’s County result in unusual hardships to develop the property. Strict compliance with the applicable requirements defined in Subtitle 25 would further reduce the ability to develop the property.

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

In order for the site to be developed based on the proposed land use, layout design, and stormwater management facilities, construction, including grading and clearing, is necessary to meet the minimum construction standards set forth by Prince George's County. In order to provide adequate stormwater management, a submerged gravel wetland is proposed to treat and discharge stormwater to a proposed outfall location within the limits of disturbance. The wetland is proposed to be located in the northeast portion of the site, in close proximity to the PMA, where Specimen Tree 2 is located. Due to the proposed wetland and location of the PMA, the amount of developable area in this portion of the site is already limited. Requiring the preservation of Specimen Tree 2 would further limit the developable area, depriving the applicant of rights afforded to others with similar properties and land uses. Specimen Trees 3 and 4 are centrally located in the property, outside of the PMA. Preservation of these two trees would severely limit access to the site and developable area.

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

Circumstances unique to the site include limited opportunities to provide access to and from the site from a single master-planned right-of-way, constraints associated with the size and shape of the developable areas, and preservation of the PMA. The subject variance is necessary for the applicant to develop the property based on the layout, and to achieve the highest and best use of the property in ways similar to other comparable properties and uses. Granting this variance would mitigate potential impacts to the PMA due to the previous layout and grading. The variance will not result in a privilege to the applicant; it will allow for development to proceed with similar rights afforded to others with similar properties and land uses.

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

The nature of the variance request is premised on preserving the existing natural features of the site and the necessity to implement additional grading and clearing to allow for adequate and safe development practices. A portion of the site owned by Prince George's County also results in the unique shape of the site and limited amount of developable area.

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

The subject request is based solely on conditions pertaining to the site and proposed development. The required grading and clearing of the land that is suitable for development practices has led to the need to remove Specimen Trees 2, 3, and 4, in order to create buildable lots.

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

The site has a previously approved Site Development Concept Plan, 21914-2009, which subsequently expired. A revised Site Development Concept Plan, 60856-2016, has been submitted and approved to DPIE. There are no impacts to the water quality anticipated and there is no evidence that removal of Specimen Trees 2, 3, and 4 would adversely impact the quality of the water on-site and/or within the general vicinity of the property.

The Planning Board finds that the required findings of Section 25-119(d)(1) have been adequately addressed by the applicant, and approves the variance to Section 25-122(b)(1)(G) for the removal of Specimen Trees 2, 3, and 4.

Preservation of Regulated Environmental Features/Primary Management Area

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.

The site contains regulated environmental features. According to the TCP1, impacts to the PMA/stream buffer are shown for stormwater management outfalls. An SOJ has been received for the impacts to the stream buffer and PMA.

Statement of Justification

The SOJ includes a request for two impacts to the PMA, totaling approximately 3,801.20 square feet on-site.

Impacts 1 and 2: Utility impacts for Stormwater Outfall

The first impact concerns the proposed submerged gravel wetland located near the northeast corner of the site and affects approximately 2,292.40 square feet of PMA. Due to the topography of the site and necessary grading, the stormwater outfall impact as indicated by "PMA Impact Number 1," shown in detail on Sheet 2 of the PMA/Stream Buffer Impacts Exhibit, is necessary to maintain best practices of stormwater management and discharging water generated on-site into exiting drainage divides.

The second impact pertains to the relocation of the stormwater management facility that exists along Ruby Lockhart Boulevard and affects approximately 1,508.80 square feet of PMA. Relocation of the existing pond to the southeast corner of the property alleviates constraints related to developable space in an area of the site already limited by the curvature of Ruby Lockhart Boulevard and points of viable access. In order to adequately route stormwater collected in the relocated pond, a stormwater outfall is proposed to be located in the PMA area, as indicated by “PMA Impact Number 2,” shown in detail on Sheet 3 of the PMA/Stream Buffer Impacts Exhibit. The stormwater outfall impact is necessary to maintain the existing drainage divide and to sufficiently discharge stormwater generated on-site and off-site that is collected by the relocated pond and discharged into proposed drainage outfalls based on existing stormwater management.

Both of the stormwater outfall impacts are designed to outfall stormwater that has been treated by the relocated pond at the southeast corner of the site, and the proposed submerged gravel wetland located near the northeast corner, on the downstream side of the topography at the lowest points. Based on the associated grading, a retaining wall is proposed along the rear property lines of the 11 lots located near the PMA to ensure that the natural topography of the PMA remains in a preserved condition.

The outfalls have been designed with best management practices to mitigate erosion and negative effects. These best management practices include, rip-rap rock structures, geo-textile fabric, erosion control matting, and vegetative stabilization within the limit of disturbance. Implementation of best management practices and the proposed retaining wall will further ensure protection of the PMA and minimize disturbance, to the fullest extent possible.

The Environmental Technical Manual requires mitigation in the event of significant impacts to regulated streams, wetlands, and 100-year floodplains. Significant impacts are defined as the cumulative impacts that would result in the disturbance on-site of 200 or more linear feet of stream beds or one-half acre of disturbance to wetlands and wetland buffer areas. In the case of this PPS application, the PMA impacts are less than the threshold amounts and, therefore, no mitigation is required.

As described above, the on-site impacts to the PMA of 3,801.20 square feet result in an overall impact of approximately 2.21 percent of the PMA, or less than 0.19 percent of the gross tract. The applicant and their consultants have planned to avoid and minimize these environmental impacts, to the maximum extent possible, by utilizing best practices and design techniques or alternatives to avoid environmentally-sensitive areas where possible. The design of the retaining wall proposed to be located along the rear of lots that look out into the PMA also ensures the avoidance of any impacts. The resulting PMA impacts are less than the thresholds allowed for this development. Based on the existing state of the site as unimproved, and the necessity to effectively route and manage stormwater generated on-site to account for the proposed use, the two impacts detailed in the preceding sections are necessary to develop the property.

Based on the level of design information currently 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 and the tree conservation plan submitted for review. The Planning Board approves Impacts 1 and 2.

19. **Urban Design**—This application is being processed concurrently with Detailed Site Plan DSP-16025, which is currently scheduled to be heard by the Planning Board in March 2018. The Planning Board finds:

The application conforms the CSP floor area ratio (FAR) as established for the M-X-T Zone. The applicant used the optional method of development for the project by proposing a residential component as part of the overall development. This increases the permitted FAR by 1.0 above the base allowed of 0.40, if more than 20 dwelling units are provided. The subject PPS includes 215 townhouse units; therefore, it is eligible for this bonus and 1.4 FAR is permitted for the overall development as set forth in the resolution of approval for the CSP (PGCPB Resolution No. 11-116). The proposed FAR, based on the CSP approval, is 0.46 (PGCPB Resolution No. 11-116). Prior to signature approval, the applicant must revise the PPS general notes to indicate FAR for the subject site, as it relates to the overall CSP.

Conformance with the Requirements of the Zoning Ordinance

Conformance with the following Zoning Ordinance is required for the development at the time of the required DSP review including, but not limited to, the following:

- Section 27-543(a) regarding the uses allowed in the Mixed Use–Transportation Oriented (M-X-T) Zone;
- Section 27-544 regarding regulations in the M-X-T Zone;
- Section 27-547(b) regarding the Table of Uses for the M-X-T Zone and;
- Section 27-548 regarding regulations in the M-X-T Zone.

Conformance with Conditions of Prior Approvals

Zoning Map Amendment A-10020-C was previously approved by the Zoning Hearing Examiner on July 12, 2010. The conditions of A-10020-C have been addressed.

Conceptual Site Plan CSP-10004 was previously approved by the District Council on March 26, 2012. It should be noted that Council Bill CB-83-2015 amended Section 27-282, Submittal requirements, of the Zoning Ordinance to include the following language:

- (g) **A Detailed Site Plan application may amend an existing Conceptual Site Plan applicable to a proposal for development of the subject property.**

The current PPS application will be followed by a DSP, which differs in layout, changes the planned retirement dwelling units to market rate, and modifies the unit count from the approved CSP. The Planning Department determined, prior to acceptance of the PPS, that a revision to the CSP was not required prior to approval of this PPS for these modifications, and found that the land uses remained residential. Any further modifications to previous conditions will be reviewed with the DSP. In accordance with CB-83-2015, the DSP can amend the CSP; however, conditions of the rezoning will apply.

The previous approval for a planned retirement community with 210 units consisted of a combination of duplexes, apartments, and townhouse units for persons 55 years and older. The recreational facilities and amenities that were previously proposed under the approved CSP were suited for a population age 55 and above, and included a clubhouse with an amenities package and recreation that catered to seniors. The subject application alternatively proposes a recreational package that will cater to a broader mix of age groups, and includes an outdoor kitchen area with seating, a pre-teen playground, and a tot lot.

With the DSP, the spacing between the rear lot line of the townhomes and the side lot line of townhouse units will be further evaluated, although the lotting pattern is established with the PPS. Minor modifications without the loss of lots may be necessary at the time of DSP.

The plans provide for the 1,800-square-foot minimum pursuant to Applicant's Exhibit A submitted on January 9, 2018. The original PPS did not meet the minimum lot size for 2 of the 215 lots. With the exhibit, the applicant has modified the layout so that all the lots now meet the minimum lot size, and the original variance submitted is no longer necessary. The variance request has been withdrawn by the applicant.

Conformance with the 2010 Prince George's County Landscape Manual

The development is subject to the requirements of the 2010 *Prince George's County Landscape Manual*. Specifically, Section 4.1, Residential Requirements; Section 4.7, Buffering Incompatible Uses; Section 4.9, Sustainable Landscaping Requirements; and Section 4.10, Street Trees along Private Streets. Conformance to the requirements of those sections will be further evaluated at the time of DSP review.

Conformance with the Tree Canopy Ordinance

Subtitle 25-125 of the County Code requires projects which involve more than 5,000 square feet of land disturbance to provide a certain percentage of the area of the site in tree canopy coverage. The subject site is zoned M-X-T and is required to provide a minimum of 10 percent of the gross tract area to be covered by tree canopy. Compliance with this requirement will be further evaluated at the time of DSP review.

20. **Variation**—Section 24-128(b)(7)(A) of the Subdivision Regulations requires the following (in **bold**), and the plain text provides comments on PPS conformance:

Section 24-128. - Private roads and easements.

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

(7) In Comprehensive Design and Mixed Use Zones:

- (A) For land in the V-L, V-M, R-L, R-S, R-M, R-U, M-U-I, L-A-C, M-A-C, M-X-C, M-U-TC, and M-X-T Zones, the Planning Board may approve a subdivision (and all attendant plans of development) with private roads to serve attached single-family dwellings, two-family dwellings, and three-family dwellings, but not single-family detached or multifamily dwellings, in accordance with the requirements of Subsections (e) and (f) of Section 27-433 of the Zoning Ordinance, except as hereinafter provided. In all of the above zones, and in the R-R Zone when developed as a cluster subdivision, the Planning Board may approve a subdivision with alleys to serve any permitted use, provided the lot has frontage on and pedestrian access to a public right-of-way. The District Council may disapprove the inclusion of alleys during the consideration of the detailed site plan for a cluster subdivision. For the purposes of this Section, an “alley” shall mean a road providing vehicular access to the rear or side of abutting lots, and which is not intended for general traffic circulation.**
- (i) The pavement width of private roads may be reduced to not less than a minimum of twenty-two (22) feet when it is determined that the provision of the minimum width is consistent with a safe, efficient, hierarchical street system for a development.**
- (ii) The pavement width of private alleys shall be not less than eighteen (18) feet when it is determined that the provision of the minimum width is consistent with a safe, efficient, vehicular access to individual lots. Since alleys only provide vehicular access to lots with frontage on a public street, alleys shall not be required to be improved with street trees or curb and gutter, unless a drainage problem has been identified by the Department of Permitting, Inspections, and Enforcement or the Department of Public Works and Transportation.**

The subject PPS provides alleys to serve Lots 1-13 and 28-33, Block G; Lots 20–29, Block D; and Lots 1–4, Block E, although these lots do not have frontage on a public right-of-way, which is required above. The applicant has requested a variation from this requirement. Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of a variation request (in **bold**), and the plain text provides comments on PPS conformance:

Section 24-113. - Variations

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

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

The variation results in a layout that allows for increased open space for the development. The increased open space serves as an amenity and public benefit for the future residents, while the private alley provides open vehicular access and circulation throughout the site. The variation will not be detrimental to the public safety, health, or welfare, or injurious to other property.

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

The applicant requests approval of the variation due to the circumstances that are specific to this site, including its shape and topographic conditions. Land available has been significantly reduced by the incorporation of an extensive private network of streets and alleys to serve units, and the provision of an open space area in the central portion of the site. The preservation of existing environmental features along the northeastern property line, and the landscape buffers along the northwestern portion of the site, impact the shape of the development area.

This combination of factors has resulted in a unique situation where it is optimal to serve; Lots 1-13 and 28-33, Block G, Lots 20–29, Block D; and Lots 1–4, Block E, via alleys, while allowing them to front on open space, instead of a public right-of-way.

Frontage on private streets will allow for increased open space for the development. This would serve as an amenity and benefit for future residents, while the private alleys would allow for vehicular access and circulation throughout the site.

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

The variation from Section 24-128(b)(7)(A) is unique to the Subdivision Regulations, and under the sole authority of the Planning Board. Therefore, the variation does not constitute a violation of any other applicable law, ordinance, or regulation.

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

The topography of the site results in extensive environmental features located in the northeast portion of the property, resulting in a constrained area of development adequate to obtain the densities and intensities approved for this site with the CSP. The preservation of significant existing environmental features, and the provision of an extensive network of streets and alleys on this constrained site, has resulted in a situation where the provision of alleys to serve the subject lots would result in the optimal use of the subject site for its intended purpose. Significant environmental features in the northwestern portion of the site, as well as buffering requirements along the northwest boundary, have significantly limited the development area. Providing additional public streets, in lieu of open space proposed, would result in an additional hardship to future residents by significantly decreasing the open space within this development, while increasing pavement with no increased public benefit for the residents.

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

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

The site is unique to the surrounding properties, and the variation request is supported by the required findings. Approval of the variation will not have the effect of nullifying the intent and purpose of the Subdivision Regulations, which is to guide development according to the General Plan, area master plan, and their amendments.

The Planning Board approves the variation from Section 24-128(b)(7)(A) of the Subdivision Regulations, to allow townhouse lots that do not have frontage on, and pedestrian access to, a public right-of-way, and to allow attached single-family dwellings to be served by alleys.

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 Bailey, with Commissioners Washington, Bailey, Geraldo, and Hewlett voting in favor of the motion, and with Commissioner Doerner absent at its regular meeting held on Thursday, January 18, 2018, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 15th day of February 2018.

Elizabeth M. Hewlett
Chairman

By Jessica Jones
Planning Board Administrator

EMH:JJ:AT:rpg