



PGCPB No. 17-73

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.mncppc.org/pgco

File No. 4-16020

R E S O L U T I O N

WHEREAS, Blue Ocean Realty, LLC is the owner of a 6.70-acre parcel of land known as Parcels 2 and 3, said property being in the 9th Election District of Prince George's County, Maryland, and being zoned Residential Townhouse/Military Installation Overlay (R-T/M-I-O); and

WHEREAS, on December 6, 2016, Blue Ocean Realty, LLC filed an application for approval of a Preliminary Plan of Subdivision for 34 lots and 2 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-16020 for Blue Ocean Cedar Pointe 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 May 4, 2017, 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 May 4, 2017, 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 (TCP1-011-2016), and APPROVED a Variance from Section 25-122(b)(1)(G), and further APPROVED Preliminary Plan of Subdivision 4-16020, including a Variation from Section 24-121(a)(4) for 34 lots and 2 parcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised as follows:
 - a. Revise the title block to read "Lots 1 through 34, Parcels A and B."
 - b. Reflect the required public utility easement along Branch Avenue (MD 5), in accordance with Record Plat VJ 178-61.
 - c. Reflect the required public utility easement along Road Parcel A, within the vicinity of Lots 1 through 5.
 - d. Extend the southern lot lines of Lots 1 through 5 to the front street line of Serenade Lane.

- e. Extend the western lot lines of Lots 25 through 28 to the eastern edge of the public utility easement along Serenade Lane.
 - f. Revise the plan's legend to indicate that the plan is drawn to a scale of 1" = 40'.
 - g. Show the regulated environmental features and their associated buffers, in accordance with the signed natural resources inventory.
 - h. Label the height of the sound walls.
 - i. After the revisions are made, update the revision box accordingly.
 - j. Clearly label the 300-foot lot depth.
 - k. Show all proposed water and sewer lines.
 - l. Remove the proposed dwelling units.
 - m. Remove the Section 4.6 buffer along MD 5.
- 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 and on the plan, shall require the approval of a new preliminary plan of subdivision prior to approval of any building permits.
 - 4. Development of this site shall be in conformance with Stormwater Management Concept Plan 49366-2016-00 and any subsequent revisions.
 - 5. Total development shall be limited to uses which generate no more than 24 AM peak hour trips and 28 PM peak hour trips. Any development generating an impact greater than that identified herein shall require a new determination of the adequacy of transportation facilities and a new preliminary plan of subdivision.
 - 6. At the time of final plat, the plat should clearly note that access is denied along the frontages of Branch Avenue (MD 5) and Surratts Road.
 - 7. Prior to signature approval of the preliminary plan of subdivision, the natural resources inventory (NRI) and the Type 1 tree conservation plan (TCP1) shall be revised as follows:
 - a. Revise General Note 11 to state that the site does not include forest interior dwelling bird habitat.

- b. Revise the NRI and TCP1 to correctly show the limits of the primary management area, to include all areas of wetlands, streams, wetlands buffers, stream buffers, 100-year floodplain, and existing 100-year floodplain easement. Update the Site Statistics Table on the NRI, as required.
8. Prior to certification of the detailed site plan, the Type 2 tree conservation plan (TCP2) shall provide a note that includes all recommendations contained within the letter dated April 14, 2014 from the Maryland Department of Natural Resources, Natural Heritage Program, regarding the development and construction recommendations, for the purposes of protecting aquatic habitats downstream within Fox Run, which shall be listed on the TCP2.
9. Prior to signature approval of the preliminary plan of subdivision (PPS), the previously approved Type II Tree Conservation Plan (TCP2-029-95-01) shall be revised to exclude the area of land associated with this PPS and Type 1 tree conservation plan. The change in land area and woodland conservation shall be reconciled on the TCP2.
10. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised, as follows:
 - a. Identify all woodland conservation treatment areas including, but not limited to, woodland preservation, reforestation, afforestation, woodland cleared within the floodplain, and woodland preserved-assumed cleared.
 - b. Identify all woodland within existing and proposed easements (except surface drainage easements) as cleared on the plan and add the acreage in the worksheet.
 - c. Identify all woodland within existing and proposed Washington Suburban Sanitary Commission rights-of-way as cleared and ensure that all clearing and preservation areas shown on the plan are accurately reflected in the woodland conservation worksheet.
 - d. Revise General Note 1 to indicate that the TCP1 fulfills the woodland conservation requirements for Preliminary Plan of Subdivision 4-16020.
 - e. Revise General Note 10 to indicate that the TCP1 is not grandfathered by Prince George's County Council Bill CB-27-2010, Section 25-119(g).
 - f. The required property owners' awareness certificates shall be completed and included on the TCP1 plan for all adjoining properties that are directly impacted by woodland clearing associated with the proposed development of this project.
 - g. Remove the symbol for the 25-foot floodplain buffer from the TCP1 plan and legend.
 - h. Add the TCP1 number into the approval block and have the qualified professional sign and date the woodland conservation worksheet.

- i. Have the qualified professional who prepared the TCP1 sign and date it and update the revision box with a summary of the revisions made.
 - j. Remove the Section 4.6 buffer along MD 5.
11. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-011-16). 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 (TCP1-011-16), 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. A Type 2 tree conservation plan shall be approved at the time of detailed site plan. The following note shall be placed on the final plat of subdivision:
- “This plat is subject to the recordation of a Woodland Conservation Easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 Tree Conservation Plan, when approved.”
13. Prior to signature approval of the preliminary plan of subdivision, the letter of justification and associated exhibits shall be revised to provide the final area of impact based on the revised primary management area.
14. 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 or existing easements that are to remain, 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.”

15. Prior to 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.
16. Prior to approval of the detailed site plan (DSP), the applicant shall submit a Phase II noise study that addresses the mitigated 65 dBA Ldn noise contour through the use of a barrier, consistent with the recommendations of the Phase I noise study dated February 8, 2017 and subsequent revisions thereto. The contiguous barrier shall be designed along the eastern boundary of the site as required, adjacent to Branch Avenue (MD 5). The noise mitigation measures shall be shown on the DSP and the appropriate details shall be provided. An adequate clear zone for inspection and maintenance shall be provided on-site.
17. Prior to issuance of any building permit, a list of building materials shall be submitted by a professional engineer with competency in acoustical analysis using the certification template. The list shall be modified, as necessary, and certified by the engineer stating that the interior noise levels will be reduced through the proposed building materials to 45 dBA Ldn or less.
18. Prior to certification of the detailed site plan (DSP), the limit of disturbance shall be consistent on all plans including, but not limited to, the DSP, the Type 2 tree conservation plan, and the stormwater management concept plan.
19. Prior to issuance of the grading permit; a copy of the approved final stormwater management plan shall be submitted to the Environmental Planning Section of M-NCPPC to verify conformance with the certified Type 2 tree conservation plan and the detailed site plan. Any inconsistencies must be addressed prior to issuance of the first grading permit.
20. Prior to approval of any building permit for the subject property, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that the following required adequate pedestrian and bikeway facilities, as designated below, in accordance with Section 24-124.01 of the Subdivision Regulations, have (a) full financial assurances, (b) have been permitted for construction through the applicable operating agency's access permit process, and (c) have an agreed-upon timetable for construction and completion with the appropriate operating agency:
 - a. ADA-compatible sidewalk ramps and crosswalk treatments for the existing pedestrian crossing at Summit Creek Drive and Surratts Road intersection.
 - b. Complete the sidewalk along the entire cul-de-sac at the terminus of Serenade Court.
 - c. At the time of the detailed site plan, provide an exhibit that illustrates the location and limits of all off-site improvements for the review of the operating agencies. This exhibit shall show the location of all off-site sidewalk ramps, crosswalk treatments, pavement markings, and signage. It shall also include all specifications and details used for the off-site improvements.

21. Provide a sidewalk or designated walkway along the road serving Lots 25–28, in order to provide pedestrian access to the proposed tot lot. If the tot lot is not required, the area between Lots 28 and 29 shall be converted to a passive open space element that should be connected to the internal sidewalk system.
22. 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.
23. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the homeowners association (HOA) land as identified on the approved preliminary plan of subdivision and detailed site plan (DSP). 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, soil filling, other than the placement of fill material associated with permitted grading operations 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 an HOA 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 storm drain outfalls.
 - e. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to an HOA. 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 assure retention and future maintenance of the property to be conveyed.

24. Prior to issuance of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$420 to the Prince George's County Department of Public Works and Transportation (DPW&T) for the placement of Share the Road Signage along Surratts Road, a master planned bikeway. A note shall be placed on the final plat for payment to be received prior to issuance of the first building permit. If DPW&T declines the signage, this condition shall be void.
25. The applicant and the applicant's heirs, successors, and/or assignees shall provide:
 - a. 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; or
 - b. If at the time of detailed site plan, the Planning Board determines that a fee-in-lieu of on-site private recreational facilities is more appropriate, the applicant and the applicant's heirs, successors, and/or assignees shall pay a fee-in-lieu, commensurate with constitutional requirements, of parkland dedication prior to the approval of the final plat of subdivision.
26. If at the time of detailed site plan, on-site facilities are required, 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 submission 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.
27. If at the time of detailed site plan, on-site facilities are required, 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.

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 125, Grids E-2 and F-2, and is known as Parcels 2 and 3. The property is located in the Residential Townhouse/Military Installation Overlay (R-T/M-I-O) Zones and has a gross tract area of 6.70 acres, of which 4.72 acres is currently wooded. Sensitive environmental features exist on the property associated with a stream system that runs along the western portion of the site. This site contains six specimen trees and regulated environmental features that include steep slopes, 100-year floodplain, wetlands, streams,

and associated buffers. The property has street frontage along Branch Avenue (MD 5), a designated freeway; Serenade Lane, a 70-foot-wide public roadway dedicated per Record Plat of Subdivision VJ-178-61; and Surratts Road, a variable width collector roadway.

The property was the subject of a prior Preliminary Plan of Subdivision (PPS) 4-93072 approved by the Prince George's County Planning Board on March 24, 1994 (PGCPB Resolution No. 94-103). Preliminary Plan 4-93072 consisted of 116 townhouse lots and 4 parcels on 22.22 acres in the R-T Zone, and included 20,000 square feet of commercial/retail space and a 5,000-square-foot quality sit-down restaurant on 6.93 acres in the Commercial Shopping Center (C-S-C) Zone. Detailed Site Plan DSP-95015 was then approved on May 18, 1995 for the 116 lots.

Most of the residential townhouse lots approved with PPS 4-93072 have already been constructed, however, the commercial component approved with PPS 4-93072 was never constructed. With the exception of Parcel A, which abuts the subject property to the east, the current PPS includes all of the land area that was previously located in the C-S-C Zone at the time of the prior PPS. Parcel A, abutting the subject property to the east and located at the corner of Surratts Road and MD 5, was retained in the C-S-C Zone and is in reservation for the purpose of accommodating the ramps that are proposed in the southwestern quadrant of the MD 5/Surratts Road intersection. The 6.70 acres that is included in the subject PPS was rezoned to the R-T Zone via approval of the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (Subregion 5 Master Plan and SMA).

The applicant is proposing 34 lots and two parcels for the development of single-family attached dwelling units (townhomes). Vehicular access is proposed into the site from the terminus of Serenade Lane, which is an existing cul-de-sac bulb extending to the site from the west. The 34 townhouse lots will be served by 26-foot-wide private streets. Parcel A will contain the 26-foot-wide private roadways that serve the townhouse development, and Parcel B will contain the site's sensitive environmental features, as well as the required micro-bioretenion facilities, sidewalks, and a proposed tot lot. Vehicular access to MD 5, which abuts the site along the eastern property line, and Surratts Road, which abuts the site along the northern property line, will be denied.

3. **Setting**—The property is located at the terminus of Serenade Lane, approximately 1,850 feet east of its intersection with Summit Creek Drive. The site is bounded to the north by Surratts Road, and beyond by single-family semi-detached dwelling units in the Residential Suburban Development/Military Installation Overlay (R-S/M-I-O) Zones; to the south by single-family attached dwelling units in the R-T/M-I-O Zones; to the east by Branch Avenue (MD 5), a master-planned designated freeway (F-9); and to the west by vacant property in the R-T/M-I-O Zones, and beyond by single-family attached dwelling units in the R-S/M-I-O Zones.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

Zone(s) Use(s)	EXISTING	APPROVED
	R-T/M-I-O Vacant	R-T/M-I-O Single-Family Attached Dwelling Units (Townhouses)
Acreage	6.70	6.70
Parcels	2	2
Outlots	0	0
Dwelling Units:		
Attached	0	34
Variance	No	Yes (25-122(b)(1)(G))
Variation	No	Yes (24-121(a)(4))

Pursuant to Section 24-113 of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on December 16, 2016. The requested variation to Section 24-121(a)(4) of the Subdivision Regulations that requires residential lots adjacent to an existing or planned roadway of freeway or higher classification be platted with a depth of 300 feet was also heard at the SDRC meeting on December 16, 2016, as required by Section 24-113(b).

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

Development Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
4-93072	TCP1-042-93	Planning Board	Approved	3/21/1996	PGCPB No. 94-103
DSP-05107	TCPII-029-95-01	Planning Board	Approved	3/27/2008	PGCPB No. 08-46
DSP-05107	TCPII-029-95-01	District Council	Approved	11/17/2008	NA
NRI-073-14	N/A	Staff	Approved	8/12/2014	N/A

Proposed Activity

The current application is for the creation of 2 parcels and 34 lots for residential use in the R-T Zone, for a total of 34 townhouse units. The current application also seeks to separate the site from Type II Tree Conservation Plan TCPII-029-95-01 and to establish a separate Type 1 Tree Conservation Plan (TCP1-011-16) that deals specifically with existing Parcels 2 and 3 only.

Grandfathering

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

Site Description

The overall site contains 6.70 acres. According to the approved Natural Resources Inventory (NRI-073-14), 4.26 acres of woodlands exist on-site. A review of the available information identified that regulated environmental features, such as areas of steep slopes, 100-year floodplain, wetlands, streams, associated buffers, and primary management area (PMA), exist on-site. This site is outside of the Chesapeake Bay Critical Area. This site is located in the Piscataway Creek watershed, which drains into the Potomac River Basin. The site is located in a stronghold watershed. The predominant soils found to occur on-site, according to the U.S. Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS), Web Soil Survey (WSS), include Marr-Dodon complex (15–20 percent slopes), Marr-Dodon-Urban land complex (5-15 percent slopes), Udorthents highway (0–65 percent slopes), and Widewater and issue soils frequently flooded. According to available information, soils containing Marlboro clay and Christiana complexes are not found on this property. This site is within a sensitive species protection review area based on a review of the SSPRA GIS layer prepared by the Heritage and Wildlife Service, Maryland Department of Natural Resources (MDNR). Although the general notes section of the approved NRI indicates that forest interior dwelling species (FIDS) habitat is located on-site; both the approved NRI plan itself, as well as the potential habitat layer for FIDS in the State of Maryland, indicate that no FIDS habitat is actually located on-site. None of the streets that the site fronts on have a historic or scenic designation. The site fronts Branch Avenue (MD 5), which is identified as a freeway, which is a traffic noise generator. The site also fronts Surratts Road, which is a collector roadway, as well as Serenade Lane, which is not classified as a master plan roadway; neither of these roads are considered traffic noise generators. According to the 2005 *Approved Countywide Green Infrastructure Plan* (Green Infrastructure Plan), the site includes regulated, evaluation, and network gap areas.

Plan Prince George's 2035 Approved General Plan

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

Conformance with the 2010 Approved Water Resources Functional Master Plan

The 2010 *Approved Water Resources Functional Master Plan* contains policies and strategies related to the sustainability, protection and preservation of drinking water, stormwater, and wastewater systems within the County, on a countywide level. These policies are not intended to be implemented on individual properties or projects and, instead, will be reviewed periodically on a countywide level. As such, each property reviewed and found to be consistent with the various countywide and area master plans, county ordinances for stormwater management, floodplain and

woodland conservation, and programs implemented by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), the Prince George's County Department of Health, the Prince George's County Department of Environmental Resources, the Prince George's Soil Conservation District, the Maryland-National Capital Park and Planning Commission (M-NCPPC), and the Washington Suburban and Sanitary Commission (WSSC) are also deemed to be consistent with this master plan.

Master Plan Conformance

The subject property has been evaluated for conformance with the 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan* (CBA Corridor Revitalization Sector Plan), and is found to be consistent with the plan recommendations, as set forth in this report.

Conformance with the Approved 2005 Green Infrastructure Plan

Approximately 90 percent of the site is within the green infrastructure network and contains regulated, network gap, and evaluation areas. The regulated areas are associated with the PMA located along the northwestern area of the site. The network gap area is located along the southeastern portion of the site. To find conformance with the Green Infrastructure Plan, the Planning Board must find that the TCP1 plan adequately addresses the following policies, applicable to the current project:

Policy 1: Preserve, protect, enhance or restore the green infrastructure network and its ecological functions while supporting the desired development pattern of the 2002 General Plan.

Note that the 2002 General Plan has been superseded by Plan Prince George's 2035.

The TCP1 proposes to preserve the majority of the regulated area within the PMA, with the exception of impacts associated with stormwater structures and a sewer house connection which are necessary for the development. Access to the site will be through the use of an existing crossing.

A portion of the network gap will be developed to accommodate the proposed townhomes, along with associated stormwater management structures, parking, and circulation.

A statement of justification has been received for the proposed impacts to the stream buffer within the PMA.

Policy 2: Preserve, protect, and enhance surface and ground water features and restore lost ecological functions.

The current project has a valid stormwater concept plan, approved under the current stormwater regulations by DPIE.

Policy 3: Preserve existing woodland resources and replant woodland, where possible, while implementing the desired development pattern of the 2002 General Plan.

Plan Prince George's 2035 designates the site within ESA 2 (formerly the Developing Tier). The TCP1 proposes to preserve 0.61 acre of existing woodland, which includes a portion of the regulated area.

Natural Resources Inventory

A signed NRI (NRI-073-14), which included a detailed forest stand delineation, was submitted with the application. This NRI expires on August 12, 2019. This site contains 4.72 acres of existing woodlands, six specimen trees, and regulated environmental features that include steep slopes, 100-year floodplain, wetlands, streams, and associated buffers, inclusive of the PMA. The site has a recorded conservation easement over these features which will be reviewed for any additional impacts.

There is an area of stream buffer located in the northeastern corner and an area of the recorded 100-year floodplain easement that were not included in the PMA. The NRI and TCP1 must be revised to include the entire stream buffer and recorded 100-year floodplain easement within the PMA.

The general notes section of the approved NRI indicates that FIDS habitat is located on-site; however, both the approved NRI plan itself, as well as the Potential Habitat Layer for Forest Interior Dwelling Species in the State of Maryland indicate that no FIDS habitat is actually located on-site. The general notes section of the NRI must be revised to correct this discrepancy.

This site is within a sensitive species protection review area based on a review of the SSPRA GIS layer prepared by the Heritage and Wildlife Service, MDNR. According to General Note 10 of the approved NRI, MDNR's Natural Heritage Program issued a letter stating that the site drains into Fox Run where there are documented fish and aquatic species that are rare, threatened, or endangered. The letter provided some recommended guidance with respect to the development and construction on the site, in order to protect these aquatic habitats. The recommended guidance cited in this letter shall be placed on the Type 2 tree conservation plan (TCP2) prior to its certification.

Woodland Conservation

This 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. A Type 1 Tree Conservation Plan (TCP1-011-2016) was submitted with this PPS application.

This site was previously associated with a larger tract of land that was part of previously approved Detailed Site Plan DSP-05107 and Type II Tree Conservation Plan TCP1I-029-95-01. Because this is a new PPS and will require a new TCP2, TCP1I-029-95-01 must be amended prior to signature

approval, to exclude the area of land included in this application. The TCP1 shall be reconciled for any loss of woodland conservation.

The site has a woodland conservation threshold of 20 percent or 1.16 acres. According to the worksheet, the cumulative woodland conservation requirement, based on the total proposed clearing of 3.56 acres for this project, is 2.41 acres. The TCP1 proposes to meet this requirement with 0.61 acre of on-site preservation, 0.63 acre of afforestation/reforestation, and 1.17 acres of off-site woodland conservation credits. The worksheet, as submitted, will require revisions for the reasons stated below.

The plan requires technical revisions to be in conformance with the WCO. Section 25-122(b)(1)(N)(iii) of the County Code states "Land within all types of easements except surface drainage easements shall not be counted toward meeting the requirements and shall be counted as cleared." The plan shows clearing for a future WSSC sewer easement and stormwater management outfall. It also shows woodland to be preserved, but not counted as credit, within an existing WSSC right-of-way. All woodland within existing and proposed easements and rights-of-way (except surface drainage easements) must be counted as cleared.

The plan also shows clearing within the floodplain; however, the worksheet does not account for this clearing, which must be replaced at 1:1. The TCP1 worksheet shall be revised to include the acreage of all clearing within the floodplain.

The TCP1 does not fully show the approved stormwater management concept for the site, which may result in additional clearing. The plan needs to be revised to correctly show the design and associated limits of disturbance (LOD) for all stormwater management. The LOD must be consistent with the stormwater management concept plan.

The TCP1 general notes require two revisions. General Note 1 must indicate that the TCP1 fulfills the woodland conservation requirements for PPS 4-16020. General Note 10 must be revised to indicate that the TCP1 is not grandfathered by Prince George's County Council Bill CB-27-2010, Section 25-119(g) of the County Code.

The LOD on the TCP1 plan extends off-site onto Parcel Z to the west and onto Parcel 4 to the south. The worksheet proposes 0.01 acre of off-site clearing. A Property Owners Awareness Certificate, for each owner of land outside of this application where woodland is proposed to be cleared, must be added to the plan and must be completed and signed by each impacted adjoining property owner or owner's representative on the TCP1. The certificates must be signed prior to signature approval of this PPS.

The WCO does not require a floodplain buffer. The 25-foot floodplain buffer should be removed from this TCP1 plan. Add the TCP1 number in the approval block and have the qualified professional sign and date the woodland conservation worksheet. After all revisions have been made, have the qualified professional who prepared the TCP1 sign and date it and update the revision box with a summary of the revisions made.

Specimen Tree Variance

Section 25-122(b)(1)(G) of the County Code 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 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 effective on September 1, 2010.

A Subtitle 25 variance application and a statement of justification in support of a variance dated October 11, 2016 were received by the Environmental Planning Section. The letter of justification submitted in support of the variance seeks to address the required findings for all six specimen trees that exist on-site as a group; however, details specific to individual trees has also been provided.

Section 25-119(d)

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

The site has an unusual shape, coupled with environmental constraints, that limit where development can go on-site. The condition of all the specimen trees to be removed is fair to poor. The site also has existing steep slope areas and elevation changes that require significant grading to allow any kind of development. Specimen Trees 1 (ST-1) and (ST-2) are located on the southern portion of the property, while Specimen Trees 3-6 (ST-3 – ST-6) are clustered together to the north, outside of the PMA.

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

If the trees were to remain preserved, the site could not be developed in accordance with current zoning and allowed density. If other properties include trees in similar locations and in similar condition on a site, the same considerations would be provided during the review of the required variance application.

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

The removal of specimen trees is generally supported in the most developable areas of the site because of the significant amount of grading required to develop the site. Although these trees are near the boundaries of the site, the grading necessary to bring the site to a buildable grade warrants the removal of them. If other properties include trees in similar locations and in similar condition on a site, the same considerations would be provided during the review of the required variance application.

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

The site is undeveloped. The applicant has taken no action to date on the subject property.

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

The requested variance does not arise from a condition relating to the land or building use, either permitted or nonconforming on a neighboring property. There are no existing conditions on the neighboring properties that have any impact on the location or size of the trees, nor are there conditions that are affecting the layout and development of the size, with respect to the specimen trees to be removed.

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

Granting the variance to remove the specimen trees will not directly affect water quality because the reduction in tree cover caused by specimen tree removal is minimal. Specific requirements regarding stormwater management for the site will be further reviewed by DPIE.

The required findings of Section 25-119(d) have been adequately addressed by the applicant for the removal of Specimen Trees ST-1, ST-3, ST-4, ST-5, and ST-6.

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 the County Code.

The site contains regulated environmental features. According to the PPS and the approved stormwater management concept plan, impacts to the 100-year floodplain are proposed for a storm drain outfall, sewer connection, and associated grading. A statement of justification has been received for the proposed impacts to 100-year floodplain, non-tidal wetlands, wetlands buffer, and stream buffer, which are within the PMA.

Statement of Justification

The statement of justification and exhibits request two impacts to the PMA totaling approximately 3,130 square feet.

Analysis of Impacts

Impact 1 is 1,990 square feet and for the installation of a sewer connection. This connection is necessary for the development of the site to provide sanitary sewer service to the proposed residential homes.

Impact 2 is 1,145 square feet and is for a storm drain outfall. This impact is also necessary for development to safely convey stormwater to the stream.

Both impacts are confined to a small portion of the PMA. The area of impact is expected to slightly increase to account for the location of the PMA with regard to the floodplain easement.

Based on the level of design information currently available and the recommended conditions, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible, based on the LOD shown on the impact exhibits and the tree conservation plan submitted for review.

Noise

The site is adjacent to Branch Avenue (MD 5). A Phase 1 noise study was submitted with the application from Polysonics. Existing traffic noise levels were measured and calculated by Polysonics using the Federal Highway Administration's Traffic Noise Model (TNM) Version 2.5. According to their noise model, the unmitigated 65 dBA Ldn noise contour has been identified and is shown on the PPS and TCP1.

Based on the proposed lot layout, all of the proposed lots and the tot lot fall within the existing unmitigated 65 dBA Ldn noise contour and will be affected by a noise levels of 65dBA Ldn or higher. The study states that any material with a transmission loss of 18 dBA Ldn can be used to reduce noise to the required 65 dBA Ldn. These materials include wood barriers two inches thick, most metal barriers, any masonry barrier, or any composite barrier or glass/plexiglass barrier. Various noise barriers between two and ten feet high will be required to mitigate outdoor noise.

For interior noise, the report recommends a building shell analysis and review of architectural floor plans of the proposed buildings. In a teleconference with the acoustical engineer on April 20, 2017, the engineer confirmed that enhanced building materials will be necessary to mitigate the interior noise to 45 dBA Ldn or less.

In a meeting with the applicant, the applicant proposed a contiguous wall along the interior boundary of the site, adjacent to MD 5 to mitigate outdoor noise. A Phase II noise study is required to determine the mitigated 65 dBA Ldn noise contour, based on the appropriate type of material used to construct the wall at the time of DSP.

Soils

The predominant soils found to occur on-site, according to the USDA NRCS WSS, include Marr-Dodon complex (15–20 percent slopes), Marr-Dodon-Urban land complex (5–15 percent slopes), Udorthents highway (0–65 percent slopes), and Widewater and issue soils frequently flooded. According to available information, soils containing Marlboro clay and Christiana complexes are not found on this property.

This information is provided for the applicant's benefit. No further action is needed as it relates to this PPS. A soils report may be required by the Prince George's County Department of Environmental Resources during the permit review process.

Stormwater Management

The site has an approved Stormwater Management Concept Letter and Plan (49366-206-00) that expires on December 23, 2019. The approval is in conformance with the current Code. A fee payment is required in lieu of providing on-site attenuation/quality control measures. Two bioswales, three dry wells, and two micro-bioretenion ponds are proposed on-site. One outfall structure is proposed within the PMA to convey stormwater off-site into the natural drainage course system. There is also an existing storm drain easement and pipe to remain on-site that will continue to convey stormwater from properties located across Branch Avenue (MD 5) into the PMA on-site.

The approved stormwater management concept plan is not consistent with the TCP1, as the LOD on the approved stormwater plan do not match that of the TCP1. Specifically, the proposed grading required for the proposed sewer connection is not reflected on the approved stormwater management plan, and the LOD differs between the two sets of plans and should be corrected.

6. **Community Planning**—The subject application is located in Planning Area 81A within the Clinton Community, and within the 2013 Subregion 5 Master Plan and SMA and the 2013 CBA Corridor Revitalization Sector Plan. The Subregion 5 Master Plan and SMA (Change 24, page 193,) rezoned the subject property from the C-S-C Zone to the R-T Zone, and the CBA Corridor Revitalization Sector Plan recommended a residential medium-high land use for the subject property (Subregion 5 Master Plan and SMA, page 52). The development of 34 attached dwelling units is consistent with the residential medium-high land use recommendation within the CBA Corridor Revitalization Sector Plan.

Access to this site through a residential (townhouse) subdivision made the site undesirable for commercial development. The Subregion 5 Master Plan and SMA's rezoning of the subject property from the C-S-C Zone to the R-T Zone will allow a proposed townhouse development that is compatible with the adjacent built community.

Plan Prince George's 2035, approved May 6, 2014, designates the subject property in an Established Community. These areas are most appropriate for context-sensitive, residential, infill development at low to medium densities (page 20). The proposed subdivision is consistent with Plan Prince George's 2035 policies for Established Communities that support context-sensitive, residential, infill development at medium densities.

7. **Parks and Recreation**—The need analysis for this property through the year 2020 shows a low need for parkland. In accordance with Section 24-134(a) of the Subdivision Regulations, the M-NCPPC, Development Review Division, recommends that the Planning Board require private on-site recreational facilities for the subject PPS in order to meet the requirements of mandatory park dedication (Section 24-135(b)). The land available for dedication is not contiguous to existing parkland and is unsuitable due to its size and location.
8. **Trails**—The PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and/or the appropriate area master/sector plan in order to implement planned trails, bikeways, and pedestrian improvements.

The subject application proposes 34 townhouse units at the terminus of Serenade Lane. The site is located just to the south of Surratts Road and is covered by the MPOT and the 2013 CBA Corridor Revitalization Sector Plan (area sector plan). Because the site is located in the Branch Avenue Corridor, it is subject to the requirements of Section 24-124.01 of the Subdivision Regulations and the "Transportation Review Guidelines, Part 2" (Guidelines) at the time of PPS.

Background

Because the site is located within the CBA Corridor Revitalization Sector Plan, it is subject to the requirements of Section 24-124.01 and the Guidelines. In order to meet these requirements, the bicycle and pedestrian impact statement must be submitted. The pre-application meeting was held on October 24, 2016.

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

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

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

Sidewalks are provided from the public right-of-way to the fronts of all of the townhouse units. One additional sidewalk connection is recommended to the proposed tot lot, as noted below.

Proposed On-Site Bicycle and Pedestrian Improvements

The site consists of 34 townhouse lots and is served by private roads. It is accessed from the end of Serenade Lane. Sidewalk access is shown on the subject site from the public right-of-way to each of the townhouse units. One additional sidewalk connection is recommended on-site in order to provide safe access to the tot lot.

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

Due to the location of the subject site within a designated corridor, the application is subject to County Council Bill CB-2-2012, which includes a requirement for the provision of off-site bicycle and pedestrian improvements. Section 24-124.01(c) includes the following guidance regarding off-site improvements:

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

Council Bill CB-2-2012 also included specific guidance regarding the cost cap for the off-site improvements.

The amount of the cost cap is determined pursuant to Section 24-124.01(c):

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

Based on Section 24-124.01(c) and the 34 townhouse units proposed, the cost cap for the site is \$10,200.

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

- (d) **Examples of adequate pedestrian and bikeway facilities that a developer/property owner may be required to construct shall include, but not be limited to (in descending order of preference):**
1. **installing or improving sidewalks, including curbs and gutters, and increasing safe pedestrian crossing opportunities at all intersections;**
 2. **installing or improving streetlights;**
 3. **building multi-use trails, bike paths, and/or pedestrian pathways and crossings;**
 4. **providing sidewalks or designated walkways through large expanses of surface parking;**
 5. **installing street furniture (benches, trash receptacles, bicycle racks, bus shelters, etc.); and**
 6. **installing street trees.**

A scoping meeting was held with the applicant on October 24, 2016. The requirements of Section 24-124.01, the Guidelines, and possible off-site improvements were discussed at that time. Due to the low cost cap associated with the subject site, meetings were conducted with the applicant to identify appropriate improvements that could be made by the applicant that would serve the subject site, improve the pedestrian environment in the vicinity of the site, and still meet the constraints of the cost cap. Given the cost cap, there are few constructed facilities that can be provided. However, one intersection in the vicinity of the site was identified that needs crosswalk improvements. With these crosswalk/ADA improvements, there will be complete sidewalk access between the subject site and the existing bus stop at the Surratts Road and Summit Creek Lane intersection. The completion of the sidewalk around the cul-de-sac at the end of Serenade Lane is recommended, which will involve a short stretch (approximately 60 linear feet) of off-site sidewalk construction. Lastly, bikeway signage is recommended along Surratts Road to alert motorists to the possibility of bicycle traffic along this master plan bikeway.

In summary, the following improvements should be provided pursuant to Section 24-124.01 and an exhibit be provided for the location, limits, and specifications for the improvements, at the time of DSP:

- Completion of the sidewalk network around the cul-de-sac at the terminus of Serenade Court

- Crosswalk/ADA improvements at the Surratts Road and Summit Creek Drive intersection
- Bikeway signage along Surratts Road
- Submit an exhibit for the off-site improvements at the time of DSP

Demonstrated nexus between the subject application and the off-site improvements

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

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

Demonstrated Nexus Finding: The proposed off-site improvements will directly benefit the future residents of the subject site by providing a complete sidewalk connection (with designated crosswalks) from the subject site to the closest bus stop that serves the site.

Finding of Adequate Bicycle and Pedestrian Facilities

Council Bill CB-2-2012 requires that the Planning Board make a finding of adequate bicycle and pedestrian facilities at the time of PPS. Council Bill CB-2-2012 is applicable to PPS within designated centers and corridors. The subject application is located within the designated Greenbelt Road Corridor, as depicted on the Adequate Public Facility Review Map of Plan Prince George's 2035. Council Bill CB-2-2012 also included specific guidance on the criteria for determining adequacy, as well as what steps can be taken if inadequacies need to be addressed.

As amended by CB-2-2012, Section 24-124.01(b)(1) and (2) includes the following criteria for determining adequacy:

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

1. **The finding of adequate public pedestrian facilities shall include, at a minimum, the following criteria:**
 - a. **The degree to which the sidewalks, streetlights, street trees, street furniture, and other streetscape features recommended in the Countywide Master Plan of Transportation and applicable area master plans or sector plans have been constructed or implemented in the area; and**
 - b. **The presence of elements that make is safer, easier and more inviting for pedestrians to traverse the area (e.g., adequate street lighting, sufficiently wide sidewalks on both sides of the street buffered by planting strips, marked crosswalks, advance stop lines and yield lines, "bulb out" curb extensions, crossing signals, pedestrian refuge medians, street trees, benches, sheltered commuter bus stops, trash receptacles, and signage. (These elements address many of the design features that make for a safer and more inviting streetscape and pedestrian environment. Typically, these are the types of facilities and amenities covered in overlay zones).**

The off-site sidewalk and crosswalk improvements will improve the pedestrian facilities in and around the subject site, improve pedestrian safety, and directly benefit the future residents of the subject application by providing more complete pedestrian facilities in the vicinity of the subject site and to adjoining land uses. Furthermore, the improvements will provide a complete pedestrian connection to the closest bus stop serving the subject site. These facilities will enhance the existing environment for pedestrians and correct some existing deficiencies in the network immediately around the subject site.

2. **The finding of adequate public bikeway facilities shall, at a minimum, include the following criteria:**
 - a. **The degree to which bike lanes, bikeways, and trails recommended in the Countywide Master Plan of Transportation and applicable area master plans or sector plans have been constructed or implemented in the area;**
 - b. **The presence of specially marked and striped bike lanes or paved shoulders in which bikers can safely travel without unnecessarily conflicting with pedestrians or motorized vehicles;**
 - c. **The degree to which protected bike lanes, on-street vehicle parking, medians or other physical buffers exist to make it safer or more inviting for bicyclists to traverse the area; and**

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

The subject application includes private roads on-site and connects into the existing public road network off-site. Surratts Road is a master plan bikeway. One "Share the Road with a Bike" sign assembly is recommended to alert motorists to the possibility of bicycle traffic along this road.

9. **Transportation**—The property is located at the southwest corner of the intersection of Branch Avenue (MD 5) and Surratts Road, at the terminus of Serenade Lane. The applicant is proposing 34 townhouse lots.

Analysis of Traffic Impacts

Trip Generation

The application is a PPS for a residential subdivision of 34 townhouse lots. The site would generate 24 AM (5 in, 19 out) and 28 PM (18 in, 10 out) peak hour trips. This trip generation will be used for the analysis and for formulating the trip cap for the site.

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

- Surratts Road and Summit Creek Drive (unsignalized)

The application is supported by traffic counts dated January 2016. The counts were less than one year old on December 6, 2016, which was the date of acceptance of this PPS and, therefore, meet the Planning Board's requirements. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the Transportation Planning Section, consistent with the "Transportation Review Guidelines, Part 1"

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 by the appropriate operating agency.

The following critical intersections, interchanges, and links identified above, when analyzed with existing traffic using counts taken in January 2016 and existing lane configurations, operate as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
Surratts Road and Summit Creek Drive	47.0*	13.2*	--	--
*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 nine approved, but unbuilt, developments within the study area. A 1.0 percent annual growth rate for a period of two years has been assumed. 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)	
Surratts Road and Summit Creek Drive	80.5*	15.9*	--	--
*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 development has been analyzed with the following trip distribution: 75 percent east along Surratts Road, 15 percent west along Surratts Road, and 10 percent north along Stuart Lane. The following critical intersections, interchanges, and links identified above, when analyzed with the programmed improvements and total future traffic as developed using the "Transportation Review Guidelines," including the site trip generation as described above, operate as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
Surratts Road and Summit Creek Drive				
Maximum Vehicle Delay (in seconds)	91.3*	16.8*	Not OK	OK
Approach Volume	154*	--	Not OK	--
Critical Lane Volume	349*	--	OK	--
*In analyzing two-way stop-controlled intersections, a three-step procedure is employed in which the greatest average delay in seconds for any movement within the intersection, the maximum approach volume on a minor approach, and the critical lane volume are all computed and compared to the approved standards. According to the Guidelines, all three tests must fail in order to require a signal warrant study.				

It is found that the critical intersection operates acceptably under total traffic in both peak hours. A trip cap consistent with the trip generation assumed for the site, 24 AM and 28 PM peak-hour vehicle trips has been established by the Planning Board.

Plan Comments

A single access point onto Serenade Lane, a primary residential street built to commercial standards (to serve the commercial zoning that was previously recommended on the site) is proposed. Access onto MD 5 or Surratts Road is not proposed, and would not be appropriate or supported.

Master Plan Rights-of-Way – MD 5 and Surratts Road

Branch Avenue (MD 5) is a master plan freeway facility with a proposed interchange at Surratts Road, which is a master plan collector facility. Adequate dedication, consistent with master plan needs, has already occurred. The exception is that ramps are proposed in the southwestern quadrant of the MD 5/Surratts Road intersection; adjacent Parcel A is in reservation for the purpose of accommodating those ramps.

Master Plan Rights-of-Way – Future Transit Facility

The MPOT shows a proposed transit line parallel and adjacent to MD 5. This line represents the Southern Maryland Rapid Transit Study being conducted by the Maryland Transit Administration (MTA) of the Maryland Department of Transportation. This study seeks to complete location and initial design for a proposed transit facility linking the Branch Avenue Metrorail Station with Charles County. Both bus rapid transit (BRT) and light rail transit (LRT) alternates are under study by MTA. At this time, no alternatives are under review that are on the west side of MD 5 in this area.

Based on the preceding findings, adequate transportation facilities would exist to serve the proposed subdivision, as required under Section 24-124 of the Subdivision Regulations, with conditions.

10. **Schools**—The PPS has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and Prince George's County Council Resolution CR-23-2003.

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

Affected School Clusters #	Elementary School Cluster 6	Middle School Cluster 6	High School Cluster 6
Dwelling Units	34 DU	34 DU	34 DU
Pupil Yield Factor	0.145	0.076	0.108
Subdivision Enrollment	5	3	4
Actual Enrollment	5,318	1,695	2,911
Total Enrollment	5,323	1,698	2,915
State Rated Capacity	6,487	2,457	4,013
Percent Capacity	82%	69%	73%

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 the Capital Beltway (I-95/495) and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; 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 \$9,116 and \$15,628, to be paid at the time of issuance of each building permit. In 2013, Maryland House Bill 1433 reduced the school facilities surcharge by 50 percent for multifamily housing constructed within an approved transit district overlay Zone; or where there is no approved transit district overlay zone within one-quarter 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 transit district overlay zone; or where there is no approved transit district overlay zone, then within one-quarter mile of a Metro station. This act is in effect from October 1, 2013 through September 30, 2018.

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

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

Section 24-122.01(e)(1)(E) states that “A statement by the Fire Chief that the response time for the first due station near the property proposed for subdivision is a maximum of seven (7) minutes travel time. The Fire Chief shall submit monthly reports chronicling actual response times for call for service during the preceding month.” The proposed project is served by Clinton Fire/EMS, Company 825, a first due response station (a maximum of seven minutes travel time), located at 9025 Woodyard Road.

“In the Fire/EMS Department’s Statement of Adequate Apparatus, as of July 15, 2016, the Department states they have developed an apparatus replacement program to meet all the service delivery needs of the County.”

Capital Improvement Program (CIP)

The Prince George’s County FY 2016–2021 Approved CIP provides funding to complete a major renovation of the existing facility.

12. **Police Facilities**—The subject property is located in Police District V, Clinton. The response time standard is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The PPS was accepted for processing by the Planning Department on December 6, 2016.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Nonemergency Calls
Acceptance Date 12/6/2016	12/2015-1/2015	9 minutes	14 minutes
Cycle 1			
Cycle 2			
Cycle 3			

Based on the most recent available information, as of December 2015, police response times (the response time standards of 10 minutes for emergency calls and the 25 minutes for nonemergency calls), were met on December 14, 2016.

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

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

14. **Use Conversion**—The subject application is proposing the development of 34 single-family attached dwelling units. 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 PPS shall be required prior to approval of any building permits.
15. **Public Utility Easement**—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 Serenade Lane and Branch Avenue (MD 5). The required 10-foot-wide PUEs were previously recorded along both public streets on February 20, 1997 via Record Plat VJ 178-61, and will be reestablished at the time of final plat for the subject site. The applicant has reflected the required PUE along their entire street frontage of Serenade Lane, however, the required PUE is not reflected on the submitted plans along MD 5. The required PUE along MD 5 will be added prior to signature approval of the PPS.

The proposed 34 lots will be served by private streets. Section 24-128(b)(12) of the Subdivision Regulations requires that a PUE be provided along one side of the right-of-way of a private street.

With the exception of the required PUE along Road Parcel A, within the vicinity of Lots 1 through 5, all of the required PUEs have been provided along the private streets. The required PUE along Road Parcel A, within the vicinity of Lots 1 through 5, will be added prior to signature approval of the PPS.

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

16. **Stormwater Management**—Stormwater Management Concept Plan 49366-2016-00 was approved by DPIE on December 23, 2016 and is valid until December 23, 2019. DPIE will review for conformance to the stormwater management concept plan and technical approval at the time of grading permit, to ensure that development does not result in any on-site or downstream flooding. Development must be in conformance with that approved plan and subsequent approvals.
17. **Variation**—The property has street frontage along Branch Avenue (MD 5), a master plan freeway facility. A variation from Section 24-121(a)(4) of the Subdivision Regulations has been requested by the applicant for the 300-foot lot depth requirement for residential lots adjacent to an existing or planned roadway of freeway or higher classification. The requested variation was heard at the SDRC meeting on December 16, 2016, as required by Section 24-113(b) of the Subdivision Regulations, and is recommended for approval.

Section 24-121(a)(4) of the Subdivision Regulations states the following:

- (4) **Residential lots adjacent to existing or planned roadways of arterial classification shall be platted with a minimum depth of one hundred and fifty (150) feet. Residential lots adjacent to an existing or planned roadway of freeway or higher classification, or an existing or planned transit right-of-way, shall be platted with a depth of three hundred (300) feet. Adequate protection and screening from traffic nuisances shall be provided by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line, when appropriate.**

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests, as follows:

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

Noise levels are a concern for residential lots adjacent to an existing or planned roadway of freeway or higher classification and are required to be platted with a depth of 300 feet, per the requirements of Section 24-121(a)(4) of the Subdivision Regulations. A traffic noise and buffer analysis has been submitted by the applicant in order to address the noise concerns. Based on the modeling and the mitigation measures outlined in the applicant's analysis, the applicable statutory noise levels can be achieved on-site without requiring townhouse lots to be a minimum of 300 feet deep. Interior noise levels will not exceed 45 dBA Ldn and outdoor noise levels will not exceed 65 dBA Ldn, with conditions.

The property was the subject of prior PPS 4-93072, approved by the Planning Board on March 24, 1994 (PGCPB Resolution No. 94-103). No residential development was proposed within the geographical area that makes up the current PPS because that portion of the property was located in the C-S-C Zone at the time of the prior PPS. However, townhouse lots were proposed with PPS 4-93072, just south of the subject property, and a variation from the 300-foot lot depth requirement from MD 5 was granted by the Planning Board with the approval of the prior subdivision application.

A condition was established by the Planning Board (Condition 11, PGCPB Resolution No. 94-103) for the prior approved PPS 4-93072, requiring that, prior to issuance of any building permits, a certification be submitted by a professional engineer with competency in acoustical analysis stating that the building shells of structures within prescribed noise corridors will attenuate exterior noise levels to an interior level not to exceed 45 dBA Ldn. A similar condition has been carried forward with the current application to ensure that interior noise levels will be reduced through the proposed building materials to 45 dBA Ldn (or less) for the residential units within the unmitigated 65 dBA Ldn or higher noise impact area. As a result, the granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to any 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 property is irregularly shaped (with its long axis parallel to MD 5) and is encumbered with regulated environmental features that include steep slopes, 100-year floodplain, wetlands, streams, and their associated buffers. The site has a recorded conservation easement over these features, which limits the remaining buildable portion of the property to within the required 300-foot lot depth line.

The 2013 Subregion 5 Master Plan and SMA rezoned the subject property from the C-S-C Zone to the R-T Zone (Change 24, page 193), and the 2013 CBA Corridor Revitalization Sector Plan recommended a residential medium-high land use for the subject property (Subregion 5 Master Plan and SMA, page 52). The property could not be developed in accordance with master plan recommendations without the requested variation. These site constraints are unique to this property and are not applicable to other properties in this area.

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

Townhouse lots were proposed with prior approved PPS 4-93072, just south of the subject property, and a variation from the 300-foot lot depth requirement from MD 5 was granted by the Planning Board with the prior application.

The variation to Section 24-121(a)(4) 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 site access, environmentally-regulated features, and steep slopes significantly limit the developable area of the subject property. Furthermore, the majority of the developable area is less than 300 feet wide, making the provision of 300-foot deep lots an impossibility for most of the site. The small area on the western portion of the site that would be outside the 300-foot lot depth line is encumbered with a required stormwater management bioretention facility, steep slopes, and a conservation easement that contains the property's sensitive environmental features.

Without the requested variation, the property could not be developed in accordance with the recommendations of the Subregion 5 Master Plan and SMA, which rezoned the subject property from the C-S-C Zone to the R-T Zone, or the CBA Corridor Revitalization Sector Plan, which recommended a residential medium-high land use for the subject property. The Planning Board recognized the need for this same variation request with their approval of prior PPS 4-93072. If the strict letter of these regulations were carried out, it would result in particular hardship for the owner, rather than a mere inconvenience, because only one of the 34 lots proposed meet the regulation.

- (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 R-T/M-I-O; 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.

Therefore, the Planning Board approves the variation for 33 lots to Section 24-121(a)(4) of the Subdivision Regulations for not providing the required 300-foot lot depth requirement for residential lots adjacent to an existing or planned roadway of freeway or higher classification.

18. **Historic**—A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. This proposal will not impact any historic sites, historic resources, or known archeological sites.
19. **Urban Design**—DSP review is required for all attached dwellings in the R-T Zone, in accordance with Section 27-433 of the Zoning Ordinance.

Section 27-433 appears to be adhered to, except for the following provisions:

(f) Access to Individual Lots.

- (1) The following requirements shall apply only to the development of townhouses, one-family semidetached dwellings, two-family dwellings, three-family dwellings, and one-family attached metropolitan dwellings:**
 - (A) While it is not necessary that each individual lot have frontage on a street, each lot shall be served by a right-of-way for emergency and pedestrian access purposes. The right-of-way shall either be owned by a homeowners association and approved by the Planning Board, or a dedicated as a public right-of-way.**

The plan does not appear to provide a right-of-way for emergency and pedestrian access to the front of the units, although a sidewalk system is provided to the front of the units. The right-of-way should be shown on the PPS. Lots 1–5 should extend to the right-of-way of Serenade Lane and should connect to a sidewalk as part of the frontage improvements of the public right-of-way.

- (B) **If the individual lot does not have frontage on a street, a right-of-way at least sixteen (16) feet wide shall abut each lot. The right-of-way shall be at least twenty-five (25) feet wide if it contains an easement for sanitary sewerage.**

The rights-of-way shown on the plans are 26 feet wide. The plans should also be revised to indicate the water and sewer locations, to determine if a wider right-of-way is needed.

- (C) **Each right-of-way shall contain a sidewalk at least six (6) feet wide which connects parking areas with the individual lots. The maximum grade of the sidewalk shall generally be not more than five percent (5%). However, when the normal grade of the land exceeds five percent (5%), ramps or steps may be utilized to remain consistent with that grade.**

The plans should be revised to show the pedestrian connectivity for the development prior to approval of the DSP. The width of the roadways meets the minimum 26 feet in width for a private street, however, the dwelling units are proposed to back to these "streets," creating a garage-dominated streetscape. The plans should clarify how pedestrians are anticipated to move about the community, including safe pedestrian access to the play area, as currently located on the plans or as relocated to a more central location.

- (D) **No individual lot shall be more than two hundred (200) feet from a point of approved emergency vehicle access.**

None of the lots are beyond 200 feet from the point of approved emergency access.

Conformance with the following Zoning Ordinance provisions is also required for the proposed development at time of DSP.

- Section 27-442, Regulations (Residential Zones)
- Section 27-582 of Part 11, Parking and Loading, and Part 12, Signs
- Section 27-548.50 of Part 10c Military Installation Overlay Zone.

Variation Request

The requirement for residential lots adjacent to an existing or planned roadway of freeway or higher classification, or an existing or planned transit right-of-way, is that they be platted with a depth of 300 feet. All but one of the lots proposed in this subdivision do not meet this requirement, as lots are proposed within approximately 25 feet of Branch Avenue (MD 5), a freeway designation. Adequate protection from traffic-related noise must be established at the time of PPS. It should be noted that nearly the entire property is within the 300-foot lot depth. The variation

request should be analyzed by the Environmental Planning Section and the impacts of noise should either be mitigated or the impacted lots should be taken out of the 300-foot lot depth area. A Phase II noise study is required prior to approval of the DSP, and will further evaluate the noise impacts. The units that face MD 5 may be within close proximity to a noise wall, should it be incorporated into the design.

Conformance with the 2010 Prince George's County Landscape Manual

The proposed development will be subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). More specifically, development will be subject to 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 with the requirements of each of these sections will be evaluated at the time of DSP. Sections 4.7 and 4.10 may impact the site layout and are discussed below for informational purposes.

Section 4.7, Buffering Incompatible Uses: A bufferyard is not required along the boundary with the vacant commercial property.

Section 4.10, Street Trees Along Private Streets: Requirements for street trees along private streets will be applicable to this development if it proposes to designate the streets in the development as private.

Per the Landscape Manual, street trees along private streets should be located at a range of 25 to 50 feet on center, with spacing allowance given to accommodate curb cuts, fire hydrants, and other infrastructure elements. If it is determined that the streets in which the rear garages are facing will be private streets, then street tree plantings will be required along the roadways. This will require a minimum soils volume to sustain the trees, and could be challenging to provide space.

It should be noted that it appears that none of the rear yards of the units are adjacent to MD 5. Therefore, Section 4.6, Buffering Development from the Streets, is not required. Should, at the time of DSP, another housing product type be proposed that actually places rear yards adjacent to MD 5, then the required setback and buffer is required to be 75 feet wide and includes 8 shade trees, 20 evergreen trees, and 40 shrubs planted per 100 feet of property line.

Recreational Facilities

Access to on-site active recreational facilities for the youngest population within the community is suggested. It should be noted that the subject subdivision is located one mile east of Cosca Regional Park, a 690-acre park owned by M-NCPPC. The park features both natural undeveloped areas and land that has been developed for recreational use. The use of these amenities is supported, however, the applicant should consider the inclusion of an attractively-designed tot lot or combined tot lot and pre-teen age play area within the development, to enhance the quality of life of the youngest residents in the proposed subdivision.

Other Design Issues

The plan has been revised to address prior concerns relating to the lot layout. The fronting of the units along the cul-de-sac and the private street of Serenade Court is appropriate and visually beneficial to the surrounding development, but could be improved if the lot lines extended to the public roadway so that the two communities would be better integrated. Further, the sidewalk system along Serenade Lane should be extended along the frontage of the property and the front lot lines extended where possible. This would improve the integration of the two sites and visually terminate the existing cul-de-sac.

The rear of units and driveways to the garages are located off of the proposed private streets. Shade trees would be desirable along the travel ways where appropriate. This roadway should promote a sense of place, walkability, and create an attractive streetscape with landscaping, sidewalks, and decorative site furnishings. Particular attention should be given to the views along the private roadways and include points of visual interest. This will improve the design layout, pedestrian connectivity, and shared green space in the community.

The subdivision should be designed to provide adequate parking for residents and visitors. While parking will be evaluated at the time of DSP, the PPS proposes parking areas near Lots 25-34, 1-10, and 16-20. There are currently no parking areas near Lots 11-15. While the development is meeting the minimum requirements for parking of 2.04 spaces per unit, as stated in Section 27-568 of the Zoning Ordinance, additional parking spaces for guest parking is recommended, and should be evaluated at the time of DSP.

20. **At the public hearing**—At the public hearing for this application on May 4, 2017, Ms. Alfreda Owens with the abutting Cedar Pointe Community Association Inc. provided testimony concerning the applicant's proposal to provide private on-site recreational facilities to serve the proposed subdivision. Although the applicant has reached out to the existing Cedar Pointe Community Association homeowners association (HOA) to request a merger with the future HOA that is required to be established for the subject 34-lot subdivision, the merger request has not yet been approved by the Cedar Pointe Community Association. As a result, the future residents of the subject subdivision would not have access to the existing recreational facilities within the Cedar Pointe Community and, therefore, private recreational facilities are recommended on-site by both the Prince George's County Department of Parks and Recreation (DPR) and the Urban Design Section, based on the DPR needs analysis for the area.

Ms. Owens informed the Planning Board that the community's existing recreational facilities have been a problem for the community. As a result, the Cedar Pointe Community Association would prefer to not have any additional recreational facilities in the community. Commissioner Doerner suggested that the applicant and Ms. Owens continue their efforts for the merger of the two homeowners associations, and to provide the Planning Board with an update on the issue at the time of DSP. Due to the issues raised by the Cedar Pointe Community Association concerning the proposed lot, the Planning Board instructed staff to revise Conditions 21 and 25 so that the determination for either on-site recreational facilities, or a fee-lieu of on-site recreational facilities, can occur at the time of DSP.

Conditions 21 and 25 have been revised accordingly. In addition, Conditions 26 and 27 were adjusted in accordance with this finding required by the Planning Board.

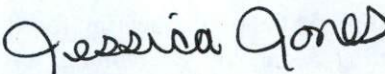
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

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 Geraldo, seconded by Commissioner Doerner, with Commissioners Geraldo, Doerner and Hewlett voting in favor of the motion, and with Commissioners Bailey and Washington temporarily absent at its regular meeting held on Thursday, May 4, 2017, in Upper Marlboro, Maryland.

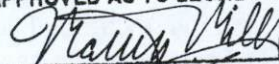
Adopted by the Prince George's County Planning Board this 25th day of May 2017.

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 5/17/17