

C O R R E C T E D R E S O L U T I O N

WHEREAS, Greenlife Property Group is the owner of an 83.66-acre parcel of land known as Parcel 3, said property being in the 7th Election District of Prince George's County, Maryland, and being zoned Residential-Estate (R-E); and

WHEREAS, on November 14, 2017, Greenlife Property Group filed an application for approval of a Preliminary Plan of Subdivision for 24 parcels and 133 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-17018 for Traditions at Beechfield 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 February 15, 2018, for its review and action in accordance with the Land Use Article of the Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on February 15, 2018, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Type 1 Tree Conservation Plan TCP1-007-99-03, and APPROVED a Variance to Section 25-122(b)(1)(G), and further APPROVED Preliminary Plan of Subdivision 4-17018, including a Variation from Section 24-128(b)(11)(A), for 24 parcels and 133 lots with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised as follows:
 - a. Show the location of the interpretive sign for Archeological Site 18PR955.
 - b. All plans shall be revised to show the limit of disturbance around the sewer connection located on the northeastern side of the stream crossing.
 - c. Add to General Note 13 that "The condominiums and apartments are multifamily dwelling units, the assisted livings and home care units are rooms," and change the total dwelling units "Proposed" to 491.
 - d. Revise the lot lines in accordance with Applicant's Exhibit A.

2. Prior to signature approval of the preliminary plan of subdivision, the approved stormwater management concept plan shall be submitted. The limits of disturbance shall be consistent on all plans.
3. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall:
 - a. Grant a 10-foot-wide public utility easement along all public and private rights-of-way.
 - b. In accordance with Section 27-548.43 of the Zoning Ordinance and prior to final plat approval, the Declaration of Covenants for the property, in conjunction with the formation of a condominium/homeowners association, shall include language notifying all future contract purchasers of homes in the community of the existence of a general aviation airport (Freeway Airport) within approximately one-mile southeast of the community. The Declaration of Covenants shall include the General Aviation Airport Environmental Disclosure Notice. At the time of purchase contract with homebuyers, the contract purchaser shall sign an acknowledgement of receipt of the declaration. The liber and folio of the recorded declaration of covenants shall be noted on the final plat along with a description of the proximity of the development to the general aviation airport.
 - c. Dedicate the right-of-way along MD 193 (Enterprise Road) as shown on the approved preliminary plan of subdivision.
 - d. Note on the final plat that direct access to US 50 (John Hanson Highway) is denied.
 - e. Submit a draft covenant or access easement document, which will ensure access extending from the Duckett Family Cemetery to Enterprise Road. The easement is intended to protect the visitation rights for relatives of the deceased. The covenant or easement document shall be recorded, and the liber/folio reflected on the final plat prior recordation.
4. A substantial revision to the mix of uses on the subject property that affects Subtitle 24 adequacy findings, as set forth in a resolution of approval, shall require approval of a new preliminary plan of subdivision prior to approval of any building permits.
5. Development of this site shall be in conformance with the approved stormwater management concept plan and any subsequent revisions. The final plat shall note the approved stormwater management concept number.
6. Full cut-off optic light fixtures shall be used on this site to reduce light intrusion.
7. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised as follows:
 - a. Revise the worksheet to reflect the correct gross tract area.

- b. Update the revision box to indicate that the current '-03' revision to the TCP1 is associated with Preliminary Plan of Subdivision 4-17018.
 - c. Show all existing site features on the plan and label the proposed disposition.
 - d. Revise TCP1 Note 7 to refer to Environmental Strategy Area 2, instead of the tier.
 - e. Revise the plan to show Specimen Tree 57 (ST-57) as removed.
 - f. Have the plans signed and dated by the qualified professional who prepared them.
 - g. All plans shall be revised to show the limit of disturbance around the sewer connection located on the northeastern side of the stream crossing.
- ~~[8. Prior to certification of the Type 2 tree conservation plan (TCP2), the applicant shall submit copies of all federal and state wetland permits. The TCP2 shall reflect all wetland impacts and on-site mitigation measures outlined in the wetland permits.]~~
8. 9. Total development within the subject property shall be limited to a mix of uses, which generates no more than 83 AM and 115 PM peak hour trips. Any development generating a traffic impact greater than that identified herein above, shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
9. 10. Prior to approval of building permits, the applicant shall submit an acceptable traffic signal warrant study to the Maryland State Highway Administration (SHA) for signalization at the intersection of MD 193 and Chantilly Lane. The applicant should utilize a new 12-hour count and should analyze signal warrants under total future traffic, as well as existing traffic, at the direction of SHA and examine alternatives to signalization for reducing delays from the minor street approaches. If signalization or other traffic control improvements are deemed warranted at that time, the applicant shall bond the improvements with SHA prior to the release of any building permits within the subject property, and complete installation at a time when directed by SHA.
10. 11. 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.
11. 12. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area, except for any approved impacts, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

*Denotes Correction

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

“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.”

12. ~~13.~~ Prior to approval of permits for this subdivision, a Type 2 tree conservation plan shall be approved. 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. ~~14.~~ Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-007-99-03). The following note shall be placed on the final plat of subdivision:

“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-007-99-03 or most recent revision), 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.”

14. ~~15.~~ At the time of building permit for Parcel 2, which provides access to the Duckett Family Cemetery, the applicant and the applicant’s heirs, successors, and/or assignees shall install the on-site commemorative/interpretive features and complete other agreed upon outreach and education measures.

15. ~~16.~~ The applicant shall submit a limited detailed site plan for private on-site recreational facilities (Section 24-134 of the Subdivision Regulations), to be approved by the Prince George’s County Planning Board or its designee, prior to approval of all building permits, with the exception of Parcel 1, in accordance with *Park and Recreation Facilities Guidelines*, for the clubhouse and the pool located in Parcel 7.

*Denotes Correction

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

16. ~~17.~~ Prior to final plat and excluding Parcel 1, 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, including appropriate triggers for construction. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records.
17. ~~18.~~ 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.
18. ~~19.~~ Prior to approval of the final plat, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a condo/homeowners association has been established. The draft covenants shall be submitted to the Subdivision and Zoning Section to ensure that the rights of The Maryland-National Capital Park and Planning Commission (M-NCPPC) are included. The liber/folio of the declaration of covenants shall be noted on the final plat prior to recordation.
19. ~~20.~~ Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the condo/homeowners association (COA/HOA) land as identified on the approved preliminary plan of subdivision and detailed site plan or special exception site plan. Land to be conveyed shall be subject to the following:
- a. A copy of the deed for the property to be conveyed shall be submitted to the Subdivision and Zoning Section of the Development Review Division (DRD), Upper Marlboro.
 - b. All waste matter of any kind shall be removed from the property prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
 - c. The conveyed land shall not suffer the disposition of construction materials, soil filling, other than the placement of fill material associated with permitted grading operation that are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.
 - d. Any disturbance of land to be conveyed to a COA/HOA shall be in accordance with an approved site plan. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls.

*Denotes Correction

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

- e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to an COA/HOA. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD in accordance with the approved detailed site plan.
- f. The Prince George's County 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.

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 at the northeast quadrant of US 50 (John Hanson Highway) and MD 193 (Enterprise Road). This preliminary plan of subdivision (PPS) includes Parcel 3 recorded among the Prince George's County Land Records in Liber 36831 at folio 561. The area of the property is approximately 83.66 acres and is located in the Residential-Estate (R-E) Zone. The applicant is proposing a planned retirement community, which is allowed in the zone by special exception. The proposal is for 133 lots and 24 parcels for the development of 71 single-family attached and 62 single-family detached dwellings, 108 multifamily condominiums, and 150 independent living rental apartments. The applicant is also proposing an elderly care facility with 100 multifamily independent-living apartments, 60 assisted living units (rooms), and 32 home care units (rooms). In total, 491 dwelling units are proposed. A Special Exception (SE-4785) was heard by the Zoning Hearing Examiner (ZHE) and, at the time of this approval, is pending final action.

The Type 1 Tree Conservation Plan (TCP1-007-99) identifies 101 specimen trees, 47 of which are proposed to be removed with the pending SE-4785. An additional (one) specimen tree is approved for removal with this PPS application. Section 25-122(b)(1)(G) of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) requires the preservation of specimen trees. The applicant obtained approval of the variance, pursuant to Section 25-119(d), in order to develop the site as proposed. The Planning Board approved the variance for removal of one specimen tree.

The PPS proposes 22-foot private roadways to service the single-family attached townhomes on-site. However, Section 24-128(b)(11)(A) of the Subdivision Regulations requires private roadways to be provided with a pavement width equal to the standard roadway width for secondary or primary residential streets (26 feet) per current DPW&T standards. Pursuant to Section 24-113, the applicant has submitted a variation request to allow for a 22-foot-wide pavement width for private roadways. The Planning Board approved the variation.

The Planning Board approved the PPS with conditions.

3. **Setting**—The property is located on Tax Map 53, Grid F-2, in Planning Area 71A. The site is encompassed by single-family detached dwellings on the east side of the property, across MD 193, in the Rural Residential (R-R) Zone, to the south across US 50 in the Residential-Agricultural (R-A) Zone, to the east in the Mixed Use Community (M-X-C) Zone, and to the north in the Residential Low Development (R-L) and R-E Zones.
4. **Development Data Summary**—The following information relates to the subject PPS application and the proposed development.

Zone Use(s)	EXISTING	APPROVED
	R-E Single-Family Detached Dwelling	R-E Planned Retirement Community
Acreage	83.66	83.66
Lots	0	133
Outlots	0	0
Parcels	1	24
Dwelling Units:	0	491
Public Safety Mitigation Fee	No	No
Variance	No	Yes (Section 25-122(b)(1)(G))
Variation	Yes	Yes (Section 24-128(b)(11)(A))

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on December 1, 2017. The requested variation from Section 24-128(b)(11)(A) of the Subdivision Regulations was accepted on December 29, 2017 and heard at the SDRC meeting on January 12, 2018, as required by Section 24-113(b) of the Subdivision Regulations.

5. **Previous Approvals**—The site was subject to a previously approved PPS 4-08043 (PGCPB Resolution No. 08-193), approved by the Prince George's County Planning Board on December 18, 2008 for one parcel for a planned retirement community (permitted by SE-4529). The applicant has filed Special Exception SE-4785, which was heard before the Zoning Hearing Examiner on December 13, 2017 and is pending final action. This PPS subdivides the planned retirement community in to fee-simple lots and, on approval, superseded PPS 4-08043.
6. **Community Planning**—The *Plan Prince George's 2035 Approved General Plan* (General Plan) designates the area of the site in the Established Growth Policy area. The vision for Established Communities is a context-sensitive infill and low- to medium-density development. The 2006 *Approved Masterplans for Bowie and Vicinity and Sectional Map Amendment for Planning Areas*

71A, 71B, 74A, 74B (Bowie and Vicinity Master Plan and SMA) describes the proposed project as within the Developing Tier, in need of senior housing, and identifies several criteria for the provision of senior housing (Policy 4: Develop High Quality Senior Housing, page 11), which this project complies with, subject to approval of SE-4785. Therefore, this PPS conforms to the General Plan and area master plan in accordance with Section 24-121(a)(5) of the Subdivision Regulations.

Aviation Policy Area 6 (APA 6)

Part of the subject property is located in Aviation Policy Area APA 6 within the proximity of Freeway Airport. The APA regulations contain height requirements in Section 27-548.42 of the Prince George's County Zoning Ordinance and the purchaser notification requirements for property sales in Section 27-548.43 that are relevant to this application. No building permit may be approved for a structure higher than 50 feet in APA 6, unless the applicant demonstrates compliance with Federal Aviation Regulations Part 77. Although this PPS is not approving building location or architecture, including the height of buildings, the applicant should provide a letter from the Federal Aviation Administration which acknowledges that the proposed development does not pose any hazard to air navigation, prior to approval of a building permit. The final plat shall note the site's proximity to a general aviation airport and disclosure notices shall be provided in accordance with the notification requirements of Section 27-548.43.

7. **Stormwater Management**—An unapproved stormwater management concept plan has been submitted, which shows the use of numerous (approximately 46) micro-bioretenion areas and submerged gravel wetlands (approximately 6). The plan shows a proposed stream and floodplain road crossing with grading and box culverts. The Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) has indicated that they have no objections to the construction of a culvert at the stream crossing. The approved stormwater management concept plan shall be submitted prior to signature approval of the PPS, to ensure that development of the site will not result in on-site or downstream flooding.
8. **Parks and Recreation**—The applicant has provided conceptual information and proposes private on-site recreational facilities within the development. These include a 5,000-square-foot community center/clubhouse with a pool, and an elderly care facility building with a putting green, bocce ball court, theater, and fitness center. In addition, the applicant has proposed to construct a trail connection to the adjacent Maryland-National Capital Park and Planning Commission (M-NCPPC) Marleigh Park to the north. This neighborhood park includes two tennis courts, a playground, a gazebo an athletic field, and a loop trail with fitness stations.

As part of the development of this project, the applicant proposes to access the Washington Suburban Sanitary Commission (WSSC) waterline located within the Marleigh Drive right-of-way. In order to accomplish this, the applicant needs to construct a waterline connection through M-NCPPC's adjacent Marleigh Park. The applicant shall coordinate with the Prince George's County Department of Parks and Recreation (DPR) in order to obtain the necessary approval of easements, which should be designed to minimize disruption to, and maximize the future build-out of, this public park.

The Planning Board finds that the private recreational facilities within the residential development, as well as the public recreational facilities located within walking distance of the adjacent Marleigh Park, will adequately service the recreational needs of the future residents and exceed the mandatory dedication requirements. Therefore, the Planning Board finds that the applicant must provide private on-site recreational facilities in order to meet the provisions of Section 24-134 of the Subdivision Regulations. In order to meet the bonding, implementation, and surety requirements outlined in the *Park and Recreation Facilities Guidelines*. The applicant shall submit a limited detailed site plan to be approved by the Planning Board or its designee.

9. **Trails**—The 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and area master plan recommend a shared-use side path and designated bike lanes along MD. The MPOT includes the following text regarding this recommendation:

MD 193 Shared-Use Side path and Designated Bike Lanes: Provide continuous pedestrian and bicycle accommodations along MD 193 with either a wide sidewalk or side path for pedestrians and recreational cyclists, and wide curb lanes, bike lanes, or shoulders for on-road bicyclists. MD 193 is a major east/west corridor in northern Prince George's County and provides access to many schools, parks, and commercial areas. Pedestrian safety along the corridor is a concern and the provision of facilities to safely accommodate pedestrians and bicyclists is a priority.
(page 26)

At the time of the special exception, staff recommended the construction of a shared-use side path along the site's frontage of MD 193. This is consistent with frontage improvements made to the north of the site along the frontage of the Marleigh development. Designated bike lanes can be provided within the dedicated right-of-way at the time of road resurfacing or improvement. The PPS reflects this master plan trail along the site's frontage, consistent with the MPOT and master plan.

The MPOT reaffirms the need for sidewalks within new developments and, as frontage improvements are made, by including several policies related to pedestrian access and the provision of sidewalks. The Complete Streets section includes the following policies regarding sidewalk construction, the accommodation of pedestrians, and provision of complete streets:

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

Policy 2: All road frontage improvements and road capital improvement projects with 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 along both sides of most roads. One additional sidewalk linking the elder care facility with Road A was recommended at the time of the special exception, and this connection has been shown on the PPS. The master plan trail along MD 193 is shown on the plans. The sidewalk network is comprehensive and links to all portions of the subject site, consistent with the MPOT policies noted above. No additional sidewalk or trail recommendations are necessary at this time. The timing of the trail connection to the adjacent M-NCPPC parkland will be determined by DPR.

10. **Transportation**—A traffic study dated October 2017, was submitted by the applicant and referred to SHA and DPIE, which analyzed the transportation impacts for this site. No comments from SHA or DPIE regarding the transportation analysis were returned. Traffic counts for the critical intersections were taken in September 2017. The findings outlined below are based upon a review of these materials and analyses conducted by staff, consistent with the “Transportation Review Guidelines, Part 1.”

Trip Generation Summary, SE-4785, Traditions at Beechfields								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Tot	In	Out	Tot
Senior Adult Housing – Single-Family (attached and detached)	133	residences	11	19	30	21	15	36
Senior Adult Housing – Multifamily	258	residences	13	21	34	26	15	41
Assisted Living/Care Home	92	units	8	5	13	9	11	20
Independent Living/Congregate Care	100	residences	4	2	6	9	8	17
Total Trips Utilized in Analysis			36	47	83	65	49	114

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

MD 193 & MD 450 (signalized)
MD 193 & MD 953 (signalized)
MD 193 & Site Access (unsignalized)
MD 193 & Chantilly Ln (unsignalized)

The subject property is located within Transportation Service Area 2, as defined in the *Plan Prince George’s 2035 Approved General Plan*. As such, the subject property is evaluated according to 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 Ordinance, is permitted at signalized intersections subject to meeting the geographical criteria in the “Guidelines for the Analysis of the Traffic Impact of Development Proposals.”

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, and (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure, and (b) if delay exceeds 50 seconds, the CLV is computed. Once the CLV exceeds 1,150 for either type of intersection, this is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

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

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
MD 193 & MD 450	1,033	1,045	B	B
MD 193 & MD 953	1,016	1,112	B	B
MD 193 & Site Access	---	---	--	--
MD 193 & Chantilly Ln. (unsignalized)	552.6*	754.4*	--	--
*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.				

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 six approved but unbuilt developments in the area (one of the six is the subject site as configured under Special Exception SE-4529). A 1.0 percent annual growth rate for a period of six 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)	
MD 193 & MD 450	1,125	1,186	B	C
MD 193 & MD 953	1,127	1,314	B	D
MD 193 & Site Access	----	----	--	--
MD 193 & Chantilly Ln.	+999*	+999*	--	--
*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.				

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:

FUTURE TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
MD 193 & MD 450	1,127	1,196	B	C
MD 193 & MD 953	1,137	1,335	B	D
MD 193 and site access			--	--
Maximum Vehicle Delay (seconds)	51.9*	121.8*	No pass	No pass
Maximum Approach Volume	46	48	Pass	Pass
MD 193 and Chantilly Lane			--	--
Maximum Vehicle Delay (seconds)	+999*	+999*	No Pass	No pass
Maximum Approach Volume	116	62	No Pass	Pass
Critical Lane Volume	1,291	--	No Pass	Pass
*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.				

Under future conditions, the signalized intersections are operating at acceptable levels of service and/or intersection delay as defined by the "Transportation Review Guidelines, Part 1, 2012." The site access on MD 193 is projected to slightly exceed 50 seconds of minor street delay in the background and total traffic conditions during the evening peak hour. The three-tier test was conducted and analyzed. Part 2 of the three-tier test confirmed that the volume is well below the threshold of 100 vehicles per hour, therefore, the site access is deemed to be adequate.

The intersection of MD 193 at Chantilly Lane is projected to exceed 50 seconds of minor street delay in the existing, background, and total traffic conditions during the morning and evening peak hour. The unsignalized analysis is a three-tier test. Part 1 of the analysis reveals that the intersection exceeds 50 seconds of delay per vehicle on the minor street during both the AM and PM peak hour, therefore, Part 2 of the analysis must be evaluated. Part 2 reveals that the volume on the minor street approach does exceed the threshold of 100 vehicles per hour during the AM peak hour only, therefore, Part 3 of the analysis must be evaluated. Part 3 reveals that the CLV exceeds 1,150 vehicles during the AM peak hour, therefore, the intersection does not pass the unsignalized intersection test, and a requirement for a signal warrant study will need to be imposed at this location.

A trip cap consistent with the trip generation assumed for the site, 83 AM and 115 PM peak-hour vehicle trips, is conditioned with this approval.

Access and Circulation

The PPS provides the proposed lots along a public street that traverses the east-west length of the property. This roadway is shown with a right-of-way of 82 feet at the entrance, and transitioning to a 50-foot-wide secondary residential street. The size of this roadway has been reviewed and is acceptable. In general, access and circulation is acceptable.

Variation Request—Private Roads

The applicant is requesting a variation from Section 24-128(b)(11)(A) of the Subdivision Regulations, which sets a standard for private rights-of-way within the R-E Zone. The applicant wishes to construct private roadways with a 22-foot-wide pavement section, instead of the 26-foot-wide pavement normally required, to serve the townhouses within the development. The applicant must meet several legal requirements pursuant to Section 24-113(a) of the Subdivision Regulations. Those requirements are further outlined below.

Given all of the factors and explanations provided below, the variation is approved. Adequate right-of-way dedication has occurred and/or has been reflected appropriately on the submitted plans, and no further right-of-way is required of this site. Based on the preceding findings, adequate transportation facilities will exist to serve the proposed subdivision, as required in accordance with Section 24-124 of the Subdivision Regulations with conditions.

11. **Variation**—Section 24-128(b)(11)(A) requires the following:

Section 24-128. - Private roads and easements.

- (b) **The Planning Board may approve preliminary plans of development containing private roads, rights-of-way, alleys, and/or easements under the following conditions:**
- (11) **In the O-S, R-A, and R-E Zones, the Planning Board may approve the subdivision with private rights-of-way, provided that:**
- (A) **The private roads shall have a minimum pavement width equal to the standard roadway width for secondary residential streets or primary residential streets, as appropriate, and shall be constructed pursuant to the Department of Public Works and Transportation specifications and standards;**
- (B) **Covenants shall be recorded among the Land Records of Prince George's County stating that a homeowners association is responsible for maintenance of the private roads and for accessibility of the private roads to emergency equipment; and**
- (C) **The accessibility of the private roads to emergency equipment shall be ensured by having the Fire Chief (or designee) approve the private roads.**

The subject site proposes single-family attached lots accessed via private streets proposed with a pavement width of 22 feet. The pavement width for secondary residential streets, pursuant to current DPW&T standards, is 26 feet. A variation is approved to allow for a reduction to the standard pavement width. A 22-foot pavement width is consistent with urban streets standards; however, this site is not located within a center or corridor in which the urban street standards would normally be applied. The private roads will be ensured maintenance through HOA covenants as required through Provision 'B' above. The PPS was referred to the Fire Chief in accordance with Provision 'C' above, and adequacy of the private roads will be further ensured through the street construction permitting process.

Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of a variation.

Section 24-113. - Variations.

- (a) **Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve**

variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle and Section 9-206 of the Environment Article; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:

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

The granting of the variation to allow vehicular access to the single-family attached dwellings from private rights-of-way, which do not meet the standard pavement width typical for single-family detached homes, is consistent with design practices typical for townhouse development. The townhouses are served by private streets with a 22-foot-wide pavement width. In addition, 22-foot-wide pavement widths for private streets is consistent with DPW&T's urban street standards. As such, allowing development of the single-family attached lots as approved will not be detrimental to public safety, health, or welfare or injurious to other property.

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

As a Planned Retirement Community, the proposed development is unique. Development of the property will be subject to a special exception approved by the District Council. In addition, the type of dwelling unit proposed is only allowed in the R-E Zone by virtue of a Planned Retirement Community. Thus, the variation in this instance would not be applicable generally to other properties in the R-E Zone, and is unique to this specific development proposal.

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

The variation to Section 24-128(b)(11) is unique to the Subdivision Regulations and under the sole authority of the Planning Board. The adequacy of the private roads will be further ensured through the street construction and permitting process. The approval of a variation to allow private rights-of-way with different design standards as set forth in Section 24-128(b)(11) does not constitute a violation of any other law, ordinance or regulation.

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

The subject property is being developed as a Planned Retirement Community under a special exception. The pavement width requirements of the underlying zone (R-E), would generally apply to single-family detached development. However, townhouse development is allowed in the R-E Zone within a Planned Retirement Community. If the strict letter of these regulations were carried out, the applicant would be required to design all of the roadways to the standards applicable to primary or secondary roadways. This would result in a particular hardship on the owner for several reasons. First, the roadways serving single-family attached lots are not always designed to meet the standards of a primary or secondary residential street. This would force the development of this townhouse community to apply a different standard than other townhouse communities. Second, the amount of pavement which would be required would increase substantially, increasing the cost of maintenance to the homeowner's association with no benefit to the residents. Finally, the property is greatly impacted by regulated environmental features which greatly reduce the developable area of the property. Requiring the private roads which serve the single-family attached lots to conform to the standards, which are applicable to a primary or secondary residential street would result in a substantial loss of units which cannot be recouped on other areas of the property due to the existing topographical and environmental conditions. Thus, enforcing the strict letter of these regulations would cause a reduction of dwelling units, would force the development of units in a manner not standard for the type of unit proposed in other zones, and would increase the maintenance costs of the homeowner's association not only because there would be fewer units to pay the cost of maintenance, but also because the streets would be wider and there would be asphalt to maintain.

- (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-E; therefore, this provision does not apply.

12. **Schools**—This PPS was reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the “Adequate Public Facilities Regulations for Schools” (CR-23-2001 and CR-38-2002), and it was concluded that the subdivision is exempt from a review for schools because it is a retirement community.

13. **Fire and Rescue**—This PPS was 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. The response time standard established by Section 24-122.01(e) is a maximum of seven minutes travel time from the first due station. The proposed project is served by Glenn Dale Fire/EMS, Company 818, which is located at 11900 Glenn Dale Boulevard.

Deputy Fire Chief Dennis C. Wood, Emergency Services Command of the Prince George’s County Fire/EMS Department, stated in writing that, as of November 16, 2017, the project is within a seven-minute travel time from the first due station.

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

14. **Police Facilities**—This PPS was reviewed for adequacy of police services in accordance with Section 24-122.01(c) of the Subdivision Regulations.

The subject property is in Police District II, Bowie. The response time standards established by Section 24-122.01(e) is 10 minutes for emergency calls and 25 minutes for nonemergency calls. Based on the most recent available information provided by the Prince George’s County Police Department as of December 2015, the police response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls are met.

15. **Water and Sewer**—Section 24-122.01 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 4, Adequate Community System Development Plan. The property is located within Tier 2 under the Sustainable Growth Act and will, therefore, be served by public systems.

Water and sewer connections are proposed from MD 193 and a waterline connection is proposed through M-NCPPC parkland to the north, which will require separate approval from the Department of Parks and Recreation (DPR), as discussed further in the DPR finding.

16. **Public Utility Easement**—Section 24-122 of the Subdivision Regulations states that, when utility easements are required by a public company, the subdivider should include the following statement in the dedication documents recorded on the final plat:

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

The standard requirement for a public utility easements (PUEs) is 10 feet wide along both sides of all public rights-of-way. The site has frontage along MD 193 and the applicant has provided the required PUE. In addition, the applicant has provided the required PUE along both sides of Public Roads ‘A’ and ‘C,’ within the site.

Section 24-128(b)(12) of the Subdivision Regulations requires a 10-foot-wide PUE along one side of all private roads. The submitted PPS conforms to the PUE requirement for all private roadways within the site.

17. **Use Conversion**—The total development included in this PPS is for a planned retirement community containing 62 single-family detached dwellings, 71 single-family attached dwellings, 108 multifamily condominiums, 150 multifamily independent-living rental apartments, and an elderly care facility with 100 multifamily independent-living apartments, 60 assisted living units/rooms, and 32 home care units/rooms, in the R-E Zone. If a substantial revision to the mix of uses on the subject property is proposed that affects Subtitle 24 adequacy findings as set forth in the resolution of approval and reflected on the PPS plan, that revision of the mix of uses shall require approval of a new PPS prior to approval of any building permits.
18. **Historic**—A Phase I archeological survey was conducted on the subject property in August and September 2008. Two Archeological Sites, 18PR955 and 18PR956, were identified. Site 18PR955 is a nineteenth and twentieth century farmstead and possible structure located in the north central part of the property, north of the existing buildings. Artifacts recovered from the site suggest that this was a house site occupied from the mid-nineteenth to the early twentieth century. Site 18PR956 is an eighteenth to twentieth century farmstead and possible structure. Recovered artifacts suggest an initial occupation of the subject property in the late eighteenth century that continued through the twentieth century. The existing house on Site 18PR956 was built around 1956 and is probably in the same location as an earlier house that existed on the property.

Deed records indicate that Richard Jacob Duckett consolidated tracts of land from four separate land patents between 1754 and 1798 to form a 500-acre plantation. Richard Jacob Duckett is listed in the 1790 census and held 22-enslaved laborers at that time. He is again found in the 1800 census and held 12-enslaved laborers at that time. Richard Jacob Duckett died in 1803 and, in his will, devised all his real estate to his son, Basil Duckett. Richard Jacob Duckett is likely buried in the family cemetery adjacent to the subject property. The 1810 census lists Basil Duckett as holding 25 enslaved laborers. Basil Duckett died about 1816 without leaving a will. Basil Duckett is likely buried in the family cemetery adjacent to the subject property. However, the 1828 tax lists indicate that the heirs of Basil Duckett owned about 696 acres and Benjamin M. Duckett, a son of Basil Duckett, held three-enslaved laborers. By 1840, Benjamin M. Duckett had acquired a portion of the interest of his siblings in his father’s estate and then held 23-enslaved laborers. In 1850, Benjamin M. Duckett held 16 enslaved laborers. Benjamin Duckett died on March 30, 1851 and was buried in the Duckett Family Cemetery. His widow, Sophia J. Duckett, continued to reside on

the property and died in February 1861. She is likely buried in the family cemetery adjacent to the subject property.

Benjamin M. and Sophia J. Duckett's daughters, Sophia M. Duckett, Martha A. Duckett, and Harriet C. Duckett continued to reside on the subject property. Sophia Duckett married Alexander Hall in December 1869. After their marriage, Sophia and Alexander Hall resided on the subject property, along with Sophia's sister, Martha Duckett. Sophia Hall is noted on the 1878 Hopkins map. The 1870 census shows that Harriet Duckett was residing with her brother-in-law and sister, William T. and Margaret Duvall, in Bladensburg in 1870.

The heirs of Benjamin M. and Sophia J. Duckett filed a suit in 1870 to partition the land of their parents. Testimony provided indicates that there was a dwelling house on the property and that outbuildings, consisting of one barn, a corn crib, a stable, a granary, and one double quarter for servants, were located near the house. Archeological Site 18PR955 appears to represent the house site, outbuildings, and quarters described in the 1870 equity case.

The Halls and the unmarried Duckett sisters continued to reside on the subject property. Harriet H. Duckett, a daughter of Basil and Sophia Duckett, and sister of Benjamin M. Duckett, died about July 1880. In her will, she stipulated that she wished to be buried next to her mother, and that a stone should be erected over her grave and the graves of her mother and father. It is likely that all three are buried in the Duckett Family Cemetery, but if a stone was placed on the graves, it has since disappeared.

Alexander Hall died between 1880 and 1900 and may have been buried in the Duckett Family Cemetery. Margaret E. Duvall, a sister of Sophia D. Hall, died between 1880 and 1900. She may have been buried in the Duckett Family Cemetery. Sophia D. Hall died in 1903 and she is probably buried in the Duckett Family Cemetery. Sophia D. Hall devised the Duckett family property to her niece, Mary A. Duvall, daughter of her sister Margaret E. Duvall. Mary A. Duvall resided on the property until she sold her 115-acre farm to Garland S. Arnold and Harold C. Arnold in 1911. The deed reserved a one-acre parcel where the family graveyard of the late Benjamin M. Duckett and his descendants were located. The family graveyard appears on a 1954 road plat for the construction of US 50.

Historical records suggest that the subject property was occupied by the mid-eighteenth century by Richard J. Duckett and his family. Richard J. Duckett was the son of Richard Duckett, whose plantation site was investigated in 2006 (Site 18PR705). The eighteenth century dwelling house of Richard Duckett was possibly located on the high point where Site 18PR956 was identified. The 1950s house constructed by Albert Turner, the builder of the New Carrollton housing development and many others, appears to have impacted the site of the earliest dwelling on the property. Members of the Duckett family, who occupied the subject property throughout the late eighteenth and nineteenth centuries, held many enslaved laborers, some of whom resided near the plantation house. Site 18PR956 may represent the location of the original eighteenth century plantation house. Construction of the 1950s house and several outbuildings has disturbed earlier deposits that may have been associated with the earliest residence. Therefore, no further work was

recommended on Site 18PR956. The Planning Board finds that no further work is necessary on Site 18PR956.

Site 18PR955 is located to the north of the 1950s Turner house site. The 1861 Martenet map, the 1878 Hopkins map, and U.S. Geological Survey maps indicate that the dwelling of Benjamin Duckett and his family was located north of the earliest house site (18PR956) and may have remained standing until the 1980s. This portion of the property could represent an area where the house, slave quarters, and outbuildings associated with the Duckett plantation were located. Artifacts dating from the nineteenth century through the early twentieth century were recovered from this area. The artifacts indicate a domestic occupation of Site 18PR955. Staff recommended Phase II investigations of Site 18PR955. This site likely represents the building described in the 1870 equity case, which included the dwelling house, one barn, a corn crib, a stable, a granary, and one double quarter for servants. The servant's quarter was likely a former slave cabin. This site could provide information on the transition from slavery to freedom in Prince George's County after the Civil War.

Phase II field investigations were conducted in November and December 2008 and January 2009. Site 18PR955 was split into three areas where artifact concentrations were identified in the Phase I survey. Areas 'A' and 'C' contained intact cultural features and deposits. A large pit feature and a brick-lined well were identified in Area 'A.' The pit was completely excavated and was found to contain material dating to the late eighteenth to early nineteenth centuries. The northern portion of Area 'A' exhibited a high degree of ground disturbance and modern earth movement. Structural features in Area 'A' probably represent buildings that were part of the inner yard area of the Basil and Benjamin Duckett plantation house. Two intact structural features were also twentieth century tenant house and outbuildings. Area 'C' may have been the location of a slave quarter, which later was occupied as a tenant house. Area 'B' did not contain any intact subsurface features or deposits.

The Phase II report recommended that the remains within Areas 'A' and 'C' of Site 18PR955 are eligible for inclusion in the National Register of Historic Places under Criterion D, and meets Planning Board Criterion B, for Phase III treatment. The area where Site 18PR955 is located is within a portion of the property proposed for the construction of a single-family attached and single-family detached residences. The Phase II report recommends Phase III mitigation of Areas 'A' and 'C' within Site 18PR955.

The applicant submitted a Phase III mitigation plan to recover significant information from Site 18PR955. In Area 'A,' the work plan proposed in the area surrounding the early nineteenth century trash pit and possible well, a surface area of 200 square meters will be mechanically stripped to expose any subsurface features or foundations. The historic trash pit and the square feature identified as a well in the Phase II investigations will be excavated. An additional 400-square-meter area will be mechanically stripped south of the trash pit/well area to expose any subsurface features or foundations in that area.

In Area 'B' (identified as Area 'C' in the Phase II investigations), the previously identified foundations will be fully exposed with mechanical equipment. Test units will be placed over approximately 35 percent of the foundation area to identify intact cultural deposits. All additional features that measure less than three meters in diameter will be bisected and sampled. A 35 percent sample will be taken of any additional features over three meters in diameter. An area of approximately 225 square meters will be mechanically stripped to search for additional features and foundations.

Soil samples will be taken in both areas, and specialized analysis of flora and fauna will be conducted, as necessary. All artifacts recovered from the Phase III investigations will be curated at the Maryland Archaeological Conservation Laboratory in St. Leonard, Maryland. A summary report will be produced for the public, and interpretive signage will be provided within the development.

It was determined that the Duckett Family Cemetery (18PR1096) is not within the subject property. However, the applicant has provided an access easement from MD 193 to the Duckett Family Cemetery on the PPS.

19. **Urban Design**—The application is subject to the requirements of Section 27-441, Uses Permitted, of the Zoning Ordinance. A planned retirement community is permitted in the R-E Zone, subject to a special exception. A Special Exception (SE-4785) was filed to allow the use and was heard by the ZHE on December 13, 2017. This application was reviewed for conformance with the previously reviewed SE-4785, and the lotting pattern on this PPS is generally consistent with SE-4785.

Section 27-328.02 of the Zoning Ordinance requires that all landscaping required for a special exception be approved at the same time the special exception is approved, and that it comply with the 2010 *Prince George's County Landscape Manual* (Landscape Manual), as demonstrated on a landscape plan. The technical staff report dated October 5, 2017 for SE-4785 included Condition 12 relating to conformance to the Landscape Manual.

Tree Canopy Coverage

The proposed development is subject to the Prince George's County Tree Canopy Coverage Ordinance because it will require a building and/or grading permit that proposes 5,000 square feet of disturbance. Specifically, the minimum tree canopy coverage (TCC) requirement for the R-E Zone is 20 percent. Therefore, the subject 83.66-acre property must provide 16.73 acres of site area to be covered by tree canopy. This requirement was evaluated at the time of SE-4785, and Condition 18 was included in the technical staff report dated October 5, 2017.

Site Design

The spacing between the side yard of the single-family homes and the townhouse units is less than 25 feet; particularly between townhouse Lot 31 and single-family Lot 18, and between townhouse Lot 22 and single-family Lots 20 and 21. This issue was raised at the time of the review of

SE-4785, and the following condition was included in the technical staff report dated October 5, 2017:

16. **At the time of review of the preliminary plan of subdivision, the applicant shall evaluate increasing the spacing between the rear yard of the single-family homes and the townhouse units, measuring 25 feet, between the two neighborhoods to increase privacy.**

The spacing proposed between the side yard of the townhomes is inadequate, particularly between Block B townhouse Lots 4 and 5, Lots 12 and 13, Lots 16 and 17, Lots 20 and 21, Lots 31 and 32, and between townhouse Lot 35 and single-family Lot 36, and additionally Block H townhouse Lots 4 and 5, where spacing is proposed as little as five feet between the side property lines. Subsequent to the review of the PPS, the applicant submitted Exhibit A to address staff's concerns regarding spacing between lot lines and has provided a minimum of eight feet between the side property lines of these units. In addition, a minimum of 20 feet is provided between the rear property lines of townhouse lots 27–31 and 22–26, Block C, to allow sufficient area for the maintenance of storm drains located between these lots. The Planning Board finds that the revisions of the lot line spacing is adequately addressed by Applicant's Exhibit A.

The lotting pattern between these lots shall be revised to increase the spacing between the side yard and rear yards of the single-family homes and the townhouse lots, to allow for additional space to provide adequate passage for residents, and to allow relocation of stormdrain easements off the lots, particularly between townhouse Lot 31 and single-family Lot 18, and between townhouse Lot 22 and single-family Lots 20 and 21, where the spacing is as little as 15 feet.

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

Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
SE-4529	TCPI-07-99	District Council	Approved	3/24/2008	ZO No. 8-2008
4-08043	TCPI-07-99-02	Planning Board	Approved	12/18/2008	08-193
NRI-041-08	N/A	Planning Director	Approved	8/29/2008	N/A
NRI-041-08-01	N/A	Planning Director	Approved	10/20/2015	N/A
DSP-09008	N/A	Planning Board	Pending (To be withdrawn)	N/A	N/A
SE-4785	TCP2-014-2017	Zoning Hearing Examiner	Pending		Final Written Decision Pending

Grandfathering

The project is subject to the environmental regulations contained in Subtitles 24, 25, and 27 of the Prince George's County Code that came into effect on September 1, 2010 because the application is for a new PPS.

Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment

The master plan contains environmentally-related policies and strategies that are applicable to the subject application.

Policy 1: Protect, preserve and enhance the identified green infrastructure network within the master plan area.

Strategies:

1. **Use designated green infrastructure network to identify opportunities for environmental preservation and restoration during the development review process.**

The site contains regulated and evaluation areas of the Green Infrastructure Plan that comprises streams, wetland, and floodplain. The most significant impact to this area is for a stream crossing to access the northeast portion of the site. The applicant is proposing to enhance several of the existing wooded areas by removing invasive species (Bradford pear) and replanting with native, non-invasive species. In addition to forest enhancement of the green infrastructure areas, the applicant also proposes wetland mitigation in lieu of impacts for the stream crossing.

2. **Protect primary corridors (Patuxent River and Collington Branch) during the development review process to ensure the highest level of preservation and restoration possible, with limited impacts for essential development elements. Protect secondary corridors (Horsepen Branch, Northeast Branch, Black Branch, Mill Branch, and District Branch) to restore and enhance environmental features and habitat.**

Map 7 (page 188) of the master plan identifies the on-site stream system as a Secondary Corridor, which is the main stem of the Northeast Branch within the Western Branch watershed. Restoration is being provided, to the extent possible, by providing wetland creation and forest enhancement in existing degraded areas.

3. **Carefully evaluate land development proposals in the vicinity of identified Special Conservation Areas (SCA) (the Beltsville Agricultural Research Center to the north, along with the Patuxent Research Refuge; Belt Woods in the western portion of the master plan area; and the Patuxent River) to ensure that the SCAs are not impacted and that connections are either maintained or restored.**

This site is not located within, or in the vicinity of, a special conservation area.

4. **Target public land acquisition programs within the designated green infrastructure network in order to preserve, enhance or restore essential features and special habitat areas.**

The site contains an extensive stream valley that connects to the Marleigh Subdivision to the north. It is also adjacent to a large tract of undeveloped land in the Fairwood Subdivision to the east. Both of these areas are part of their community's homeowners association (HOA). It is expected that the environmental area of the subject property will also be part of an HOA. These tracts of land, together, should be considered for public acquisition; however, it should be noted that this particular area, outside of necessary permanent impacts, will be the subject of preservation, restoration, and enhancement, and will be placed in a conservation easement for long-term protection.

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

Strategies:

1. **Implement the strategies contained in the Western Branch Watershed Restoration Action Strategy (WRAS).**
2. **Add identified mitigation strategies from the Western Branch WRAS to the countywide database of mitigation sites.**
3. **Encourage the location of necessary off-site mitigation for wetlands, streams, and woodlands within sites identified in the Western Branch WRAS and within sensitive areas that are not currently wooded.**

This site is in the Western Branch Watershed Restoration Action Strategy (WRAS) area. The on-site stream is the confluence of two major branches of headwaters, which combine on-site to form the main stem of the Northeast Branch, and is identified in the WRAS as part of the Upper Northeast Branch.

The final WRAS report for the Western Branch, prepared by the Prince George's County Department of Natural Resources and the City of Bowie, was issued in 2004 and presented the findings of a stream corridor assessment and recommended implementation strategies for restoring or enhancing problematic areas. The report issued this stream segment a basin condition score of "poor." It was identified as one of the top six priority watersheds for protection and conservation. "These subwatersheds constitute considerable forested Greenways, endangered flora and fauna and include the 'Heart of Western Branch'."

During several meetings with the applicant, including a site visit, it was noted that the site has been severely impacted by beaver activity, primarily the loss of woodlands within the floodplain. Several areas surrounding this segment of stream, primarily outside of the floodplain, will receive restoration in the form of invasive species removal, habitat restoration, wetland mitigation, and forest enhancement.

4. Ensure the use of low impact-development techniques to the extent possible during the development process.

The proposal has not yet received stormwater concept approval. The submitted unapproved concept plan shows the use of numerous micro-bioretenment facilities, as well as submerged gravel wetlands, to meet the current requirements of environmental site design, to the maximum extent practicable.

In addition to these low-impact stormwater controls, the plan also proposes an environmental road crossing with culvert, to access a portion of developable land on the eastern side of the site. The use of culverts is not considered a low-impact technique; however, in several meetings with DPIE, the use of an environmentally-sensitive culvert was preferred.

Concept approval is required prior to Planning Board approval of the PPS.

5. During the development review process evaluate streams that are to receive stormwater discharge for water quality and stream stability. Unstable streams and streams with degraded water quality should be restored, and this mitigation should be considered as part of the stormwater management requirements.

As part of the environmental road crossing with culvert construction, the project will realign part of the stream to ensure safe conveyance. Proposed stream impacts, mitigation, and restoration are contained in the Environmental Review section.

6. Encourage the use of conservation landscaping techniques that reduce water consumption and the need for fertilizers or chemical applications.

Woodland planting will consist of the use of native species. Species selection should be based on ability to reduce water consumption and the need for fertilizers or chemical applications.

7. Minimize the number of parking spaces and provide for alternative parking methods that reduce the area of impervious surfaces.

The plan proposes surface parking for multifamily facilities, as well as private garages for single-family lots. The use of a garage for the multifamily facilities should be considered.

8. Reduce the area of impervious surfaces during redevelopment projects.

Only a small portion of the approximately 83-acre property is developed. The remainder of the property has never been developed, although most of it has been actively mowed in the past. An increase in impervious surface is expected due to the nature of the project, consisting of single-family and multifamily units.

Policy 3: Protect and enhance tree cover within the master plan area.

Strategies

- 1. Encourage the planting of trees in developed areas and established communities to increase the overall tree cover.**
- 2. Provide a minimum of ten percent tree cover on all development projects. This can be met through the provision of preserved areas or landscape trees.**
- 3. Establish street trees in planting strips designed to promote long-term growth and increase tree cover.**
- 4. Establish tree planting adjacent to and within areas of impervious surfaces. Ensure an even distribution of tree planting to provide shade to the maximum amount of impervious areas possible.**

This proposal is for a new development. Conformance with the most current WCO is required. At a minimum, the woodland conservation threshold (WCT) should be met on-site. The required WCT of 25 percent and required TCC of 20 percent exceeds the master plan recommended 10 percent TCC.

Policy 4: Reduce overall energy consumption and implement more environmentally sensitive building techniques.

Strategies:

- 1. Encourage the use of green building techniques that reduce energy consumption. New building designs should strive to incorporate the latest environmental technologies in project buildings and site design. As redevelopment occurs, the existing buildings should be reused and redesigned to incorporate energy and building material efficiencies.**

2. **Encourage the use of alternative energy sources such as solar, wind, and hydrogen power. Provide public examples of uses of alternative energy sources.**

The use of green building techniques and energy conservation techniques is encouraged, as appropriate.

Policy 5: Reduce light pollution and intrusion into residential, rural, and environmentally sensitive areas.

Strategies:

1. **Encourage the use of alternative lighting technologies for athletic fields, shopping centers, gas stations, and car lots so that light intrusion on adjacent properties is minimized. Limit the total amount of light output from these uses.**
2. **Require the use of full cut-off optic light fixtures for all proposed uses.**
3. **Discourage the use of streetlights and entrance lighting except where warranted by safety concerns.**

The minimization of light intrusion from this site into the primary management area (PMA) and adjacent residential communities should be addressed. The use of alternative lighting technologies, and the limiting of total light output, should be demonstrated. Full cut-off optic light fixtures are required.

Policy 6: Reduce adverse noise impacts to meet State of Maryland noise standards.

Strategies:

1. **Evaluate development proposals using Phase I noise studies and noise models.**
2. **Provide adequate setbacks for projects located adjacent to existing and proposed noise generators.**
3. **Provide the use of approved attenuation measures when noise issues are identified.**

The site fronts on US 50, which is a designated freeway, and MD 193, which is a designated arterial road. Both of these roads generate sufficient traffic, which make noise impacts a concern. Additionally, the eastern portion of the site is within APA 6 associated with the Freeway Airport.

A noise study has been submitted. Details of the noise study, as well as requirements for mitigation, are provided in the Environmental finding.

Policy 7: Protect wellhead areas of public wells.

Strategies:

- 1. Retain land uses that currently exist within the wellhead areas of existing public wells.**
- 2. Continue monitoring water quality.**
- 3. Consider the development of alternative public water provision strategies, such as public water connections, to eventually eliminate public wells.**

This site is not located within a wellhead protection area.

Conformance with the 2017 Green Infrastructure Plan

The site contains regulated and evaluation areas of the recently adopted Green Infrastructure Plan. This area comprises a stream system with a very wide floodplain and an extensive wetland network. The area has been significantly impacted due to upstream development, specifically the installation of a crossing with a culvert in a subdivision north of the site. The placement of a culvert in this area could further impact an already stressed stream system, which has shown significant degradation over the years due to high stormwater discharge, resulting in erosion and loss of vegetation within the wooded floodplain.

The current Green Infrastructure Plan does not map network gap areas as the previous 2005 plan did. Instead, it allows for the opportunity to identify network gaps at a smaller scale through the land development process. Based on an evaluation of the site and the adjacent areas, the stream valley to the east is owned by the Fairwood HOA and is protected by a platted conservation easement. The stream valley to the north is owned by the Marleigh HOA and is also protected by a platted conservation easement. The land area east of the Marleigh HOA easement and north of the subject site is a neighborhood park owned by M-NCPPC. The on-site stream system where these off-site streams meet, as well as its floodplain, present an opportunity to meet the environmental policies and strategies of the Bowie and Vicinity Master Plan and SMA and the Green Infrastructure Plan by establishing a contiguous ecological connection, limiting unnecessary disturbance, establishing woodlands, preserving and enhancing existing habitat, and possibly restoring parts of the stream valley naturally.

To accomplish this, the WCT must be met on-site. At a minimum, woodland should be enhanced and/or planted in the upland areas adjacent to the stream valley. Planting within the floodplain is not encouraged due to the beaver activity.

The applicant proposed forest enhancement and wetland mitigation. These areas will be fenced to ensure its successful progression. Most of the PMA will be preserved and placed in a protective conservation easement.

Natural Resources Inventory

A signed Natural Resources Inventory (NRI-041-08-01) was submitted with the application. The site contains 100-year floodplain, wetlands, streams, and steep slopes that comprise the PMA. A forest stand delineation was updated with the '-01' revision of the NRI, and indicates the presence of three forest stands labeled as Stands A, B, and C, and 100 specimen trees identified on the site. No additional information is required with regard to the NRI.

Woodland Conservation

This site is subject to the provisions of the WCO because there is an approved Type I Tree Conservation Plan, TCPI-007-99, associated with the site. A revised TCP1 has been submitted with the subject application and requires minor revisions to be found in conformance with the WCO. A special exception application, that is currently being processed, has an associated Type 2 Tree Conservation Plan (TCP2-014-2017).

The WCT for this 83.66-acre property is 25 percent of the net tract area or 15.28 acres. The total woodland conservation requirement, based on the amount of clearing proposed, is 19.90 acres. This requirement is proposed to be satisfied with 6.42 acres of on-site preservation, 0.98 acre of on-site reforestation, 2.14 acres of landscape credits, and 6.02 acres of forest/ habitat enhancement (typically credited at 0.25:1); the remainder of the requirement is proposed to be met with off-site woodland conservation credits. The applicant has shown the 6.02 acres of forest/ habitat enhancement at a 1:1 credit ratio and submitted a variance application, with the SE-4785 application, including a statement of justification (SOJ), to support the request. The approval of the variance will be determined with SE-4785 and the TCP1 will be consistent with that approval in regard to the forest/habitat enhancement credit ratio.

The plan requires revisions to be in conformance with the WCO. Most of the information regarding the site has referred to the gross tract site area as 83.68 acres; however, the worksheet on the TCP1 shows the gross tract area as 83.66 acres. The worksheet must reflect the correct site area. The site area must be revised to 83.68 acres, or an explanation of the new site area must be provided. The TCP under review is the '-03' revision to the plan. The revision box must be updated to indicate that the current revision is for the approval of PPS 4-17018. The plan needs to show all existing site features. Type 1 tree conservation plan Note 7 must be revised to refer to Environmental Strategy Area 2, instead of the tier.

Specimen Trees

Tree conservation plans are required to meet all of the requirements of Subtitle 25, Division 2 which includes the preservation of specimen trees, Section 25-122(b)(1)(G).

An addendum to the statement of justification in support of a variance to remove one specimen tree was submitted. The statement was originally dated August 14, 2017 for the proposed removal of 47 specimen trees, which was evaluated and supported as part of the special exception application pending final written decision. The addendum requests the additional removal of a single specimen tree (ST-57).

The plans show a sewer connection on the northeastern side of the proposed bridge; however, the limit of disturbance (LOD) on the originally submitted plans did not incorporate the impact for the sewer connection. Prior to signature approval of the plans, the LOD will need to be adjusted to include the impacts associated with the sewer connection. This change to the LOD is likely to negatively impact specimen tree 57, which is a 31-inch White Oak in fair condition. The tree has trunk and top damage, dieback, and decay. The LOD is already shown to the limits of the critical root zone on the eastern side of the tree for the grading associated with the installation of a bioretention facility. The change in the LOD for the sewer connection will impact the western side of the tree. Based on the health of the tree and the need to adjust the LOD, the Planning Board approves the removal of ST-57. The TCP1 shall be revised to reflect the removal of ST-57.

The Planning Board approved the removal of Specimen Tree 57 (ST-57) as requested by the applicant based on the findings below.

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

The property is 83.68 acres and contains approximately 30.04 acres of PMA comprised of streams, wetlands, floodplain, buffers, and steep slopes. This represents approximately 36 percent of the overall site area, which limits the developable area. The developable area is further restricted by an existing cemetery. These existing conditions are peculiar to the property. Specimen trees have been identified in both the upland and lowland/ PMA areas of the site. The applicant is proposing to remove a majority of the open grown specimen trees and a few along the edge of woodland. To further restrict development of the non-wooded upland areas of the site would cause unwarranted hardship.

The removal of specimen tree 57 is needed to provide sewer connection to serve the site.

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

The proposed retirement community includes housing options that align with the uses permitted in the R-E Zone as well as the vision for such zones as described in the Master Plan. Based on the unique characteristics for the property, enforcement of these rules would deprive the applicant of the right to develop the property in a similar manner to other properties zoned R-E in the area.

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

If other constrained properties encounter trees in similar locations on a site, the same considerations would be provided during the review of the required variance application.

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

The existing site conditions or circumstances, including the location of the specimen trees, are not the result of actions by the applicant.

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

The request to remove the trees does not arise from any condition on a neighboring property.

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

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

Regulated Environmental Features

This site contains regulated environmental features that are required to be preserved and/or restored to the fullest extent possible under Section 24-130(b)(5) of the Subdivision Regulations. The on-site regulated environmental features include streams, stream buffers, wetlands, wetland buffers, 100-year floodplain, and steep slopes.

A letter of justification for impacts to regulated environmental features was originally dated October 18, 2017, and was revised February 5, 2018. The original statement of justification was reviewed with the special exception, and all requested impacts were recommended for approval. The special exception is pending final written decision. The revised statement of justification for the current application requests impacts in addition to the impacts that were evaluated with the special exception.

The previously evaluated impacts were in order to install a road and utility crossing, water line loop connection, stormdrain outfalls, sewer connection, and minimal site grading. There were five previously evaluated impacts associated with the special exception totaling 76,532 square feet (1.76 acres).

The revised letter of justification and associated exhibits reflect seven additional proposed impacts to regulated environmental features associated with the development shown on the PPS. These impacts are for forest enhancement, removal of berms from existing farm ponds, additional stormdrain outfalls, staging areas, wetland mitigation, stream mitigation, minimal site grading, landscaping and stormdrain pipe retrofit.

The PPS application is approved with 276,595 square feet (6.35 acres) of impacts in addition to the previously evaluated 76,532 square feet (1.76 acres) of impacts associated with the special exception, for a total of 353,127 square feet (8.11 acres) of total impacts for the overall project. The previously evaluated and currently approved impacts are shown on the PMA impact exhibit stamped as received February 5, 2018.

The PMA impacts are considered necessary to the orderly development of the subject property. These impacts cannot be avoided because they are required by other provisions of the County and state codes. The plan shows the preservation, restoration, and enhancement, of the remaining areas of PMA.

Impact 3—Road utility crossing, construction related access and staging, sewer connection, wetland mitigation

Impact 3 was updated from the special exception to include 0.49 acres of additional impacts. Including the impact evaluated under the special exception, the total area of Impact 3 is 2.0 acres. This request is for the installation of a road crossing with a co-located water line, construction access and staging, sewer connection and wetland mitigation. This impact will affect wetlands, wetland buffers, stream, stream buffer, floodplain, and steep slopes. Several crossing designs were analyzed as part of the special exception. Many meetings were held with various stakeholders, including the applicant and their representatives, and County agencies, to discuss this major impact to regulated environmental features and how the impact could be reduced. The location of the proposed crossing is at the narrowest portion of the floodplain and stream valley and is the location of an old farm crossing that has been washed out.

Wetland and stream impacts are proposed to be mitigated on-site at 1:1 per the U.S. Army Corps of Engineers (USACE) and the Maryland Department of the Environment (MDE) requirements and are subject to their permitting approval. The sewer connections are needed for the health, safety and welfare of the development and are required by the County Code. The Planning Board approved Impact 3 for the environmental road crossing with culvert and co-located water line, construction access and staging, sewer connection, and wetland mitigation.

Impacts 6–9—Stormdrain outfall and site grading

This impact totals 0.02 acres and is for the installation of stormdrain outfalls and site grading. The stormdrain outfalls meet best management practices for discharging water back into the stream while limiting erosion at the discharge points. The stormdrain outfalls are required by County Code. The Planning Board approved Impacts 6–9 for stormdrain outfalls.

Impact 10—Stream mitigation and construction related access and staging

This impact totals 0.75 acres and is needed for the staging, access and implementation of stream mitigation on-site. Wetland and stream impacts are proposed to be mitigated on-site at 1:1 per USACE and MDE requirements and are subject to their permitting approval. The Planning Board approved Impact 10 for stream mitigation and construction staging and access.

Impact 11—Forest enhancement and berm removal

This impact totals 4.74 acres and is needed to accomplish the removal of berms located within the farm pond system to establish a more natural stream flow and to remove invasive species to allow for the installation of reforestation. The forest enhancement was recommended for approval with the special exception. The Planning Board approved Impact 11 for forest enhancement.

Impact 12—Stormwater Impact

This impact totals 0.35 acres of wetland and wetland buffer located along Enterprise Road that will be negatively affected by the proposed drainage design for the site. Essentially, the hydrology currently supporting the wetland will be diverted to the stormwater facilities and will no longer provide the supply of water currently supporting the system. In an effort to minimize impacts to the PMA, the applicant originally designed around the feature; however, the area will no longer function as a wetland without the support of surface water. Because this wetland feature appears to be an old farm pond that drains under Enterprise Road via an undersized stormdrain pipe, the proposal to impact the area is supported for grading, landscaping, and retrofit of the outfall pipe only.

MDE and USACE, as the wetland regulatory authorities, may require mitigation for such impacts. If mitigation for such impacts is required on-site, additional impacts to the Regulated Environmental Features may be needed to accommodate the additional mitigation on-site. At the time of certification of the TCP2, the applicant shall provide copies of the state and federal wetland permits, including mitigation. All wetland impacts and mitigation measures approved by MDE and USACE shall be shown on the TCP2. The Planning Board approved Impact 12 for grading, landscaping, and retrofit of an existing outfall pipe.

Based on the level of design information, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the impact exhibits with conditions. The impacts are for forest enhancement, removal of berms from existing farm ponds, additional stormdrain outfalls, staging areas, wetland mitigation, and stream mitigation, minimal site grading, landscaping and stormdrain pipe retrofit.

Noise

The site has frontage along US 50, a master planned freeway, as well as frontage on MD 193, a master planned arterial roadway; both of which are regulated for noise. The use is residential in nature.

A Phase I and II noise report dated August 28, 2017 was prepared by Phoenix Noise & Vibration, LLC. The report is identical to the report that was submitted with the special exception currently pending. The noise impacts on the development were evaluated with SE-4785. Appropriate areas from adverse noise impacts with that application.

Erosion and Sediment Control

The County requires approval of an erosion and sediment control plan. The TCP must reflect the ultimate limits of disturbance, not only for installation of permanent site infrastructure, but also for the installation of all temporary infrastructure, including erosion and sediment control measures. A copy of the erosion and sediment control technical plan must be submitted so that the ultimate limits of disturbance for the project can be verified and shown on the TCP.

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Doerner, with Commissioners Washington, Doerner, Bailey, and Hewlett voting in favor of the motion, and with Commissioner Geraldo absent at its regular meeting held on Thursday, February 15, 2018, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of March 2018 *and corrected administratively on August 14, 2018.

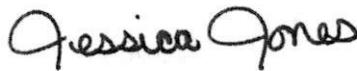
APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department

Date 8/17/18

Elizabeth M. Hewlett
Chairman



By Jessica Jones
Planning Board Administrator

EMH:JJ:JO:rpg

*Denotes Correction

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language