



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 2020-08

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco
File No. 4-18025

CORRECTED RESOLUTION

WHEREAS, Marwa Aligabi is the owner of a 22.4-acre parcel of land known as Parcel 049 (5.44 acres); Parcel 185 (1.89 acres); Parcel 186 (2.17 acres); Parcel 187 (1.69 acres); Parcel 188 (1.24 acres); Parcel 189 (1.25 acres); and Parcel 190 (8.82 acres), said property being in the 14th Election District of Prince George's County, Maryland, and is within the Residential-Estate (R-E) Zone; and

WHEREAS, on August 30, 2019, Jasim Aligabi filed an application for approval of a Preliminary Plan of Subdivision for 18 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-18025 for Preserves at Wingate was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on January 23, 2020, for its review and action in accordance with the Land Use Article of the Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on January 23, 2020, 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 TCP1-010-2019, and APPROVED a Variance from Section 25-122(b)(1)(G), and further APPROVED Preliminary Plan of Subdivision 4-18025, for 18 lots with the following conditions:

1. Total development shall be limited to uses that would generate no more than 14 AM and 17 PM peak-hour vehicle trips. Any development generating an impact greater than identified herein shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
2. The driveways to all lots fronting on Good Luck Road and Springfield Road shall be designed with a turnaround capability, as shown on the stormwater management plans. The design of the driveway to each lot shall be verified at time of building permit. This requirement shall also be noted on the final plat prior to approval.
3. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised to meet all the requirements of Subtitle 25. Required changes include but are not limited to:

- a. Adding the standard Subtitle 25 variance note under the specimen tree table or woodland conservation worksheet identifying with specificity the variance decision consistent with the decision of the Prince George's County Planning Board:

"NOTE: This plan is in accordance with the following variance(s) from the strict requirements of Subtitle 25 approved by the Planning Board on (ADD DATE) for the removal of the following specified specimen trees (Section 25-122(b)(1)(G): (Identify the specific trees to be removed).
 - b. Removing woodland conservation from lots one acre (43,560 square feet) or less in size, per Section 25-122(b)(1)(F) of the Woodland Conservation Ordinance.
 - c. Revising all woodland conservation on-site to meet the minimum size requirements through a combination of preservation and reforestation.
 - d. Labeling all off-site clearing with its acreage on the plan and accounting for it in the TCP worksheet. This includes, but is not limited to, clearing and grading associated with off-site water and sewer connections, as well as any off-site outfall structures.
 - e. Showing all areas of proposed easements that are to remain, or are proposed to be created (with the exception of surface drainage easements), that overlap existing woodlands to remain, as being woodland retained, counted as cleared on the plan, not as woodland preservation.
 - f. Updating the TCP worksheet as necessary.
4. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-010-2019). 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 (TCP1-010-2019), 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 WCO). 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 (M-NCPPC), Prince George's County Planning Department."
5. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area except for any approved impacts and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

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

6. Prior to issuance of any permits, which impact wetlands, wetland buffers, streams, or waters of the United States, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
7. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* and the Sector Plan and SMA for the East Glenn Dale Area, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
 - a. An 8-foot-wide side path (or sidewalk) along the subject site's entire frontage of Good Luck Road, unless modified by the Prince George's County Department of Public Works and Transportation or the Prince George's County Department of Permitting, Inspections and Enforcement.
 - b. A standard sidewalk along the subject site's entire frontage of Springfield Road, unless modified by the Prince George's County Department of Public Works and Transportation or the Prince George's County Department of Permitting, Inspections and Enforcement.
 - c. A standard sidewalk along both sides of Aligabi Court, unless modified by the Prince George's County Department of Public Works and Transportation or the Prince George's County Department of Permitting, Inspections and Enforcement.
8. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$420.00 to the Prince George's County Department of Public Works and Transportation for placement of a bikeway sign(s) along Springfield Road. A note shall be placed on the final plat for payment to be received prior to approval of the first building permit.
9. Prior to approval, the final plat of subdivision shall include:
 - a. The granting of a 10-foot-wide public utility easement along all public rights-of-way.
 - b. The dedication of right-of-way, in accordance with the approved preliminary plan of subdivision.
 - c. A note indicating that stormwater management and associated easements may be located on individual lots and must be maintained, in accordance with the approved stormwater management plan and Prince George's County Code requirements.
10. Nonresidential development of the subject property shall require approval of a new preliminary plan of subdivision prior to approval of permits.

11. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan (50638-2018-00) and any subsequent revisions.
12. The applicant, the applicant's heirs, successors, and/or assignees, shall pay a fee-in-lieu of mandatory dedication of parkland for all lots having less than one acre of net lot area. The fee-in-lieu payment shall be made prior to final plat approval.

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 south of the intersection of Good Luck Road and Springfield Road. The property consists of 22.4 acres and is within the Residential-Estate (R-E) Zone. This preliminary plan of subdivision (PPS) includes existing Parcel 049 (5.44 acres) recorded in Prince George's County Land Records in Liber 30658 folio 393; Parcel 185 (1.89 acres) recorded in Liber 36899 folio 047; Parcel 186 (2.17 acres) recorded in Liber 36899 folio 056; Parcel 187 (1.69 acres) recorded in Liber 36899 folio 065; Parcel 188 (1.24 acres) recorded in Liber 36899 folio 073; Parcel 189 (1.25 acres) recorded in Liber 36899 folio 082; and Parcel 190 (8.82 acres) recorded in Liber 37163 folio 278. This site is currently undeveloped and contains existing woodlands. This application proposes 18 lots for 18 single-family detached dwelling units.

A variance was filed to Section 25-122(b)(1)(G) of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) for removal of three specimen trees on the subject site. The Prince George's County Planning Board approved the variance request, as discussed further.

3. **Setting**— The subject property is located on Tax Map 28 in Grids C-3 and D-3, in Planning Area 70, and is zoned R-E. The subject site is irregularly shaped and is bounded by Good Luck Road to the northwest and Springfield Road to the northeast. The Goddard Space Flight Center in the Reserved Open Space Zone, and the Perkins Chapel Methodist Church and Cemetery in the Rural Residential (R-R) Zone, and single-family detached dwellings in the R-R Zone, are located north and east of Good Luck Road and Springfield Road, respectively. Single-family detached dwellings in the R-E Zone are located west and south of the subject property.
4. **Development Data Summary**—The following information relates to the subject PPS application and the approved development.

	EXISTING	Approved
Zone	R-E	R-E
Use(s)	Vacant	Residential (Single-Family Detached Dwellings)
Acreage	22.4	22.4
Lots	0	18
Parcels	7	0
Dwelling Units	0	18
Variance	No	Yes
		Section 25-122(b)(1)(G)
Variation	No	No

Pursuant to Section 24-119(d)(2) of the Prince George's County Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee on September 20, 2019.

5. **Previous Approvals**— The subject property was rezoned in 1980 from R-R to the R-E Zone as part of the *Approved 1980 Glenn Dale–Seabrook–Lanham Sectional Map Amendment for Planning Area 70*, per CR-45-1980.

The subject property represents the remaining outparcel of 22.4 acres of the Wingate Subdivision, PPS 4-85139 (PGCPB Resolution No. 85-299), approved by the Prince George's County Planning Board on September 26, 1985. PPS 4-85139 was for the subdivision of 307 acres of land, for the establishment of 256 lots for residential single-family dwellings, which now abut the subject site to the south. The subject property was shown on PPS-4-85139 to be an outparcel, however, the outparcel was not platted with the surrounding lots. It is noted that PPS 4-85139 has expired and no longer applies to the subject property.

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

The 2006 *Approved Sector Plan and Sectional Map Amendment for the East Glenn Dale Area (Portions of Planning Area 70)* (Sector Plan and SMA for the East Glenn Dale Area) retained the subject property R-E Zone and recommends residential low-density development on the subject property. Pursuant to Section 24-121(a)(5) of the Subdivision Regulations, this application conforms to the Sector Plan and SMA for the East Glenn Dale Area.

7. **Stormwater Management**—The site has an approved Stormwater Management (SWM) Concept Letter (50638-2018-00) and plan that is in conformance with current requirements and is valid

until November 22, 2022. The approved concept plan is consistent with the subject PPS and Type 1 tree conservation plan (TCP1), with two submerged gravel wetlands provided on-site on proposed Lots 9 and 15, as well as a series of 12 grass swales proposed off-site within the dedicated ultimate rights-of-way for Good Luck Road and Springfield Road. A fee-in-lieu of providing on-site attenuation/quality control measures is not permitted, and there are 16 additional conditions of approval that are also required by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) as part of the final SWM approval, according to this letter.

As this development is for fee-simple lots, and the developer is not proposing the creation of a homeowners association, easements allowing for access and maintenance of stormwater facilities on Lots 9 and 15 will be required. The applicant intends that notification will be provided to the affected lot owners regarding the responsibility of DPIE and lot owner for the maintenance of these facilities. The establishment of SWM areas on private lots and SWM easements for those areas will be required by DPIE, in accordance with the Prince George's County Code requirements.

In accordance with Section 24-130 of the Subdivision Regulations, development must be in accordance with an approved SWM concept plan, to ensure that on-site or downstream flooding do not occur.

8. **Parks and Recreation**— In accordance with Section 24-135 of the Subdivision Regulations, the Planning Board approved the payment of a fee-in-lieu of the mandatory dedication of parkland requirement at time of final plat because the land available for dedication is unsuitable, due to the size and location of the property.

The lots which propose a net lot area greater than one acre shall be exempt from this requirement, in accordance with Section 24-134(a)(3)(B) of the Subdivision Regulations.

9. **Trails**— This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the Sector Plan and SMA for the East Glenn Dale Area to provide the appropriate pedestrian and bicycle transportation requirements.

Review of Internal Sidewalk and Trail Improvements

The submitted plan does not include any sidewalks or trail facilities. Compliance with the master plan trail recommendations and complete street policies of the MPOT is required and appropriate conditions are provided.

Compliance with the 2009 *Countywide Master Plan of Transportation*

Two master plan trails impact the subject site per the MPOT:

- **Sidewalks and designated bike lanes are recommended along Springfield Road**

- **A shared use path (or wide sidewalk) and bike lanes are recommended along Good Luck Road**

Text from the MPOT regarding Good Luck Road is copied below:

Good Luck Road Shared-Use Side path and Designated Bike Lanes: These facilities will accommodate nonmotorized access to Greenbelt National Park, Parkdale High School, Robert Frost Elementary School, Lamont Elementary School, Catherine T. Reed Elementary School, Robert Goddard Middle School, DuVal High School, Turner Recreation Park, and Good Luck Community Center. This is a major east/west connection through northern Prince George's County.

The Complete Streets Section includes the following policies regarding sidewalk construction and the accommodation of pedestrians and provision of complete streets:

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

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

Given the complete street policies above, the need to address pedestrian safety across the county, and the fact that the subject application is not in the Rural Tier, sidewalks shall be provided along both sides of Aligabi Court and along all road frontages unless modified by DPIE and the Prince George's County Department of Public Works and Transportation (DPW&T).

Compliance with the 2006 *Approved Sector Plan for the East Glenn Dale Area* (area master plan)

The area master plan reaffirms the recommendations of the MPOT for a side path along Good Luck Road with the strategy copied below:

Continue to implement side paths along roads, as recommended on the plan map. Side paths are recommended along roads, including MD 564, Prospect Hill Road, and Good Luck Road, in conjunction with on-road bicycle facilities.

The master plan side path along Good Luck Road shall be provided unless modified by DPW&T/DPIE.

10. **Transportation**— The application is supported by traffic counts dated November 2018. The findings outlined below are based upon a review of these materials and analyses conducted, consistent with the "Transportation Review Guidelines, Part 1," (Guidelines).

The table below summarizes trip generation in each peak-hour that is used in reviewing traffic and developing a trip cap for the site:

Trip Generation Summary, 4-18025: Preserves at Wingate							
Land Use	Use Quantity	AM Peak Hour			PM Peak Hour		
		In	Out	Tot	In	Out	Tot
Single-Family Detached	18 units	3	11	14	11	6	17
Total Trip Cap for Proposed Use				14			17

Traffic generated by the proposed PPS would impact the following intersection:

- Springfield Road and MD 564 (Lanham-Severn Road) (unsignalized)

Analysis of Traffic Impacts:

The subject property is located within Transportation Service Area 2, as defined in Plan 2035. As such, the subject property would be evaluated according to the following standard:

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.

For two-way stop-controlled intersections, a three-part process is employed:
(a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the critical lane volume is computed.

For all-way stop-controlled intersections, a two-part process is employed:
(a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the critical lane volume is computed.

November 2018 counts were submitted and accepted as part of this PPS. The following tables represent results of the analyses of critical intersections under existing, background, and total traffic conditions:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
Springfield Road & MD 564*	19.4	72.2	--	--
*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.				

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 in the study area has been developed using four approved but unbuilt developments. A one percent annual growth rate was applied for a two-year period. The critical intersections, when analyzed with background traffic and existing lane configurations, operate as follows:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
Springfield Road & MD 564*	21.0	102.6	--	--
*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 Guidelines, including the site trip generation as described above, operate as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
Springfield Road & MD 564*	21.5	110.3	--	--
Approach Volumes	--	>100	--	--
Critical Lane Volume	--	704	--	A
*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 intersection is operating at acceptable levels of service and/or intersection delay, as defined by the Guidelines. The intersection of Springfield Road and MD 564 does not exceed 50 seconds of minor street delay in the background and total traffic conditions during the morning peak-hour. Therefore, tier two and three of the three-tier test of adequacy was not conducted. However, during the evening peak-hour, Springfield Road and MD 564 does exceed 50 seconds of minor street delay in existing, background, and total traffic conditions. Tier three of the three-tier test of adequacy for unsignalized intersections was conducted and it was determined that the intersection does operate acceptably. The intersection is deemed to be adequate.

A trip cap consistent with the trip generation assumed for the site, 14 AM and 17 PM peak-hour vehicle trips is approved.

Site Access Evaluation

Lots 5 through 8 will have access via a cul-de-sac. The remainder of the lots show individual driveways along Good Luck Road and Springfield Road. These lots would have direct driveway access onto collector roadways. In consideration of the current and planned function of the roadway as a collector, and given current operating speeds and traffic volumes, the driveways onto each of the proposed lots shall utilize a turnaround capability in order to minimize the need for vehicles accessing these lots to back onto the collector roadway.

Master Plan Roads

Springfield Road is listed in the MPOT as a master plan collector facility with a proposed right-of-way of 80 feet and two lanes. Good Luck Road is a master plan collector facility with a proposed right-of-way of 80 feet and two to four lanes. The required right-of-way dedication is shown on the PPS.

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.

11. **Schools**— This PPS has been reviewed for impact on school facilities, in accordance with Section 24-122.02 of the Subdivision Regulations. The results of the analysis are as follows:

Impact on Affected Public School Clusters Single-Family Detached Dwelling Units

Affected School Clusters #	Elementary School Cluster 1	Middle School Cluster 1	High School Cluster 1
Dwelling Units	18 DU	18 DU	18 DU
Pupil Yield Factor	0.177	0.095	0.137
Subdivision Enrollment	3	2	2
Actual Enrollment in 2018	9,602	4,452	5,514
Total Enrollment	9,605	4,454	5,516
State Rated Capacity	8,780	4,032	5,770
Percent Capacity	109%	110%	96%

Section 10-192.01 of the Prince George's County Code establishes school facilities surcharges and an annual adjustment for inflation. The current amount is \$16,371, as this project falls outside of the I-95/I-495 (the Capital Beltway.) This fee is to be paid to Prince George's County at the time of issuance of each building permit.

12. **Public Facilities**— In accordance with Section 24-122.01, water and sewerage, police, and fire and rescue facilities are found to be adequate to serve the subject site, as outlined in a memorandum from the Special Projects Section dated October 8, 2019 (Hancock to Simon), incorporated herein by reference.

The 2008 *Water and Sewer Plan* designates the subject parcel in a dormant Water and Sewer Category 3, inside the Sewer Envelope, in the Developing Tier (now the Growth Tier), and within Tier 1 under the Sustainable Growth Act, for development on public sewer. A dormant Category 3 is considered a Category 4 designation, although the maps have not been amended (2008 *Water and Sewer Plan*, Section 2.1.2). The site is currently undeveloped. Renewal of Category 3, obtained via the Administrative Amendment process, must be approved by DPIE before recordation of a final plat.

13. **Use Conversion**—The analyses included in this PPS are for residential development. A new PPS shall be required for nonresidential development of the subject property.
14. **Public Utility Easement (PUE)**— Section 24-122(a) requires that, when utility easements are required by a public utility company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

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

The standard requirement for PUEs is 10 feet wide along both sides of all public rights-of-way. The subject site fronts on the public rights-of-way of Good Luck Road, Springfield Road, and a proposed public street (Aligabi Court). The required PUE is delineated on the PPS.

15. **Historic**— The subject property is adjacent to the Perkins Methodist Chapel and Cemetery Historic Site (64-005), built circa 1861 on land donated by J. Turner Perkins during a period of division in the Methodist Episcopal Church, which is one of the few surviving mid-nineteenth century rural chapels in the County. It is a branch of the Pleasant Grove Methodist Church, which was established in 1815. The frame meetinghouse-style building is clad with German siding and is distinguished by its twelve-pane fanlight, wood, keystone and gable louver with quatrefoil tracery. Adjoining the building is a cemetery with burials nearly as old as the chapel.

The subject property was part of the J. Turner Perkins plantation. A Phase I archeology survey was conducted on the subject property in May 2019 and the details of that survey are further outlined in a memorandum dated December 4, 2019 (Stabler to Simon), incorporated by reference herein. No additional archeological investigations are necessary on the subject property.

Although the subject property is adjacent to part of the Perkins Chapel Environmental Setting, the new construction will be buffered from the historic chapel by surrounding woodlands within the historic site parcel and on the adjacent federal land. Therefore, the subdivision will not impact the viewshed of the Perkins Methodist Chapel and Cemetery Historic Site (64-005) and will not have to be reviewed by the Historic Preservation Commission.

16. **Environmental**—This project is not grandfathered with respect to the environmental regulations contained in Subtitle 24 that came into effect on September 1, 2010 because the application is for a new PPS. This project is subject to the WCO and the *2018 Prince George's County Environmental Technical Manual*.

Master Plan Conformance

Plan Prince George's 2035 Approved General Plan

The site is currently located within Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map as designated by Plan 2035. The site is also within the Established Communities area for this plan. The current application is in general conformance with the zoning requirements and the intent of the growth pattern established in the general plan.

Countywide Green Infrastructure Plan (2017)

The 2017 *Countywide Green Infrastructure Plan* was approved with the adoption of the *Resource Conservation Plan: A Countywide Functional Master Plan* (CR-11-2017) on March 7, 2017. According to the approved *Countywide Green Infrastructure Plan*, the site contains regulated areas within the designated network of the plan located on proposed Lots 15–17. Much of the remaining site is within an evaluation area.

The following policies and strategies in **BOLD** are applicable to the subject application. The text in **BOLD** is the text from the master plan and the plain text provides comments on plan conformance.

POLICY 1: Preserve, enhance and restore the green infrastructure network and its ecological functions while supporting the desired development pattern of Plan Prince George's 2035.

- 1.1 **Ensure that areas of connectivity and ecological functions are maintained, restored and/or established by:**
 - a. **Using the designated green infrastructure network as a guide to decision-making and using it as an amenity in the site design and development review processes.**
 - b. **Protecting plant, fish, and wildlife habitats and maximizing the retention and/or restoration of the ecological potential of the**

landscape by prioritizing healthy, connected ecosystems for conservation.

- c. **Protecting existing resources when constructing stormwater management features and when providing mitigation for impacts.**
- d. **Recognizing the ecosystem services provided by diverse land uses, such as woodlands, wetlands, meadows, urban forests, farms and grasslands within the green infrastructure network and work toward maintaining or restoring connections between these landscapes.**
- e. **Coordinating implementation between County agencies, with adjoining jurisdictions and municipalities, and other regional green infrastructure efforts.**
- f. **Targeting land acquisition and ecological restoration activities within state-designated priority waterways such as stronghold watersheds and Tier II waters.**

1.2 Ensure that Sensitive Species Project Review Areas and Special Conservation Areas (SCAs), and the critical ecological systems supporting them, are preserved, enhanced, connected, restored and protected.

- a. **Identify critical ecological systems and ensure they are preserved and/or protected during the site design and development review processes.**
- b. **Prioritize use of public funds to preserve, enhance, connect, restore and protect critical ecological systems.**

The site contains a regulated area that is located within the Horsepen Branch of the Patuxent River stronghold watershed. Much of the regulated area is proposed to be impacted and segmented along the existing rights-of-way and the ultimate right-of-way dedication for Springfield Road and the associated establishment of a 10-foot-wide public utility easement (PUE) on-site. Additional off-site impacts to the regulated areas are proposed along Springfield Road for utility connections, water and sewer connections, and stormwater outfalls. These improvements are deemed necessary for the site to be developed and to function properly post-construction.

Although these impacts will result in a reduction and segmentation of the existing regulated area, the remaining on-site areas are to be retained outside of the rights-of-way to be dedicated for Springfield Road and the associated PUE.

No sensitive species project review areas or special conservation areas are located on or within the vicinity of the subject site.

POLICY 2: Support implementation of the 2017 GI Plan throughout the planning process.

- 2.4 Identify Network Gaps when reviewing land development applications and determine the best method to bridge the gap: preservation of existing forests, vegetation, and/or landscape features, and/ or planting of a new corridor with reforestation, landscaping and/or street trees.**
- 2.5 Continue to require mitigation during the development review process for impacts to regulated environmental features, with preference given to locations on-site, within the same watershed as the development creating the impact, and within the green infrastructure network.**
- 2.6 Strategically locate off-site mitigation to restore, enhance and/or protect the green infrastructure network and protect existing resources while providing mitigation.**

No network gaps have been identified on the subject site. Mitigation to offset impacts to the primary management area (PMA), which is comprised of isolated wetlands and their associated buffers, is provided. Impacts are discussed in the Environmental Review Section.

POLICY 3: Ensure public expenditures for staffing, programs, and infrastructure support the implementation of the 2017 GI Plan.

- 3.3 Design transportation systems to minimize fragmentation and maintain the ecological functioning of the green infrastructure network.**
 - a. Provide wildlife and water-based fauna with safe passage under or across roads, sidewalks, and trails as appropriate. Consider the use of arched or bottomless culverts or bridges when existing structures are replaced, or new roads are constructed.**
 - b. Locate trail systems outside the regulated environmental features and their buffers to the fullest extent possible. Where trails must be located within a regulated buffer, they must be designed to minimize clearing and grading and to use low impact surfaces.**

The site is currently undeveloped and is of a linear nature with frontage and master-planned trails along Good Luck Road and Springfield Road. The undeveloped portion of the subject site will not be significantly impacted by any transportation improvements. Although MPOT does not indicate any trail system through the regulated area of the site, trail access could be a consideration during the site planning process. Trails through sensitive areas should be generally designed to minimize impacts.

POLICY 4: Provide the necessary tools for implementation of the 2017 GI Plan.

- 4.2 Continue to require the placement of conservation easements over areas of regulated environmental features, preserved or planted forests, appropriate portions of land contributing to Special Conservation Areas, and other lands containing sensitive features.**

Conservation easements are required for the subject application to protect areas identified within the PMA that are not otherwise approved for impact.

With regard to the required woodland conservation easement, approximately 8.20 acres of woodland conservation is provided, and will be required to be placed in a woodland conservation easement if it meets the criteria for credit.

POLICY 5: Improve water quality through stream restoration, stormwater management, water resource protection, and strategic conservation of natural lands.

- 5.8 Limit the placement of stormwater structures within the boundaries of regulated environmental features and their buffers to outfall pipes or other features that cannot be located elsewhere.**
- 5.9 Prioritize the preservation and replanting of vegetation along streams and wetlands to create and expand forested stream buffers to improve water quality.**

An approved SWM Concept Letter and Plan (50638-2018-00) was approved by the Site/Road Plan Review Division of DPIE on November 22, 2019, and they have determined it is in conformance with the current code.

POLICY 7: Preserve, enhance, connect, restore and preserve forest and tree canopy coverage.

General Strategies for Increasing Forest and Tree Canopy Coverage

- 7.1 Continue to maximize on-site woodland conservation and limit the use of off-site banking and the use of fee-in-lieu.**
- 7.2 Protect, restore and require the use of native plants. Prioritize the use of species with higher ecological values and plant species that are adaptable to climate change.**
- 7.4 Ensure that trees that are preserved or planted are provided appropriate soils and adequate canopy and root space to continue growth and reach maturity. Where appropriate, ensure that soil treatments and/ or amendments are used.**

Planting of native species is encouraged on-site.

Forest Canopy Strategies

- 7.12 Discourage the creation of new forest edges by requiring edge treatments such as the planting of shade trees in areas where new forest edges are proposed to reduce the growth of invasive plants.**
- 7.13 Continue to prioritize the protection and maintenance of connected, closed canopy forests during the development review process, especially in areas where FIDS habitat is present or within Sensitive Species Project Review Areas.**
- 7.18 Ensure that new, more compact developments contain an appropriate percentage of green and open spaces that serve multiple functions such as reducing urban temperatures, providing open space, and stormwater management.**

Green space is encouraged within the subject development, particularly within and around existing regulated areas onsite for expansion, restoration, and preservation of these regulated areas.

POLICY 12: Provide adequate protection and screening from noise and vibration.

- 12.2 Ensure new development is designed so that dwellings or other places where people sleep are located outside designated noise corridors. Alternatively, mitigation in the form of earthen berms, plant materials, fencing, or building construction methods and materials may be used.**

The subdivision is not adjacent to any roadways of arterial or higher classification, which would be evaluated for noise impacts.

Area Master Plan Conformance

The master plan for this area is the Sector Plan and SMA for the East Glenn Dale Area. In the approved sector plan and SMA, the Environmental Infrastructure section contains goals, policies and strategies. The following policies have been determined to be applicable to the current project. The text in **BOLD** is the text from the master plan and the plain text provides comments on plan conformance.

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

As previously stated, the application preserves, to the fullest extent possible, the on-site regulated areas not associated with the required road improvements on-site. Woodland preservation is

included on-site within the evaluation area of the network. A series of woodland retention, and woodland preserved but not credited areas, are linked along the side and rear yards of most of the proposed lots that will culminate in a protected forested area that will be interconnected with the regulated area to be retained on-site.

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

This project has an approved SWM Concept Plan, 50638-2018-00 that meets water quality and quantity requirements, in accordance with the current provisions of the County Code, which addresses the state regulations.

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

Conformance with the tree canopy coverage ordinance and impervious surface requirements will be evaluated at the time of permitting.

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

The use of green building techniques and energy conservation techniques should be used as appropriate. The use of alternative energy sources such as solar, wind, and hydrogen power are encouraged.

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

The use of full cut-off optic light fixtures is encouraged.

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

The subdivision is not adjacent to any roadways of arterial or higher classification, which would be evaluated for noise impacts.

Environmental Review

Natural Resources Inventory/Existing Conditions

The site has an approved Natural Resources Inventory Plan (NRI-169-2018), which correctly shows the existing conditions of the property. This site contains five specimen trees. Regulated environmental features such as wetlands, associated buffers, and PMA are located on-site. The existing conditions are correctly shown on the TCP1 and PPS.

Woodland Conservation

This property is subject to the provisions of the WCO because the property is greater than 40,000 square feet and contains more than 10,000 square feet of existing woodland.

TCP1-010-2019 has been submitted for review.

According to the worksheet, the site is 22.40 acres within the R-E Zone. A total of 22.40 acres of existing woodlands are on the net tract. The site has a woodland conservation threshold of 5.60 acres, or 25 percent of the net tract, as tabulated. The TCP1 shows a total woodland conservation requirement of 8.95 acres. The TCP1 shows this requirement will be met by providing 8.20 acres of woodland preservation and 0.75 acre of fee-in-lieu.

Per Section 25-122(c), payment of fee-in-lieu is the lowest priority for meeting a woodland conservation requirement. After on-site methods have been exhausted, the use of off-site mitigation must be shown in the worksheet. It should be noted that written permission can be sought from the Planning Board under Section 25-122(d)(8); however, no request was submitted with this application, and was not approved. The use of fee-in-lieu is further restricted, in accordance with House Bill 272, which is currently enforced by the State. Therefore, all proposed fee-in-lieu must be removed from the TCP worksheet and the remaining requirement must either be met on-site or off-site.

The TCP1 requires several additional minor technical revisions that are included in the recommended conditions.

Specimen Trees

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

The site contains five specimen trees. Specimen Trees 1-2 have a rating of poor, Specimen Trees 3-4 have a rating of fair, and Specimen Tree 5 has a rating of good. The current design includes removal of a total of three trees (Specimen Trees 1-3) for the development of 18 single-family lots with associated infrastructure and SWM.

Review of Subtitle 25 Variance Request

A Subtitle 25 variance application, a statement of justification (SOJ) in support of a variance, and a tree removal plan were received for review on August 30, 2019.

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

SPECIMEN TREE SCHEDULE SUMMARY

ST	COMMON NAME	DBH (in inches)	CONDITION	DISPOSITION
1	White Oak	31	Poor	Remove
2	White Oak	35	Poor	Remove
3	Willow Oak	33	Fair	Remove

Statement of Justification request:

A variance to Section 25-122(b)(1)(G) is requested for the clearing of the three specimen trees on-site. The current PPS proposal for this property is for the creation of 18 lots for single-family detached development, associated infrastructure, and SWM. This variance is requested to the WCO, which requires under Section 25-122 that "woodland conservation shall be designed as stated in this Division unless a variance is approved by the approving authority for the associated case." The Subtitle Variance Application form requires an SOJ of how the findings are being met.

The text in **BOLD**, labeled A–F, are the six required findings listed in Section 25-119(d)(1). The plain text provides responses to the findings.

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

The site has an unusual long, narrow, boomerang-shaped configuration along its frontages with Good Luck Road and Springfield Road. All of the trees to be removed are located along the frontage of site. Specimen Trees 1 and 2 are located at the corner of Springfield Road and Good Luck Road within the ultimate right-of-way to be dedicated to these roads and will be required to be removed due to associated grading required for road improvements and the establishment of a 10-foot-wide PUE. Specimen Tree 3 will remain just on-site within proposed Lot 14 after the property is subdivided and land is dedicated to the ultimate rights-of-way for Springfield Road. However, the grading needed for the required road improvements and establishment of the associated 10-foot-wide PUE will result in more than one-third of the critical root zone being impacted making it unlikely to survive in the long-term, given its current fair condition. Regardless of how the property is subdivided, the same type of dedication would be required for widening the roads, and the trees would have to be removed.

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

Since all property owners in Prince George's County are required to dedicate right-of-way and provide for utilities to serve any development, depriving the applicant of the right to conform to applicable laws would deny it of the right all property owners

have. Specifically, the right to develop property, in conformance with the applicable requirements.

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

As previously discussed in (A) and (B) above, not granting this variance will prevent the project from being developed in a functional and efficient manner. The variance would not result in a privilege to the applicant; it would allow for development to proceed with similar rights afforded to others with similar properties and land uses.

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

The nature of the variance request is premised on preserving existing natural features of the site and the necessity to implement additional grading and clearing to allow for adequate and safe development practices. This is not a condition or circumstance which was the result of any action 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; and

The request to remove the specimen trees does not arise from a condition relating to land or building use, either permitted or nonconforming on a neighboring property.

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

The site is governed by the SWM Regulations that went into effect on May 5, 2010. Currently the majority of the site's frontage on Springfield Road is occupied by a linear wetland system that drains into a stream off-site. The development is required to adhere to State and County stormwater regulations. A grassed swale is proposed along the frontage of the site, and two submerged gravel wetlands are proposed to be constructed for SWM as conditioned and approved by DPIE and reflected on the approved SWM concept plan. The loss of these three specimen trees will not adversely affect the water quality leaving the site and will be needed to implement the proposed grass drainage swale.

The required findings of Section 25-119(d)(1) have been adequately addressed by the applicant for the removal of Specimen Trees 1-3, and the variance is approved.

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 sewer lines and water lines, road crossings for required street connections, and outfalls for SWM 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. SWM 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, SWM 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 enough to reasonably develop the site, in conformance with County Code.

The site contains regulated environmental features. According to the TCP1, impacts to the PMA/wetland/regulated stream and associated buffers are proposed for SWM, road improvements, and utility line connections. An SOJ and mitigation plan have been received for the impacts to the wetlands, wetland buffer, stream, and stream buffer, all within the PMA.

Statement of Justification

The SOJ, dated November 20, 2019, includes a request to impact a total of 1.11 acres (48,544 square feet) of PMA on-site, for required ultimate road right-of-way dedication for Springfield Road (38,632 square feet), and the establishment of a 10-foot-wide PUE on-site (9,912 square feet). Within each of these two major impact areas are additional overlapping impacts, including the construction of driveways, in order to provide access to lots, connections to existing water and sewer lines to serve the site, and the construction of storm drain outfalls.

Analysis of Impacts

The dedication of ultimate right-of way for Springfield Road and the establishment of a 10-foot-wide PUE are generally required as part of the site design. The impacts to the environmental regulated features are unavoidable and have been minimized to the fullest extent possible.

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

Mitigation Plan

According to the Environmental Technical Manual, a mitigation plan is required if the cumulative proposed impacts to wetlands and wetland buffers are shown to exceed a 0.5-acre threshold. Only on-site impacts are evaluated for this threshold. The amount and type of mitigation, if required, shall be at least generally equivalent to, or a greater benefit than, the total of all impacts proposed, as determined by the Planning Board. This can be in the form of stream or wetland restoration, wetland creation, or retrofitting of existing SWM facilities that are not required by some other section of County Code.

Since the on-site cumulative impacts to wetland and wetland buffers exceed this threshold for a total of 1.11 acres, a mitigation plan has been submitted by the applicant. This mitigation plan proposes to convert seven sections of the proposed grass swales on the approved stormwater

concept plan into wetland swales. Each of these proposed mitigated swales will be located off-site within the dedicated ultimate rights-of-way for Good Luck Road and Springfield Road. They will replace much of the linear wetland that will be removed along Springfield Road. The proffered mitigation is approved subject to approval by DPIE for SWM purposes.

Based on the level of design information currently available, the regulated environmental features on the subject property have been restored to the fullest extent possible, based on the limits of disturbance shown on the mitigation plan submitted for review.

Soils

The predominant soils found to occur, according to the US Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, include Downer-Hammonton complex (2-10 percent slopes), Downer-Hammonton-Urban complex (0-15 percent slopes), Christiana-Downer complex (5-10 percent slopes), Fallsington sandy loams (0-2 percent slopes), Russett-Christiana complex (2-5 percent slopes), Galestown-Urban complex (5-15 percent slopes), and Ingleside sandy loam (0-2 percent slopes). Although soils containing Marlboro clay have not been identified on this site, unsafe soils containing Christiana complexes have been identified on-site.

According to DPIE, when existing or proposed steep slopes exceed 20 percent on unsafe soils, government agencies should insist on submission of a full-fledged geotechnical report that includes a global stability analysis with the proposed (mitigated) 1.5 Safety Factor Line determined and shown on the report plan and on any supporting plans, for County review and approval. The Site Road Division of DPIE is required to make this determination at time of SWM concept approval.

Although Christiana complex soils are located on-site including Christiana-Downer complex (CcC), and Russett-Christiana complexes (RcB and RuB); the site is fairly flat with gentle slopes and no existing areas of steep slopes. Proposed slopes do not appear to be steep either, so these soils should not pose an issue to proposed development. According to the approval letter associated with the approved SWM Concept Plan (50638-2018-00), DPIE has no restrictions regarding unsafe soils at this time.

No further action is needed as it relates to this application. A soils report may be required by DPIE in future phases of development.

17. Urban Design—The subject application is reviewed for conformance to the Prince George's County Zoning Ordinance, as follows:

1. The property is in the R-E Zone. Based on the plans and information submitted with this application, specifically, the development of 18 single-family detached dwellings is permitted by right, is not subject to detailed site plan approval, and will be reviewed for conformance to applicable regulations at time of permit.

2. Conformance with the following Zoning Ordinance regulations required for the proposed development at time of permit review, as appropriate:

Section 27-427, R-E Zone (Residential Estate),
Section 27-441, Uses permitted (Residential Zones),
Section 27-442, Regulations (Residential Zones),
Part 11, Off-street Parking and Loading, and
Part 12, Signs

Conformance with the 2010 Prince George's County Landscape Manual

In accordance with Section 27-427(c) of the Zoning Ordinance, the development is subject to the 2010 *Prince George's County Landscape Manual*. Specifically, this property is subject to the requirements of Section 4.1, Residential Requirements; Section 4.6, Buffering Development from Streets; and Section 4.9, Sustainable Landscaping Requirements. Conformance with the applicable landscaping requirements will be determined at time of permit review.

Conformance with the Tree Canopy Coverage Ordinance

Section 25-127(a)(1) of the Tree Canopy Coverage Ordinance requires that developments in the R-E Zone provide 20 percent of the gross tract area to be covered by tree canopy. Conformance with the tree canopy coverage requirements will be evaluated at time of permit review.

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, Doerner and Hewlett voting in favor of the motion at its regular meeting held on Thursday, January 23, 2020, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 13th day of February 2020.

Elizabeth M. Hewlett
Chairman


By Jessica Jones
Planning Board Administrator

EMH:JJ:DS:nz

APPROVED AS TO LEGAL SUFFICIENCY.

M-NCPPC Legal Department

Date 3/3/20