



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 2020-25

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File No. 4-19003

RESOLUTION

WHEREAS, Citizens, LLC is the owner of a 41.70-acre parcel of land known as Parcels 52 and 171, said property being in the 14th Election District of Prince George's County, Maryland, and being zoned Rural Residential (R-R); and

WHEREAS, on November 6, 2019, Caruso Homes filed an application for approval of a Preliminary Plan of Subdivision for 80 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-19003 for Pecan Ridge 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 20, 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 February 20, 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 TCP1-013-2019, and APPROVED a Variance to Section 25-122(b)(1)(g), and further APPROVED Preliminary Plan of Subdivision 4-19003, including a Variation from Sections 24-122(a), 24-123(a)(4), and 24-123(a)(5) for 80 lots with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised to:
 - a. Reflect the proposed density based on the area of site in the general notes and development table.
 - b. Delineate the conservation easements on Parcel E to exclude areas where stormwater management structures and easements are shown, and update the area of conservation according to the revisions.
 - c. Indicate this plan is for a public benefit conservation subdivision in General Notes 4 and 30.
 - d. Remove the M-NCPPC approval block from all plan sheets.

2. Prior to signature approval of the preliminary plan of subdivision, the applicant shall provide an approved stormwater concept plan and letter from the Prince George's County Department of Permitting, Inspections and Enforcement.
3. Development of this site shall be in conformance with an approved stormwater management concept plan and any subsequent revisions.
4. Total development shall be limited to uses that would generate no more than 60 AM and 72 PM peak-hour vehicle trips. Any development generating an impact greater than what is identified herein shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
5. A substantial revision to the uses on the subject property that affects Subtitle 24 adequacy findings, as set forth in a resolution of approval, or any commercial development, shall require the approval of a new preliminary plan of subdivision, prior to approval of any building permits.
6. Prior to approval, the final plat of subdivision shall include:
 - a. Public street dedication, in accordance with the approved preliminary plan of subdivision.
 - b. The granting of public utility easements along all public rights-of-way, in accordance with the approved preliminary plan of subdivision.
 - c. A note indicating a variation from Section 24-122(a) of the Subdivision Regulations is approved by the Prince George's County Planning Board for the public utility easements along the public rights-of-way abutting Parcels E and F, pursuant to approved Preliminary Plan of Subdivision 4-19003.
 - d. A note indicating a variation from Section 24-121(a)(4) and 24-121(a)(5) of the Subdivision Regulations is approved by the Prince George's County Planning Board for the public right-of-way dedication, pursuant to approved Preliminary Plan of Subdivision 4-19003.
 - e. The dedication of ± 6 acres of the existing pecan grove area adjacent to WB&A trail to the Maryland-National Capital Park and Planning Commission, as shown on Prince George's County Parks and Recreation Exhibit A.
 - f. A conservation easement described by bearings and distances. The conservation easement shall contain the delineated primary management area except for any approved impacts and shall be reviewed by the Environmental Planning Section, prior to approval of the final plat. The following note shall be placed on the plat:

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

- g. Notations, in accordance with Section 24-152(m) of the Subdivision Regulations. A draft conservation easement shall be reviewed and approved by the Development Review Division, as designee of the Prince George's County Planning Board, and shall demonstrate conformance to Section 24-152(n) and (o) of the Subdivision Regulations.
7. In conformance with the 2009 *Approved Countywide Master Plan of Transportation*, and the 2010 *Bowie State MARC Station Sector Plan and Sectional Map Amendment*, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
 - a. Standard sidewalk along both sides of all internal roads, unless modified by the Prince George's County Department of Public Works and Transportation and/or the Prince George's County Department of Permitting, Inspections and Enforcement.
 - b. Signage indicating that the vehicular access to the WB&A Trail is intended for local traffic only, subject to modification by DPIE with written correspondence.
 8. Prior to issuance 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 one "Share the Road with a Bike" signage assembly along Lloyd Station Road. A note shall be placed on the final plat for payment to be received, prior to issuance of the first building permit.
 9. Prior to issuance of any demolition or grading permit, the applicant and the applicant's heirs, successors, and/or assignees shall submit a Maryland Inventory of Historic Property form for all the standing structures located at 8304 Lloyd Station Road. The buildings shall be documented by a 36 Code of Federal Regulations qualified architectural historian and the submitted documentation shall include a chain of title, floor plans, and representative interior and exterior photos of the buildings and grounds.
 10. Prior to issuance of a grading permit, the applicant shall submit an Historic Area Work Permit application for any disturbance within the environmental setting of the Washington, Baltimore & Annapolis Electric Railroad Bridge Historic Site (71A-006).
 11. The land dedication the Maryland-National Capital Park and Planning Commission (M-NCPPC) shall be conveyed with the first record plat for the subdivision with the following conditions:

- a. An original, special warranty deed for the property to be conveyed, (signed by the Washington Suburban Sanitary Commission Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division at M-NCPPC, along with the application of first record plat.
 - b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to application of the building permit.
 - c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.
 - d. With the exception of fine grading to tie out necessary roadway grades, the land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Prince George's County Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair, or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.
 - e. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled, and underground structures shall be removed. The Prince George's County Department of Parks and Recreation shall inspect the site and verify that land is in an acceptable condition for conveyance, prior to dedication.
 - f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, the Prince George's County Department of Parks and Recreation (DPR) shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement, prior to issuance of grading permits.
 - g. No stormwater management facilities, or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to M-NCPPC without the prior written consent of the Prince George's County Department of Parks and Recreation (DPR). DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond, and maintenance and easement agreements shall be required, prior to issuance of grading permits.
12. 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 revisions include but are not limited to:

- a. Revise the TCP1 to save Specimen Trees 2 and 36 by revising the limits of disturbance as appropriate to preserve a minimum of two-thirds of each tree's critical root zone.
- b. Revise the Specimen Trees Table, as follows:
 - (1) Revise all conditions of the specimen trees to be consistent with the condition analysis submitted on December 20, 2019.
 - (2) Add a column entitled "Disposition" and indicate which trees will remain and which will be removed from the site.
 - (3) Indicate that Specimen Trees 2 and 36 will be saved.
 - (4) Indicate that Specimen Tree 45 will be converted to a 12-foot minimum height snag for wildlife use.
 - (5) Add 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)."
- c. Label all off-site clearing with its acreage on the plan and account for it on the TCP worksheet. This includes but is not limited to clearing and grading associated with the off-site access connection with the site from Laurel Bowie Road (MD Route 197).
- d. Show 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.
- e. Account for the 0.26-acre discrepancy of existing woodland in the floodplain between the TCP worksheet and the approved natural resources inventory (NRI). Revise the TCP1 or NRI, as necessary, so they are consistent with one another.
- f. Ensure all specimen tree labels are unobscured by overlapping text.

- g. Update the Site Statistics Table, as necessary.
 - h. Add the TCP number to the approval block (TCP1-013-2019) on each sheet of the TCP1.
 - i. Update the TCP worksheet, as necessary once the above changes have been made.
 - j. Show all stormwater management structures.
13. 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.
14. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-013-2019). 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 (TCP1-013-2019 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 (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."
15. Prior to issuance 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."
16. Prior to approval of the final plat; the applicant, the applicant's heirs, successors and/or assignees shall demonstrate that a homeowners association has been established for the subdivision. The draft covenants shall be submitted to the Subdivision and Zoning Section of the Development Review Division to ensure that the rights of The Maryland-National Capital Park and Planning Commission are included, that the document fulfills the easement requirements of Section 24-152 of the Subdivision Regulations and includes a perpetual vehicular access easement over Parcel J to serve Lots 54 and 55, as shown on the approved

preliminary plan of subdivision. The Liber/folio of the declaration of covenants shall be noted on the final plat, prior to recordation.

17. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the homeowners association land as identified on the approved preliminary plan of subdivision. 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, Upper Marlboro, Maryland.
 - b. All waste matter of any kind shall be removed from the property, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
 - c. The conveyed land shall not suffer the disposition of construction materials or soil filling, other than the placement of fill material associated with permitted grading operations that are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.
 - d. Any disturbance of land to be conveyed to the association shall be in accordance with an approved site plan and tree conservation 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.
 - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to the association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by the Development Review Division.
 - f. The Prince George's County Planning Board, or its designee, shall be satisfied that there are adequate provisions to ensure retention and future maintenance of the property to be conveyed.
18. All off-site woodland conservation shall be planted in the same watershed, if practical, as close to the subject site as possible.

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

1. The subdivision, as modified with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**– The subject property is located on the south side of Lloyd Station Road, approximately 315 feet east of the intersection of MD 197 (Laurel Bowie Road) and Lloyd Station Road. The property consists of 41.7 acres, is within the Rural Residential (R-R) Zone and is subject to the 2010 *Approved Bowie State MARC Station Sector Plan and Sectional Map Amendment* (sector plan). This preliminary plan of subdivision (PPS) includes Parcels 52 and 171 in their entirety, recorded in Liber 12267 folio 459. This site is currently developed as a horse farm and former nut orchard, having associated outbuildings and single-family dwellings.

This application is for a public benefit conservation subdivision for 80 lots and 8 parcels for 80 single-family detached dwellings. The development is subject to a PPS, in accordance with Section 24-107 of the Subdivision Regulations. This application conveys an existing pecan tree grove in the southwestern area of Parcel 171 to the Maryland-National Capital Park and Planning Commission (M-NCPPC), as part of the property's contributions towards the threshold of conservation required to be considered for a conservation subdivision.

Section 24-122(a) of the Subdivision Regulations requires that a 10-foot-wide public utility easement (PUE) be provided along the public road right-of-way. The applicant requested approval of a variation to not locate the required PUE along proposed Street A, which is approved with this application.

Section 24-123(a)(4) of the Subdivision Regulations requires that all streets proposed for public use dedication shall be designed to the County Road Ordinance standards. The applicant requested a reduction in curve radii standards at several points on the proposed primary street which is approved with this application.

Section 24-123(a)(5) requires that primary subdivision streets are designed to be no less than 60 feet. The applicant requested a variation of 10 feet, to allow for a variable width right-of-way for the proposed primary street in the subdivision, which is approved with this application.

Section 25-122(b)(1)(g) of the Woodland Conservation Ordinance, which requires the preservation of specimen trees, champion trees, or trees that are associated with a historic site or structure have their critical root zones protected through judicious site design. The applicant requested approval of a variance, to allow for the removal of 24 specimen trees as part of the site's grading and development. Twenty-one trees are approved for removal with this application.

3. **Setting**– The property is located on Tax Map 29 in Grids D-3 and D-4, in Planning Area 66, and is zoned R-R. The subject site is irregularly shaped and is bounded to the north by an active horse farm in the R-R Zone, The Washington, Baltimore and Annapolis (WB&A) rail trail to the east in

the Open Space (O-S) Zone, by a Potomac Electric Power Company/Baltimore Gas and Electric (BG&E) PUE to the west in the R-R Zone, and a single-family detached dwelling with horse pastures to the south in the R-R Zone.

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

	EXISTING	APPROVED
Zone	R-R	R-R
Use(s)	Residential	Residential
Acreage	41.7	41.7
Lots	0	80
Parcels	2	8
Dwelling Units	1	80
Variance	No	Yes Section 25-122(b)(1)(g)
Variations	No	Yes Section 24-122(a) Section 24-123(a)(4) Section 24-123(a)(5)

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 2, 2019. The variation request from Section 24-122(a) was received on December 20, 2020 and the variations from Section 24-123(a)(4) and (5) were received on January 2, 2020. The variations were heard before SDRC on January 24, 2020, as required, in accordance with Section 24-113 of the Subdivision Regulations.

5. **Previous Approvals**—PPS 4-95092 was previously approved for this site (PGCPB Resolution No. 95-411) on November 30, 1995 for a 74-lot subdivision. PPS 4-95092 never moved forward to final plat and is expired.

Sketch Plan S-18001, was certified as complete by the Prince George's County Planning Director on March 11, 2019, which is required, in accordance with Section 24-152(f) of the Subdivision Regulations, as a prerequisite to the acceptance of this PPS application.

6. **Community Planning**—Conformance with the *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and the sector plan are evaluated, as follows:

General Plan

This application is in the Established Communities area. Plan 2035 classifies existing residential neighborhoods and commercial areas served by public water and sewer outside of Regional Transit Centers and Local and Suburban Centers, as Established Communities.

Established communities are most appropriate for context-sensitive infill and low- to medium-density development (page 19).

Sector Plan

The subject property is located in Planning Area 71A and is adjacent to surrounding properties within the municipal boundaries of the City of Bowie. The sector plan recommends residential low for future land uses and retained the R-R Zone for the subject property.

Pursuant to Section 24-121(a)(5) of the Subdivision Regulations, this application conforms to the sector plan.

7. **Stormwater Management**—In accordance with Section 24-120(a)(8) of the Subdivision Regulations, a Stormwater Management (SWM) Concept Plan (15661-2019-00) currently under review with the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) was submitted with this application. According to the proposed plan, the private system will utilize two SWM detention facilities identified as DA#1 and DA#2 on the plans. No further information is required at this time.

A floodplain waiver will be required by DPIE, prior to permit for construction of the entrance road within the floodplain. 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**—The PPS was reviewed for conformance with the requirements and recommendations of Plan 2035, the area sector plan, the Land Preservation, Parks and Recreation Plan for Prince George's County, and the Formula 2040 Functional Master Plan for Parks, Recreation and Open Space, as they pertain to public parks and recreational facilities.

In addition, per Section 24-152(b), the applicant proposed a conservation subdivision, more specifically, per Section 24-152(c), a public benefit conservation subdivision, whose purpose is:

"To prioritize site characteristics which conserve important site features such as open space networks and contiguous woodland habitat adjacent to other open space tracts. The site design should encourage connectivity between environmental characteristics of adjacent properties and should provide a continuous open space network between the proposed development layout and adjacent properties. Intermodal trails which provide a link to adjacent properties as an enhancement of recreational opportunities is encouraged."

The subject property is bounded to the east by the WB&A Trail, which is owned and operated by M-NCPPC. The PPS includes 80 single-family detached units towards the center

of the property, to allow for conservation areas along the northern property boundary and also along the southeastern corner of the property, adjacent to the existing WB&A Trail. The current plan proposes 23.56 acres of open space and conservation areas with eight parcels of land.

Dedication parcel (Parcel E), along the southeastern corner contains a large grove of existing pecan trees. As per the certified Sketch Plan (S-18001), staff recommended the dedication of the pecan grove area as it is a natural feature/amenity worthy of being preserved. The pecan grove abuts and complements the existing WB&A Trail and could be useful in the development of additional amenities along the WB&A Trail. As shown on Exhibit A, provided by the Prince George's County Department of Parks and Recreation, the dedication of Parcel E, (approximately 6 acres) of land to M-NCPPC, shall be provided. As per Section 24-134(a)(1) of the Subdivision Regulations, mandatory dedication of parkland applies to any residential subdivision. Based on the density of the proposed subdivision, the applicant is required to dedicate 5 percent of their land to M-NCPPC for public parks. In this case, application of the mandatory dedication of parkland requires the dedication of 1.85 acres of land to M-NCPPC. The approved dedication exceeds the mandatory dedication requirement for this development and furthers the purposes of a public benefit conservation subdivision.

As per Section 24-152(n), the conservation areas shall be owned and controlled by an individual, homeowners association, public or private organization, land trust, or corporation. A conservation easement shall be recorded in the land records to ensure responsibility for the maintenance and continued protection of the remaining conservation areas not being dedicated to M-NCPPC. Section 24-152(o) provides specific requirements for the easement agreement, which is required prior to final plat approval.

9. **Trails**—This PPS was reviewed for conformance with the MPOT and the area sector plan, to provide the appropriate pedestrian and bicycle transportation recommendations.

Review of Internal Sidewalk and Trail Improvements

Compliance with the complete street policies of the MPOT shall be provided. Sidewalks are required on both sides of all internal streets and subject to modification by DPIE/the Prince George's County Department of Public Works and Transportation (DPW&T). The site abuts the existing WB&A Trail and a connection is included on the plans that provides trail and vehicular access from the subject site and Lloyd Station Road to the master plan trail.

Compliance with the 2009 Countywide Master Plan of Transportation and the 2006 Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A, 74B

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

- The existing WB&A Trail is immediately to the east of the subject property

- A master plan bikeway is planned along Lloyd Station Road

The WB&A Trail exists to the east of the subject property and a vehicular/trail connection is reflected on the submitted plans. This connection to the WB&A trail was suggested during the sketch plan process, and this conservation plan shows the necessary access point between proposed Street A and the trail, near the entrance to the subdivision. The submitted road cross sections for the entrance to the subject property include a standard sidewalk along one side of the road; bikeway signage shall also be provided.

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 are to be provided along both sides of all internal roads unless modified by DPIE, and DPW&T.

10. **Transportation**—The subject property is located within Transportation Service Area 2, as defined in Plan 2035. As such, the subject property is evaluated according to the following standards:

Links and Signalized Intersections: Level of Service D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

Unsignalized Intersections: The procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted.

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 CLV 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 CLV is computed.

Analysis of Traffic Impacts

The table below summarizes trip generation in each peak hour that is used for the analysis and for formulating the trip cap for the site:

Trip Generation Summary: 4-19003 Pecan Ridge							
Land Use	Use Quantity	AM Peak Hour			PM Peak Hour		
		In	Out	Tot	In	Out	Tot
Single Family Detached	80 units	12	48	60	47	25	72
Total Trip Cap for Proposed Use				60			72

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

- MD 197 and Jericho Park Road (signalized)
- MD 197 and Race Track Road (signalized)
- Race Track Road and Normal School Road (unsignalized)
- Race Track Road and Laurel Bowie Road/11th Street (unsignalized)

The application is supported by traffic counts dated May 2019. The findings outlined below are based upon a review of these materials and analyses conducted consistent with the "Transportation Review Guidelines, Part 1," (Guidelines).

A May 2019 traffic impact study (TIS) was 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)	
MD 197 and Jericho Park Road	945	789	A	A
MD 197 and Race Track Road	904	1,056	A	B
Race Track Road and Normal School Road	19.3*	19.9*	--	--
Race Track Road and Laurel Bowie Road/11 th Street	8.1*	16.5*	--	--
*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 two approved but unbuilt developments. A 1 percent annual growth rate was applied for a 3-year period. A second analysis was done to evaluate the impact of background developments. The analysis revealed the following results:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 197 and Jericho Park Road	984	819	A	A
MD 197 and Race Track Road	944	1,111	A	B
Race Track Road and Normal School Road	20.4*	21.1*	--	--
Race Track Road and Laurel Bowie Road/11th Street	8.2*	17.3*	--	--
*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)	
MD 197 and Jericho Park Road	993	824	A	A
MD 197 and Race Track Road	961	1,126	A	B
Race Track Road and Normal School Road	23.1*	25.8*	--	--
Race Track Road and Laurel Bowie Road/11th Street	19.9*	18.3*	--	--
*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 both signalized intersections are operating at acceptable levels of service as defined by the Guidelines. The unsignalized intersections do not exceed 50 seconds of minor street delay in total traffic conditions during morning and evening peak hours. Therefore, all intersections are determined to be adequate.

A trip cap consistent with the trip generation assumed for the site, 60 AM and 72 PM peak-hour vehicle trips, is approved consistent with the analysis.

Site Access Evaluation

The site has approximately 119.5 feet of right-of-way frontage along Lloyd Station Road, which provides the single access location to the site. Public streets will serve the subdivision. A 24-foot wide easement provides access to Lots 54 and 55 as allowed, in accordance with Section 24-152(j). Per the Guidelines, primary residential streets in new subdivisions shall use a 60-foot right-of-way (the urban primary residential road standard) in lieu of a 50-foot right-of-way (the urban secondary residential road standard) when the street serves an estimated average daily traffic (ADT) of 500 or greater. The 80 single-family detached homes are expected to produce an ADT of approximately 730 (there is a residence on an adjacent parcel to the southwest of this site that also would use this access). Further, the Subdivision Regulations set forth the following requirements for streets:

Section 24-123.

- (a) **The Planning Board shall require that preliminary plan conform to the following:**
 - (5) **Arterial highways shall have a minimum right-of-way width of one hundred and twenty (120) feet; collector streets, a minimum right-of-way width of eighty (80) feet; and parkways, such right-of-way width as may be designated by the Planning Board. The width of secondary subdivision streets shall be not less than fifty (50) feet and the width of primary subdivision streets not less than sixty (60) feet.**

The applicant requested a variation of 10 feet to allow a variable width right-of-way for the primary street entering the site. The variable width right-of-way exceeds 60 feet at the property's entrance, and then tapers to a 50-foot right-of-way as it approaches the proposed lots. The taper is needed due to property line constraints and environmental constraints.

Similarly, Section 24-123(a)(4) sets requirements for street design, including minimum curve radii:

Section 24-123.

- (a) **The Planning Board shall require that preliminary plan conform to the following:**
 - (4) **All streets proposed for dedication to public use shall be designed to the standards of the County road ordinance and street standards for width and minimum curve radii or to the standards of municipalities having jurisdiction. Variations from these standards may be granted by the Planning Board upon the recommendation of the Department of**

Permitting, Inspections, and Enforcement or upon the recommendation of the municipality or other governmental authority having jurisdiction.

For primary subdivision streets, the 2007 "Prince George's County Specifications and Standards for Roadways and Bridges" requires a minimum curve radius of 500 feet. The primary street has several curve radii that do not meet this standard. The curve radii proposed are as small as 60 feet.

The applicant provided a variation request setting forth a justification pursuant to the criteria contained in Section 24-113, for approval of a variation, as follows:

Section 24-113. - Variations

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

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

"The two variances affect a right-of-way internal to the subdivision. While it is considered to be a primary residential road, it will likely carry a low operating speed limit. The reduction of right-of-way width and curve radii in the identified location will not affect other properties in the area. In fact, these curves and narrower width will help decrease speed, increasing safety through the neighborhood.

"The proposed development is self-contained with one road in and out of the Property. There is no cut-through traffic. As this is a conservation subdivision, the development envelop will be surrounded by conservation parcels as delineated on the approved Sketch Plan and proposed Preliminary Plan; the resulting neighborhood will be relatively secluded. The road will be used mainly by residents and guests and service, delivery and emergency vehicles. Through this review process, the Department of Permitting, Inspections and Enforcement (DPIE) and the State Highway

Administration (SHA), along with the Maryland-National Capital Park and Planning Commission (M-NCPPC) will ensure curve radii is sufficient for service, delivery and emergency vehicles. There is no evidence that such variations are injurious to other properties. The granting of the variation will have no negative impacts on public health, safety or welfare."

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

"Conditions on which the variation is based are unique to this Property and not applicable to other properties. The Property is served by an extension of Old Laurel Bowie Road, known as Lloyd Station Road. This roadway serves the several homes on the Property. It provides the ideal location for the primary residential street in the subdivision. By using this existing roadway and upgrading it to serve an 80-lot subdivision, it is possible to create a development that preserves the most existing woodland possible, including four stands of remarkable woodland and the special pecan grove. It also enables trees to be preserved along the WB&A Trail property, enhancing the experience on the trail. These conditions-the limited access, the existing road configuration and location, the exceptional quality of the five separate areas ripe for preservation-are unique to this Property."

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

"No other applicable law, ordinance or regulation is violated by approval of this variation. Ultimately, DPIE and SHA must approve the final design."

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

"As has been noted, the particular conditions are unique to this specific property. A sole point of access, along an existing road, is available; four areas of woodlands, including a pecan grove-uncommon in the area-exist on the Property; a Primary Management Area (PMA) with specimen trees lay near the WB&A Trail that abuts to the south. If these variations are not approved, the existing

roadway would need to be abandoned and there would simply not be room to bring the primary road into the Property and design it through the Property to serve lots without encroaching into these preservation areas. In fact, where the road enters the Property it is already shy of the curb radius requirement. The Property would be undevelopable in a reasonable fashion under strict application of the Subdivision Regulations."

- (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.**

"Because this Property is in the R-R Zone, this requirement does not apply."

"The unique Property exhibits four tree stands, slopes, a pecan grove, and the PMA adjacent to the WB&A Trail. To develop the Property with its highest and best use, a subdivision of single-family homes, the Applicant has obtained approval of a Conservation Subdivision Sketch Plan designating the unique areas for conservation. Other site constraints, especially the location of the sole access to the Property, necessitate a reduction of the required curve radii and right-of-way width. Ultimately, the right-of-way must also be approved by DPIE and the SHA. The Applicant has been working with M-NCPPC and these agencies to finalize design of the primary residential road. The Planning Board may approve variations "so that substantial justice may be done and the public interest secured." [Sec. 24-113(a)] In this case, substantial justice allows the Applicant to provide access to develop the Property to its highest and best use, while preserving important County and natural resources. The public interest is secured: the variations are applicable only to the subject Property and health, safety and welfare are fostered by safety in the roadway design."

The variation is supported by the required findings and justification provided by the applicant, as quoted above. Section 24-123(a)(4) makes clear that variations "may be granted by the Planning Board upon the recommendation of the Department of Permitting, Inspections, and Enforcement."

By letter from DPIE dated January 29, 2020 (Giles to Davis), the County states, regarding the proposed entrance roadway to this subdivision, that the staff at that agency "have no objection to the variation request from Section 24-123(a)(4) and 24-123(a)(5) filed by the

applicant.” The letter goes on to recommend approval of the variation, and to indicate that the configuration of the access road is subject to final review and approval by DPIE, with coordination with DPW&T.

Given the above information, the subject application, as currently configured, can be approved. With the consent by DPIE to the 50-foot entrance roadway and the variations of the design standards, including the curve radii, for this public roadway, the Planning Board approved the variations to the primary roadway standards.

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

11. **Schools**—Per Section 24-122.02, the Planning Board shall analyze school facilities at the time of PPS. The results of the analysis are as follows:

Impact on Affected Public School Clusters by Dwelling Units

Affected School Clusters #	Elementary School Cluster 1	Middle School Cluster 1	High School Cluster 1
Single-family Dwelling Units	80 DU	80 DU	80 DU
Pupil Yield Factor	0.177	0.095	0.137
Total Future Subdivision Enrollment	14	8	11
Actual Enrollment in 2018	9,602	4,452	5,514
Total Enrollment	9,616	4,460	5,525
State Rated Capacity	8,780	4,032	5,770
Percent Capacity	110%	111%	96%

Section 10-192.01 of the Prince George’s County Code establishes school surcharges and an annual adjustment for inflation. The current amount is \$16,698 per dwelling unit, as this project falls outside of the I-495/I-95 Capital Beltway. This fee is to be paid 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 December 9, 2019 (Thompson to Davis), incorporated by reference herein.
13. **Use Conversion**—This PPS was analyzed based on the criteria for a conservation subdivision for residential development. The analysis includes access, mandatory dedication, public facilities, lot depth, and density specifically related to the land use and layout proposed with this application. While the subject application does not include any nonresidential development, if such a land use were proposed, a new PPS shall be required.

14. **Public Utility Easement (PUE)**—Section 24-122(a) requires that, when utility easements are required by a public 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 application includes a network of public streets connecting to the existing right-of-way of Lloyd Station Road. The applicant requested approval of a Variation from Section 24-122(a) for the location of PUEs along the internally proposed public roads.

Variation Request—Section 24-122(a) requires the following (in **BOLD**), followed by review comments:

Section 24-122. Public Facilities Requirements.

- (a) **When utility easements are required by a public utility company, the subdivider shall include the following state in the dedication document: Utility easements are granted pursuant to a declaration record among the County Land Record in Liber 3703 at Folio 748.**

Access to the development is achieved through a stemmed access street (Street A) that intersects with Lloyd Station Road. Street A curves west into the subject site after leaving the stem, at the location of the pecan tree grove. The applicant argued that as there is no development proposed on the south side of Street A, at the pecan tree grove, therefore they do not need to supply the required PUE on that side of the street. A PUE will be provided on the south side of Street A, beginning with Lot 80, and the PUE will continue on both sides of Streets A, B, and C through the remainder of the subdivision.

The applicant did not propose a PUE along the entrance stem section of Street A, as they argued that no residential lots are planned in that area. It is noted that the entire stem area is provided as right-of-way dedication and that no PUE is required, as the abutting property to this roadway is off-site.

The applicant requested a variation from the standard PUE requirement, in accordance with Section 24-113 of the Subdivision Regulations, which sets forth the following required findings for approval of a variation (in **BOLD**), followed by review comments:

Section 24-113 Variations

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

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

The subject property has two parcels (Parcels 52 and 171) that are oriented with access frontage on Lloyd Station Road, to the northeast. The applicant argued, and has provided documentation from BG&E, that shows the extent of their service provision in the immediate vicinity of the subject property, and that the proposed PUEs will be sufficient to serve the lots of this PPS. Therefore, the granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property.

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

The applicant requested approval of the variation due to circumstances that are specific to the site, including its shape and surrounding environmental features. The areas for which the applicant proposed a variation to the required 10-foot PUE fall within the site's primary management area (PMA), and on the northern portion of the pecan tree grove, which is a site feature that is preserved as part of this conservation subdivision. The applicant's proposal placed high priority on preserving the historic pecan tree grove; requiring a PUE to impact the priority area would go counter to the spirit and intent of the conservation subdivision. These site-specific conditions establish the unique conditions of the subject site, which are not generally applicable to other properties.

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

The variation from Section 24-122(a) is unique to the Subdivision Regulations and under the sole authority of the Planning Board. Therefore, the variation does not constitute a violation of any other applicable law, ordinance, or regulation.

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

The subject property has an irregular shape, particularly where the property accesses Lloyd Station Road. The applicant argued that requiring the inclusion of a 10-foot PUE would present severe challenges to maintaining the proposed alignment of Street A. Street A provides the site's only access to the existing road network and is constrained by the applicant's focus on preserving the pecan tree grove, as well as the narrow dimensions of the stem access to Lloyd Station Road. If the applicant adheres to the Subdivision requirements, a particular hardship to the applicant would result, due to the dimensional limitations of the site's access point.

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

The Planning Board finds the site is unique to the surrounding properties, and the variation request is supported by the required findings. Approval of the variation does not have the effect of nullifying the intent and purpose of the Subdivision Regulations.

Therefore, the variation from Section 24-122(a) to eliminate the requirement of a PUE along Street A abutting the pecan tree grove is approved.

15. **Historic**—The Historic Preservation Commission (HPC) reviewed the subject application at its November 17, 2019 meeting and in a memorandum dated December 18, 2019 (Historic Preservation Commission to Simon), incorporated by reference herein, forwarded the following findings and conclusions regarding the subject site:

Findings

- a. The property was recently used as a working horse farm where local residents board their horses. The subject property is improved with a number of structures, some of which are single-family detached houses and others are barns and storage sheds. The primary residence is sited on a knoll overlooking Old Laurel Bowie Road.

The history of the use of the subject site as a working horse farm and nut nursery is further detailed in the HPC memorandum dated December 18, 2019.

- b. A significant stand of pecan trees is in the southeast quadrant of the subject property. This stand of trees was once part of Thomas Littlepage's pecan nursery. As many of the healthy trees within this pecan grove as possible should be preserved on a separate parcel. The design and layout of the subject subdivision allows for preservation of sensitive environmental features and supports the preservation of the pecan trees. The internal street layout and design supports minimal changes to the existing grades. Clustering the residential units in the southwestern part of the property will preserve views into the property from the WB&A trail.
- c. A Phase I archeological survey was conducted on the subject property in June 2016 and September 2017. A total of 416 shovel test pits were excavated within the study area and 31 shovel test pits contained cultural material. Artifacts recovered were a mix of modern, historic, and prehistoric material. Only two units produced prehistoric artifacts, 12 contained modern material, and 19 yielded historic artifacts. The recovery of artifacts was largely confined to the northern portion of the property around the cluster of buildings. A pedestrian survey of the property identified extensive modern disturbance in the form of excavation, grading, landscaping, and animal traffic.

All of the outbuildings were photographed. One small 2-story structure with German siding attached with cut nails appears to be the oldest structure on the property. Each story has a door facing east, but there is no access to the second floor from the first floor. The second floor was possibly accessed with a ladder. The building is set on an ironstone (a local stone) and mortar foundation. This building likely dates to the late nineteenth-century and may be associated with the Clarke or Lloyd ownership of the property.

Site 18PR1122 is a large twentieth-century domestic site in the northern portion of the property. Due to extensive modern disturbance, no further work was recommended. Historic Preservation staff concurs with the report's findings and recommendations that, due to the modern impacts to site 18PR1122, it is unlikely to yield significant information on the former occupants of the property. Therefore, no further archeological investigations are recommended on this site.

The archeology report notes that the complex of historic structures on the property, including the late-nineteenth century tenant house, should be recorded on a Maryland Inventory of Historic Properties form. The complex of buildings remaining on the property should be documented by a 36 Code of Federal Regulations qualified architectural historian on a Maryland Inventory of Historic Properties form. The documentation should include a chain of title, floor plans, and representative interior and exterior photos of the buildings and grounds.

The HPC expressed an interest in the small 2-story structure that is located in the center of the development. The building will not be retained, but additional documentation will be gathered on the structure. Construction materials used indicate that it was built in the mid- to late-nineteenth century. Its purpose is still not known.

- d. A portion of a Prince George's County Historic Site, the Washington, Baltimore & Annapolis Electric Railway Concrete Bridge (71A-006) is located on the adjacent parcel to the south of the subject property. Most of the bridge structure is located on M-NCPPC park property, but portions of the historic site have been identified as being within private property adjacent to M-NCPPC property. This historic resource was included in the county's first (1981) Historic Sites and Districts Plan and was evaluated and designated as an historic site by the HPC at its September 16, 2019 public meeting.

This historic site is one of the few surviving remnants of the Washington, Baltimore & Annapolis Electric Railway, which abandoned the bridge when the railway closed in 1935. The tracks have been removed from the bridge, which is a single-span structure constructed in 1908 of poured reinforced concrete. It rests on heavy concrete abutments, set at a 90-degree angle to the bridge, on the banks of the Horsepen Branch of the Patuxent River.

Conclusions

- a. The pecan grove located in the southeastern portion of the subject property was part of Thomas Littlepage's nut nursery in the early twentieth century. The subject application includes the retention of the pecan grove, which is located near the existing M-NCPPC trail right-of way at the southern edge of the property. It is expected that the area within the developing property that includes the pecan grove may be transferred to the Prince George's County Department of Parks and Recreation (DPR).
- b. Although the property's above ground structures will not be retained, they will be thoroughly documented prior to their removal. The applicant should retain a 36 Code of Federal Regulations qualified architectural historian to record all the buildings on the property on a Maryland Inventory of Historic Properties form. The

documentation should include a chain of title, floor plans, and representative interior and exterior photos of the buildings and grounds.

The small 2-story frame building with a stone foundation is a unique nineteenth century structure. The applicant should explore the options of either retaining this structure in place or moving it to another portion of the property to preserve it (within the grove of pecan trees to be retained).

- c. The Phase I archeology survey identified one large twentieth-century historic archeological site, 18PR1112, on the northern portion of the property. The site was found to be extensively disturbed and no further archeological investigations are recommended. The final copy of the Phase I archeology report was received by Historic Preservation staff on October 9, 2018.
- d. The adjacency of the Washington, Baltimore & Annapolis Electric Railway Concrete Bridge Historic Site to the developing property will trigger provisions of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Because of the proximity and limitations of the road access to the developing property, typical buffering requirements of the Landscape Manual to protect the views to and from the adjacent historic site may not be possible. The applicant may be required to go through alternative compliance to identify buffering solutions that are suitable given the constraints of the site.
- e. Any impacts to the natural and/or manmade features of the historic site's environmental setting, even those of a temporary nature, will require approval through the HPC's Historic Area Work Permit process.

16. **Environmental**—The following applications and associated plans were previously reviewed for the subject site applicable to this case:

Development Review Case	Associated Tree Conservation Plan or Natural Resources Inventory	Authority	Status	Action Date	Resolution Number
--	NRI-017-2018	Staff	Approved	06/04/2018	
S-18001	N/A	Director	Approved	04/02/2018	NA
4-19003	TCP1-013-2019	Planning Board	Approved	02/20/2020	20-25

A Natural Resources Inventory (NRI) was approved on June 4, 2018. Subsequently, a Sketch Plan (S-18001), including an associated plan labeled as a Woodland and Wildlife Habitat Conservation Concept Plan, was reviewed and approved on April 2, 2018.

Proposed Activity

The current application is for the subdivision of 41.70 acres in the R-R Zone for the creation of 80 lots and 8 Parcels (one of which is a conservation parcel, while two others have

conservation easements associated with them using the conservation subdivision design criteria found in Section 24-152). The lots are all for single-family detached dwellings, and the conservation parcels contain no dwellings. It is noted that because this site is in the Developing Tier, approval of a conservation subdivision is a development option.

Grandfathering

This project is not grandfathered with respect to the environmental regulations contained in Subtitles 24 and 27 that came into effect on September 1, 2010 because the application is for a new PPS. This project is subject to the 2010 Woodland and Wildlife Habitat Conservation Ordinance (WCO) and the Environmental Technical Manual.

Master Plan Conformance

Plan Prince George's 2035 Approved General Plan

The site is located within Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map, as designated by Plan 2035, the Established Communities of the General Plan Growth Policy.

2010 Approved Bowie State MARC Station Sector Plan and SMA

Although the 2010 *Approved Bowie State MARC Station Sector Plan* includes an Environmental Infrastructure and Sustainability Section, there are no applicable goals, policies, or strategies within this section of the Bowie State MARC Station Sector Plan.

Conformance with the Countywide Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan (May 2017)

According to the 2017 *Countywide Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan* (Countywide Green Infrastructure Plan), the majority of the subject property is within designated evaluation areas with regulated areas located along the northern and eastern boundary. Isolated wetlands, an intermittent stream, and their associated buffers are located on-site. The Conservation Subdivision method on this site is appropriate.

With the exception of the required access point to the site, all the remaining regulated areas within the Countywide Green Infrastructure Plan are proposed to be protected with this application. There are also large portions of evaluation areas that have direct links to the preserved regulated areas that are also proposed for preservation including an area containing a historic pecan grove, intermittent stream system, and wetland area. This PPS and Type 1 tree conservation plan (TCP1) focus preservation and expansion through woodland preservation and reforestation/afforestation along the regulated network areas, in conformance with the objectives of the Countywide Green Infrastructure Plan.

Environmental Review

Existing Conditions/Natural Resource Inventory

The site has an approved Natural Resources Inventory Plan (NRI-017-2018), which correctly shows the existing conditions of the property. Although the NRI and TCP1 list 86 specimen trees in the Specimen Trees Table, there are actually only 85 specimen trees, since Specimen Tree 56 is a duplicate geographic information system point. The site contains regulated environmental features, including streams/wetlands and their buffers, and 100-year floodplain, which comprise the PMA. The forest stand delineation indicates that there are four forest stands; two of which have a high rating for preservation. The site has a total of 8.66 acres of gross tract woodland, of which 1.04 acres are within the existing 100-year floodplain, as shown on the NRI. There are two large areas of steep slopes located on-site; the first is along the northern property boundary and is associated with an existing forested perennial stream system, which closely follows the northern property boundary; while the second is located along the western portion of the site and is associated with rising elevations that extend to the west off-site.

The site is located to the west of the Horsepen Branch and a section of the Baltimore and Annapolis Trail. The southern boundary of the site is associated with an intermittent stream with a small forested area that extends on-site. There is also an isolated forest stand located along the western portion of the site. Much of the remaining property is open horse pasture, with several buildings dotted across the site. A mature pecan grove largely comprised of a mix of pecan and black walnut trees dominates the southeastern quadrant of the site.

No revisions are required for conformance to the NRI.

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. TCP1-013-2019 was submitted for review that covers the area of this PPS.

According to the worksheet shown on the TCP1 as submitted, the site is 41.70 acres within the R-R Zone. A total of 7.88 acres of existing woodlands are on the net tract and 0.78 acre is within the existing floodplain. The site has a woodland conservation threshold of 7.74 acres, or 20 percent of the net tract, as tabulated. Off-site clearing is shown on the plan on privately owned property, but not accounted for in the worksheet for construction of access to the site. The TCP1 shows a total woodland conservation requirement of 9.69 acres. The TCP1 shows this requirement will be met by providing 5.56 acres of on-site woodland preservation, 3.99 acres of on-site afforestation/reforestation, and 0.14 acre of natural regeneration.

The TCP1 worksheet has some inconsistencies with the approved NRI and the approved Woodland and Wildlife Conservation Plan that was approved with Sketch Plan (S-18001). The most notable is that there is an unaccounted for 0.26-acre reduction in the amount of

existing woodland in the floodplain that needs to be accounted for. The existing acreages of woodland inside and outside of the floodplain on-site must be consistently shown on the NRI and TCP1. All off-site clearing must also be accounted for on the TCP worksheet.

The TCP1 requires additional minor technical revisions that are included in the conditions of approval.

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 85 specimen trees, 24 of which were proposed for removal according to the initial variance request dated July 2, 2019. A detailed condition analysis was requested for all trees proposed for removal with this PPS application. After subsequent changes to the layout of the PPS, TCP1, and SWM concept plan, the Environmental Planning Section agreed with the applicant to require a detailed condition analysis to be conducted for only those specimen trees located within close proximity to the proposed limit of disturbance (LOD). The applicant conducted a tree analysis for 18 trees on October 15, 2019, which was subsequently updated and resubmitted for review on December 20, 2019; however, the applicant did not update their variance request accordingly to reflect any additional trees being proposed to be cleared or saved. Three specimen trees, 1, 47, and 54 had condition analysis data submitted for them, but were not included in the specimen variance request and are shown as being saved on the TCP1. It was assumed that these trees shown as being saved on the TCP1 were not requested for removal and have been omitted from consideration with this variance. Specimen Tree 40 was not included in the initial variance request but was included as being cleared on the TCP1. This tree was considered for removal with this variance request. All other trees shown on the TCP1 as being removed that were not included in the initial variance request and did not have a condition analysis conducted for them were also considered in the request for removal with this PPS application.

It was noted that the Specimen Trees List on the TCP1 was also not correctly updated to reflect all of the condition ratings calculated on the condition analysis sheets, nor did it provide a disposition column on the Specimen Trees Table of the TCP1 stating which trees would remain and which would be removed from the plan, as required.

Because this application is for a conservation subdivision, and the basis of the conservation is based in large part on the preservation of the pecan grove, a detailed condition analysis of the specimen trees located within the preserved pecan grove must be submitted as part of the TCP2. This information is needed to determine what, if any, maintenance measures may be needed to ensure the long-term survival of the pecan grove.

After evaluating the revised TCP1 submitted on December 20, 2019 it was determined that a total of 24 total trees were proposed for removal for the development of 80 single-family dwellings, and associated infrastructure.

Review of Subtitle 25 Variance Request

A Subtitle 25 variance application, a statement of justification (SOJ) dated May 23, 2019 in support of a variance, and a tree removal plan were received for review on November 6, 2019.

Section 25-119(d)(1) of the WCO contains six required findings to be made before a variance can be granted. The SOJ submitted seeks to address the required findings for the 24 specimen trees together; however, details specific to the 24 individual trees actually proposed for removal on the plan have been provided in the following chart.

**SPECIMEN TREE SCHEDULE SUMMARY FOR 24 TREES PROPOSED FOR REMOVAL ON
TCP1-013-2019**

(Note: condition analysis submitted for each of these trees unless otherwise noted)

ST #	COMMON NAME	DB (in inches)	CONDITION	APPLICANTS PROPOSED DISPOSITION	NOTES/FINDINGS
2	Pecan	40	Excellent	Remove	This tree is to be saved
3	Pecan	34	Good	Remove	
36	Pecan	32	Good	Remove	This tree is to be saved. Condition Analysis Not Submitted
38	Pecan	38	Poor	Remove	Condition Analysis Not Submitted
39	Pecan	38	Poor	Remove	Condition Analysis Not Submitted
40	Pecan	34	Fair	Remove*	
43	Black Walnut	33	Poor	Remove	Condition Analysis Not Submitted
44	Black Walnut	44	Fair	Remove	
45	Black Walnut	36	Poor	Remove	This tree is to be topped and turned into a snag for wildlife habitat
46	Pecan	30	Excellent	Remove	
67	Pecan	32	Fair	Remove	
69	Pecan	35	Fair	Remove	
71	Red Maple	39	Fair	Remove	Condition Analysis Not Submitted
72	Pecan	33	Fair	Remove	

ST #	COMMON NAME	DB (in inches)	CONDITION	APPLICANTS PROPOSED DISPOSITION	NOTES/FINDINGS
73	Pecan	37	Fair	Remove	
74	Pecan	33	Good	Remove	
75	Pecan	42	Good	Remove	
76	Pin Oak	30	Poor	Remove	Condition Analysis Not Submitted
77	Pecan	40	Good	Remove	
78	Pecan	30	Poor	Remove	Condition Analysis Not Submitted
79	Pecan	30	Fair	Remove	Condition Analysis Not Submitted
80	Pecan	46	Poor	Remove	Condition Analysis Not Submitted
83	Pecan	38	Fair	Remove	
85	Pecan	55	Poor	Remove	

Note: *Trees marked for clearing on the TCP1 that were not included in initial variance request for removal.

Statement of Justification request:

A variance to Section 25-122(b)(1)(G) was requested for the clearing of 24 specimen trees on-site; however, as previously mentioned, not all trees on the initial variance request are shown as cleared on the most recently submitted TCP1, and one additional tree not initially considered for clearing was considered with this application.

This variance is requested to the Woodland and Wildlife Conservation Habitat Ordinance, which requires under Section 25-122 of the WCO that "woodland conservation shall be designed as stated in this Division unless a variance is approved by the approving authority for the associated case." The Subtitle 25 Variance Application form requires an SOJ of how the findings are being met.

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

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

There are many open grown specimen trees located outside of the PMA in the most developable area of the site. These trees range in condition from poor to excellent condition. The development has been focused away from regulated environmental features, such as streams and wetlands with their associated buffers, which comprise the PMA. The majority of the existing pecan grove is also being saved and protected in a conservation parcel. Many

of the trees are unavoidable if the project is to be developed in a viable manner.

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

This property is zoned R-R and is limited as to the number of lots that can be created on-site. Further limiting of developable area by protecting the root zones and specimen trees will deprive the applicant of the opportunity to create a functional development with the exceptions of Specimen Trees 2, 36, and 42, which appear to be capable of being saved on the plan by either slightly adjusting the grading to reduce clearing within one-third or less of the critical root zones of these trees, or these trees already have less than one-third of their critical root zone being removed and are considered to have a greater likelihood to be viable post-construction if properly protected and root pruned, prior to construction.

(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 not in response to actions taken or resulting 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 current SWM regulations. The site is adjacent to the Horsepen Branch and water is discharging untreated from the existing development and horse pasture areas that were constructed prior to these regulations, meaning there is significant discharge of untreated stormwater runoff. The proposed loss of specimen trees will be offset from the establishment of water quality and control devices preventing direct untreated discharge into the Horsepen Branch during storm events.

Summary

After evaluating the applicant's request, the removal of 21 specimen trees; ST-3, 38-40, 43-44, 46, 67, 69, 71-80, 83, and 85, is approved. Converting specimen tree 45 into a minimum of a 12-foot-high snag to remain within the proposed afforestation area for wildlife use is approved. The removal of Specimen Tree 2, a 40-inch pecan tree in excellent condition, and Specimen Tree 36, a 32-inch pecan tree in good condition is not approved. Both of these trees are located within the pecan grove and have less than one-third of their critical root zone being impacted. These trees have a high chance of survival if properly protected prior to construction with root pruning and other protection measures.

The required findings of Section 25-119(d) have been adequately addressed for the removal of 21 specimen trees; ST-3, 38-39, 43-44, 46, 67, 69, 71-80, 83, and 85.

The required findings of Section 25-119(d) have not been adequately addressed for the removal of three specimen trees; Specimen Trees 2, 36, and 45.

Preservation of Regulated Environmental Features/Primary Management Area

Impacts to the regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for 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 outfalls at points 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 development of a property should be the fewest necessary and sufficient to reasonably develop the site, in conformance with County Code. Impacts to regulated environmental features must first be avoided and then

minimized. The SOJ must address how each on-site impact has been avoided and/or minimized.

Statement of Justification

An SOJ dated January 2, 2020 and associated exhibits were submitted on January 2, 2020 for one on-site impact, totaling 25,777 square feet.

Analysis of Impacts

Based on the SOJ, the applicant requested the following impacts described below:

Impact A: On-site Impact for grading

Impact A is for the disturbance of a stream buffer and the floodplain to the extent of 25,777 square feet of impacts, resulting from the grading required to raise the existing road out of the 100-year floodplain, which is located in a stream crossing, for road access to the site. Staff supports the on-site impact. No off-site impacts may be approved as part of this application.

Care is to be used when constructing within this area of the site since records for rare, threatened, or endangered species of fish and freshwater mussels are documented downstream of this site, and since Maryland Department of Natural Resources (MDNR) recommends stringent adherence to all appropriate best management practices for sediment and erosion control for any disturbance for this site.

Summary

Impact A is approved.

The regulated environmental features on the subject property have been preserved to the fullest extent possible based on the LOD shown on the impact exhibits and the tree conservation plan submitted for review.

Erosion and Sediment Control

The eastern part of the project area is mapped within an MDNR Sensitive Species Project Review Area. In a letter dated December 20, 2017, MDNR's Natural Heritage Program had initially determined that there were no official State or Federal records for listed plant or animal species within the delineated area (project area). However, subsequent correspondence to M-NCPPC from MDNR revealed that records for rare, threatened, or endangered species of fish and freshwater mussels are documented downstream of Horsepen Branch, in the Patuxent River. These species are vulnerable to changes in hydrology and water quality. MDNR recommends stringent adherence to all appropriate best management practices for sediment and erosion control for any disturbance for this site.

This site is within a Tier II catchment area. Tier II waters are high-quality waters within the State of Maryland as designated by the Maryland Department of the Environment that are

afforded special protection under Maryland's Anti-degradation policy. According to correspondence with the Prince George's Soil Conservation District, a 150-foot-wide expanded buffer is required on-site for all intermittent and perennial streams. Although the approved NRI does not reflect this buffer, the TCP1 does.

Soils

The predominant soils found to occur on-site, according to the U.S. Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey, include Evesboro-Downer Complex (0-5 percent slopes); Fallsington sandy loam (0-2 percent slopes); Sassafras sandy loam (2-5 percent slopes); Sassafras-Urban land complex (0-5 percent slopes); and Sassafras and Croom soils (10-25 percent slopes).

According to available information, no unsafe soils containing Marlboro clay or Christiana complexes are mapped on this property.

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**—Conformance with the Requirements of the Prince George's County Zoning Ordinance is evaluated as follows:

- a. The purpose of a conservation subdivision is to preserve the scenic, agricultural, environmental, and historic characteristics of a development site. The procedure for such a subdivision begins with the sketch plan, a planning tool used to establish a conceptual foundation for preservation opportunities that may exist on the site. On April 2, 2018, Sketch Plan S-18001 was approved by the Planning Director. The evaluation of the specifics of the residential development lotting pattern occur with the PPS and are ultimately the decision of the Planning Board.

A conservation subdivision development is subject to Section 27-445.12, Bulk Regulations for Conservation Subdivisions and Public Benefit Conservation Subdivisions. This PPS meets the regulations for density, net lot area, lot size, and frontage. Further review will be done at time of platting and permit review.

Conformance with the 2010 Prince George's County Landscape Manual

- b. In accordance with Section 27-428(c) of the Zoning Ordinance, the development is subject to the Landscape Manual, specifically Section 4.1, Residential Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements. Conformance with the applicable landscaping requirements will be determined at time of permit review. However, the PPS shows sufficient room for the required Section 4.7 buffer yard along the adjacent overhead power lines to the west. In addition, Section

4.7(c)(7)(B) Developing Lots Adjacent to Historic Sites, does not apply to this PPS as public right-of-way abuts the designated historic site adjacent to the northeast.

Conformance with the Tree Canopy Coverage Ordinance

- c. Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance (TCC), requires a minimum percentage of the site to be covered by tree canopy for any development projects that propose more than 5,000 square feet of gross floor area or disturbance and requires a grading permit. Properties zoned R-R are required to provide a minimum of 15 percent of the gross tract area to be covered by tree canopy. The subject site is 41.70 acres and therefore requires 6.26 acres of tree canopy coverage. Conformance with this requirement will be addressed at the time of permit review.
18. **City of Bowie**—In a correspondence dated January 16, 2020, (Adams to Hewlett), the City of Bowie stated that, after a public hearing regarding this application during which speakers addressed the Bowie City Council, that the City Council voted to recommend DISAPPROVAL of this PPS based on community concerns regarding environmental, traffic, and school impacts.
19. **Conservation Subdivision Criteria for Approval**—In accordance with Section 24-152(c), this application has been filed as a public benefit conservation subdivision, given the proposal to preserve the pecan tree grove abutting the WB&A Trail. The pecan tree grove is a unique feature of the site which will enhance recreational opportunities for trail users and adjacent properties. The subject site also contains regulated environmental features which are prioritized as part of the conservation subdivision. Expanded areas of conservation next to the environmental areas provide enhanced opportunities for preservation that would not otherwise be required with a conventional subdivision.

In the R-R Zone, a minimum of 40 percent of the gross tract area is required for conservation, as part of a conservation subdivision. The plans submitted provide 47.9 percent of the site area for conservation. The pecan tree grove and environmental areas abutting the northern and southern site boundaries are proposed for conservation. The pecan grove is to be conveyed to the M-NCPPC and the conservation parcels abutting the northern and southern property lines are to be conveyed to the homeowners association. The northern and southern conservation areas adjoin regulated environmental features on abutting properties, which will provide opportunity for contiguous preservation. Conservation easement areas have been delineated on the PPS and will be required to be recorded with the final plat per Section 24-152(o). Section 24-152(k) sets forth the following criteria for approval of a conservation subdivision:

- (k) **Criteria for Approval. The Planning Board shall find that the conservation subdivision:**

(1) Fulfills the purpose and conforms to the regulations and standards for a conservation subdivision.

This PPS fulfills the purpose of a conservation subdivision by focusing site design plans around the priority preservation of an historic pecan grove, a unique feature of the site, which may not normally be preserved, and the environmental site features. All regulations and standards for a conservation subdivision set forth in Section 24-152 have been satisfied by the PPS.

(2) Achieves the best possible relationship between the development and the conservation of site characteristics as prioritized in the sketch plan and preliminary plan;

This PPS achieves the best possible relationship between the proposed development and the conservation of site characteristics with a focus on the existing conditions of the natural setting of the subject property. The approved sketch plan called for the prioritization of the pecan grove as the first priority for conservation, and recognized the need for the preservation of the existing environmental areas (existing water courses and the site's PMA). The same characteristics have been carried forward on the PPS. As a conventional subdivision would not normally seek to preserve a site's unique characteristic (the historic pecan grove), the use of a conservation subdivision, as the means to achieve residential development on this site, allows for expanded preservation of natural features and consolidation of the development area. The PPS provides a unique setting and the best possible relationship between the development and the conservation areas.

(3) Because the use of the Conservation Subdivision technique in the Developed or Developing Tier is optional, the Planning Board shall also find that the proposed plan is clearly superior to that which could be achieved through the use of conventional development standards and clearly meets the purposes of the Conservation Subdivision technique. Lot yield shall be a secondary consideration to achieving the purposes of the Public Benefit Conservation Subdivision in assessing whether a proposed plan is clearly superior;

As part of the conservation subdivision requirements, the applicant submitted an exhibit showing a conventional subdivision layout on the subject site. This schematic layout shows a total removal of the site's pecan grove and replaces the grove with lots for single-family development. Lots are also designed with their lot lines extending to the perimeter of site's boundaries, rather than the perimeter of the site being maintained as a natural buffer from abutting properties, as is approved with this conservation subdivision.

As the focal point of the proposed conservation subdivision, the preservation of the historic pecan grove on-site contributes to the scenic and historic value of the surrounding area and expands upon the preservation of environmental areas. Pursuing a conventional subdivision may allow development to dominate the subject property through expanded site grading and the total removal of the historic pecan grove. This PPS is clearly superior to that which could be achieved through the use of conventional development standards and clearly meets the purposes of the conservation subdivision technique.

20. **Planning Board Hearing**—At the Planning Board hearing on February 20, 2020, citizens provided verbal and written comments in opposition of the development proposal and cited concerns regarding environmental and transportation issues. In particular, concerns regarding transportation mobility, visibility and sight distance on Lloyd Station Road and water quality conditions of stormwater discharge to Horsepen Branch were discussed. One of the citizens who provided verbal comments at the hearing supported the project. The applicant entered several exhibits into the record and provided information on their intent to purchase and improve land area north of the site to increase mobility and visibility of off-site traffic operations, which is outside the scope of the requirements of this application. The applicant also agreed to provide all off-site woodland conservation in the same watershed, if practical, as close to the project site as possible to address water quality concerns.

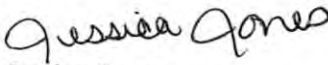
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

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, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, February 20, 2020, in Upper Marlboro, Maryland.

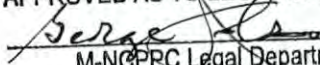
Adopted by the Prince George's County Planning Board this 12th day of March 2020.

Elizabeth M. Hewlett
Chairman

By 
Jessica Jones
Planning Board Administrator

EMH:JJ:TS:nz

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC Legal Department

Date 3/2/2020