



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

PGCPB No. 2020-58

File No. 4-19029

R E S O L U T I O N

WHEREAS, Greater Morning Star Apostolic Ministries is the owner of a 54-acre parcel of land known as Lot 1 of Greenwood Park, said property being in the 13th Election District of Prince George's County, Maryland, and being zoned Planned Industrial/Employment Park (I 3), One-Family Detached Residential (R-55), and Townhouse (R-T); and

WHEREAS, on November 18, 2019, Greenwood Park, LLC filed an application for approval of a Preliminary Plan of Subdivision for 90 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-19029 for Greater Morning Star Apostolic Church & The Venue 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 April 9, 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 April 9, 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 TCP1-067-97-02, and APPROVED Preliminary Plan of Subdivision 4-19029, including a Variation from Sections 24-121(a)(4) and 24-122(a), for 90 lots with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised to:
 - a. Provide a note stating the gross floor area of the existing institutional development.
 - b. Redesignate Parcel A as Parcel 1.
 - c. Show the proposed property lines adjacent to Lots 74–80 and 81–93 separating the townhouse development from Parcel 1. These property lines are labeled on the plan, but not shown.
 - d. Show the existing access easement on the subject property and adjacent Lot 2 as to remain.
 - e. Show a public utility easement (PUE) along one side of the private road on Parcel E. The PUE is missing in the vicinity of Parcel L.

2. Prior to signature approval of the preliminary plan of subdivision, the plans shall be revised so that Lots 10–20 and their associated alley are reoriented so that dwellings will either face on Ritchie Marlboro Road or are located to the rear of lots facing Ritchie Marlboro Road. All lots shall be located with a depth of no less than 95 feet from Ritchie Marlboro Road, in accordance with the approved variation.
3. The detailed site plan submitted for review shall demonstrate rears of dwelling units within the development are adequately screened from Ritchie Marlboro Road by the units fronting on Ritchie Marlboro Road and/or by landscape screening.
4. If there is a substantial revision to the mix of uses on the subject property that affects Subtitle 24 adequacy findings, as set forth in this resolution of approval, a new preliminary plan of subdivision shall be required, prior to approval of any building permits.
5. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan (20636-2018-00) and any subsequent revisions.
6. Prior to approval of a final plat, in accordance with the approved preliminary plan of subdivision, the final plat shall include:
 - a. A note indicating the Prince George’s County Planning Board approval of a variation from Section 24-121(a)(4) of the Subdivision Regulations, for lot depth and Section 24-122(a) of the Subdivision Regulations, for public utility easements.
 - b. The dedication of public utility easements.
 - c. The dedication of McCarthy Drive.
 - d. The dedication of 0.01 acre to the right-of-way of Ritchie Marlboro Road/White House Road.
 - e. Retention of the existing access easement allowing access to neighboring Lots 2 and 3.
 - f. The labeling of parcels to be conveyed to the homeowners association.
7. Prior to acceptance of a detailed site plan, a Phase II noise analysis shall be provided and demonstrate that any outdoor activity areas are located outside of the mitigated 65 dBA Ldn and that the building structures proposed mitigate interior noise levels to 45 dBA Ldn or less. If the DSP shows lots closer to Ritchie Marlboro Road than the PPS does, the analysis shall determine whether any additional noise mitigation measures are needed.
8. Prior to approval of a building permit, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permit stating that the building shell or

structure has been designed to reduce interior noise levels to 45 dBA Ldn or less in residential units exposed to noise above 65 dBA Ldn.

9. Prior to approval of the 54th building permit, the applicant and the applicant's heirs, successors, and/or assignees shall construct an 8-foot-wide asphalt hiker/biker trail within the 50-foot-wide ingress and egress easement, connecting the sidewalk along proposed McCarthy Drive with the parking lot within the existing Heritage Glen Community Park to the north, as shown on Prince George's County Department of Parks and Recreation Exhibit A or as determined at the time of Detailed Site Plan.
10. Prior to approval of a final plat, the applicant and the applicant's heirs, successors, and/or assignees shall modify the existing 50-foot-wide ingress and egress easement, and/or provide parkland dedication in this area, in order to provide for a more direct trail connection between the proposed townhouse development and the existing developed area of Heritage Glen Community Park, as shown on Prince George's County Department of Parks and Recreation Exhibit A or as determined at the time of Detailed Site Plan.
11. Prior to approval of the final plat of subdivision, the applicant and the applicant's heirs, successors, and/or assignees shall enter into a public Recreational Facilities Agreement with the Prince George's County Department of Parks and Recreation, for construction of the 8-foot-wide connector trail within the easement area connecting to the parking lot within existing Heritage Glen Community Park.
12. Prior to approval of a detailed site plan, the applicant and the applicant's heirs, successors, and/or assignees shall submit to Prince George's County Department of Parks and Recreation (DPR), for review and approval, construction drawings for the connector trail, as shown on DPR Exhibit A.
13. In conformance with the 2009 Approved Countywide Master Plan of Transportation, and conditions of approval for Conceptual Site Plan CSP-96073-01, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
 - a. Sidewalks along both sides of all internal roadways, excluding alleys and the proposed McCarthy Drive.
 - b. A crosswalk crossing the west leg of Ritchie Marlboro Road, at the intersection of Ritchie Marlboro Road and McCarthy Drive, unless modified by the Maryland State Highway Administration, with written correspondence.
 - c. A minimum 8-foot-wide trail connecting the sidewalk on McCarthy Drive with the Maryland-National Capital Park and Planning Commission parkland to the north of the subject site, unless modified by the Prince George's County Department of Parks and Recreation.
14. Prior to approval of a detailed site plan, which proposes development for Parcel 1, a Phase I (Identification) archeological investigations, according to the Prince George's County Planning

Board's Guidelines for Archeological Review (May 2005), shall be required to determine if any cultural resources are present. The areas within the developing property on Parcel 1 that have not been extensively disturbed shall be surveyed for archeological sites. The future applicant for a Detailed Site Plan for Parcel 1 shall submit a Phase I Research Plan, for approval by the staff archeologist, prior to commencing Phase I work. Evidence of Maryland-National Capital Park and Planning Commission concurrence with the final Phase I report and recommendations is required prior to approval.

15. Upon receipt of the Phase I archeological report for Parcel 1 by the Prince George's county Planning Department, if it is determined that potentially significant archeological resources exist in the project area, prior to any ground disturbance or the approval of any grading permits for Parcel 1, the applicant shall provide a plan for:
 - a. Evaluating the resource at the Phase II level, or
 - b. Avoiding and preserving the resource in place.
16. If a Phase II and/or Phase III archeological evaluation or mitigation is necessary for Parcel 1, the applicant shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in a proper manner, prior to any ground disturbance or the approval of any grading permits for Parcel 1. Depending upon the significance of findings (at Phase I, II, or III level), the future applicant shall provide interpretive signage. The location and wording shall be subject to approval by the staff archeologist prior to issuance of any building permits for Parcel 1.
17. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-067-97-02). The following note shall be placed on the final plat of subdivision:

“Development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-0067-97-02), or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of The Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department.”
18. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area, except for any approved impacts, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

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

19. 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."
20. Prior to signature approval of the preliminary plan of subdivision (PPS), the Type 1 tree conservation plan Woodland Conservation Ordinance worksheet shall be revised so the acreage totals for each zone given for the church property and the Venue property match the totals given on the PPS.
21. Total development within the subject property shall be limited, in accordance with the overall Greenwood Park development approved with Preliminary Plan of Subdivision (PPS) 4-97107. Any development generating an impact greater than that identified therein shall require a new PPS with a new determination of the adequacy of transportation facilities.
22. Prior to approval of a final plat, the applicant and the applicant's heir, successors, and/or assignees shall demonstrate that a homeowners association has been established for the subdivision, excluding Parcel 1. 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. The Liber/folio of the declaration of covenants shall be noted on the final plat, prior to recordation.
23. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the homeowners association 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 recorded deed for the property to be conveyed shall be submitted to the Subdivision and Zoning Section of the Development Review Division.
 - 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 operation that are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.

- d. Any disturbance of land to be conveyed to 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.

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 site is located at 1700 Ritchie Marlboro Road, on the north side of Ritchie Marlboro Road, in the northwest quadrant of its intersection with White House Road. The site consists of one lot known as Lot 1 of Greenwood Park, recorded among the Prince George's County Land Records in Plat Book VJ 183-21. The 54-acre property is triple-zoned in the Planned Industrial/Employment Park (I-3), One-Family Detached Residential (R-55), and Townhouse (R-T) Zones. The site is subject to the 1990 *Approved Master Plan Amendment and Adopted Sectional Map Amendment for Largo-Lottsford, Planning Area 73* (Largo-Lottsford Master Plan and SMA). This project proposes to develop 15.14 acres of the overall site with 90 townhouses on fee simple lots. The subject site is improved with an institutional use, specifically, Greater Morning Star Apostolic Church, which is proposed to remain.

The subject site is located north of Ritchie Marlboro Road, a master-planned arterial roadway. The applicant filed a variation request from Section 24-121(a)(4) of the Prince George's County Subdivision Regulations, to allow a lot depth less than 150 feet for lots located closest to Ritchie Marlboro Road, which is discussed further in the Noise finding of this resolution.

The applicant also filed a variation request from Section 24-122(a) of the Subdivision Regulations, to allow omission of the required public utility easements (PUEs) along the east side of McCarthy Drive, a proposed public road, which will provide access to the subject development. This request is discussed further in the Public Utility Easement finding of this resolution.

- 3. **Setting**—The site is located on Tax Map 74 in Grids E-3, F-3, E-4, and F-4, and is within Planning Area 73. The subject site is bounded on the north and west sides by property owned by

the Maryland-National Capital Park and Planning Commission (M-NCPPC) in the Reserved Open Space Zone, with I-95/I-495 (Capital Beltway) to the west beyond; on the south side by Ritchie Marlboro Road, with a food and beverage store in combination with gas station in the Mixed Use-Transportation Oriented (M-X-T) Zone beyond; and on the east side by a single-family detached subdivision in the One-Family Detached Residential (R-80) Zone.

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

	EXISTING	APPROVED
Zones	I-3/R-T/R-55	I-3/R-T/R-55
Use(s)	Institutional	Institutional Residential
Acreage	54	54
Parcels	0	18
Lots	1	90
Dwelling Units	0	90
Variance	No	No
Variations	No	Yes Section 24-121(a)(4) Section 24-122(a)

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard at the Subdivision and Development Review Committee (SDRC) meeting on December 2, 2019. The requested variations from Section 24-121(a)(4) and Section 24-122(a) was accepted on November 14, 2019, and also heard at the SDRC meeting on December 2, 2019, as required by Section 24-113(b) of the Subdivision Regulations.

5. **Previous Approvals**—This property is the subject of the following prior approved applications:

Conceptual Site Plan CSP-96073 was approved by the Prince George's County Planning Board on September 4, 1997 (PGCPB Resolution No. 97-224), for institutional development on 67.57 acres, which included the subject property, subject to five conditions. At the time of this approval, the property was entirely within the I-3 Zone.

PPS 4-97107 was previously approved for the subject property by the Planning Board on December 18, 1997 (PGCPB Resolution No. 97-364), for institutional development consisting of 80,000 square feet, subject to 11 conditions. PPS 4-97107 included 67.57 acres of land, which was comprised of the subject property, Lot 1, and Lots 2 and 3, which abut the subject site to the west. The property was entirely classified in the I-3 Zone; however, Lots 2 and 3 were not proposed for development as part of PPS 4-97107. PPS 4-97107 superseded prior approved PPS 4-79033, which approved residential development on the subject property. This PPS supersedes PPS 4-97107 for development of the subject site.

Detailed Site Plan DSP-02018 was approved by the Planning Board on September 5, 2002 (PGCPB Resolution No. 02-185), for development of the subject property, Lot 1 (54 acres), for the Greater Morning Star Church, subject to one condition. Three revisions to the DSP were subsequently approved for modification to the site design. Revisions to this DSP and/or a new DSP will be required, in order to develop the subject property as approved in this PPS application.

On September 8, 2008, the Prince George's County District Council approved Zoning Map Amendments A-9991-C and A-9992-C, which reclassified approximately 6 acres of the subject site to the R-55 Zone, and 10.7 acres of the subject property to the R-T Zone, respectively. Each application was subject to five conditions, which are discussed further in the Urban Design finding of this technical staff report. The findings, incorporated as part of the rezoning of this property, accounted for development of the site with single-family detached and metropolitan dwellings, which were permitted in the R-55 and R-T Zones respectively, at the time the zoning map amendments were approved. However, the Zoning Ordinance was subsequently revised to permit development of townhouses in both the R-55 and R-T Zones. Accordingly, the project now includes townhouse development for the site; however, the development in this PPS shall maintain the density required by the subject zoning approvals. The District Council's approval of the underlying zoning map amendments contained specific findings indicating development on the subject property was to be transitional from the abutting single-family detached development to the west to the beltway interchange. The applicant's statement of justification filed with the rezoning applications stated that less than 95 dwellings would be constructed if the R-T and R-55 zoning were approved. This PPS application is consistent with the density envisioned for the site.

On March 21, 2019, the Planning Board approved CSP-99073-01, subject to three conditions, which delineated the amended zoning on the subject site. This CSP revision reflected proposed townhouse development within the R-55 and R-T zoned portion of the site, although the approval only applies to the I-3 portion of the site because a CSP is not required for the R-55 and R-T Zones.

The conditions of the prior approvals affecting the subject property are discussed further in the relevant findings of this resolution.

6. **Community Planning**—Conformance with the 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and the area master plan are evaluated, as follows:

General Plan

This site is located within the Established Communities area. The vision for the Established Communities area is context sensitive infill and low- to medium-density development.

Master Plan

The site is located within the area of the Largo-Lottsford Master Plan and SMA, which retained the subject property in the I-3 Zone and recommends employment land use on the subject property. However, in 2008 Zoning Map Amendments A-9991-C and A-9992-C rezoned approximately 6 acres of the property to the R-55 Zone and 10.7 acres to the R-T Zone.

On November 17, 2017, Prince George's County Council Bill CB-118-2017 was enacted to allow townhouse development in the R-55 and R-T Zones under certain conditions, which the subject site meets.

Pursuant to Section 24-121(a)(5), this application is not required to conform to the land use recommendations of the master plan, given the rezoning and applicable text amendment.

7. **Stormwater Management**—A Stormwater Management (SWM) Concept Approval Letter (20636-2018-00) and associated plan were submitted with the subject application for this site. The SWM concept approval was issued on April 1, 2019, from the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). On March 26, 2020, the applicant submitted an updated SWM Concept Approval Letter and associated plan, with a new issue date of March 24, 2020. The updated plan proposes to construct 14 micro-bioretenion ponds and retain one existing wet pond. No SWM fee for on-site attenuation/quality control measures is required. No further action regarding SWM is required with this PPS review.

Development of the site shall conform with the SWM concept approval and any subsequent revisions to ensure no on-site or downstream flooding occurs.

8. **Parks and Recreation**—This PPS has been reviewed for conformance with the requirements and recommendations of the Largo-Lottsford Master Plan and SMA, the Land Preservation, Parks and Recreation Plan for Prince George's County, the *Formula 2040 Functional Master Plan for Parks, Recreation and Open Space*, and the Prince George's County Subdivision Regulations (Subtitle 24); as they pertain to public parks and recreation and facilities.

The previous Greenwood Manor PPS (4-79033) for this property proposed a mix of single-family detached and attached dwelling units. At that time, 38.30 acres of land was dedicated to the Prince George's County Department of Parks and Recreation (DPR) to meet the mandatory dedication of parkland requirement. The resulting Heritage Glen Community Park is located north and west of the current subject property. In accordance with Section 24-134(a)(3)(D) of the Subdivision Regulations, the residential development proposed with this application is exempt from the mandatory parkland dedication, given the prior dedication of land.

In addition, a 50-foot-wide ingress and egress easement (Liber 12090 folio 333) was granted to DPR from Ritchie Marlboro Road to the dedicated DPR property through the subject property. The purpose for granting this 50-foot-wide easement over the subject property was to provide public access to parkland from Ritchie Marlboro Road.

The Heritage Glen Community Park is now developed on the eastern end of the property with a parking lot accessed from the Heritage Glen subdivision to the east, a playground, and a picnic area. These developed park amenities are located approximately 1,000 feet north of the proposed townhouse development, in the southeast corner of the subject property. This PPS proposes an asphalt trail connection to the park from the development, as requested by DPR at the time of CSP, to provide the residents access to the park's recreational amenities. However, the proposed trail alignment follows the existing 50-foot-wide ingress and egress easement alignment, resulting

in an overly circuitous path to the existing park facilities. This alignment was based on the previous PPS (4-79033) single-family detached subdivision's layout. The existing easement and/or property ownership shall be modified to enable a more direct trail connection, as detailed in DPR Exhibit A or with a configuration determined at the time of Detailed Site Plan.

In addition, this PPS eliminates the southern half of this 50-foot-wide easement, which will be replaced with a variable width public right-of-way in the same location to be maintained by the County. The sidewalk acts as the pedestrian trail within the roadway section, and the northern half of the access easement will remain in effect.

9. **Trails**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), Largo-Lottsford Master Plan and SMA, and conditions of prior approvals to provide the appropriate pedestrian and bicycle transportation recommendations.

Previous Conditions of Approval and Findings

The approved CSP-96073-01 included the following condition related to bike and pedestrian access:

1. **Prior to certification of this conceptual site plan (CSP), the following revisions shall be made, or information shall be provided:**
 - b. **Delineate the existing 50-foot-wide ingress/egress easement that extends to Parcel A, which is owned by the Maryland-National Capital Park and Planning Commission. Delineate a potential trail connection, within the easement, from the end of the access road to the parkland.**

This trail is included on the submitted PPS and is acceptable with the modification described in the Parks and Recreation finding above.

Review of Internal Sidewalks and Bike Infrastructure

The PPS includes three private roads and seven alleys that create a grid network for the townhouse lots. The PPS also includes a standard sidewalk along McCarthy Drive, a 60-foot-wide proposed public road, which connects the private street network with Ritchie Marlboro Road. A trail connects the sidewalk at the end of McCarthy Drive with M-NCPPC parkland to the north of the subject site.

There is an existing sidewalk along the subject site's frontage of Ritchie Marlboro Road, and the crosswalk crosses McCarthy Drive at its intersection with Ritchie Marlboro Road/White House Road. There is an existing sidepath along Ritchie Marlboro Road, on the south side of the roadway.

The PPS does not include blocks over 750 feet long and therefore, does not need to provide facilities pursuant to Section 24-121(a)(9).

Pursuant to Section 24-123(a)(6) of the Subdivision Regulations, there are no master plan trails within the subject property. Therefore, none are shown on the PPS.

Review of Connectivity to Adjacent/Nearby Properties

The subject site is adjacent to M-NCPPC parkland to the north, a residential community to the east, undeveloped land to the west, and two homes and a gas station to the south. A sidewalk connects the subject site to the adjacent properties to the east and west, a trail will connect the subject site to the north, and the intersection of McCarthy Drive and Ritchie Marlboro Road includes a crosswalk on the east leg that connects it to the south.

Master Plan Compliance

There is an existing master plan sidepath on the south side of Ritchie Marlboro Road. There is a planned sidepath that continues southbound along Ritchie Marlboro Road and a second sidepath that extends east along White House Road.

These sidepaths are beyond the extent of the subject property. They can be built by future development along Ritchie Marlboro Road and White House Road, or as a capital improvement project by the Prince George's County Department of Public Works and Transportation.

The Complete Streets element of the MPOT includes the following policies regarding sidewalk and bikeway construction and the accommodation of pedestrians and bicyclists (MPOT, pages 9-10):

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

Sidewalks shall be provided along both sides of all internal streets, excluding alleys, as depicted in the private street cross section. However, a sidewalk is not required along the east side of McCarthy Drive, as this sidewalk would impact the future buffer from the abutting single-family detached development to the east, and there is no proposed development on the east side of the street which would be served by a sidewalk in this location.

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.

The applicant shall provide a crosswalk crossing the western leg of Ritchie Marlboro Road, at its intersection with McCarthy Drive. A crosswalk at this location will connect the proposed sidewalk with the existing sidepath along Ritchie Marlboro Road, which will create a pedestrian connection between the subject site and the commercial properties to the south and west of the subject site. While there is an existing crosswalk on the east leg of this intersection, an additional crosswalk will reduce the number of

times a person walking would be required to cross the street to reach the sidepath of Ritchie Marlboro Road from the proposed development.

10. **Transportation**—Transportation-related findings for adequacy are made with this application, in accordance with the Subdivision Regulations, along with any needed determinations related to dedication, access, and general subdivision layout.

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 used for the analysis and for formulating the trip cap for the site:

Trip Generation Summary: 4-19029: Greater Morning Star & The Venue							
Land Use	Use Quantity	AM Peak Hour			PM Peak Hour		
		In	Out	Tot	In	Out	Tot
Single-Family Attached	90 units	13	50	63	47	25	72
Existing Church	22,215 square feet	9	6	15	7	8	15
Total Trips for Proposed Uses		22	56	78	54	33	87
Existing Trip Cap for 4-97107 (church and related facilities)				203			243

As noted above, the residential development will use a portion of the entitlement associated with the Greater Morning Star Apostolic Church, as originally approved by PPS 4-97107. However,

the entitlement and trip cap issues are made complex by the fact that a portion of PPS 4-97107 is not a part of this application. That prior application included Lots 1, 2, and 3, and only Lot 1 is subject to resubdivision at this time. Therefore, in lieu of providing a trip cap, the condition of this approval refers back to the prior subdivision and the development limits identified in that resolution.

A June 2019 traffic impact study (TIS) was submitted and accepted as part of this PPS. This TIS was originally done to provide the residential development with its own entitlement for 194 townhouses. The residential development has been greatly downsized, and the results of the submitted TIS are provided with Total Traffic adjusted to represent the impact of the current proposal. This is provided for information only; given that the townhouses are proposed to use some of the site's existing entitlement, no TIS would ordinarily be required or reviewed. 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)	
Ritchie Marlboro Road at Sansbury Road	1,078	996	B	A
Ritchie Marlboro Road at McCarthy Drive/White House Road	1,049	930	B	A
White House Road at Harry S Truman Drive	532.1*	+999*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the "Guidelines," delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

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. However, fully bonded improvements to the intersections of Ritchie Marlboro Road at Sansbury Road and Ritchie Marlboro Road at McCarthy Drive/White House Road are included in the analyses. Background traffic has been developed for the study area using a listing of nine approved developments in the area.

A 0.5 percent annual growth rate for a period of 6 years has been assumed. 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)	
Ritchie Marlboro Road at Sansbury Road	1,056	1,386	B	D
Ritchie Marlboro Road at McCarthy Drive/White House Road	1,287	1,094	C	B
White House Road at Harry S Truman Drive	+999*	+999*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the "Guidelines," delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

The following critical intersections, interchanges, and links identified above, when analyzed with the programmed improvements and total future traffic as developed using the "Transportation Review Guidelines, Part 1," 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)	
Ritchie Marlboro Road at Sansbury Road	1,074	1,409	B	D
Ritchie Marlboro Road at McCarthy Drive/White House Road	1,330	1,112	D	B
White House Road at Harry S Truman Drive (standards for passing shown in parentheses)				
Delay Test (50 seconds or less)	+999*	+999*	Fail	Fail
Minor Street Volume Test (100 or fewer)	457	762	Fail	Fail
CLV Test (1,150 or less)	1,328	1,414	Fail	Fail
*In analyzing two-way stop-controlled intersections, a three-step procedure is employed in which the greatest average delay in seconds for any movement within the intersection, the maximum approach volume on a minor approach, and the critical lane volume is computed and compared to the approved standards. According to the "Guidelines," all three tests must fail in order to require a signal warrant study.				

The table above notes only a single inadequacy in one or both peak hours. The intersection of White House Road and Harry S Truman Drive will fail as an unsignalized intersection under total traffic. As noted earlier, however, the townhouses are proposed under the entitlement associated with PPS 4-97107. That entitlement was granted pursuant to a determination of transportation adequacy made in 1997; the site has been platted pursuant to that PPS. Therefore, there is no nexus associated with additional off-site improvements at this time, and so no condition is being written regarding this location.

A trip cap is required. As noted earlier, this cap accounts for the current residential proposal plus the existing church developed pursuant to PPS 4-97107.

Evaluation of Site Access and Circulation

Access and circulation will be provided by a system of private streets that will connect to proposed McCarthy Drive on the east side of the development. All internal roadways demonstrate a pavement width of 22 feet, and this is deemed to be sufficient and consistent with Section 24-128(b)(19). As a means of clarification, several private roadways on the plan are termed streets, while others are termed alleys. Regardless of the term applied, given that all are 22 feet in width, they comply with Section 24-128. Nevertheless, the street network and access to each residence will be reviewed in detail during the review of the DSP for this site.

Master Plan Roads

Ritchie Marlboro Road is a master plan arterial roadway with a variable right-of-way. The plan shows 0.01 acre of right-of-way dedication near the southeast corner of the property. In addition, the plan shows the dedication of McCarthy Drive as a public street.

Prior Conditions

CSP-96073 was approved by the Planning Board on July 24, 1997 (PGCPB Resolution No. 97-224). The Planning Board approved the CSP with one traffic-related condition, which merits discussion at this time, as follows:

- 2. Prior to Preliminary Plan approval, it should be determined whether an access easement is appropriate for Lots 2 & 3, or if a public right-of-way terminating in a cul-de-sac would be more appropriate at the entrance across from Sansbury Road.**

An access easement was established with PPS 4-97107, in accordance with this condition, which is further discussed under the applicable PPS 4-97107 conditions below.

PPS 4-97107 was approved by the Planning Board on December 13, 1997 (PGCPB Resolution No. 97-364). The Planning Board approved the PPS with four traffic-related conditions, which merit discussion at this time, as follows:

- 2. The development of Lots 1, 2 and 3 of the subject property shall be limited to any use permitted in an I-3 Zone that generates no more than 203 AM peak hour trips and 243 PM peak hour trips during the weekdays.**

Lots 2 and 3 are currently under the ownership of the Maryland State Highway Administration (SHA), however if these are sold or developed in the future, they would be entitled to part of the trips under PPS 4-97107. This trip cap has been fully considered in this review. The proposed townhouses, plus the existing church, are determined to be under the existing trip cap for the three lots.

3. **Prior to issuance of building permits, the following improvements shall be in place, bonded and permitted for construction or programmed with 100 percent construction funding in the next five years in the Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program:**

a. **At the Ritchie-Marlboro Road/Site Entrance**

An exclusive eastbound left-turn lane and a westbound right-turn lane as per DPW&T design requirement.

b. **At the White House Road/Woodlawn-Brown Station intersection**

An exclusive left-turn lane, and a shared thru-and-right lane on both the eastern and western approaches as per DPW&T design requirement. It is anticipated that these movements will be achieved through striping and/or minor widening if necessary and if required by DPW&T.

All improvements have been constructed.

4. **There shall be no direct access to Ritchie-Marlboro Road from Lot 2 and Lot 3. Access to Lots 2 and 3 shall be limited to an ingress/egress easement through Lot 1.**

The recorded final plat for the subject property (Lot 1) and Lots 2 and 3, shows an access easement was established across Lots 1 and 2, for access to Lots 2 and 3, in accordance with this condition. Lots 2 and 3 will remain subject to the conditions under PPS 4-97107. Accordingly, the existing access easement shall remain and not be extinguished from Lot 1 under this PPS.

5. **The applicant, his heirs, successors and/or assigns shall dedicate land necessary for the implementation of Ritchie-Marlboro Road. Any land needed solely for the proposed interchange of Ritchie-Marlboro Road and the Capital Beltway (I 495) shall be placed in reservation, subject to the following provisions:**

- a. **The reservation period shall continue for three years and commence with the recordation of a Reservation Plat recorded with the Final Plat of Subdivision. The reservation area shall also be shown on the Final Plat. The Reservation Plat shall comply with all requirements for recording plats among the Land Records of Prince George's County.**

- b. At the end of the reservation period, if the reservation has not been renewed or if the land reserved has not been acquired for public use and proceedings for acquisition have not been initiated, the reservation shall expire. Prior to the expiration of the three-year reservation period and with the written consent of all landowners, the Planning Board may renew the reservation for additional periods of time (not less than one year) if agreeable to the landowners.**
- c. During the reservation period, no building or structure, other than validly approved utilities, roads and public infrastructure, shall be erected upon the reserved land unless otherwise approved by the Planning Board. No trees, topsoil, or cover shall be removed or destroyed, no grading shall be done, and no drainage structures shall be built so as to discharge water upon the reserved land except as provided in Section 24-140(d) of the Subdivision Regulations.**
- d. All reserved land shall be maintained by the owner as required by County law. The Planning Board shall be notified immediately upon the sale of any land so reserved.**
- e. If, prior to the expiration of the reservation period, the Planning Board determines that the reservation no longer appears necessary, the Planning Board may cancel the reservation with the written consent of the owner.**

The needed land was placed in reservation, and Lots 2 and 3 were subsequently purchased by SHA. This condition has been satisfied.

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

11. **Schools**—This PPS has been reviewed for impact on school facilities, in accordance with Section 24-122.02 and County Council Resolution CR-23-200. The subject property is located within Cluster 4, as identified in the Pupil Yield Factors and Public School Clusters 2020 Update. The results of the analysis conducted are as follows:

Impact on Affected Public School Clusters by Dwelling Units

	Affected School Clusters #		
	Elementary School Cluster 4	Middle School Cluster 4	High School Cluster 4
Single-Family Attached Dwelling Units	90 DU	90 DU	90 DU
Pupil Yield Factor	0.114	0.073	0.090
Future Subdivision Enrollment	10	7	8
Adjusted Student Enrollment in 2019	12,927	9,220	7,782
Total Future Student Enrollment	12,937	9,227	7,790
State Rated Capacity	15,769	9,763	8,829
Percent Capacity	82%	95%	88%

Section 10-192.01 establishes school surcharges and an annual adjustment for inflation, unrelated to the provision of Subtitle 24. The current amount is \$9,741 per dwelling if a building is located between I-95/I-495 (Capital Beltway) and the District of Columbia; \$9,741 per dwelling if the building is included within a basic plan or CSP that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$16,698 per dwelling for all other buildings. This project is outside of the Capital Beltway; thus, the surcharge fee is \$16,698. This fee is to be paid to DPIE 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 March 11, 2020 (Thompson to Diaz-Campbell), by reference herein.
13. **Use Conversion**—The total development included in this PPS is for 90 single-family attached dwellings and 22,215 square feet of existing institutional development in the I-3, R-T, and R-55 Zones. If a substantial revision to the mix of uses on the subject property is proposed that affects Subtitle 24 adequacy findings, as set forth in the resolution of approval and reflected on the PPS, that revision of the mix of uses shall require approval of a new PPS, prior to approval of any building permits.
14. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a), 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. In addition, Section 24-128(b)(12) requires a PUE along one side of all private streets. The subject site abuts the existing public right-of-way of Ritchie Marlboro Road to the south and the PPS includes a public right-of-way, McCarthy Drive along the eastern boundary of the site. Private

streets are included internal to the townhouse development. The PPS demonstrates the required PUEs will be provided, except for a portion of the PUE required along the private road in Parcel E and one of the PUEs required along McCarthy Drive. The PUE required along the private road will need to be shown on the plan. The applicant has filed a variation request from Section 24-122(a), to allow omission of the PUE along the east side of McCarthy Drive, which is discussed further, as follows:

McCarthy Drive is a proposed public right-of-way along the eastern boundary of the site, which will provide access to the existing church and proposed residential development west of this street. A buffer is proposed to be provided on the subject site between McCarthy Drive and the existing single-family detached residential development abutting to the east. The PUE along the east side of McCarthy Drive would not serve any proposed development and would reduce the proposed buffer from the neighboring property. Therefore, the applicant requested a variation from the requirements of Section 24-122(a).

Variation

Section 24-113 requires that the following criteria are met. The criteria are in **BOLD** text below, while findings for each criterion are in plain text.

- (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 granting of this variation will not be detrimental to the public safety, health, or welfare, or injurious to other properties. As described above, the standard PUE will be provided to serve all proposed development on the west side of McCarthy Drive. No development is proposed along the east side of McCarthy Drive, and the abutting residential development to the east of this site is currently served by existing utilities. Therefore, the granting of this variation is not injurious to the public safety, health, or welfare, or other properties.

- (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.**

McCarthy Drive is currently located at an existing signalized intersection and is the best location for a primary entrance into the property. An existing, mature landscape buffer provides an excellent visual barrier between the single-family homes in the Heritage Glen subdivision to the east and the proposed development. Every effort should be made to save this mature landscape buffer and accommodate the placement of utilities at the location of the proposed development, which is only on the west side of McCarthy Drive. These factors together provide an appropriate basis for seeking the variation, and they create conditions, which are not generally applicable to other properties.

(3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation.

The variation from Section 24-122(a) is unique to, and under the sole authority of, the Planning Board. This PPS and variation request for the location of PUEs was referred to the Washington Suburban Sanitary Commission, Verizon, the Southern Maryland Electric Cooperative, Washington Gas, Comcast, and AT&T. No referred agency opposed this request. The proposed utilities will need to be designed in direct coordination with the individual utility companies, in order to meet all requisite requirements and design standards, at the time of permitting. Approval of this variation request will 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.

Not granting this variation request would be a hardship to the applicant and to the owners of the adjacent existing single-family development, due to the need to locate McCarthy Drive in the shown location with the existing surrounding roads. In addition, there is no need to remove vegetation for utilities, which are not needed along the east side of McCarthy Drive. Maintaining a landscaped buffer will better serve the adjacent neighbors and be a more scenic entrance along the M-NCPPC park easement access road. The property's physical surroundings give rise to a particular hardship that can be distinguished from a mere inconvenience if the strict letter of the regulations were carried out.

(5) In the R-30, R-30C, R-18, R-18C, R-IOA, 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 site is not located within the zones specified by this finding; therefore, this finding is not applicable.

The Planning Board finds that the site is unique to the surrounding properties, and the variation request is supported by the required findings. Approval of the variation will not have the effect of nullifying the intent and purpose of the Subdivision Regulations, which, in part, encourages creative residential subdivision design that accomplishes these purposes in a more efficient manner. Therefore, a variation from Section 24-122(a) is **approved** to allow omission of the PUE along the east side of McCarthy Drive.

15. **Historic**—Several prehistoric archeology sites have been identified along a tributary of the Southwest Branch to the west of the subject property. The 1860 Martenet map indicates there was a house on the subject property at that date. The 1878 Hopkins map shows several houses under the ownership of Philip Hill were located on the subject property at that date. Sprigg O. Beall obtained 147 acres of land under his father's will and occupied the subject property from about the time of his marriage in 1881, until his death in 1905. His widow, Sarah I. Beall, continued to reside on the subject property, until her death in 1941. A farm complex is visible on the property in the 1938 aerial photographs.

The subject property is currently developed with a church building, circa 2007, a large parking lot, and a SWM pond. The existing development on the subject property was approved through PPS 4-97107, approved by the Planning Board on January 22, 1998. A large portion of the subject property has been graded. However, there is an area to the north and northeast of the church building that does not appear to have been graded. The former house site lies in a wooded area to the northeast of the church that the applicable CSP indicates will be used for a future church facility or parking. This area covers approximately 2 acres.

Portions of the subject property were previously graded in the southeastern corner, in the southwest where the existing SWM pond is located and where the current church and parking lot are located.

Because of the proximity of the subject property to a tributary of the Southwest Branch and the recordation of several prehistoric archeological sites next to that tributary, there is a high probability that additional prehistoric sites may be identified on the subject property. Historic maps indicate the subject property was occupied in the historic period by members of the Hill and Beall families. Remains of the farmstead, visible in historic aerial photographs, appear to have not been disturbed. This site could provide information on the transition from slavery to freedom on this plantation.

The subject application does not include any disturbance in the areas of the property that have the potential to contain archeological resources. Any future plans or applications that propose grading or ground disturbance on approved Parcel 1, specifically in the areas shown on the TCP1 as Area F or any of the non-disturbed areas along the streams, shall be subject to archeological investigations. In accordance with the Planning Board's directives, as described in the Guidelines

for Archeological Review, May 2005, and consistent with Sections 24-104, 24-121(a)(18), and 24-135.01, Parcel 1 shall be the subject of a Phase I archeological investigation. Investigations are needed to identify any archeological sites that may be significant to the understanding of the history of human settlement in Prince George's County, including the possible existence of slave quarters and slave graves, as well as archeological evidence of the presence of Native American people. Archeological investigations were not recommended through the prior PPS because the archeological regulations were not approved until November 2006.

16. **Environmental**—The subject PPS and TCP1 were accepted on November 14, 2019. Verbal and written comments were provided in an SDRC meeting on December 2, 2019. Revised PPS and TCP1 plans were received on February 26, 2020. The following applications and associated plans for the subject site, applicable to this case, were previously reviewed:

Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
CSP-96073	WCO Ex #E-118-96	Planning Board	Approved	07/24/1997	97-224
4-97107	TCPI-067-97	Planning Board	Approved	10/28/1997	97-364
DSP-02018	TCPII-053-02	Planning Board	Approved	07/25/2002	02-185
A-9991/A-9992	N/A	District Council	Approved	09/08/2008	N/A
CSP-96073-01	TCP1-067-97-01	Planning Board	Approved	02/28/2019	19-28
4-19029	TCP1-067-97-02	Planning Board	Pending	Pending	Pending

Grandfathering

This project is subject to the current regulations of Subtitles 24, 25, and 27 that came into effect on September 1, 2010 and February 1, 2012 because the development requires a new PPS.

Master Plan Conformance

Plan Prince George's 2035 Approved General Plan

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

Master Plan and Adopted Sectional Map Amendment for Largo-Lottsford, Planning Area 73 (1990)

In the Largo-Lottsford Master Plan and SMA, the Environmental Envelope section contains goals, objectives, and guidelines. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is the text from the master plan and the plain text provides comments on plan conformance.

19. **Tree save areas shall be established to act as noise or visual buffers along major transportation corridors and between conflicting land use zones, tree save areas (and the canopy dripline) shall be adequately protected during the grading and construction phase of the plan. This includes fencing, flagging or bonding if necessary.**

The site is situated along Ritchie Marlboro Road, which is a major transportation corridor into the surrounding community. Although no woodland preservation or retention of existing woodlands are included with this application, this project will be subject to buffering and screening requirements, as referenced in the 2010 *Prince George's County Landscape Manual* (Landscape Manual), at the time of DSP review.

20. Buffer areas without naturally occurring woody vegetation shall be afforested or reforested with native woody vegetation where practicable.

The TCP1 approved with the CSP contained proposed natural regeneration areas. Several of these areas were proposed in areas not adjacent to existing woody areas or in areas where the proposed natural regeneration areas were too wide (greater than 100 feet). During SDRC comments, these natural regeneration areas in question were required to be changed to reforestation areas. The revised TCP1 correctly shows the new reforestation planting areas.

Conformance with the Countywide Green Infrastructure Plan

This site contains areas within the designated network of the 2017 *Countywide Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan*, containing evaluation and regulated areas. The regulated areas are located along the mapped stream areas and the evaluation areas are located in existing woodland areas outside the regulated areas. The TCP1 focuses on preservation and protection within the regulated area, where woodland preservation is shown.

Review of Previously Approved Conditions:

On March 21, 2008, the Zoning Hearing Examiner approved Zoning Map Amendment A-9991, to rezone approximately 6 acres of the subject property from I-3-zoned land to the R-55 Zone. On that same date, the Zoning Hearing Examiner approved Zoning Map Amendment Case A-9992, to rezone approximately 10.7 acres of I-3-zoned land to the R-T Zone. Both cases were reaffirmed by the District Council on September 8, 2008, with conditions.

The conditions of the Zoning Map Amendments A-9991 and A-9992, relevant to the environmental review, are described below in **BOLD**. The plain text provides responses to the conditions.

1. A new Forest Stand Delineation, in accordance with the Prince George's Woodland Conservation and Tree Preservation Technical Manual, shall be required at the time of subdivision.

A forest stand delineation was provided with the review of Natural Resources Inventory NRI-058-2018, which was approved on June 25, 2018.

2. A new Tree Conservation Plan must be submitted to M-NCPPC prior to subdivision approval.

A TCP1 was provided with this PPS application.

CSP-96073-01 was approved by the Planning Board on February 28, 2019, with conditions of approval found in PGCPB Resolution No. 19-28. The conditions relevant to the environmental review are described below in **BOLD**. The plain text provides responses to the conditions.

2. Prior to certification of the Type 1 Tree Conservation Plan TCP1-067-97-01, the following revisions shall be made:

- a. Add CSP-96073-01 and the reason for revision to the -01 row of the approval block.**
- b. Correct the Woodland Conservation Summary Table to match the plan and the worksheet.**
- c. Show the unmitigated 65 dBA ground-level and second-story noise contours, as required by Zoning Map Amendments A-9991-C and A-9992-C.**
- d. Provide the standard TCP1 notes on the plan.**
- e. Have the revised plan signed and dated by the qualified professional preparing the plan.**

All conditions were met prior to signature approval of the TCP1.

Environmental Review

Natural Resources Inventory Plan/Existing Features

NRI-058-2018 was approved on June 25, 2018 and provided with this application. The TCP1 is in conformance with the approved NRI.

Woodland Conservation

This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. TCP1-067-97-02 was initially submitted with the PPS application and was subsequently revised and resubmitted.

The TCP1 shows the entire site and there are three woodland conservation worksheets representing the project area (Overall Site, Church Property, and the Venue Property). A large portion of the woodland requirement was previously approved as natural regeneration. This new

application proposed more natural regeneration, but was changed to reforestation, because of the long distance away from a seed source.

Overall Site: The overall 54-acre site contains 12.11 acres of woodland in the net tract and has a woodland conservation threshold of 8.95 acres. The Woodland Conservation Worksheet shows the removal of 7.48 acres in the net tract area, for a woodland conservation requirement of 14.05 acres. The overall site project's requirement will be met with 4.58 acres of woodland preservation on-site, 4.64 acres of reforestation, and 4.83 acres of natural regeneration on-site.

Church Property: The church property is 39.20 acres, contains 7.57 acres of woodland in the net tract, and has a woodland conservation threshold of 6.01 acres. The Woodland Conservation Worksheet shows the removal of 2.94 acres in the net tract area, for a woodland conservation requirement of 7.77 acres. This church site area will meet the requirement with 4.58 acres of woodland preservation on-site and 3.19 acres of reforestation.

Venue Property: The Venue site is 14.80 acres, contains 4.54 acres of woodland in the net tract, and has a woodland conservation threshold of 8.95 acres. The Woodland Conservation Worksheet shows the removal of 4.54 acres in the net tract area, for a woodland conservation requirement of 6.28 acres. This Venue site will meet the requirement with 0 acres of woodland preservation on-site, 1.45 acres of reforestation, and 4.83 acres of natural regeneration on-site.

Preservation of Regulated Environmental Features/Primary Management Areas (PMA)

This site contains regulated environmental features that are required to be preserved and/or restored to the fullest extent possible under Section 24-130(b)(5) of the Subdivision Regulations. Primary management area impacts of stream buffer disturbance for the installation of a sewer line connection were reviewed and approved with CSP-96073-01.

The regulated environmental features on the subject property have been preserved and/or restored in a natural state to the fullest extent possible based on the evaluation provided with the approved CSP-96073-01 and the limits of disturbance shown on the tree conservation plan submitted for review.

Soils

The predominant soils found to occur according to the United States Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey are the Adelpia-Holmdel complex (0 to 2 percent slopes), Annapolis-Urban land complex (0 to 5 percent slopes), Collington-Wist complexes (2 to 40 percent slopes), and Marr-Dodon complex (15 to 25 percent slopes). Marlboro clay and Christiana complexes are not found on or near this property.

17. **Urban Design**—The review of the subject application is evaluated for conformance to the Zoning Ordinance and prior approvals, as follows:

The townhouse dwellings are permitted in the R-55 and R-T Zones, pursuant to Section 27-441 of the Zoning Ordinance. Certain footnotes (added by CB-118-2017 and CB-29-2019) specify the conditions under which townhouse dwellings are permitted in these zones, as follows:

Footnote 124

Permitted use, provided:

- (A) The R-55 is combined with R-T and I-3 zoned lots, parcels, or property totaling less than sixteen (16) gross acres in size and located less than 2,000 feet from an interchange to the outer loop of the Capital Beltway (I-95/I-495);**
- (B) The property shall have access to a signalized intersection of a publicly maintained roadway with a functional transportation classification as an Arterial or higher within the 2009 Countywide Master Plan of Transportation; and**
- (C) Regulations of the R-55 Zone shall not apply; all requirements for development shall be established by and shown on a detailed site plan approved by the Planning Board and/or the District Council.**

Footnote 125

Permitted use notwithstanding Section 27-223(i); however, if the R-T zoned property is combined with R-55 and I-3 zoned lots, parcels, or property totaling less than sixteen (16) gross acres in size and located less than 2,000 feet from an interchange to the outer loop of the Capital Beltway (I-95/I-495); a townhouse is only a permitted use provided.

- (A) The property shall have access to a signalized intersection of a publicly maintained roadway with a functional transportation classification as Arterial or higher within the 2009 Countywide Master Plan of Transportation; and**
- (C) Regulations of the R-T Zone shall not apply; all requirements for development shall be established by and shown on a DSP approved by the Planning Board and/or the District Council.**

The site's conformance with the requirements of Footnotes 124 and 125 will be reviewed at time of DSP. In addition, the proposed development will need to show conformance with other applicable requirements in the Zoning Ordinance, including but not limited to the following:

- Parts 11 and 12 of the Zoning Ordinance regarding parking and signage, respectively.

Conformance with Previous Approvals

The subject property has a long approval history. However, there are only several recent approvals governing the review of this PPS, including Zoning Map Amendment Applications

A-9991, which rezoned 5.99 acres of the land in the I-3 Zone to the R-55 Zone, and A-9992, which rezoned 10.67 acres of the land in the I-3 Zone to the R-T Zone. In addition, the site also has a CSP-96073-01 for development in the I-3 Zone.

A-9991 and A-9992: The District Council approved the two Zoning Map Amendment Applications through Zoning Ordinances No. 22-2008 and No. 23-2008, respectively. The two Zoning Ordinances became effective on December 5, 2008, with five identical conditions, as follows:

1. **A new Forest Stand Delineation, in accordance with the Prince George's Woodland Conservation and Tree Preservation Technical Manual, shall be required at the time of subdivision.**
2. **A new Tree Conservation Plan must be submitted to M-NCPPC prior to subdivision approval.**
3. **The unmitigated 65 dBA (Ldn) ground level and second-story noise contours associated with the proposed arterial roads shall be shown on each preliminary plan and Type I Tree Conservation Plan.**
4. **Since the site is located to the north of the planned northern gateway of the Westphalia Community and to the west of an existing residential development, a Detailed Site Plan shall be required for the single-family development as well as the Metropolitan Dwelling Units to insure that the design and site arrangement will be harmonious with the surrounding development.**
5. **Applicant shall provide standard sidewalks on both sides of all internal roads and along the site's entire frontage on Ritchie Marlboro Road, unless this requirement is modified by the Department of Public Works and Transportation.**

Conditions 1, 2, and 3 are pertinent to the review of this PPS and have been found satisfied by this application. The site's conformance with Conditions 4 and 5 will be evaluated at time of DSP review.

Conceptual Site Plan CSP-96073-01: The Planning Board approved this CSP on February 28, 2019 (PGCPB Resolution No. 19-28) with three conditions, of which Condition 3 is applicable to this review, as follows:

3. **Prior to acceptance of a preliminary plan of subdivision (PPS), the applicant shall delineate the 65 dBA Ldn unmitigated and mitigated noise contour line on the PPS and the Type 1 tree conservation plan and submit a Phase 1 noise analysis in support of the noise contours.**

This condition has been fulfilled by the subject PPS. Noise impacts on the subject site are evaluated further in the finding below.

Conformance with the 2010 Prince George's County Landscape Manual

The proposed development is subject to the requirements of the Landscape Manual. Specifically, Section 4.1, Residential Requirements; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements are applicable to this development. Conformance with the requirements of the Landscape Manual will be evaluated at time of DSP.

Conformance with the Tree Canopy Coverage Ordinance

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development project that proposes more than 5,000 square feet of gross floor area or disturbance and requires a grading permit. Properties zoned R-T and R-55 are required to provide a minimum of 15 percent and properties zoned I-3 are required to provide 10 percent of the gross tract area to be covered by tree canopy. Compliance with tree canopy coverage requirements will be further evaluated at time of DSP.

Other Urban Design Issues

It is noted that exhibits provided by the applicant and the current configuration of the 90 lots proposed anticipate the future subdivision of the site for additional lots in the R-55 and R-T-zoned areas of this subdivision. The lots proposed with this PPS are consistent with the density approved with the underlying zoning approvals for the site. Further subdivision for additional lots would require the approval of an amendment to the underlying zoning or rezoning of the subject site. Therefore, development proposed at this time should stand on its own in regard to design.

The subject site is located prominently at the intersection of Richie Marlboro Road and White House Road. The plan shows the proposed townhouses served by alleys that are oriented toward Richie Marlboro Road. The front of the proposed townhouses should be oriented toward Ritchie Marlboro Road and the proposed entrance road. On March 24, 2020, the applicant submitted an exhibit, incorporated by reference herein, demonstrating how a design with townhouses oriented toward Ritchie Marlboro Road might be achieved. The exhibit shows Lots 16 through 20 relocated so that they are in between Lots 10–15 and the road. In this configuration, the rears of the two groups of townhomes face each other rather than the road. The placement of lots and dwellings shall ensure the rears of dwellings will not face Ritchie Marlboro Road.

18. **Noise**—An April 23, 2019 Phase I Noise Analysis and addendum dated February 11, 2019, was prepared by Hush Acoustics, LLC and was submitted by the applicant with this PPS. The analysis accounted for noise measurements from Ritchie Marlboro Road, at the southeast area of the site where lots will be most impacted, and where Lots 4–7 are within the required 150-foot lot depth.

The upper and lower delineation of the unmitigated 65 dBA DNL have been reflected on the PPS. Specifically, Lots 4–20 are within the limits of the ground level unmitigated 65 dBA DNL and Lot 4–24, 36–44, and 56–58 will be impacted by the upper level unmitigated 65 dBA DNL.

The site is proposed to be graded so that a berm will be located between Ritchie Marlboro Road and the proposed townhouse development. Given the conceptual building design and location of the berm, much of the ground level noise will be mitigated and the analysis demonstrates the remaining lots impacted to be Lots 4–7. In order to mitigate these lots further, a 6-foot-tall noise wall is included along the alley serving Lots 4–7, which will reduce the ground level noise at the rear of the lots to under 65 dBA DNL.

The analysis shows that the dwelling units closest to Ritchie Marlboro Road will serve as building shielding to mitigate the upper level noise impacts on the remainder of the development. The analysis further recommends that no outdoor recreation areas be placed within the mitigated 65 dBA DNL, and that the building materials of dwelling units be further evaluated at the time of DSP to address noise impacting the building façades. This analysis can only be conducted once architectural plans are further developed.

A Phase II noise study shall be provided prior to acceptance of the DSP, which evaluates how noise impacts will be mitigated for the proposed buildings and the outdoor activity areas. Should the applicant relocate lots to be closer to Ritchie Marlboro Road, as shown on the exhibit described in the Urban Design finding of this technical staff report, the Phase II noise study will also need to evaluate how noise will be mitigated for the relocated lots. To ensure that the necessary interior noise levels are maintained, at the time of building permit, the buildings shall have acoustical certification that the building shell has been designed to reduce interior noise levels in the affected units to 45 dBA DNL or less.

Section 24-121(a)(4) requires a minimum 150-foot lot depth for “adequate protection and screening from traffic nuisances [which] shall be provided by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line, when appropriate.” The applicant is requesting a variation to this section to reduce the minimum 150-foot lot depth along Ritchie Marlboro Road, an arterial road, to minimum of 95 feet. As an alternative to the 150-foot lot depth, the applicant proposes to provide noise mitigation through the use of building materials and to position dwelling units to front on, or be located perpendicular to, Ritchie Marlboro Road, and to provide a landscape buffer and vinyl noise fence along Ritchie Marlboro Road, to create noise and visual barriers to the rear of units from Ritchie Marlboro Road.

Variation

Section 24-113 requires that the following criteria are met. The criteria are in **BOLD** text below, while findings for each criterion are in plain text.

- (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 granting of this variation will not be detrimental to the public safety, health, or welfare, or injurious to other properties. The applicant provides that the project design is comparable to that of the Hall Station development, which locates dwelling units on lots less than 150-feet deep along MD 214 (Central Avenue), classified as a freeway in Bowie. Most outdoor pedestrian and vehicular activities will occur at the rear of the townhouses where driveways and yards are located. A noise study is provided with this plan submission that shows acceptable noise levels are achieved utilizing earthen berms and noise fences to mitigate noise at the rear of the townhouses. Thus, reducing the lot depth will not be detrimental to the public.

- (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 justifies that the subject site is uniquely located across the northern gateway to the Westphalia planning area. Specifically, the development of Westphalia Row is located on the south side of Ritchie Marlboro Road, opposite the subject site. While the Westphalia Row development is in the M-X-T Zone, this site provides transition from the single-family detached development to the east to the M-X-T Zone and single-family attached development to the west. To maintain the look and feel of that northern gateway into Westphalia, the project includes design elements (described above), which provide a similar streetscape on both sides of Ritchie Marlboro Road so that those who commute along Ritchie Marlboro Road will have similar perspectives on both sides of the road at this location. These factors together provide an appropriate basis for seeking the variation, and they create conditions which are not generally applicable to other properties.

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

The variation from Section 24-121(a)(4) is unique to, and under the sole authority of, the Planning Board. Therefore, approval of this variation request will 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 is triple-zoned, such that the residential zones applicable to the site are oriented to Ritchie Marlboro Road. The site is located between two signalized intersections at Sansbury Road and White House Road. On the east side of the property, DPR benefits from an existing access easement that connects Ritchie Marlboro Road to the large M-NCPPC park located behind the existing Greater Morning Star Apostolic Church. To the west of the property, there is a large SWM facility that mitigates potential stormwater pollution, prior to reaching the wetlands and U.S. waters located at the stormwater outfall at the pond. To the south of the property is Ritchie Marlboro Road, and to the north of the property is the church parking lot, which serves members of the Greater Morning Star Apostolic Church.

The property is surrounded by existing features, which cannot be disturbed or relocated, and by properties which enjoy a similar location for dwellings. Without this variation, the subject property would not be able to utilize the design elements necessary to create an overall streetscape that is important for the design and architectural harmony consistent with the surrounding developments. The property's physical surroundings give rise to a particular hardship that can be distinguished from a mere inconvenience if the strict letter of the regulations was carried out.

- (5) **In the R-30, R-30C, R-18, R-18C, R-IOA, 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 site is not located within the zones specified by this finding; therefore, this finding is not applicable.

The Planning Board finds that the variation request is supported by the required findings. Approval of the variation will not have the effect of nullifying the intent and purpose of the Subdivision Regulations which, in part, encourage creative residential subdivision design that accomplishes these purposes in a more efficient manner. Therefore, a variation from Section 24-121(a)(4) is **approved** to allow a reduction to the required lot depth along Ritchie Marlboro Road to 95 feet.

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on April 9, 2020, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 30th day of April 2020.

Elizabeth M. Hewlett
Chairman

By Jessica Jones
Planning Board Administrator

EMH:JJ:EDC:nz

APPROVED AS TO LEGAL SUFFICIENCY

David S. Warner /s/
M-NCPPC Legal Department

Date: April 16, 2020