THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

PGCPB No. 2020-83 File No. 4-19040

RESOLUTION

WHEREAS, Tac Woodyard, LLC/Dror Bezalel Sol MBR is the owner of a 21.82-acre parcel of land known as Parcels 149, 187, and 191, said property being in the 9th Election District of Prince George's County, Maryland, and being zoned Mixed Use-Transportation Oriented (M X-T) and is further subject to the Military Installation Overlay (M-I-O) Zone; and

WHEREAS, on December 30, 2019, TAC Woodyard, LLC filed an application for approval of a Preliminary Plan of Subdivision for 122 lots and 9 Parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-19040 for Woodyard Station was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on May 14, 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 May 14, 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 TCP1-001-2020-01, and APPROVED a Variance from 25-122(b)(1)(G), and further APPROVED Preliminary Plan of Subdivision 4-19040, including a Variation from Section 24-128(b)(7)(A), for 122 lots and 9 Parcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised to:

   a. Correct the gross floor area in General Note 17 to show 2,500 square feet of commercial use.

   b. Correct General Note 11 to show 119 townhouse lots and 2,500 square feet of commercial use.

   c. Remove General Note 20 referring to an Aviation Policy Area. Correct Table B-1 to show the Military Installation Overlay Zone rather than an Aviation Policy Area.

   d. Designate the two residential multifamily lots and one commercial lot as parcels. These must be numbered parcels rather than lettered parcels to distinguish them from the

parcels to be conveyed to the homeowners association. Adjust the parcel, development, and subdivision summary tables, as well as the general notes, accordingly.

e. Add a note on the plan, pointing to, and describing the multimodal path proposed along Mimosa Avenue. This note should be similar to the two notes already on the plan, pointing to, and describing the Mimosa Avenue bike lane and the continuous sidewalks.

2. A substantial revision to the mix of uses on the subject property that affects Subtitle 24 adequacy findings, as set forth in a resolution of approval, shall require approval of a new preliminary plan of subdivision, prior to approval of any building permits.

3. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan (23226-2019-00) and any subsequent revisions.

4. Prior to approval of a final plat, in accordance with this 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 24-128(b)(7)(A) of the Subdivision Regulations for alley access to lots fronting on private streets or open space.

b. Dedication of public utility easements along public and private streets.

c. Dedication of Mimosa Avenue and Woodyard Station Road.

d. Labeling of parcels to be conveyed to the homeowners association.

5. Prior to submission of the final plat of subdivision, three original, executed private Recreational Facilities Agreements (RFA) shall be submitted to the Development Review Division (DRD) of the Prince George's County Planning Department, for review and approval. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland, and the Liber/folio shall be reflected on the final plat, prior to recordation.

6. The applicant and the applicant's heirs, successors, and/or assignees shall allocate appropriate and developable areas for the private recreational facilities. The private recreational facilities shall be reviewed by the Urban Design Section of the Prince George's County Planning Department and the Prince George's County Department of Parks and Recreation for adequacy, in accordance with the approved preliminary plan of subdivision, proper siting, and establishment of triggers for construction at the time of detailed site plan (not including a detailed site plan for infrastructure only).

7. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* and the 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan*, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following facilities, and provide an exhibit depicting these facilities, prior to acceptance of the first detailed site plan:

a. Continuous standard sidewalks along both sides of all internal roads, excluding alleys, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence.

b. A minimum 10-foot-wide asphalt or concrete trail along Mimosa Avenue, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence.

c. Pedestrian connections to the shopping centers to the east and south, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence.

d. Inverted U-style bicycle racks installed at locations convenient to the entrance of the proposed retail.

8. Prior to certification of Preliminary Plan of Subdivision 4-19040, the Type 1 tree conservation plan (TCP1) shall be revised, as follows:

a. Add "CSP-19008" in the DRD column of the "00" approval block line.

b. Add "4-19040" in the DRD column of the "01" approval block line.

c. Review the approved Natural Resources Inventory and submitted TCP1 and revise the total site area and total woodland area to match in the woodland conservation worksheet.

d. Add "50 foot" dimension limits to the width of the on-site preservation areas.

e. Revise the woodland conservation worksheet to show revised numbers for preservation areas and ensure all site statistics are consistent between the approved Natural Resources Inventory and the TCP1.

f. Add a table identifying the location and area of the three preservation areas and reforestation area.

g. Have the revised plan signed and dated by the qualified professional preparing the plan.

9. Prior to acceptance of the detailed site plan, a revised stormwater management concept plan and approval letter from the Prince George's County Department of Permitting, Inspections and Enforcement, shall be submitted.

10. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-001-2020-01). 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 (TCP1-001-2020-01), 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."

11. 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."

12. Total development within the subject property shall be limited to uses that would generate no more than 127 AM and 146 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision, with a new determination of the adequacy of transportation facilities.

13. The applicant proffers a pro-rata payment of $976 per townhouse unit, $793 per multifamily unit, $425 per senior unit, and $1.71 per square foot of office. The payment shall be made to the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), prior to issuance of building permits, unless DPIE or the Prince George's County Department of Public Works and Transportation (DPW&T) determines that the County will not accept the proffered payment. Given that the intersection of MD 223 (Woodyard Road) and Old Branch Avenue/Brandywine Road is not a critical intersection, if DPIE/DPW&T determine that the County will not or cannot accept the payment, then no further actions are needed, and this condition is satisfied.

14. 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. The draft covenants shall be submitted to the Subdivision and Zoning Section to ensure that the rights of The Maryland-National Capital Park and Planning Commission are included. The Liber/folio of the declaration of covenants shall be noted on the final plat, prior to recordation.

15. 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 and detailed site plan. 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.

16. The applicant and the applicant's heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for construction of recreational facilities, prior to issuance of building permits.

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

1. The subdivision, as modified with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.

2. **Background**– The site is located on the north side of MD 223 (Woodyard Road), approximately 0.40 mile west of MD 5 (Branch Avenue). The site consists of three acreage parcels known as Parcels 149, 187, and 191. Parcel 149 and Parcel 187 are recorded in Liber 35346 at folio 576. Parcel 191 is recorded in Liber 35346 at folio 588. The 21.82-acre property is zoned Mixed Use-Transportation Oriented (M-X-T) and is further subject to the Military Installation Overlay (M-I-O) Zone. The site is subject to the 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan* (Sector Plan). This application includes 122 lots and 9 parcels for

development of 277 dwelling units and 2,500 square feet of commercial development. Of the 277 dwelling units, 119 are to be townhouse units, 46 are to be multifamily dwelling units, and 112 are to be senior multifamily dwelling units. The site is currently undeveloped.

The Conceptual Site Plan (CSP-19008) for this project was submitted simultaneously with this preliminary plan of subdivision (PPS). The CSP was approved by the Prince George's County Planning Board on March 12, 2020. During review of the CSP, the applicant adjusted the proposed total square footage of the commercial development upwards from 1,000 square feet to 2,500 square feet. This was in response to staff concern that 1,000 square feet may not be enough commercial development to serve the purposes of the M-X-T Zone. This same adjustment has occurred for the PPS. Appropriate tests for adequacy have been included in this PPS to analyze 2,500 square feet of commercial development.

This PPS includes townhouse lots fronting on private streets and open space and served by private alleys. Section 24-128(b)(7)(A) of the Subdivision Regulations requires that, in the M-X-T Zone, uses served by alleys have frontage on, and pedestrian access to, a public right-of-way. The applicant requested approval of a variation from this section, in order to permit the lots to front on private streets and open space, as discussed further.

A variance was requested to Section 25-122(b)(1)(G) of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) for the removal of one specimen tree (ST 5). This variance request follows a request filed with the CSP for the removal of seven specimen trees. At the time of CSP, the Planning Board approved the removal of only six specimen trees, but also noted that a second variance request for ST 5 could be filed with a subsequent application. Specimen Tree 5 is located in the middle of a proposed stormwater management (SWM) facility and is discussed further.

This PPS and Type 1 Tree Conservation Plan (TCP1), a variation from Section 24-128(b)(7)(A), and a variance to Section 25-122(b)(1)(G), are approved based on the findings contained herein.

3. **Setting**– The site is located on Tax Map 116 in Grids C-2, D-2, and D-3, and is within Planning Area 81A. The bulk of the property is contained within Parcels 149 and 191, while Parcel 187 is a 458-foot by 60-foot stem connecting the property to MD 223. Due to the shape and location of the property, it has access points to MD 223 and Mimosa Avenue, but has minimal road frontage and is otherwise surrounded entirely by private property.

Abutting the property to the northeast is the Clinton Estates subdivision, zoned One-Family Detached Residential (R-80). Mimosa Avenue is proposed for extension within this subdivision and currently terminates at the northeast edge of the subject property. Abutting to the northwest is vacant (wooded) land in the M-X-T Zone. Abutting to the west is a church in the R-80 Zone, with Old Branch Avenue beyond. Abutting to the south, between the bulk of the property and MD 223, are a combination of vacant and developed commercial properties in the Commercial Shopping Center (C-S-C) and M-X-T Zone. The surrounding properties are all subject to the M-I-O Zone for height.

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

	EXISTING	APPROVED
Zones	M-X-T/M-I-O	M-X-T/M-I-O
Use(s)	Vacant	Residential Single-Family Attached Residential Multifamily Commercial
Acreage	21.82	21.82
Parcels	3	9
Lots	0	122
Dwelling Units	0	277
Square footage	0	2,500
Variance	No	Yes Section 25-122(b)(1)(G)
Variation	No	Yes Section 24-128(b)(7)(A)

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on January 24, 2020. Following this SDRC meeting, the applicant revised the plans and the new development proposal included a variation. The requested variation from Section 24-128(b)(7)(A) was accepted on March 9, 2020 and was heard before SDRC on March 20, 2020, as required by Section 24-113(b) of the Subdivision Regulations.

5. **Previous Approvals**—This property is the subject of CSP-19008, which was approved by the Planning Board on March 12, 2020 for 119 one-family attached dwelling units, 46 multifamily dwelling units, 112 senior multifamily dwelling units, and 2,500 square feet of commercial gross floor area (GFA). CSP-19008 was approved subject to three conditions. The following conditions in **BOLD** are related to the review of this PPS:

1. Prior to certificate approval of the conceptual site plan, the following revisions shall be made, or information provided:

a. Correct the floor area ratio tabulations to show 2,500 square feet of commercial use and adjust the total floor area to represent the correction.

The PPS correctly shows 2,500 square feet GFA of commercial use in the floor area ratio tabulations; however, the General Notes still show 1,000 square feet GFA of commercial use. The commercial space shall be corrected on the plan to 2,500 square feet.

2. Prior to approval of the preliminary plan of subdivision, the following information shall be provided or shown on the plans:

a. **Provide continuous standard sidewalks along both sides of all internal roads, excluding alleys, unless modified by the Prince George's County Department of Public Works and Transportation and the Prince George's County Department of Permitting, Inspections and Enforcement with written correspondence.**

b. **Provide a bike lane along Mimosa Avenue in compliance with the Prince George's County Department of Public Works and Transportation and the Prince George's County Department of Permitting, Inspections and Enforcement standards.**

This condition is discussed in the Trails finding.

3. **Prior to issuance of any building permits within the subject property, unless modified at the time of preliminary plan of subdivision pursuant to Section 27-546(d)(9) of the Prince George's County Zoning Ordinance:**

a. **The following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency (with improvements designed, as deemed necessary, to accommodate bicycles and pedestrians):**

MD 223 at Brandywine Road/Old Branch Avenue:

(1) **On the northbound approach, provide three approach lanes with exclusive through, right-tum, and left-turn lanes.**

(2) **On the westbound approach, provide three approach lanes with exclusive through and left-tum lanes and a shared through/ right-turn lane.**

(3) **On the eastbound approach, provide four approach lanes with two through lanes and exclusive right-tum and left-turn lanes.**

If the above-listed improvements are to be provided pursuant to the "Brandywine Road and MD 223 Intersection" project in the current Prince George's County Capital Improvement Program, the applicant shall, in cooperation with the Prince George's County Department of Permitting, Inspections and Enforcement and/or the Prince George's County Department of Public Works and Transportation, demonstrate the construction and/or financial participation. This information shall be supplied to the Transportation Planning Section at the time of preliminary plan of subdivision.

During the course of review of this PPS, it was determined that the intersection of MD 223 and Old Branch Avenue/Brandywine Road cannot be deemed critical because it serves 15 percent of site-generated traffic and a maximum of 22 peak-hour trips. Consequently, the above condition will not be carried forward. This is permissible pursuant to Section 27-546(d)(9) of the Zoning Ordinance, which states that the Prince George's County District Council's finding of adequate transportation facilities during CSP review "shall not prevent the Planning Board from later amending this finding during its review of subdivision plats."

Notice is taken that the intersection of MD 223 and Old Branch Avenue/ Brandywine Road is programmed for improvement with 100 percent construction funding within the next six years in the current Prince George's County Capital Improvement Program, with the requirement for developer funding. Although not required for transportation adequacy, the applicant has proffered to contribute approximately $204,500 toward these improvements on a pro-rata basis, at the time of building permit. The exact proffer made by the applicant is worded, as follows: "The applicant proffers a pro-rata payment of $976 per townhouse unit, $793 per multifamily unit, $425 per senior unit, and $1.71 per square foot of office. The payment shall be made prior to issuance of building permit unless DPIE/DPWT determines that they will not accept the proffered payment. Since the intersection is not a critical intersection, if DPIE/DPWT determines that they will not or cannot accept the payment then no further actions are needed, and this condition is satisfied."

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

Plan 2035
This site is located within the Established Communities area. The vision for Established Communities area is context sensitive infill and low- to medium-density development.

Sector Plan
The Sector Plan recommends medium- to medium-high residential land uses on the subject property. Prince George's County Council Resolution CR-13-2018, Minor Amendment Five, to the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment*, reclassified the subject properties from the M-I-O, C-S-C, Commercial Office, One-Family Detached Residential (R-55), and R-80 Zones to the M-X-T and the M-I-O Zones.

Pursuant to Section 24-121(a)(5) of the Subdivision Regulations, conformance of the PPS for the subject property to the Sector Plan is not required because of Prince George's County Council Resolution CR-13-2018, Minor Amendment Five. This event renders the future land use recommendations of the Sector Plan no longer appropriate.

Aviation/MIOZ
This application is in Area E, Conical Surface (20:1) – Left Runway of the M-I-O Zone - Height. Pursuant to Section 27-548.54, the maximum building height on the subject property should not

exceed 230 feet. Building heights are not proposed to exceed this requirement and will be further evaluated at the time of detailed site plan (DSP) review.

7. **Stormwater Management**—An SWM Concept Approval Letter (23226-2019-00) and associated plan were submitted with this PPS. The SWM concept approval was issued on November 18, 2019 from the Prince George County Department of Permitting, Inspections and Enforcement (DPIE). The plan proposes to construct 51 micro-bioretention ponds. No SWM fee for on-site attenuation/quality control measures is required. The development plan that was approved by DPIE was changed during the CSP review process. A revised SWM concept approval letter is required prior to DSP acceptance.

   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 Sector Plan; CSP-19008; the Land Preservation, Parks and Recreation Program (LPPRP) 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.

   Per Section 24-134(a) of the Subdivision Regulations, the residential portion of this development is subject to the mandatory dedication requirement of approximately 3.27 acres of parkland. The applicant proposes to meet this requirement by providing multiple on-site green spaces located throughout the development containing various recreational facilities, as shown on the applicant's Conceptual Open Space Recreational Diagram, dated March 19, 2020 and incorporated by reference herein. According to the LPPRP, there is significant need for recreational facilities in the surrounding community of Service Area 8. Given the M-X-T-zoning of the property and the dense nature of the development's design, a trail system connecting multiple on-site green spaces with various recreational facilities is an appropriate approach to meet the recreational needs of the proposed population of the development.

   Located approximately in the middle of this development is a central green area/pocket park with recreational facilities, which will serve as the focal point for the community. Along the main road (Mimosa Avenue), traversing through the development, will be a 10-foot-wide, concrete multimodal trail, proposed as part of a modified roadway section within a public right-of-way, subject to Prince George's County Department of Public Works and Transportation approval. The trail will act as a spine through the community and connect the numerous green spaces, sitting areas, play areas, and covered gathering spaces interspersed throughout residential portions of the development. The final list of proposed recreational amenities and locations shall be reviewed and approved, at the time of DSP.

9. **Trails**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the Sector Plan, to provide the appropriate pedestrian and bicycle transportation facilities.

Review of Connectivity to Adjacent/Nearby Properties
The subject site is adjacent to residential properties to the north and commercial shopping centers to the east and south, with no current connections. At the time of CSP, additional pedestrian and bicycle connections to the adjacent shopping centers were recommended.

Review of Proposed On-Site Improvements
The development includes sidewalk on both sides of all internal roadways, except the roads identified on the plans. Pedestrian connections between residential and nonresidential uses are also proposed, as well as a multimodal path along the north side of Mimosa Avenue.

These improvements create a convenient pedestrian system that meet the findings pursuant to Section 27-546(d)(7). The submitted PPS does not include blocks over 750 feet long and therefore does not need to provide additional walkway facilities and mid-block crossing facilities, pursuant to Section 24-121(a)(9).

Review of Master Plan of Transportation Compliance
The site is impacted by one MPOT trail including a planned bike lane along I-507 at the southern portion of the site's boundaries. The Complete Streets element of the MPOT reinforces the need for multimodal transportation and includes the following policies regarding the accommodation of pedestrians and bicyclists (pages 9–10):

> **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.**
>
> **Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities.***

Standard sidewalk shall be provided along both sides of all internal roads, excluding alleys, to fulfill the intent of Policy 1. The submitted open space recreation diagram depicts sidewalk on both sides of some, but not all of the proposed roadways. The internal sidewalk network will be evaluated further at the time of DSP.

The MPOT recommends bicycle lanes along master plan road I-507. The extension of Mimosa Avenue meets the functional intent of this master plan road, and accordingly a bicycle facility should be provided with it. The applicant has proposed a separate multimodal path that is parallel to the Mimosa Avenue Roadway, which meets the intent of the master plan. Therefore, the proposed facility shall be maintained. A separated and parallel facility can be more valuable than in-road bicycle lanes, because people experience an increased level of comfort and safety using facilities that are fully separated from the motor vehicle travel lanes than facilities that are only

separated by paint. This multimodal path shall be asphalt or concrete and at least 10-feet-wide to accommodate traffic in both directions, as well as passing space. This facility will fulfill the intent of Policies 2 and 4.

Designated space for bicycle parking that is convenient to the building entrance of the proposed retail is an important component of a bicycle-friendly network. Installation of inverted U-style bicycle racks shall be provided.

Review of Area Master Plan Compliance
The Sector Plan includes the following recommendations regarding the accommodation of pedestrian and bicycle facilities (page 99):

- **Design interior streets with an interconnected grid or modified grid street pattern with sidewalks and street tree planting. Provide pedestrian amenities that include trash receptacles, benches and bus shelter.**

- **Provide vehicular and pedestrian connectivity from Woodyard Crossing to the adjacent neighborhoods to the west.**

The development includes the extension of Mimosa Avenue that fulfills the intent of the roadway I-507, per the area master plan. Sidewalk along both sides of the roadway, to include wide and standard sidewalk throughout the development, fulfill the intent of the policy above. Additional pedestrian features will be evaluated at DSP. Additional connections to the adjacent shopping centers to the east and south are reflected on the submitted plans and fulfill the intent of the policy above. These connections will be reviewed further at the time of DSP. These improvements create a convenient pedestrian system that meet the findings, pursuant to Section 27-546(d)(7).

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 that will be used for the analysis and for formulating the eventual trip cap for the site. The proposed uses have the following trip generation (with the use quantities shown in the table as described in the submitted traffic study). The trip generation is estimated using trip rates and requirements in the "Transportation Review Guidelines, Part 1" (Guidelines) and Trip Generation (Institute of Transportation Engineers):

Trip Generation Summary: 4-19040: Woodyard Station								
			AM Peak Hour			PM Peak Hour		
Land Use	**Use Quantity**	**Metric**	**In**	**Out**	**Total**	**In**	**Out**	**Total**
Townhouse	119	Units	17	66	83	62	33	95
Multifamily	46	Units	5	19	24	18	10	28
Senior Housing (multifamily building)	112	Units	6	9	15	11	7	18
Net Residential Trips			**28**	**94**	**122**	**91**	**50**	**141**
General Office	**2,500**	**Square feet**	**5**	**0**	**5**	**1**	**4**	**5**
Total Trips, 4-19040 (sum of bold numbers)			**33**	**94**	**127**	**92**	**54**	**146**

The applicant's traffic study shows the site with the following trip distribution:

- 50 percent north along MD 5
- 15 percent east/northeast along MD 223 (Woodyard Road)
- 15 percent south along MD 5
- 15 percent west/southwest along MD 223 (Piscataway Road)
- 5 percent north along Coventry Way and Old Branch Avenue

This trip distribution was agreed upon by the Transportation Planning Section at the time of scoping. The list of critical intersections is determined using the following criterion in the Guidelines:

The study area should generally include all significant transportation facilities to which 20 percent or 150 peak-hour trips (whichever is less) of the application's site-generated traffic is assigned.

Consequently, the MD 223 at Old Branch Avenue/Brandywine Road intersection was included in the traffic study, but it cannot be deemed critical because it serves 15 percent of site-generated traffic and a maximum of 22 peak-hour trips. It is presented for information purposes only.

A traffic impact study, dated October 2019 and revised in March 2020, was submitted and accepted as part of this application. 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 5 at Coventry Way	630	786	A	A
Coventry Way at Schultz Road	14.9*	17.6*	--	--
Schultz Road at Springbrook Lane	9.6*	10.2*	--	--
Schultz Road at Rockwell Drive	8.7*	8.9*	--	--
MD 5 at MD 223	1,044	1,110	B	B
MD 5 at Woody Terrace	835	1,001	A	B
MD 5 at Pine View Lane	852	1,158	A	C
MD 223 at site access	Future	--	--	--
**MD 223 at Old Branch Avenue/Brandywine Road	1,348**	1,318**	D**	D**

*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.

**This intersection is deemed to be not critical and the results are presented for informational purposes only.

No approved developments are identified in the study area for the purpose of developing background traffic. Given the major growth just outside of the study area, a 1.5 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)**	
MD 5 at Coventry Way	688	859	A	A
Coventry Way at Schultz Road	16.4*	20.5*	--	--
Schultz Road at Springbrook Lane	9.7*	10.4*	--	--
Schultz Road at Rockwell Drive	8.8*	9.0*	--	--
MD 5 at MD 223	1,142	1,213	B	C
MD 5 at Woody Terrace	913	1,095	A	B
MD 5 at Pine View Lane	931	1,267	A	C
MD 223 at site access	Future	--	--	--
**MD 223 at Old Branch Avenue/Brandywine Road	1,473**	1,441**	E**	D**

*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.

**This intersection is deemed to be not critical and the results are presented for informational purposes only.

The following critical intersections, interchanges, and links identified above, when analyzed with 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 5 at Coventry Way	707	870	A	A
Coventry Way at Schultz Road	16.5*	20.8*	--	--
Schultz Road at Springbrook Lane	10.0*	10.9*	--	--
Schultz Road at Rockwell Drive	8.9*	9.0*	--	--
MD 5 at MD 223	1,153	1,226	C	C
MD 5 at Woody Terrace	937	1,108	A	B
MD 5 at Pine View Lane	955	1,281	A	C
MD 223 at site access (standards for passing are shown in parentheses)				
Delay Test (50 seconds or less)	52.2*	63.9*	Fail	Fail
Minor Street Volume Test (100 or fewer)	58	33	Pass	Pass
**MD 223 at Old Branch Avenue/Brandywine Road	1,483**	1,454**	E**	E**
*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. **This intersection is deemed to be not critical and the results are presented for informational purposes only.				

All critical intersections operate acceptably in each peak hour.

Access and Circulation

MD 223 (Woodyard Road) is a master plan arterial facility with a minimum proposed width of 120 feet and a variable right-of-way. The right-of-way is acceptable as shown on the PPS.

The planned roadways P-509 and I-507 are depicted on the Sector Plan. P-509 is a primary roadway facility connecting existing Mimosa Avenue to MD 223. I-507 is a commercial roadway providing an east-west connection between properties on the north side of MD 223 and the subject site. This PPS proposes the following streets:

a. An extension of Mimosa Avenue curving westward from the end of the existing street and stubbing to the property to the west.

b. Woodyard Station Road, connecting the extension of Mimosa Avenue to MD 223.

c. Road BB, a public roadway, connecting the extension of Mimosa Avenue to the M-X-T-zoned Parcel 148, to the north of the site.

d. Road EE, a public roadway, proposed for partial dedication connecting Woodyard Station Road to the commercial property, to the east of the site.

Mimosa Avenue, Woodyard Station Road, and Road EE meet the functional intent of P-509 and I-507, as depicted on the Sector Plan. Likewise, Road BB helps to create improved connectivity, a gridded street pattern, and a more walkable environment within the area termed the Clinton Commercial Core Focus Area and is strongly supported.

Variation Request

The Subdivision Regulations generally require that no subdivision plan be approved that provides for a private road or easement as the means of vehicular access to any lot. In the M-X-T Zone, the Planning Board may approve a subdivision with alleys to serve any permitted use, provided the lot has frontage on and pedestrian access to a public right-of-way. The applicant seeks a variation from this requirement as found in Section-24-128(b)(7)(A) of the Subdivision Regulations. The current configuration for this PPS shows several townhouses with access from rear alleys and frontage on either private streets or homeowners association open space, thereby creating a need for the variation. The applicant requests a variation pursuant to Section 24-113. There are five criteria that must be met for this variation to be approved. The criteria, and required findings, are noted below:

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

There is no indication that the proposed access would be injurious to other property. The applicant's statement of justification (SOJ) in support of the variation states that units fronting on homeowners association open space have sidewalks leading to public streets; this must be checked on the DSP. Also, alleys are designed with a 22-foot pavement width within a 24-foot right-of-way, making this alley design a rough equivalent to a private street. This will ensure the variation is not detrimental to the public safety, health, 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;

The SOJ notes that the subject property is crossed by several master-planned roadways that are intended to provide a grid network and improved connectivity among several properties. The alley system has been designed to minimize the visibility of garages and minimizes driveway interruption to the grid network. The issues introduced by imposing the grid-type network on the subject property are unique, as no other property is crossed by this specific combination of master-planned roadways.

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

The variation from Section 24-128(b)(7)(A) is unique to the Subdivision Regulations and under the sole authority of the Planning Board, therefore approval of this variation request will not violate other applicable laws. The applicant's SOJ asserts that a variation of this nature furthers the objectives of Plan 2035 and the Sector Plan. Furthermore, the

SOJ states that all lots affected by this variation either (a) front on a private street designed to DPIE requirements or (b) are accessed by alleys accessible to emergency vehicles with a 22-foot pavement width.

(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 property is adjacent to undeveloped properties in the M-X-T Zone, and it is also adjacent to commercial properties that are developed and on which redevelopment is hoped to occur in the future. The site is bisected by proposed intersecting roadways, which provide public infrastructure designed for connectivity envisioned in the Sector Plan and further define the development areas within the site. The applicant asserts that developing the site while also meeting the Sector Plan goals cannot be realized without the variation, and notes that the loss of several units would be a hardship. Based on the physical surroundings and the recommendations in the Sector Plan, which constrain the developable areas of the site, further constraints on the developable areas, which can be designed for adequate circulation without the need for additional public roads, would be an avoidable hardship in this case.

(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 site is in the M-X-T Zone, and therefore this criterion 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 is to guide development according to Plan 2035 and the Sector Plan.

Therefore, the variation from Section 24-128(b)(7)(A) to allow access via alleys to lots not fronting on public streets is approved.

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

11. **Schools**—This PPS has been reviewed for impact on school facilities, in accordance with Section 24-122.02 of the Subdivision Regulations and CR-23-200. Per Section 24-122.02(b)(2), Elderly housing, operated in accordance with State and Federal Fair Housing law is exempt from the

schools facility analysis. The analysis below, excluding the 112 proposed elderly multifamily housing, yields the following results:

Impact on Affected Public School Clusters by Dwelling Units

Affected School Cluster #	Elementary School Cluster 6	Middle School Cluster 6	High School Cluster 6
Single-family Attached Dwelling Units	119 DU	119 DU	119 DU
Pupil Yield Factor	0.145	0.076	0.108
Future Single-family Attached Enrollment	17	9	13
Multi-family Dwelling Units (Regular)	46 DU	46 DU	46 DU
Pupil Yield Factor	0.119	0.054	0.074
Future Multi-family Enrollment	5	2	3
Total Future Subdivision Enrollment	22	11	16
Actual Enrollment in 2018	4,795	1,923	2,471
Total Enrollment	4,817	1,934	2,487
State Rated Capacity	6,401	2,490	3,754
Percent Capacity	75%	78%	66%

Section 10-192.01 of the Prince George's County Code establishes school surcharges and an annual adjustment for inflation, unrelated to the provision of Subtitle 24 of the County Code. The current amount is $9,741 per dwelling if a building is located between the 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 I-95/I-495; 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 April 17, 2020 (Thompson to Diaz-Campbell), incorporated by reference herein.

13. **Use Conversion**—The total development included in this PPS is for 119 single-family attached dwellings, 46 multifamily dwelling units, 112 senior multifamily dwelling units, and 2,500 square feet of commercial GFA. 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 public utility easements (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's frontage on public rights-of-way of MD 223 and the existing stub of Mimosa Avenue will be extended through the dedication of additional roadways within the site. All new public and private streets to be constructed with the development, including the extension of Mimosa Avenue, reflect the required PUEs. It is noted that PUEs are not required from this site, along the portion of Woodyard Station Road to be dedicated from Parcel 187, because the road's 60-foot right-of-way will fill the entire width of Parcel 187. The PUEs would be positioned on neighboring private property not subject to this application.

15. **Historic**—A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicated that the probability of archeological sites within the subject site was high. A Phase I archeology survey was completed and submitted for the site. Based on the Phase I archeology report, no further archeology is required. The subject property does not contain, and is not adjacent to, any designated Prince George's County historic sites or resources.

16. **Environmental**—The subject PPS and a TCP1 were accepted on December 30, 2019. Verbal and written comments were provided in an SDRC meeting on January 24, 2020. Revised plans were submitted on March 19, 2020, and further comments were given at an SDRC meeting on March 23, 2020. The following applications and associated plans for the subject site were previously reviewed:

Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
NRI-033-2019	N/A	Staff	Approved	09/06/2019	N/A
CSP-19008	TCP1-001-2020	Planning Board	Approved	03/12/2020	2020-34
4-19040	TCP1-001-2020-10	Planning Board	Approved	5/14/2020	2020-83

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 this is a new PPS.

Site Description
A review of the available information indicates that no regulated environmental features are present on-site. The soil types found on-site according to the U.S. Department of Agriculture, Natural Resources Conservation Services, Web Soil Survey are Beltsville-Urban Land complex, Evesboro-Downer complex, Grosstown-Hoghole-Urban land, Matapeake silt loam, Sassarfras sandy loam Urban land-Grosstown complex. Marlboro and Christiana clays do not occur on or in the vicinity of this site. According to the Sensitive Species Project Review Area map received

from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or near this property. There is a level high location in the middle of the property and the on-site stormwater drains to the east and west of the high flat area, towards the adjacent subdivision and commercial area. This site is in the Piscataway Creek watershed, which flows into the Potomac River. The site has frontage on MD 223, which is identified as a master plan arterial roadway and an historic roadway. The site is located within the Environmental Strategy Area 2 of the Regulated Environmental Protection Areas Map, as designated by Plan 2035.

Master Plan Conformance
The subject property has been evaluated for conformance to the Sector Plan and is found to be consistent with the plan recommendations, as set forth in this resolution.

Conformance with the *Countywide Green Infrastructure Plan*
Approximately 70 percent of the site is within the green infrastructure network containing evaluation areas. The evaluation area is just within the existing woodlands on-site. The previous 2005 green infrastructure plan showed no network areas on-site. The following policies support the stated measurable objectives of the *Countywide Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan.*

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

Note that the 2002 General Plan has been superseded by Plan 2035.

The TCP1 preserves woodlands along portions of the southern, western, and eastern property lines. The southern and eastern preservation areas are to maintain 50-foot-wide existing woodland buffers from the adjacent uses.

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

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

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

The current General Plan, Plan 2035, designates the site within ESA 2 (formerly the Developing Tier). The TCP1 proposes to preserve 0.68 acre of existing woodland as woodland buffers.

Environmental Review

Natural Resources Inventory Plan/Existing Features
A Natural Resources Inventory, NRI-033-2019, was approved on September 6, 2019, and provided with this application. The site contains no regulated environmental features and 18.20 acres of woodlands. There are eight specimen trees scattered throughout the property. The TCP1 and the PPS show all the required information correctly, in conformance with the NRI.

Woodland Conservation
This property is subject to the provisions of the WCO because the property is greater than 40,000 square feet in size and contains more than 10,000 square feet of existing woodland. TCP1-001-2020 was submitted with the CSP application and an -01 revision was submitted with the current PPS application.

Based on the NRI submitted with this application, the total site area is 21.80 acres and contains 18.20 acres of woodlands, but the submitted TCP1 states that the total site area is 21.82 acres and contains 18.10 acres of woodlands. These numbers need to be corrected, and the NRI needs to be revised or the TCP1 needs to reflect the NRI numbers. The woodland conservation worksheet needs to be revised to show the corrected numbers.

There are three preserved woodland areas along the southern, western, and eastern property lines. These areas should be 50 feet wide to qualify as a preservation area. This project plans on clearing 17.17 acres of on-site woodlands and plans on meeting the woodland conservation required with on-site preservation, reforestation, and off-site woodland conservation credits.

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 specimen tree table lists eight specimen trees that are located on-site. Six specimen trees (ST 1, 2, 3, 4, 6, and 7) were approved for removal and one specimen tree (ST 5) was denied removal with CSP-19008. This current application includes the removal of ST 5.

Review of Subtitle 25 Variance Request
A Subtitle 25 variance application, an SOJ in support of a variance, and a tree removal plan were received for review on March 19, 2020.

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 removal of one specimen tree located on-site. Details specific to the individual trees have also been provided in the following chart.

SPECIMEN TREE SCHEDULE SUMMARY

ST #	COMMON NAME	DIAMETER DBH (inches)	RATING	CONDITION	APPLICANT'S PROPOSED DISPOSITION	STAFF'S RECOMMENDATION
1	White Oak	58	Poor	Substantial Limb Dieback	To be removed	To be removed (Per CSP-19008)
2	White Oak	33	Good		To be removed	To be removed (Per CSP-19008)
3	White Oak	32	Poor	Major Limb Failure	To be removed	To be removed (Per CSP-19008)
4	White Oak	32	Poor	Major Limb Failure	To be removed	To be removed (Per CSP-19008)
5	Southern Red Oak	49	Good		To be removed	To be removed (Per 4-19040)
6	White Oak	31	Fair	Sucker Growth at Trunk, Limited Crown	To be removed	To be removed (Per CSP-19008)
7	Southern Red Oak	31	Poor	Dead Second Stem, Limb Dieback	To be removed	To be removed (Per CSP-19008)
8	White Oak	33	Good		To remain	To remain

Statement of Justification
A variance from Section 25-122(b)(1)(G) is requested for the clearing of one specimen tree on-site. The site consists of 21.80 acres and is zoned M-X-T. The current PPS for this property is for 122 lots and 9 parcels for development of 119 single family attached dwellings, and 158 multifamily dwelling units. This variance was requested to the WCO, which requires, under Section 25-122, that "woodland conservation shall be designed as stated in this Division unless a variance is approved by the approving authority for the associated case." The Subtitle 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;

The on-site specimen trees are located throughout the site, which in an M-X-T-zoned property makes it difficult to preserve specimen trees and provide woodland preservation. Specimen Tree 5 has a condition rating of good with no health issues. This tree is located in a low elevation area of the site, adjacent to an existing stormdrain system, and stormwater will be directed towards this area. Specimen Tree 5 is located in an area proposed for SWM and adjacent to a woodland preservation area. An alternative design layout was submitted showing, if the preservation area and SWM were in the reverse locations, the impact that ST 5 would incur. This design showed that over 50 percent of

the critical root zone would be impacted. The road design with the tie-in to the adjacent off-site roadway also narrows the available land area that would be needed to save this tree.

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

The protection of an existing good condition specimen tree within a proposed development area would be required to be protected in similar applications. As part of this review, the engineer was requested to submit an alternative design layout to show how the specimen tree could be saved by reversing the location of the SWM and preservation areas. The amount of area required for stormwater volume had grading that impacted over 50 percent of the critical root zone. Also, the road design, with the tie-in to the adjacent off-site roadway, narrows land area available to save this tree. The review of the alternative design layout showed that keeping ST 5 would prevent the site from having adequate SWM thus depriving the applicant of rights commonly enjoyed by similar projects within the area.

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

See criterion B.

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

This request is not based on conditions or circumstances which are solely the result of actions by the applicant. The removal of the specimen tree is primarily due to the intense density of the development envisioned with the Sector Plan.

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

This request is not based on a condition relating to land or a building use on a neighboring property. This request is based on the proposed layout which meets the intense density of the development envisioned with the Sector Plan.

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

The proposed Woodyard Station development will not adversely affect water quality because the review of the project will be subject to the requirements of the Maryland Department of the Environment (MDE), the Prince George's County Soil Conservation District, and approval of a SWM concept plan by DPIE.

The required findings of Section 25-119(d) have been adequately addressed for the removal of ST 5 based on the level of design information currently available, and the limits of disturbance shown on the TCP1. In the approval of CSP-19008, there were six specimen trees (ST 1, 2, 3, 4, 6, and 7) which were also approved for removal.

Preservation of Regulated Environmental Features/Primary Management Area
This application does not contain any on-site regulated environmental features or primary management areas.

Erosion and Sediment Control
No information with respect to erosion and sediment control was submitted with the subject application; however, it should be noted that the site is located within a Tier II catchment area (Piscataway Creek) as designated by MDE. Tier II streams are high quality stream segments that have an existing water quality that is significantly better than the minimum water quality standards. There are no regulated environmental features located on-site or identified on the adjacent parcels; however, the Soil Conservation District may require additional or redundant erosion and sediment control devices.

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

Conformance with the Requirements of the Prince George's County Zoning Ordinance
The development proposal of this site in the M-X-T and M-I-O Zones will be subject to DSP review for conformance with the regulations of the Zoning Ordinance, including but not limited to, the following:

a. Section 27-547(b) regarding the Table of Uses for the M-X-T Zone;

b. Sections 27-544 regarding regulations in the M-X-T Zone;

c. Section 27-548 regarding additional regulations in the M-X-T Zone;

d. Part 10C of the Zoning Ordinance regarding the M-I-O Zone (Site is partially within Runway E for height); and

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

Because the site is within the M-I-O Zone, any reference to Part 10B of the Zoning Ordinance, such as General Note 20 for Aviation Policy Area, shall be removed.

Conformance with Previous Approvals
CSP-19008 was previously approved by the Planning Board on March 12, 2020, and the resolution (PGCPB Resolution No. 2020-34) was adopted on April 2, 2020 for development of 119 townhouses, 46 multifamily dwelling units, a 112-unit apartment housing for the elderly (senior multifamily), and 2,500 square feet of commercial/retail uses, subject to three conditions.

The CSP is still within the 30-day appealing period when a party of record can appeal the Planning Board's approval of this application to the District Council. Additional conditions may be attached to this approval as the result of the District Council's further review.

Conformance with the 2010 Prince George's County Landscape Manual
The proposed development is subject to the provisions of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Conformance with the following requirements of the Landscape Manual: Section 4.1, Residential Requirements; Section 4.2, Requirements for Landscape Strips along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses; Section 4.9, Sustainable Landscaping Requirements; and Section 4.10, Street Trees Along Private Streets, will be reviewed at the 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 projects that propose more than 5,000 square feet of GFA or disturbance and require a grading permit. The subject site, being zoned M-X-T, is required to provide a minimum of 10 percent of the gross tract area with tree canopy. Conformance with the requirements of the Tree Canopy Coverage Ordinance will be ensured at the time of approval of a DSP.

Private Recreational Facilities
In accordance with the current formula for determining the value of recreational facilities to be provided in multifamily development, for 158 multifamily dwelling units in Planning Area 81A, a recreational facility package of approximately $184,655.00 is required. Conformance with the recreational obligation will be reviewed at the time of DSP.

In accordance with the current formula for determining the value of recreational facilities to be provided for single-family attached development, for 119 townhouse units in Planning Area 81A, a recreational facility package of approximately $134,212 is required. Conformance with the recreational obligation will be reviewed at the time of DSP.

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, May 14, 2020, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of June 2020.

Elizabeth M. Hewlett
Chairman

By Jessica Jones
Planning Board Administrator

EMH:JJ:EDC:nz

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department
Date: May 18, 2020