



# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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Upper Marlboro, Maryland 20772  
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PGCPB No. 2021-56

File No. 4-20007

## R E S O L U T I O N

WHEREAS, HME Investments, LLC is the owner of a 3.53-acre parcel of land known as Part of Lot 71, said property being in the 9th Election District of Prince George's County, Maryland, and being zoned One-Family Detached Residential (R-80) and Military Installation Overlay (M-I-O); and

WHEREAS, on February 24, 2021, 8230 Schultz Road, LLC filed an application for approval of a Preliminary Plan of Subdivision for 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-20007 for 8230 Schultz Road Senior Housing 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 29, 2021, 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 29, 2021, 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 TCP1-002-2021, and further APPROVED Preliminary Plan of Subdivision 4-20007 for 1 parcel with the following conditions:

1. Prior to approval of the first building permit for the subject property, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that the following adequate pedestrian and bikeway facilities, as designated below, in accordance with Section 24-124.01 of the Prince George's County Subdivision Regulations (Required Off-Site Facilities), have (a) full financial assurances, (b) been permitted for construction through the applicable operating agency's access permit process, and (c) an agreed-upon timetable for construction and completion with the appropriate agency:
  - a. Sidewalk, Americans with Disabilities Act curb ramps, and crosswalk improvements at the intersection of Schultz Road and Weimar Court.
2. Prior to approval of a building permit, in conformance with the 2009 *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:

- a. A minimum 10-foot-wide shared-use path along the subject site frontage of Schultz Road, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence.
3. Prior to approval of a building permit, the applicant and the applicant's heirs, successors, and/or assignees shall provide an exhibit that illustrates the location, limits, specifications, and details of the required on-site facilities necessary to meet pedestrian and bicyclist adequacy throughout the subdivision on the approved site plan for the subject site. These facilities shall include:
  - a. Pedestrian and bicycle amenities including lighting, benches, and trash receptacles, in addition to amenities provided on the special exception site plan.
  - b. Long-term bicycle parking consistent with the 2012 American Association of State Highway and Transportation Officials Guide for the Development of Bicycle Facilities.
4. Total development within the subject property shall be limited to uses which generate no more than 12 AM peak-hour trips and 14 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require approval of a new preliminary plan of subdivision, with a new determination of the adequacy of transportation facilities, prior to issuance of any permits.
5. Prior to signature approval of the preliminary plan, the Type 1 tree conservation plan shall be revised as follows:
  - a. Add another "Proposed Easement for Pea Hill Branch Trail" label within the easement near the southern property line.
  - b. Have the revised plan signed and dated by the qualified professional preparing the plan.
6. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area, except for 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."
7. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-002-2021). 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 (TCP1-002-2021 or most recent revision), or as modified by the Type

2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the 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."

8. 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."

9. Prior to issuance of any permits, which impact wetlands, wetland buffers, streams or waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
10. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan (13295-2020-00) and any subsequent revisions.
11. At the time of final plat, the applicant shall dedicate approximately 1,915 square feet of area as right-of-way along the property frontage on Schultz Road, in accordance with the approved preliminary plan of subdivision.
12. The following requirements shall be met, prior to approval of the final plat of subdivision:
  - a. The final plat shall grant 10-foot-wide public utility easements along the public rights-of-way abutting the site, in accordance with the approved preliminary plan of subdivision.
  - b. Prior to approval of a final plat, the applicant and the applicant's heirs, successors, and/or assignees shall provide a draft Public Use Access Easement Agreement or Covenant for Pea Hill Branch Trail, to the Maryland-National Capital Park and Planning Commission (M-NCPPC), Department of Parks and Recreation, for approval. The easement agreement shall contain the rights of M-NCPPC, be recorded in land records, and the Liber/folio shown on the final plat, prior to recordation. The final plat shall reflect the location and extent of the easement, in accordance with the approved preliminary plan of subdivision.
13. The applicant and the applicant's heirs, successors, and/or assignees shall provide adequate and developable areas for private on-site recreational facilities, in accordance with the standards outlined in the *Prince George's County Parks and Recreation Facilities Guidelines*. The private recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division of the Prince George's County Planning Department for adequacy, proper siting,

and establishment of triggers for construction prior to certificate approval of the special exception.

14. The applicant and the applicant's heirs, successors, and/or assignees shall submit three original recreational facilities agreements (RFAs) to the Development Review Division (DRD) of the Prince George's County Planning Department, for construction of recreational facilities on-site for approval, prior to submission of final plats. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records and the Liber/folio indicated on the final plat, prior to recordation.
15. 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 private on-site recreational facilities, prior to issuance of building permits.
16. Any commercial development on the subject property shall require approval of a new preliminary plan of subdivision, prior to issuance of permits.
17. Prior to approval of building permits, certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that the building shells of structures have been designed to reduce interior noise levels to 45 dBA Ldn or less.

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

1. The subdivision, as modified with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject site is known as Part of Lot 71, shown on a plat for Charles C. Schultz's subdivision, recorded in Plat Book BB 7 page 93 in May 1940. Lot 71, as shown on Plat Book 7-93, has been modified subsequent to recordation by conveyance of right-of-way (ROW), and the property is therefore no longer configured as shown on the record plat. The subject property is 3.53 acres in the One-Family Detached Residential (R-80) Zone and is also within the Military Installation Overlay (M-I-O) Zone for height. The site is located at 8230 Schultz Road in Clinton and is subject to the 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan* (Central Branch Avenue Sector Plan).

This preliminary plan of subdivision (PPS) application includes one parcel for residential development with 90 apartment dwelling units. Apartment housing for elderly or handicapped families in a building other than a surplus public school building is permitted in the R-80-Zone, subject to the approval of a special exception, in accordance with Part 4 of the Prince George's County Zoning Ordinance. A Special Exception (SE-4830), to permit the proposed use on the property, was endorsed by the Prince George's County Planning Board on the March 25, 2021 consent agenda, with six recommended conditions, and was transmitted to the Zoning Hearing

Examiner (ZHE). The ZHE has a public hearing scheduled on May 12, 2021 for the SE-4830 application.

3. **Setting**—The subject site is located on Tax Map 116 in Grid D1, and is within Planning Area 81A. The subject property is undeveloped with woodlands along the southwestern edge.

The site is located west of MD 5 (Branch Avenue) in the southeast quadrant of the intersection of Schultz Road and Springbrook Lane, in Clinton. The following developments abut the subject site: the ROW of Schultz Road to the northwest, with single-family detached dwellings in the R-80 Zone beyond; the ROW of Springbrook Lane to the northeast, with a single commercial office building in the Commercial Miscellaneous Zone beyond; a stormwater pond within an extension of the ROW of MD 5 to the east; and a single-family dwelling and undeveloped land in the R-80 Zone to the south.

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

	<b>EXISTING</b>	<b>APPROVED</b>
Zone	R-80/M-I-O	R-80/M-I-O
Use(s)	Vacant	Residential
Acreage	3.53	3.53
Gross Floor Area	0	0
Parcels	0	1
Lots	1	0
Outlots	0	0
Variance	No	No
Variation	No	No

Pursuant to Section 24-119(d)(2) of the Prince George's County Subdivision Regulations, this case was heard at the Subdivision and Development Review Committee (SDRC) meeting on March 19, 2021.

5. **Previous Approvals**—The property is not the subject of a previously approved PPS. Since the property has a final plat of subdivision approved prior to October 27, 1970, development on the subject property proposing more than one single-family detached dwelling, or greater than 5,000 square feet of gross floor area, requires resubdivision of the property, in accordance with Section 24-111 of the Prince George's County Subdivision Regulations. Approval of a final plat of subdivision will also be required, following approval of this PPS, prior to approval of building permits for the subject property.

As stated earlier, SE-4830 is scheduled to be heard by the ZHE on May 12, 2021 to permit the proposed development on the subject property. Relevant recommended conditions of approval of SE-4830, which are relevant to the review of this PPS, are presented below:

1. **Prior to certificate approval of Special Exception SE-4830, the applicant shall revise the special exception plan as follows:**

- a. **Provide details and a cost estimate for the private on-site recreational facilities, including a floor plan for any interior recreational amenities.**

SE-4830 proposes recreational and social amenities which are largely indoors with the exception of the outdoor patio. The applicant's statement of justification (SOJ) provided some additional description of proffered interior building amenities, including a hospitality suite to accommodate overnight visitors of the residents, a community multipurpose room with a kitchenette, a sitting room, a party room with a warming kitchen, and a fitness room. However, no detailed plans of the facilities are included with the special exception site plan. A cost estimate for the on-site recreational facilities was submitted by the applicant with this PPS application, and its review is further addressed under Finding 8.

3. **Prior to the approval of a preliminary plan of subdivision, the applicant and the applicant's heirs, successors, and/or assignees shall provide an easement along the master plan Pea Hill Branch Connection shared-use path on the west side of the subject property, in accordance with the Prince George's County Department of Parks and Recreation.**

The requirement of the master plan trail easement is discussed further under Finding 8.

6. **Community Planning**—The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and conformance with the Central Branch Avenue Sector Plan are evaluated, as follows:

#### **Plan 2035**

Plan 2035 places the subject property in the Established Communities Growth Policy Area. Established Communities are most appropriate for context-sensitive infill and low- to medium-density development (Map 1, Prince George's County Growth Policy Map, pages 18-20).

#### **Sector Plan**

The Central Branch Avenue Sector Plan retained the subject property into the R-80 Zone and recommends open space as future land use on the subject property. The vision for an open space is to integrate public space to enhance development character, encourage pedestrian use, contribute to community life, and improve the positive experience of daily activities (page 119).

The Planning Board approved transmittal of the recommendation for approval of SE-4830 to construct a 90-unit apartment for elderly and handicapped families to the ZHE on March 25, 2021, which is a permitted use in the R-80 Zone, subject to special exception approval. Pursuant to Section 24-121(a)(5) of the Subdivision Regulations, this application is not required

to conform to the sector plan land use recommendation because the Prince George's County District Council has not imposed the recommended open space zoning on the subject property. However, recommendations to enhance pedestrian activity are made as part of the Parks and Recreation and bicycle and pedestrian findings.

**Aviation/M-I-O-Z**

This application is located within the M-I-O Zone in the Area Label E, Conical Surface (20:1)-Left Runway. Pursuant to Zoning Ordinance Section 27-548.54(e)(2)(D) Requirement for Heights, the applicant must conform to the maximum height requirement. The height of the proposed building was evaluated with the pending SE-4830 application and will meet the requirements.

7. **Stormwater Management**—An approved Stormwater Management (SWM) Concept Plan and associated letter (13295-2020-00) were submitted with the subject application. The SWM concept plan was approved by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) and is valid until October 23, 2023. The plan proposes multiple environmental site design practices, which include four micro-bioretenment facilities for water quality treatment. A fee of \$10,000 has been paid for on-site attenuation/quality control measures. No further action regarding SWM is required with this PPS.

In accordance with Section 24-130 of the Subdivision Regulations, development of the site shall conform with the SWM concept approval and any subsequent revisions, to ensure that no on-site or downstream flooding occurs.

8. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, residential development for this site is subject to the mandatory dedication of 0.35 acre of parkland. In lieu of land dedication, the applicant proposes to satisfy the mandatory parkland dedication requirement with the provisions of private on-site recreational facilities, in accordance with Section 24-135(b) of the Subdivision Regulations.

The site is undeveloped with woodlands along the southwestern edge and includes a segment of the upper reaches of Pea Hill Branch, a tributary of Tinker's Creek, in the Piscataway Creek watershed. There is 100-year floodplain associated with Pea Hill Branch, which covers a little more than an acre of the property's gross tract area. North and west of the property is developed with single-family detached dwellings, and south of the property is undeveloped woodland with the Woodyard Crossing Shopping Center beyond.

Tanglewood Park is located approximately 2.5 miles east of this site. The park contains a playground, two tennis courts, a full basketball court, a lighted softball field with a football/soccer overlay, a picnic shelter, and a fitness loop trail. The property is also approximately 3.2 miles northwest of Fox Run Park, which contains a playground, two tennis courts, a picnic shelter, a softball field, a football field, and a loop trail. Cosca Regional park is located 3.5 miles to the southeast.

The Central Branch Avenue Sector Plan recommends the development of the Pea Hill Branch Stream Valley Trail to improve pedestrian access in the Clinton Area and connect to the Tinkers Creek Trail. Neither of these trails have been constructed to date. A portion of the Pea Hill Branch master plan trail runs along the western boundary of the subject property. The 2009 *Approved Countywide Master Plan of Transportation* (MPOT) describes the Pea Hill Branch Trail as a planned natural surface hiker/biker/equestrian trail. The applicant has not proposed to construct this trail at this time, as there is no other constructed segment of the planned trail to connect to, and it would entail impacts to the primary management area (PMA) for no current benefit. The applicant instead proposed an easement to accommodate future construction of the trail, so that this master plan recommendation can be implemented.

The applicant provided an exhibit, which is incorporated by reference herein, depicting the limits of the proposed easement for the Pea Hill Branch Trail. The easement is intended to be co-located within the bounds of an existing Washington Suburban Sanitary Commission (WSSC) easement along the southwest property boundary, in order to minimize environmental impacts related to the trail's construction. The ultimate location and details of the trail will need to take into account topography and environmental constraints, and will to be coordinated with WSSC.

The applicant proposed private on-site recreational facilities to satisfy the mandatory dedication of parkland requirement of the Subdivision Regulations. During the special exception review, it was recommended that the applicant provide details and a cost estimate for the private on-site recreational facilities. With this PPS, the applicant provided a cost estimate sheet showing a total value of \$97,397 in private on-site recreational facilities is necessary to satisfy the requirements of Section 24-135(b). The cost estimate sheet includes the value of a 305-square-foot indoor fitness room, a 532-square-foot party room, and a 1,200-square-foot outdoor patio to demonstrate that the proposed on-site recreational amenities meet the requirements.

The adequacy of the proffered recreational facilities was evaluated in accordance with the 1983 Prince George's County Parks and Recreation Facilities Guidelines and the proposal was found satisfactory. The types of recreational facilities proffered are appropriate for the proposed use. Additional details are needed, such as type and number of sitting benches, tables, equipment for the party room, and exercise equipment. As included in the recommended conditions of SE-4830, and discussed under Finding 5 – Previous Approvals, the siting and details of the recreational facilities will be evaluated prior to certificate approval of SE-4830.

9. **Pedestrian and Bicycle Transportation**—This PPS was reviewed for conformance with the MPOT, the Central Branch Avenue Sector Plan, and the Subdivision Regulations, to provide the appropriate pedestrian and bicycle transportation facilities.

**Previous Conditions of Approval**

The PPS is subject to the following pending application that includes recommended conditions related to bicycle and pedestrian transportation:



**SE-4830**

1. **Prior to certificate approval of Special Exception SE-4830, the applicant shall revise the special exception plan as follows:**
  - n. **Provide two bicycle racks (Inverted U-style or a style similar that provides two points of contact) located convenient to the entrance of the building and a detail sheet showing specifications.**
3. **Prior to the approval of a preliminary plan of subdivision, the applicant and the applicant's heirs, successors, and/or assignees shall provide an easement along the master plan Pea Hill Branch Connection shared-use path on the west side of the subject property, in accordance with the Prince George's County Department of Parks and Recreation.**

Condition 1n. shall be reviewed at the time of signature approval of SE-4830. The PPS includes the location of the master plan trail easement along the western portion of the site for future trail construction and satisfies Condition 3.

**On-Site Improvements**

The submitted plans include a 10-foot-wide sidewalk along the frontage of Schultz Road. The on-site pedestrian improvements were reviewed with SE-4830, which show a 5-foot-wide sidewalk connecting the sidewalk along Schultz Road to the parking lot and building entrance, continental crosswalks, and associated curb ramps throughout the site for a continuous connection, and designated space for two bicycle racks near the building entrance.

A detailed exhibit shall be provided for the proposed inverted U-style bicycle racks and long-term bicycle storage, consistent with the 2012 American Association of State Highway and Transportation Officials Guide for the Development of Bicycle Facilities, prior to approval of any building permits.

**Connectivity to Adjacent/Nearby Properties**

The subject site is adjacent to residential areas with no current pedestrian connection. The approved sidewalk and trail easement will help facilitate future connections to adjacent properties and master plan pedestrian and bicycle facilities.

**Master Plan of Transportation (MPOT) Compliance**

This PPS is subject to the MPOT. Two master plan facilities impact the subject site, the planned Pea Hill Branch Connection along Schultz Road, and the Pea Hill Branch Connection 2, along the western portion of the site. The MPOT provides policy guidance regarding multimodal transportation, and the Complete Streets element of the MPOT recommends how to accommodate infrastructure for people walking and bicycling.

**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*.**

The approved development includes a 10-foot-wide sidewalk along the frontage of Schultz Road that can accommodate multimodal use and fulfills the intent of the Pea Hill Branch Connection and Complete Streets Policy 2. Constructing the Pea Hill Branch Connection 2 trail is not proposed at this time, as there is no other constructed segment of the planned trail to connect to. Therefore, a trail easement is most appropriate at this time for potential future construction. The provided bicycle parking is an important component of a bicycle friendly roadway and helps fulfill the intent of Complete Streets Policy 4.

#### **Review of Area Sector Plan Compliance**

The Central Branch Avenue Sector Plan includes the following recommendations regarding the accommodations of pedestrian and bicycle facilities (pages 99 and 121):

- 1. Provide pedestrian amenities that include trash receptacles, benches, and bus shelters.**
- 2. This plan recommends a high-quality walking and bicycling environment. The new environment will contain “friendly” infrastructure, trip-beginning, and end facilities such as bicycle parking, well-planned integration with other transport modes.**

The submitted plans contain pedestrian and bicycle amenities, including sidewalk connections, crosswalks, and bicycle parking. However, amenities such as benches and trash receptacles, shall also be included with the proposed development, prior to approval of any building permits.

#### **Adequate Public Pedestrian and Bikeway Facilities**

The subject site is in the Branch Avenue Corridor and is subject to Section 24-124.01 of the Subdivision Regulations and the Transportation Review Guidelines, Part 2.

#### **Adequacy of Off-Site Improvements**

The PPS is subject to a cost cap of \$30,412.23. This number was developed by multiplying the number of dwelling units by \$300 (\$27,000), and then adjusting the total amount for inflation based on the U.S. Bureau of Labor Statistics Cost Price Index between June 2013, the effective date of the adequacy legislation, and today. The applicant has proffered improved sidewalk, crosswalk, and ramp facilities at Schultz Road and Weimar Court to fulfill the off-site requirements. These facilities have been reviewed by DPIE.

The required off-site facilities reflect the minimum facilities necessary for adequacy in the area surrounding the subject site, pursuant to Section 24-124.01(b) and the proffered facilities contribute to meeting pedestrian and bicycle adequacy.

#### **Adequacy of On-Site Improvements**

On-site pedestrian and bicycle adequacy facilities are also required, pursuant to Section 24-124.01(b). Detailed exhibits and a list of facilities, such as benches, trash receptacles, bicycle parking, and pedestrian scale lighting, in addition to the construction of a 10-foot-wide Pea Hill Branch Connection along Schultz Road, shall be provided, prior to approval of a building permit.

#### **Demonstrated Nexus Finding**

The off-site pedestrian improvements proffered by the applicant will improve the overall pedestrian network within the vicinity by upgrading the existing curb ramps and crosswalks at Schultz Road and Weimar Court to meet Americans with Disabilities Act standards. Pursuant to Section 24-124.01, there is a demonstrated nexus between the proffered required off-site facilities for the proposed development and nearby destinations, and the off-site facilities are within the cost cap for this development.

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

10. **Transportation**—This PPS was reviewed for conformance with the MPOT, the Central Branch Avenue Sector Plan, and the Subdivision Regulations to provide the appropriate transportation facilities.

#### **Background**

During review of SE-4830, it was noted that the proposal was not expected to generate more than 50 peak-hour trips. As such, a full traffic impact study (TIS) was not required; rather recent counts were provided, and the counts were used to determine adequacy.

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, in accordance with the Transportation Review Guidelines, Part 1 (Guidelines):

**Links and Signalized Intersections:** Level of Service D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. Mitigation, as defined by Section 24-124(a)(6), is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the Guidelines.

**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 Impact**

This application is a PPS for a residential subdivision. The table below summarizes trip generation in each peak hour that was used in reviewing traffic and developing a trip cap for the site:

<b>Trip Generation Summary</b>								
<b>Land Use</b>	<b>Use Quantity</b>	<b>Metric</b>	<b>AM Peak Hour</b>			<b>PM Peak Hour</b>		
			<b>In</b>	<b>Out</b>	<b>Total</b>	<b>In</b>	<b>Out</b>	<b>Total</b>
Senior Adult Housing	90	residents	5	7	12	9	5	14
<b>Recommended Trip Cap</b>					12			14

There is one critical intersection for the traffic impact analysis for the subject application. The traffic generated by the proposed PPS would impact the following intersection:

- Schultz Road & Springbrook Lane/SB MD 5 Ramps (unsignalized)

#### **Existing Traffic**

The following critical intersection as identified above, when analyzed with existing traffic using counts taken on January 12, 2021 and existing lane configurations, operates as follows:

<b>Existing Traffic Conditions</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
Schultz Road & Springbrook Lane/ SB MD 5 Ramps	9.2*	9.7*	--	--
*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.				

### **Background Traffic**

Through a review of nearby properties, it was found that no background traffic developments, as defined by approved but unbuilt developments with valid PPS, final plats, or special exceptions, would impact the critical intersection. Therefore, no additional background traffic was analyzed.

### **Total Traffic**

The following critical intersection, when analyzed with total future traffic as developed using the Guidelines, including the site trip generation as described above, operates as follows:

<b>Total Traffic Conditions</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
Schultz Road & Springbrook Lane/ SB MD 5 Ramps	9.3*	9.8*	--	--
*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.				

It was found that the critical intersection operates acceptably under total traffic in both peak hours, consistent with the required findings, pursuant to Section 24-124. A trip cap consistent with the trip generation assumed for the proposed site, 12 AM and 14 PM peak-hour vehicle trips, is approved.

### **Site Access Evaluation**

The site is proposed to utilize one access point along Schultz Road. A truck circulation plan was previously provided by the applicant with the SE-4830 application. Review of that plan indicated that the access and circulation are acceptable.

### **Master Plan Rights-of-Way**

The subject site is not located on any master plan roadways. Schultz Road is a County roadway and has a 50-foot-wide right of way. Springbrook Lane is a Maryland State Highway ROW with a variable width. Two areas of ROW dedication along Schultz Road are approved, totaling approximately 1,915 square feet. No additional ROW dedication is required for motor vehicle transportation.

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. Public Facilities**—In accordance with Section 24-122.01 of the Subdivision Regulations, water and sewerage, 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 15, 2021 (Thompson to Gupta), incorporated by reference herein. Police facilities are discussed further, as follows:

#### **Police Facilities:**

This PPS was reviewed for adequacy of police services, in accordance with Section 24-122.01(c). The subject property is in Police District V, Clinton, 6707 Groveton Road, in Clinton. The response standard is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The test is applied on the date the application is accepted or within the following three monthly cycles, pursuant to Section 24-122.01(e)(2). The times are based on a rolling average for the preceding 12 months. The application was accepted by the Prince George's County Planning Department on February 24, 2021.

Reporting Cycle	Date	Priority	Non-Priority
Acceptance Date	February 24, 2021	12	8
Cycle 1			
Cycle 2			
Cycle 3			

Based on the most recent available information provided by the Police Department, the response time standard of 10 minutes for priority calls was not met at acceptance. However, the Capital Improvement Program includes a new station for Police District V, so mitigation is not required. Pursuant to Prince George's County Council Resolution CR-69-2006, the Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels. The Police Chief has reported that the department has adequate equipment to meet the standards stated in Prince George's County Council Bill CB-56-2005.

- 12. Schools**—This PPS was reviewed for impact on school facilities, in accordance with Section 24-122.02 and CR-23-2001. The proposal includes 90 elderly dwelling units, which will be reserved for residents above the age of 62 years. Elderly housing operated in accordance with

State and Federal Fair Housing law is exempt from the schools' test. Thus, the 90 proposed dwelling units are exempt from the schools' test.

13. **Use Conversion**—The total development included in this PPS is approved for 90 elderly housing units in the R-80 Zone. If a substantial revision to the mix of uses on the subject property is proposed that affects Subtitle 24 adequacy findings, including any commercial development, that revision of the mix of uses would require approval of a new PPS, prior to approval of any building permits.
14. **Public Utility Easement**—Section 24-122(a) requires that when utility easements are required by a public company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

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

The standard requirement for public utility easements (PUEs) is 10 feet wide along both sides of all public ROWs. The subject site fronts on public ROWs to the west along Schultz Road and to the north along Springbrook Lane. The required PUEs along Schultz Road and Springbrook Lane are correctly delineated on the PPS, and thus meet the requirement of Section 24-122(a).

15. **Historic**—A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. The subject property does not contain, and is not adjacent to, any designated Prince George's County historic sites or resources. This proposal will not impact any historic sites, historic resources, or known archeological sites. A Phase I archeology survey is not required.
16. **Environmental**—This PPS application (4-20007) and a Type 1 Tree Conservation Plan (TCP1-002-2021) were accepted on February 24, 2021. Staff comments were provided in a SDRG meeting on March 19, 2021. Revised plans and information were received on March 23 and 25, 2021. The following applications have been previously reviewed for the subject site:

Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
NRI-058-2019	N/A	Staff	Approved	06/27/2019	N/A
NRI-058-2019-01	N/A	Staff	Approved	11/23/2020	N/A
SE-4830	TCP2-002-2021	Planning Board	Transmitted to the ZHE	Pending	Pending
4-20007	TCP1-002-2021	Planning Board	Pending	Pending	Pending

### **Proposed Activity**

This PPS was analyzed for 90 apartment dwellings for the elderly or handicapped families with on-site parking.

### **Grandfathering**

The project is subject to environmental regulations contained in Subtitles 24, 25, and 27 of the Prince George's County Code that came into effect on September 1, 2010 and February 1, 2012 because the application is for a new PPS, and because prior to the recently reviewed SE-4830 and TCP2-002-2021, there were no previously approved plans.

### **Site Description**

A review of the available information indicates that 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, Grosstown gravelly silt loam, and Widewater and Issue soils. 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. This site is in the Piscataway Creek watershed, which flows into the Potomac River. The property has frontage on Schultz Road, which does not contain a designation in the MPOT, nor is it identified as a scenic or historic roadway. The site is located within the Environmental Strategy Area (ESA) 2 of the Regulated Environmental Protection Areas Map, as designated by Plan 2035.

### **Review of Previously Approved Conditions**

The following text addresses previously approved environmental conditions related to the subject application.

SE-4830 was approved to transmit the technical staff report to the ZHE by the Planning Board on March 11, 2021. The proposed conditions of approval for SE-4830 are listed below in **BOLD** text. These conditions will be addressed at time of certification of SE-4830 and TCP2-004-202.

**2. Prior to signature approval of the special exception, the Type 2 tree conservation plan shall be revised as follows:**

**a. Add the proposed note:**

**Off-site Woodland Conservation:**

**“The location of off-site woodland conservation requirements shall be in accordance with the priorities listed in Section 24-122(a)(6): within the same eight-digit sub-watershed; within the same watershed; within the same river basin, within the same growth policy tier; or within Prince George’s County. Applicants shall demonstrate to the Planning Director or designee due**



**diligence in seeking out appropriate locational opportunities for off-site woodland.”**

- b. Revise the revision blocks with the new updated information and update the qualified professional certification block with a signature and date.**
- 4. Prior to signature approval of the special exception, the special exception and Type 2 tree conservation plan shall show the final location of the stream valley trail.**
- 5. Prior to the certification of the Type 2 tree conservation plan (TCP2) for this site, documents for the required woodland conservation easements shall be prepared and submitted to the Environmental Planning Section for review by the Office of Law, and submission to the Office of Land Records for recordation. The following note shall be added to the standard TCP2 notes on the plan as follows:**

**“Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded in the Prince George’s County Land Records at Liber \_\_\_\_ Folio \_\_\_\_\_. Revisions to this TCP2 may require a revision to the recorded easement.”**
- 6. Prior to the issuance of any permits, which impact wetlands, wetland buffers, streams or Waters of the United States, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.**

#### **Sector Plan Conformance**

The subject property has been evaluated for conformance to the Central Branch Avenue Sector Plan and is found to be consistent with the plan recommendations.

#### **Conformance with the Countywide Green Infrastructure Plan (2017)**

Approximately 30 percent of the site is within the 2017 *Countywide Green Infrastructure Plan of the Approved Prince George’s County Resource Conservation Plan: A Countywide Functional Plan* (Countywide Green Infrastructure Plan) network containing the regulated area.

The regulated area is just along the western boundary line adjacent to the off-site stream system. The following policies support the stated measurable objectives of the Countywide Green Infrastructure 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 proposes to preserve the regulated area, which is comprised of woodlands along western property lines, which encompasses the stream buffer and floodplain from the adjacent stream and an isolated wetland and buffer area. Also, an existing sanitary sewer easement is also located within the regulated area. The conceptual design, as reflected on the PPS and the TCP1, is in keeping with the goals of the Countywide Green Infrastructure Plan and Plan 2035 to focus development outside of the most sensitive areas of the site and to conserve existing woodlands.

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

The project has a valid SWM concept plan approved under the current stormwater regulations by DPIE. This application proposes to impact the on-site regulated environmental features with one stormwater outfall structure, Schultz Road improvements, and a stormwater conveyance pipeline connection.

**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 proposal preserves woodland while implementing the desired development pattern of Plan 2035 by preserving 0.10 acre of net tract area woodland and 0.84 acre of wooded floodplain, in conformance with the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO).

**Natural Resources Inventory/Existing Conditions**

A Natural Resources Inventory, NRI-058-2019-01, was approved on November 23, 2020, and is provided with this application. The site contains 100-year floodplain, wetlands, streams, and their associated buffers, which comprise the PMA. There are no specimen trees on the subject property. The TCP1 and the PPS show all the required information correctly, in conformance with the NRI. No revisions are required for conformance to the NRI.

**Woodland Conservation**

This property is subject to the provisions of the WCO because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. TCP1-002-2021 was submitted with the PPS application.

Based on the TCP1 submitted with this application, the site's gross tract area is 3.53 acres with 1.20 acres of 100-year floodplain, resulting in a net tract area of 2.33 acres. The site contains 0.34 acre of woodland on the net tract and 0.88 acre of wooded floodplain. The woodland conservation worksheet shows the removal of 0.16 acre in the net tract area, and 0.05 acre within the floodplain, for a woodland conservation requirement of 0.56 acre. According to the TCP1

worksheet, the requirement is proposed to be met with 0.10 acre of woodland preservation on-site and 0.46 acre of fee-in-lieu. The NRI identified no on-site specimen trees.

Currently, the TCP1 shows infrastructure such as surface level parking, water and sewer lines, stormwater structures, one proposed senior living facility building, and proposed woodland clearing and woodland retention areas.

The master plan recommended that the Pea Hill Branch Connection 2 shared-use path is to be located in the western portion of the subject property. Due to the extensive stream system to the south and no real opportunities to create a safe connecting trail system, a trail easement for a possible future trail is acceptable for this application. The trail easement is to be located on-site within the existing WSSC easement.

A technical revision is required to the TCP1 and is included in the conditions of this approval.

**Preservation of Regulated Environmental Features/Primary Management Area (PMA)**

PMA impacts for road widening of Schultz Road, one stormwater outfall, and one stormdrain pipe connection were recommended for approval with SE-4830, which was not scheduled to be heard by the ZHE prior to the Planning Board hearing for PPS 4-20007. Therefore, the proposed PMA impacts were evaluated and approved by the Planning Board with this PPS.

The total of the three PMA impacts is 3,535 square feet (0.08 acre). These impacts are described below:

**Impact 1**—PMA impacts totaling 1,489 square feet are approved for construction of a road widening of Schultz Road. The impact area will disturb steep slopes and 100-year floodplain.

**Impact 2**—PMA impacts totaling 1,420 square feet are approved for construction of one SWM outfall structure. The impacts are to the stream buffer and 100-year floodplain.

**Impact 3**—PMA impacts totaling 626 square feet are approved for construction of a stormwater conveyance for one piped system to the outfall structure. The impact area will disturb steep slopes.

**Analysis of Impacts**

The subject area has an existing stream with a floodplain along the western boundary line. These on-site floodplain and PMA impacts are necessary for the following reasons:

Access into the site is limited and the frontage along Schultz Road is required to be widened and brought up to County road code standards with a curb and gutter. Also, this road work will need to grade the adjacent slopes to tie into existing grades. The second PMA impact is caused due to one proposed stormwater structure for the development that will outfall in the on-site floodplain. This outfall is located on the west side of the proposed senior living building and will discharge stormwater from a proposed stormwater facility. The third proposed PMA impact is caused by the

stormwater conveyance piping from a proposed stormwater facility to the previously mentioned stormwater facility and outfall structure. These impacts are necessary for the orderly and efficient development of the subject property.

A revised SOJ was submitted with this PPS application dated February 4, 2021, which is incorporated by reference herein. Impact Area 1 (road widening of Schultz Road) and Area 3 (one stormdrain pipe connection) are still the same impact areas, as reviewed with SE-4830, with no changes. Impact Area 2 still shows the one stormwater outfall, but the impact area was revised to show rip-rap protection past the adjacent existing sewer line pipe to prevent erosion that may expose the existing pipe. While the alignment of the stormwater pipe associated with Impact Area 2 was revised slightly, it remains the same square footage (1,420 square feet) of PMA disturbance, as was previously reviewed with the special exception.

### **Conclusion**

Based on the level of design information currently available, the limits of disturbance shown on the TCP1, and the impact exhibits provided, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible. The approved PMA impacts are associated with the required road widening of Schultz Road, one stormwater outfall, and one stormdrain pipe connection, which were recommended for approval with SE-4830.

A minor reconfiguration of one stormwater outfall impact (Impact 2) was requested with the PPS with no change in square footage area. The other two impact areas (Impacts 1 and 3) were requested with no change. The Planning Board approves the PMA impacts for site access and necessary infrastructure.

- 17. Urban Design**—Conformance with the Prince George’s County Zoning Ordinance (Subtitle 27) is evaluated, as follows:

This parcel is also the subject of SE-4830, which was approved for transmittal to ZHE by the Planning Board on March 25, 2021 for development of apartment housing for elderly or handicapped families in a building other than a surplus school. Most urban design-related zoning requirements associated with the proposed development were analyzed for conformance with the review of SE-4830.

The use meets the definition of an “apartment housing for elderly or handicapped families in a building other than a surplus school building,” which can be permitted in the R-80 Zone, subject to approval of a special exception, in accordance with Section 27-441(b) Table of Uses, of the Zoning Ordinance.

### **Prince George’s County Tree Canopy Coverage Ordinance**

Conformance with the Tree Canopy Coverage Ordinance was reviewed with SE-4830.

The subject site is located within the R-80 Zone and is required to provide 15 percent of the site area in tree canopy coverage (TCC). The subject site is 3.53 acres in size and a total of 0.53 acre or 23,065 square feet of TCC is required. The TCC schedule shows that 52,607 square feet of TCC is to be provided, exceeding the requirement.

**2010 Prince George's County Landscape Manual**

Landscape plans were reviewed with SE-4830 and found to be in general conformance with the applicable requirements of the 2010 *Prince George's County Landscape Manual*, including Sections 4.1, Residential Requirements (for multifamily development); Section 4.3, Parking Lot Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscape Requirements.

- 18. Noise**—While the subject property is not adversely impacted by noise from the flight paths associated with Joint Base Andrews, the eastern edge of the subject property is approximately 300 feet west of MD 5, a limited access freeway. The extent of the noise impact has been identified in a study submitted by the applicant and the unmitigated 65 dBA noise line has been represented on the PPS. Adequate noise attenuation will be provided for outdoor activity areas by the shielding effect of the proposed building, and mitigation for interior of residences will be provided by the use of enhanced building materials, as reflected by the mitigated 65 dBA noise line. An exhibit was provided by the applicant, which identifies the extent of architectural façade where enhanced building materials and structures will be required to be engineered to mitigate for interior noise levels. Prior to issuance of building permits, further acoustical analysis and certification of reduction of interior noise levels shall be required.


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, Geraldo and Hewlett voting in favor of the motion, and with Commissioner Doerner absent at its regular at its regular meeting held on Thursday, April 29, 2021, in Upper Marlboro, Maryland.

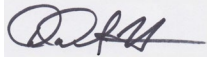
Adopted by the Prince George's County Planning Board this 20th day of May 2021.

Elizabeth M. Hewlett  
Chairman

By   
Jessica Jones  
Planning Board Administrator

EMH:JJ:MG:nz

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner  
M-NCPPC Legal Department  
Date: May 10, 2021