



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

PGCPB No. 2021-105

File No. 4-20031

R E S O L U T I O N

WHEREAS, Oakcrest West, LLC is the owner of a 3.46-acre parcel of land known as Parcel 2 of the Brooks Drive South subdivision, said property being in the 6th Election District of Prince George's County, Maryland, and being zoned Multifamily High Density Residential (R-10); and

WHEREAS, on May 27, 2021, Oakcrest West, LLC filed an application for approval of a Preliminary Plan of Subdivision for 2 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-20031 for Brooks Drive South 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 July 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 July 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 TCP1-001-13-02, and further APPROVED Preliminary Plan of Subdivision 4-20031, for 2 parcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised to remove the cross sections.
2. Any proposed residential development shall require the 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 (No. 61317-2016-02) and any subsequent revisions.
4. Prior to approval of a final plat:
 - a. The applicant and the applicant's heirs, successors, and/or assignees shall grant a 10-foot-wide public utility easement along all public rights-of-way.

- b. The following note shall be placed on the plat:

“Access is denied along the frontage of Pennsylvania Avenue (MD 4) and Brooks Drive, with the exception of one access driveway along Brooks Drive.”
 - c. A draft Amended Declaration of Restrictive Covenants over the approved shared access for the subject property, pursuant to Section 24-128(b)(9) of the Prince George’s County Subdivision Regulations, shall be submitted to The Maryland-National Capital Park and Planning Commission for review and approval. The limits of the shared access shall be reflected on the final plat, consistent with the approved preliminary plan of subdivision (and detailed site plan). Prior to recordation of the final plat, the Declaration of Restrictive Covenants shall be recorded in the Prince George’s County Land Records, and the liber/folio of the document shall be indicated on the final plat with the limits of the shared access.
5. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-001-13-02). The following note shall be placed on the final plat of subdivision:
- “Development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-001-13-02), or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George’s County Planning Department.”
6. Prior to the 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.”
7. Total development within the subject property shall be limited to uses that would generate no more than 190 AM and 151 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision (PPS) with a new determination of the adequacy of transportation facilities. A portion of this cap is part of the original trip cap for Brooks Drive Property, PPS 4-16018. While this application is creating an additional entitlement for the overall Brooks Drive Property in the AM peak hour, this cap is in no way represents an additional entitlement for the area covered by PPS 4-16018 in the PM peak hour.

8. The applicant and the applicant's heirs, successors, and/or assignees shall provide the following facilities and show these facilities within the limits of this PPS on any submitted detailed site plan prior to its acceptance:
 - a. Standard bicycle lane along the property frontage of Pennsylvania Avenue, unless modified by the Maryland State Highway Administration, with written correspondence.
 - b. Standard bicycle lane along the property frontage of Brooks Drive, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence.
 - c. All widths of sidewalks to be dimensioned on all plan sheets.
 - d. Minimum five-foot-wide sidewalks along the entire ingress/egress easement, except that sidewalk may be omitted where approved sidewalk exists or will exist along the easement outside the limits of this PPS. Whether any sidewalk may be omitted shall be determined at the time of detailed site plan, based on a finding of whether the proposed development will have sufficient pedestrian access to sidewalk along the easement and a continuous sidewalk connection to Brooks Drive.
 - e. Minimum five-foot-wide sidewalks, crosswalks, and Americans with Disabilities Act curb ramps throughout the subject property to provide connections from the sidewalk along the ingress/egress easement and the entrances of the proposed uses as well as to adjacent parcels.
 - f. A minimum of two inverted U-style bicycle racks, or rack of a similar style that provide two points of contact for supporting and securing a parked bicycle at a location convenient to entrance of each proposed use.
9. 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. Bicycle Fix-it Station within County right-of-way on Brooks Drive. Location approved by the Prince George's County Department of Permitting, Inspections and Enforcement in coordination with the Transportation Planning Section.

Should the applicant be unable to obtain a permit for the above listed Required Off-Site Facility, through no fault of the applicant's, the applicant shall provide alternative facilities ("Alternative Off-Site Facilities") that provide a level of adequacy equal to the Required Off-Site

Facility that could not be constructed from the below list of facilities and chosen by the Prince George's County Department of Permitting, Inspections and Enforcement prior to the approval of the first building permit. The requirements of Section 24-124.01(g) shall also apply to all Alternative Off-Site Facilities, which are:

- b. Continental style crosswalk at Brooks Drive and Oakcrest Towers Southern driveway.
 - c. Continental style crosswalk at Brooks Drive and Oakcrest Towers northern driveway.
 - d. Continental style crosswalk at Brooks Drive and Oakcrest Towers Southern driveway.
 - e. Continental style crosswalk at Brooks Drive and Oakcrest Towers northern driveway.
 - f. Continental style crosswalk at Brooks Drive and Ridley Street.
 - g. Continental style crosswalk at Brooks Drive and Oakcrest Towers.
10. At the time of detailed site plan, the plan shall include cross sections of the ingress/egress easement which show the travel lanes and any adjacent sidewalks.

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

- 1. The subdivision, as modified with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
- 2. **Background**—The site is located at the northwest quadrant of the intersection of MD 4 (Pennsylvania Avenue) and Brooks Drive. The site consists of one parcel known as Parcel 2 of the Brooks Drive South subdivision, which was recorded in Plat Book SJH 248 page 59, in November 2017. The property has an address of 2151 Brooks Drive. The 3.46-acre property is in the Multifamily High Density Residential (R-10) Zone, and it is subject to the 2009 *Approved Marlboro Pike Sector Plan and Sectional Map Amendment* (sector plan). The subject site is currently vacant, but is improved with previously approved driveway infrastructure meant to support the development.

This PPS is for approval to subdivide the property into two parcels, Parcels 4 and 5, for the development of 8,619 square feet of commercial development. Parcel 5 is to be developed with a 5,619-square-foot food and beverage (convenience) store and gas station; this development is subject to a previously approved Detailed Site Plan, DSP-16037-01. Parcel 4 is conceptually proposed to be developed with a 3,000-square-foot fast-food restaurant with drive-through service, or an automated car wash of the same size. A future DSP amendment will be required for development on Parcel 4.

The property has been the subject of two previously approved Preliminary Plans of Subdivision (PPS), 4-12002 and 4-16018. The lotting pattern of the overall Brooks Drive South subdivision was established pursuant to PPS 4-16018, which entirely superseded PPS 4-12002. PPS 4-16018 covers 11.04 acres and approved four parcels for a 36,253-square-foot food and beverage (grocery) store, 114,912 square feet of consolidated storage, and 20,000 square feet of medical office. The subject PPS is required in order to further subdivide one of the four parcels (Parcel 2) into two new parcels (Parcels 4 and 5). This PPS supersedes PPS 4-16018 for the area of the subject site only. The other parcels of the Brooks Drive South subdivision remain subject to PPS 4-16018.

The project benefits from Prince George's County Council Bills CB-62-2015 and CB-83-2018, which were adopted by the Prince George's County Council on November 17, 2015 and October 23, 2018, respectively. CB-62-2015 defined a new use known as Business Advancement and Food Access Infill, and it specified that the use is permitted in the R-10 Zone. A Business Advancement and Food Access Infill use combines several commercial uses not ordinarily permitted in the R-10 Zone, including a food and beverage store and a consolidated storage facility. CB-83-2018 amended the definition of the use to allow additional kinds of contributing uses, including gas stations. Business Advancement and Food Access Infill is the use proposed for the overall Brooks Drive South subdivision; a consolidated storage facility was previously built on Parcel 1, and the additional uses proposed for Parcels 4 and 5 will contribute to the overall use. The specific requirements for this use will be evaluated with any future DSPs.

3. **Setting**—The site is located on Tax Map 80, Grid F-1, and is within Planning Area 75A. North, northeast, and northwest of the site are the other parcels of the Brooks Drive South subdivision. Parcel 1, to the northwest, is the site of a consolidated storage facility. Parcel 3, to the northeast, is vacant. Parcel A, to the north, is used for stormwater management (SWM) facilities and woodland conservation area. All three parcels are zoned R-10. Further north and northeast, the Oxon Run stream runs between the overall subdivision and several multifamily buildings in the R-10 Zone. Further northwest, again beyond the stream, are single family detached and townhouse neighborhoods in the One-Family Detached Residential (R-55) Zone. Southwest of the site across Pennsylvania Avenue are multifamily buildings in the Multifamily Medium Density Residential (R-18) Zone. Southeast of the site across Pennsylvania Avenue are multifamily buildings in the R-10 Zone. Directly south of the site, across the intersection of the two roads, are multifamily buildings in the R-18 Zone.

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

	EXISTING	APPROVED
Zone	R-10	R-10
Use(s)	Vacant	Commercial
Acreage	3.46	3.46
Gross Floor Area	0	8,619
Dwelling Units	0	0
Parcels	1	2
Lots	0	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 June 11, 2021.

5. **Previous Approvals**—Prior to the proposal for the Business Advancement and Food Access Infill use, the overall 11.04-acre Brooks Drive South site was proposed to be developed with 300 multifamily dwelling units. Applications related to this prior proposal include PPS 4-12002, which was approved in July 2013 for five parcels; DSP-15038, which was approved in May 2016 for infrastructure to support the dwelling units; and Final Plat of Subdivision 5-16117, which was approved in November 2016 to plat five outlots. Development never commenced, and these previous approvals have been superseded by more recent ones related to the currently proposed use.

On December 8, 2016, the Prince George's County Planning Board approved PPS 4-16018, for the overall 11.04-acre site. This PPS approved four parcels to support development of a 36,253-square-foot food and beverage store, 114,912 square feet of consolidated storage, and 20,000 square feet of medical office. This PPS made specific findings related to access, which are being carried forward. The PPS found that all vehicular access to the site from Pennsylvania Avenue should be denied, and that all vehicular access to the site from Brooks Drive should be denied except for a single access driveway to serve the lots. To ensure all parcels in the development would still have access to a public street despite these restrictions, the PPS approved a 26 to 32-foot-wide shared access easement providing interparcel connections, ensuring that each parcel in the development would have access to the single entrance onto Brooks Drive. The easement was approved, pursuant to Section 24-128(b)(9) of the Subdivision Regulations. The current PPS includes a relocated easement consistent with DSP-16037-01, which is approved under the same finding.

On July 13, 2017, the Planning Board approved DSP-16037, again for the overall 11.04-acre site. This DSP approved a 36,185-square-foot food and beverage store on Parcel 2 of the subdivision, and a 130,000-square-foot consolidated storage facility on Parcel 1. No development was proposed on Parcel 3 at the time. The proposed development was found to conform to the adequacy findings of PPS 4-16018. A companion case, Departure from Parking and Loading Standards DPLS-449, reduced the total number of required parking spaces by 32.

On November 17, 2017, a final plat was recorded to plat the overall site (Final Plat of Subdivision 5-17128; recorded in Plat Book SJH 248 page 59). This plat established the lotting pattern of the overall site in general conformance with PPS 4-16018. The plat also delineated the previously approved and recorded shared access easement.

On May 7, 2020, the Planning Board approved DSP-16037-01. This DSP amendment covered the overall site, but the area of changes was limited to Parcel 2 and those areas of Parcels 3 and A encumbered by the proposed access easement. The amendment revised the proposed development on Parcel 2 from a 36,185-square-foot food and beverage store using a grocery store model to a 5,619-square-foot store using a convenience store model. A gas station was also added to the proposal, and the access easement was relocated so that it would be located entirely on Parcel 2, but still provide access to all the parcels. The newly proposed development occupied the eastern two thirds of Parcel 2, leaving the western third available for future development. The subject PPS allows development on the western third to have its own parcel.

Specific conditions of approval from DSP-16037 and DSP-16037-01 that are relevant to the review of this PPS are addressed in the Urban Design and Bicycle/Pedestrian sections of this resolution.

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

Plan 2035

This PPS is in the Established Communities area of Plan 2035. The vision for the Established Communities is that they are most appropriate for context-sensitive infill and low- to medium-density development (page 20).

Sector Plan

The sector plan recommends multifamily residential, high density uses on the subject property. Pursuant to Section 24-121(a)(5) of the Subdivision Regulations, the Prince George's County District Council has approved Section 27-445.15, Business Advancement Food Access Infill, of the Prince George's County Zoning Ordinance, as a permitted use in the R-10 Zone rendering the land use recommendations of the sector plan no longer applicable.

7. **Stormwater Management**—A SWM Concept Approval Letter (No. 61317-2016-02) and associated plan were submitted with the subject PPS for this site. The approval was issued on June 5, 2020 by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). The overall concept plan proposes to construct grass swales,

two submerged gravel wetland systems, and five micro-bioretenment facilities. A fee of \$35,307.00 has been paid for on-site attenuation/quality control measures. Submission of an approved SWM concept plan satisfies the requirements of Section 24-121(a)(15).

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

8. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, the subject subdivision is exempt from Mandatory Dedication of Parkland requirements because it consists of non-residential development.
9. **Bicycle/Pedestrian**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the sector plan, and Subtitle 24 of the Prince George's County Code to provide the appropriate bicycle and pedestrian transportation recommendations.

Development Proposal and Existing Conditions

The subject PPS allows subdivision of Parcel 2 into two parcels, Parcels 4 and 5. The submitted traffic impact study (TIS) indicates that Parcel 5 will have a gas station with convenience store (which also has an approved DSP-16037-01), and Parcel 4 is proposed as either an automatic car wash or a fast-food restaurant. The subject site has begun construction. This PPS is part of a larger development that includes additional commercial uses.

Previous Conditions of Approval

The site is subject to the following prior approvals, including conditions relevant to the pedestrian bicycle infrastructure applicable to the subject PPS:

PPS 4-16018:

15. **Prior to approval of any building permit for the subject property, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that the following required adequate pedestrian and bikeway facilities as designated below, or as modified by the Prince George's County Department of Public Works and Transportation/Prince George's County Department of Permitting, Inspections and Enforcement/Prince George's County Department of Parks and Recreation, in accordance with Section 24-124.01 of the Subdivision Regulations, have (a) full financial assurances, (b) have been permitted for construction through the applicable operating agency's access permit process, and (c) have an agreed-upon timetable for construction and completion with the appropriate operating agency:**
 - a. **One crosswalk (with associated curb ramp and sidewalk improvements) at the site's entrance on Brooks Drive, as shown on the Pedestrian Crosswalk Exhibit.**

- b. Reconstruct the existing standard sidewalk along Brooks Drive to an eight-foot-width between the site entrance and the existing crosswalk north of the site access.**
 - c. Replace the existing sidewalk along Pennsylvania Avenue (MD 4) with a shared-use side path from Brooks Drive to the existing bus stop, unless modified or not required by the Maryland State Highway Administration.**
- 16. At the time of detailed site plan (DSP) review, provide an exhibit that illustrates the location and limits of all off-site improvements proffered in the bicycle and pedestrian impact statement (BPIS submitted August 31, 2016) for review by the operating agencies. This exhibit shall not delay the acceptance of the DSP.**

The prior PPS (4-16018) approved a consolidated storage use on Parcel 1, a medical office use on Parcel 3, and a 36,253-square-foot food or beverage store on Parcel 2, which was subsequently redesigned as a gas station with convenience store (DSP-16037-01). The above conditions contain the required off-site pedestrian and adequacy facilities. The replacement sidewalk along Brooks Drive and Pennsylvania Avenue have been constructed. However, the proposed crosswalk at the subject site's entrance was removed by DPIE. It is noted that developments on Parcels 1 and 3 of PPS 4-16018 are subject to the existing conditions of approval of that PPS and are not subject to findings or conditions of this PPS.

DSP-16037-01:

- 1. Prior to certification, the applicant shall revise the plans as follows or provide the specified documentation:**
 - e. Revise the plan to provide two inverted U-style bicycle racks to replace the proposed bicycle racks on the submitted plans.**

A bicycle rack is shown on the certified plans near the entrance of the convenience store.

Review of Proposed On-Site Facilities

The subject site plan includes the existing sidewalk along the property frontage of Brooks Drive and Pennsylvania Avenue. Due to the nature of the plan, pedestrian and bicycle facilities are not required to be displayed on the PPS. However, the on-site improvements for Parcel 5 (identified as Parcel 2 on DSP-16037-01) are included with the prior approved DSP-16037-01. These facilities include sidewalks along the north side of the access driveway (partly on Parcel 3) from Brooks Drive and associated crosswalks connecting to the building on Parcel 5. Bicycle racks are also provided near the convenience store, along with an additional crosswalk and sidewalk connection to Pennsylvania Avenue and the existing bus stop.

Review of Connectivity to Adjacent/Nearby Properties

The subject site is surrounded by residential uses connected via sidewalk along the property frontage of Brooks Drive and Pennsylvania Avenue. The sidewalk north of the subject site's entrance along Brooks Drive is eight feet wide. The sidewalk south of the subject site's entrance along Brooks Drive is five feet wide. Crosswalks and refuge islands were also constructed at the intersection of Brooks Drive and Pennsylvania Avenue.

Review of Master Plan of Transportation (MPOT) Compliance

Three master plan trail facilities impact the subject site, including a planned side path and bicycle lane along Pennsylvania Avenue, and a planned bicycle lane along Brooks Drive. 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 (MPOT, 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*.

The planned bicycle lanes along Pennsylvania Avenue and Brooks Drive shall be striped along the property frontage, unless modified by the operating agencies with written correspondence. The side path that is along the property frontage of Pennsylvania Avenue and Brooks Drive has been constructed and was included in the proffered off-site improvements, pursuant to Section 24-124.01(c) of the Subdivision Regulations. During the prior development application, the Maryland State Highway Administration (SHA) had modified a recommendation for the shared-use path to be provided along the full extent of the subject site's Pennsylvania Avenue frontage in favor of an eight-foot-wide sidewalk between the bus stop and Brooks Drive.

In addition, inverted U-style bicycle racks are to be provided at the approved gas station convenience store from DSP-16037-01. An additional two inverted U-style bicycle racks, or racks of a similar style that provide two points of contact to support and secure parked bicycles, shall be provided on Parcel 4 at a location convenient to the pedestrian entrance of the proposed use. The provided and required facilities support the intent of the recommended master plan facilities and the Complete Streets Policies.

Review of Sector Plan Compliance

The site is also subject to the sector plan, which includes the following recommendations regarding the accommodations of pedestrian and bicycle facilities (page 61):

POLICY 1: Incorporate appropriate pedestrian-oriented and transit-oriented development features in all new development within the study area.

POLICY 2: Provide adequate pedestrian and bicycle linkages to schools, parks, recreation areas, commercial areas, and employment centers.

POLICY 3: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the American Association of State Highway and Transportation Officials (AASHTO) Guide for the Development of Bicycle Facilities

POLICY 4: Provide standard sidewalks along both sides of all new road construction within the developed and developing tiers.

POLICY 5: All road frontage improvements and road capital improvement projects within the developed and developing tiers shall be designed to accommodate all modes of transportation.

Sidewalks, crosswalks, and Americans with Disabilities Act accessible curb ramps shall be provided for continuous connections within the subject site and to the adjacent developments. These required facilities fulfill the intent of the policies and are in compliance with the sector plan, pursuant to Section 24-121(a)(5).

Adequate Public Pedestrian and Bikeway Facilities Required

The subject site is in the Pennsylvania Avenue Corridor and is subject to Section 24-124.01 and the “Transportation Review Guidelines - Part 2”.

Adequacy of Off-Site Facilities

The applicant originally requested that the underlying adequacy improvements of PPS 4-16018 be carried forward to this PPS. While this approach is generally acceptable, Condition 15a of the prior PPS, which was for the crosswalk at the site’s entrance along Brooks Drive, was removed by DPIE. This crosswalk facility was used to make a finding of pedestrian and bikeway adequacy, consistent with Section 24-124.01. From PGCPB Resolution No.16-150:

The applicant is proffering one additional crossing that will link the subject site with the apartment complex on the opposite side of the road. This connection will provide direct pedestrian access to the site from the existing residences directly across the street from the proposed grocery store and medical office building.

The proffered crosswalk, enhanced streetscape along Brooks Drive, and internal sidewalk improvements provided to the proposed grocery store and office building meet the intent of Section 24-124.01 and will provide for adequate pedestrian facilities in the vicinity of the subject site consistent with the elements noted above.

Since this facility is no longer feasible, the pedestrian and bikeway adequacy findings from PGCPB Resolution No. 16-150 (PPS 4-16018) shall not be carried forward. The applicant instead proffered the following list of facilities that are within one-half mile of the subject site and within the cost cap for the subject site:

1. Bicycle Fix-it Station within County right-of-way on Brooks Drive. Location to be approved by DPIE in coordination with the Transportation Planning Section.
2. Continental style crosswalk at Brooks Drive and Oakcrest Towers Southern driveway. As shown on "Location of Potential BPIS Improvements" exhibit.
3. Continental style crosswalk at Brooks Drive and Oakcrest Towers northern driveway. As shown on "Location of Potential BPIS Improvements" exhibit.
4. Continental style crosswalk at Brooks Drive and Oakcrest Towers Southern driveway. As shown on "Location of Potential BPIS Improvements" exhibit.
5. Continental style crosswalk at Brooks Drive and Oakcrest Towers northern driveway. As shown on "Location of Potential BPIS Improvements" exhibit.
6. Continental style crosswalk at Brooks Drive and Ridley Street. As shown on "Location of Potential BPIS Improvements" exhibit.
7. Continental style crosswalk at Brooks Drive and Oakcrest Towers. As shown on "Location of Potential BPIS Improvements" exhibit.

The submitted required off-site facilities list also included an additional item for share-the-road signage along Brooks Drive. However, Brooks Drive includes a master plan bicycle lane facility, not a shared-roadway facility. The bicycle lane shall not be replaced with a shared-roadway facility.

The alternative facilities shall be provided to fulfill the adequacy requirement per Section 24-124.01. These facilities are consistent with the requirements of Section 24-124.01 and will contribute to pedestrian and bikeway adequacy for the area surrounding the subject site.

Should item No. 1, the Bicycle Fix-it Station, be deemed infeasible by DPIE for any reason, the subsequent items of the provided list shall be implemented until the cost cap of the development is reached. The cost cap for the development's off-site facilities, adjusted for inflation, is \$3,477.74. No combination of facilities shall be constructed if it exceeds the cost cap. The alternative facilities will also contribute to pedestrian and bikeway adequacy for the area surrounding the subject site.

Adequacy of On-Site Improvements

Pedestrian and bikeway adequacy within the subject subdivision is also required, pursuant to Section 24-124.01(b). The applicant has provided details of the improvements within Parcel 5 to

include sidewalk and crosswalk connections and bicycle parking. The applicant shall provide sidewalks along the entirety of the ingress/egress easement, a separated and marked pedestrian connection between the easement sidewalk and the entrance to each proposed use, and bicycle parking (discussed above). These facilities shall be shown on subsequently submitted DSP applications. Sidewalk along the entire easement is needed in order to ensure all parcels within the overall Brooks Drive South subdivision have pedestrian access to the shared entrance on Brooks Drive. However, not all of this sidewalk route needs to be located within the limits of the subject PPS, so long as the route is continuous. At the time of DSP, sidewalk may be omitted along the easement within the limits of this PPS, if approved sidewalk exists or will exist along the other side of the easement, outside the limits of this PPS. Such an omission shall only be permitted if it is found that the development proposed under the DSP will have sufficient pedestrian access to sidewalk along the easement and a continuous sidewalk connection to Brooks Drive.

Since DSP-16037-01 has already been approved and certified, it will not be required to be revised retroactively. However, should Parcel 5 be redeveloped and require a new DSP amendment, it will be subject to the findings and conditions of this PPS. A sidewalk should at that time be required along the south side of the easement on Parcel 5, unless the DSP amendment can demonstrate a new that sidewalk on the north side of the easement on Parcel 3 will provide the new development with sufficient pedestrian access.

Demonstrated Nexus Finding

The required off-site facilities proffered by the applicant include a Bicycle Fix-it Station and crosswalk construction/restriping, which can be used by future visitors or employees of the subject site. Pursuant to Section 24-124.01, there is a demonstrated nexus between the proffered required off-site facilities for the development and nearby destinations. The off-site facilities are within the cost cap for this development.

Based on the findings presented above, adequate pedestrian and bicycle transportation facilities will exist to serve the subdivision, as required under Subtitle 24, and will conform to the MPOT and the sector plan.

- 10. Transportation**—Transportation-related findings related to adequacy are made with this PPS, along with any determinations related to dedication, access, and general subdivision layout. Access and circulation are by means of a single driveway/easement reflected on the plan.

The site is in the R-10 Zone; the commercial uses are proposed pursuant to CB-62-2015, which allows certain commercial uses as a Business Advancement and Food Access Infill use. The easement shown on this plan is slightly different in alignment and location than the easement approved on PPS 4-16018, and is reviewed as part of this plan.

Because the development is expected to generate more than 50 peak-hour trips, a TIS was submitted. The TIS was referred to the Prince George's County Department of Public Works and Transportation and DPIE, as well as SHA. The TIS was prepared primarily to add AM peak-hour trips to the trip cap condition approved under PPS 4-16018.

The subject property is located within Transportation Service Area 1, as defined in Plan 2035. As such, the subject property is evaluated according to the following standards:

Links and Signalized Intersections: Level of Service (LOS) E, with signalized intersections operating at a critical lane volume of 1,600 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 critical lane volume is computed.

Analysis of Traffic Impacts

This PPS is a plan that includes commercial uses. 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). The table below summarizes trip generation in each peak hour that will be used in reviewing traffic for the site:

Trip Generation Summary, 4-20031, Brooks Drive Property								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Tot	In	Out	Tot
Food and Beverage Store/Gas Station (approved by DSP-16037-01)	5,619	Square feet	266	267	533	212	212	424
	16	Fueling positions						
Less Pass-By (76 percent AM and PM)			-202	-203	-405	-161	-161	-322
Net Gas/Food and Beverage Store Trips			64	64	128	51	51	102
Consolidated Storage (approved by DSP-16037)	129,515	Square feet	8	5	13	10	12	22
Fast Food Restaurant (future)	3,000	Square feet	62	59	121	51	47	98
Less Pass-By (49 percent AM; 50 percent PM)			-30	-29	-59	-25	-24	-50
Fast Food Restaurant Trips			32	30	62	26	23	49
Medical Office (future)	20,000	Square feet	46	11	57	24	52	76
Total Trips Utilized by Proposal (add bold numbers)			150	110	260	111	138	249
Trip Cap from 4-16018					147			327
Trips associated with Parcels 1 and 3 (consolidated storage and medical office)					70			98
Trips associated with proposed Parcels 4 and 5 (food/beverage/gas and fast food)					190			151
Recommended Trip Cap for 4-20031					190			151

A January 2021 TIS with counts taken in December 2020 was submitted and accepted as part of this PPS. The following tables represent results of the analyses of critical intersections under existing, background and total traffic conditions:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM and PM)		Level of Service (LOS, AM and PM)	
MD 4 and Brooks Drive	649	1,065	A	B
Marlboro Pike and Brooks Drive	564	1,136	A	B
Marlboro Pike and Capitol Heights Boulevard	290	600	A	A
Brooks Drive and site access	future	future	--	--
*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 was developed for the study area using a listing of five approved developments in the area and a growth rate of 0.5 percent per year over six years. 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 and PM)		Level of Service (LOS, AM and PM)	
MD 4 and Brooks Drive	918	1,406	A	D
Marlboro Pike and Brooks Drive	732	1,363	A	D
Marlboro Pike and Capitol Heights Boulevard	366	716	A	A
Brooks Drive and site access	future	future	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

The following critical intersections, interchanges, and links identified above, when analyzed with the programmed improvements and total future traffic as developed using the Guidelines, including the site trip generation as described above, operate as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM and PM)		Level of Service (LOS, AM and PM)	
MD 4 and Brooks Drive	966	1,429	A	D
Marlboro Pike and Brooks Drive	774	1,396	A	D
Marlboro Pike and Capitol Heights Boulevard	385	733	A	A
Brooks Drive and site access				
Delay Test (50 seconds or fewer)	69.9*	101.9*	No pass	No pass
Minor Street Volume Test (100 or fewer)	342*	323*	No pass	No pass
Critical Lane Volume Test (1,150 or fewer)	877*	916*	Pass	Pass
*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.				

It is found that all critical intersections operate acceptably under total traffic in both peak hours.

A trip cap consistent with the trip generation assumed for the site, 190 AM and 151 PM peak-hour vehicle trips, is required. It is furthermore noted that a portion of this cap is part of the original trip cap for Brooks Drive Property, PPS 4-16018. While this PPS is creating an additional entitlement for the overall Brooks Drive Property in the AM peak hour, this cap is in no way intended to represent an additional entitlement for the area covered by PPS 4-16018 in the PM peak hour.

Access and circulation are acceptable. The main feature of access to the site and circulation within the site is an ingress/egress easement from Brooks Drive to serve all the parcels. This easement is approved pursuant to Section 24-128(b)(9), and by definition, is treated as a driveway for setback and zoning purposes. Although the easement is shown in a slightly different location than was approved on PPS 4-16018, the new location is deemed acceptable. The rationale for the easement has not changed since the approval of PPS 4-16018, at which time the easement was to be designed as follows:

The access easement shall be designed as a unifying element for the commercial component and should create an identifiable route through the development, and be designed not only for vehicles but for pedestrians and bicyclists. The route will be reviewed for a level of comfort for all users, and not be reduced to a circuitous route through the parking lot.

To address this issue, the applicant filed a cross section with the PPS identified as "Brooks Drive South – Private Ingress/Egress Easements Plan View" which includes landscaping (shade), lighting, and space for pedestrians and bicyclists. The cross section shall be further refined with the review of the DSP, where the interaction between the building face and parking shall be evaluated.

The easement cross section design approved with PPS 4-16018 and DSP-16037 is maintained by this PPS, and the cross sections are shown on the plans. However, the cross sections shall be removed from the PPS and, as indicated by the finding above, be further refined with the DSP and subsequent revisions to ensure continuous sidewalk connections along with the other elements described.

Master Plan Rights-of-Way – MD 4

The site is adjacent to Pennsylvania Avenue, a current expressway facility. No additional right-of-way is required in support of current or planned functions of Pennsylvania Avenue.

Master Plan Rights-of-Way – Brooks Drive

The site is adjacent to Brooks Drive. While this roadway was constructed as an arterial, the most recent master plan in this area left this roadway undesignated.

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

11. **Schools**—Pursuant to Section 24-122.02 of the Subdivision Regulations, this PPS is exempt from review for impact on school facilities because the proposal consists of nonresidential development.
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 June 10, 2021, (Perry to Diaz-Campbell), incorporated herein by reference.
13. **Use Conversion**—As set forth in the PPS, the total development included in this PPS is to be 8,619 square feet of commercial development in the R-10 Zone. 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. If any residential development is proposed that proposal shall require approval of a new PPS prior to approval of any building permits.
14. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a), when utility easements are required by a public company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

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

The standard requirement for PUEs is 10 feet wide along both sides of all public rights-of-way. The property abuts Pennsylvania Avenue to the southwest and Brooks Drive to the southeast. Ten-foot-wide PUEs were provided along both these roads with the prior PPS. The PUEs will be re-recorded with the subject PPS and subsequent plat.

- 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**—The subject PPS 4-20031 and a Type 1 Tree Conservation Plan (TCP1-001-13-02) were received on May 27, 2021. Verbal and written comments were provided in a SDRC meeting on June 11, 2021. Revised information was received on June 17, 2021.

The Environmental Planning Section previously reviewed the following applications and associated plans for the subject site applicable to this case:

Development Review Case Number	Associated Tree Conservation Plan Number	Authority	Status	Action Date	Resolution Number
NRI-027-12	N/A	Staff	Approved	12/17/2012	N/A
4-12002	TCP1-001-13	Planning Board	Approved	07/11/2013	13-81(C)
DSP-15038	TCP2-005-16	Planning Board	Approved	05/05/2016	16-59
4-16018	TCP1-001-13-01	Planning Board	Approved	12/8/2016	16-150
NRI-027-12-01	N/A	Staff	Approved	12/29/2016	N/A
DSP-16037	TCP2-005-16-01	Planning Board	Approved	7/13/2017	17-110
DSP-16037-01	TCP2-005-16-02	Planning Board	Approved	5/7/2020	2020-73
4-20031	TCP1-001-13-02	Planning Board	Pending	Pending	Pending

Grandfathering

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

Site Description

The overall 11.01-acre site for the TCP1 is located at the northwest quadrant of the intersection of Pennsylvania Avenue and Brooks Drive. The portion subject to PPS 4-20031 is 3.46 acres and is located in the southern corner of the site. Based on available information, the site contains a stream, steep slopes, and 100-year floodplain. The site is in the Oxon Run watershed of the Middle Potomac River basin. The predominant soils found to occur, according to the

US Department of Agriculture Natural Resource Conservation Service Web Soil Survey, include the Croom gravelly sandy loam, Potomac-Issue complex and Udorthents, and reclaimed gravel pits (5-15 percent slopes). Based on available information, Marlboro clay and Christiana complexes are not found to occur in the vicinity of this property. The county may require a soil report in conformance with CB-94-2004 during the building permit process review. According to the 2017 *Countywide Green Infrastructure Plan* of the *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan), the property contains Regulated and Evaluation Areas. The subject PPS area is located within a graded and cleared Evaluation Area. The site is located within the Established Communities, as shown on the Growth Policy Map, and Environmental Strategy Area 1 of the Regulated Environmental Protection Areas Map, as designated by Plan 2035.

Sector Plan Conformance

The sector plan for this area is the 2009 *Approved Marlboro Pike Sector Plan and Sectional Map Amendment*. In the sector plan, the Environmental Infrastructure section contains goals, policies, and strategies. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is the text from the master plan and the plain text provides comments on plan conformance.

Green Infrastructure

POLICY: Preserve, protect, enhance, or restore the green infrastructure network and its ecological functions while supporting the desired development pattern of the Marlboro Pike sector plan.

The overall site has previously approved Preliminary Plans of Subdivision (4-12002 and 4-16018) and DSPs (DSP-15038, DSP-16037 and 01 revision). These plans were approved with woodland clearing and regulated environmental feature impacts. The entire site is located within the Green Infrastructure Plan containing Regulated and Evaluation Areas. Currently, the Regulated Area is located along the northeast boundary of the site, which contains a stream and floodplain, and remains as undisturbed woodland preservation. The remaining site area is within the Evaluation Area, where the land has already been cleared and graded. No new woodland clearing or regulated environmental feature impacts are included with this PPS.

POLICY: Preserve and expand the green infrastructure network and promote community connectivity with the environment.

The overall site has been cleared of woodlands while leaving the Regulated Area along the northeast boundary as woodland preservation. The overall development area goes right up to the Regulated Area with no room for woodland expansion. Due to previous applications at this location, the applicant has already met their woodland requirement with on-site preservation and off-site woodland credits.

POLICY: Increase the vegetated cover throughout the sector plan area.

The PPS will preserve on-site woodlands and plant landscape vegetation to increase the vegetative cover within the sector.

Water Quality and Stormwater Management

POLICY: Utilize best management practices and environmentally sensitive design techniques throughout the study area.

A SWM Concept Approval Letter (No. 61317-2016-02) and associated plan were submitted with the PPS for this site. The approval was issued on June 5, 2020 by DPIE. The overall concept plan proposes to construct environmental site design structures on-site, including grass swales, two submerged gravel wetland systems, and five micro-bioretenement facilities. A fee of \$35,307.00 has been paid for on-site attenuation/quality control measures.

Countywide Green Infrastructure Plan Conformance

The overall site has previously approved preliminary plans of subdivision and DSPs. These plans were approved with woodland clearing and regulated environmental feature impacts. The entire site is within the designated network of the Green Infrastructure Plan, containing Regulated and Evaluation areas. The Regulated area is primarily located along the northeast boundary of the overall subdivision and is associated with on-site stream and floodplain. This Regulated Area will remain in woodland preservation. The remaining site area is within the Evaluation Area where the land has already been cleared and graded. No new woodland clear or regulated environmental feature impacts are included with this PPS.

The conceptual design, as reflected on the TCP1, is in keeping with the goals of the Green Infrastructure Plan and focuses preservation on the most sensitive areas of the site.

Review of Previously Approved Conditions

This PPS (4-20031) supersedes the previous PPS (4-16018). The overall site has been cleared and graded per the previous approvals. There was a specimen tree removed as requested with an approved variance with PPS 4-16018. Regulated environmental features were requested for impact and these impacts have been completed for the on-site development as approved with PPS 4-16018. The subject PPS (4-20031) area is cleared and graded with no trees, woodlands, or regulated environmental features on-site. No additional woodland clearing or regulated environmental feature impacts are included with this PPS.

There is no change to the on-site woodland preservation limits shown on the previous Type 2 Tree Conservation Plan TCP2-005-16-02 and to the primary management area (PMA) within the conservation easement on the plat. The TCP2 shall be updated to reflect the current development proposal with a future DSP.

Environmental Review

Natural Resources Inventory/Existing Conditions

The Natural Resources Inventory NRI-027-12 was originally approved on December 17, 2012. The wetlands shown on the NRI, the TCP1, and prior PPS 4-12002 are not regulated wetlands, and are the result of the previous mining and grading operation on the property. The NRI was updated and approved on December 29, 2016. TCP1-001-13-02 is in conformance with the updated 2018 Environmental Technical Manual.

Woodland Conservation

The overall subdivision is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet and contains more than 10,000 square feet of existing woodland. A TCP1 has been submitted for review with this PPS.

This PPS (4-20031) supersedes the previous PPS, and the submitted TCP1 (TCP1-001-13-02) supersedes the previous TCP1s. The overall site has been cleared and graded per previous approvals. There were specimen trees removed as requested with a previously approved variance. Regulated environmental features were requested for impact and these impacts have been completed for the on-site development. The required off-site woodland mitigation was purchased with the previous application and permit.

The subject PPS 4-20031 area is cleared and graded in conformance with prior approvals with no trees, woodlands, or regulated environmental features on-site. No woodland clearing or regulated environmental feature impacts are included with this PPS.

Specimen Trees

The overall TCP1 shows the removal of one specimen tree (37-inch American Beech). This tree was approved for removal with a Subtitle 25 Variance Application and statement of justification in support of a variance with PPS 4-16018. This tree has been removed with previously approved on-site grading activities. The required findings of Section 25-119(d) of the WCO were previously addressed for the removal of one specimen tree with the approval of TCP1-001-13-01. The area specific to this PPS contains no specimen trees.

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

The current PPS does not include any additional PMA impacts to the those previously approved with PPS 4-16018. The previously approved impacts shown on the overall TCP1 includes several SWM outfalls, installation of a retaining wall, and a connection to an existing sewer line. These 0.15 acre of PMA impacts are constructed and are in place in conformance with the overall development. The area specific to this PPS contains no regulated environmental features. The regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the tree conservation plan.

17. **Urban Design**—The development of 8,619 square feet of commercial/industrial floor area is subject to DSP approval.

Conformance with the Requirements of the Prince George's County Zoning Ordinance

This PPS allows subdivision of Parcel 2 to accommodate additional commercial uses consistent with a Business Advancement and Food Access Infill use, as provided by CB-62-2015 and CB-83-2018. All Business Advancement and Food Access Infill uses are subject to DSP approval. The development will be required to demonstrate conformance with the applicable requirements of the Zoning Ordinance, at the time of DSP review, including but not limited to, the following:

- Section 27-445.15 Business Advancement and Food Access Infill Use
- Part 11 Off-Street Parking and Loading, and
- Part 12 Signs.

Conformance with Prior Approvals

The parcel subject to this PPS, known as Parcel 2, has been part of several prior approvals, including two PPSs and two DSPs. This PPS will supersede all prior PPSs for this parcel. Of the two conditions attached to the approval of DSP-16037, Condition 2 is relevant to this site as follows:

2. **Prior to approval of a final plat for the subject site, Section 24-128(b)(9) of the Subdivision Regulations access easement will be recorded in land records. The liber and folio of that recording shall be reflected on the plat.**

The Planning Board approved the amendment DSP-16037-01 on May 21, 2020 with three conditions. This approval is valid through May 21, 2023. Of the three conditions attached to the approval of DSP-16037-01, Condition 3 is relevant to this site as follows:

3. **Prior to approval of a building permit, the Section 24-128(b)(9) of the Prince George's County Subdivision Regulations access easement will be rerecorded in land records to match the detailed site plan. The liber and folio of that recording shall be reflected on a revised record plat.**

These conditions remain valid. A new final plat will be required following this PPS in order to subdivide Parcel 2 into Parcels 4 and 5, and these conditions may be met at that time. However, any final plat application submitted to both achieve the subdivision and re-record the access easement will need to include all parcels affected by the relocation of the access easement, rather than just Parcel 2.

Conformance with the 2010 Prince George's County Landscape Manual

This development is subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Specifically, the site is subject to Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from Streets; and Section 4.9, Sustainable Landscaping Requirements. Conformance with the requirements of the Landscape Manual will be reviewed at the time of DSP.

Conformance with the Tree Canopy Coverage Ordinance

Subtitle 25, Division 3, of the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit. Properties that are zoned R-10 are required to provide a minimum of 15 percent of the gross tract area in TCC. The subject site is 3.46 acres and will be required to provide a minimum 22,607 square feet of the tract area in TCC. Conformance with this requirement will be evaluated at the time of DSP.

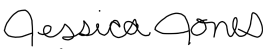
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

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 Geraldo, with Commissioners Washington, Geraldo, Bailey, Doerner and Hewlett voting in favor of the motion at its regular meeting held on Thursday, July 29, 2021, in Upper Marlboro, Maryland.

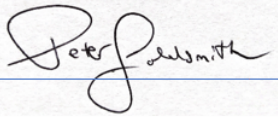
Adopted by the Prince George's County Planning Board this 9th day of September 2021.

Elizabeth M. Hewlett
Chairman

By 
Jessica Jones
Planning Board Administrator

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File No. 4-20031
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APPROVED AS TO LEGAL SUFFICIENCY

A handwritten signature in black ink, reading "Peter J. Smith", is written over a horizontal blue line. The signature is fluid and cursive.

M-NCPPC Legal Department
Date: August 5, 2021