



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

PGCPB No. 2022-46

File No. 4-21041

R E S O L U T I O N

WHEREAS, Rice Family Land LLC is the owner of an 8.54-acre parcel of land known as Parcel 2, said property being in the 14th Election District of Prince George's County, Maryland, and being zoned Rural Residential Zone under both the current Prince George's County Zoning Ordinance (in which it is known as the RR Zone) and the prior Zoning Ordinance (in which it is known as the R-R Zone); and

WHEREAS, on February 15, 2022, Springfield Road Partnership, LLC filed an application for approval of a Preliminary Plan of Subdivision for 13 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-21041 for Retreat at Glenn Dale 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 21, 2022; and

WHEREAS, new Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code went into effect on April 1, 2022; and

WHEREAS, pursuant to Section 24-1703(a) of the Subdivision Regulations, subdivision applications submitted and accepted as complete before April 1, 2022, but still pending final action as of that date, must be reviewed and decided in accordance with the Subdivision Regulations in existence at the time of the submission and acceptance of the application; and

WHEREAS, therefore, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed the application under the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code in existence prior to April 1, 2022; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on April 21, 2022, 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 TCP1-004-2022, and APPROVED a Variance to Section 25-122(b)(1)(G) for removal of two of three requested specimen trees, and further APPROVED Preliminary Plan of Subdivision 4-21041 for 13 lots with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised as follows:
 - a. Revise General Information Note 7 to provide that the net developable area outside the primary management area is 8.54 acres.
 - b. Revise General Information Note 10b to read “Eliana Court” instead of “Street A.”
2. Any nonresidential 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 approved Stormwater Management Concept Plan No. 33114-2021 and any subsequent revisions.
4. Prior to approval of a final plat, in accordance with the approved preliminary plan of subdivision, the final plat shall include:
 - a. The granting of 10-foot-wide public utility easements along the public roadways.
 - b. Right-of-way dedication of 6,755 square feet along Springfield Road and a 60-foot-wide public right-of-way for an internal roadway.
5. Prior to issuance of demolition permits, the existing structure on the subject site shall be recorded on a Maryland Inventory of Historic Properties form by a 36CFR-certified consultant. The form shall be submitted to Historic Preservation staff for review and approval.
6. Total development within the subject property shall be limited to uses which generate no more than 10 AM and 12 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision, with a new determination of the adequacy of transportation facilities.
7. Prior to signature approval of the preliminary plan of subdivision, Type 1 Tree Conservation Plan TCP1-004-2022 shall be revised, as follows:
 - a. Revise the limits of disturbance on the TCP1 to accurately reflect the limits of proposed grading on-site.
 - b. Show Specimen Tree 8 as being saved on the plan.

8. Development of this subdivision shall be in compliance with an approved Type 1 Tree Conservation Plan (TCP1-004-2022). The following notes shall be placed on the final plat of subdivision:

“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-004-2022), or as modified by a future 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/Tree Preservation Policy.”

9. 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.”

10. Prior to approval of the final plat of subdivision, in accordance with Section 24-135 of the Prince George’s County Subdivision Regulations, the applicant and the applicant’s heirs, successors, and/or assignees shall provide a fee-in-lieu payment for mandatory parkland dedication.

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

1. The subdivision, as modified with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George’s County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The site is located on the north side of Springfield Road, approximately 115 feet northwest from the intersection of Springfield Road and Good Luck Road. The site consists of one legal parcel known as Parcel 2, which is recorded in Liber 44927 folio 52 of the Prince George’s County Land Records. The property has an address of 8497 and 8605 Springfield Road. The 8.54-acre property is in the Rural Residential Zone under both the current Prince George’s County Zoning Ordinance (in which it is known as the RR Zone) and the prior Zoning Ordinance (in which it is known as the R-R Zone). This preliminary plan of subdivision (PPS) was reviewed in accordance with the prior Zoning Ordinance and Subdivision Regulations, as required by Section 24-1703(a) of the Subdivision Regulations. The site is subject to the 2022 *Approved Bowie-Mitchellville and Vicinity Master Plan* (master plan).

The PPS is for subdivision of the property into 13 lots for development of 13 single-family detached dwelling units with access via a public street (Eliana Court). The property is currently the site of one single-family detached dwelling unit, which is to be razed. The property is not the subject of any previous record plats or PPS; therefore, a PPS is required in order to permit the division of land and the construction of multiple dwelling units.

The property abuts the Patuxent Research Refuge, and as a result, on-site woodland preservation is a high priority for this site. The PPS includes two 1-acre lots at the rear of the subdivision, which will each have an area of preserved woodland, for a total preserved area of 0.87 acre. The on-site woodland preservation is discussed further in the Environmental finding of this resolution.

The applicant filed a variance request to Section 25-122(b)(1)(G) of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO), to allow removal of three specimen trees. This request is discussed further in the Environmental finding of this resolution.

3. **Setting**—The subject site is located on Tax Map 28 in Grids C-2, C-3, D-2, and D-3, and is within Planning Area 71A. The site is bound to the east by other residential subdivisions in the RR Zone, including the developed Parkside Reserve Subdivision and the undeveloped Patuxent Overlook Subdivision. South of the site is Springfield Road, with the Perkins Memorial Church, Glenn Dale United Methodist Church, and historic Perkins Chapel located on a parcel in the RR Zone beyond. North and west of the site is the Patuxent Research Refuge, in the Reserved Open Space Zone. The zoning classifications of the site and these surrounding properties are the same under both the current and prior Zoning Ordinances.
4. **Development Data Summary**—The following information relates to the subject PPS and the approved development.

	EXISTING	APPROVED
Zones	R-R	RR (Reviewed per prior ordinance standards)
Use(s)	Residential	Residential
Acreage	8.54	8.54
Parcels	1	0
Lots	0	13
Dwelling Units	1	13
Variance	No	Yes (Section 25-122(b)(1)(G))
Variation	No	No

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard at the Subdivision and Development Review Committee (SDRC) meeting on March 4, 2022.

5. **Previous Approvals**—There are no previous approvals applying to the subject site.
6. **Community Planning**—The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and conformance with the master plan are evaluated, as follows:

Plan 2035

This PPS is in the Established Communities policy area. The vision for the Established Communities area is context-sensitive infill and low- to medium-density development (page 20).

Master Plan

The master plan recommends residential low land uses for the subject property. Pursuant to Section 24-121(a)(5) of the Zoning Ordinance, this PPS conforms to the land use recommendations of the master plan.

7. **Stormwater Management**—An unapproved Stormwater Management (SWM) Concept Plan and letter (33114-2021) were submitted, which show the use of several bioswales; however, the layout is inconsistent with that of the PPS and the Type 1 tree conservation plan (TCP1). The SWM concept plan submitted is for a 15-lot subdivision, while the layout for this PPS and TCP1 is for a 13-lot subdivision. Prior to approval of a Type 2 tree conservation plan (TCP2), an approved SWM concept plan shall be submitted. The lotting pattern and the limits of disturbance (LOD) shall be consistent between the plans.

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

8. **Parks and Recreation**—This PPS has been reviewed for conformance with the requirements and recommendations of Plan 2035, the master plan, the 2017 *Land Preservation, Parks and Recreation Plan for Prince George's County*, the *Formula 2040 Functional Master Plan for Parks, Recreation, and Open Space*, and the Subdivision Regulations (Subtitle 24), as they pertain to public parks and recreation and facilities.

The development is located approximately 1 mile west of the Huntington North Recreation Area, which provides a baseball field, playground, tennis courts, and a basketball court. The Patuxent Research Refuge, a 12,841-acre property owned by the U.S. Fish and Wildlife Service, abuts the property, with hunting, fishing, trails, and interpretive programs. Other nearby parks include Sandy Hill Community Park, Huntington South Neighborhood Park, and Northridge Park.

In accordance with Section 24-134 of the prior Subdivision Regulations, in all residential subdivisions, except as stipulated in the subsection, the Prince George's County Planning Board shall require the platting and conveyance to the Maryland-National Capital Park and Planning Commission or to a municipality located within the regional district, but not within the Maryland-Washington Metropolitan District, upon request of such municipality, suitable and adequate land for active or passive recreation, or the payment of a monetary fee-in-lieu thereof, or the provision of recreational facilities, as otherwise provided.

The applicant proposed a fee-in-lieu for the mandatory dedication of parkland requirement, in accordance with Section 24-135 of the prior Subdivision Regulations. This proposal is found to be appropriate, based on the limited size of the development and the limited opportunities on-site.

The fee may be applied toward achieving the goals for a better assemblage of and access to parks in Park Service Area 3, within which this property lies.

Future residents will be best served by the provision of a fee-in-lieu, and the fee-in-lieu will meet the requirements of mandatory parkland dedication.

The PPS is in conformance with the applicable master plans and the requirements of Subtitle 24, as they pertain to parks and recreation facilities.

9. **Bicycle/Pedestrian**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the master plan, and the prior Subdivision Regulations to provide the appropriate pedestrian and bicycle transportation recommendations.

Master Plan Pedestrian and Bike Facilities

The MPOT includes the following goal and policies regarding sidewalk and bikeway construction and the accommodation of pedestrians and bicyclists (MPOT, pages 7 and 8):

GOAL: Provide a continuous network of sidewalks, bikeways and trails that provide opportunities for residents to make some trips by walking or bicycling, particularly to mass transit, schools, employment centers, and other activity centers.

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

POLICY 3: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.

POLICY 4: Identify sidewalk retrofit opportunities for small area plans within the Developed and Developing Tiers in order to provide safe routes to school, pedestrian access to mass transit and more walkable communities.

POLICY 5: Plan new development to help achieve the goals of this master plan.

The subject site fronts on Springfield Road, which is identified as the location of a planned future bike lane. With this PPS, Springfield Road is to remain a two-lane roadway. However, the dedication of right-of-way to Springfield Road will allow room for the future construction of a bike lane.

While it is the goal of the MPOT to provide continuous sidewalk networks, the road operating agency makes the final determination on the appropriate improvements within public rights-of-way. The decision was made during the SDRC meeting with the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) that sidewalks are not required with this subdivision. There is no existing network of sidewalks in the area which sidewalks in this subdivision could join. DPIE is the permitting agency responsible for review

and approval of improvements within the public right-of-way and has ultimate jurisdiction over whether sidewalks should be provided. The plan includes swales for SWM next to Eliana Court, in lieu of sidewalks.

Based on the preceding findings, adequate bicycle and pedestrian facilities will exist to serve the subdivision, and the subdivision conforms with the relevant master plan recommendations, in accordance with Subtitle 24.

10. **Transportation**—Transportation-related findings for adequacy are made for this PPS, in accordance with the Subdivision Regulations, along with any needed determinations related to dedication, access, and general subdivision layout. Access is by means of a proposed public roadway (Eliana Court) connecting to an existing public collector roadway (Springfield Road).

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

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

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

For two-way stop-controlled intersections a three-part process is employed:
(a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed.

For all-way stop-controlled intersections a two-part process is employed:
(a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed.

This PPS includes residential use. The trip generation is estimated using trip rates and requirements in the “Transportation Review Guidelines, Part 1” (Guidelines). The table below summarizes trip generation in each peak-hour that is used in reviewing traffic for the site:

Trip Generation Summary: 4-21041: Retreat at Glenn Dale								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Tot	In	Out	Tot
Single-Family Detached	13	Units	2	8	10	8	4	12
Recommended Trip Cap					10			12

The traffic generated by the PPS will impact the following intersections in the transportation system:

- Springfield Road and Good Luck Road/Spring Park Court (unsignalized)
- Springfield Road and Site Access (unsignalized) under build condition

The following tables represent results of the analyses of the critical intersections under existing, background, and total traffic conditions:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
Springfield Road and Good Luck Road/Spring Park Court	9.7*	9.4*	--	--
*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 study intersections are not programmed for any lane configuration changes within the next six years in the current Maryland Department of Transportation "Consolidated Transportation Program" or Prince George's County "Capital Improvement Program." Approved but unbuilt developments have been identified within the study area, background traffic has been developed. A 1.5 percent annual growth rate for a period of 6 years has been assumed.

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
Springfield Road and Good Luck Road/Spring Park Court	9.8*	9.6*	--	--
*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 critical intersection identified above, when analyzed with the total future traffic as developed using the Guidelines, including the site trip generation as described above, operates as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
Springfield Road and Site Access	9.7*	10.0*	--	--
Springfield Road and Good Luck Road/Spring Park Court	9.9*	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.				

The greatest average delay for movement within the above intersections will not exceed 50 seconds, therefore there are no traffic inadequacies under total traffic conditions.

Master Planned Roads and Site Access

The site is adjacent to Springfield Road, a collector right-of-way identified in the MPOT. The plan shows adequate right-of-way to be dedicated, and no additional dedication is required from this plan. Access to the property is from Springfield Road, via a new public road shown as Eliana Court on the PPS. Due to the adequate right-of-way dedication and site access, the PPS will conform with the relevant master plan recommendations for roadways.

Based on the preceding findings, adequate transportation facilities will exist to serve the subdivision, in accordance with Subtitle 24.

11. **Schools**—This PPS has been reviewed for impact on school facilities, in accordance with Section 24-122.02 of the Subdivision Regulations and Council Resolutions CR-23-2001 and CR-38-2002, *Amended Adequate Public Facilities Regulations for Schools*. The subject property is located within Cluster 1, as identified in the *Pupil Yield Factors & Public-School Clusters* 2020 Update. A school impact analysis was conducted and the results are as follows:

Impact on Affected Public School Clusters by Dwelling Units

	Affected School Cluster		
	Elementary School Cluster 1	Middle School Cluster 1	High School Cluster 1
Single-Family Detached Dwelling Units	13	13	13
Single-Family Detached Pupil Yield Factor (PYF)	0.158	0.098	0.127
SFD x PYF = Future Subdivision Enrollment	2.054	1.274	1.651
Adjusted Student Enrollment 9/30/19	12,632	5,756	6,695
Total Future Student Enrollment	12,634	5,757	6,697
State Rated Capacity	11,837	4,725	6,221
Percent Capacity	107	122	107

The master plan provides goals and policies related to public facilities (pages 165–177), including the following policy for schools:

Policy PF 1: Ensure public schools within Bowie-Mitchellville and Vicinity operate at 100 percent or less utilization.

As shown in the table above, the schools in Cluster 1 operate above 100 percent utilization. However, the master plan goal of utilization under 100 percent is aspirational, as no single subdivision can ensure the schools are below the threshold. Section 24-122.02 establishes 105 percent as the threshold over which a subdivision fails the school facilities test, and per Section 24-114.01, there is no consequence for failing the test.

Per PF 1.1, the Planning Department continues to provide “support to PGCPs in securing future school sites in line with PGCPs ongoing comprehensive boundary analysis findings and of PGCPs’ Educational Facilities Master Plan.”

To address the impact of new development on public schools, Section 10-192.01 of the Prince George’s County Code establishes school surcharges and an annual adjustment for inflation, unrelated to the provisions of Subtitle 24. The current amount is \$10,180 per dwelling if a building is located between I-95/I-495 (Capital Beltway) and the District of Columbia; \$10,180 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$17,451 per dwelling for all other buildings. This project is located outside I-95/I-495; thus, the surcharge fee is \$17,451 per dwelling. This fee is to be paid to DPIE at time of issuance of each building permit.

12. **Public Facilities**—In accordance with Section 24-122.01, water and sewerage, police, and fire and rescue facilities will be adequate to serve the subject site, as outlined in a memorandum from the Special Projects Section, dated March 21, 2022 (Thompson to Diaz-Campbell), incorporated by reference herein.

The development conforms with the requirements of the master plan for public facilities (pages 165–177). There are no police, fire, emergency medical service facilities, schools, parks, or libraries proposed on the subject property.

13. **Use Conversion**—The total development included in this PPS is for 13 single-family detached dwellings in the R-R Zone. If a substantial revision to the mix of uses on the subject property is proposed, including any nonresidential development, that affects Subtitle 24 adequacy findings, as set forth in the resolution of approval and reflected on the PPS, that revision of the mix of uses shall require approval of a new PPS, prior to approval of any building permits.

14. **Public Utility Easement**—In accordance with Section 24-122(a), when utility easements are required by a public company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

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

The standard requirement for public utility easements (PUEs) is 10 feet wide along both sides of all public rights-of-way. The subject site fronts on the existing public right-of-way of Springfield Road to the south. The PPS also includes one new public street, shown on the PPS as Eliana Court. The required PUEs are shown along both of these public rights-of-way. There are no private streets in the development.

15. **Historic**—A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates that the probability of archeological sites within the subject property is low. A Phase I archeology survey is not required.

The subject property is adjacent to Perkins Methodist Chapel and Cemetery (64-005), a Prince George’s County Historic Site. Perkins Chapel, built circa 1861 on land donated by J.T. Perkins during a period of division in the Methodist Episcopal Church is one of the few surviving mid-nineteenth century rural chapels in the county. It is an offshoot of the Pleasant Grove Methodist Church, which was established in 1815. The frame meetinghouse-style building is clad with German siding and is distinguished by its 12-pane fanlight, wood “keystone” and gable louver with quatrefoil tracery. Adjoining the building is a cemetery with burials nearly as old as the chapel. Perkins Methodist Chapel and Cemetery is located on the northern end of its 4.5-acre environmental setting. The subject property is adjacent to the mid-twentieth-century church building located on the southern end of the environmental setting. The existing vegetation and topography on both the developing property and on the Perkins Chapel Historic Site will adequately minimize any potential visual impact to the historic site.

The State Department of Assessments and Taxation (SDAT) records indicate the primary structure on the subject property was constructed in 1890. The 1861 Martenet Map and 1878 Hopkins Atlas show a structure in the approximate location as the existing structure. The existing structure on the subject property appears to be a 1930s bungalow. The structure is more than 50 years old and shall, therefore, be documented on a Maryland Inventory of Historic Sites form that shall be submitted to Historic Preservation staff, prior to its demolition.

The master plan includes goals and policies related to historic preservation (pages 146-155). However, these are not specific to the subject site or applicable to the development.

16. **Environmental**—The subject PPS and a Type 1 Tree Conservation Plan (TCP1-004-2022) were received on February 15, 2022. Comments were provided in an SDRC meeting on March 4, 2022. Revised plans and documents were received on March 14, 2022.

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

Development Review Case	Associated Tree Conservation Plan or Natural Resources Inventory	Authority	Status	Action Date	Resolution Number
N/A	NRI-135-2021	Staff	Approved	11/29/2021	N/A
4-21041	TCP1-004-2022	Staff	Pending	Pending	N/A

Grandfathering

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

CONFORMANCE WITH APPLICABLE PLANS – Environmental

Plan 2035

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

Master Plan Conformance

The master plan includes applicable goals, policies, and strategies. The following policies are applicable to the current project regarding natural resources preservation, protection, and restoration. The text in **BOLD** is the text from the master plan, and the plain text provides comments on plan conformance.

Natural Environment Section

Green Infrastructure

Policy NE 1: Ensure that areas of connectivity and ecological functions are maintained, restored, or established during development or re development.

Strategies:

NE 1.1 Use the green infrastructure network as a guide to decision-making, and as an amenity in the site design and development review processes.

The PPS is reviewed later in this finding for conformance with *The Countywide Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan). See the Green Infrastructure Plan discussion section.

Policy NE 2: Preserve, in perpetuity, Nontidal Wetlands of Special State Concern (NTWSSC) within Bowie-Mitchellville and Vicinity (see Map 41. Nontidal Wetlands of Special State Concern (NTWSSC)—2017).

Strategies:

NE 2.1 Continue to protect the NTWSSC and associated hydrologic drainage area located within the following areas:

- **The Belt Woods Special Conservation Area**
- **Near the Huntington Crest subdivision south of MD 197, within the Horsepen Branch Watershed.**
- **In the northern portion of Bowie Mitchellville and Vicinity adjacent to the Patuxent Research Refuge and along the Patuxent River north of Lemon Bridge Road.**

There are no nontidal wetlands of special state concern within the vicinity of this property, as mapped on Map 41 of the master plan.

Stormwater Management

Policy NE 3: Proactively address stormwater management in areas where current facilities are inadequate.

This project will be subject to stormwater review and approval by DPIE. An unapproved SWM Concept Plan (33114-2021) was under review at the time of the PPS approval. A final stormwater design plan in conformance with County and State laws will be required, prior to issuance of any grading permits for this site.

Forest Cover/Tree Canopy Coverage

Policy NE 4: Support street tree plantings along transportation corridors and streets, reforestation programs, and retention of large tracts of woodland to the fullest extent possible to create a pleasant environment for active transportation users including bicyclists and pedestrians.

This project is subject to the WCO because the property contains more than 10,000 square feet of woodland and has no previous TCP approvals. Conformance with this ordinance is discussed in the Woodland Conservation section of this resolution.

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development projects that propose more than 5,000 square feet of gross floor area or disturbance and requires a grading permit. Properties zoned R-R are required to provide a minimum 15 percent of the gross tract area to be covered by tree canopy. The subject site is 8.54 acres, and therefore requires 1.28 acres of tree canopy coverage (TCC). Conformance with this requirement will be addressed at time of permit review.

Impervious Surfaces

Policy NE 5: Reduce urban heat island effect, thermal heat impacts on receiving streams, and reduce stormwater runoff by increasing the percentage shade and tree canopy over impervious surfaces.

Strategies:

NE 5.1 Retrofit all surface parking lots using ESD and best stormwater management practices when redevelopment occurs. Plant trees wherever possible to increase tree canopy coverage to shade impervious surfaces, to reduce urban heat island effect, limit thermal heat impacts on receiving streams, and slow stormwater runoff (see TM 11.1).

NE 5.2 Retrofit streets pursuant to the 2017 DPW&T Urban Streets Design Standards as recommended in the Transportation and Mobility Element, which include increased tree canopy cover for active transportation comfort and stormwater management practices.

Planting trees wherever possible to increase TCC to shade impervious surfaces, to reduce urban heat island effect, and limit thermal heat impacts on receiving streams is encouraged.

Green Infrastructure Plan

The Green Infrastructure Plan was approved with the adoption of the *Resource Conservation Plan: A Countywide Functional Master Plan* (CR-11-2017) on March 7, 2017. According to the approved plan, the site contains regulated areas associated with an off-site stream system located along the northern property boundary, while the remainder of the site is an evaluation area.

The following policies and strategies are applicable to the subject PPS. The text in **BOLD** is the text from the master plan and the plain text provides comments on plan conformance.

POLICY 1: Preserve, enhance, and restore the green infrastructure network and its ecological functions while supporting the desired development pattern of Plan Prince George's 2035.

- 1.1 **Ensure that areas of connectivity and ecological functions are maintained, restored and/or established by:**
 - a. **Using the designated green infrastructure network as a guide to decision-making and using it as an amenity in the site design and development review processes.**
 - b. **Protecting plant, fish, and wildlife habitats and maximizing the retention and/or restoration of the ecological potential of the landscape by prioritizing healthy, connected ecosystems for conservation.**
 - c. **Protecting existing resources when constructing stormwater management features and when providing mitigation for impacts.**
 - d. **Recognizing the ecosystem services provided by diverse land uses, such as woodlands, wetlands, meadows, urban forests, farms and grasslands within the green infrastructure network and work toward maintaining or restoring connections between these**
- 1.2 **Ensure that Sensitive Species Project Review Areas and Special Conservation Areas (SCAs), and the critical ecological systems supporting them, are preserved, enhanced, connected, restored, and protected.**
 - a. **Identify critical ecological systems and ensure they are preserved and/or protected during the site design and development review processes.**

This site is mapped immediately adjacent to the special conservation area associated with the Patuxent Research Refuge. The site layout will place an area that is currently acting as a network connection between existing woodlands off-site on the Patuxent Research Refuge with existing woodland preservation, located on the Patuxent Overlook

subdivision, by preserving and placing woodlands into a woodland conservation easement along the northern portion of the site.

POLICY 2: Support implementation of the 2017 GI Plan throughout the planning process.

- 2.4 Identify Network Gaps when reviewing land development applications and determine the best method to bridge the gap: preservation of existing forests, vegetation, and/or landscape features, and/ or planting of a new corridor with reforestation, landscaping and/or street trees.**

The site layout will place an area that is currently acting as a connection between existing woodlands off-site on the Patuxent Research Refuge with woodland preservation on the Patuxent Overlook subdivision, by preserving and placing woodlands into a woodland conservation easement along the northern portion of the property.

- 2.5 Continue to require mitigation during the development review process for impacts to regulated environmental features, with preference given to locations on-site, within the same watershed as the development creating the impact, and within the green infrastructure network.**
- 2.6 Strategically locate off-site mitigation to restore, enhance and/or protect the green infrastructure network and protect existing resources while providing mitigation.**

No regulated environmental features exist on-site; therefore, no mitigation is required.

POLICY 3: Ensure public expenditures for staffing, programs, and infrastructure support the implementation of the 2017 GI Plan.

- 3.3 Design transportation systems to minimize fragmentation and maintain the ecological functioning of the green infrastructure network.**
- a. Provide wildlife and water-based fauna with safe passage under or across roads, sidewalks, and trails as appropriate. Consider the use of arched or bottomless culverts or bridges when existing structures are replaced, or new roads are constructed.**

No stream crossings are included with this PPS.

- b. Locate trail systems outside the regulated environmental features and their buffers to the fullest extent possible. Where trails must be located within a regulated buffer, they must be designed to minimize clearing and grading and to use low impact surfaces.**

There is a master-planned trail within the shared right-of-way of Springfield Road. No on-site pedestrian trail network impacts to regulated environmental features, or their regulated buffers, is included with this PPS. Environmental impacts related to off-site trail connections will be minimized during the alignment and construction of the trail, in accordance with subdivision and zoning requirements.

POLICY 4: Provide the necessary tools for implementation of the 2017 GI Plan.

- 4.2 Continue to require the placement of conservation easements over areas of regulated environmental features, preserved or planted forests, appropriate portions of land contributing to Special Conservation Areas, and other lands containing sensitive features.**

On-site woodland conservation will be required to be placed into Woodland and Wildlife Habitat Conservation Easements, prior to approval of the TCP2.

POLICY 5: Improve water quality through stream restoration, stormwater management, water resource protection, and strategic conservation of natural lands.

- 5.8 Limit the placement of stormwater structures within the boundaries of regulated environmental features and their buffers to outfall pipes or other features that cannot be located elsewhere.**
- 5.9 Prioritize the preservation and replanting of vegetation along streams and wetlands to create and expand forested stream buffers to improve water quality.**

The Site/Road Plan Review Division of DPIE will review the project for conformance with the current provisions of the County Code that addresses the state regulations. The TCP1 prioritizes preservation adjacent to potential off-site regulated streams and a special conservation area.

POLICY 7: Preserve, enhance, connect, restore, and preserve forest and tree canopy coverage.

General Strategies for Increasing Forest and Tree Canopy Coverage

- 7.1 Continue to maximize on-site woodland conservation and limit the use of off-site banking and the use of fee-in-lieu.**
- 7.2 Protect, restore, and require the use of native plants. Prioritize the use of species with higher ecological values and plant species that are adaptable to climate change.**

- 7.4 Ensure that trees that are preserved or planted are provided appropriate soils and adequate canopy and root space to continue growth and reach maturity. Where appropriate, ensure that soil treatments and/ or amendments are used.**

According to the Natural Resources Inventory (NRI) and TCP1 submitted, the plans preserve the highest quality portion of the existing woodlands on-site, while concentrating areas of development within the lower forest quality areas.

Forest Canopy Strategies

- 7.12 Discourage the creation of new forest edges by requiring edge treatments such as the planting of shade trees in areas where new forest edges are proposed to reduce the growth of invasive plants.**
- 7.13 Continue to prioritize the protection and maintenance of connected, closed canopy forests during the development review process, especially in areas where FIDS habitat is present or within Sensitive Species Project Review Areas.**
- 7.18 Ensure that new, more compact developments contain an appropriate percentage of green and open spaces that serve multiple functions such as reducing urban temperatures, providing open space, and stormwater management.**

Clearing of woodlands is included with the subject PPS. Woodland conservation is designed to minimize fragmentation and reinforce new forest edges. Although forest interior dwelling species (FIDS) habitat will be reduced overall off-site with this development, by consolidating the development along the frontage and including preservation on the lots at the back of the subdivision, a greater level of FIDS habitat is preserved off-site.

POLICY 12: Provide adequate protection and screening from noise and vibration.

- 12.2 Ensure new development is designed so that dwellings or other places where people sleep are located outside designated noise corridors. Alternatively, mitigation in the form of earthen berms, plant materials, fencing, or building construction methods and materials may be used.**

The subject property is not located within a designated noise corridor.

ENVIRONMENTAL REVIEW

Natural Resources Inventory Plan

Signed NRI-135-2021 was submitted with the PPS. The site does not contain any regulated environmental features, such as wetlands, streams, or associated buffers. No primary management area or 100-year floodplain is mapped on-site. The NRI indicates the presence of two forest stands labeled as Stand 1 and Stand 2. A total of eight specimen trees are identified on-site, with five additional specimen trees identified off-site, within 100 feet of the property.

Forest Stand 1 is located along the front of the property and is characterized as being in an earlier stage of succession than the Forest Stand 2, which is located at the rear of the property. Of the two stands, Forest Stand 2 has a higher rating for priority of preservation and restoration per Table 6: Summary – Forest Analysis and Priorities, in the associated Forest Stand Delineation report. This is in part due to the stand being associated with larger specimen trees, less invasive species, and proximity to off-site regulated features, and partial inclusion within a regulated area of the green infrastructure network.

The PPS is consistent with the environmental features identified on the NRI.

Woodland Conservation

This project is subject to the WCO because it is a new PPS. This project is also subject to the Environmental Technical Manual. TCP1-004-2022 was submitted with the subject PPS and requires revisions in order to be found in conformance with the WCO.

According to the TCP1, the woodland conservation threshold (WCT) for this 8.54-acre property is 20 percent of the net tract area, or 1.71 acres. The total woodland conservation requirement based on the amount of clearing is 3.87 acres. The woodland conservation requirement is to be satisfied with 0.87 acre of on-site preservation, and 3.00 acres of off-site mitigation.

The LOD are not accurately reflected on the plan. The TCP1 shows the LOD encompassing the entire site, but preservation of woodlands is shown in this area. The LOD shall be revised to accurately reflect the limits of the grading on the plan.

Section 25-122(c)(1) prioritizes methods to meet the woodland conservation requirements. The applicant submitted a statement of justification (SOJ) dated February 8, 2022, requesting approval of a combination of on-site and off-site woodland conservation, as reflected on the TCP1 worksheet. The applicant states that although they are only preserving 0.87 acre of the 1.71 WCT on-site, they are proposing to preserve the highest quality of woodlands on-site within Stand 2, which has a priority of preservation with the highest number of specimen trees contiguous with the Patuxent Wildlife Research Refuge special conservation area, as well as containing the only regulated area within the Green Infrastructure Plan on-site. This area of preservation will also provide additional environmental protection to a regulated area of the Green Infrastructure Plan located downstream for the property. The applicant contends that clearing of the lower priority area (Stand 1) is supported, due to the lower quality trees, high percentage of invasive species, and high level of human disturbance. The applicant also contends that providing on-site

afforestation/reforestation is a lower priority over preserving the higher priority woodlands on-site. The applicant also proposed to save the majority of the specimen trees on-site and place them into a woodland conservation easement. The applicant states that the site is not suitable for natural regeneration. They state that the next logical step is to provide the remaining requirement off-site prioritizing off-site afforestation/reforestation of connected planting areas using transplanted native stock above all other priorities on the remainder of the list. The applicant's request to meet the woodland preservation requirements through a combination of on-site and off-site preservation, as stated in the SOJ, is approved with this PPS.

Soils

The predominant soils found to occur on-site, according to the U.S. Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, include Christiana-Downer complex (5–10 percent slopes), Downer-Hammonton complex (2–5 percent slopes), Galestown-Urban complex (5–15 percent slopes), Russett-Christiana complex (2–5 percent slopes), Sassafras-Urban land complex (0–5 percent slopes), and Udorthents, reclaimed clay pits (5–15 percent slopes).

Marlboro clay has not been identified on or within the immediate vicinity of this property; however, unsafe soils containing Christiana complexes have been mapped across various portions of the site.

There are no geotechnical issues considering the construction and the existing site and subsoil conditions. Correspondence from DPIE demonstrating conformance with Section 24-131 of the Subdivision Regulations for unsafe soils is not required at this time, and no further action is needed as it relates to this PPS. The County may require a soils report, in conformance with Prince George's County Council Bill CB-94-2004 during future phases of development and/or at time of permit.

Preservation of Regulated Environmental Features

Because no regulated environmental features will be impacted by the development, the regulated environmental features have been preserved and/or restored in a natural state, to the fullest extent possible, in accordance with the requirements of Section 24-130(b)(5).

Specimen, Champion, or Historic Trees

Tree conservation plans are required to meet all the requirements of Subtitle 25, Division 2, which includes the preservation of specimen trees, as specified in Section 25-122(b)(1)(G). Every effort should be made to preserve the trees in place, considering the different species' ability to withstand construction disturbance (refer to the Construction Tolerance Chart in the Environmental Technical Manual for guidance on each species' ability to tolerate root zone disturbances).

If, after careful consideration has been given to the preservation of the specimen trees, there remains a need to remove any of the specimen trees, a variance to Section 25-122(b)(1)(G) is required. Applicants can request a variance to the provisions of Division 2 of Subtitle 25, the WCO, provided all the required findings in Section 25-119(d) can be met. An application for a

variance must be accompanied by a letter of justification (LOJ) stating the reasons for the request, and how the request meets each of the required findings. A Subtitle 25 Variance application and an LOJ in support of a variance, dated March 10, 2022, were submitted for each of the trees proposed to be removed.

The LOJ requested removal of three of the existing eight specimen trees located on-site. Specifically, the applicant sought to remove Specimen Trees (ST) 8, 11, and 12. The TCP and Specimen Tree Removal exhibit show the location of the trees proposed for removal and identify these trees as being in good to fair condition. These trees are located on-site, and within the proposed cul-de-sac, as well as the proposed residential lot area of Lot 7.

**SPECIMEN TREE SCHEDULE SUMMARY
FOR 9 TREES PROPOSED FOR REMOVAL ON TCP1-004-2022**

SPECIMEN TREE #	COMMON NAME	DBH (inches)	CONDITION	APPLICANT'S PROPOSED DISPOSITION	NOTES/ RECOMENDATIONS
8	Tulip Poplar	61.1	Fair	Removed	None
11	Tulip Poplar	30	Good	Removed	None
12	Tulip Poplar	34	Good	Removed	None

Removal of two of the three specimen trees requested by the applicant is approved, based on the findings below.

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

Due to other development requirements for the construction of a public road and cul-de-sac, the removal of ST-11 and ST-12 are deemed unavoidable.

The proposed use, as a single family detached subdivision, is a significant and reasonable use for the subject site, and it cannot be accomplished elsewhere on the site without the requested variance. The property is narrow and has limited frontage, which limits the site area available for development. The site cannot be accessed from any other point. Requiring the applicant to retain the two specimen trees on the site (11 and 12), would further limit the area of the site available for development to the extent that it would cause the applicant an unwarranted hardship.

Although the proposed stormdrain proposes to impact just over one-third of the critical root zone of ST-8, it is not necessary for it to be fully removed to install the stormdrain, as reflected on the TCP1. This tree also does not appear to pose an immediate fall hazard to surrounding existing or proposed buildings, and is not guaranteed to immediately decline after construction. Protection measures, such as root pruning along the edge of the LOD and vertical mulching the area of the retained critical root zone pre-construction, can improve the survivability of this tree.

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

The proposed residential community includes housing options that align with the uses permitted in the zone. Enforcement of these rules to preserve all specimen trees along with an appropriate percentage of their critical root zone would deprive the applicant of the right to develop the property in a similar manner to other properties in the area with the same zoning, because the specimen trees requested for removal are located within the most developable part of the site. Enforcement of these rules for ST-11 and ST-12 would result in an inability for the applicant to fully construct a road and cul-de-sac to fully access the site and prevent the applicant from developing the rear portion of the property.

Enforcement of these rules for the retention of ST-8 would still result in the construction of the stormdrain line and outfall.

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

Not granting the variance would prevent the project from being developed in a functional and efficient manner. This is not a special privilege that would be denied to other applicants. If other similar residential developments were wooded with regulated environmental features and specimen trees in similar conditions and locations, it would be given the same considerations during the review of the required variance application.

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

The existing site conditions or circumstances, including the location of the specimen trees, are not the result of actions by the applicant. The removal of the specimen trees is the result of the location of the trees on the site and preserving the woodland conservation requirement to achieve optimal development for the single-family dwelling subdivision with associated infrastructure.

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

The request to remove the trees does not arise from any condition on a neighboring property. There are no existing conditions relating to land or building uses on the site or on neighboring properties that have any impact on the location or size of the specimen trees. The trees have grown to specimen tree size based on natural conditions and have not been impacted by any neighboring land or building uses.

(F) Granting of the variance will not adversely affect water quality

The removal of two specimen trees would have no measurable effect on water quality. The PPS is subject to additional regulations protecting water quality, including SWM regulations, as implemented locally by DPIE. Erosion and sediment control requirements are also reviewed and approved by the Prince George's County Soil Conservation District. Both SWM and erosion and sediment control requirements are to be met in conformance with state and local laws to ensure that the quality of water leaving the site meets the State's standards, which are set to ensure that no degradation occurs.

The required findings of Section 25-119(d) have been adequately addressed for the removal of ST-11 and ST-12; however, the required findings for removal cannot be made for ST-8, since it is not necessary for this tree to be removed for construction of the stormdrain based on the actual LOD on the TCP1. ST-8 is situated in a proposed woodland conservation easement, where trees are required to remain in perpetuity as part of the natural ecological cycle of the forest. Trees may only be removed from such easements if they are deemed to pose a fall hazard to an existing structure. The location of this tree does not appear to pose any such fall hazard for any proposed or existing structures on- or off-site. There is no guarantee that the proposed grading will lead to the immediate decline and death of this tree, and, even if it does, the tree will still serve as a habitat for a variety of species of birds and other animals that nest in dead trees. Due to the location of the tree in a proposed forest preservation area, its location in a regulated area of the green infrastructure network, its proximity to the Patuxent Research Refuge, and the existing woodland preservation on the Patuxent Overlook Subdivision, removal of ST-8 is not approved.

17. **Urban Design**—The development project will not be subject to DSP review.

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

The single-family dwellings to be developed on the subject property are permitted by right in the R-R Zone. Conformance with additional Zoning Ordinance Regulations is required for the development at the time of permit, including but not limited to the following:

Section 27-428, R-R Zone

- Section 27-441, Uses (R-R Zone)
- Section 27-442, Regulations (R-R Zone)
- Part 11 Off-street Parking and Loading, and
- Part 12 Signs

Conformance with the Prince George's County Tree Canopy Coverage Ordinance

Subtitle 25, Division 3, The Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development projects that propose more than 5,000 square feet of gross floor area or disturbance and require a grading permit. The property is in the R-R Zone and will require 15 percent of gross tract area to be in the TCC. Compliance with the TCC requirements will be evaluated at time of permit review.

Conformance with the Requirements of the Prince George's County Landscape Manual

Based on the review of this project under the prior Zoning Ordinance, pursuant to Section 27-124.03, the development is subject to the 2010 *Prince George's County Landscape Manual*, including Section 4.1, Residential Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements. The layout shown indicates that Lots 1 and 13 are adjacent to Springfield Road, which is designated as an historic roadway and requires a 20-foot-wide buffer to be planted with a minimum of 80 plant units per 100 linear feet of frontage, excluding driveway openings. The required buffer has been shown on these lots. Conformance with the applicable landscape requirements will be determined at time of permit review.

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, Doerner, and Shapiro voting in favor of the motion, and with Commissioner Bailey absent at its regular meeting held on Thursday, April 21, 2022, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 12th day of May 2022.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:EDC:rpg

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: May 9, 2022