



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

PGCPB No. 2022-84

File No. 4-21047

R E S O L U T I O N

WHEREAS, Chance Manor, LLC is the owner of a 9.90-acre parcel of land known as Parcel 43, said property being in the 7th Election District of Prince George's County, Maryland, and being zoned Residential Estate (RE) Zone (formerly the R-E Zone) and Aviation Policy Area 6 (APA-6); and

WHEREAS, on March 17, 2022, Chance Manor LLC filed an application for approval of a Preliminary Plan of Subdivision for one parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-21047 for Chance Academy 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 7, 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 July 7, 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 TCP1-008-2022, and APPROVED a Variance to Section 25-122(b)(1)(G), and further APPROVED Preliminary Plan of Subdivision 4-21047, for one parcel with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised to:
 - a. Remove side yard setbacks.
 - b. Revise General Note 5 to remove reference to E-033-2021.

- c. Revise General Note 26 to provide the Type 1 tree conservation plan number.
- 2. Total development within the subject property shall be limited to uses which generate no more than 56 AM peak-hour trips and 10 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.
- 3. Any residential development shall require the approval of a new preliminary plan of subdivision, prior to approval any building permits.
- 4. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan, 2686-2021-00, and any subsequent revisions.
- 5. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan shall be revised, as follows:
 - a. Clearly show and label the specimen tree credit area.
 - b. Add the standard Subtitle 25 variance note under the Historic Tree Table or Woodland Conservation Worksheet, identifying with specificity the variance decision consistent with the decision of the Prince George's County Planning Board:

“NOTE: This plan is in accordance with the following variance(s) from the strict requirements of Section 25-122(b)(1)(G) as approved by the Planning Board on (ADD DATE) with 4-21047 for the removal of the following historic trees: 64 and 65.”

- c. Correct the worksheet to indicate that the site is subject to the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance and is in a priority funding area.
- d. Have the plans signed and dated by the qualified professional who prepared them.
- 6. Development of this subdivision shall be in compliance with an approved Type 1 Tree Conservation Plan (TCP1-008-2022). 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 (TCP1-008-2022), 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 Ordinance.”

7. Prior to certification of the Type 2 tree conservation plan, the on-site woodland conservation easement documents shall be filed in the Prince George's County Land Records, and a receipt provided to the Environmental Planning Section.
8. Prior to issuance of permits for this subdivision, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:

“This plat is subject to the recordation of a Woodland Conservation Easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 Tree Conservation Plan, when approved.”
9. Prior to issuance of any permits for this subdivision, an Historic Area Work Permit must be obtained for the removal of Historic Trees 64 and 65, two American Holly trees.
10. Prior to issuance of a use and occupancy permit, the applicant and the applicant's heirs, successors, and/or assignees shall:
 - a. Contact the Prince George's County Fire/EMS Department to request a pre-incident emergency plan for the facility.
 - b. Install and maintain a sprinkler system at each building that complies with National Fire Protection Association 13 Standards for the Installation of Sprinkler Systems.
 - c. Install and maintain automated external defibrillators (AEDs) at each building, in accordance with the Code of Maryland Regulations requirements (COMAR 30.06.01-05), so that any employee is no more than 500 feet from an AED.
 - d. Install and maintain bleeding control kits to be installed next to a fire extinguisher installation at each building, which must be no more than 75 feet from any employee.

These requirements shall be noted on the detailed site plan.

11. At the time of detailed site plan:
 - a. The architecture of proposed new construction, lighting, and landscaping for the proposed campus will be reviewed by the Historic Preservation Commission for architectural and archeological compatibility with the Fairview historic site.
 - b. If Features 1, 2, 4, and 6 identified in the Phase I archeological survey will be affected by future development, Phase II and/or Phase III archeological investigations will be required. Remote sensing will be required in any of the areas where intact features were identified will be impacted by construction.
 - c. All future modifications, including but not limited to new grading, construction, lighting, and major landscaping projects within the environmental setting of Fairview and

Cemetery, will require approval through the Historic Area Work Permit process. All future rehabilitation or restoration of existing historic features within the environmental setting will also require approval through the Historic Area Work Permit process.

12. At the time of detailed site plan, the following shall be provided:
 - a. A circulation plan, which shall include students' pick up/drop off location and operations, bus circulation and access, and on-site vehicle and pedestrian access to the buildings.
 - b. Standard sidewalks on both sides of the main entrance driveway, if feasible.
 - c. Safe pedestrian access throughout the parking lot.
 - d. Location and extent of access easement(s) sufficient to accommodate the entirety of the driveways and sidewalks located off-site, which provide access to the subject property.
13. Prior to approval of a final plat of subdivision, the applicant and the applicant's heirs, successors, and/or assignees shall enter into a new or amended Access Easement Agreement with the adjoining property owner to accommodate the entirety of the driveways and sidewalks located off-site, which provide access to the subject property, if necessary. The easement agreement shall be reviewed and approved by the Development Review Division of the Prince George's County Planning Department, recorded in land records, and the Liber/folio shown on the final plat prior to recordation. The final plat shall reflect the location and extent of the easement.
14. The findings and conditions included herein, relevant to a detailed site plan, shall apply to a special exception site plan, should one be required.

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

1. The subdivision, as modified with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject site consists of one 9.9-acre parcel, known as Parcel 43, as described in the Prince George's County Land Records in Liber 44570 at folio 536. The subject property is located in the Residential Estate (RE) Zone (formerly the R-E Zone) and Aviation Policy Area 6 (APA-6). However, this preliminary plan of subdivision (PPS) was accepted prior to April 1, 2022, and is therefore reviewed pursuant to the prior Prince George's County Zoning Ordinance and prior Prince George's County Subdivision Regulations, as required in accordance with Section 24-1703(a) of the Subdivision Regulations. The property is located in the 2022 *Approved Bowie-Mitchellville and Vicinity Master Plan* (master plan).

This PPS approves one parcel for institutional use, specifically, a private school for a maximum of 80 students. The property is a Prince George's County designated historic site, known as

Fairview and Cemetery (71A-013). The existing structures on-site, including the historic house and brick garage, will remain as part of the proposed development. One shed, located along the eastern edge of the site and adjacent to Goodloes Promise Drive, is proposed to be razed.

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

3. **Setting**—The site is located on Tax Map 54 in Grid A1 and Tax Map 46 in Grid A4 and is within Planning Area 71A. The site is located approximately 2,100 feet south of the intersection of Fairwood Parkway and Fairview Vista Drive. The subject site is surrounded by open space parcels associated with single-family residential development in the Legacy Mixed-Use Community Zone. This surrounding development, called Fairwood, was created around the historic site. Several easements were recorded through the adjoining open space parcels to benefit the historic site parcel, including two, 22-foot-wide ingress and egress easements for access to a public street and stormdrain easements.
4. **Development Data Summary**—The following information relates to the subject PPS application and the approved development.

	EXISTING	APPROVED
Zone	RE	RE (reviewed per R-E standards)
Use(s)	Residential	Institutional
Acreage	9.9	9.9
Dwelling Units	0	0
Gross Floor Area	7,680 sq. ft.	26,130 sq. ft.
Parcels	1	1
Lots	0	0
Outlots	0	0
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 April 1, 2022.

5. **Previous Approvals**—The site is not subject to previous development approvals or a PPS. There are no prior record plats for the subject property. A final plat of subdivision will be required for the approved parcel, pursuant to this PPS, before permits may be approved.
6. **Community Planning**—The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and conformance with the master plan were evaluated, as follows:

Plan 2035

The subject property is located within the Established Communities growth policy area. Plan 2035 describes Established Communities as areas appropriate for context-sensitive infill and low- to medium-density development.

Master Plan

The master plan recommends residential low land uses on the subject property. Residential low land use is defined as densities between 0.5 and 3.5 dwelling units per acre, consisting primarily of single-family detached dwellings. However, a private school is a permitted use in the R-E Zone.

Pursuant to Section 24-121(a)(5) of the Subdivision Regulations, the Prince George's County District Council has not imposed zoning that would prohibit uses other than single-family detached dwellings; therefore, master plan conformance with the recommended residential low land use is not required.

Aviation/Military Installation Overlay Zone

This PPS is not located within the Military Installation Overlay Zone. The property is located in APA-6, which allows for the same development densities and intensities as in the underlying zone, and requires every application demonstrate compliance with the height restrictions, which is 50 feet.

7. **Stormwater Management**—An application for a major subdivision must include an approved stormwater management (SWM) concept plan, or indication that an application for such approval has been filed with the appropriate agency or the municipality having approval authority. An unapproved SWM Concept Plan (2686-2021-00) was submitted with the PPS application. The SWM concept plan was filed with the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) on January 22, 2021. The plan shows the use of multiple micro-bioretenion facilities, a bioretention facility, and pervious pavement. An approved SWM concept plan will be required as part of the application, at the time of detailed site plan (DSP) review. No further information is required at this time regarding SWM with this PPS.

Development of the site, in conformance with the SWM concept approval and any subsequent revisions ensuring that no on-site or downstream flooding occurs, satisfies the requirements of Section 24-130 of the Subdivision Regulations.

8. **Parks and Recreation**—This PPS was reviewed and evaluated 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 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, and the prior Subdivision Regulations (Subtitle 24), as they pertain to public parks and recreational facilities.

There are no future parks recommended for the subject property within the master plan or any other applicable plans.

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 nonresidential development.

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

Master Plan Conformance

Master Plan Right-of-Way

The site is not adjacent to any right-of-way identified in the MPOT. No dedication is required from this plan. The access to the property will be provided from Fairview Vista Drive.

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 7–8):

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 applicant shall provide standard sidewalks on both sides of the main entrance driveway, if feasible. The applicant should also show safe pedestrian circulation throughout the site at time of DSP.

Transportation Review

Transportation-related findings related to adequacy are made with this PPS, along with any determinations related to general subdivision layout. Access is provided by means of an existing public roadway.

Prince George's County Council Bill CB-71-2021, adopted on November 16, 2021, amended Section 24-128 of the Subdivision Regulations, for the purpose of authorizing the Prince George's Planning Board to approve PPS with easements to serve as access to a private school, subject to specified circumstances. Specifically, Section 24-128(b)(2)(B) was added to allow a private right-of-way easement in the Mixed Use Community (M-X-C) Zone, with a minimum right-of-way width of 22 feet, to be deemed adequate by the Planning Board to connect a private school on an historic site in the R-E Zone to a public road. Access to Parcel 43 is provided through two, 22-foot-wide ingress/egress easements, on a property which was classified in the M-X-C Zone under the prior Zoning Ordinance, from Fairview Vista Drive. The impact of CB-71-2021 is to allow the private school to exist without any frontage on a public right-of-way, save for the two easements (which are on property that is owned by the Fairwood Homeowner's Association). Given the approval of this council bill, there is no minimum street frontage requirement for the property.

The subject property is located within Transportation Service Area 2, as defined in Plan 2035. As such, the PPS 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 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 critical lane volume 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 critical lane volume is computed.

This application is a PPS that includes institutional use. The trip generation was estimated using trip rates and requirements in the *Trip Generation Manual* (Institute of Transportation Engineers). The table below summarizes trip generation in each peak-hour that was used in reviewing traffic for the site:

Trip Generation Summary: 4-21047: Chance Academy								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Private School (K-12) (ITE-532)	80	Student	47	28	75	6	8	14
-15% adjustment for bus service/carpooling			-7	-4	-11	-1	-1	-2
-10% adjustment for home-schooling option			-5	-3	-8	-1	-1	-2
Total Trip Cap					56			10

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

- Church Road and Fairwood Parkway (unsignalized)
- Church Road and Fairview Vista Drive (signalized)
- Fairview Vista Drive and Goodloes Promise Drive (unsignalized)
- Fairview Vista Drive and Site Access (future unsignalized)
- Fairview Vista Drive and Odens Bequest Drive (unsignalized)
- Fairwood Parkway and Fairview Vista Drive (unsignalized)
- MD 450 and Fairwood Parkway/Bell Station Road (signalized)

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)	
Church Road and Fairwood Parkway (unsignalized)	11.5*	12.7*	A	B
Church Road and Fairview Vista Drive (signalized)	275	359	A	A
Fairview Vista Drive and Goodloes Promise Drive (unsignalized)	9.0*	9.6*	A	A
Fairview Vista Drive and Odens Bequest Drive (unsignalized)	9.4*	10.2*	A	B
Fairwood Parkway and Fairview Vista Drive (unsignalized)	9.1*	10.6*	A	B
MD 450 and Fairwood Parkway/Bell Station Road (signalized)	1,117	1,079	B	B
*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 were identified within the study area, and background traffic was developed. Annual growth rates were applied for a period of six years. The annual growth rates used are 1.0 percent for through traffic along Church Road, 0.5 percent for Fairwood Parkway and Fairwood Vista Drive, and 1.5 percent for through traffic along MD 450.

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
Church Road and Fairwood Parkway (unsignalized)	16.4*	15.6*	C	C
Church Road and Fairview Vista Drive (signalized)	439	492	A	A
Fairview Vista Drive and Goodloes Promise Drive (unsignalized)	9.0*	9.6*	A	A
Fairview Vista Drive and Odens Bequest Drive (unsignalized)	9.4*	10.3*	A	B
Fairwood Parkway and Fairview Vista Drive (unsignalized)	10.0*	12.7*	B	B
MD 450 and Fairwood Parkway/Bell Station Road (signalized)	1,236	1,217	C	B
*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 intersections identified above, when analyzed with the total future traffic as developed using the Guidelines, including the site trip generation, as described above, operate as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
Church Road and Fairwood Parkway (unsignalized)	17.2*	15.7*	C	C
Church Road and Fairview Vista Drive (signalized)	439	492	A	A
Fairview Vista Drive and Goodloes Promise Drive (unsignalized)	9.1*	9.7*	A	A
Fairview Vista Drive and Site Access (future unsignalized)	9.2*	9.5*	A	A
Fairview Vista Drive and Odens Bequest Drive (unsignalized)	9.6*	10.3*	A	B
Fairwood Parkway and Fairview Vista Drive (unsignalized)	10.3*	12.8*	B	B
MD 450 and Fairwood Parkway/Bell Station Road (signalized)	1,241	1,221	C	C
*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.				

An exhibit should be provided with the DSP, to clarify the internal circulation, including how the students will be dropped off and how the buildings will be accessed.

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

10. **Public Facilities**—In accordance with Section 24-122.01 of the Subdivision Regulations, police facilities were found to be adequate to serve the subject site, as outlined in a memorandum from the Special Projects Section, dated March 31, 2022 (Perry to Gupta), incorporated by reference herein.

The subject property is served by Glenn Dale Volunteer Fire/EMS, Company 818, located at 11900 Glenn Dale Boulevard in Glenn Dale. Per Section 24-122.01(d)(1)(A), a five-minute total response time is recognized as the national standard for fire/EMS response times. The five-minute total response time arises from the 2020 Edition of the National Fire Protection Association (NFPA) 1710 Standards for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments. This standard is being applied to the review of nonresidential subdivision applications. As of March 30, 2022, for fire and rescue facilities, the subject project fails the four-minute travel time test from the closest Prince George's County fire/EMS station when applying the national standard (NFPA 1710.4.1.2.1(3)), and an associated total response time under five-minutes from the closest fire/EMS station, Glenn Dale Volunteer Fire/EMS, Company 818. Prior to issuance of a use and occupancy permit, the applicant and the applicant's heirs, successors, and/or assignees shall contact the Fire/EMS Department to request a pre-incident emergency plan for the facility, install and maintain a sprinkler system that complies with NFPA 13 Standards, install and maintain automated external defibrillators, in accordance with the Code of Maryland Regulations requirements (COMAR 30.06), and install and maintain hemorrhage kits next to fire extinguishers.

Water and Sewer

Section 24-122.01(b)(1) states that "the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval." The 2018 *Water and Sewer Plan* placed this property in the Water and Sewer Category 4, Adequate for Development Planning. Category 4 comprises "properties inside the envelope eligible for public water and sewer for which the subdivision process is required." Redesignation of the subject property to Category 3, Community System, through the Administrative Water and Sewer Category Change process will be necessary, prior to final plat approval.

The property is currently serviced by private water and sewer system. Though the location of the existing well and septic tank is depicted on the PPS, the location of the existing private septic field is not shown on the PPS. The PPS proposes to abandon the existing well and septic system and connect to public water and sewer service. Any existing well or septic system must meet the processes of abandonment of the Prince George's County Health Department and applicable regulations.

Capital Improvement Program

The subject project is located in Planning Area 71A. The Prince George's County FY 2022-2027 Approved Capital Improvement Program does not identify any schools and/or public safety facilities in the planning area.

Conformance to the Master Plan

This PPS was reviewed for conformance to the master plan's goals and policies related to public facilities. The master plan recommends "all students have quality educational instruction in modern facilities," "high-quality, well-maintained public facilities," and "fire and emergency medical (EMS) respond areawide in established response times." The master plan also provides policies and strategies for schools, libraries, public safety, parks, and recreation, and water and sewer service (pages 165–177). The 2008 *Approved Public Safety Facilities Master Plan* also provides guidance on the location and timing of upgrades, renovations to existing facilities, and construction of new facilities. The master plan and the 2008 *Approved Public Safety Facilities Master Plan* do not propose any police, fire and emergency medical service facilities, public schools, parks, or libraries on the subject property, which would impact the approval of this PPS.

11. **Schools**—Per Section 24-122.02, Council Resolutions CR-23-2001 and CR-38-2002, Amended Adequate Public Schools Facility Regulations for Schools, this subdivision is exempt from a review for school facility impacts because it is a nonresidential use. Institutional development is exempt from a review of public-school adequacy, as the use does not generate any new students.
12. **Use Conversion**—The total development included in this PPS is for a private school for a maximum of 80 students. Any residential or commercial development, exceeding the capacity analyzed herein, will require approval of a new PPS, prior to approval of any building permits.
13. **Public Utility Easement**—Section 24-122(a) requires that when utility easements are required by a public company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

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

The standard requirement for public utility easements (PUEs) is 10-foot-wide along both sides of all public rights-of-way. The subject site does not front on any public rights-of-way, and the PPS does not include any dedication of public right-of-way.

Private streets, when proposed, also require that 10-foot-wide PUEs be provided along at least one side, in accordance with Section 24-128(b)(12). This PPS does not include any private streets.

14. **Historic**—The subject property comprises 9.90 acres and is located at 4600 Fairview Vista Drive in Bowie, also known as Fairview and Cemetery (71A-013), a County-designated historic site. The PPS is for development of a private school serving kindergarten through 12th grade, for a maximum of 80 students. This PPS includes the provision of a formalized access easement from

Fairview Vista Drive, to accommodate the new use. The proposed school campus will include five additional buildings, surface parking, an amphitheater, play areas, and a greenhouse.

The Prince George's County Historic Preservation Commission (HPC) reviewed the subject application at its April 19, 2022 public meeting. The HPC voted 5-0-1 (the Vice Chair voted "present") to forward the following findings, conclusions, and recommendations to the Planning Board for its consideration:

1. Fairview is a stately federal dwelling, built circa 1800 by Baruch Duckett. Duckett willed the property to his son-in-law, William Bowie, whose descendants retained ownership and occupied the residence until at least 1978. Fairview, at one time, was one of the largest slave-holding plantations in the County. Oden Bowie (1826–1894) was a lieutenant in the Mexican War, served in the Maryland State Legislature, and was elected Governor of Maryland, 1869–1872. Bowie was instrumental in the construction of Pope's Creek Railroad through this part of Prince George's County and made Fairview stables an important name in the history of American horseracing.

The dwelling is a two-story, five-bay, central-passage building constructed of brick and clad with stucco. The house is covered with a gable roof, with stepped parapet end walls on either side of paired end chimneys. A single-story porch extends across both the front and rear elevations of the dwelling.

2. The Fairview and Cemetery Historic Site is located within the master plan area and is centrally located within the community of Fairwood. Fairview and Cemetery is closely tied to the area's agricultural history. It should be noted that the historically associated Bowie Family Cemetery, east of Fairview across Fairview Vista Drive is located on a separate parcel and is not controlled by the owner/ applicant of the subject PPS.
3. From March 29 to April 5, 2021, a shovel test pit (STP) survey was conducted at 50-foot intervals across the 9.90-acre environmental setting of the Fairview historic site. A total of 178 STPs were excavated and the historic terracing to the south of and in front of the historic house was mapped. A total of 215 artifacts were recovered from the Phase I survey and ranged in date from the late eighteenth to twentieth centuries. No prehistoric resources were identified. Most of the artifacts were recovered around the historic house and its associated outbuildings.

The survey resulted in the identification of six archeological features representing potential outbuildings and yard deposits. These cultural features included three sub-plow zone brick rubble features that may be remnants of walls or outbuildings, a late-nineteenth to early-twentieth century trash midden, a stone boundary wall, and a dense late-twentieth century concentration of burned glass. The remainder of the property contained a light scatter of nineteenth and twentieth century material.

The artifact deposits and features encountered are associated with the Fairview historic site and the occupation of the property by the Bowie family, their enslaved workforce and

later, tenant farmers who worked the land and tended to the family's horses and livestock. The cultural deposits identified have the potential to yield significant cultural data regarding the development of the plantation core over time and the history of African Americans, pre- and post-emancipation, who worked on the property.

4. Section 27-443(a)(2) of the Zoning Ordinance requires a DSP application for all private schools. Design details of the proposed campus and buildings including information about size, scaling, mass, architecture, and materials, as well as the lighting and landscaping of the proposed school will be submitted with the DSP application. Note, the applicant is applying under the prior Zoning Ordinance. The case was accepted before April 1, prior to the current Zoning Ordinance taking effect.
5. As the new campus will be located entirely within the environmental setting of Fairview and Cemetery, the Historic Area Work Permit requirements outlined by Subtitle 29-Preservation of Historic Resources: Division 4–Historic Area Work Permits, will apply to the construction and future modifications of the proposed campus, as well as any modification to existing historic features within the environmental setting.

HPC Conclusions

1. Through the PPS, the HPC can review the lotting pattern and orientation of the buildings. In this case, the PPS does not propose the creation of new lots but formalizes access to the existing 9.90-acre parcel and creates a single lot.
2. Architectural compatibility of the proposed structures within the environmental setting will be reviewed by the HPC at the time of DSP. Review of architectural compatibility will include consideration of the size, scaling, mass, architecture, and materials, as well as the lighting and landscaping of the proposed campus buildings.
3. The archeological survey of the 9.90-acre environmental setting of the Fairview historic site resulted in the identification of cultural deposits and landscape features associated with the occupation of the Fairview mansion. The survey was conducted to assist the current owner of the property in siting structures for a proposed school on-site. This report recommends mitigation excavations on Features 1, 2, 4, and 6, prior to any construction activities, if those features will be impacted. It is recommended that the historic terracing on the south side of the house be avoided, along with tree stands. Additional investigations are recommended if any of the areas where intact features were identified will be impacted by school construction. Remote sensing is recommended on features identified in the plantation core if those areas will be impacted. No additional investigations were recommended in areas containing noncontributing archeological features, or in areas to the north of the tree-lined yard edge and south of the landscaped terraces.

4. The master plan includes goals and policies related to historic preservation (pages 146-155). However, the goals and policies are not specific to the subject site and Historic Preservation Section staff determined that the proposed school campus adequately acknowledges the agricultural history and landscape of the historic site.
5. The construction of the campus and future modifications within the environmental setting of Fairview and Cemetery will require obtaining approved Historic Area Work Permits. Applications for Historic Area Work Permits will be reviewed by the HPC and/or Maryland-National Capital Park and Planning Commission staff.

The Planning Board concurs with the findings and recommendations of the HPC. The conditions of this approval will ensure that any archeological features identified will be avoided or further studied, prior to disturbance of the subject property, in accordance with Sections 24-121(a)(17) and (18) of the Subdivision Regulations.

15. **Environmental**—This PPS and a Type 1 tree conservation plan (TCP1) were received on March 18, 2022. Revised plans and documents were received on May 5, 2022, in response to comments delivered on April 1, 2022, at the SDRC meeting. The following applications and associated plans have been previously reviewed for the subject site:

Development Review Case Number	Associated Tree Conservation Plan or Natural Resources Inventory Number	Authority	Status	Action Date	Resolution Number
N/A	NRI-174-2020	Staff	Approved	09/20/2021	N/A
N/A	NRI-174-2020-01	Staff	Approved	05/06/2022	N/A
4-21047	TCP1-008-2022	Planning Board	Approved	07/07/2022	2022-84

Grandfathering

This project is not grandfathered, with respect to the environmental regulations contained in Subtitles 24 and 27 that came into effect on September 1, 2010, because the application is for a new PPS.

Plan 2035

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

MASTER PLAN CONFORMANCE

2022 Approved Bowie-Mitchellville and Vicinity Master Plan

The site is in the 2022 *Approved Bowie-Mitchellville and Vicinity Master Plan*, which 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 redevelopment.

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 was reviewed 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 is subject to SWM review and approval by DPIE. An unapproved SWM Concept Plan (2686-2021) is currently under review. A final SWM design

plan will be required, in conformance with County and state laws, 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.

Strategies:

NE 4.1 Use funding from the Prince George's County Woodland Conservation Fund to reverse the decrease in tree canopy coverage in Folly Branch, Horsepen Branch, and Upper Patuxent River watersheds through reforestation programs.

NE 4.2 Plant street trees to the maximum extent permitted along all roads and trail rights-of-way (see Transportation and Mobility).

NE 4.3 Increase City of Bowie's funding for the Emerald Ash Borer Abatement Program.

Development of this site is subject to the 2010 Woodland and Wildlife Habitat Conservation Ordinance (WCO) requirements, including the tree canopy coverage requirement. Additional information regarding woodland preservation, reforestation, and tree canopy coverage will be evaluated with future development applications. The TCP1 submitted with the PPS shows the existing woodlands along My Mollies Pride Drive to remain. Street tree planting requirements will be reviewed by the Prince George's County Department of Public Works and Transportation (DPW&T).

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.

Development of the site is subject to the current SWM regulations, which require that environmental site design be implemented, to the maximum extent practicable. Development of this site is subject to the WCO requirements, including the tree canopy coverage requirement. Street tree planting requirements will be reviewed by DPW&T.

Climate Change

Policy 6: Support local actions that mitigate the impact of climate change.

Strategies:

NE 6.1 Support implementation of the City of Bowie Climate Action Plan 2020-2025 and the Metropolitan Washington 2030 Climate and Energy Action Plan.

NE 6.2 Continue to support and promote the Prince George's Climate Action Commission as per Council Resolution CR-7-2020 to develop a Climate Action Plan for Prince George's County to prepare for and build resilience to regional climate change impacts, and to set and achieve climate stabilization goals.

Development of this site is subject to the WCO and tree canopy coverage requirements. The presence of woodland and tree canopy, particularly over asphalt and other developed surfaces, are proven elements to lessen climate impacts of development and the associated heat island effect, which are known contributors to climate change.

Green Infrastructure Plan

The 2017 *Countywide 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 Green Infrastructure Plan, the entire site is mapped as an evaluation area. The property is currently an historic site with an existing house and lawn, containing specimen and historic trees located throughout the property. The conceptual design, as reflected on the PPS and the TCP1, is in keeping with the goals of the Green Infrastructure Plan and focuses development outside of the most sensitive areas of the site. No regulated environmental features are associated with this mapped evaluation area.

ENVIRONMENTAL REVIEW

Natural Resources Inventory/Existing Conditions

A signed Natural Resources Inventory (NRI-174-2020) was submitted with the PPS. The NRI was revised and approved on May 6, 2022, to include the historic trees which are defined as those trees that are part of a historic site or are associated with a historic structure. 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 A and Stand B. A total of 18 specimen trees, which include the County's champion Ginko tree, and 59 historic trees are identified on-site. The PPS is consistent with the NRI.

Woodland Conservation

This project is subject to the WCO because the application is for a new PPS. This project is also subject to the Environmental Technical Manual. TCP1-008-2022 was submitted with the subject application and requires revisions, in order to be found in conformance with the WCO.

According to the TCP1, the woodland conservation threshold for this 9.90-acre property is 25 percent of the net tract area, or 2.48 acres. The total woodland conservation requirement based on the amount of clearing proposed is 1.98 acres. The woodland conservation requirement will be satisfied with 1.08 acres of on-site preservation and 3.22 acres of specimen tree credits.

Preservation of Regulated Environmental Features

Because no regulated environmental features will be impacted by the proposed 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, champion, and historic trees, per 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, champion, or historic trees, there remains a need to remove any of these trees, a variance from Section 25-122(b)(1)(G) is required. Applicants can request a variance from the provisions of Division 2 of Subtitle 25, the WCO, provided all the required findings in Section 25-119(d) can be met. However, according to Section 25-119(d)(4), variances granted under Subtitle 25 are not zoning variances. 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 a LOJ in support of a variance was submitted for each of the trees proposed to be removed.

The LOJ requests the removal of two of the existing 59 historic trees located on-site. Specifically, the applicant seeks to remove historic trees number 64 and 65. The TCPI shows the location of

the trees proposed for removal and identifies these trees as being in good condition. These trees are located on-site, and within the proposed driveway and stormwater facility.

**HISTORIC TREE SCHEDULE SUMMARY FOR TWO TREES
APPROVED FOR REMOVAL ON TCP1-008-2022**

HISTORIC TREE #	COMMON NAME	DBH (inches)	CONDITION	APPLICANT'S PROPOSED DISPOSITION	NOTES
64	American Holly	12.58	Good	Removed	None
65	American Holly	12.58	Good	Removed	None

The removal of two historic 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 special conditions peculiar to the property, the removal of Historic Trees 64 and 65 are unavoidable, and requiring the applicant to retain them would cause an unwarranted hardship.

In the R-E Zone, development of the property, as a private school, is a significant and reasonable use for the subject site, and it cannot be accomplished elsewhere on the site without the requested variance. Because the use on the site is being converted from residential to nonresidential, the existing 22-foot width ingress/egress easement must be increased to 30 feet; thus, widening the existing 22-foot easement will require the removal of two historic trees. Moreover, the existing location of the easement, which is located at the historic entrance to the property, along with the existing Fairview Manor House and larger specimen trees, all serve to restrict the potential alternative areas to place the drive aisles, parking, and stormwater facilities. In addition, removing these two historic trees to accommodate the required drive aisle for a private school preserves the historic environmental setting to the maximum extent practicable. The other option, to widen the drive aisle, would result in greater disturbances to the historic environmental setting. Requiring the applicant to retain the two historic trees on the site (64 and 65), would further limit the area of the site available for development to the extent that it would cause the applicant an unwarranted hardship.

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

Enforcement of the requirement for Historic Trees 64 and 65 to be preserved would deprive the applicant of rights commonly enjoyed by others in similar areas. All variance applications for the removal of historic trees are evaluated, in accordance with the requirements of Subtitle 25 and the Environmental Technical Manual, for site specific conditions. Historic trees have been left undisturbed on a site for sufficient time to grow;

however, the species, size, construction tolerance, and location on a site are all somewhat unique for each site. The proposed private school is a use permitted in the R-E Zone. Based on the unique characteristics for the property, enforcement of these rules would deprive the applicant of the right to develop the property in a similar manner to other properties similarly zoned in the area.

(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 other applicants. If other constrained properties encounter trees in similar locations on a site, the same considerations would be provided 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 historic trees, are not the result of actions by the applicant. The lawful request to remove the trees is based on their location on the site. The applicant has not cleared the trees and is not asking for a variance after-the-fact.

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

There are no existing conditions on the neighboring properties or existing building uses that have any impact on the location or size of the historic trees. The trees have grown 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.

Granting this variance request will not violate water quality standards, nor cause measurable degradation in water quality. The project is subject to SWM regulations, as implemented locally by DPIE. The project is subject to environmental site design to the maximum extent practicable. The removal of two historic trees will not directly affect water quality. The unapproved SWM concept plan shows the use of micro-bioretenction, bioretention, and pervious pavement on the site. Erosion and sediment control requirements are reviewed and approved by the Prince George's County Soil Conservation District. Both SWM and sediment and erosion 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) of the WCO have been adequately addressed for the removal of two historic trees (64 and 65).

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 Adelphia-Holmdel complex (2–10 percent slopes), Collington-Wist complex (2–25 percent slopes), and Matapeake silt loam. Marlboro clay nor Christiana complexes have not been identified on or within the immediate vicinity of this property.

The County may require a soils report, in conformance with CB-94-2004 during future phases of development and/or at time of permit.

16. **Urban Design**—Conformance with the Zoning Ordinance was evaluated, as follows:

Conformance with Zoning Ordinance

All private school uses are subject to DSP review, as indicated in Section 27-443. At the time of the Planning Board hearing, DSP-21059 was in pre-acceptance. This development will be required to demonstrate conformance with the applicable requirements of the prior Zoning Ordinance, including but not limited to, the following:

- Section 27-317 Required Findings;
- Section 27-396 Private School Uses;
- Section 27- 427 R-E Zone Requirements;
- Section 27-441(b) Tables of Uses;
- Section 27-442 Regulations;
- Section 27-443 Private Schools;
- Part 11 Off Street Parking and Loading; and
- Part 12 Signs.

Conformance with the 2010 Prince George's County Landscape Manual

This development is subject to the provisions of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Conformance with the following sections of the Landscape Manual will be required: Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements. The property is a designated historic site (71A-013). Review of architectural compatibility of the proposed structures within the environmental setting including consideration of the size, scaling, mass, architecture, materials, lighting, and landscaping of the proposed campus buildings, will be reviewed by the HPC at the time of DSP. Conformance with other applicable landscaping requirements will also be reviewed at the time of DSP.

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 tree canopy coverage (TCC) on projects that require a grading permit. Properties that are zoned

R-E are required to provide a minimum of 20 percent of the gross tract area in TCC. The subject site is 9.9 acres and will be required to provide a minimum of 1.98 acres of the tract area in TCC. The project will be evaluated, at the time of DSP, for conformance to these requirements.

17. **City of Bowie**—The subject property is located over one-half mile from the geographical boundary of the City of Bowie. The PPS application was referred to the municipality for review and comments on March 18, 2022. The City of Bowie, in their memo dated March 30, 2022 (Meinert to Gupta), stated that the proposal has no impact on the City and provided no additional comments.
18. **Planning Board Hearing**—The Planning Board held a public hearing on this application on July 7, 2022. At the hearing, and in rendering its decision, the Planning Board considered all written and oral testimony, along with all exhibits submitted according to the Planning Board's procedures. The Planning Board heard testimony from the applicant in favor of the application, and testimony from citizens opposed to the application.

At the hearing, citizens and an organization were represented by counsel and opposed the application. While the opponents raised important issues, much of the testimony and argument was not germane to considerations for approval of this PPS.

The opposition's counsel referenced an appeal submitted to the Prince George's County Board of Zoning Appeals, on behalf of the neighboring Fairwood Community Association. In this appeal, the association objected to the use of the property for a private school, which is a use permitted by-right in the prior R-E Zone, in accordance with Section 27-443. The opposition's counsel asserted that the proposed use on the property does not meet the criteria for a private school to be permitted, subject to DSP approval, and since staff's evaluation of the PPS was based upon the use of the property as a private school, requested that the PPS application not be heard until the correct classification for the proposed use is determined. With regard to this appeal, it is noted that a PPS does not approve a specific use on a subject property, but analyzes the adequacy of a site and establishes the capacity, based a use proposal.

Following the approval of this PPS, the development review of this site will include additional site plan applications. The exact location and design of all buildings and structures, parking lots, open spaces, landscaping, grading, and other on-site physical features will be provided and reviewed with a subsequent site plan. It is noted that the applicant is proceeding in the normal order of approval codified in Section 27-270 of the prior Zoning Ordinance. In accordance with this section and, as the next step, the applicant has filed a DSP application for this site for a private school, which has not yet been accepted. During the review of this application, the applicant will need to make their case that the proposed use is permitted on the subject site and meets the criteria of a private school listed in Section 27-443. In the event that the applicant cannot demonstrate conformance with these criteria, the applicant will need to file a special exception to permit the specific proposed use on the property, per Section 27-441 of the prior Zoning Ordinance. At this time, this PPS resolution references a DSP as the next approval required for development of the subject property, per Section 27-443. An additional condition was proposed and approved by the Planning Board that, in the event a special exception is

required for the proposed use on the subject property, the findings and conditions of approval of this PPS will still apply to a special exception site plan.

The opposition's counsel also asserted that the traffic impact study and the Transportation finding is erroneous, since they employ nonstandard trip adjustment factors, do not address traffic congestion in the neighborhood, and do not provide adequate pedestrian facilities on the adjacent public roads. The opponent's counsel also asserted that the PPS did not meet the adequacy of public facilities requirements set forth in Section 24-122.01 for fire and rescue services, and availability of water and sewerage set forth in Section 24-122.01(b)(1). The opposition also asserted that the proposed development will destroy the historic site and irretrievably lose any artifacts still unfound. In addition, the opposition insisted that the criteria for approving a variance under Subtitle 25, for removal of historic trees, was not adequately met and that the proposed development does not conform to the master plan. In addition, the opposition cited a document that they referred to as "Fairwood's Master Plan," however, that document was not the applicable 2022 *Approved Bowie-Mitchellville and Vicinity Master Plan*. The published technical staff report, the applicant's statement of justification, along with staff and the applicant's testimony, demonstrate that there is substantial evidence in the record to find that the application meets the relevant criteria.

At the hearing, the applicant also requested a revision to Condition 13, which relates to any additional easement required to provide access to the subject site. The Planning Board approved the addition of the phrase "if necessary" at the end of the first sentence of Condition 13.

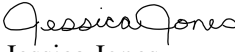
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

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, and Shapiro voting in favor of the motion, and with Commissioner Doerner absent at its regular meeting held on Thursday, July 7, 2022, in Upper Marlboro, Maryland.

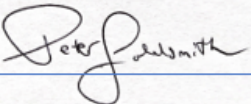
Adopted by the Prince George's County Planning Board this 28th day of July 2022.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:MG:jah

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department
Date: July 26, 2022