

PGCPB No. 2024-092

File No. 4-22051

R E S O L U T I O N

WHEREAS, Glen Dale Holding Company, LLC is the owner of a 19.10-acre tract of land known as Lots 1–26 and Parcels A, B, and D, said property being in the 14th Election District of Prince George's County, Maryland, and being zoned Residential, Rural (RR); and

WHEREAS, on March 25, 2024, Glen Dale Holding Company, LLC filed an application for approval of a Preliminary Plan of Subdivision for 12 parcels and 75 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-22051 for Ivy Creek 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 at a public hearing on September 12, 2024; and

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

WHEREAS, pursuant to Section 24-1900 *et seq.* of the Prince George's County Subdivision Regulations, subdivision applications submitted and accepted as complete before April 1, 2024, may be reviewed and decided in accordance with the Subdivision Regulations, Subtitle 24, Prince George's County Code in existence prior to April 1, 2022 (prior Subdivision Regulations); and

WHEREAS, the applicant has complied with the procedures required in order to proceed with development under the prior Subdivision Regulations contained in Section 24-1904 of the Prince George's County Subdivision Regulations; and

WHEREAS, therefore, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed the application under the Subdivision Regulations, 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, at the September 12, 2024 public hearing, 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 TCP1-011-2024, APPROVED a Variance to Section 25-122(b)(1)(G), and APPROVED Preliminary Plan of Subdivision 4-22051, including a Variation from Section 24-121(a)(4), for 12 parcels and 75 lots, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be revised as follows:

- a. Label the lot containing the Arthur Magruder House (Historic Site 70-030) (revised Lot 16) in sequential order, and revise all general notes, tables, and plan sheets to include this lot.
- b. Revise the right-of-way of Ivy Creek Lane and Ridgley Run Road, between the intersection of Ivy Creek Lane and MD 193 (Glenn Dale Boulevard), to the frontage of revised Lot 16, to be a public right-of-way. Alternatively, the applicant may request a variation from Section 24-128(a) of the prior Prince George's County Subdivision Regulations, which requires that lots for single-family detached dwelling units have frontage on and direct vehicular access to a public street.
- c. Add a dimension to provide the right-of-way width of MD 450 (Annapolis Road) and MD 193 (Glenn Dale Boulevard) from the road centerlines to the property line.
- d. Label the ultimate 200-foot right-of-way width for MD 193 (Glenn Dale Boulevard) along the property's frontage, in accordance with the 2009 *Approved Countywide Master Plan of Transportation*.
- e. Label the ultimate 150-foot right-of-way width for MD 450 (Annapolis Road) along the property's frontage, in accordance with the 2009 *Approved Countywide Master Plan of Transportation*.
- f. Add general notes indicating approval of variations from Section 24-121(a)(4) of the prior Prince George's County Subdivision Regulations, for Lots 1–5, Block A; Lots 1–4, Block C; Lots 1–3, 6, and 7, Block D; Lots 1–5, 9, and 10, Block E; and Lots 1–4, Block F.
- g. To General Note 23, add a statement that the mandatory dedication of parkland requirement is being addressed by providing on-site recreational facilities.
- h. Show a minimum 10-foot-wide public utility easement along the entire frontage of MD 193 (Glenn Dale Boulevard).
- i. Extend a minimum 10-foot-wide public utility easement along at least one side of the entire right-of-way length of Briar Creek Lane.
- j. On Sheet 3, label all lots with their respective block numbers.
- k. On Sheet 5, remove the boundary line for Lot 16 (Plat Book PM 230 Plat No. 52).
- l. On Sheet 8, label the boundary line for Lot 16 as the new environmental/historic setting for the Arthur Magruder House.
- m. On Sheet 2, label Parcels A, B, and D, as recorded in Plat Book PM 230 Plat Nos. 50 through 55.

- n. On all sheets, add the name and address for the current owner of Lot 16, as WFC Flagship LLC.
- o. Label one of the two private roads titled Briar Creek Lane (located between Block C and Block D) with a unique name. Assign a separate parcel name to this private road parcel. Revise the parcel table on the cover sheet to include this additional parcel.
- p. Show the outline of the stormwater management pond located on Parcel G.
- q. Divide Parcel K into two parcels and assign it a separate parcel name. Revise the parcel table on the cover sheet to include this additional parcel.
- r. Show and label the public rights-of-way for Ridgely Run Road, Ivy Creek Lane, and portions of MD 193, as shown on Plat Book PM 230 Plat Nos. 50–55, to be vacated.
- s. Revise the lot lines for Lots 1 and 2, Block F so that they have direct frontage on a street.
- t. Revise General Note 1 to remove Parcel C, since it is not included in the property subject to Preliminary Plan of Subdivision 4-22051.
- u. Revise General Notes 4, 12, and 13 to include development of one single-family detached dwelling.
- v. Correct General Note 14 to provide allowed and proposed density, in accordance with Section 27-352.01(b)(4) of the prior Prince George's County Zoning Ordinance. The proposed density shall be calculated based upon the net area of the property.
- w. Revise General Notes 15 and 16 to provide the minimum net lot area and minimum lot width for single-family detached residential lots. For single-family attached residential lots for the elderly, include that in accordance with Section 27-352.01(b)(5) of the prior Prince George's County Zoning Ordinance, regulations restricting the height of structures, lot size and coverage, frontage, setbacks, density, and any other requirements of the specific zone in which the use is proposed shall not apply. The dimensions and percentages shown on the approved site plan shall constitute the regulations for a given special exception.
- x. Revise General Note 26 to provide the Type 1 tree conservation plan number.
- y. Revise General Note 35 to state that the Arthur Magruder House (Historic Site 70-030) is to be located on its own lot, for sale to an individual to be used as a single-family residence.
- z. Revise the primary management area (PMA) line to be consistent with the approved Natural Resources Inventory Plan NRI-196-2022-01.

2. Prior to approval, the final plat of subdivision shall include:
 - a. Granting of 10-foot-wide public utility easements along all public and private rights-of-way, as delineated on the approved preliminary plan of subdivision.
 - b. A note indicating the Prince George's County Planning Board's approval of a variation from Section 24-121(a)(4) of the prior Prince George's County Subdivision Regulations, in accordance with the approving resolution for Preliminary Plan of Subdivision 4-22051, for lots not meeting the minimum lot depth requirement.
3. Prior to signature approval of the preliminary plan of subdivision, revise the limit of disturbance on the Type 1 tree conservation plan, if required, to ensure that the critical root zone of any historic trees located on the Marietta & Duvall Family Cemetery (Historic Site 70-020) is not disturbed by more than 30 percent.
4. Development of this site shall be in conformance with Stormwater Management Concept Plan 12433-2004-03 and any subsequent revisions.
5. Prior to acceptance of a special exception site plan, the applicant shall submit a Phase II noise study based on the final site layout and building architecture, demonstrating that outdoor activity areas (including, but not limited to, rear yards) will be mitigated to 65 dBA/Leq or less during the hours of 7:00 a.m. to 10:00 p.m. and 55 dBA/Leq or less during the hours of 10:00 p.m. to 7:00 a.m., and that the interiors of dwelling units will be mitigated to 45 dBA or less. The special exception shall identify all dwelling units requiring enhanced building shell design or construction materials for interior noise mitigation, and the architecture shall reflect the enhancements required to these units. The special exception shall show the locations and details of features provided for outdoor noise mitigation. The ground-level mitigated 65 dBA/Leq noise contour, ground-level mitigated 55 dBA/Leq noise contour, upper-level mitigated 65 dBA/Leq noise contour, and upper-level mitigated 55 dBA/Leq noise contour shall be delineated on the special exception, accounting for the locations of all noise barriers.
6. In accordance with Section 24-135(b) of the prior Prince George's County Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees shall allocate appropriate and developable areas for, and provide, adequate on-site recreational facilities in accordance with the standards outlined in the *Prince George's County Park and Recreation Facilities Guidelines*.
7. The on-site recreational facilities shall be reviewed by the Zoning Section of the Development Review Division of the Prince George's County Planning Department, for adequacy and proper siting, in accordance with the *Prince George's County Park and Recreation Facilities Guidelines*, with the review of the special exception site plan. Timing for construction shall also be determined at the time of special exception.
8. Prior to submission of the final plat of subdivision for any residential lot/parcel, the applicant and the applicant's heirs, successors, and/or assignees shall submit an amended executed private recreational facilities agreement (RFA) to the Development Review Division (DRD) of the Prince

George's County Planning Department, for construction of on-site recreational facilities, for approval. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records and the Book and page of the RFA shall be noted on the final plat, prior to plat recordation.

9. Prior to approval of building permits for residential development, the applicant and the applicant's heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for construction of recreational facilities.
10. Prior to submission of any final plats of subdivision, the applicant shall amend the existing public recreational facilities agreement (RFA) recorded in Book 29397 page 322 with The Maryland-National Capital Park and Planning Commission (M-NCPPC) for construction of the facilities on M-NCPPC-owned property. The applicant shall submit three original executed RFAs to the Prince George's County Department of Parks and Recreation (DPR) for their approval three weeks prior to submission of the final plats. Upon approval by DPR, the amended RFA shall be recorded among the Prince George's County Land Records and the recording reference shall be noted on the final plat of subdivision prior to recordation.
11. The applicant and the applicant's heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of the facilities on The Maryland-National Capital Park and Planning Commission-owned property prior to the approval of the first building permit.
12. Prior to approval of a final plat, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a homeowners association has been established for the subdivision. The draft covenants shall be submitted to the Subdivision Section of the Development Review Division of the Prince George's County Planning Department, to ensure that the rights of The Maryland-National Capital Park and Planning Commission, Prince George's County Planning Board are included. The Book/page of the declaration of covenants shall be noted on the final plat, prior to recordation.
13. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey land to the homeowners association (HOA), as identified on the approved preliminary plan of subdivision and special exception site plan. Land to be conveyed shall be subject to the following:
 - a. A copy of the recorded deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division of the Prince George's County Planning Department.
 - b. All waste matter of any kind shall be removed from the property, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.

- c. The conveyed land shall not suffer the disposition of construction materials or soil filling, other than the placement of fill material associated with permitted grading operations that are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.
 - d. Any disturbance of land to be conveyed to the HOA shall be in accordance with an approved site plan and tree conservation plan. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls.
 - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to the HOA. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by the Development Review Division of the Prince George's County Planning Department.
 - f. The Prince George's County Planning Board, or its designee, shall be satisfied that there are adequate provisions to ensure retention and future maintenance of the property to be conveyed.
14. In conformance with the recommendations of the 2009 *Approved Countywide Master Plan of Transportation* and the 2010 *Glenn Dale-Seabrook-Lanham and Vicinity Approved Sector Plan and Sectional Map Amendment*, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following facilities, and shall show these improvements on the special exception site plan and on a bicycle and pedestrian facilities plan, prior to its acceptance:
- a. A minimum 8-foot-wide sidewalk/side path along the subject property's frontage of MD 193 (Glenn Dale Boulevard), unless modified by the operating agency with written correspondence.
 - b. A minimum of two bicycle racks (inverted U-style or a similar model that provides two points of contact for a parked bicycle) at the proposed recreational and/or gathering areas.
 - c. A minimum 5-foot-wide sidewalk along both sides of all internal roadways.
 - d. Continental style crosswalks at the vehicular access point and throughout the site, with associated Americans with Disabilities Act curb ramps.
15. Prior to approval of the first building permit, the following transportation improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timeline for construction with the appropriate operating agency:
- a. Provide a deceleration and acceleration lane along MD 193 (Glenn Dale Boulevard), at the intersection with Ivy Creek Lane, unless modified by the operating agency.

16. Prior to referral to the Historic Preservation Commission (HPC), of a special exception application for the Ivy Creek development, the applicant shall:
 - a. Submit a historic area work permit application for the exterior rehabilitation of the Arthur Magruder House (Historic Site 70-030) for approval.
 - b. Submit to the Historic Preservation Section staff of the Development Review Division of the Prince George's County Planning Department, a draft maintenance covenant that shall run with the land. The draft maintenance covenant shall detail the owner's and their successors' responsibilities for the preservation and long-term maintenance of the Arthur Magruder House (Historic Site 70-030). The applicant shall submit the covenant, as approved by Historic Preservation Section staff, for recordation in the County Land Records prior to approval of the historic area work permit.
 - c. Provide evidence that HPC has approved a revision to the environmental setting for the Arthur Magruder House Historic Site (70-030) that aligns the environmental setting with the boundary of the associated lot or parcel, as approved by the preliminary plan of subdivision.
 - d. Provide architectural elevations for any townhouse units that will be visible from both the Arthur Magruder House Historic Site (70-030) and the Marietta and Duvall Family Cemetery Historic Site (70-020), as well as a landscape plan that details proposed buffering adjacent to the Arthur Magruder House Historic Site and Marietta and Duvall Family Cemetery Historic Site. Also, increase the proposed landscape buffer adjacent to the Marietta and Duvall Family Cemetery Historic Site (70-020) by an additional 25 feet.
 - e. Provide a plan for any interpretive signage to be erected, and for public outreach measures for the Arthur Magruder House Historic Site (70-030) located on proposed Lot 16. The location and wording of the signage and the public outreach measures shall be subject to approval by The Maryland-National Capital Park and Planning Commission's Historic Preservation Section staff. The plan shall include the timing for the installation of the signage and the implementation of public outreach measures.
17. Prior to transmission of the Prince George's County Planning Board's recommendation on the special exception to the Prince George's County Zoning Hearing Examiner, the applicant shall obtain an approved historic area work permit for the exterior rehabilitation of the Arthur Magruder House Historic Site (70-030). The exterior rehabilitation of the Arthur Magruder House, as shown on the approved historic area work permit, shall be completed prior to transfer of proposed Lot 16 to any other party.
18. Exterior rehabilitation of the Arthur Magruder House Historic Site (70-030), in accordance with the approved historic area work permit (HAWP), shall be completed pursuant to the following phasing schedule for issuance of townhouse building permits for the development:
 - a. The applicant shall commence exterior rehabilitation in accordance with the approved HAWP prior to issuance of the first building permit within the Ivy Creek development.

- b. Exterior rehabilitation shall be completed in accordance with the approved HAWP, prior to issuance of the 15th townhouse building permit. Staff of the Historic Preservation Section, of the Prince George's County Planning Department shall confirm that the exterior rehabilitation has been completed in accordance with the approved HAWP, prior to issuance of the 15th building permit for townhouse construction.
 - c. All exterior site work, including final grading, driveway installation, and the connection of utilities for the Arthur Magruder House (Historic Site 70-030) shall be completed prior to issuance of the 70th townhouse building permit. Staff of the Historic Preservation Section, of the Prince George's County Planning Department shall confirm that the said exterior site work has been completed, prior to issuance of the 70th building permit for townhouse construction.
- 19. Prior to signature approval of the Type 1 tree conservation plan (TCP1), the TCP1 shall reflect the current historic environmental setting for revised Lot 16, as approved by the Historic Preservation Commission.
 - 20. Prior to signature approval of the Type 1 tree conservation plan, revise the natural resources inventory to show the historic trees on Lot 16 and the Marietta House historic site, as required, to demonstrate compliance with Section 25-122(b)(1)(G) of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance.
 - 21. Prior to signature approval of the Type 1 tree conservation plan (TCP1), the stormwater management concept plan shall be revised to match the layout shown on the TCP1.
 - 22. At the time of final plat of subdivision, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area except for any approved impacts and shall be reviewed by the Environmental Planning Section of the Prince George's County Planning Department, prior to approval of the final plat. The following note shall be placed on the plat:

"Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."
 - 23. Prior to issuance of any permits which impact streams or waters of the United States, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
 - 24. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised as follows:

- a. Add the following note below the specimen tree table:

“This plan is in accordance with the following variance from the strict requirements of Subtitle 25 approved by the Planning Board on [ADD DATE] for the removal of specimen trees ST-1 through ST-5, ST-11 through ST-13, ST-17 through ST-19, ST-21, ST-27 through ST-32, ST-43 through ST-68, and ST-70.”
 - b. Correct the specimen tree table to show Specimen Trees ST-9 and ST-10 being saved and Specimen Tree ST-11 being removed.
 - c. Remove the proposed reforestation in the area of the stormwater drainage swale behind Lots 1–19, Block A, and behind Block F.
 - d. Revise the limits of disturbance (LOD) on Lot 16 to prevent any clearing of historic trees located within the historic environmental setting of this lot. The LOD may be revised, pursuant to approval of a variance, if required, as part of the TCP2.
 - e. Revise the TCP1 to reflect any changes in grading.
 - f. Have the plans signed and dated by the qualified professional who prepared them.
 - g. Revise the primary management area (PMA) line to be consistent with the approved Natural Resources Inventory Plan NRI-196-2022-01.
 - h. Revise the site statistics table to be consistent with the site statistics as approved on the Natural Resources Inventory Plan NRI-196-2022-01.
 - i. Correct the woodland conservation worksheet to account for the site statistics as approved on the Natural Resources Inventory Plan NRI-196-2022-01.
25. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-011-2024). The following note shall be placed on the final plat of subdivision:
- “This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-011-2024) [or most recent revision], or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George’s County Planning Department.”
26. 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.”

27. Prior to submission of a special exception site plan, the applicant shall obtain an approved floodplain waiver from the Prince George’s County Department of Permitting, Inspections and Enforcement.
28. The Type 2 tree conservation plan shall include an invasive species management plan for the subject property.
29. The purchase of off-site woodland conservation credits shall first be sought within the area of the 2010 *Glenn Dale-Seabrook-Lanham and Vicinity Approved Sector Plan and Sectional Map Amendment*.
30. Prior to approval of the final plat of subdivision, a vacation petition shall be approved to vacate the public rights-of-way, as delineated on the approved preliminary plan of subdivision.

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 applicable 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 property is 19.10 acres, and includes Lots 1–26 and Parcels A, B, and D, recorded in the Prince George’s County Land Records in Plat Book PM 230 Plat Nos. 50 through 55. The property is in the Residential, Rural (RR) Zone. However, this preliminary plan of subdivision (PPS) was reviewed in accordance with the Prince George’s County Zoning Ordinance and Prince George’s County Subdivision Regulations, effective prior to April 1, 2022 (the prior Zoning Ordinance and prior Subdivision Regulations), pursuant to Section 24-1903(a) of the current Subdivision Regulations. Therefore, this PPS was reviewed pursuant to the standards of the prior Rural Residential (R-R) Zone for the property, which were in effect prior to April 1, 2022. The site is subject to the 2010 *Glenn Dale-Seabrook-Lanham and Vicinity Approved Sector Plan and Sectional Map Amendment* (sector plan).

This PPS allows subdivision of the subject property into 75 lots and 12 parcels for development of 74 single-family attached and one single-family detached dwellings. The PPS qualifies for review under the prior Zoning Ordinance and prior Subdivision Regulations because it meets the requirements of Section 24-1903(a) of the current Subdivision Regulations. In accordance with Section 24-1904(a), a pre-application conference was held on July 29, 2022. In accordance with Section 24-1904(b), the applicant provided a statement of justification explaining why they were requesting to use the prior regulations. In accordance with Section 24-1904(c) of the Subdivision

Regulations, this PPS is supported by and subject to approved Certificate of Adequacy ADQ-2022-054.

The property is currently undeveloped and mostly wooded. The subject property contains the Arthur Magruder House (Historic Site 70-030) and is adjacent to the Marietta and Duvall Family Cemetery (Historic Site 70-020), which is owned and operated as a museum site by The Maryland-National Capital Park and Planning Commission (M-NCPPC).

The applicant requested a variation from Section 24-121(a)(4) of the prior Subdivision Regulations, which states that residential lots adjacent to existing or planned roadways of arterial classification shall be platted with a minimum depth of 150 feet. This PPS includes residential lots within 150 feet of MD 450 (Annapolis Road) and MD 193 (Glenn Dale Boulevard), which are arterial roads. This variation request is discussed further in the Noise finding.

The applicant also filed a request for a variance to Section 25-122(b)(1)(G) of the 2010 Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (WCO), for the removal of 46 specimen trees. This request is discussed further in the Environmental finding.

3. **Setting**—The subject site is located on Tax Map 45, in Grids E2 and E3, and is within Planning Area 70. The property is located in the northwest quadrant of the intersection of MD 450 and MD 193.

The subject property is bounded to the north by open space owned by M-NCPPC and the Marietta and Duvall Family Cemetery (Historic Site 70-020) in the Reserved Open Space (ROS) Zone (formerly zoned R-O-S). The property is bound to the west by agricultural uses in the Residential Estate (RE) Zone (formerly zoned R-E), institutional uses in the ROS Zone (formerly the R-O-S Zone), and open space owned by M-NCPPC. MD 193 bounds the site to the east, with commercial development beyond zoned Commercial, General and Office (formerly zoned Commercial Office). The MD 450 right-of-way (ROW) bounds the site to the south, with single-family detached residential development in the RR Zone (formerly zoned R-R) beyond.

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

	EXISTING	EVALUATED
Zone	RR	R-R
Use(s)	Vacant	Single-family Residential
Acreage	19.10*	19.10*
Lots	26	75**
Parcels	3	12
Dwelling Units	26	75**
Gross Floor Area	0	0
Subtitle 25 Variance	No	Yes, Section 25-122(b)(1)(G)
Subtitle 24 Variation	No	Yes, Section 24-121(a)(4)

Notes: *In accordance with PPS 4-05105, the total area platted in the Prince George's County Land Records, in Plat Book PM 230 Plat Nos. 50–55, was 19.26 acres, from which 2.34 acres were dedicated to public use (specifically, ROW dedication) and 0.162 acre was recorded as Parcel C and conveyed to M-NCPPC. However, the PPS shows vacating the 2.34 acres of dedication for the public ROWs of Ridgley Run Road, Ivy Creek Lane, and MD 193. The applicant will be required to file a vacation petition to vacate the existing dedicated public ROWs. Parcel C was conveyed to M-NCPPC by deed in 2009. Subtracting the acreage previously conveyed to M-NCPPC, the remaining property area subject to the current PPS is 19.10 acres.

**The subject PPS includes 74 lots to be developed with single-family attached, age-restricted townhouse units. The PPS also includes the Arthur Magruder House, located on Lot 16 (previously recorded in Plat Book PM 230 Plat No. 52). Based upon information provided in General Note 35 on the PPS cover sheet and by the applicant, the historic house will be sold as a residence to a private individual. The PPS revises the boundaries and acreage of existing Lot 16, which contains the Arthur Magruder House, for the purpose of reducing the lot containing the historic house and expanding the future development area. Consequently, this PPS includes 75 lots; 74 of which will be for single-family attached dwelling units, and one will be for a single-family detached dwelling unit. Revisions to the PPS, general notes, and area tables are required to reflect Lot 16 as a single-family detached dwelling residential lot and re-label subsequent lots in the subdivision accordingly.

The subject PPS was accepted for review on March 25, 2024. Pursuant to Section 24-119(d)(2) of the prior Subdivision Regulations, this case was referred to the Subdivision and Development Review Committee (SDRC), which held a meeting on April 12, 2024, where comments were provided to the applicant. A requested variation from Section 24-121(a)(3) of the prior Subdivision Regulations was also accepted on March 25, 2024; however, the PPS was revised so that staff and the applicant agreed the variation was no longer necessary, as further discussed in the Site Layout finding. Pursuant to Section 24-113(b) of the prior Subdivision Regulations, the requested variation from Section 24-121(a)(4) was also received on March 25, 2024, and reviewed at the SDRC meeting held on April 12, 2024. Revised plans were received on June 13, 2024, and August 1, 2024, which were used for the analysis contained herein.

5. **Site Layout**—The lots are organized into six blocks, which are arranged around four private roads within the subdivision. One private road (Ivy Creek Lane) intersects with MD 193, approximately 1,000 feet from its intersection with MD 450. Ivy Creek Lane leads to an internal network of private roads (Ridgley Run Road and Briar Creek Lane). The street system features a hierarchical circulation pattern where all units have direct access to private streets, except for Lots 1 and 2, Block F. The lot lines for these two lots shall be revised to have direct frontage on a street. The access and circulation are acceptable. The PPS reflects two private roads, both labeled as Briar Creek Lane. Each street shall be labeled with a unique name. The site layout also includes a 10-foot-wide trail, connecting the various 'blocks' to each other, and to MD 193. No pedestrian access to MD 450 is included.

All 74 townhouse lots are front-loading, facing the private streets. Recreational facilities are provided at two locations (near Ivy Creek Lane and Briar Creek Lane). The approved stormwater management (SWM) concept plan reflects several SWM facilities located throughout the site, including a large SWM pond to the south of the Arthur Magruder House. However, this pond is not shown on the PPS and, prior to signature approval, the outline of this SWM pond shall be shown on the PPS. The SWM concept plan and TCP1 also include retaining walls at several locations around the site, to address steep slopes, avoid disturbance within the primary management area (PMA), and avoid grading around the Arthur Magruder House. All private roads, PMA, SWM facilities, retaining walls, recreational facilities, and the trail are located within open space parcels to be privately owned and maintained by the homeowners association. Parcel K defines the ROW of Ridgley Run Road, which is approximately 1,200 feet long. The final plat for Parcel K shall ensure that the entire parcel is included on one plat sheet, without the necessity to split the parcel across two plat sheets. Given the excessive length of the private road, and consequently the dimensions of Parcel K, this parcel shall be divided into two parcels and assigned separate parcel names. The parcel table on the PPS shall be revised accordingly, to include this additional parcel. The portion of Briar Creek Lane located between Block C and Block D is not assigned a parcel name. This parcel shall be labeled with a unique name, and the parcel table on the PPS shall be revised accordingly, to include this additional parcel.

Current record plats for the property (Plat Book PM 230 Plat Nos. 50–55) show an area totaling 2.34 acres as dedicated to public use. As noted earlier, this PPS shows vacation of these public ROWs to establish a new lot layout using private roads. As discussed in the Transportation finding, no additional ROW dedication is required along the frontage of MD 450 and MD 193. Furthermore, no correspondence was received from the Maryland State Highway Administration (SHA), the operating agency, regarding dedication of land for public use along these two roads.

The PPS conforms to Section 24-121(a)(3), which requires that when lots are proposed on land adjacent to an existing arterial roadway, they shall be designed to front on either an interior street or a service road. With this development, a network of private streets is provided internal to the development, which all lots front on, and from which all dwellings will be accessed.

The PPS also conforms to Section 24-128(b)(19) of the prior Subdivision Regulations, which allows private streets to serve townhouse residential uses in any zone where the use is permitted. The pavement width of private streets shall not be less than 22 feet, provided that the accessibility of the private roads to emergency equipment is ensured by the County Fire Chief or the Chief's designee. This PPS evaluates one-family attached dwellings for the elderly, which is a use permitted in the prior R-R Zone, subject to the approval of a special exception. The PPS includes a network of private streets connected to MD 193, which serve the townhouse (one-family attached) dwelling units. In accordance with this section, the PPS includes private roads with a minimum pavement width of 22 feet. However, the PPS also includes an historic house, which is located on its own residential lot, and subsequently will be sold to a private party for habitation. Section 24-128(a) of the prior Subdivision Regulations requires that lots for single-family detached dwelling units have frontage on and direct vehicular access to a public street. The PPS shows this lot, Lot 16, fronting on and having direct access from a private street (Ridgley Run Road). The applicant shall revise Ivy Creek Lane and Ridgley Run Road, located between

MD 193 and Lot 16, to be a public road with concurrence from the operating agency, or request a variation to this requirement at the time of final plat.

An entrance feature is shown near the intersection of a private street (Ivy Creek Lane) and MD 193 and is located outside a public utility easement (PUE) within open space Parcel H. Additional parking for visitors, which includes provision for Americans with Disabilities Act-accessible parking, is conceptually provided at three locations, including near the recreational facility space.

Several technical revisions are required to this PPS, prior to its signature approval, which are included as conditions of approval.

6. **Previous Approvals**—The property has been the subject of two prior development approvals. PPS 4-04130 was filed in 2004, for 31 lots for single-family residential development. However, this application was disapproved based upon inadequate public notice. PPS 4-05105 (Zoglio Property) was approved by the Prince George’s County Planning Board (PGCPB Resolution No. 06-87) in 2006, for 26 lots and three parcels for single-family detached residential development in the prior R-R Zone. Final plats of subdivision were subsequently approved for the subject property (5-09086 through 5-09091), and Lots 1–26 and Parcels A–D were recorded in the Prince George’s County Land Records for Ivy Creek. A limited Detailed Site Plan, DSP-06049, was approved on March 3, 2008, by the Prince George’s County Planning Director, as required by Condition 18 of PGCPB Resolution No. 06-87, for the purpose of evaluating compatibility and buffering of the Marietta and Duvall Family Cemetery and the Arthur Magruder House from the proposed residential development.

Development of the property, however, did not proceed in accordance with these prior approvals. The subject PPS was filed for further subdivision of the property, for residential development of the site, to accommodate 74 townhouses for the elderly and one single-family detached dwelling, which is existing. The current PPS supersedes PPS 4-05105 for the subject property.

The applicant will be required to file a vacation petition to vacate the dedicated public ROWs (Ridgley Run Road, Ivy Creek Lane, and along MD 193), to complete the approved lotting pattern. Following approval of any necessary site plan approval, new final plats of subdivision will be required, and the vacation petition must be approved prior to final platting.

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

Plan 2035

Plan 2035 places this subject site in the Established Communities Growth Policy Area. Plan 2035 classifies Established Communities as existing residential neighborhoods and commercial areas served by public water and sewer outside of the Regional Transit Districts and Local Centers. Established Communities are most appropriate for “context-sensitive infill and low- to medium-density development” (page 20).

Sector Plan

Pursuant to Section 24-121(a)(5) of the prior Subdivision Regulations, a PPS and final plat shall conform to the sector plan, including maps and text, unless events have occurred to render the relevant recommendations within the plan no longer appropriate, no longer applicable, or the Prince George's County District Council has not imposed the recommended zoning.

The sector plan recommends residential low land uses on the subject property. The sector plan further defines residential low land use as "0.5 to 3.5 dwelling units per acre; single-family detached units (page 200)." The use of 74 single-family attached dwelling units evaluated with this PPS equals a density of 4.1 dwelling units per acre, which does not fall within the range recommended by the sector plan. However, in 2021, the District Council adopted Council Bill CB-106-2021 permitting one-family attached dwellings for the elderly (and related facilities) in the prior R-R Zone, up to a density of no more than eight dwelling units per acre upon the approval of a special exception. Therefore, the District Council's adoption of CB-106-2021, subsequent to the adoption of the sector plan, and permitting density in excess of that recommended by the sector plan, is found to be an event that renders the relevant recommendations in the sector plan no longer appropriate and the requirements of Section 24-121(a)(5) are satisfied.

Other relevant recommendations of the sector plan continue to apply. The recommended sector plan goals, objectives, and guidelines to help advance the intent and purpose of the plan are discussed throughout this resolution.

Zoning

On November 29, 2021, the District Council approved Prince George's County Council Resolution CR-136-2021, the Countywide Sectional Map Amendment, which reclassified the subject property from the R-R Zone to the RR Zone, effective April 1, 2022. However, this PPS was reviewed pursuant to the prior R-R zoning.

8. **Stormwater Management**—An application for a major subdivision must include an approved SWM concept plan, or indication that an application for such approval has been filed with the appropriate agency or municipality having approval authority. A SWM Concept Approval Letter (12433-2004-03) and associated plan were submitted with the PPS. The Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) issued the approval on November 29, 2023. According to the approved SWM concept plan, drywells, micro-bioretenention facilities, bioswales, enhanced filters, and a SWM pond are proposed to meet the SWM requirements for this project. The project layout shown on the SWM concept plan is not consistent with the layout shown on the TCP1. Specifically, the TCP1 shows minor revisions to private roads, the SWM pond, the limit of disturbance, and grading; which are not reflected on the approved SWM concept plan. Prior to signature approval of the TCP1, the SWM concept plan shall be revised to match the layout shown on the TCP1.

Development of the site, in conformance with SWM concept approval subject to the required revisions, will ensure that no on-site or downstream flooding occurs. Therefore, this PPS satisfies the requirements of Section 24-130 of the prior Subdivision Regulations.

9. **Parks and Recreation**—This PPS has been reviewed for conformance with the requirements and recommendations of the sector plan, the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, the 2022 *Land Preservation, Parks and Recreation Plan for Prince George's County*, and Sections 24-134 and 24-135 of the prior Subdivision Regulations, as they pertain to public parks and recreation and facilities.

The Prince George's County Department of Parks and Recreation (DPR) manages and maintains M-NCPPC-owned parkland abutting the subject property. Nearby parks include the Marietta House historic site (Park ID 085), which is located adjacent to the northern property boundary and includes the historic structure, rental facility, and a gift shop; and Fairwood Park (Park ID 092), located 0.70 mile from the subject property and includes a soccer field, a football/soccer field combination, a playground, a pavilion, a playfield, an amphitheater, and walking loop trails.

Prior Approvals

Per the prior approval of 4-05105, the applicant conveyed Parcel C (7,083 square feet or 0.162 acre of land) to M-NCPPC, encumbered with a 10-foot-wide easement for inclusion as part of the historic bufferyard requirement for the Marietta House historic site. The applicant submitted and recorded a public recreational facilities agreement (RFA) in Book 29397 at page 322, to provide an approximately 800 linear feet split-rail fence and bufferyard landscape plantings along the property line of the historic Marietta House. A private RFA was submitted and recorded in Book 29749 at page 174 for an 8-foot-wide, 417-foot-long asphalt trail. Mandatory parkland dedication requirement for 4-05105 was met by the construction of the asphalt trail, the dedication of Parcel C, the installation of a fence, and landscape plantings abutting the Marietta House property. The current PPS shows 10-foot-wide trails as part of the on-site recreational facilities, which supersede the prior approved trail. The conveyance of Parcel C was completed in 2009 by deed recorded in Book 30722 at page 450. Installation of the landscape plantings abutting the Marietta House property are no longer carried forward with the current PPS. The fence was to be 8-foot-high, located on Parcel C, and to provide a buffer between the backyards of the residential lots and the Marietta House historic site that is used for the Civil War reenactments. The requirement of a fence is carried forward, to ensure that future residents have a clear structural delineation between HOA-owned Parcel A and the Marietta House historic site. The fence is consistent with the Historic Preservation Commission's request (discussed later in the Historic finding) for an expanded buffer with clearly marked access points and posted M-NCCPC park usage restrictions to Marietta House Museum and grounds. The fence shall be designed to blend with the historic site and be field located to prevent damage to the root system of existing mature trees. The final height and design of the fence will be evaluated at the time of the special exception application. The recorded public RFA shall be amended, as necessary, to reflect the revised fence design.

Marietta House Historic Site Impacts

DPR raised concerns about the impacts on the adjacent historic park site that may result from this proposed development, which includes grading/tree removal within the required 50-foot-wide historic buffer along the northern property line. The limit of disturbance is at the forested shared property line with the Marrietta House historic site.

DPR staff requested the applicant (during a June 2024 field meeting) to effect design change to eliminate a drainage swale running parallel and adjacent to forested park property (Marietta House historic site). This drainage swale covers a linear distance of approximately 700 feet. Per evaluation performed by DPR's International Society of Arboriculture (ISA) certified arborist, the drainage swale would result in significant impact to adjacent M-NCPPC forest-effectively creating a new, highly stressed tree line that would be predisposed to further abiotic and biotic stresses. Failure to specimen, historic trees, and additional future forest loss would result. Furthermore, additional dieback and future increased maintenance requirements by M-NCPPC staff would manifest when the resulting development sets in place hazardous tree concerns for improved private property from adjacent declining park trees.

Design changes should be made to eliminate grading along the M-NCPPC property boundary, redirection of drainage, and/or shifting lots further south of the northern property boundary with the adjacent park property. This will greatly reduce impact to M-NCPPC park trees and afford better preservation of the environmental setting of historic features and the historic viewshed by increasing the buffer between the historic resource and the proposed development. Similar concerns were raised at the Historic Preservation Commission (HPC) hearing that took place on August 13, 2024, and are reflected in HPC's recommendation that the width of the buffer between the proposed development and the Marietta House historic property be increased. Among other issues, HPC expressed concerns about the location of the SWM drainage swale, survivability of trees planted within this area, the clearing of existing trees/grading/replanting within the buffer, and the time it would take for the newly planted trees to mature to realize an adequate visual buffer.

Prior submissions showed Specimen Trees ST-9 and ST-10 to be removed, but the impacts still remain the same. So, while the applicant's previous plan recognized the amount of impact that would result in the trees not surviving and showed them to be removed, the revised plans showed the same impacts, but without the removal of ST-10. Removal of ST-9 and ST-10 is not supported. In addition, the applicant shall apply forest enhancement techniques, including the removal of invasive Asiatic Bittersweet species and additional understory plantings, on the subject site.

These findings are supported by the WCO, the 2018 Environmental Technical Manual (ETM), and the prior Subdivision Regulations, as illustrated below.

Sections 25-117(a)(1) and 25-117(b)(1) of the WCO establish the policy and purpose of the WCO to preserve and protect trees that have historical context, provide procedures to manage disturbance of woodlands to maintain healthy vegetation, and to protect trees and woodlands before, during, and after construction or other land disturbing activities. This directly relates to concerns about the limits of disturbance (LOD) that will create a new forest edge on the abutting Marietta House historic site and will impact the health of existing vegetation during and after construction.

Section 25-122(b)(1)(G) of the WCO states that "Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an

appropriate percentage of the critical root zone in keeping with the tree's condition and the species' ability to survive construction as provide in the Technical Manual."

Furthermore, Section 25-122(c)(1)(I) states that "On or off-site habitat enhancement projects of connected areas of existing woodlands that result in improved wildlife habitat and forest vigor through the removal of invasive or exotic plant species and/or planting of native species."

Regarding planning for the preservation of existing woodlands, the ETM notes that "When woodlands are cleared on a site, a new woodland edge is created. The final limit of disturbance balances the needs for the development with the demands for survivability of the trees along the new edge. Sometimes trees along the new edge of woodland become stressed and die due to the root damage or loss and the sudden exposure to harsh conditions of sun and wind. The intent of a preservation area is to preserve the trees in good condition and not create problems or future expenses for the future property owners." (page A-16). This section supports the need to redesign the site plan so as not to create a new forest edge that creates problems and future expenses for the future property owners of the residential homes, or the adjoining property. It also supports the control of non-native invasive species to minimize stress and maintain a healthy forest.

The ETM, on page A-16, lists the criteria for determining the limits of disturbance (LOD), which must include "Preservation of a sufficient amount of the critical root zones of specimen trees to ensure their survival if they are shown to be preserved." A grading plan and an LOD that proposes cutting tree root structure on the subject property, shall ensure that the tree is not harmed even if that tree, or part of that tree, is off-site. In addition, HPC recommended that the buffer between the subject property and the Marietta House historic site be expanded beyond the minimum required (see the Historic finding).

The ETM also states that "...additional stress reduction measures may be necessary for specimen trees or for other trees along the LOD based on field conditions. Such measures include, but are not limited to, root pruning, crown pruning, watering, fertilizing, and mulching..." (page A-23). The ETM supports additional stress reduction measures for all trees along the LOD where necessary, and in this case, non-native invasive species are a major stress and threat to the trees. The County Code requires that tree conservation plans (TCPs) be prepared in conformance with the ETM.

One of the purposes of Subtitle 24 of the County Code is to protect historic resources listed on the Inventory of Historic Resources of the adopted and approved Historic Sites and Districts Plan (Section 24-104(a) of the prior Subdivision Regulations). Also, Section 24-135.01 of the prior Subdivision Regulations states:

- (b) The following requirements shall apply to a proposed subdivision containing or adjacent to a historic resource:**
 - (1) Lots shall be designed to minimize adverse impacts of new construction on the historic resource;**

- (2) Natural features (such as trees and vegetation) which contribute to the preservation of a historic resource or provide a buffer between the historic resource and new development, shall be retained; and**
- (3) Protective techniques (such as limits of disturbance, building restriction lines and buffers) shall be used.**

The woodlands on this site, located adjacent to the historic/park property, are to be cleared, the land graded, and a buffer replanted within a SWM conveyance drainage swale. If they do become established, it will take decades for the planted trees to begin to mimic what the existing forest currently provides, particularly if the non-native invasive species in the vicinity, including the adjacent property are not controlled.

Sector Plan Conformance

The PPS is in alignment with the sector plan's goals to protect and enhance the area's open space system and recreational opportunities, provide an open space system that is accessible to all residents and serves a variety of users, and ensure that the open space network links to neighborhoods and community destinations.

Subdivision Regulations Conformance

Sections 24-134 and 24-135 of the prior Subdivision Regulations, which relate to mandatory dedication of parkland, provide for the dedication of land, the payment of a fee-in-lieu, and/or the provision of private on-site recreational facilities to serve the active recreational needs of residential development. Based on the permissible 8 dwelling units per acre density of development, 10 percent of the net residential lot area, 1.85 acres, could be required to be dedicated to M-NCPPC for public parks. Since this is a resubdivision, 0.162 acre of land dedication of Parcel C, which was previously completed, is credited towards the requirement for this resubdivision, resulting in the remainder 1.69 acres as the mandatory dedication of parkland requirement. Given the included density of 4.1 dwelling units per acre, the provision of on-site recreational facilities for future residents shall meet the remaining mandatory dedication of parkland requirement.

The PPS identifies on-site recreational facilities including a 10-foot-wide trail, a pickleball court, picnic areas, and passive seating. The area identified for recreational amenities is appropriate for outdoor recreation for future residents. The details and the cost estimates for the on-site facilities will be evaluated at the time of the special exception. As previously stated, there are existing recorded public and private RFAs. Each RFA shall be amended to reflect the requirements of the current PPS.

Based on the preceding findings, the provision of mandatory dedication of parkland will be met through prior dedication of parkland and required on-site recreation facilities, in accordance with Section 24-135(b) of the prior Subdivision Regulations.

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

Master Plan Right-of-Way

The subject property has frontage on both MD 193 (A-16) and MD 450 (A-23), however, there is no direct access to MD 450 provided with this PPS. MD 450 is an historic road designated by the 1828 Levy Court Survey with an ultimate ROW width of 150-feet. MD 193 is a master-planned arterial roadway with an ultimate ROW width of 200 feet. The ultimate ROW widths for MD 193 and MD 450 are not identified on the PPS and shall be shown and labeled. The PPS shall also be revised to provide a dimension for the existing ROW widths for MD 193 and MD 450 from the road centerline to the property line.

Master Plan Pedestrian and Bike Facilities

The site is impacted by the existing Lottsford Branch Trail. In addition, the MPOT recommends the following master-planned facilities:

- Sidewalk/Shared-Use Side Path and Dedicated Bike Lanes:
MD 193 Chapel Road
- Shared-Use Side Path: MD 450

The MPOT provides policy guidance regarding multimodal transportation and the Complete Streets element of the MPOT recommends how to accommodate infrastructure for people walking and bicycling (MPOT, page 10):

Policy 1: Promote and encourage cycling and walking as an alternative to the car for commuting and recreational purposes.

Policy 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

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

Policy 5: Evaluate new development proposals in the Developed and Developing Tiers for conformance with the complete streets principles.

In addition, the site is subject to the sector plan, which includes the following policies:

- **Create environments that are more conducive to nonmotorized travel** (page 165).

- **Develop a continuous network of safe routes (sidewalks and trails) for pedestrians, especially between neighborhoods and sector plan area destinations (page 165).**

The subject site is located northwest of the intersection of MD 193 and MD 450. The PPS includes an existing 8-foot-wide side path along the property's frontage of MD 450 and provides an 8-foot-wide trail along the frontage of MD 193. In addition, MD 193 has existing wide shoulders along both sides of the roadway to accommodate bicycle usage. The PPS also includes a 10-foot-wide asphalt hiker/biker trail within the property, connecting to the internal sidewalk, to fulfill the intent of the Lottsford Branch Trail.

Bicycle parking shall be provided at the recreation or gathering areas within the site. The required and existing facilities conform to the recommendations of the sector plan.

Site Access and On-site Circulation

The PPS includes a network of private streets internal to the subdivision stemming from one right in/out access point along MD 193, due to the existing grass median along the roadway. At the SDRC meeting, the applicant was asked to confer with SHA, the operating agency, about requiring an acceleration/deceleration lane to access the site. The intersection of Ivy Creek Lane and MD 193, as shown on the PPS, is proximate to the intersection of MD 193 with MD 450 and is required to meet the corner clearance distance of 150 feet per SHA requirements. The installation of the acceleration and deceleration lanes may impact the current right-turning lane from MD 193 onto MD 450. A wide shoulder currently exists along the property frontage; however, it does not provide storage space to facilitate merging onto MD 193. An acceleration and deceleration lane along the property frontage, to access the site, is not included in the PPS. Also, the applicant did not provide any confirmation from SHA regarding this improvement. Furthermore, no correspondence was received from SHA regarding an acceleration/deceleration lane at the intersection along MD 193. However, the requirement for such lanes can be determined by SHA at the time of permitting. The PPS also includes a 5-foot-wide sidewalk along both sides of the internal roadways, as well as the additional trails within the site. Crosswalks and Americans with Disabilities Act curb ramps shall be provided crossing the access point and throughout the site.

Based on the preceding findings, the vehicular, pedestrian, and bicycle transportation facilities will serve the PPS, meet the findings required of prior Subtitles 24 and 27, and conform to the sector plan and MPOT.

11. **Public Facilities**—This PPS was reviewed for conformance to the sector plan, in accordance with Sections 24-121(a)(5) and 24-122(b) of the prior Subdivision Regulations. The sector plan includes several policies and strategies for the provision of public facilities (pages 229–230). The project will not impede the achievement of these recommendations or specific facility provisions. This PPS is subject to ADQ-2022-054, which established that, pursuant to adopted tests and standards, public safety facilities are adequate to serve the proposed development. There are no master-planned police, fire and emergency medical service facilities, public schools, parks, or libraries recommended on the subject property (Appendix 6, page 273).

The subject property is located in Planning Area 70, known as Glen Dale-Seabrook-Lanham and Vicinity. The 2024–2029 *Fiscal Year Approved Capital Improvement Program* budget identifies one new public facility proposed for the planning area. However, this facility is not in the vicinity of the subject property.

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; however, none of its recommendations affect this site.

Section 24-122.01(b)(1) of the prior Subdivision Regulations 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 PPS or final plat approval. The 2018 *Water and Sewer Plan* placed this property in water and sewer Category 3, Community System. Category 3 comprises all developed land (platted or built) on public water and sewer, and undeveloped land with a valid PPS approved for public water and sewer. In addition, the property is within Tier 1 of the Sustainable Growth Act. Tier 1 includes those properties served by public sewerage systems.

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

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

The standard requirement for PUEs is 10 feet wide along both sides of all public ROWs. The subject property has frontage on MD 193 to the east and MD 450 to the south. The PPS shows PUEs along the property frontage on MD 193 and MD 450, at a minimum of 10 feet wide, except in certain locations along MD 193 for example, frontage along Parcels A and H. Prior to signature approval, the PUE shall be extended along the entire frontage of MD 193.

In addition, a minimum 10-foot-wide PUE is required along at least one side of all private streets, pursuant to Section 24-128(b)(12) of the prior Subdivision Regulations. The PPS shows appropriate width PUEs along at least one side of all private roadways shown in this subdivision, except at the termini of Briar Creek Lane(s). Specifically, the PUE shall be extended to the end of the private ROW of the southern Briar Creek Lane near the northeast corner of Lot 14, Block F, and to the end of the private ROW of the northern Briar Creek Lane near the northwest corner of Lot 5, Block C.

13. **Historic**—Pursuant to Section 24-115(e) of the prior Subdivision Regulations, when a historic resource included on the County’s Adopted and Approved Historic Sites and Districts Plan is located on the subject property of a PPS, the PPS is referred to the Historic Preservation Commission as soon as practicable after filing. The Historic Preservation Commission then submits its comments and recommendation for the record within 30 calendar days.

The subject property comprises 19.1 acres in the northwest quadrant of the intersection of MD 450 and MD 193, in Glenn Dale. The subject property contains the Arthur Magruder House (Historic Site 70-030) and is adjacent to Marietta and Duvall Family Cemetery (Historic Site 70-020), which is owned and operated as a museum site by M-NCPPC. The Arthur Magruder House is to be conveyed to a private owner. The PPS was initially reviewed by HPC at its July 23, 2024 public hearing. After hearing a staff presentation, testimony by the applicant and their legal counsel, and by interested members of the public, HPC unanimously adopted a motion to table the item to allow for further refinement of the proposed conditions. The item was scheduled to be heard by the HPC at a new public hearing to be held on August 13, 2024.

The HPC reviewed the subject PPS at its August 13, 2024 meeting and voted 4-0-2 to forward the following findings, conclusions, and recommendations for review by the Planning Board:

1. The subject property contains the Arthur Magruder House (70-030), designated as a Prince George's County Historic Site in 1985 and moved to the subject property from its original location at 12100 Annapolis Road, in 2008. The subject property is adjacent to Marietta and Duvall Family Cemetery (70-020), also a Prince George's County Historic Site, designated in 1981 and listed on the National Register of Historic Places (NRHP) in July 1994. Marietta House is owned and operated by M-NCPPC Prince George's County Parks and Recreation as a historic house museum.
2. The Arthur Magruder House (70-030), now located at 5302 Ridgely Run Road, Glenn Dale, was built c. 1912 on its original 10-acre parcel, facing east towards MD 450. It is a two-story, T-shaped frame cross-gabled dwelling with projecting, semi-octagonal bays on the northwest (formerly north), northeast (formerly east), and southeast (formerly south) gable ends. The house is clad with German siding on the first story and lapped shingles on the second story. A modern porch surrounds the northeast (formerly east) gable end, the main entrance to the home. A one-story kitchen addition built in 1923 on the southwest (formerly west) side of the house was destroyed by fire in 1979 and replaced with the current two-story addition later that year. The house was originally built on a poured concrete foundation, however, since the house was moved to its current location, it was relocated onto a yellow-brick foundation.

The Arthur Magruder House stands on a tract which had been part of "Darnall's Grove," a 3,800-acre parcel with the warrant to survey issued to Henry Darnall in 1682. Thomas Magruder inherited 211 acres surrounding what is now the intersection of MD 556 (Enterprise Road) and MD 450 through his grandfather, Thomas Baldwin. Over the course of the 19th century, the farm passed to Thomas Magruder's son, the attorney Caleb Clarke Magruder and then to his son C. C. Magruder, Jr. In 1912, C. C. Magruder, Jr. deeded a 10-acre parcel of land on the west side of the MD 450 (Collington-Marlboro Road) to his son, Arthur H. S. Magruder, who began to build his home that same year. Construction of the house was done in stages, with the last section, the one-story kitchen addition,

completed in 1923. The Arthur Magruder House is a landmark of the Glenn Dale area, embodying the characteristics of an early twentieth-century farm residence.

In 1999, the Arthur Magruder house was assessed for eligibility to the NRHP and was determined to meet the requirements for Criterion A and Criterion C. At that time, the resource retained sufficient integrity to illustrate its association with late nineteenth and early twentieth century agriculture in Prince George's County. The property retained original agricultural outbuildings, including a chicken house and stable, and 6.08 acres of its original 10-acre setting, providing a sufficient setting to illustrate its agricultural history. The house has been relocated to another portion of the original Magruder farm; it no longer retains integrity under Criterion A. The Arthur Magruder House was also determined as NRHP-eligible under Criterion C. Although the house was altered on the interior and by the loss of the one-story addition due to the fire in 1979, the exterior retains sufficient architectural integrity to embody the characteristics of the modest rural residential architecture of the period. While the relocation of the house in 2008 altered some of the architectural characteristics of the exterior of the house, particularly the appearance of the porch on the northeast (formerly east) gable end, many of the architectural characteristics of the house remain.

3. Marietta and Duvall Family Cemetery (Historic Site 70-020) is adjacent to the subject property. Benjamin Duval purchased 150 acres, also originally part of "Darnall's Grove," in 1752. Marietta, which was constructed in two phases c. 1813 and c. 1833, was built by Benjamin Duval's son, Gabriel, and is a two-and-a-half story, Federal-style brick plantation house with two extant historic outbuildings, a root cellar/harness room and a unique one-and-a-half story detached law office. The home is an important example in Prince George's County of a late Federal-style brick house. While it is moderate in size and restrained in its decorative elements, it provides a visible example of the traditional I-house form in the Federal style.

Marietta was built for Gabriel Duvall, a prominent lawyer in Prince George's County. Gabriel Duvall retired to Marietta, where he died in 1844. The property was the residence of Duvall's heirs until 1902. The site also includes several graves of Duvall family members, which had been moved to Marietta from the nearby Duvall Family Cemetery.

Marietta was listed on the National Register of Historic Places in 1994; under Criterion B, as the home of Gabriel Duvall, one of Prince George's County's most prominent citizens, and Criterion C, as an important example of a late Federal-style brick house in the traditional I-house form.

4. The sector plan contains goals, policies, and strategies related to Historic Preservation (pages 85-100). These include the following, which are most directly related to the subject PPS:

Goal 1: Maintain the integrity and character of the sector plan area's historic resources (page 95).

Policy 1: Protect historic properties by ensuring implementation of the county's Historic Preservation Ordinance (page 95).

Strategy: Ensure that the sector plan area's historic sites are protected through enforcement of the county's Historic Preservation Ordinance (page 95).

Policy 3: Encourage adaptive use of historic buildings and structures (page 96).

Goal 3: Ensure that development review and infrastructure planning include consideration of historic resources (page 97).

Policy 2: Ensure that existing historic resources are preserved or enhanced when reviewing development applications (page 98).

Strategy: Continue to support special requirements in the county's zoning and subdivision regulations for properties abutting historic resources (page 98).

The sector plan also makes specific mention of the Arthur Magruder House (page 93):

“Citizen associations also have been concerned with the deterioration of several historic properties within the sector plan area due to the property owner's failure to perform maintenance work. One example is the Arthur Magruder House, which was moved from its original site and is temporarily resting on a flatbed truck located on land at the intersection of MD 450 and MD 193. This property has been off its foundation awaiting transport for over a year at the time of plan writing. This case, as well as other residential historic sites falling into disrepair, may constitute “demolition by neglect,” a situation in which an owner fails to perform maintenance over a long period of time, resulting in the destruction of a structure. Subtitle 29 prohibits demolition by neglect, and HPC has the authority to require corrective action for historic sites and contributing properties within historic districts. Noncompliance may result in the county performing the corrective action, as well as seeking other remedies in law and equity.”

5. A Phase I archeology survey of the Ivy Creek property was completed in 2005. No archeological sites were identified, and no further work was recommended. Historic Preservation staff concurred with this assessment, and no further work was required. Copies of the final report, A Phase I Archaeological Investigation of the Zoglio Residential Property Prince George's County, Maryland,

PPS 4-05105, were received by staff in February 2006 and no further work is necessary.

6. The property that contains the Arthur Magruder House Historic Site has been subject to several previous development approvals relating to the subject site.

The Planning Board (PGCPB) approved 4-05105, Zoglio Property, on May 4, 2006, and Limited Detailed Site Plan, DSP-06049, Ivy Creek Subdivision, on March 3, 2008. However, conditions attached to these previous approvals do not apply to the subject PPS application.

Historic Area Work Permit (HAWP) 18-05 was approved by HPC in October 2005, supporting the in-concept relocation of the Arthur Magruder House from its original location at 12100 Annapolis Road, which had been rezoned from residential to Commercial-Office (C-O) as part of the 1993 *Glenn Dale Master Plan and Sectional Map Amendment*, to an alternative parcel in a developing residential subdivision on the west side of MD 193. The applicant proposed moving the Arthur Magruder House to a lot on the subject property; however, staff advised the applicant that the lot was most likely insufficient in size to provide an appropriate environmental setting and the bufferyards required by the 2010 *Prince George's County Landscape Manual* (Landscape Manual) (4.7) without a significant loss of lots. Staff advised the applicant that review and approval by HPC for a new Environmental Setting for the Arthur Magruder House Historic Site was necessary prior to Planning Board review of PPS 4-05105. As a result, in March 2006, the applicant decided not to relocate the historic house to the subject property, and it was not included in 4-05105.

HAWP 18-05/01 was reviewed by HPC on May 16, 2006. The applicant requested, in conjunction with their application for PPS 4-05144, Fairwood Office Park, the relocation of the Arthur Magruder House from its original location to Lot 16 of the Zoglio Subdivision (i.e., Ivy Creek). Lot 16 was proposed to be 41,180 square feet, with a view of the adjacent SWM pond and surrounded by 4.6 acres of homeowners' association open space. HPC approved HAWP 18-05/01 for the relocation of the Arthur Magruder House and HPC approved the new Environmental Setting for the Arthur Magruder House to be Lot 16 of the Zoglio Subdivision (i.e., Ivy Creek).

HAWP 53-09 was requested by the applicant for the construction of a new foundation, repair or replacement of the sills, and re-siting of the Arthur Magruder House. The HAWP was approved by HPC on October 20, 2009, for the construction of a new foundation for the Arthur Magruder House on Lot 16 in the Ivy Creek Subdivision with the following condition:

Prior to the final approval of HAWP #53-09, the applicant shall provide Historic Preservation staff with a typical elevation drawing depicting the manner in which the house will rest on its new

foundation in order to ensure that the new foundation will be under the house rather than outside the exterior wall plane and that the new foundation will replicate the building technique used when the house was constructed at its original location.

7. On July 16, 2013, HPC voted unanimously to initiate Demolition by Neglect proceedings for the Arthur Magruder House Historic Site after a letter to the owner requesting that a representative attend the July 2013 HPC meeting to provide information on the repairs being made to the building received no response.

In response to the issuance of a finding of Demolition by Neglect on the Arthur Magruder House, the owner applied for approval of the in-kind replacement of the asphalt shingle roof, to inspect and repair as necessary the standing seam metal roofs that cover the front porch and bay windows, to board and secure all access points, to repair the wood siding, and to paint the house's exterior. HAWP 39-13 was approved by Historic Preservation Section staff on September 6, 2013.

At the June 17, 2014 HPC meeting, the Commissioners agreed to again initiate Demolition by Neglect proceedings for the Arthur Magruder House Historic Site. At that point, none of the work contained in HAWP 39-13 had been started, and while the owner stated their intention to submit another HAWP application to include additional work, it was determined that the poor condition of the house and the uncertainty of what work had already been completed necessitated further hearings. At the July 15, 2014 HPC meeting, the Commissioners voted 6-0-1 to make a finding of Demolition by Neglect for the Arthur Magruder House Historic Site.

In response to the issuance of findings of Demolition by Neglect on the Arthur Magruder House Historic Site, the owner applied for gutter and downspout replacement, regrading around the house for positive drainage, shutter installation, installation of temporary porch supports, masonry repair, and the installation of an 8-foot chain link security fence and gate. HAWP 54-14 was approved by HPS staff on October 9, 2014.

In 2018, in response to continued concern expressed by HPC, the property owner conducted limited work to secure the house and remove excess vegetation. Historic Preservation Section staff have made periodic visits to the site since that time.

8. Historic Preservation staff and two HPC Commissioners visited the site on March 6, 2024, accompanied by a representative of the property owner. Staff noticed several areas on the exterior of the house where paint was peeling, and the wood siding was rotting. Several of the gutters were missing. One of the windows on the west elevation of the house was missing a covering. The covering over the first-floor door on the south elevation was rotting at the

bottom, exposing the opening to weathering. The door to the basement on the west side of the house had no doorknob and was unsecured. Puddles of water were noted on the basement floor. It appeared that little to no maintenance had been performed on the building in a long time.

9. HPC initially reviewed and tabled this item at its July 23, 2024, public hearing. The applicant subsequently submitted revised plans to the Development Review Division of the Prince George's County Planning Department, on August 1, 2024. Many of these changes were already reflected in the materials provided to HPC in July. The revisions included:
 - a. The historic setting was revised to include a 25-foot landscape buffer with a 2-foot retaining wall along the rear of proposed Lots 1-5, Block C and along the west side of Lot 5, Block C.
 - b. During the processing of the Special Exception, the applicant will request Alternative Compliance to the requirements of the Landscape Manual to reduce the required Type E 50-foot landscape buffer to a 25-foot landscape buffer with a retaining wall and to reduce the required 60-foot building restriction line by providing a 35-foot building setback along the rear and west side of Block C.
 - c. Briar Creek Lane was truncated to provide additional open space and recreation area. This allowed for the addition of seven regular and two handicap parking spaces to be utilized for residents or their visitors to the pickleball court and picnic area. The "T-turn-around" area at the parking lot was designed for fire truck access.
 - d. The proposed forebay in the SWM pond was relocated further south away from the historic home and the grading around the Arthur Magruder House was revised for better use of the yard.
 - e. The applicant added a proposed one-car garage (8' x 24') within the Environmental Setting of the Arthur Magruder House.
 - f. The proposed driveway was relocated further to the north within the Environmental Setting.

HPC Conclusions

1. The applicant proposes to convey the parcel containing the Arthur Magruder House Historic Site (70-030) to private ownership. The applicant should provide a plan and timetable for the rehabilitation of the Arthur Magruder House such that the rehabilitation is completed prior to the transfer of the parcel to any other party.

2. The boundary of the parcel containing the Arthur Magruder House Historic Site (70-030) in the subject application does not correspond to its Environmental Setting. The applicant has submitted a “Change in Environmental Setting” application to HPC for its review and approval concurrently with this application.
3. All proposed grading or building within the Environmental Setting of the Arthur Magruder House, such as the construction of the proposed 10-foot internal hiker/biker trail, paved paths connecting the Arthur Magruder House to the community, retaining walls, garage, or SWM features, must be reviewed through the HAWP process.
4. A Phase I archeology survey of the Ivy Creek property was completed in 2005. No archeological sites were identified, and no further work was recommended. Historic Preservation staff concurred with this assessment, and no further work is required.
5. The subject property is adjacent to the south to the Marietta and Duvall Family Cemetery (70-020) Historic Site. The proposed bufferyard between the Ivy Creek subdivision and Marietta and Duvall Family Cemetery (Historic Site 70-020), including existing Parcel C which was conveyed to M-NCPPC by deed in 2009, partially fulfils the requirements of Section 4.7 of the Landscape Manual. The findings of the line-of-sight profile identifies that the Marietta and Duvall Family Cemetery (70-020) Historic Site is sufficiently buffered from the proposed Ivy Creek subdivision.
6. At the time of special exception, HPC will review architectural and landscape features for the proposed development to minimize impacts on the internal and adjacent historic sites.

HPC also submitted the following comment to the Planning Board for consideration in its review of the PPS:

1. The applicant has expressed a desire and intent to provide a list of improvements which it will make, and which will constitute the interior rehabilitation of the Arthur Magruder House. Further, the applicant expresses a desire to complete interior rehabilitation prior to issuance of the 60th townhouse building permit. The Historic Preservation Commission cannot require this of the applicant, but wholeheartedly endorses the applicant’s stated desire and intent to do so.

The Planning Board concurred with HPC’s comment. However, given that Arthur Magruder House is a privately owned dwelling, it can be privately transferred by the current owner at any time with no obligation to complete the interior improvements. Therefore, interior rehabilitation of the historic house has not been conditioned for approval of this PPS.

HPC also stated that they will hold the record open for 10 calendar days following the August 13, 2024 hearing, to allow for any additional comment on this item from persons of

record. Additional written correspondence was forwarded to the attention of the Planning Board. Written comments to HPC that were received prior to the August 13, 2024 HPC meeting were also transmitted for the record, and are incorporated herein by reference.

HPC recommended approval of the PPS, subject to certain conditions, which are listed at the end of this resolution. The Planning Board concurred with the findings and recommendations of the HPC, including the conditions of approval.

14. **Environmental**—The following applications and associated plans were previously reviewed for the subject site:

Development Review Case Number	Associated Tree Conservation Plan or Natural Resource Inventory	Authority	Status	Action Date	Resolution Number
4-04130	N/A	Planning Board	Denied	1/20/2005	PGCPB No. 05-29
4-05105	TCPI-069-04	Planning Board	Approved	4/6/2006	PGCPB No. 06-87
DSP-06049	TCP2-019-07	Planning Director	Approved	3/3/2008	N/A
NRI-196-2022	N/A	Staff	Approved	1/20/2023	N/A
NRI-196-2022-01	N/A	Staff	Approved	3/5/2024	N/A
4-22051	TCP1-011-2024	Planning Board	Approved	9/12/2024	2024-092

Applicable Woodland Conservation Ordinance

This project is subject to the provisions of the WCO and ETM because the application is for a new PPS and was accepted prior to July 1, 2024. The project is also subject to the Environmental Regulations contained in prior Subtitles 24, 25, and 27.

Environmental Site Description

The subject property of approximately 19.10 acres is located in the northwest quadrant of the intersection of Glenn Dale Road (MD 193) and MD 450. Streams and 100-year floodplain with associated areas of steep slopes are within the limits of this site. According to information obtained from the Maryland Department of Natural Resources (MDNR) Natural Heritage Program, a Sensitive Species Project Review Area, as delineated on the Sensitive Species Project Review Area GIS layer, is found to occur in the vicinity of this property. Further information received from MDNR Natural Heritage Program staff indicated known records related to three rare, threatened, or endangered aquatic species. This property is located in the Lottsford Branch, which flows into the Western Branch of the Patuxent River basin. The site contains regulated areas and evaluation areas, as designated in the *Countywide Green Infrastructure Plan* of the 2017 *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan).

Plan 2035

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

Environmental Conformance with Applicable Plans

Sector Plan

The Natural Resources/Environment Chapter contains goals, policies, and strategies. The following goals and policies were determined to be applicable to the current PPS. The text in **bold** is the text from the sector plan and the plain text provides comments on plan conformance.

Goal 1: Restore and enhance water quality in areas that have been degraded.

Policy 1: Decrease the amount of pollutants from both storm and non-storm events entering sector plan area wetlands and waterways.

The approved SWM concept with this case shows the use of dry wells, micro-bioretenention facilities, bioswales, an enhanced filter, and a SWM pond. A final technical plan shall be reviewed and approved by DPIE, which will be required at the time of permit.

Policy 2: Preserve, enhance, or restore the vegetated buffers around wetlands and waterways.

There are no wetlands on-site; however, a stream bisects the property. The buffer to this stream will be preserved, except in the locations of the roadway and the pedestrian bridge crossings. These crossings are needed to allow access and pedestrian circulation to the entire property and are evaluated in the Regulated Environmental Features/Primary Management Area section of this finding.

Goal 2: Prevent flooding associated with new and redevelopment.

Policy 1: Ensure stream corridors are clear of debris, both manmade and natural, in known flooding areas.

Policy 2: Ensure that the quantity of stormwater discharged from a site post-development does not exceed predevelopment conditions.

Water quality and flood control was addressed in the approved SWM concept plan through the use of environmental site design (ESD) to the maximum extent practicable and a SWM pond on-site for the 100-year storm control.

Goal 3: Preserve, enhance, and restore the existing tree canopy within the sector plan area.

Policy 1: Focus tree and forest preservation and restoration efforts in appropriate areas.

Woodland conservation has been focused as preservation within the PMA, and with reforestation along portions of the northern PMA line. Preservation and reforestation will also occur along MD 450.

Policy 2: Encourage the application of urban forestry principles to landscaping and reforestation efforts, while increasing opportunities for incorporating tree planting into the existing landscape.

Woodland conservation has been focused as preservation within the PMA, and with reforestation along portions of the northern PMA line. Preservation and reforestation will also occur along MD 450. A reforestation area along the northern property line with the Marietta House historic site is shown, which lies in the same area as the 40-foot historic buffer.

A drainage swale is shown within the northern reforestation area; this permanent SWM facility is not permitted within reforestation areas and the installation of permanent structures in woodland conservation areas are considered a violation per Section 25-120(c)(2)(C)(vi) of the Prince George's County Code. The tree canopy coverage will be reviewed at the time of permitting.

Policy 3: Ensure that no net loss of forest cover occurs within the boundaries of the sector plan area.

Proposed site improvements may result in a net loss of forest cover within the boundary of the sector plan area if the off-site requirement is placed in a woodland conservation bank outside of the sector plan boundary. In accordance with Section 25-122(a)(6) of the WCO, off-site woodland conservation credits are required to be considered as follows: "...within the same eight-digit sub-watershed, within the same watershed, within the same river basin, within the same growth policy tier, or within Prince George's County. Applicants shall demonstrate to the Planning Director or designee due diligence in seeking out opportunities for off-site woodland conservation locations following these priorities. All woodland conservation is required to be met within Prince George's County." To ensure sector plan conformance, the purchase of off-site woodland conservation credits shall first be sought within the sector plan.

Goal 4: Utilize innovative stormwater management best practices to mitigate the negative impacts of stormwater runoff.

Policy 1: Require stormwater to be treated non-structurally to the maximum extent practicable.

The approved SWM concept shows the use of ESD to the maximum extent practicable.

Goal 5: Address issues of energy conservation, light pollution, air pollution, and noise impacts within the sector plan area.

Policy 1: Increase opportunities for utilizing green building opportunities in the sector plan area.

The use of green building techniques and energy conservation techniques are encouraged as appropriate and will be reviewed with the special exception.

Policy 2: Reduce light pollution and intrusion into residential communities and environmentally sensitive areas.

The minimization of light intrusion from developed areas of this site, located in the Developing Tier, onto the sensitive wetland area to remain on-site, as well as off-site environmentally sensitive areas surrounding the site, is of special concern. The use of alternative lighting technologies and the limiting of total light output should be demonstrated. Full cut-off optic light fixtures should be used. This will be reviewed with the special exception.

2017 Green Infrastructure Plan

The 2017 Countywide Green Infrastructure Plan was approved on March 17, 2017, with the adoption of the *2017 Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (Prince George's County Council Resolution CR-11-2017). According to the approved Green Infrastructure Plan, this site contains regulated or evaluation areas. The regulated areas are comprised of an existing stream that is centrally located on-site and its associated 100-year floodplain. The following policies and strategies are relevant to this PPS. The text in **bold** is the text from the Green Infrastructure 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.

Strategies

- 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.**

Most of the regulated area will be preserved on-site, particularly areas along the stream. No special conservation areas are located on or within the vicinity of the subject site.

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

Strategies

- 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.**
- 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.**

The site is fully encumbered by regulated and evaluation areas, which will be impacted. The site does not have a network gap, as the regulated area runs through the center of the property, and everything on either side is within the evaluation area. Most of the existing forest area will be preserved within the floodplain, except in the areas of the road and pedestrian stream crossings, with additional reforestation to the north of the PMA line which will provide additional protection for the green infrastructure network.

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

Strategies

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.**

The use of arched or bottomless culverts or bridges are encouraged to be used at the stream crossings to provide wildlife and water-based fauna safe passage; however, this level of detail is not provided with the 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.**

With the stream system running through the center of the property, two stream crossings are necessary in the regulated environmental features (REF) to provide a cohesive community, developed on either side of the stream. The development shall be designed to minimize clearing, grading, and use low-impact surfaces within the stream buffer. This will be further analyzed with the Type 2 tree conservation plan (TCP2) at the time of special exception review.

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

Strategies

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.

Reforestation and preservation areas shall be placed into woodland and wildlife habitat conservation easements, while all remaining undisturbed areas within the PMA shall be protected within a conservation easement prior to permit.

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

Strategies

- 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 SWM concept plan approved by DPIE proposes the implementation of a SWM system that utilizes a combination of drywells, bioswales, micro-bioretenion facilities, enhanced filters, and a SWM pond to improve the water quality and quantity of runoff that will discharge off-site. The approved plan shows impacts to the stream buffer for the SWM pond outfall.

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.**

Retention of existing woodlands and planting of native species on-site is required by both the ETM and the Landscape Manual and apply toward the tree canopy coverage (TCC) requirement for the development. TCC requirements will be evaluated at the time of the associated special exception plan review.

Reforestation and preservation areas will be placed into woodland and wildlife habitat conservation easements prior to the approval of the TCP2, while all areas within the PMA will be protected within a conservation easement with the final plat of subdivision prior to permit.

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.**

Tree Canopy Strategies

- 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.**

The planting of native species on-site is required by both the ETM and the Landscape Manual, which can count toward the TCC requirement for the development. TCC will be evaluated with the special exception. Native landscape planting along the existing woodland edge is encouraged. Further discussion on this policy can be found in the Woodland Conservation section.

Environmental Review

Natural Resources Inventory

An approved Natural Resources Inventory (NRI-196-2022-01) was submitted with the PPS. The site is mostly wooded and contains REF, steep slopes, a stream, 100-year floodplain, and their associated buffers, comprising the PMA. The site statistics table on the NRI shows 3.03 acres of PMA, with 778 linear feet of regulated streams. The historic site shown on the PPS and TCP1 was approved by HPC for adjustments to the environmental setting shown on the NRI. The NRI does not show the historic trees on Lot 16 nor the 100 feet area extending into the Marietta House historic site. The NRI shall be revised to show the revised historic environmental setting, including the historic trees.

It should be noted that per a letter dated December 31, 2021, from the Maryland Department of Natural Resources, Wildlife and Heritage Service, it was determined that this project falls within the drainage to the Western Branch, which is known to support several species of rare, threatened, or endangered species of fish. The guidelines as outlined in the letter should be followed. This includes using environmentally sensitive design to address stormwater runoff and minimizing the risk of sedimentation in the aquatic habitat. Also, the letter indicates that the property may contain forest interior dwelling species habitat.

Woodland Conservation

The site is subject to the provisions of the WCO because the property is greater than 40,000 square feet in size and contains more than 10,000 square feet of woodland. This project is also subject to the ETM.

This overall 19.10-acre property contains a total of 16.42 acres of woodland outside the floodplain and 0.55 acre of woodland in the floodplain, according to the worksheet. The woodland conservation threshold is 20 percent or 3.68 acres. The woodland conservation worksheet depicts the removal of 15.91 acres of woodland, for a woodland conservation requirement of 10.03 acres. According to the TCP1 worksheet, the requirement is met with 1.76 acres of on-site woodland preservation, 2.44 acres of reforestation, and 7.74 acres of off-site woodland mitigation credits, for a total of 11.94 acres of woodland conservation provided. Technical corrections are needed to the TCP1, to be consistent with the approved NRI.

The TCP1 shows the LOD up to the northern property line with the Marietta House historic site which is owned by M-NCPPC. As noted earlier, the NRI shall be updated to show the revised historic environmental setting associated with the historic Magruder House, including the historic trees. Based upon the updated NRI, the LOD shall be revised so that no historic trees are shown to be disturbed or that the disturbance to the root zones of the historic trees is limited, in accordance with the ETM.

DPR, who manages the Marietta House property, expressed their concerns about how the proposed design will have damaging effects on the woodlands on the M-NCPPC-owned property. The applicant shall redesign the development along this northern portion of the site to prevent damage to the woodlands on M-NCPPC-owned property. The redesign shall remove invasive plant species on the subject site and incorporate edge treatments to reduce the growth of invasive plants. If this reforestation area is to remain in this location, it must meet the size requirement for a woodland. The TCP1 shows a permanent SWM swale within the reforestation area. The reforestation area shall not contain any permanent structures such as a SWM facility. The reduced width of this reforestation area can be counted as woodland conservation if DPR agrees that the woodlands on the Parks property along this property line will remain in preservation.

Section 25-122(c)(1) of the WCO prioritizes methods to meet woodland conservation requirements. The applicant submitted a statement of justification (SOJ) dated December 13, 2023, demonstrating why all of the woodland conservation requirements could not be met on-site. The site contains a total of 16.97 acres of existing woodland; however, 0.55 acre of this woodland is located in the floodplain and is not counted towards the woodland conservation requirement. The location of historic Magruder House and its environmental setting, almost in the center of the 19.10-acre property, further constrains the area available for development. The woodland conservation worksheet on the submitted TCP1 shows 4.20 acres of the woodland conservation requirement being met on-site, which exceeds the required 3.68 acres of woodland conservation threshold. However, the applicant proposed to obtain 7.74 acres of off-site woodland conservation credits to satisfy the remainder of the woodland conservation requirement, which is 1.91 acres over the 10.03-acre requirement. The priorities to meet the woodland conservation requirements were reviewed and it was concluded that the woodland requirement cannot be completely met on-site due to the preservation of the REF to the maximum

extent practicable, while preserving the historic setting of the Magruder House. Therefore, the use of off-site woodland mitigation credits is approved.

Any forest mitigation banks used to satisfy off-site woodland conservation requirements for this project must conform to Subtitle 25 of the Prince George's County Code and Sections 5-1601 through 5-1613 of the Natural Resources Article of the Maryland Code (the Maryland Forest Conservation Act), as amended.

In accordance with Subtitle 25, Division 2, Section 25-122 of the WCO, Methods for Meeting the Woodland and Wildlife Conservation Requirements, if off-site woodland conservation is approved to meet the requirements, then the following locations shall be considered in the order listed: within the same eight-digit sub-watershed, within the same watershed, within the same river basin, within the same growth policy tier, or within Prince George's County. Applicants shall demonstrate to the Planning Director or designee due diligence in seeking opportunities for off-site woodland conservation locations following these priorities. All woodland conservation is required to be met within Prince George's County.

Specimen Trees

Section 25-122(b)(1)(G) requires that "Specimen trees, champion trees, and trees that are part of a historic site, or are associated with a historic structure, shall be preserved. The design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone, in keeping with the tree's condition, and the species' ability to survive construction, as provided in the [Environmental] Technical Manual." The Code, however, is not inflexible.

The authorizing legislation of Prince George's County's WCO is the Maryland Forest Conservation Act, which is codified under Title 5, Subtitle 16 of the Natural Resources Article of the Maryland Code. Section 5-1611 of the Natural Resources Article requires the local jurisdiction to provide procedures for granting variances to the local forest conservation program. The variance criteria are set forth in Section 25-119(d) of the WCO. Section 25-119(d)(4) clarifies that variances granted under Subtitle 25 are not considered zoning variances.

A Subtitle 25 variance application dated June 3, 2024, and a letter of justification (LOJ) dated December 26, 2023, was submitted for review with this PPS. The following analysis is for the review of the request to remove 46 specimen trees. The original request included Specimen Trees ST-9 and ST-10, which are located off-site, and in response to the SDRC comments, the applicant proposed to save Specimen Tree ST-10, but not Specimen Tree ST-9.

The LOJ requested the removal of 46 specimen trees identified as Specimen Trees ST-1 through ST-5, ST-11 through ST-13, ST-17 through ST-19, ST-21, ST-27 through ST-32, and ST-43 through ST-70. The condition of trees proposed for removal ranges from poor to excellent. The TCP1 shows the location of the trees proposed for removal. These specimen trees were proposed for removal for development of the site and associated infrastructure.

Section 25-119(d) contains six required findings (text in **bold** below) to be made before a variance to the WCO can be granted. An evaluation of this variance request, with respect to the

required findings, is provided below. During review of this variance request it was noticed that Specimen Tree ST-69 is a specimen tree that is located off-site and therefore cannot be considered as part of this approval. The removal of 45 specimen trees requested by the applicant, is approved, based on these findings:

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

Special conditions peculiar to the subject property would cause an unwarranted hardship, if the applicant were required to retain 45 specimen trees identified as Specimen Trees ST-1 through ST-5, ST-11 through ST-13, ST-17 through ST-19, ST-21, ST-27 through ST-32, ST-43 through ST-68, and ST-70. The property's unique topography shows two ridges with a stream and floodplain between them, which is centrally located on the property. Also, this area is within the PMA. The proposed development has been designed to avoid PMA to the maximum extent possible. The project is further hindered by limited access along the frontage with Annapolis Road and Glenn Dale Boulevard, with only one access point for entrance to the property. Furthermore, the property is unique in that it contains a historic site on a lot in the middle of the property. These special conditions limit the developable areas on this site.

The species proposed for removal are mainly tulip poplar, and a northern red oak. The condition ratings of these trees range from poor to excellent, with most classified fair to good condition. All but one tree species to be removed are tulip poplar, which is a species that has a poor construction tolerance; however, all species of the included specimen trees have limiting factors for their construction tolerance, specifically if significant impacts are proposed to the critical root zone.

This specimen tree removal variance request was analyzed using the Woodland and Wildlife Habitat Conservation Priorities, as outlined in Section 25-121(b)(1):

(1) The required locational priorities for consideration as woodland conservation are as follows in the order listed:

- (A) Green infrastructure network elements designated in the Countywide Green Infrastructure Plan and any subsequent updates, or within the designated green infrastructure networks in master or sector plans.**
- (B) Critical habitat areas.**
- (C) Contiguous wooded areas with: high structural and species diversity; few nonnative and invasive species present; very good overall stand health; and high potential to provide a significant amount of habitat for forest interior dwelling plant, animal, and bird species.**

- (D) Champion trees designated by the United States, the State of Maryland, the County or municipalities.**
- (E) Specimen trees and historic trees.**
- (F) Forest Legacy Areas as defined by the state.**
- (G) Trees that are within the environmental setting of a historic site or associated with a historic resource.**

Based on these priorities and the uniqueness of the property siting, Specimen Trees ST-1 through ST-5, ST-11 through ST-13, ST-17 through ST-19, ST-21, ST-27 through ST-32, ST-43 through ST-68, and ST-70 were found to be located on the developable portion of the site, and in areas necessary to meet the state and County infrastructure requirements. This makes it possible for the preservation of REF with 15 specimen trees in the PMA being saved, allowing for protection of critical habitat areas and protection of the trees within the historic site environmental setting. The removal of these trees will allow for development of the site that is both significant and reasonable through the creation of the roads needed for automobile circulation within the site, the construction of SWM facilities to detain and safely convey stormwater off-site, and the construction of residential dwellings.

The specimen trees requested for removal also allow for protection of woodlands with the highest priorities as listed in Section 25-121 (b)(1) of the WCO to be protected to the maximum extent practicable and allow for the development of this site to occur in the lower priority areas of the site. Requiring the applicant to retain the 45 specimen trees on-site by designing the development to avoid impacts to the critical root zones would further limit the area of the site available for the orderly development that is consistent with the existing zoning, 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 that all specimen trees be preserved, along with an appropriate percentage of their critical root zone, would deprive the applicant of rights commonly enjoyed by others in similar areas with comparable zoning. The applicant is seeking to develop the property, in accordance with an allowable use, as prescribed in the Zoning Ordinance. Development of property, in accordance with the Zoning Ordinance, is a right commonly enjoyed by others in similar areas.

Based on the location and species of the specimen trees proposed for removal, retaining the trees and avoiding disturbance to the critical root zone of Specimen Trees ST-1 through ST-5, ST-11 through ST-13, ST-17 through ST-19, ST-21, ST-27 through ST-32, ST-43 through ST-68, and ST-70, would have a considerable impact on the development potential of the property. As a result, enforcement of these rules would deprive the applicant of a right commonly enjoyed by others.

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

Not granting the variance request for Specimen Trees ST-1 through ST-5, ST-11 through ST-13, ST-17 through ST-19, ST-21, ST-27 through ST-32, ST-43 through ST-68, and ST-70 would prevent the project from being developed in a functional and efficient manner like other developments of similar size and use. The granting of the variance is not a special privilege that would be denied to other applicants. All variance applications for removal of specimen trees are evaluated, in accordance with the requirements of Subtitle 25 and the ETM, for site-specific conditions. Other similar developments featuring REF and specimen trees in similar conditions and locations have been subject to 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 location of the trees and other natural features throughout the property is based on natural or intentional circumstances that long predate the applicant's interest in developing this site. The removal of 45 specimen trees would be the result of the infrastructure and grading required for the development of this project as proposed by the applicant. The request to remove the trees is solely based on the tree's locations on the site, their species, and their condition.

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

There are no existing conditions relating to land or building uses on the site, or on neighboring properties, which 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.

Granting this variance request will not violate state water quality standards nor cause measurable degradation in water quality. Requirements regarding SWM

will be reviewed and approved by DPIE. 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. State standards are set to ensure that no degradation occurs.

The required findings of Section 25-119(d) have been adequately addressed for the removal of 45 specimen trees identified as Specimen Trees ST-1 through ST-5, ST-11 through ST-13, ST-17 through ST-19, ST-21, ST-27 through ST-32, ST-43 through ST-68, and ST-70. The variance for removal of 45 specimen trees for construction of a residential development is, therefore, approved.

Regulated Environmental Features/Primary Management Area

The site contains REF that are required to be preserved and/or restored to the fullest extent possible under Section 24-130(b)(5) of the prior Subdivision Regulations. The on-site REF includes streams, 100-year floodplain, associated buffers, and steep slopes.

Section 24-130(b)(5) states: "Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible consistent with the guidance provided by the Environmental Technical Manual established by Subtitle 25."

"Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required pursuant to Subtitle 27, for the reasonable development of the lot outside the regulated feature. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat."

Impacts to REF should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for SWM facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to REF. The SWM outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, SWM facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with County Code.

An SOJ dated December 12, 2023, was received for the proposed impacts to this site. Impacts to the PMA are shown on the TCP1 and PPS for the installation of Ridgely Run Road, a stormdrain outfall, and the installation of a pedestrian bridge and trail. The SOJ and associated exhibit reflect three impacts to REF associated with the proposed development, totaling 0.63 acre.

The PMA impacts are considered necessary for the orderly development of the subject property. These impacts cannot be avoided because they are required by other provisions of the County and state codes. The plan shows the preservation, restoration, and enhancement of the remaining areas of the PMA.

Impact 1—Roadway stream crossing with stormdrain installation

Impact 1 is a permanent impact for the construction of Ridgely Run Road which will cross the stream segment that runs east to west on the property. The impacts will occur in the PMA and 100-year floodplain. This is a necessary impact to gain vehicular access to the site.

Impact 2—Stormdrain outfall

Impact 2 is for the installation of a 36-inch stormdrain outfall from a SWM facility in accordance with the SWM concept plan. This is a necessary impact which will occur in the PMA.

Impact 3—Pedestrian Bridge/trail

Impact 3 is a permanent impact for the installation of a trail and pedestrian bridge which will cross the stream segment that runs east to west on the property. The impacts will occur in the PMA and 100-year floodplain. This is a necessary impact to gain pedestrian access to the site and provide an internal connection between the two sections of the community.

These impacts total 0.63 acre of stream, floodplain, associated buffers, and PMA impacts, with a majority of the total impacts related to the construction of the road crossing. A total of approximately 771 linear feet of the stream will be disturbed. The impacts are limited to areas for the Ridgely Run Road stream crossing, the SWM outfall for the SWM pond, and the pedestrian bridge and trail installation, with a total impact of approximately 27,571 square feet. After evaluating the applicant's SOJ, the impacts of the REF are approved. The PMA impacts are considered necessary for the orderly development of the subject property and surrounding infrastructure. These impacts cannot be avoided because they are required by other provisions of the County and state codes. The TCP1 shows the preservation and enhancement of the PMA to the fullest extent practicable.

Based on the level of design information currently available, the LOD shown on the TCP1, and the impact exhibit provided, REF on the subject property have been preserved and/or restored, to the fullest extent possible.

Soils

Section 24-131 of the prior Subdivision Regulations states "The Planning Board shall restrict or prohibit the subdivision of land found to be unsafe for development. The restriction or prohibition

may be due to natural conditions, such as, but not confined to, flooding, erosive stream action, high water table, unstable soils, or severe slopes, or to man-made conditions on the property, such as, but not confined to, unstable fills or slopes.”

The predominant soils found on-site according to the United States Department of Agriculture Natural Resource Conservation Service Web Soil Survey, include Collington-Wist complex, and Widewater and Issue soils, frequently flooded. Unsafe soils containing Marlboro or Christiana clays have not been identified on this property. A geotechnical report shall be submitted with future development applications.

A geotechnical report dated May 9, 2024, was submitted with the PPS. The Planning Department’s geotechnical reviewer examined the report and found that the global stability analysis has met the county’s requirements.

Special Roadways

MD 450, which borders the site on the south, is a designated historic road. Appropriate buffering for special roadways will be required on future development applications.

15. **Urban Design**—The subject PPS evaluates the development of a 74-unit age-restricted townhouse community.

One-family attached dwellings for the elderly in the R-R Zone require the approval of a special exception, in accordance with Section 27-441(b)(7) of the prior Zoning Ordinance, as listed in Footnote 58. At the time of special exception review, the applicant will be required to demonstrate conformance with the applicable requirements of the prior Zoning Ordinance including Section 27-352.01, for elderly housing (one-family attached dwellings), regulations of the prior R-R Zone, off-street parking and loading, and signage.

The proposed development is subject to the requirements of the Landscape Manual. Per Section 4.7(c)(7)(B) of the Landscape Manual, a site located within the Developing Tier being adjacent to a designated historic site, shall provide a Type ‘E’ bufferyard along the entire shared property line, which consists of a 60-foot-wide minimum building setback, a 50-foot-wide minimum landscape yard, and 180 plant units per 100 linear feet of property line. Based on the submitted historic environmental setting exhibit, an alternative compliance (AC) application will be required for the southern property line along Lots 1–5 in Block “C” and a guest parking area. Conformance with this requirement and other applicable landscape requirements will be evaluated at the time of special exception review. If AC does not meet the requirements of approval, a departure from the design standards will be required, or the redesign of the lotting pattern may be required, which might potentially lead to the loss of lots.

16. **Noise**—The subject site is located on the west side of MD 193 and the north side of MD 450. Both these roads are designated as arterial roads and are considered as creating transportation-related impacts. Section 24-121(a)(4) requires adequate protection and screening from traffic nuisances for residential lots adjacent to these roadways. The applicant was required to provide a noise study, analyzing whether any noise mitigation would be needed for the subject property. A study titled “Traffic Noise Impact Analysis,” dated December 2, 2022, was received

for review. The study addresses indoor and outdoor noise from road noise sources and considers mitigation in the form of noise barriers and shielding from the proposed buildings, based on the lot layout.

The most recent standards for noise require that noise must be mitigated to be no more than 65 A-weighted decibels (dBA) continuous equivalent sound level (Leq) during the hours of 7:00 a.m. to 10:00 p.m. (daytime) and no more than 55 dBA/Leq during the hours of 10:00 p.m. to 7:00 a.m. (nighttime) at outdoor activity areas. This method of measurement establishes that the average noise level at outdoor activity areas must be no more than 65 dBA during the daytime and 55 dBA during the nighttime. The most recent standards also establish that noise must be mitigated to be no more than 45 dBA in the interiors of dwelling units.

However, the noise study submitted by the applicant follows the prior standards used by the Planning Department and establishes the 65 dBA day-night average (Ldn) noise levels on the subject site. The study delineated the ground-level and upper-level unmitigated 65 dBA/Ldn noise contours and the ground-level and upper-level mitigated 65 dBA/Ldn noise contours. The ground-level unmitigated 55 dBA/Ldn and 65 dBA/Ldn noise contours are reproduced on the PPS. The noise study also delineated mitigated noise contours based on a site layout that is reflected in the PPS. To calculate mitigated noise levels, 5-foot-high noise barriers were used around the northeastern and southeastern corners of the site. The positions of the ground level mitigated 55 dBA/Ldn and 65 dBA/Ldn noise contours are shown on the PPS. A revised noise study is required to determine the ground-level and upper-level unmitigated and mitigated 65 dBA/Leq noise contours during the daytime and the ground-level and upper-level unmitigated and mitigated 55 dBA/Leq noise contours during the nighttime. This revised noise study shall be submitted with the special exception site plan. The final locations of the mitigated noise contours shall be determined with a Phase II noise study, at the time of special exception when the final positions of dwellings and noise mitigation features, including their details, are known.

The study delineated the unmitigated 65 dBA day-night average sound level (Ldn) noise contour, finding it to be maximum of 165 feet from the front street line along MD 450. The prior 65 dBA/Ldn standard is similar to a 65 dBA/Leq 24-hour noise average, but with a 10 decibel (dB) penalty to nighttime noise levels. Because of this, the unmitigated 65 dBA/Ldn 24-hour noise contour can be treated as an average of the unmitigated 65 dBA/Leq daytime noise contour and the unmitigated 55 dBA/Leq nighttime noise contour, resulting in it being located in between the two Leq contours. The 65 dBA/Leq daytime contour will be located closer to the noise source (the arterial), and the 55 dBA/Leq nighttime contour will be located farther from the noise source.

The Phase I noise study found that the proposed outdoor seating area on Ivy Creek Lane and portions of the hiker/biker trail would be affected by noise levels above 55 dBA/Ldn. In addition, the rear yards of 35 dwellings, and most upper-level balconies, if provided, would not be affected by noise levels above 55 dBA/Ldn. The remaining 40 dwellings, located in the interior of the property, are shown within the unmitigated 55 dBA Ldn noise contour. The mitigated noise models employ 5-foot-high noise barriers along the eastern edge of Lot 1, Block A and along the southern and eastern edge of Lot 1, Block E. The mitigated noise models demonstrate that with the noise barriers in place as proposed, rear yards of only Lots 1-5, Block A are mitigated for 55 dBA/Ldn noise levels. The Phase II noise study, which will be required at the time of special

exception, shall propose noise mitigation to ensure that all outdoor activity areas, including rear yards, are not exposed to noise above the required maximum levels. Additional consideration should be given to the design and mitigation of upper-level balconies, if possible.

The Phase I noise study also found that the façades of dwellings on seven lots closest to MD 193 would be exposed to noise levels above 65 dBA/Ldn. Standard building construction materials are capable of reducing noise levels at building exteriors of up to 65 decibels (dB), to be no more than 45 dB in building interiors. Therefore, in order to ensure noise levels in the dwelling interiors remain below the required level of 45 dBA, noise mitigation will be required for the dwellings exposed to exterior noise levels above 65 dBA/Leq. This mitigation may consist of upgraded building materials and/or special construction details for the exterior walls, which reduce sound transmission from outside of the dwellings. At the time of the special exception, when the final positions of the dwellings are known, the Phase II noise study and the special exception shall identify which dwellings will need interior noise mitigation. The building elevations shall include a certification by a professional engineer with competency in acoustical analysis, stating that the building shell or structure has been designed to reduce interior noise levels in the units to 45 dBA or less.

Variation from Section 24-121(a)(4)

Section 24-121(a)(4) sets forth lot depth requirements for lots adjacent to major roadways, as follows:

- (4) Residential lots adjacent to existing or planned roadways of arterial classification shall be platted with a minimum depth of one hundred and fifty (150) feet. Residential lots adjacent to an existing or planned roadway of freeway or higher classification, or an existing or planned transit right-of-way, shall be platted with a depth of three hundred (300) feet. Adequate protection and screening from traffic nuisances shall be provided by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line, when appropriate.**

The applicant filed a variation request from Section 24-121(a)(4), for lot depth. The PPS depicts a minimum lot depth of less than 150 feet for lots that are adjacent to MD 450 and MD 193, which are roadways of arterial classification. Specifically, lots are shown with a depth of 55 feet at a minimum, as measured from the ROW of MD 450 and MD 193. There are 25 lots, specifically Lots 1–5, Block A; Lots 1–4, Block C; Lots 1–3, 6, and 7, Block D; Lots 1–5, 9, and 10, Block E; and Lots 1–4, Block F, which do not meet the minimum 150-foot lot depth requirement for lots adjacent to an arterial road. Section 24-113(a) of the prior Subdivision Regulations sets forth the required findings for approval of variation requests, as follows:

- (a) Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations**

from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:

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

Approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. As previously discussed in the Noise finding, adequate mitigation and shielding will be provided by the proposed noise barriers and townhouse buildings for rear yard and upper-balcony activity areas, pursuant to the noise study provided. Conditions pertaining to the structural design of the building shells are included with this PPS to attenuate interior noise levels to 45 dBA Ldn or less. The purpose of the lot depth requirement is to ensure adequate protection from nuisances. With the combination of noise barriers, dwelling orientation, and upgraded construction materials, the adverse impacts from MD 193 and MD 450 are adequately mitigated in this case. Not conforming to the strict requirements of Section 24-121(a)(3) of the prior Subdivision Regulations will not be detrimental to the public safety, health, welfare, or injurious to other property.

(2) The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;

As noted above, this property directly abuts MD 193 and MD 450. The central portion of the property is encumbered with REF, steep slopes, and a historic property (Arthur Magruder House) located on its own 0.87-acre lot. Any development adjacent to the historic property is subject to a 50-foot-wide landscape buffer and 60-foot building setback. Furthermore, the property is approximately 19.10 acres in area, and only ±13 acres of the property meet the 150-foot lot depth requirement. Also, the Phase I noise study predicts that only two dwellings will experience noise levels exceeding 65 dBA/Ldn. The lot layout included with the PPS shows substantial open space adjacent to the arterial ROWs, where noise barriers could be located to mitigate excessive noise levels. These conditions are unique to the property and not a situation or configuration generally shared by other properties.

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

The only regulation applicable to the variation being discussed is Section 24-121(a)(4). The approval of a variation is unique to the Subdivision Regulations and under the sole approval authority of the Planning Board. A condition of approval is included, which requires the submittal of a Phase II noise study, prior to acceptance of a special exception, which demonstrates that outdoor activity areas (including, but not limited to rear yards) will be mitigated to 65 dBA/Leq or less during the hours of 7:00 a.m. to 10:00 p.m. and 55 dBA/Leq or less during the hours of 10:00 p.m. to 7:00 a.m. Therefore, approval of this variation will not constitute a violation of any other applicable law, ordinance, or regulation.

(4) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if strict letter of these regulations is carried out;

The property has unique existing physical surroundings, when compared to abutting properties and located within an area with an established framework of development and roadways. These unique physical surroundings include the abutting MD 193 arterial to the east and MD 450 arterial to the south. In addition, an extensive environmental feature (approximately 6.0 acres in area) consisting of a stream, 100-year floodplain, and steep slopes bisects the property into two development pods. Furthermore, the location of the historic Magruder House, almost in the center of the 19.10-acre property, further constrains the area available for development. Compliance with the lot depth requirement would reduce the available developable area further to just 8.0 acres, less than half of the property area. Adherence to the requirements of Section 24-121(a)(4) in this case would result in the loss of 25 townhouse dwelling units, which is one-third of the development included in this PPS. This would result in a particular hardship for the applicant, as they would be incapable of developing the property with its intended use, if the strict regulations were carried out.

(5) In the R-30, R-30c, R-18, R-18c, R-10, R-10, and R-H zones, where multi-family dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and

demonstrates that, in addition to the criteria in Section 24-113 (a) above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.

The site is not located in any of the listed zones. Furthermore, this PPS does not include multifamily development. Therefore, this finding does not apply.

The purposes of the prior Subdivision Regulations and Section 9-206 of the Environment Article are served to a greater extent by the alternative proposal; and this request will not have the effect of nullifying the intent and purpose of this Subtitle, given the conditions required herein, to ensure protection from adverse transportation impacts. Based on the preceding findings, the variation from Section 24-121(a)(4) for 25 lots, specifically Lots 1–5, Block A; Lots 1–4, Block C; Lots 1–3, 6, and 7, Block D; Lots 1–5, 9, and 10, Block E; and Lots 1–4, Block F is, therefore, approved.

17. **Citizen Feedback**—The Planning Department received questions from members of the community regarding administrative procedures for PPS applications, permits or development approvals required for the proposed development, and the status of any permits or development approvals filed for the subject property. Staff provided responses to the inquiries made by the citizens. The Planning Board and the Planning Department also received several letters in opposition from citizens, community groups, and homeowners associations (HOAs) before the Planning Board hearing.
18. **Planning Board Hearing**—At the September 12, 2024 Planning Board hearing, staff presented the PPS to the Planning Board. Staff also noted a technical error in Condition 1b regarding the name of a private road included in the subdivision. The Planning Board approved staff's request to correct Condition 1b in the resolution. In their presentation, staff also addressed the major concerns raised in the letters received from citizens, HOAs, and local community groups, which are summarized below:
 - Concerns regarding the impact of traffic generated by this development on nearby roads and road intersections, public safety concerns related to one-point of access on an arterial road, access for emergency vehicles, and pedestrian/bicycle access from the property to neighboring retail and public facilities.

These issues were evaluated and are addressed in the Transportation finding and the approved certificate of adequacy.
 - Concerns about the condition of Arthur Magruder House, that the proposed design isolates and hides it from neighbors and the public. Concerns were also raised about the proximity to the Marietta historic house and the viewshed from the historic house.

These issues were evaluated and are addressed in the Historic finding.

- Concerns that the review process for this PPS was not transparent and that staff did not follow the required procedures. The citizens also expressed that they were not able to register to speak for the Planning Board hearing until Monday, September 9, 2024 at 2:55 p.m., and that the staff report was published less than 6 days prior to the hearing.

It was noted that citizens can register to speak for a Planning Board hearing, regardless of whether the case number is listed on the Planning Board's website or not. Citizens can also call the phone number for the Planning Board's office to sign up. Furthermore, the technical staff report for this site was posted on September 6, 2024, six days prior to the hearing.

- Environmental concerns were expressed regarding global warming, a proposed increase of impervious surfaces, and frequency of more intense storms. Concerns also mentioned stormwater runoff from the proposed development to neighboring farmland, flooding of local roads, and erosion of streams. Another citizen's letter claimed that DPIE's floodplain and SWM concept plan approvals were based upon obsolete data.

It was noted that SWM is reviewed, approved, and enforced by DPIE, while erosion and sediment control is reviewed, approved, and enforced by the Soil Conservation District.

- Concerns were expressed that a townhouse development is not suitable for this location, and that the proposed age-restricted townhouses will be 3 to 4 stories high which are inappropriate for the elderly. The citizens also requested that the building design of the homes incorporate green energy techniques such as electric vehicle charging stations, rooftop solar, and heat pumps.

It was noted that the PPS does not evaluate the architecture of buildings. Building height and design of the proposed buildings will be evaluated with the forthcoming site plan.

- Concerns were expressed regarding the proposed clearing of existing mature forests and specimen trees on the property for development. There were claims that the applicant's surveyor cleared vegetation on the Marietta House historic site. One letter included incorrect information regarding existing woodlands on the property, including the specimen trees proposed for removal.

These issues were evaluated and are addressed in the Environmental finding. It was noted that the prior development approval in 2006 approved clearing of 15.93 acres of woodland. The current TCP1 proposes clearing 14.61 acres of woodland, which is less than what was previously approved.

In their presentation, the applicant's representative (Mr. Gibbs) discussed the site, its zoning, its prior development history, and the adjoining land uses. Mr. Gibbs summarized the conditions of prior development approvals related to the Arthur Magruder House and the Marietta House historic site. He then presented to the Board the proposed use and the allowed density. Mr. Gibbs also summarized the outcome of the two HPC meetings on the subject PPS. In response to the

concerns raised by the community, Mr. Gibbs informed the Board about future plans for interior rehabilitation of the Arthur Magruder House; and addressed concerns regarding the requests for lot depth variation and specimen tree variance. Mr. Gibbs also proposed deletion of Condition 24d and revision to Condition 28, since these conditions required actions on part of DPR, which the applicant had no control over. The Planning Board approved the applicant's request to delete Condition 24d and revise Condition 28, as read into the record by Mr. Gibbs, along with revisions to other conditions requested by the applicant.

Several citizens and representatives from HOAs and local community groups registered to speak during the hearing. Their testimonies repeated most of the concerns already raised in their letters to the Planning Board. The community members were also given an opportunity to ask questions of the applicant and their representatives, regarding the material presented during the hearing. During their rebuttal, Mr. Gibbs introduced members of the design team to answer citizens' questions regarding traffic, claims of illegal tree clearing, SWM, floodplain delineation, and conformance to the land use recommendations of the sector plan. Mr. Gibbs also reiterated HPC's vote to recommend approval of the subject PPS and clarified for the Planning Board the requirements for evaluation of a Subtitle 24 variation and a Subtitle 25 variance.

The Planning Board encouraged the citizens to stay engaged and involved. During their deliberation, the Planning Board noted the recommendation of approval by HPC, and that the applicant had met all criteria for approval of a PPS, the Subtitle 24 variation, and the Subtitle 25 variance.

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.

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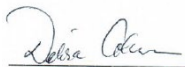
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner, and Shapiro voting in favor of the motion, and with Commissioner Geraldo absent at its regular meeting held on Thursday, September 12, 2024, in Largo, Maryland.

Adopted by the Prince George's County Planning Board this 3rd day of October 2024.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:MG:tr


Approved for Legal Sufficiency
M-NCPPC Office of General
Counsel

Dated 9/30/24