

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on April 6, 2017 regarding Detailed Site Plan DSP-16045 for Recovery Centers of America, Melwood Road Facility, the Planning Board finds:

1. **Request:** A detailed site plan (DSP) application for an 85,733-square-foot, 120-bed group residential facility and medical facility for 64 patients a day for recovering alcoholics and drug addicts.
2. **Development Data Summary:**

Zone	<b>EXISTING</b> M-X-T/M-I-O	<b>APPROVED</b> M-X-T/M-I-O
Use(s)	Vacant	Group Residential Facility and Medical Facility
Gross Acreage	68.6	68.6
Regulated Features Acreage	24.09	24.09
Net Developable Acreage	44.51	44.51
Square Footage	42,050*	85,733
Parcels	1	1

**Note:** \*29,100 square feet existing on the property is to be removed. The new building shall measure approximately 72,783 square feet.

**Parking Spaces Required**

Use	Rate	No. of Residents (sq. ft.)	No. of Spaces
Group Residential Facility	One per four residents	20	30
Medical Office	One per 4,200 sq. ft.		51

**Parking Spaces Approved**

Standard Spaces (19 feet by 9.5 feet) of which are:	87
ADA Handicapped Accessible Spaces (13 ft. by 19 ft.)	3
ADA Handicapped Accessible Spaces (16 ft. by 19 ft.)	1

**Loading Spaces Required**      **1 space**  
**Loading Spaces Approved**    **1 space**

**Floor Area Ratio (FAR) in the M-X-T Zone**

Base Density Allowed              0.40 FAR  
Total FAR Proposed                0.30 FAR

3.    **Location:** The subject project is located on the eastern side of Melwood Road, approximately 2,600 feet north of its intersection with Pennsylvania Avenue (MD 4), within Planning Area 78 and Council District 8.
4.    **Surrounding Uses:** The subject property is bounded to the north by vacant land and rural residential development in the Residential Medium (R-M) and Rural Residential (R-R) Zones; to the east by a powerline and single-family attached development in the R-R and Residential-Agriculture (R-A) Zones; to the south by vacant land and rural residential development in the R-A Zone and Melwood Road; and to the west by Melwood Road, vacant land/ and rural residential development in the R-R Zone and property in the M-X-T Zone.
5.    **Previous Approvals:** The site is subject of Special Exception SE-1103, approved by the Planning Board on November 20, 1964, for an orphanage (German's Orphans Home) and Special Exception SE-2496, approved by the District Council on April 13, 1971. The site is also within the planning area of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*, which rezoned the property from the R-A Zone to the M-X-T Zone. The site is the subject of Conceptual Site Plan CSP-15003, approved by the Planning Board on July 26, 2016 and was formalized in the adoption of PGCPB Resolution No. 16-142, by the Planning Board on January 5, 2017. The District Council elected to review the case, heard it in oral argument on March 27, 2017, and took it under advisement. The site is the subject of Preliminary Plan of Subdivision 4-14006, approved by the Planning Board on December 1, 2016, which approval was formalized in the Planning Board's adoption of PGCPB Resolution No. 16-143 on January 5, 2017. The site is also subject to Stormwater Management Concept Approval 11758-2016-01, approved by the Department of Permitting, Inspections and Enforcement (DPIE) on November 7, 2016 and is valid until November 7, 2019.
6.    **Design Features**

**Site Design:** The subject site is approved to be accessed from a single point along its Melwood Road frontage via a long driveway. The driveway will lead to a one-way circle where a covered drop-off point and some of the parking for the proposed three-story tall, 72,783-square-foot building will be located. The building herein approved will be utilized by a 120-bed group residential facility and a medical facility/outpatient clinic, which will serve approximately 64 outpatients each day. Pedestrian accessibility is provided on the front and sides of the building and crossing Melwood Road at two points, with crosswalks, to provide access to the main parking

lot and a walking path planned to continue south of the site along Melwood Road. A patio is approved herein to be provided behind the building.

**Existing Conditions:** There are several existing, vacant, structures on the property. The largest of them, a 24,000-square-foot building, will be removed and will provide the site of the new building to be constructed for the group residential facility and medical facility. Two of the smaller structures (a greenhouse and a pavilion) will be removed as part of the subject project, though the following will remain:

- A one-story tall, 10,500-square-foot block building;
- A two-story tall, 1,200-square-foot frame building;
- A 200-square-foot shed;
- A 400-square-foot gazebo; and
- A 650-square-foot stage.

**Rights-of-way:** There is a small area of land indicated to be dedicated on the far western portion of the site for master plan collector C-636. Melwood Road is adjacent to the site's western boundary and a portion of the southern boundary, and is shown to terminate in a cul-de-sac along the most northern stretch of the site's western boundary. Melwood Road is being converted to a trail north of that proposed cul-de-sac.

**Signage:** An attractive ground-mounted sign is provided at the main entrance for the project. The main body of the sign, to be constructed of aluminum composite material (ACM) face slats with digitally-printed wood grain applied, will stretch between two columns each with decorative capping and a lantern finished in copper and identified as Chalmers Item CM8408AC. The central portion of the sign will include the applicant's logo and name. The sign will also be illuminated by low emitting diode (LED) lighting on what is called the "top channel" located on the uppermost portion of the central portion of the sign and "external wash lighting" located in front of each of the sign's columns and directed toward the sign. There will be additional miscellaneous and wayfinding signage including stop signs, handicapped parking signs, one way signs and bike lane signs.

**Water and Sewer:** A 20-foot-wide Washington Suburban Sanitary Commission easement for placement of a 15-inch sewer line is shown in the northern area of the site. Water and sewer lines are also shown throughout the site. Two wells, noted to be utilized for irrigation only, are located on the site just south of the 72,783-square-foot building herein approved.

**Environmental Features:** Environmental features shown on the site include specimen, champion and historic trees, regulated streams, buffers, forest stand boundaries, primary management area, Marlboro clay outcrops, soil information and topography. See Finding 13(f) for a full discussion of the environmental aspects of the subject approval.

**Architecture:** The architectural elevations of the herein-approved three-story building indicate the creation of visual interest in the form and massing and well-applied architectural details. A mix of quality materials is used in the architecture of the building. It is approved to be composed primarily of brick with stone on the watertable, precast concrete on the sills and band separating the first from the second story. The main entrance to the building is to be composed of precast concrete and stone and to be accessed via double-doors in a two-story high-glazed area, set in the decorative stone/or precast concrete. Light fixtures are located on either side of the glazed area. A dormer, with two windows provides additional emphasis on the main entranceway as it is located directly above it. The window pattern is regular with six-over-six sash windows utilized in a regular pattern across each floor. The uppermost windows are placed on dormers, which like the windows, have a regular pattern across the front façade. There is no building signage included in the design.

**Green Building and Sustainable Site Techniques:** The applicant is using porous asphalt and bioswales in the stormwater management plan and certain green building techniques in the architecture of the building such as, but not limited to, LED lighting and high-efficiency heating and ventilating air conditioning (HVAC) systems.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The subject approval has been reviewed for compliance with the following requirements of the Prince George's County Zoning Ordinance:
  - a. The subject approval is in conformance with the requirements of Section 27-547, which governs uses in mixed-use zones.
    - (1) The group residential facility and medical facility/outpatient services herein approved are permitted uses in the M-X-T Zone.
    - (2) Section 27-547(d) provides standards for the required mix of uses for sites in the M-X-T Zone as follows:
      - (d) **At least two (2) of the following three (3) categories shall be included on the Conceptual Site Plan and ultimately present in every development in the M-X-T Zone. In a Transit District Overlay Zone, a Conceptual Site Plan may include only one of the following categories, provided that, in conjunction with an existing use on abutting property in the M-X-T Zone, the requirement for two (2) out of three (3) categories is fulfilled. The Site Plan shall show the location of the existing use and the way that it will be integrated in terms of access and design with the proposed development. The amount of square footage devoted to each use shall be in sufficient quantity to serve the purposes of the zone:**

- (1) **Retail businesses;**
- (2) **Office, research, or industrial uses;**
- (3) **Dwellings, hotel, or motel.**

The DSP herein approved includes approximately 87,533 square feet for a 120-bed group residential facility and a medical facility for outpatient services for 64 patients a day for recovering alcoholics and drug addicts. The project is permitted to include the single use pursuant Section 27-547(e) of the Zoning Ordinance which provides:

- (e) **For property placed in the M-X-T Zone by a Sectional Map Amendment approved after October 1, 2006, and recommended for mixed-use development in the General Plan, and a Master Plan, or Sector Plan for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, a Conceptual Site Plan submitted for any property located in the M-X-T Zone may include only one (1) of the above categories, provided that it conforms to the goals, policies, and recommendations of the plan for that specific portion of the M-X-T Zone.**

More specifically, the subject project meets these requirements, as it was included in the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* for which a comprehensive land use study was conducted by technical staff prior to initiation, it was recommended for mixed-use in the General Plan, a conceptual site plan (CSP) application was submitted for the project, and it conforms to the goals, policies, and recommendations of the plan for its specific portion of the M-X-T Zone.

- b. Section 27-548, M-X-T Zone regulations, establishes additional standards for the development in this zone. The DSP's conformance with the applicable provisions is discussed as follows:

- (a) **Maximum floor area ratio (FAR):**

- (1) **Without the use of the optional method of development—0.40 FAR**
- (2) **With the use of the optional method of development—8.0 FAR**

The floor area ratio (FAR) for the subject development is 0.03, within the limits set out above without using the optional method of development. The use of the optional method of development and bonus incentives are not part of this approval.

- (b) **The uses allowed in the M-X-T Zone may be located in more than one (1) building, and on more than one (1) lot.**

The approved DSP shows several different buildings, but indicates that the subject project is composed of a single parcel. Note that the language of this requirement is precatory. Therefore, it is not a mandatory requirement and strict conformance with it is not required.

- (c) **Except as provided for in this Division, the dimensions for the location, coverage, and height of all improvements shown on an approved Detailed Site Plan shall constitute the regulations for these improvements for a specific development in the M-X-T Zone.**

The dimensions for the location, coverage and height of all improvements have been shown on the approved DSP. It is understood that the dimensions shown on the DSP should constitute the regulations for the improvements for the specific development known as Recovery Centers of America, Melwood Road facility.

- (d) **Landscaping, screening, and buffering of development in the M-X-T Zone shall be provided pursuant to the provisions of the Landscape Manual.**

**Additional buffering and screening may be required to satisfy the purposes of the M-X-T Zone and to protect the character of the M-X-T Zone from adjoining or interior incompatible land uses.**

The development is subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Additional buffering and screening shown on the approved DSP helps to satisfy the purposes of the M-X-T Zone and to protect the character of the M-X-T Zone from adjoining incompatible land uses.

- (e) **In addition to those areas of a building included in the computation of gross floor area (without the use of the optional method of development), the floor area of the following improvements (using the optional method of building of which they are a part: enclosed pedestrian spaces, theaters, and residential uses. Floor area ratios shall exclude from gross floor area that area in a building or structure devoted to vehicular parking and parking access areas (notwithstanding the provisions of Section 27-107.01). The floor area ratio shall be applied to the entire property which is the subject of the Conceptual Site Plan.**

The FAR for the development approved on this site is 0.03, which was calculated in accordance with the requirement.

- (f) **Private structures may be located within the air space above, or in the ground below, public rights-of-way.**

There are no private structures within the air space above, or in the ground below public rights-of-way as part of this project. Therefore, this requirement is inapplicable to the subject approval.

- (g) Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code.**

The subject project consists of a single parcel and has frontage on, and direct vehicular access to Melwood Road, which is a public street in accordance with this requirement.

- (h) Townhouses developed pursuant to a Detailed Site Plan for which an application is filed after December 30, 1996, shall be on lots at least one thousand eight hundred (1,800) square feet in size, and shall have at least sixty percent (60%) of the full front facades constructed of brick, stone, or stucco. In addition, there shall be no more than six (6) townhouses per building group, except where the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than six (6) dwelling units (but not more than eight (8) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than six (6) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development, and the end units on such building groups shall be a minimum of twenty-four (24) feet in width. The minimum building width in any continuous, attached group shall be twenty (20) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area. The minimum lot size, maximum number of units per building group and percentages of such building groups, and building width requirements and restrictions shall not apply to townhouses on land any portion which lies within one-half (½) mile of an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority and initially opened after January 1, 2000. In no event shall there be more than ten (10) dwelling units in a building group and no more than two (2) building groups containing ten (10) dwelling units. For purposes of this section, a building group shall be considered a separate building group (even though attached) when the angle formed by the front walls of two (2) adjoining rows of units is greater than forty-five degrees (45°). Except that, in the case of a Mixed-Use Planned Community, there shall be no more than eight (8) townhouses per building group, except when the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than eight (8) dwelling units (but not more than ten (10) dwelling units) would create a**

**more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than eight (8) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development, and the end units on such building groups shall be a minimum of twenty-four (24) feet in width. The minimum building width in any continuous, attached group shall be twenty-two (22) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area. Garages may not dominate the streetscape. Garages that are attached or incorporated into the dwelling shall be set back a minimum of four (4) feet from the front façade and there shall not be more than a single garage, not to exceed ten (10) feet wide, along the front façade of any individual unit. Garages are preferred to be incorporated into the rear of the building or freestanding in the rear yard and accessed by an alley. Sidewalks are required on both sides of all public and private streets and parking lots. At the time of Detailed Site Plan, the District Council may approve a request to substitute townhouses, proposed for development as condominiums, for multifamily dwellings that were required as a condition of approval in a Conceptual Site Plan approved prior to April 1, 2004. Such substitution shall not require a revision to any previous plan approvals. Further, such townhouses are subject to all other requirements of the Zoning Ordinance.**

This subsection of the regulations for the M-X-T Zone is inapplicable to the subject approval, as it does not involve the development of townhomes.

- (i) The maximum height of multifamily buildings shall be one hundred and ten (110) feet. This height restriction shall not apply within any Transit District Overlay Zone, designated General Plan Metropolitan or Regional Centers, or a Mixed-Use Planned Community.**

This subsection of the regulations for the M-X-T Zone is inapplicable to the subject approval, as it does not involve the development of multifamily buildings.

- (j) As noted in Section 27-544(b), which references property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, regulations for Conceptual or Detailed Site Plans (such as, but not limited to density, setbacks, buffers, screening, landscaping, height, recreational requirements, ingress/egress, and internal circulation) should be based on the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map**



**Amendment Zoning Change and any referenced exhibit of record for the property. This regulation also applies to property readopted in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006 and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation of a concurrent Master Plan or Sector Plan (see Section 27-226(f)(3) of the Zoning Ordinance).**

This requirement does not apply to this DSP approval. The DSP herein approved has been reviewed for conformance with the applicable regulations in the M-X-T Zone.

- c. In accordance with Section 27-546(d), in addition to the findings required to approve a DSP, the Planning Board hereby makes the following findings for projects in the M-X-T Zone.

- (1) **The proposed development is in conformance with the purposes and other provisions of this Division:**

The purposes of the M-X-T Zone, as stated in Section 27-542(a), include the following:

- (1) **To promote the orderly development and redevelopment of land in the vicinity of major interchanges, major intersections, and major transit stops, so that these areas will enhance the economic status of the County and provide an expanding source of desirable employment and living opportunities for its citizens;**

The subject project promotes the orderly redevelopment of a vacant parcel. This approval will enhance the economic status of the County and provide an expanding source of desirable employment and provide special service for its citizens.

- (2) **To implement recommendations in the approved General Plan, Master Plans, and Sector Plans, by creating compact, mixed-use, walkable communities enhanced by a mix of residential, commercial, recreational, open space, employment, and institutional uses;**

The approval implements the vision of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (sector plan) by providing an institutional use in a walkable community.

- (3) **To conserve the value of land and buildings by maximizing the public and private development potential inherent in the location of the zone, which might otherwise become scattered throughout and outside the County, to its detriment;**

The Planning Board herein approves an approximate 0.03 FAR on the subject property for a special facility that needs a spacious campus.

- (4) To promote the effective and optimum use of transit and other major transportation systems;**

The DSP herein approved provides safe and efficient vehicular circulation on-site and provides an acceptable connection to Melwood Road, which is county-maintained. Therefore, the application meets this requirement.

- (5) To facilitate and encourage a twenty-four (24) hour environment to ensure continuing functioning of the project after workday hours through a maximum of activity, and the interaction between the uses and those who live, work in, or visit the area;**

The approval is in conformance with this requirement due to its residential character. There will be activity on the site 24-hours a day, seven days a week, as a group residential facility. The outpatient services to be provided as part of the project will create additional activity on the site, though that activity will mainly be provided during workday hours.

- (6) To encourage diverse land uses which blend together harmoniously;**

The subject approval is for a residential facility, complemented by a medical facility providing outpatient clinical services, fulfilling this purpose.

- (7) To create dynamic, functional relationships among individual uses within a distinctive visual character and identity;**

The DSP includes both uses in the same building, that are accessed via the same entrance. The architecture of the building herein approved creates a dynamic functional relationship between the two and gives distinctive character and identity to the project.

- (8) To promote optimum land planning with greater efficiency through the use of economies of scale and savings in energy beyond the scope of single-purpose projects;**

The project proposes to house both the group residential facility and medical facility for outpatient services in the same building and to use green building techniques in its construction. The project is sustainable and creates savings in energy in accordance with this requirement.

- (9) To permit a flexible response to the market; and**

A current market demand for group residential homes and clinical treatment for individuals recovering from drug addiction and alcoholism is great. The subject group residential facility and a medical facility for outpatient services is approved herein to occupy approximately 7 of the 68.6 acres on the site. The balance of the site may be developed at a future date in response to other market demand.

**(10) To allow freedom of architectural design in order to provide an opportunity and incentive to the developer to achieve excellence in physical, social, and economic planning.**

The architecture for the project herein approved meets the above requirements as high standards, as required, have been utilized in its design, in furtherance of this stated purpose of the M-X-T Zone.

**(2) For property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, the proposed development is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;**

The subject property was rezoned to the M-X-T Zone by the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*, which rezoned the property from the R-A Zone to the M-X-T Zone. There were no design guidelines or standards prescribed for the property. As such, the development approved in this DSP is subject to the applicable requirements of the M-X-T Zone, the conditions of prior approvals, and the required findings for approval of a DSP in the Zoning Ordinance.

**(3) The proposed development has an outward orientation which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;**

The group residential facility and medical facility for an outpatient clinic approved herein has an outward orientation in its building placement, which faces Melwood Road. The development approved herein is physically-integrated with the existing adjacent development by virtue of sidewalk connections, and visually integrated by providing attractive views. The subject project will assist in catalyzing development of the Westphalia Town Center located within walking distance of the subject project.

**(4) The proposed development is compatible with existing and proposed development in the vicinity;**

The subject project is compatible with existing development, which is primarily residential in nature (large lot, single-family detached and townhouse) as it is primarily a residential facility, though it is operated commercially. It is also similar to some of the residential use in the area by locating on a much larger parcel, and by providing a good proportion of green area and open space. The development approved herein will be compatible with the proposed development in the area which includes both additional residential land use and the Westphalia Town Center. It will be compatible with the Westphalia Town Center as it will be connected by pedestrian and vehicular networks and in that the Westphalia Town Center will provide certain commercial uses, which will be available to employees and clients of the recovery center and medical facility approved herein.

- (5) The mix of uses, and the arrangement and design of buildings and other improvements, reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;**

The group residential facility and medical facility will be one of the uses that makes up the overall tapestry of the future Westphalia Town Center. The facility approved herein will be accessible and integrated with the greater mix of uses within Westphalia by virtue of the planned vehicular and pedestrian connections throughout the sector plan area.

- (6) If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;**

The project is to be completed in a single phase. Therefore, this normally required finding need not be made for the subject approval.

- (7) The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development;**

A network of sidewalks in front of and on the sides of the buildings, leading to two crosswalks across the internal drive aisle to the main parking facility on the opposite side of the road, is shown on the DSP to ensure convenient, safe and comprehensive pedestrian facilities in accordance with this required finding.

- (8) On the Detailed Site Plan, in areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, high quality urban design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial); and**

The areas used for pedestrian activities or as gathering places for people include decorative light fixtures and outdoor furniture, complemented by generous landscaping. Adequate attention has been paid to human scale high-quality urban design and other amenities in the subject project in accordance with this condition.

- (9) **On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, or will be provided by the applicant, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.**

The subject approval is for a DSP, not a CSP. Therefore, this normally required finding need not be made.

- (10) **On the Detailed Site Plan, if more than six (6) years have elapsed since a finding of adequacy was made at the time of rezoning through a Zoning Map Amendment, Conceptual Site Plan approval, or preliminary plat approval, whichever occurred last, the development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or to be approved by the applicant.**

The site is the subject of Preliminary Plan 4-14006, approved by the Planning Board on December 1, 2017, which was formalized in the adoption of PGCPB Resolution No. 16-143 on January 5, 2017, providing the test of adequacy required by the above.

- (11) **On a property or parcel zoned E-I-A or M-X-T and containing a minimum of two hundred fifty (250) acres, a Mixed-Use Planned Community including a combination of residential, employment, commercial and institutional uses may be approved in accordance with the provisions set forth in this Section and Section 27-548.**

The subject property measures 68.6 acres and, therefore, does not meet the above acreage requirement. Further, it is not being developed as a mixed-use planned community. Therefore, this otherwise required finding need not be made in the subject approval.

- d. **Military Installation Overlay (M-I-O) Zone:** The project site is also located within the “Horizontal Surface E” area of the M-I-O Zone. The height limit in this area ranges from 150–200 feet. The proposed approximately 50-foot-tall building is well below the height requirement of the M-I-O Zone. The DSP meets the requirements of the M-I-O Zone.
  - e. The DSP has been reviewed for conformance with the applicable site design guidelines contained in Section 27-274 as follows:
    - (1) Section 27-274(a)(A)(2), Parking, loading, and circulation, provides guidelines for the design of surface parking facilities. Surface parking lots are encouraged to be located to the rear or side of structures to minimize the visual impact of cars on the site. In this case, the main parking facilities are going to be located near the road but screened in accordance with this requirement to minimize the visual impact of cars on the site.
    - (2) In accordance with Section 27-274(a)(2)(B), loading areas should be visually unobtrusive and loading for the commercial use should also be located to the side of the building and be visually screened from public roadways.
    - (3) In accordance with Section 27-274(a)(6)(A)(i), Site and Streetscape Amenities, coordination of the design of light fixtures, benches, trash receptacles, bicycle racks, and other street furniture will be required.
  - f. In accordance with Section 27-574, the number of parking spaces required in the M-X-T Zone is to be calculated by the applicant and submitted for Planning Board approval. Detailed information regarding the methodology and procedures to be used in determining the parking ratio is outlined in Section 27-574(b) and has been employed by the applicant to the Planning Board’s satisfaction.
8. **Conceptual Site Plan CSP-15003**—Conceptual Site Plan CSP-15003 was approved by the Planning Board on December 1, 2016, subject to seven conditions. The Planning Board adopted PGCPB Resolution No. 16-142 on January 5, 2017, formalizing that approval. The conditions of that approval, relevant to the subject DSP are included in **boldface** type below:
- 2. **Prior to approval of a DSP for the project, the following shall be ensured:**
    - a. **Those areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, high-quality urban design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial).**

The areas used for pedestrian activities or as gathering places for people include decorative light fixtures and outdoor furniture, complemented with generous landscaping. Adequate attention has been paid in these areas to human scale, high-quality urban design and other amenities in the subject project in accordance with this condition.

- b. Total development within the subject property shall be limited to uses which generate no more than 35 AM peak hour trips and 43 PM peak hour trips. These rates were determined by using the Institute of Transportation Engineer's (ITE) *Trip Generation Manual, 9th Edition*. Any development generating an impact greater than that identified herein above shall require a new determination of the adequacy of transportation facilities.**

The development herein approved will not exceed this trip cap.

- c. The light emitting diode (LED) lighting shall be specified as yellow-tinted.**

A condition of this approval requires that, prior to certificate approval, the LED lighting be specified as yellow-tinted in accordance with this requirement.

- d. Consideration shall be given to the inclusion of a community garden in the subject project for the residents of the facility.**

The applicant has considered inclusion of a community garden as required by this condition. However, the applicant has decided against the inclusion of a community garden due to the nature of the project as a residential drug and alcohol rehabilitation facility. Note that this condition is precatory not mandatory, therefore, the applicant does not have to provide what it is suggesting because it is not practical in this case.

- e. During the grading/construction phases of the project, the applicant intends to conform to dust control requirements as specified in *2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control* and the construction noise control requirements as specified in the *Code of Maryland Regulations*.**

The applicant has included a note in the General Notes expressing the applicant's intent to be in conformance with the above-quoted requirements regarding noise and dust control during the grading/construction phases of the project.

- f. High standards shall be utilized to evaluate the architecture. Specifically, the proposed facility shall incorporate a substantial amount of masonry materials (i.e. brick, stone, and/or hardiplank) and utilize a variety of architectural features as part of the building elevations.**

The architecture proposed for the subject project is finished with hardiplank, brick, and stone and employed architectural features generously, in accordance with this requirement. The building herein approved is of high quality and is acceptable.

9. **Preliminary Plan of Subdivision 4-16009**—Preliminary Plan of Subdivision 4-15009 was approved by the Planning Board on December 1, 2016, subject to 21 conditions. The Planning Board adopted PGCPB Resolution No 16-143 on January 5, 2017, formalizing that approval. The following conditions of that approval relate to the subject DSP approval:

5. **Total development within the subject property shall be limited to uses which generate no more than 35 AM peak hour trips and 43 PM peak hour trips. These rates were determined by using the Institute of Transportation Engineer's (ITE) *Trip Generation Manual, 9th Edition*. Any development generating an impact greater than that identified herein above shall require a new determination of the adequacy of transportation facilities.**

The development herein approved will not exceed this trip cap.

8. **Prior to certification of the detailed site plan, and prior to signature approval of the Type 2 tree conservation plan (TCP2) for this property, pursuant to Section 25-122(d)(1)(B), all woodland preserved, planted, or regenerated on-site shall be placed in a woodland conservation easement recorded in land records and the liber/folio of the easement shall be indicated on the TCP2. The following note shall be placed on the TCP2:**

**“Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded in the Prince George's County Land Records at Liber \_\_\_\_ Folio \_\_\_\_\_. Revisions to this TCP2 may require a revision to the recorded easement.”**

This requirement will be met at the time of approval of a final plat for the project.

16. **Prior to approval of the detailed site plan, the applicant and the applicant's heirs, successors, and/or assignees shall:**
- a. **Submit four copies of the final Phase I archeological report to the Historic Preservation Section (M-NCPPC) for review and approval.**
  - b. **Ensure that all recovered artifacts from archeological sites 18PR1104 and 18PR1105 are deposited with the Maryland Archeological Conservancy Laboratory in Calvert County, Maryland for permanent curation; proof of disposition shall be provided to the Historic Preservation Section.**



Condition 16(a) has been met. Condition 16(b) is still in effect and has not been satisfied, and has been made a condition of this approval.

20. **Prior to the approval of a raze permit for the main structure on the property, constructed as the German Orphan Home of Washington, DC in 1965, the building shall be documented through the completion of a Maryland Inventory of Historic Properties (MIHP) form according to Maryland Historical Trust (MHT) standards by a qualified 36CFR60 consultant. The draft and final MIHP form shall be reviewed and approved by the Historic Preservation Commission prior to submittal by the applicant to the Maryland Historical Trust.**

As this condition will occur at some time in the future, it has been made a condition of this approval.

10. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance**—The property is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property measures more than 40,000 square feet and contains more than 10,000 square feet of existing woodland. The Planning Board reviewed the submitted plans for the project for conformance and included a single environmental-related condition of this approval. The subject project conforms to the applicable provisions of the WCO.
11. **Prince George's County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit. Properties that are zoned M-X-T are required to provide a minimum of ten percent of the gross tract area of TCC. As the applicant inadvertently neglected to include the appropriate schedule for TCC on the landscape plan, a condition of this approval requires that, prior to certificate approval, the applicant provide the correct schedule on the landscape plan demonstrating that a minimum of 6.86 acres of the site are covered in tree canopy in conformance with the Tree Canopy Coverage Ordinance. As the site measures 68.6 acres, and is largely wooded and undeveloped, the applicant will be able to demonstrate conformance with the requirement.
12. **2010 Prince George's County Landscape Manual:** This M-X-T zoned development is subject to the following requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Section 4.2, Requirements for Landscaped Strips along Streets, Section 4.3, Parking Lot Requirements, Section 4.4, Screening Requirements, Section 4.7, Buffering Incompatible Uses, and Section 4.9, Sustainable Landscaping Requirements, of the Landscape Manual.
  - a. **Section 4.2, Requirements for Landscaped Strips along Streets**—Section 4.2 specifies that, for all nonresidential uses in any zone and for all parking lots, a landscape strip be provided on the property abutting all public and private streets. The DSP herein approved provides Section 4.2 landscape strips along Melwood Road in accordance with the requirements of the Landscape Manual as to width and number of land units required. The DSP is in conformance with the requirements of Section 4.2.

- b. **Section 4.3, Parking Lot Requirements**—Section 4.3 specifies that parking lots larger than 7,000 square feet provide planting islands throughout the parking lot to provide shade and visual relief within parking lots. The DSP herein approved provides 24 percent, or 10,456 square feet, of interior parking lot planting area in the parking lot in accordance with the Landscape Manual requirements.
  - c. **Section 4.4, Screening Requirements**—Section 4.4 requires that all dumpsters, loading spaces, and mechanical areas be screened from adjoining existing residential uses, land in any residential zone, and constructed public streets. The DSP herein approved screens these items as required by the Landscape Manual.
  - d. **Section 4.7, Buffering Incompatible Uses**—Section 4.7 specifies that uses deemed incompatible by the Landscape Manual be buffered in accordance with the requirements of the Landscape Manual with respect to required buffer width, required building setback and the amount of plant material in the buffer per 100 linear feet. Therefore, a 40-foot building setback and a 30-foot-wide minimum landscape yard is required. In this case, the 8,640 linear feet of property line is occupied by existing trees, thereby meeting and exceeding the requirements of this section of the Landscape Manual.
  - e. **Section 4.9, Sustainable Landscaping Requirements**—This DSP approval conforms to Section 4.9, which requires that a percentage of the proposed plant materials be native plants. Fifty percent of the shade and ornamental trees and 30 percent of the evergreen trees and shrubs are native varieties in accordance with the Landscape Manual requirements. The DSP meets this requirement.
13. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
- a. **Historic Preservation**—
    - (1) The subject property is located on a tract of land called The Free School Farm, patented by Francis Swinsen on March 8, 1681. Thomas Holdsworth acquired The Free School Farm and then conveyed 218 acres of the tract to William Digges in 1717. William Digges owned the adjoining Melwood Park tract. The Free School Farm tract was cultivated along with the Melwood Park and other adjoining tracts. William Digges died in 1740 and bequeathed the Free School Farm, Melwood Park and other adjoining lands to his son, Ignatius Digges, after the death of his wife, Elinor Digges. Ignatius Digges died in 1785 and he bequeathed the Melwood Park plantation, the Free School Farm and other tracts to his wife, Mary Digges. Mary Digges died in 1825.

By decree of a Chancery Court case dated July 18, 1827, John Johnson of Annapolis was appointed as trustee to sell the real estate belonging to the estate of Ignatius Digges. In 1834, Nathaniel M. McGregor acquired 135 acres of The Free School Farm that included the subject property. Mary Brooke, through Philemon Chew acting as trustee, purchased 170 acres of The Free School Farm from Nathaniel M. and Susan E. McGregor in August 1836 for a considerable sum, indicating there were already improvements on the property. Mary Brooke and her family lived on the Free School Farm tract until her death in 1852. The 170.5-acre plantation was then sold by Mary's children to William F. Berry, owner of Blythewood (78-013), in 1859.

According to the 1861 Martenet map and the 1860 Census records, Dr. Samuel T. Taylor was residing in a house on the subject property in the 1860s. The 1878 Hopkins Map and the 1870 and 1880 Census records indicate that Henry L. Taylor, a son of Dr. Samuel T. Taylor, was living on the subject property from the 1870s until the 1880s. Mary E. Berry was residing on the tract by the time of the 1900 Census until her death in 1910. In her will, Mary E. Berry bequeathed her real estate to Mamie Kendall Haliday. Mary and James Haliday resided on the subject property until about 1960. After the death of Mary Haliday, the subject property was acquired by Leslie D. and Catherine G. Milliken in 1960. The Millikins sold 68.7 acres of the Free School Farm tract to The German Orphan Home of Washington, DC in July 1964. The directors of the orphanage built a new home for children of German ancestry on the subject property on Melwood Road in 1965. Established in the District of Columbia in 1879, the orphanage closed its doors in Prince George's County in December 1978. The German Orphan Home of Washington sold the 67.7047-acre tract to SG Housing Corporation in 2001, which operated a substance abuse treatment center at the property.

- (2) Melwood Branch and its tributaries run along the northern and central portions of the subject property. Prehistoric archeological sites have been found in similar settings and the probability of the subject property containing significant prehistoric archeological resources is moderate to high.
- (3) A Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires Federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when state or federal monies, or federal permits are required for a project.
- (4) Conditions 15, 16, 17, 18, 19 and 20 of PGCPB Resolution No. 16-143 address historic preservation and archeology issues on the subject property.

- (5) The subject property was once part of a large plantation known as Melwood Park (78-015) throughout the eighteenth and early nineteenth centuries. Melwood Park was established by William Digges, who was the second son of Colonel William Digges of Warburton Manor on the Potomac and grandson of Governor Edward Digges of Virginia. His mother was Elizabeth Sewall, a stepdaughter of Lord Baltimore. The Digges family were wealthy planters and active in Maryland politics and government. Large numbers of enslaved laborers worked the land, which was divided into various quarters operated by overseers.

During part of the nineteenth century, the subject property was associated with Blythewood (78-013). From the late nineteenth to mid-twentieth centuries, the property was associated with the Berry and Haliday families. A large building was constructed on the subject property in 1965 and was operated as an orphanage until the late 1970s, and subsequently housed a substance abuse treatment center. Because the existing building is 50 years old, it shall, by condition of this approval, be documented before demolition in order to enhance understanding of local mid-century architecture and development practices in Prince George's County.

- (6) A Phase I archeological survey was conducted on 28 acres of the subject property in September and October 2016. A total of 423 shovel test pits were excavated in three areas within the 28 acres. Two archeological sites were identified: 18PR1104, the Henry Taylor Site, and 18PR1105, the Melwood Road Site. Site 18PR1104 was identified in the northwestern portion of the subject property and represents a historic residential occupation of the site dating from the mid-nineteenth to late twentieth centuries. Site 18PR1105 is located slightly northwest of the existing 1960s institutional building on the property. It is interpreted as the site of support buildings for the nineteenth and twentieth century farming operation on the subject property.
- (7) Phase II archeological evaluation is recommended on Sites 18PR1104 and 18PR1105 to determine the eligibility of the sites for inclusion in the National Register of Historic Places. Both archeological sites are located outside of the limits of disturbance herein approved. Archeological easements should be placed around both sites to preserve them in place on the developing property. A super silt fence should be placed around Site 18PR1105 during development to protect it from adverse impacts. If future development will impact either of these areas, then additional archeological investigations will be required.
- (8) Approximately 40 acres of the subject property were not surveyed for archeological resources. Therefore, if future development is planned in the areas not previously investigated, a Phase I archeological survey will be required.

- (9) If state or federal monies, or federal permits are required for this project, Section 106 review may require archeological survey for state or federal agencies.
  - (10) Conditions 16(a) and 19 of PGCPB Resolution No. 16-143 have been satisfied. Five copies of the Phase I final report were submitted to the Historic Preservation Section and were accepted as complete on January 25, 2017. The applicant agreed to preserve in place Archeological Sites 18PR1104 and 18PR1105. Therefore, no further archeological investigations are required at this time. Conditions 15, 16(b), 17, 18 and 20 are still in effect and have not been satisfied.
- b. **Community Planning**—The approval is consistent with the *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035) and is in conformance with the land use recommendations and the design policies and principles intended to implement the development concepts recommended by the 2007 *Westphalia Approved Sector Plan and Sectional Map Amendment* (sector plan). Although there are no specific recommendations for the subject property, it is located in the Established Communities area of the Prince George's County Growth Policy Map in the General Plan which envisions established communities having context-sensitive infill and low- to medium-density development. With respect to the sector plan, the Planning Board stated that the sector plan rezoned the subject property from the Residential Agriculture (R-A) Zone to the Mixed Use–Transportation (M-X-T) Zone and identified no planning issues connected with the subject project. The Planning Board also noted that the subject site is located in the Military Installation Overlay (M-I-O) Zone. See Finding 7 for a detailed discussion of conformance with the requirements of the M-I-O Zone.
- c. **Transportation and Trails**—Pursuant to PGCPB Resolution No. 16-143, the subject property is the subject of an approved preliminary plan that was approved on December 1, 2016. The property was approved with multiple conditions, including the following that pertains to transportation:
- 5. **Total development within the subject property shall be limited to uses which generate no more than 35 AM peak hour trips and 43 PM peak hour trips. These rates were determined by using the Institute of Transportation Engineer's (ITE) Trip Generation Manual, 9th Edition. Any development generating an impact greater than that identified herein above shall require a new determination of the adequacy of transportation facilities.**
- The development herein approved will not exceed the trip cap.
- 21. **The applicant and the applicant's heirs, successors, and/or assignees shall provide on-site bicycle parking. The location and number of on-site bicycle racks shall be determined at the time of detailed site plan.**

A condition of this approval requires that, prior to certificate approval, the plans be revised to include a bicycle rack providing parking for six to eight bicycles. in accordance with this condition.

#### **Active Transportation Compliance**

The property is located in an area where the development policies are governed by the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*. The plan recommends that the northern section of existing Melwood Road to be preserved as a trail. The southern portion of the road where the site gains its access, will be designated as a shared use access. The DSP shows Melwood Road being terminated as a cul-de-sac, approximately 850 feet north and west of the site access. This cul-de-sac should include ADA access/curb ramp for the Melwood Legacy Trail.

Overall, the on-site access and vehicular circulation is adequate, However, bicycle parking pursuant to the approved preliminary plan was not provided. Given the fact that the site is well-served by planned trails and is proximal to future planned development, a condition of this approval requires the provision of six to eight spaces for bicycles.

#### **Conclusion**

Overall from the standpoint of transportation, including trails, it is determined that this plan is acceptable and meets the finding required for a DSP as described in the Zoning Ordinance.

- d. **Subdivision**—Prior approval of Preliminary Plan of Subdivision 4-16009 and Conceptual Site Plan CSP-15003 have not yet obtained signature/certificate approval, respectively. As a result, a condition of this approval requires that Preliminary Plan 4-16009 and Conceptual Site Plan CSP-15003 obtain signature/certificate approval, respectively, prior to certification of the subject DSP approval.
- e. **Permit Review**—Permit review comments have been addressed by revisions to the plans or conditions of this approval.
- f. **Environmental Planning**—

#### **Background**

The Planning Board previously reviewed the following applications and associated plans for the subject site:

Development Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
CSP-15003	TCP1-006-16	Planning Board	Pending	12/1/2016	PGCPB No. 16-142
4-16009	TCP1-006-16-01	Planning Board	Pending	12/1/2016	PGCPB No. 16-143
DSP-16045	TCP2-005-17	Planning Board	Pending	Pending	Pending
NRI-090-05	N/A	Staff	Approved	9/15/2005	N/A
NRI-090-05-01	N/A	Staff	Approved	4/28/2016	N/A

### **Grandfathering**

The project is subject to the environmental regulations contained in Subtitles 25 and 27, which came into effect on September 1, 2010 and February 1, 2012. As such, the project is required to have a new DSP approval.

### **Site Description**

This 68.60-acre site in the M-X-T Zone is located on Melwood Road, approximately one-mile north of its intersection with Pennsylvania Avenue (MD 4). Streams, 100-year floodplain and steep slopes are found to occur on the property. The predominant soils found to occur per the U.S. Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS) include the Adelphia-Holmdel complex, Dodon fine sandy loam, Marr-Dodon complex and Westphalia-Dodon soils series. According to available mapping information, Marlboro clay does not occur on or in the vicinity of this property; however, a small area of Marlboro clay evaluation area is located in the northwest corner of the property. There are forest interior dwelling species (FIDS) habitat mapped on-site. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or in the vicinity of this property. The site has four stream systems that drain to the north towards Cabin Branch, which is part of the Western Branch watershed, then to Western Branch and then to the Patuxent River basin. The site has frontage on Melwood Road which is not identified as a master plan roadway. Melwood Road is not a traffic noise generator and noise is not regulated for commercial projects. A designation of scenic-historic roadway was identified along this section of Melwood Road. The site is located within the Westphalia & Vicinity Planning Area. 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 Prince George's 2035 Approved General Plan. According to the 2005 *Approved Countywide Green Infrastructure Plan*, the site contains regulated areas, evaluation areas, and network gap areas.

### **Previously Approved Conditions**

The following text addresses previously approved environmental conditions related to the subject approval. The text in **BOLD** is the actual text from the previous cases or plans. The plain text provides the comments on the plan's conformance with the conditions.

**Conformance with PGCPB Resolution No. 16-142 for Conceptual Site Plan CSP-15003**

Conceptual Site Plan CSP-15003 was approved by the Planning Board on December 1, 2016. The conditions of approval applicable to this review found in PGCPB Resolution No. 16-142 are noted below.

- 1. Prior to certificate approval of the conceptual site plan (CSP), the following revisions shall be made to the plans and additional specified material be submitted:**
  - c. The type 1 tree conservation plan shall be revised as follows:**
    - (1) Revise the labeling located over the “woodland areas-not counted” to an easier and visibly discerning label wording.**
    - (2) Remove Specimen Tree 35 (ST-35) from the specimen tree chart.**
    - (3) Have the revised plan signed and dated by the qualified professional who prepared it.**
- 4. Prior to the approval of the final/record plat:**
  - e. 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, as designee of the Planning Board, 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.”**
- 6. Prior to certification of the DSP, and prior to certificate of the approval of the TCP2 for this property:**
  - a. Pursuant to Section 25-122(d)(1)(B), all woodland preserved, planted, or regenerated on-site shall be placed in a woodland conservation easement recorded in land records and the liber/folio of**



**the easement shall be indicated on the TCP2. The following note shall be placed on the TCP2:**

**“Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded in the Prince George’s County Land Records at Liber \_\_\_\_ Folio \_\_\_\_\_. Revisions to this TCP2 may require a revision to the recorded easement.”**

These conditions will be met at the time of final plat.

- 7. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.**

This condition will be met at the time of permit.

**Conformance with PGCPB Resolution No. 16-143 for Preliminary Plan of Subdivision 4-16009**

Preliminary Plan 4-16009 was approved by the Planning Board on December 1, 2016. The conditions of approval applicable to this review found in PGCPB Resolution No. 16-143 are noted below.

- 7. Prior to certificate approval of the preliminary plan of subdivision, the Type 1 tree conservation plan shall be revised as follows:**
  - a. Revise the labeling located over the “woodland areas-not counted” to an easier and visibly discerning label wording.**
  - b. Remove Specimen Tree 35 (ST-35) from the specimen tree chart.**
  - f. Have the revised plan signed and dated by the qualified professional who prepared it.**
- 8. Prior to certification of the detailed site plan, and prior to signature approval of the Type 2 tree conservation plan (TCP2) for this property, pursuant to Section 25-122(d)(1)(B), all woodland preserved, planted, or regenerated on-site shall be placed in a woodland conservation easement recorded in land records and the liber/folio of the easement shall be indicated on the TCP2. The following note shall be placed on the TCP2:**

**“Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded in the Prince George’s County Land Records at Liber \_\_\_\_ Folio \_\_\_\_\_. Revisions to this TCP2 may require a revision to the recorded easement.”**

These conditions will be met at the time of final plat.

- 9. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area, except for any approved impacts, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:**

**“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”**

This condition will be met at the time of final plat.

- 10. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.**

This condition will be met at the time of permit.

- 11. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-006-16). 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 (TCP1-006-16), 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.”**

This condition will be met at the time of final plat.

**Environmental Review**

**Natural Resources Inventory/Environmental Features**

An approved Natural Resources Inventory, NRI-090-05-01, in conformance with the environmental regulations that became effective September 1, 2010, was submitted for the subject approval. The site contains regulated environmental features (steep slopes, streams, floodplains or their associated buffers). After further review by the applicant's consultant, one specimen tree, a 35-inch southern red cedar, was determined to be measured and identified inaccurately. A revised NRI was submitted and approved showing the change. Specimen Tree 35 (ST-35) is identified as a Leyland Cypress tree measuring 26.7-inches diameter at breast height.

**Woodland Conservation**

The site is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland.

The site contains a total of 50.35 acres of woodlands and 2.35 acres of wooded floodplain. The site has a woodland conservation threshold of 9.94 acres and is herein approved to clear 1.91 acres of woodland with a total requirement of 10.42 acres. The TCP2 is herein approved to meet the requirement with on-site preservation (9.68 acres) and specimen tree preservation credit (4.81 acres).

During the February 24, 2016 Subdivision Development Review Committee meeting, there were comments regarding the installation of the on-site six-inch water line through on-site woodlands and a stream crossing provided. The applicant's engineer stated that no woodlands would be impacted as part of this water line installation. This engineer stated that he spoke with the utility line installer and said that the proposed directional drilling process will be used for the water line installation and that no excavation pits or access roads would be required as part of this installation process. The Planning Board informed the applicant's engineer that, if any tree clearing occurs as part of this water line installation, the TCP2 would need to be revised.

**Primary Management Area (PMA) Impacts**

During the preliminary plan process, impacts for a stormwater management outfall and utility line were approved. No new PMA impacts or revisions are approved herein.

### **Soils**

The predominant soils found to occur on-site, per the U.S. Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS), Web Soil Survey (WSS), are the Adelphia-Holmdel complex, Dodon fine sandy loam, Marr-Dodon complex and Westphalia-Dodon soils series. According to available mapping information, Marlboro clay does not occur on or in the vicinity of this property; however, a small area of Marlboro clay is located in the northwest corner of the property.

Currently, no impacts are herein approved near the Marlboro clay evaluation area. The County may require a soils report in conformance with County Council Bill CB-94-2004 during the building permit process review if work is ever proposed within this evaluation area. This information is provided for the applicant's benefit.

### **Stormwater Management**

An approved Stormwater Management Concept Plan (11758-2016-00) and approval letter was submitted with the subject approval. Approved stormwater management features include two bioswales and porous paving. The concept approval expires on July 15, 2019. A stormwater management fee towards providing on-site attenuation/quality control measures will not be required as part of the subject approval.

### **Noise**

The site has frontage on Melwood Road which is not identified as a master plan roadway. Melwood Road is not a traffic noise generator and noise will not be regulated for this commercial approval.

- g. **Prince George's County Fire/EMS Department**—In a memorandum dated February 14, 2017, the Fire/EMS Department offered comment on needed access for fire apparatus, private road design and the location and needed performance of fire hydrants. These comments will be enforced in their separate permitting process.
- h. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a revised memorandum dated March 20, 2017, DPIE offered numerous comments that will be addressed through their separate permitting process. Regarding stormwater management, DPIE stated that the proposed site plan is consistent with the approved Stormwater Management Concept Plan, 11758-2016-01, dated November 7, 2016, which was originally approved on July 15, 2016.
- i. **Prince George's County Police Department**—The Police Department did not provide comment regarding the subject approval.
- j. **Prince George's Health Department**—In a memorandum dated November 2, 2016, the Prince George's Health Department offered the following comments included below, followed by Planning Board comment:

- (1) The applicant must obtain the appropriate raze permits from DPIE for the removal of the existing two-story, 24,000-square-foot building on-site.

This information has been provided to the applicant.

- (2) No demolition/construction noise should be allowed to adversely impact activities on the adjacent properties. Indicate an intent to be in conformance with construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.

This information has been included in a general note on the project plans.

- (3) During the demolition/construction phases of the project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate an intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

This information has been included in a general note on the project plans.

- (4) The applicant must submit a request to the Department of Energy Offices in order to maintain the existing well on the subject property for the purposes of irrigation. Upon acceptance, the applicant then needs to obtain a water appropriation permit or an exemption from the Maryland Department of the Environment.

This information has been provided to the applicant.

- (5) There is an increasing body of scientific research suggesting that community gardens enhance nutrition and physical activity and promote the role of public health in improving quality of life. The developer should consider setting aside space for a community garden.

This information has been provided to the applicant.

- (6) The public health value of access to active recreational facilities has been well documented. Indicate the location of all planned or active recreational facilities within a quarter mile of the proposed facility.

This information has been provided to the applicant.

- (7) The site is located close to the Joint Base Andrews noise zone. Noise can be detrimental to health with respect to hearing impairment, sleep disturbance, cardiovascular effects, psycho-physiologic effects, psychiatric symptoms, and fetal development. Sleep disturbances have been associated with a variety of health

problems, such as functional impairment, medical disability, and increased use of medical services even among those with no previous health problems. The applicant should provide details regarding modifications/adaptions/mitigation as necessary to minimize the potential adverse health impacts of noise on the susceptible population

This information has been provided to the applicant. Note, however, that Prince George's County only regulates noise for residential developments and, though the subject project supports a residential program, it is considered a commercial land use.

- k. **Maryland State Highway Administration (SHA)**—In an e-mail dated February 1, 2017, SHA indicated that they had reviewed the subject DSP and had no comments regarding the subject project nor objections to its approval.
  - l. **Washington Suburban Sanitary Commission (WSSC)**—In an e-mail dated February 23, 2017, WSSC offered numerous comments regarding the project's connection to water and sewer which will be addressed through their separate permitting process.
  - m. **Verizon**—Verizon did not provide comment regarding the subject approval.
  - n. **Potomac Electric Power Company (PEPCO)**—PEPCO did not provide comment regarding the subject approval.
  - o. **Westphalia Sector Development Review Council**—The Westphalia Sector Development Review Council did not provide comment regarding the subject approval.
- 13. Based on the foregoing and as required by Section 27-285(b)(1) of the Zoning Ordinance, the DSP, as approved with conditions, represents a most reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the approved development for its intended use.
  - 14. As required by Section 27-285(b)(2), the DSP is in general conformance with the approved Conceptual Site Plan CSP-15003 for this site.
  - 15. Section 27-285(b)(4) of the Zoning Ordinance provides the following required finding for approval of a DSP:
    - (4) **The plan shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible.**

This required finding may be made for the subject project.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type 2 Tree Conservation Plan (TCP2-005-2017) and further APPROVED Detailed Site Plan DSP-16045 for the above-described land, subject to the following conditions:

1. Prior to certificate approval of the detailed site plan (DSP), the following revisions shall be made to the plans and additional specified material be submitted:
  - a. The applicant shall obtain signature/certificate approval of Preliminary Plan of Subdivision 4-16009 and Conceptual Site Plan CSP-15003, respectively.
  - b. The Type 2 tree conservation plan (TCP2) shall be revised to add a TCP2 approval block to each TCP2 sheet in the set.
  - c. The light emitting diode (LED) lighting to be utilized in this project shall be specified as yellow-tinted.
  - d. The boundaries of Archeological Sites 18PR1104 and 18PR1005 and the limit of the archeological investigations shall be shown on the DSP and TCP2.
  - e. Pursuant to Section 25-122(d)(1)(B) of the Prince George's County Code, all woodland preserved, planted, or regenerated on-site shall be placed in a woodland conservation easement recorded in County land records and the liber/folio of the easement shall be indicated on the Type 2 tree conservation plan (TCP2). The following note shall be placed on the TCP2:

“Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded in the Prince George's County Land Records at Liber \_\_\_\_ Folio \_\_\_\_\_. Revisions to this TCP2 may require a revision to the recorded easement.”
  - f. Development shown on the DSP and Type 2 tree conservation plan shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-006-2016).
  - g. The applicant and the applicant's heirs, successors, and/or assignees shall:
    - (1) Submit four copies of the final Phase I archeological report to the Historic Preservation Section (M-NCPPC) for review and approval.

- (2) Ensure that all recovered artifacts from Archeological Sites 18PR1104 and 18PR1105 are deposited with the Maryland Archeological Conservancy Laboratory in Calvert County, Maryland for permanent curation; proof of disposition shall be provided to the Historic Preservation Section.
  - h. The applicant shall add a tree canopy coverage schedule to the landscape plan for the project demonstrating that a minimum of 6.86 acres of the site are covered in tree canopy, in conformance with the Prince George's County Tree Canopy Coverage Ordinance.
  - i. A bicycle rack providing parking for six to eight bicycles shall be provided on the DSP and located proximate to the front entrance of the subject facility.
2. Prior to approval of a raze permit for the main structure on the property, constructed as the German Orphan Home of Washington, DC in 1965, the building shall be documented through the completion of a Maryland Inventory of Historic Properties (MIHP) form according to Maryland Historical Trust (MHT) standards by a qualified 36CFR60 consultant. The draft and final MIHP form shall be reviewed and approved by the Historic Preservation Commission prior to submittal by the applicant to MHT.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, and Hewlett voting in favor of the motion, and with Commissioner Doerner absent at its regular meeting held on Thursday, April 6, 2017, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 27th day of April 2017.

Patricia Colihan Barney  
Executive Director

By Jessica Jones  
Planning Board Administrator