

PGCPB No. 2024-125

File No. DSP-23019

R E S O L U T I O N

WHEREAS, a new Zoning Ordinance, Subtitle 27, Prince George's County Code went into effect on April 1, 2022; and

WHEREAS, the applicant, Swann Road Investors, LLC, submitted an application for approval of a detailed site plan under the provisions of the prior Zoning Ordinance; and

WHEREAS, the subject property is bound by Preliminary Plan of Subdivision (PPS) 4-22048 approved by the Prince George's County Planning Board on September 7, 2023 (PGCPB Resolution No. 2023 90);

WHEREAS, pursuant to Section 24-1704(b) of the Subdivision Regulations, until and unless the period of time under which a subdivision approval remains valid expires, a project may proceed to the next steps in the approval process (including any zoning steps that may be necessary) and continue to be reviewed and decided under the Subdivision Regulations and Zoning Ordinance in effect immediately prior to April 1, 2022; and

WHEREAS, therefore, the Prince George's County Planning Board reviewed this application under the applicable provisions of the prior Zoning Ordinance; and

WHEREAS, in consideration of evidence presented at a public hearing on November 21, 2024, regarding Detailed Site Plan DSP-23019 for Swann Crossing, the Planning Board finds:

1. **Request:** The development of 57 single-family detached dwellings.

2. **Development Data Summary:**

	EXISTING	EVALUATED
Zone(s)	RSF-65	R-55/D-D-O
Use(s)	Residential/Vacant	Residential
Gross Tract Acreage	12.74	12.74
Lots	7	57
Parcels	0	6
Dwelling Units	1	57

Other Development Data

Parking Requirements

Section 27-568(a) of the prior Prince George's County Zoning Ordinance requires that a minimum of two parking spaces be provided for one-family detached dwellings. The approved development includes two-car attached garages for each dwelling unit satisfying the requirement.

Bicycle Spaces

Three bike racks are shown at the recreation area. However, these racks are not labeled, and no detail is provided. A condition is recommended to label the bike racks and provide a detail for inverted-U shaped racks.

3. **Location:** The subject property is located on the north side of Swann Road, approximately 1,400 feet east of its intersection with Silver Hill Road. The site consists of 12.74 acres and is located on Tax Map 80 in Grids E4 and F4, and Tax Map 88 in Grid F1. The property is comprised of the following lots recorded by deed in the Prince George's County Land Records: Lot 15 and Part 1 of Lot 16, recorded in Book 40920 at page 517; Part of Lot 16, recorded in Book 42069 at page 163; Part of Lot 16, recorded in Book 21862 at page 465; Part of Lot 19, recorded in Book 25779 at page 623; Lot 67 and Part of Lot 68, recorded in Book 35168 at page 68; and, Lot 69, recorded in Book 23861 at page 551, respectively. The subject property is in Planning Area 75A and Council District 7. The site is also located in the Development District Overlay (D-D-O) Zone of the 2014 *Approved Southern Green Line Station Area Sector Plan and Sectional Map Amendment* (sector plan).
4. **Surrounding Uses:** The properties abutting the subject site to the north consist of single-family detached dwellings within the Residential, Single-Family-65 (RSF-65) and Legacy Mixed-Use Town Center (LMUTC) Zones. To the east are single-family detached dwellings in the RSF-65 Zone and multifamily dwelling units in the Residential, Multifamily-20 (RMF-20) Zone. The properties to the south, beyond Swann Road, and to the west consist of single-family detached dwellings within the RSF-65 Zone.
5. **Previous Approvals:** Preliminary Plan of Subdivision (PPS) 4-22048 was approved by the Prince George's County Planning Board on September 7, 2023 (PGCPB Resolution No. 2023-90), for 57 lots and 6 parcels for the development of 57 single-family detached dwelling units.

Certificate of Adequacy, ADQ-2022-038, was approved by the Prince George's County Planning Director on July 5, 2023. This ADQ is valid for 12 years from the date of approval, subject to the expiration provisions of Section 24-4503(c) of the Prince George's County Subdivision Regulations.

6. **Design Features:** This application seeks to construct 56 new single-family detached homes on 57 lots. An existing single-family detached home will remain on Lot 57. The development will have one access road, approved as Keir Drive, from Swann Road, that will bisect the development. Off of Keir Drive to the west, a single approved road named Cygnus Terrace ends in a cul-de-sac. At the end of Keir Drive, another approved road (Swanns Nest Court) heads east, and ends in a cul-de-sac. A recreation area will be located along Swanns Nest Court. Sidewalks are provided along all street frontages, and crosswalks are shown to facilitate safe pedestrian circulation throughout the development.

The northern portion of the property which contains woodlands, steep slopes, and a stream will remain undeveloped.

Architecture: The development will offer three home models: the Marigold, the Iris, and the Lily. The approved architecture offers high-quality design and materials. Each model will offer

gable roofs and an attached two-car garage.

The Marigold will offer various elevations. Homebuyers can choose horizontal siding veneer on the first floor, with vertical board and batten veneer on the second floor, and a gable roof façade, a covered porch, shuttered windows, and a double-wide garage door. The other options include replacing the vertical veneer on the second floor and gable roof façade with shake siding veneer, non-shuttered windows, and a gable pediment.

The Iris will offer various elevations. Homebuyers can choose from horizontal siding veneer on the first and second floors with vertical board and batten veneer on the gable roof façade, a gable pediment, a gable covered porch, non-shuttered windows, and a double-wide garage door. The other options will replace the gable roof façade with shake siding veneer and no gable pediment, shuttered windows, and a traditional covered porch.

The Lily will offer various elevations. Homebuyers can choose horizontal siding veneer on the first and second floors, with vertical board and batten siding on the gable roof façade, a covered porch, shuttered windows, and a double-wide garage door. The other options will replace the gable roof façade with shake siding veneer with a gable pediment, non-shuttered windows, and a gable covered porch.

Recreational Facilities: The plans contain a recreational area that is surrounded by a 6-foot-high wooden fence. The play area contains Earthscape brand play equipment, which includes: the Songbird, a 6-foot-high playground centerpiece; the Magnacus problem solving equipment; the Leaf wobble board; and the Bog Stilt maneuver play piece. The recreation area also contains three log bench seats, a small lawn area, and three bicycle racks. A condition has been recommended herein to add at least one more inclusive play product to the recreation area. The plans also show one pair of benches and one trash receptacle along Cygnus Terrace. However no other benches or trash receptacles are shown anywhere else in the development. A condition has been recommended to provide at least one bench and one trash receptacle along Swanns Nest Court. The plans also contain a dog waste station detail, but no location is shown on the plans. A condition has been recommended to provide at least two stations throughout the development.

Signage: Two entrance monument signs are shown on the plans. The 5-foot-high by 2-foot, 6-inch square entrance features will have stone veneer and a precast concrete cap, with an 18-inch-wide by 16-inch-high sign plate. A condition has been recommended to dimension the distance of the monument signs from the right-of-way (ROW).

Lighting: Streetlights will be provided within the public ROWs and will be in accordance with standard regulations for public ROWs, as required by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) per county standards.

Loading and Trash Facilities: Trash receptacles will be provided within the development, as previously discussed. No loading spaces are approved with this development.

COMPLIANCE WITH EVALUATION CRITERIA

7. **2014 Approved Southern Green Line Station Area Sector Plan and Sectional Map Amendment:** The subject site is located within the D-D-O Zone of this sector plan. Detailed site plan (DSP) review is required for all projects approved within the D-D-O Zone. However, the applicability of the D-D-O Zone development standards is limited to areas within proximity to metro stations. The subject site is located near, but outside of, the Suitland Metro Station area for which specific development standards would apply. Therefore, no D-D-O Zone development standards are applicable to this DSP.
8. **Prince George's County Prior Zoning Ordinance:** The DSP application has been reviewed for compliance with the requirements of the One-Family Detached Residential (R-55) and D-D-O Zones.
- a. In accordance with Section 27-441(b) of the prior Zoning Ordinance, the Table of Uses for Residential Zones, the approved single-family detached residential development (in general) is a permitted use in the R-55 Zone.
- b. The DSP conforms with Section 27-442 of the prior Zoning Ordinance, Regulations for Development in Residential Zones, for the R-55 Zone, as follows:

	Required*	Evaluated
(b) Net Lot Area (minimum in sq. ft.)	4,000 sq. ft.	4,000 sq. ft.
(c) Lot Coverage (maximum percent of net lot area)	50 percent	50 percent
(d) Lot/Width Frontage (minimum in feet)		
At front building line	40 ft.	40 ft.
At front street line	25 ft.	25 ft.
(e) Yards (minimum depth/width in feet)		
Front	20 ft.	20 ft.
Side (total of both yards/minimum of either yard)	9 ft. / 4 ft.	9 ft. / 4 ft.
Rear	20 ft.	20 ft.
(f) Building height (maximum in ft.)	35 ft.	35 ft.

***Note:** Requirement based on lots located within the Southern Green Line Station D-D-O Zone, in accordance with Section 27-442.

- c. Section 27-548.25(b) of the prior Zoning Ordinance requires that the Planning Board find that the site plan meets the applicable D-D-O standards to approve a DSP. As discussed in Finding 7, there are no specific D-D-O standards that apply to this DSP.

- d. Per Section 27-283(a) of the prior Zoning Ordinance, a DSP shall be designed in accordance with the design guidelines in Section 27-274 of the prior Zoning Ordinance. The applicable design guidelines are described as follows:

Section 27-274(a)(2)

(2) Parking, loading, and circulation.

- (A) Surface parking lots should be located and designed to provide safe and efficient vehicular and pedestrian circulation within the site, while minimizing the visual impact of cars. Parking spaces should be located to provide convenient access to major destination points on the site...**

This is not applicable to this DSP because it does not include a surface parking lot.

- (B) Loading areas should be visually unobtrusive and located to minimize conflicts with vehicles or pedestrians...**

This is not applicable to this DSP because it does not include loading areas.

- (C) Vehicular and pedestrian circulation on a site should be safe, efficient, and convenient for both pedestrians and drivers...**

Vehicular and pedestrian circulation will be safe, efficient, and convenient for both pedestrians and drivers.

(3) Lighting.

- (A) For uses permitting nighttime activities, adequate illumination should be provided. Light fixtures should enhance the design character...**

Any street lighting within the ROWs will be in accordance with standard regulations for public ROWs as required by DPIE.

(4) Views.

- (A) Site design techniques should be used to preserve, create, or emphasize scenic views from public areas.**

The northern portion of the development consists of woodlands, steep slopes, and a stream that will remain undisturbed except for necessary impacts. The woodlands will be viewable from the approved roads and by the majority of the lots, in order to emphasize the scenic views.

(5) Green Area.

- (A) On-site green area should be designed to complement other site activity areas and should be appropriate in size, shape, location, and design to fulfill its intended use...**

This DSP includes green spaces throughout the development, which are also used in stormwater management (SWM) or active recreation space. The northern portion of the development includes preserved environmental area to allow for additional green area.

(6) Site and streetscape amenities.

- (A) Site and streetscape amenities should contribute to an attractive, coordinated development and should enhance the use and enjoyment of the site...**

Internal sidewalks are provided for pedestrian circulation around the approved development and outdoor recreation area. A centralized mailbox is located on the north side of Cygnus Terrace, near its intersection with Keir Drive. Benches and a single trash receptacle will be provided for the convenience of the residents, which serves the secondary function of an impromptu meeting space. These improvements will be compatible with the architecture of the approved homes.

(7) Grading.

- (A) Grading should be performed to minimize disruption to existing topography and other natural and cultural resources on the site and on adjacent sites. To the extent practicable, grading should minimize environmental impacts...**

Grading on-site has been designed to not disturb the existing regulated environmental features (REF) as much as possible.

(8) Service Areas.

- (A) Service areas should be accessible, but unobtrusive.**

No service areas are approved with this DSP.

(9) Public Spaces.

- (A) A public space system should be provided to enhance a large-scale commercial, mixed use, or multifamily development.**

This application does not propose a large-scale commercial, mixed-use, or multifamily development. However, community spaces are provided as previously discussed.

(10) Architecture.

- (A) When architectural considerations are referenced for review, the Conceptual Site Plan should include a statement as to how the architecture of the buildings will provide a variety of building forms, with unified, harmonious use of materials and styles.**
- (B) The guidelines shall only be used in keeping with the character and purpose of the proposed type of development and the specific zone in which it is to be located.**
- (C) These guidelines may be modified in accordance with Section 27-277.**

A detailed discussion regarding architecture has been addressed in Finding 6 above.

(11) Townhouses and Three-Story Dwellings.

This requirement is not applicable to this DSP because no townhouse or three-story units are included.

9. **Preliminary Plan of Subdivision 4-22048:** PPS 4-22048 was approved by the Planning Board on September 7, 2023 (PGCPB Resolution No. 2023-90), subject to 17 conditions. The conditions relevant to the review of this DSP are listed below in **bold** text. The Planning Board's analysis of the project's conformance to the conditions follows each one, in plain text:

2. **Development of the site shall be in conformance with Stormwater Management Concept Plan 40416-2022-0, and any subsequent revisions.**

With the subject application, the applicant submitted copies of the approved SWM Concept Plan 40416-2022-0 and its associated approval letter, which covers the area subject to 4-22048. The approval was issued by DPIE on May 17, 2024, and expires on May 17, 2027. The approved development is in conformance with the approved SWM concept plan.

3. Prior to approval, the final plat of subdivision shall include:

- a. Right-of-way dedication of a minimum of 30 feet from the centerline of Swann Road, and dedication of the new proposed public rights-of-way within the subdivision, in accordance with the approved preliminary plan of subdivision.**

The site data tabulation on the cover sheet of the DSP reflects 0.02 acre of public ROW dedication along Swann Road and 2.18 acres of new public ROWs within the subdivision, in conformance with the approved PPS. However, the area of dedication and the new property line following the road dedication is not shown on the site plan. The new property line should be clearly shown with the bearings and distances. Also, the existing and approved ROW width for Swann Road should be labeled. The ROW widths of the new public roads (Cygnus Terrace, Keir Drive, and Swann Nest Court) and the curve data for all culs-de-sac and roundabouts should also be labeled. Conditions have been added herein to address these issues.

- b. Dedication of 10-foot-wide public utility easements, along both sides of all proposed rights-of-way, as delineated on the approved preliminary plan of subdivision.**

The submitted DSP shows public utility easements along all existing and approved public ROWs, consistent with the approved PPS.

4. 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 provide adequate on-site recreational facilities.

The DSP approves private on-site recreational facilities, which include a playground lot, benches, a concrete path, landscaping, and a lawn area.

6. The on-site recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division of the Prince George's County Planning Department, for adequacy and proper siting, in accordance with the *Park and Recreation Facilities Guidelines*, with the review of the detailed site plan (DSP). Timing for construction shall also be determined, at the time of DSP review.

The DSP approves private on-site recreational facilities, which include a playground, benches, a concrete path, landscaping, and a lawn area. The applicant submitted a landscape and recreation plan which provides details for these facilities. Sheet 1 of the DSP includes a table providing the values for these facilities, and timing for their construction. The timing for construction of the recreational facilities shall be prior to the 30th occupancy permit. However, the timing should be revised to be prior to approval of the 30th building permit.

8. **Prior to approval of the detailed site plan, and prior to their demolition, the house and outbuildings at 3328 Swann Road shall be thoroughly documented on a Maryland Inventory of Historic Properties form by a 36CFR61-certified consultant. The form shall be submitted, in draft, to Historic Preservation staff for review and approval, and the final form shall be submitted to the Maryland Historical Trust.**

The applicant submitted the Maryland Inventory of Historic Properties form to the Historic Preservation Section for review and approval; therefore, this condition has been met.

10. **Certificate of Adequacy ADQ-2022-038:** ADQ-2022-038 was approved by the Planning Director on July 5, 2023, subject to one condition that is relevant to the review of this DSP. The condition is listed below in **bold** text. The Planning Board's analysis of the project's conformance to the conditions follows, in plain text:

1. **Total development within the proposed Preliminary Plan of Subdivision shall be limited to uses which generate no more than 43 AM peak-hour trips and 51 PM peak-hour trips. Any development generating an impact greater than that identified herein shall require a new determination of the adequacy of transportation facilities.**

The trip-cap established under ADQ-2023-038 was approved for 57 single-family dwelling units. The Planning Board finds that the subject DSP is within the trip-cap established with ADQ-2022-038.

11. **2010 Prince George's County Landscape Manual:** The approved development is subject to the requirements of Sections 4.1, 4.7, and 4.9 of the Landscape Manual. The submitted plans are in conformance with the requirements of Sections 4.1, 4.7, and 4.9, with the exception of technical revisions that are needed and have been conditioned herein.

12. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This project is subject to the 2010 Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the application is for a new DSP and has a PPS which was accepted for review prior to July 1, 2024. Type 2 Tree Conservation Plan TCP2-036-2024 was submitted with the subject application and requires minor revisions to be found in conformance with the WCO.

The woodland conservation threshold (WCT) for this 12.74-acre property is 20 percent of the net tract area, or 2.45 acres. The total woodland conservation requirement, based on the amount of clearing approved, is 3.88 acres. The woodland conservation requirement is approved to be satisfied with 1.51 acres of on-site woodland preservation, 0.42 acre of landscape credits, 0.03 acre of reforestation, and 1.92 acres of off-site credit. The landscape credits are approved around stormwater embankments as well as on the corners of the site. Landscape Area 1, located on the eastern corner of the site, is not connected or adjacent to any woodland areas, which results in fragmentation of this approved woodlands.

Technical revisions to the TCP2 are required and included in the Recommendation section of this resolution.

13. **Prince George's County Tree Canopy Coverage Ordinance:** Prince George's County Council Bill CB-21-2024 for the Tree Canopy Coverage Ordinance became effective July 1, 2024. Subsequently, Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requiring a minimum percentage of tree canopy coverage (TCC) on projects that require a grading or building permit for more than 2,500 square feet of disturbance. Properties that are zoned RSF-65 are required to provide a minimum of 20 percent of the net tract area in TCC. The net tract area of the subject site is 12.27 acres, and the required TCC is approximately 2.45 acres or 106,896.2 square feet. The schedule provided on the plans shows a TCC requirement of 15 percent and is based on gross tract area. However, the total TCC provided is 116,906 square feet or 2.68 acres, thus meeting the requirements imposed with CB-21-2024. A condition is included herein to revise the TCC schedule to accurately demonstrate compliance.
14. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows, and incorporated herein by reference:
 - a. **Historic Preservation and Archeological Review**—The Planning Board has reviewed and adopts the memorandum dated October 3, 2024 (Stabler, Smith and Chisholm to Price), wherein the Historic Preservation Section noted the subject property does not contain, and is not adjacent to, any designated Prince George's County historic sites or resources. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is high. An 1878 Hopkins Atlas map indicates the location of at least one structure identified as belonging to S.T. Suit. Tax records suggest that 3328 Swann Road was constructed circa 1900, and 3324 Swann Road in 1948. A Phase I archeology survey was completed in January 2023, and no further work was recommended. Based on the information contained in the Phase I archeology survey, the house and outbuildings at 3328 Swann Road should be photographed and recorded on a Maryland Inventory of Historic Properties form. The Maryland Inventory of Historic Properties form was submitted with this application.
 - b. **Community Planning**—The Planning Board has reviewed and adopts the memorandum dated September 24, 2024 (Sams to Price), wherein the Community Planning Division provided an analysis of the subject DSP's conformance with the recommendations of the 2014 *Plan Prince George's 2035 Approved General Plan* and the sector plan and found the approved development consistent with the recommended land use. The sector plan makes no policy statements or policy recommendations regarding the subject property because it is located outside the 0.5-mile walk circle from the Suitland Metro Station.
 - c. **Transportation Planning**—The Planning Board has reviewed and adopts the memorandum dated October 4, 2024 (Ryan to Price), wherein the Transportation Planning Section offered an analysis of the application and found the plan to be acceptable and consistent with the site design guidelines pursuant to the prior Zoning Ordinance and meets the findings for pedestrian and bicycle transportation purposes.

Three conditions were proposed and are included in the Recommendation section of this resolution.

- d. **Subdivision**—The Planning Board has reviewed and adopts the memorandum dated September 30, 2024 (Vatandoost to Price), wherein the Subdivision Section provided an analysis of the subject DSP's conformance with the prior approvals, as included in Findings 9 and 10 above.
- e. **Environmental Planning**—The Planning Board has reviewed and adopts the memorandum dated October 1, 2024 (Kirchhof to Price), wherein the Environmental Planning Section offered an analysis of the approved development including prior approvals, natural resources inventory (NRI), woodland conservation, specimen trees, SWM, soils, and erosion and sediment control.

Natural Resource Inventory

A signed Natural Resources Inventory (NRI-085-2022) was submitted with the application. The site contains floodplain, streams, and associated buffers that comprise the primary management area (PMA). The NRI indicates the presence of two forest stands, labeled as Stand A and Stand B, with 26 specimen trees identified on-site. Within the submitted specimen tree variance Finding F, the applicant states that manmade debris exists in the PMA. The NRI does not show any debris piles in this area and no additional comments were made regarding debris piles on any other environmental documents. The Type 1 tree conservation plan (TCP1) and the PPS show all required information correctly in conformance with the NRI; however, if DPIE finds that the debris piles are significant enough to require removal, then the NRI shall be revised to show the debris piles prior to certification of the TCP1.

Woodland Conservation

This project is subject to the WCO because the application is for a new DSP and has a PPS which was accepted for review prior to July 1, 2024. Type 2 Tree Conservation Plan TCP2-036-2024 was submitted with the subject application and requires minor revisions to be found in conformance with the WCO.

The WCT for this 12.74-acre property is 20 percent of the net tract area, or 2.45 acres. The total woodland conservation requirement, based on the amount of clearing approved, is 3.88 acres. The woodland conservation requirement is approved to be satisfied with 1.51 acres of on-site woodland preservation, 0.42 acre of landscape credits, 0.03 acre of reforestation, and 1.92 acres of off-site credit. The landscape credits are approved around stormwater embankments as well as on the corners of the site. Landscape Area 1, located on the eastern corner of the site, is not connected or adjacent to any woodland areas, which results in fragmentation of the approved woodlands.

Technical revisions to the TCP1 are required and included in the conditions in the Recommendation section of this resolution.

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 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 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 in Prince George’s County’s WCO are set forth in Section 25-119(d). Section 25-119(d)(4) clarifies that variances granted under Subtitle 25 are not considered zoning variances.

The approved NRI-085-2022 identifies a total of 26 specimen trees on-site. A Subtitle 25 variance was submitted for review with PPS 4-22048. The letter of justification (LOJ) requested the removal of six specimen trees identified as Specimen Trees ST-1 through ST-4, ST-7, and ST-19. The condition of trees approved for removal ranges from poor to good. The request for the removal of specimen trees was for development of the site and associated infrastructure. The Planning Board approved the requested variance for the removal of six specimen trees, ST-1 through ST-4, ST-7, and ST-19 for the construction of residential development.

With DSP-23019, a Subtitle 25 variance was submitted, to request the removal of one additional Specimen Tree, ST-5. The variance also identifies critical root zone impacts to Specimen Trees ST-6, ST-8, ST-9, ST-10, ST-18, and ST-25. These specimen trees shall be included in a specimen tree maintenance plan on the TCP2.

Specimen Tree Variance SOJ Table						
Specimen Tree No.	DBH	Common Name	Location	Rating	Impact	Construction Tolerance
5	32	White Oak	Within proposed landscape area 2	Poor	Sediment Control	Medium-Good

Evaluation

Section 25-119(d) contains six required findings [text in **bold** below] to be made before a variance from the WCO can be granted. An evaluation of this variance request, with respect to the required findings, is provided below. The Planning Board supports the removal of the specimen trees requested by the applicant, based on these findings:

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

In relation to other properties in the area, special conditions peculiar to the subject property would not cause an unwarranted hardship if the applicant were required to retain Specimen Tree ST-5. Those special conditions relate to the specimen trees themselves, such as their size, condition, species, and on-site location. Specimen Tree ST-5 is located near the PMA, in the central northwest corner of the site bounded to the north by ST-6 (off-site) and to the south by ST-4 and ST-7 (approved for removal with PPS 4-22048). This location has been selected by the applicant to provide a portion of the stormwater controls for the site, and due to the topography, has been determined to be the best place to provide a sediment control feature by the Prince Georges Soil Conservation District.

The property is 12.74 acres, and the NRI shows approximately 2.04 acres of PMA comprised of streams, floodplain, wetlands, and associated buffers. This area represents approximately 16 percent of the overall site area. The applicant is proposing one impact to the site's PMA, which shall be fully minimized to the extent practicable, and is proposing woodland conservation to further protect the PMA.

The specimen tree approved for removal is located near the PMA in an area which should be protected; however, due to the necessary grading and the approved location of stormwater, this tree is requested for removal. The applicant is proposing to provide a landscape area surrounding the stormwater features once they are completed.

(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 route zone (CRZ), would not deprive the applicant of rights commonly enjoyed by others in similar areas. All variance applications for the removal of specimen trees are evaluated in accordance with the requirements of Subtitle 25 and the Environmental Technical Manual for site-specific conditions. Specimen trees grow to such a large size because they have been left undisturbed on a site for sufficient time to grow; however, the species, size, construction tolerance, and location on a site are all somewhat unique for each site.

Based on the location and species of the specimen tree approved for removal, retaining the tree and avoiding disturbance to the CRZ would have a minor impact on the development potential of the property. If similar trees were encountered on other sites, they would be evaluated under the same criteria.

The approved residential development is a use that aligns with the uses permitted in the R-55 Zones. Specimen Tree ST-5 is located outside of the developable parts of the site near the PMA. Aside from the PMA area approved to be impacted, the only preservation of existing woodland on-site is within, and in proximity to, the PMA. Of the existing 4.81 acres of net tract area woodland, only 1.51 acres (31 percent) are approved to be retained. The WCT for this development is calculated as 20 percent, or 2.45 acres. The request for removal is partly due to locating necessary infrastructure at the fringe of the development and within the PMA to maximize the use of the developable area. The location of this specimen tree does not significantly inhibit the developable area; however, utilities have been co-located to reduce additional PMA and specimen tree impacts, and stormwater facilities are located for the safe conveyance of stormwater from the site.

(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 Tree ST-5 would not prevent the project from being developed in a functional and efficient manner; however, based on the approved SWM facility, the approval of this variance would not be a special privilege that would be denied to other applicants. If other similar developments featured REF and specimen trees in similar conditions and locations, they would be given the same considerations during the review of the required variance application.

This site is noted in the sector plan as being one of the few locations for residential development. The applicant states that smaller, compact lots are preferable at this location given the proximity to Suitland Metro Station. The density and lot type are not specifically mentioned in the sector plan; however, the sector plan does state that conserving and protecting trees, existing woodlands, and REF is a priority as provided in Chapter 2 of the sector plan. With this application, the PMA has been mostly preserved, which aligns with the goals of the sector plan.

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

The existing site conditions or circumstances, including the location of the specimen trees, are not the result of actions by the applicant. The removal of one specimen tree would be the result of the infrastructure and grading required for the development as proposed by the applicant. The request to remove the tree is solely based on the tree's location on the site, the species, and the poor condition.

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

There are no existing conditions 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 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.

Conclusion

The required findings of Section 25-119(d) have been adequately addressed for the removal of one specimen tree identified as Specimen Tree ST-5. The Planning Board approves the requested variance for the removal of one specimen tree, ST-5, for the construction of a sediment control feature.

Regulated Environmental Features

This 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, stream buffers, 100-year floodplain, and steep slopes. A LOJ for impacts to the PMA was submitted with PPS 4-22048 for one impact. With the acceptance of this DSP application, a statement of justification (SOJ) for revisions to Impact 1 was submitted. A revised LOJ, dated September 20, 2024, was submitted addressing comments presented at SDRC.

Impact 1

With PPS 4-22048, the requested Impact 1 is for 2,857 square feet (0.07 acre) of PMA impacts and 20 linear feet of stream impacts for an outfall, from the approved submerged gravel wetland. This impact was expanded with DSP-23019 to 4,598 square feet (0.11 acre) of PMA impacts, and 30 linear feet of stream impacts. Impact 1 has expanded as the correct stormwater easement was not shown around the outfall previously. The revised Impact 1 is reflective of the approved stormwater plan and is supported as approved for the conveyance of stormwater off-site.

Conclusion

This DSP approves one impact to the PMA for a total of 4,598 square feet (0.11 acre) and 30 linear feet of stream impacts for a stormwater outfall. The Planning Board supports this request for PMA impact.

Stormwater Management

An approved SWM Concept Plan 40416-2022-00 was submitted with the initial submission material showing the use of nine micro-bioretenition devices and dry wells, to meet environmental site design to the maximum extent practical. In order to further reduce potential PMA impacts, the applicant has agreed to relocate the approved recreation area from the rear of the site to a more centralized location. This relocation directly impacts a approved micro-bioretenition facility, identified as MBF-8, on approved Parcel E. The applicant has proposed to redesign the stormwater facility to a concrete-lined micro-bioretenition facility, which will share Parcel E with the recreation area. The approved revised SWM concept plan shall be submitted prior to signature approval of the TCP2.

Soils

The predominant soils found to occur, according to the United States Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey, are Beltsville-Urban land complex, Chillum-Urban land complex, Croom-Marr complex, Croom-Marr-Urban complex, and the Croom-Urban land complex. Soils containing Marlboro clays or Christiana complexes do not occur on-site. This information is provided for the applicant's benefit and may affect the architectural design of structures, grading requirements, and SWM elements of the site. DPIE may require a soils report, in conformance with CB-94-2004, during the permit process review.

Erosion and Sediment Control

The County requires the approval of an erosion and sediment control plan. The TCP2 must reflect the ultimate limits of disturbance (LOD), not only for the installation of permanent site infrastructure but also for the installation of all temporary infrastructure, including erosion and sediment control measures. A copy of the erosion and sediment control technical plan must be submitted with the TCP2, so that the ultimate LOD for the project can be verified and shown on the TCP2.

The Environmental Planning Section EPS recommends approval of DSP-23019 and TCP2-036-2024, with conditions that are included in the Recommendation section of this resolution.

- f. **Permit Review Section**—The Planning Board has reviewed and adopts the memorandum dated August 29, 2024 (Meneely to Price), wherein the Permit Review Section offered no comments on this application.

- g. **Prince George's County Department of Parks and Recreation (DPR)**—The Planning Board has reviewed and adopts the email dated August 8, 2024 (Thompson to Price), wherein DPR evaluated the application for conformance with prior approvals and offered no additional comments.
 - h. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—The Planning Board has reviewed and adopts the memorandum dated August 5, 2024 (Branch to Price), wherein DPIE provided comments pertaining to water and sewer lines that abut and traverse the subject property.
 - i. **Prince George's County Fire/EMS Department**—The Fire/EMS Department offered no comments on this application.
15. **Community Feedback**—The Planning Board did not receive any community feedback regarding the subject DSP from the community.
16. As required by Section 27-285(b)(1) of the prior Zoning Ordinance, the DSP represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code, without requiring unreasonable cost and without detracting substantially from the utility of the approved development for its intended use.
17. Section 27-285(b)(2) of the prior Zoning Ordinance is inapplicable because the subject property is not subject to a conceptual site plan.
18. Section 27-285(b)(3) of the prior Zoning Ordinance is inapplicable because this is not an infrastructure-only DSP.
19. Per Section 27-285(b)(4) of the prior Zoning Ordinance, “the Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).”
- The Planning Board has reviewed this application and finds that the REF have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5). See Finding 14.e above.
20. **Planning Board**—The Planning Board held a public hearing on this application on November 21, 2024. At the hearing, and in rendering its decision, the Board considered all written and oral testimony, along with all exhibits submitted according to the Planning Board's procedures.

Prior to the hearing, and in accordance with the Planning Board's procedures, the applicant provided an exhibit which provided a revised finding and revised three conditions regarding the technical staff report. The exhibit updated Finding 14, Referral Comments, regarding SWM and the relocation of the recreation area. At the time of certification, evidence must be provided indication that this revision will not require a revised stormwater concept plan. The exhibit also

revised Conditions 1(b), 1(e), and added Condition 5. Condition 1(b) was clarified to include the addition of one bench and one trash receptacle along Swann's Nest Court outside of the recreation area. Condition 1(e) was clarified to provide at least one piece of Americans with Disabilities Act-compliant equipment in the recreation area. Condition 5 was added to reflect the revisions in Finding 14 that prior to certification, correspondence from DPIE be provided to confirm that the relocation of the recreation facility will not result in a revision to the approved stormwater concept plan.

The hearing began with a technical staff presentation, followed by the applicant's presentation. Following the presentation, the Planning Board asked for the inclusion of pet waste stations within the development. The applicant agreed. However, pet waste stations were already included under Condition 1(c). The Planning Board then voted to approve DSP-23019, subject to the recommended conditions of approval within the technical staff report, as revised by the applicant exhibit.

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 Type 2 Tree Conservation Plan TCP2-036-2024, and APPROVED a Variance to Section 25 122(b)(1)(G), and further APPROVED Detailed Plan DSP-23019 for the above-described land, subject to the following conditions:

1. Prior to certification, the applicant and the applicant's heirs, successors and/or assignees shall revise the detailed site plan (DSP) as follows:
 - a. Label the three bike racks and provide a detail for an inverted U-style or similar model that provides two points of contact for a parked bicycle.
 - b. Provide at least one bench and one trash receptacle along Swanns Nest Court on Parcel E, outside of the fenced recreation area. If there is insufficient space on Parcel E outside the fenced recreation area, then applicant shall provide at least one bench and one trash receptacle along Swann's Nest Court between Lots 30 and 31.
 - c. Provide at least two dog waste stations throughout the development.
 - d. Label the 6-foot-high wood fence on the plan.
 - e. Provide at least one inclusive piece of equipment in the recreation area or provide documentation that one of the proposed recreational pieces of equipment is Americans with Disabilities Act compliant.
 - f. Dimension the distance of the monument signs from the right-of-way.
 - g. On sheet DSP-5, delete the "Open Space / Outdoor Recreation Facilities" note in the Woodland Preservation area.

- h. Show a minimum dedication of 30 feet from the centerline of Swann Road. Label the area of public right-of-way dedication along Swann Road and show the new property line following the right-of-way dedication with its bearings and distances labeled.
 - i. Label the existing and approved right-of-way widths for Swann Road.
 - j. Label the right-of-way widths of the new public roads (Cygnus Terrace, Keir Drive, and Swanns Nest Court).
 - k. Provide the curve data for all culs-de-sac and roundabouts for the right-of-way lines of the new public roads.
 - l. Revise the Tree Canopy Coverage Schedule to meet current requirements.
 - m. Revise Schedule 4.1-1 to show the total number of trees required, per lot, as two shade trees and two ornamental or evergreen trees.
 - n. Add a stop sign along southbound Keir Drive, at its intersection with Swann Road, adjacent to the homeowners association Parcel A, unless modified by the operating agency with written correspondence.
 - o. Revise the timing for construction of recreational facilities shown on the coversheet to be prior to approval of the 30th building permit.
2. Prior to signature approval of the detailed site plan, the Type 2 tree conservation plan (TCP2) shall be revised as follows:
- a. Within the Environmental Planning Section approval block, move the Development Review Division (DRD) case number down to the 00 line of the DRD column.
 - b. Identify the total acreage of landscaping which is requested for credit. The correct landscaping credits total shall be shown on the TCP2, within the woodland conservation worksheet, and within the woodland conservation summary table.
 - c. Revise the following TCP2 general notes:
 - (1) Do not assign the section headings as a separate number.
 - (2) Review the general notes to remove grammatical errors and extra numbers.
 - (3) General Note 9 shall reference Prince George's County Council Bill CB-27-2010, Section 25-119(G).
 - d. Add the following note to the plan under the specimen tree table:

“NOTE: This plan is in accordance with the following variance from the strict requirements of Subtitle 25 approved by the Planning Board on (ADD DATE): The removal of one specimen trees (Section 25-122(b)(1)(G)), specifically specimen tree ST-5.”

- e. Revise the woodland conservation worksheet to accurately reflect the total woodland clearing approved for removal. The current worksheet identifies a deficit of 0.01 acre.
 - f. Provide the permanent tree protection fence detail graphic and detail on the plan.
 - g. Provide the Forest Conservation Act reporting table on the plan.
 - h. Provide a specimen tree maintenance plan for all specimen trees which have impacts to their critical root zones on the plans.
3. Prior to issuance of any permits, which impact 100-year floodplain, wetlands, wetland buffers, streams, or waters of the United States, the applicant shall submit copies of all applicable federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
4. Prior to issuance of the first permit:
- a. Submit the final erosion and sediment control plan. The limits of disturbance shall be consistent with the Type 2 tree conservation plan.
 - b. The final technical stormwater approval shall conform to the limits of disturbance shown on the approved Type 2 tree conservation plan.
5. Prior to certification, applicant shall provide correspondence from DPIE that the relocation of the proposed recreation facility to Parcel E will not result in a revision to the approved stormwater concept plan. At the time of permit, the technical stormwater plan shall match the TCP2.

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.

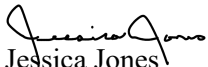
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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner, Geraldo, and Shapiro voting in favor of the motion at its regular meeting held on Thursday, November 21, 2024, in Largo, Maryland.

Adopted by the Prince George’s County Planning Board this 5th day of December 2024.

PGCPB No. 2024-125
File No. DSP-23019
Page 21

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:TP:tr

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: November 27, 2024