

PGCPB No. 2024-002

File No. PPS-2022-025

R E S O L U T I O N

WHEREAS, C Store Inc. is the owner of a 12.86-acre parcel of land known as Parcel 15, said property being in the 11th Election District of Prince George's County, Maryland, and being zoned Residential, Single-Family-Attached (RSF-A); and

WHEREAS, on October 18, 2023, Christopher Land, LLC filed an application for approval of a Preliminary Plan of Subdivision for 79 lots and 13 parcels for development of up to 79 single-family attached dwelling units; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan PPS-2022-025 for McKendree Road, was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission at a public hearing on January 4, 2024; and

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

WHEREAS, at the January 4, 2024 public hearing, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Type 1 Tree Conservation Plan TCP1-019-2023, APPROVED a Variance to Section 25-122(b)(1)(G), and APPROVED Preliminary Plan of Subdivision PPS-2022-025 for 79 lots and 13 parcels, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised as follows:
 - a. Show a 10-foot-wide public utility easement on the west side of the eastern segment of Private Road A, outside of the sidewalk.
 - b. Remove the delineation and labeling for the 10-foot-wide landscape bufferyard on the site's eastern edge.
 - c. Remove the mitigated 55 dBA/Leq noise contour from the plan drawing and replace it with the unmitigated 55 dBA/Leq noise contour.
 - d. Revise General Note 22 to state the approval number and date of the revised stormwater management concept plan, once it is approved.
 - e. Correct the discontinuity in the public utility easement located on Lot 1.
2. Development of this site shall be in conformance with Stormwater Management Concept Plan 47842-2022-01, once approved, and any subsequent revisions.

3. Prior to approval, the final plat of subdivision shall include:
 - a. The granting of a public utility easement along McKendree Road.
 - b. The granting of continuous public utility easements along at least one side of all private streets.
 - c. Dedication of public right-of-way for McKendree Road, in accordance with the approved preliminary plan of subdivision.
4. At the time of final plat, in accordance with Section 24-4601(b)(4)(A)(i) of the Prince George's County Subdivision Regulations, approximately 4.62 +/- acres of parkland, as shown on the preliminary plan of subdivision (Parcel A), shall be conveyed to The Maryland-National Capital Park and Planning Commission (M-NCPPC). The land to be conveyed shall be subject to the following conditions:
 - a. An original, special warranty deed for the property to be conveyed (signed by the Washington Suburban Sanitary Commission, Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division of the Prince George's County Planning Department, along with the first final plat application.
 - b. The applicant and the applicant's heirs, successors and/or assignees shall demonstrate that any liens, leases, mortgages, or trusts have been released from the land to be conveyed to M-NCPPC.
 - c. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including, but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges, prior and subsequent to a building permit application.
 - d. The boundaries, lot or parcel identification, and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.
 - e. The land to be conveyed shall not be disturbed or filled in any way, without the prior written consent of the Prince George's County Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.

- f. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled, and underground structures shall be removed. The Prince George's County Department of Parks and Recreation shall inspect the site and verify that land is in an acceptable condition for conveyance, prior to dedication.
 - g. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed or owned by M-NCPPC, the Prince George's County Department of Parks and Recreation (DPR) shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement, prior to issuance of grading permits.
 - h. In general, no stormwater management facilities, tree conservation, or utility easements shall be located on land owned by, or to be conveyed to, M-NCPPC. However, the Prince George's County Department of Parks and Recreation (DPR) recognizes that there may be need for conservation or utility easements in the dedicated M-NCPPC parkland. Prior to the granting of any easements, the applicant must obtain written consent from DPR. DPR shall review and approve the location and/or design of any needed easements. Should the easement requests be approved by DPR, a performance bond and/or maintenance and easement agreements may be required prior to the issuance of any grading permits.
- 5. The applicant and the applicant's heirs, successors, and/or assignees shall construct the master-planned Timothy Branch trail. The master-planned trail shall be designed in accordance with the standards outlined in the *Parks and Recreation Facilities Design Guidelines*. The timing of construction of the master-planned trail shall be determined with the approval of the detailed site plan (DET). A public use easement or covenant shall be provided over the trail, with the width of the easement determined at the time of DET.
- 6. Prior to submission of the final plat of subdivision for any residential lot/parcel, the applicant and the applicant's heirs, successors, and/or assignees shall submit three original executed public recreational facilities agreements (RFAs) to the Prince George's County Department of Parks and Recreation, Park Planning and Development Division (PP&D), for construction of the Timothy Branch trail, for approval. Upon approval by PP&D staff, the RFA shall be recorded among the Prince George's County Land Records, and the book and page of the RFA shall be noted on the final plat, prior to plat recordation. The public RFA shall reflect the timing for the construction of the trail established with the detailed site plan.
- 7. Prior to approval of building permits for residential development, the applicant and the applicant's heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantees to the Prince George's County Department of Parks and Recreation, Park Planning and Development Division, for the construction of the Timothy Branch trail.

8. Prior to approval of a final plat, the applicant and the applicant's heirs, successors, and/or assignees shall provide a draft public use easement agreement or covenant for the Timothy Branch trail, to The Maryland-National Capital Park and Planning Commission (M-NCPPC), Prince George's County Department of Parks and Recreation, for approval. The easement agreement shall contain the rights of M-NCPPC, be recorded in land records, and the book/page shown on the final plat, prior to recordation. The final plat shall reflect the location and extent of the easement, in accordance with the approved detailed site plan.
9. In conformance with the recommendations of the 2009 *Approved Countywide Master Plan of Transportation*, and the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment*, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following bicycle and pedestrian facilities, and shall show these facilities on the detailed site plan prior to acceptance:
 - a. The master-planned Timothy Branch trail along the property's McKendree Road frontage, and along the eastern edge of the property.
 - b. Five-foot-wide sidewalks along both sides of Private Street A, on its western and northern segments; along the west side of Private Street A, on its eastern segment; and on Parcels F, H, and J, in order to provide pedestrian access to the fronts of the private lots.
 - c. Americans with Disabilities Act accessible curb ramps and marked crosswalks along the access points on McKendree Road and throughout the entire site.
 - d. Shared lane markings (sharrows) along the frontage of McKendree Road, unless modified by the operating agency with written correspondence.

This condition shall not be construed to remove the applicant's right to request waivers or departures at the time of detailed site plan, in conformance with Section 27-3614 of the Prince George's County Zoning Ordinance which, if approved, may modify the above requirements.

10. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised, as follows:
 - a. Add the updated tree conservation approval block with the Development Review Division column.
 - b. Show updated stormwater management (SWM) facilities on the plan, consistent with the revised approved SWM concept plan.
 - c. Have the revised plan signed and dated by the qualified professional preparing the plan.
11. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-019-2023). 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 (TCP1-019-2023), or as modified by a future Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/ Tree Preservation Policy.”

12. Prior to the issuance of permits for this subdivision, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:

“This plat is subject to the recordation of a Woodland Conservation Easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 Tree Conservation Plan, when approved.”

13. At the 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.”

14. Prior to acceptance of the detailed site plan, the conceptual erosion and sediment control plan shall be submitted. The limits of disturbance shall be consistent between the Type 2 tree conservation plan and the conceptual erosion and sediment control plan.
15. Prior to acceptance of the detailed site plan, the location of stormwater management (SWM) features on the Type 2 tree conservation plan shall be reflective of the approved SWM concept plan. The limits of disturbance shall be consistent between the plans.
16. Prior to signature approval of the preliminary plan of subdivision (PPS), the applicant shall submit an approved, revised stormwater management (SWM) concept plan. The stormwater facilities shall be consistent between the SWM concept plan, Type 1 tree conservation plan, and PPS.
17. Prior to signature approval of the preliminary plan of subdivision, a copy of the approved concept erosion and sediment control plan shall be submitted, so that the limit of disturbance for the project can be verified and shown on the Type 1 tree conservation plan.
18. Prior to the 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 federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

19. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey land to the homeowners association, as identified on the approved preliminary plan of subdivision. Land to be conveyed shall be subject to the following:
 - a. A copy of the recorded deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division of the Prince George's County Planning Department.
 - b. All waste matter of any kind shall be removed from the property, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
 - c. The conveyed land shall not suffer the disposition of construction materials or soil filling, other than the placement of fill material associated with permitted grading operations, that are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.
 - d. Any disturbance of land to be conveyed to the association shall be in accordance with an approved site plan and tree conservation plan. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls.
 - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to the association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by the Development Review Division of the Prince George's County Planning Department.
 - f. The Prince George's County Planning Board, or its designee, shall be satisfied that there are adequate provisions to ensure retention and future maintenance of the property to be conveyed.
20. Prior to acceptance of the detailed site plan, the plan shall show the recommended noise wall needed to mitigate noise to below 55 dBA/Leq during the hours of 10:00 p.m. to 7:00 a.m. on Lots 24–29, and an associated detail.
21. Prior to approval of a building permit for any dwelling located on Lots 24–29, 30, 40, 41, 56, 57, or 79, as identified by the preliminary plan of subdivision, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permit, stating that the building shell or structure has been designed to reduce interior noise levels in the dwellings to 45 dBA or less.
22. Prior to approval of a final plat, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a homeowners association has been established for the subdivision. The draft covenants shall be submitted to the Subdivision Section of the Development Review Division of the Prince George's County Planning Department, to ensure that the rights of The Maryland-National Capital Park and Planning Commission are included.

The book/page of the declaration of covenants shall be noted on the final plat, prior to recordation.

23. Prior to acceptance of the detailed site plan (DET), the applicant shall provide a revised noise study which shows the final locations of the dwelling units and noise barriers, and which shows the location of the mitigated 55 dBA/Leq noise contour, modeled using both the dwellings and noise barriers. The DET shall reflect the location of the mitigated 55 dBA/Leq noise contour as it is shown in the noise study.

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

1. The subdivision, as modified with conditions, meets the applicable legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject property measures 12.86 gross acres and is located on the north side of McKendree Road, approximately 420 feet west of its intersection with US 301 (Robert Crain Highway). The property is described by deed in Book 42959 page 328 of the Prince George's County Land Records and is not subject to any prior record plat. The property is in the Residential, Single-Family-Attached (RSF-A) Zone and is subject to the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (master plan), applicable provisions of Subtitles 24 and 27 of the Prince George's County Code, and other applicable plans, as outlined herein.

The property is currently improved with a single-family dwelling and associated accessory structures, which are to be razed. The subject preliminary plan of subdivision (PPS) allows subdivision of the property into 79 lots and 13 parcels for the development of 79 single-family attached dwelling units. The site was previously subject to prior PPS 4-07040; however, this PPS has expired, and the property never received final plat approval, in accordance with the prior PPS. A new PPS is required for the division of land and construction of multiple dwelling units, pursuant to Section 24-3402(b)(3) of the Prince George's County Subdivision Regulations. In accordance with Section 24-4503 of the Subdivision Regulations, this PPS is supported by, and subject to, an approved Certificate of Adequacy, ADQ-2022-071.

The site includes environmental features located on the west side of the property, most of which are located on Parcel A of the PPS. This parcel is to be conveyed to The Maryland-National Capital Park and Planning Commission (M-NCPPC), pursuant to Section 24-4601(b)(4)(A)(i) of the Subdivision Regulations. This conveyance is discussed further in the Parks and Recreation finding of this resolution. Other parcels within the development will contain private streets, alleys, open space, and stormwater management (SWM) facilities; these parcels will be conveyed to a homeowners association (HOA). The site will also feature a section of the master-planned Timothy Branch trail, on the east side of the property.

This PPS also approves a variance to Section 25-122(b)(1)(G) of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO), to permit the removal of two specimen trees. This variance is discussed in the Environmental finding of this resolution.

3. **Setting**—The subject site is located on Tax Map 164 in Grid F-1, and it is within Planning Area 85A. East and northeast of the property are two commercial properties, known as Parcel B and Parcel C, featuring a convenience store with gas pumps and an auto repair shop, respectively. Parcel B also features preserved woodland located northeast of the subject property. These parcels are subject to PPS 4-02087 and Detailed Site Plan DSP-01020, including subsequent amendments of the DSP, and are within the Commercial, Service (CS) Zone, with the exception of a portion of Parcel B, which is in the Rural Residential (RR) Zone.

Northwest of the subject property is a vacant property in the Cadillac Crossing subdivision known as Parcel 13, zoned CS. West of the subject property is wooded open space owned by the HOA of the Rose Creek Estates subdivision, zoned RR. The Rose Creek Estates subdivision consists of single-family detached dwellings.

South of the subject property is McKendree Road, with the Dobson Ridge subdivision beyond. The Dobson Ridge subdivision is in the RSF-A Zone and is subject to PPS 4-20002 and DSP-20007-01. This subdivision consists of single-family attached dwellings and is currently under construction.

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

	EXISTING	EVALUATED
Zones	RSF-A	RSF-A
Use(s)	Residential single-family detached	Residential single-family attached
Acreage	12.86	12.86
Parcels	1	13
Lots	0	79
Dwelling Units	1	79
Commercial Gross Floor Area	0	0
Subtitle 25 Variance	No	Yes (Section 25-122(b)(1)(G))
Variation	No	No

The subject PPS-2022-025 was accepted for review on October 18, 2023. Pursuant to Section 24-3305(e) of the Subdivision Regulations, this PPS was referred to the Subdivision and Development Review Committee, which held a meeting on October 27, 2023, where comments were provided to the applicant. Revised plans were received on November 21, 2023, which were used for the analysis contained herein.

5. **Previous Approvals**—The property was previously subject to PPS 4-07040, which was approved by the Prince George’s County Planning Board on October 18, 2007 (PGCPB Resolution No. 07-197), for development of eight lots and one parcel to support eight single-family detached dwelling units. A final plat was never recorded for the property and the PPS has expired.

Some of the conditions of the prior PPS are similar to the conditions applicable to the subject PPS. In addition, another condition in the prior PPS, that is relevant to the subject PPS, is discussed here:

15. **Prior to the issuance of the grading permit, a note shall be affixed to the preliminary plan that requires that the structures are to be razed and the well and septic systems properly abandoned.**

The PPS contains a note stating that prior to the issuance of the grading permit, the existing structures on the property shall be razed and the existing well and septic systems shall be properly abandoned (General Note 35). Because this note is already in place on this PPS, this condition does not need to be carried forward.

6. **Community Planning**—Pursuant to Section 24-4101(b)(1) of the Subdivision Regulations, consistency with the 2014 *Plan Prince George’s 2035 Approved General Plan* (Plan 2035) and conformance with the master plan are evaluated, as follows:

Plan 2035

Plan 2035 places this property in the Established Communities Growth Policy Area. “Established communities are most appropriate for context-sensitive infill and low- to medium-density development” (page 20). Based on the proposed density of 9.5 dwelling units per acre, the subject single-family attached development is found to consist of medium-high density residential development, as it is categorized by Plan 2035 (page 100). Plan 2035 considers residential medium-high density development to have a density of between 8 and 20 units per acre, and at 9.5 dwelling units per acre, the subject property would be at the lower end of this range. The property is surrounded by developed properties to the east and west, and other townhouses are being developed to the south, within the Dobson Ridge subdivision. For these reasons, the development is found to be context-sensitive.

In the Established Communities Growth Policy Area, Plan 2035 also recommends “maintaining and enhancing existing public services (police and fire/EMS), facilities (such as libraries, schools, parks, and open space), and infrastructure in these areas (such as sidewalks) to ensure that the need of the existing residents are met” (page 20). The proposed development will not inhibit the County’s ability to maintain or enhance existing public services or facilities, as discussed in the Public Facilities finding of this resolution. The proposed development will enhance the County’s open space network, as discussed in the Parks and Recreation finding of this resolution, and will provide infrastructure to meet the needs of residents, including sidewalks, a trail, private streets and alleys, water and sewer service, and SWM. For these reasons, the PPS is found to be consistent with Plan 2035.

Master Plan

According to Plan 2035, all planning documents which were duly adopted and approved prior to the date of adoption of Plan 2035 remain in full force and effect (except for the designation of tiers, corridors, and centers), until those plans are revised or superseded. The master plan recommends a future land use of residential medium-high density development on the subject property (See Map IV- 1: Future Land Use, page 32, and Map IV-4: Brandywine Community Center and Surrounding Area, page 49). Pursuant to Section 24-4101(b)(1), the subject development conforms to the land use recommendation of the master plan.

Sectional Map Amendment/Zoning

The sectional map amendment (SMA) associated with the master plan reclassified the subject property from the Commercial Miscellaneous and Rural Residential Zones to the Residential Townhouse(R-T) Zone. On November 29, 2021, the Prince George's County District Council approved Prince George's County Council Resolution CR-136-2021, the Countywide Sectional Map Amendment, which reclassified the subject property from the R-T Zone to the RSF-A Zone, effective April 1, 2022.

7. **Stormwater Management**—Pursuant to Section 24-4303(b) of the Subdivision Regulations, a PPS shall not be approved until evidence is submitted that a SWM concept plan has been approved by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). An approved SWM Concept Plan (47842-2022-00) and associated approval letter were submitted with this PPS. The plan shows the use of one large, submerged gravel wetland facility to treat stormwater runoff. The plan was approved on October 4, 2023, and expires on October 4, 2026. The approval letter requires payment of a SWM fee-in-lieu.

After further review, DPIE determined changes were needed to the approved SWM concept plan, and that an updated approved SWM concept plan and letter would be required (See DPIE referral memorandum dated November 1, 2023, incorporated by reference herein). The applicant submitted a revised, unapproved SWM concept plan which, in addition to a submerged gravel wetland, shows a micro-bioretenention facility, a bioswale, and a planter box. The PPS and Type 1 tree conservation plan (TCP1) show SWM facilities consistent with the revised SWM concept plan. It is not anticipated that any further revisions to the SWM facilities, needed to obtain a revised approval from DPIE, will result in the need for additional parcels, cause significant revisions to the subdivision layout, or result in impacts to the primary management area (PMA) on-site. Prior to signature approval of the PPS and the TCP1, the revised approved SWM concept plan and associated approval letter shall be submitted, to ensure that the SWM facilities remain consistently shown on all three plans.

Development of the site, in conformance with the SWM concept approval and any subsequent revisions, to ensure that no on-site or downstream flooding occurs, satisfies the requirements of Sections 24-4303 and 24-4403 of the Subdivision Regulations.

8. **Parks and Recreation**—This PPS has been reviewed for conformance with the requirements and recommendations of Plan 2035, the master plan, the 2022 *Land Preservation, Parks and Recreation Plan for Prince George's County* (LPPRP), the 2013 *Formula 2040: Functional*

Master Plan for Parks, Recreation and Open Space (Formula 2040), and the Subdivision Regulations, as they pertain to public parks and recreational facilities.

Park and recreation amenities serving the subject property include the Rose Creek Connector trail, located in the Rose Creek Estates community west of the site. This trail continues into the Chaddsford community, located north of the site (north of Chadds Ford Drive). Other park facilities include the Southern Area Aquatic and Recreation Complex, approximately 3.0 miles northeast; Brandywine-North Keys Park, approximately 4.6 miles northeast; and Accokeek East Park, approximately 3.8 miles northwest. Cedarville State Forest is located approximately 5.6 miles southeast of the subject site.

Master Plan Conformance

The master plan indicates that M-NCPPC owns approximately 261 acres of parkland in the planning area. The plan recommends acquisition of additional land along the Timothy Branch stream. Given that the PPS will dedicate public parkland, as discussed below, the PPS aligns with the intentions of the applicable plans to provide natural undeveloped land in the subregion, and to support the recreational needs of existing development and future residents.

Subdivision Regulations Conformance

Section 24-4601 of the Subdivision Regulations, which relates to mandatory dedication of parkland, provides for the dedication of land, the payment of a fee-in-lieu, and/or the provision of private recreational facilities to meet the park and recreation needs of the residents of the subdivision. The requirement shall be met via dedication of stream valley parkland, pursuant to Section 24-4601(b)(4)(A)(i).

Section 24-4601(b)(4)(A)(i) permits “the dedication of land identified for preservation as part of a stream valley park on a Functional Master Plan, Area Master Plan, or Sector Plan, with a finding there is reasonable active recreation in the general area, and that any trails shown on the plans are provided and dedicated” to conform to the mandatory parkland dedication requirement. As previously stated, the master plan recommends the acquisition of additional parkland along the Timothy Branch stream (page 138). The PPS includes conveyance of Parcel A (4.62 acres) to M-NCPPC as stream valley parkland, and includes development of a section of the Timothy Branch trail on-site. The dedication of Parcel A and the construction of the Timothy Branch trail align with the master plan recommendations, as well as the recommendations of the 2009 *Approved Countywide Master Plan of Transportation* (MPOT). There are reasonable active recreation opportunities in the area, as listed above. For these reasons, the requirements of Section 24-4601(b)(4)(A)(i) are satisfied.

Recognizing the applicant’s need to provide on-site woodland conservation to meet the requirements of the WCO, the Prince George’s County Department of Parks and Recreation has consented to the placement of woodland conservation easements on the land to be dedicated to M-NCPPC, and they will provide a memorandum to Environmental Planning staff giving this permission no later than at the time of the Type 2 tree conservation plan (TCP2).

The mandatory dedication of parkland, shown on the subject PPS, will meet the recreational needs of the future residents of this community. The dedication will be in conformance with applicable plans and the requirements of Subtitle 24, as they pertain to parks and recreation facilities.

Public Use of the Timothy Branch Trail

The portion of the Timothy Branch trail on-site shall have an associated public use easement established, to ensure the public's accessibility to the master-planned trail. The width of this easement may vary, but it shall generally be wider than the trail itself to allow a 2- to 3-foot-wide maintenance strip on either side of the trail. A maintenance strip would not be needed on the west side of the trail, where the trail abuts a roadbed (as currently shown on the PPS), but the 2018 *Prince George's County Landscape Manual* (Landscape Manual) may require a planting strip in between the trail and the roadbed, in which case a maintenance strip should be provided. Further discussion of the Landscape Manual requirements, as they pertain to the trail, is included in the Urban Design finding of this resolution.

At the time of detailed site plan (DET), the alignment of the trail shall be refined to ensure the Landscape Manual requirements are met. The width of the associated public use easement shall also be determined at that time, based on the alignment of the trail. The extents of the easement shall be reflected on the final plat for the development, prior to approval.

A trail spur, approximately 10 feet long, may be appropriate to provide (at the time of DET) between the Timothy Branch trail and the eastern property line, to facilitate bicycle and pedestrian cross access between the subject site and the commercial property to the east. If this spur is provided, the public use easement shall be extended over it. Further discussion of cross access is included in the Transportation finding of this resolution.

9. **Transportation**—This PPS was reviewed for conformance with the master plan, MPOT, and Subdivision Regulations, to provide the appropriate transportation facilities.

Master Plan Conformance

Master Plan Right of Way

The subject site has frontage along master-planned roadway McKendree Road, which is identified in the MPOT and master plan as a major collector (MC-502), with a recommended right-of-way (ROW) width of 100 feet. The PPS accurately displays the master plan ROW and a ROW dedication of 0.275 acre to satisfy dedication requirements.

Master Plan Pedestrian and Bike Facilities

Two master-planned pedestrian and bicycle facilities affect the subject site. McKendree Road is designated as a shared roadway and the Timothy Branch trail is recommended to pass through the site.

The MPOT provides policy guidance regarding multimodal transportation, and the Complete Streets element of the MPOT recommends how to accommodate infrastructure for people walking and bicycling (pages 9–10):

Policy 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.

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

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

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

The master plan recommends the following policies that are applicable to the subject property (page 118):

- **Promote pedestrian and bicycle opportunities as part of a multi-modal transportation network.**
- **Connect a spine network of trails to the most populated areas.**
- **Promote and encourage cycling and walking for commuting purposes as an alternative to driving a car.**

The site plan includes a 10-foot-wide master plan trail along the east side of the site, that fulfills the intent of the Timothy Branch trail. The applicant shall provide shared lane markings along the frontage of McKendree Road, unless modified by the operating agency, to meet master plan conformance. The site plan also includes sidewalks along the frontage of McKendree Road and along internal roadways. Crosswalks shall be provided throughout the site for continuous pedestrian connections. Providing these facilities will meet the bicycle and pedestrian recommendations of the MPOT and master plan.

Zoning Ordinance Development Standards – Access and Circulation

The PPS shows the vehicular and pedestrian circulation throughout the site, which will also be required to be reflected on the future DET, as required by Section 27-6204 of the Prince George's County Zoning Ordinance. The PPS shows two full movement access points along McKendree Road, and 5-foot-wide sidewalks along both sides of the internal roadways. Sidewalks are not shown on the open space parcels, to provide connections from the private streets to the fronts of the units; these shall be shown on the DET.

Section 27-6206(f)(1) of the Zoning Ordinance requires a minimum internal street connectivity index score of 1.50 for new single-family residential subdivisions located in a residential zone. The PPS includes a plan sheet showing that, based on the street and alley layout, the development

will achieve a connectivity index of 1.75. Conformance with the street connectivity index requirement will be further analyzed with the DET.

Section 27-6903(a)(1) of the Zoning Ordinance requires a secondary point of vehicular access to or from the site, to ensure emergency vehicle access, if feasible. This requirement is met because the PPS shows two entrances along McKendree Road to the development.

Sections 27-6207(b) and 27-6208(b) of the Zoning Ordinance contain requirements for cross access between adjoining developments' internal pedestrian and bicycle circulation systems (respectively), which apply to this site. These sections would require cross access to the commercial property to the east. The applicant requested waivers for providing cross access in their statement of justification (SOJ) submitted November 21, 2023. To justify the waiver requests, the applicant stated that development on the adjoining commercial property was approved, without anticipating any inter-parcel connections to the subject property, and that the adjoining development was, therefore, not designed to receive cross access. The applicant further stated that this would create liability and operational issues for both properties, as well as crime prevention through environmental design issues, regarding inconsistencies in design elements, parking, natural features, obstacles, and visual obstructions. They also stated that grading differences between the properties would make cross access infeasible.

A connection between the subject property and the commercial development which currently exists may indeed result in the issues cited by the applicant; the gas station and auto repair shop both have their rear service areas oriented to the subject property, and a sidewalk or trail connection to these areas could result in safety and security issues, given that they are not designed to accommodate visitors. However, the applicant would not be required to provide a connection to the existing uses, but rather only to the subject property's eastern property line. When the commercial properties redevelop, it would be the responsibility of their developers to redesign the sites in such a way as to accommodate cross access by providing a continuation of the connection, grading to support the connection, and appropriately located building entrances for visitors coming from the west. Based on the information available at the time of this PPS, it does not appear that there are any environmental site design requirements, topographic features, natural features, visual obstructions, parking space locations, mature trees, or safety factors which would prevent the applicant from providing a bicycle and pedestrian connection to their own eastern property line. The PPS already shows the master-planned Timothy Branch trail along the subject property's eastern boundary, and cross access could be achieved if a short spur of the trail (approximately 10 feet long, extending eastward from the trail) was located along its length, appropriately distanced from McKendree Road, in order to not create a route duplicative of the road's frontage sidewalk.

Sections 27-6207(b) and 27-6208(b) also require cross access to Parcel 13, located to the northwest. This vacant property is commercially zoned. However, any cross access to this parcel would need to cross the Timothy Branch stream and associated environmental areas. Cross access from the subject property to the west would be inappropriate, due to the protected environmental features.

Cross access should be further analyzed at the time of DET, when buildings and other site features are finalized, at which time conformance with the applicable criteria should be demonstrated and/or any request for waiver submitted. For these reasons, waivers for cross access are not granted, at this time; waivers may be requested and evaluated at the time of DET. If cross access is found to be appropriate, at the time of DET, to provide to the commercial property to the east, the DET should locate the cross access along the Timothy Branch trail. The DET should show a spur of the trail and an extension of the trail's public use easement to create the subject property's portion of the cross-access connection.

Based on the preceding findings, the access and circulation are sufficient, at the time of this PPS, and will conform to the design standards outlined in Section 27-6200 of the Zoning Ordinance. Conformance to the requirements of Section 27-6200 will be further evaluated with the DET. The vehicular, pedestrian, and bicycle transportation facilities will serve the subdivision; meet the required findings of Subtitle 24; and conform to the master plan and MPOT.

10. **Public Facilities**—This PPS was reviewed for conformance to the master plan, in accordance with Section 24-4104(b)(1) of the Subdivision Regulations. The master plan identifies goals for public facility adequacy in its vision and policy statement as follows:

- **Needed public facilities are provided at locations that effectively serve the existing and future population.**
- **Schools operate at 100 percent capacity or less to provide an effective, quality learning environment.**
- **Priority is given to funding public facilities to support development in the Developing Tier policy area.**
- **All new public facilities are constructed to LEED standards, or the equivalent and existing buildings will be retrofitted to make them energy efficient.**

The development will not impede achievement of the above-referenced goals. This PPS is subject to ADQ-2022-071, which established that pursuant to adopted tests and standards, public safety facilities are adequate to serve the development. The master plan does not propose any police, fire and emergency medical service facilities, schools, or libraries on the subject property. Land is required to be dedicated as stream valley parkland, as discussed in the Parks and Recreation finding of this resolution.

The 2008 *Approved Public Safety Facilities Master Plan* also provides guidance on the location and timing of upgrades and renovations to existing facilities and construction of new facilities; however, none of its recommendations affect the subject site.

The subject property is located in Sustainable Growth Tier I and is served by public water and sewer, as required by Section 24-4404 of the Subdivision Regulations. Pursuant to Section 24-4405 of the Subdivision Regulations, the 2018 *Water and Sewer Plan* placed this

property in water and sewer Category 4, “Community System Adequate for Development Planning.” Category 4 includes properties inside the envelope eligible for public water and sewer for which the subdivision process is required. An administrative change to water and sewer Category 3 will be required prior to approval of a final plat.

11. **Public Utility Easement**—Section 24-4401 of the Subdivision Regulations requires that, when utility easements are required by a public company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

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

The standard requirement for public utility easements (PUE) is given in Section 24-4205 of the Subdivision Regulations. PUEs must be located outside of the sidewalk and must be contiguous to the ROW. The subject site has frontage along the existing public ROW of McKendree Road. A PUE is shown along McKendree Road, in the required configuration.

In addition, the PPS depicts PUEs internal to the development along the private alleys and Private Road A. The standard requirement for private roads is that a PUE be provided along at least one side. Private Road A has three segments, one on the west side of the site, one on the north side of the site, and one on the east side of the site. The PPS shows a PUE along the west side of the west segment and along the north side of the north segment. However, no PUE is shown along the east segment.

Discussion with the applicant indicated that the applicant did not provide a PUE along the west side of the east road segment due to the proximity of some of the townhouse end units. The applicant considered putting a PUE on the east side of the road segment instead. However, this placement may conflict with the master-planned trail, landscape buffer, and stormdrains currently provided on the east side of the road segment. Prior to signature approval of the PPS, the plan shall be revised to show a PUE along the west side of the road segment, to avoid conflicts with the infrastructure on the east side. However, placement of the PUE on the east side may still be considered, at the time of DET, should the plan demonstrate that these conflicts will be avoided.

12. **Historic**—The master plan contains goals and policies related to historic preservation (pages 155–158). However, these are not specific to the subject site or applicable to the subject development. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicated the probability of archeological sites within the subject property was high. A Phase I archeology survey was completed in 2006; no archaeological sites were identified. Several 20th century buildings, including a ranch-style dwelling, three small frame outbuildings, and a fourth outbuilding, were photographed. It was determined that no additional archaeological investigations were necessary on the subject site. The subject property does not contain, and is not adjacent to, any designated Prince George’s County historic sites or resources.

13. **Environmental**—The PPS is in conformance with the environmental regulations of Section 24-4300 of the Subdivision Regulations and Section 27-6800 of the Zoning Ordinance, as discussed herein.

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

Review Case Number	Associated Tree Conservation Plan Number	Authority	Status	Action Date	Resolution Number
NRI-082-05	N/A	Staff	Approved	9/15/2005	N/A
NRI-082-05-01	N/A	Staff	Approved	11/23/2005	N/A
4-05121	TCP1-002-06	N/A	Withdrawn	5/18/2006	N/A
4-06081	N/A	N/A	Withdrawn	1/9/2007	N/A
4-07040	TCP1-002-06	Planning Board	Approved (Expired)	10/18/2007	07-197
NRI-082-05-02	N/A	Staff	Approved	3/16/2021	N/A
PPS-2022-025	TCP1-019-2023	Planning Board	Approved	1/4/2024	2024-002

Grandfathering

The project is subject to the current environmental regulations and woodland conservation requirements contained in Subtitles 24, 25, and 27 because it is a new PPS.

Environmental Conformance with Applicable Plans

Plan 2035

The site is located within Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map; within the Established Communities of the General Plan Growth Policy Map; and within the residential medium-high density area of the Generalized Future Land Use Map, as designated by Plan 2035.

Master Plan

The Environment section of the master plan contains eight subsections (A–H), each of which contains policies and strategies. Of these, subsections A–E are relevant to the review of this PPS. The text in **bold** below is the text from the master plan, and the plain text provides comments on plan conformance.

A. Green Infrastructure

- **Implement the master plan’s desired development pattern while protecting sensitive environmental features and meeting the full intent of environmental policies and regulations.**
- **Ensure the new development incorporates open space, environmental sensitive design, and mitigation activities.**
- **Protect, preserve, and enhance the identified green infrastructure network.**

The site contains a mapped regulated area within the 2017 *Countywide Green Infrastructure Plan* of the *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan). This area is located along the on-site Timothy Branch stream system. The woodland and open areas adjacent to the regulated area are mapped as an evaluation area within the Green Infrastructure Plan. These areas are the highest priority for preservation of regulated environmental features (REF) and woodland. No special conservation areas are identified on-site.

The master plan has identified a secondary corridor on-site, which is the Timothy Branch stream that runs from the north to the south, along the western portion of the site. Secondary corridors are areas where connectivity is critical to the long-term viability and preservation of the green infrastructure network, and they are critical to preserving the subregion's water quality.

The WCO requires priority be placed on the preservation and planting of floodplain, wetlands, stream corridors, and emphasizes the preservation of large contiguous woodland within the green infrastructure network.

The Timothy Branch stream is part of the Mattawoman Creek watershed and is designated by the state as a Tier II waterway, which are waters that have an existing water quality that is significantly better than the minimum water quality standards. The approved natural resources inventory (NRI) and the submitted TCP1 show the delineation of the Tier II buffer.

The on-site woodlands will be retained, except for a small clearing impact to connect to an existing sanitary sewer line.

The on-site stream system, Timothy Branch, will be impacted for a utility connection and road improvements. Reforestation will occur within unforested floodplain areas and adjacent to the on-site floodplain, to expand the riparian stream buffer to meet the woodland conservation requirement.

The site is required to provide bio-retention and infiltration per the approved SWM concept approval letter. Impacts to this sensitive area have been limited to those required, or only necessary for development, such as one sanitary sewer connection.

The MPOT and master plan call for pedestrian connections and stream valley trails associated with the Timothy Branch stream. The plans show a location for the required master-planned trail.

The applicant has minimized the impacts to the PMA and will meet the woodland conservation requirement for the project with on-site preservation, reforestation, and off-site woodland credits. The minimization of impacts and meeting the woodland

conservation requirements satisfy the environmental policies and strategies outlined in the master plan.

B. Water Quality, Stormwater Management, and Groundwater

- **Encourage the restoration and enhancement of water quality in degraded areas and the preservation of water quality in areas not degraded.**
- **Protect and restore groundwater recharge areas such as wetlands and the headwater areas of streams.**

The SWM design is required to be reviewed and approved by DPIE, to address surface water runoff issues, in accordance with Subtitle 32, Water Quality Resources and Grading Code. This requires that environmental site design be implemented to the maximum extent practicable.

The site has an approved SWM Concept Plan (47842-2022-00) which was submitted with this PPS. The SWM concept plan proposed one large, submerged gravel wetland facility. After further review, DPIE requested changes to the approved SWM concept plan. This updated plan, an associated approval letter, and any changes to the PPS and TCP1 needed for consistency with the re-approved SWM concept plan, will be required to be submitted prior to signature approval of the PPS. The development includes one sanitary sewer line connection that will impact the PMA, 100-year floodplain, and stream buffer. The wetlands on this property are being preserved with this PPS.

C. Watersheds

- **Ensure that, to the fullest extent possible, land use policies support the protection of the Mattawoman Creek and Piscataway Creek watersheds.**
- **Conserve as much land as possible, in the Rural Tier portion of the watershed, as natural resource land (forest, mineral, and agriculture).**
- **Minimize impervious surfaces in the Developing Tier portion of the watershed through use of conservation subdivisions and environmentally sensitive design and, especially in the higher density Brandywine Community Center, incorporate best stormwater design practices to increase infiltration and reduce run-off volumes.**

This PPS is for the construction of a residential subdivision on an existing single-family parcel, with environmentally sensitive woodlands along the western boundary. These woodlands contain the Timothy Branch stream system. The area around the former homestead contains open maintained areas, along with edge and woodland areas. The floodplain area contains open areas that will be planted with native plants to the fullest extent possible. There are 2.30 acres of woodland areas outside of the PMA associated with the floodplain. The TCP1 shows clearing of 2.17 acres of these woodlands for

adequate grading for stormwater. Reforestation and woodland preservation will take place adjacent to the on-site PMA. Woodland clearing of 0.03 acre is necessary for a sanitary sewer connection to an existing on-site sanitary sewer line that parallels the Timothy Branch stream. All the remaining PMA woodland areas will be preserved, and the open floodplain areas will be reforested.

The subject property is located within Environmental Strategy Area 2, which was formerly the developing tier. All development on the subject site will be outside the environmentally sensitive areas except for one impact to connect to the on-site sanitary sewer pipe. The remaining regulated areas will be preserved. The use of environmentally sensitive design is proposed with the SWM concept plan.

D. Chesapeake Bay Critical Area

- **Ensure that, to the fullest extent possible, land use policies support the protection of the Mattawoman Creek and Piscataway Creek watersheds.**

The subject property is not located in the Chesapeake Bay Critical Area.

E. Air Quality and Greenhouse Gas Emissions

- **Reduce air pollution through transportation demand management (TDM) projects and programs.**
- **Promote “climate-friendly” development patterns through planning processes and land use decisions.**
- **Increase awareness of the sources of air pollution and greenhouse gas emissions.**

Air quality is a regional issue that is currently being addressed by the Council of Governments.

Conformance with the Green Infrastructure Plan

The site contains both regulated and evaluation areas within the designated network of the Green Infrastructure Plan. The conceptual design, as reflected on the PPS and the TCP1, is in keeping with the goals of the Green Infrastructure Plan and focuses development outside of the most sensitive areas of the site. A detailed evaluation of major green infrastructure components is provided in the master plan conformance finding above, regarding subsection A (Green Infrastructure) of the Environment section of the master plan.

Environmental Review

Natural Resources Inventory

Section 27-6802 of the Zoning Ordinance requires an approved NRI with PPS applications. A copy of NRI-082-05-02 (approved March 16, 2021) was submitted with the subject PPS. The site

contains 100-year floodplain, wetlands, streams, and their associated buffers which comprise the PMA along the western portion of the site. There are five specimen trees scattered throughout the woodland areas of the property. The TCP1 and the PPS show all the required information correctly in conformance with the NRI. No revisions are required for conformance to the NRI.

Woodland Conservation

This project is subject to the provisions of the 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. TCP1-019-2023 was submitted with the PPS.

Based on the TCP1, the gross tract area is 12.86 acres. The site has 4.54 acres of 100-year floodplain and a net tract area of 8.32 acres. The site contains 2.30 acres of woodland on the net tract and 3.37 acres of wooded floodplain.

The woodland conservation worksheet shows the removal of 2.17 acres in the net tract area, and 0.03 acre within the floodplain for a woodland conservation requirement of 3.39 acres. According to the TCP1 worksheet, the requirement is to be met with 0.12 acre of woodland preservation on-site, 0.74 acre of afforestation/reforestation on-site, and 2.53 acres of off-site woodland conservation credits. The NRI has identified five specimen trees on-site. Two on-site specimen trees are approved to be removed, as part of this PPS.

Currently, the TCP1 shows required infrastructure for the 79 single-family attached lots, such as interior private roads, alleys, water and sewer lines, stormwater structures, reforestation areas, specimen trees, one master plan trail, and a PMA clearing for one sanitary sewer connection.

Section 25-122(c)(1) of the WCO prioritizes methods to meet woodland conservation requirements. The applicant submitted an SOJ, dated November 16, 2023, concerning why the on-site woodland could not be retained. The woodland conservation worksheet on the submitted TCP1 shows a combination of on-site and off-site woodland conservation. The overall site contains 5.67 acres of woodland with 2.30 acres of net tract woodland found scattered throughout the formerly maintained residential area, and the remaining 3.37 acres of woodland located within the 100-year floodplain. The on-site woodland areas located outside the PMA are not large contiguous woodland areas. The fragmented woodland limits with the development make it hard to preserve large woodland areas. Topography within the net tract area drains from east to west towards the on-site Timothy Branch floodplain. The woodland conservation requirement of 3.39 acres is required to be met outside the floodplain area, which would limit the developable area. The existing woodland areas located outside of the floodplain cannot be preserved due to the amount of grading to maintain positive water drainage for the subdivision towards the proposed on-site stormwater facilities. Woodland reforestation will be provided adjacent to the floodplain and inside several open areas within the floodplain. There were several other open areas within the on-site floodplain that could be planted, but these areas are adjacent to unstable stream areas. The on-site woodland clearing and the request to use off-site woodland mitigation credits is approved.

Technical revisions to the TCP1 are required and included in the conditions of approval 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 the WCO is the Maryland Forest Conservation Act, which is codified under Title 5, Subtitle 16 of the Natural Resources Article of the Annotated Code of Maryland. Section 5-1611 of the Natural Resources Article requires the local jurisdiction to provide procedures for granting variances to the local forest conservation program. The variance criteria are set forth in Section 25-119(d) of the WCO. Section 25-119(d)(4) clarifies that variances granted under Subtitle 25 are not considered zoning variances.

The site contains five specimen trees having a condition rating from poor to fair. The current design will remove two of the on-site specimen trees.

Review of Subtitle 25 Variance Request

A Subtitle 25 variance application and an SOJ in support of a variance, dated August 11, 2023, were submitted.

Section 25-119(d)(1) of the WCO contains six required findings to be made before a variance can be granted. The SOJ seeks to address the required findings for the two specimen trees, and details specific to individual trees have been provided in the following chart.

SPECIMEN TREE SCHEDULE SUMMARY

ST Number	COMMON NAME	Diameter at Breast Height -DBH (In inches)	CONDITION	Retain/Remove
ST-21	red maple	34	Poor	Remove
ST-25	red maple	40	Fair	Remove

A variance to Section 25-122(b)(1)(G) is approved for removal of the two on-site specimen trees. The text in bold below, labeled A–F, are the six criteria listed in Section 25-119(d)(1). The plain text provides analyses of the criteria.

(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 property would cause an unwarranted hardship if the applicant were required to retain the two specimen trees identified as Specimen Trees ST-21 and ST-25. The entire property is partially wooded with open areas and existing structures. To develop the site, woodland

clearing and grading are required. ST-21 is located within the northern portion of the site and ST-25 is located adjacent to the eastern property line in the central portion of the site.

Retaining the two specimen trees and not impacting their critical root zone (CRZ) is not feasible due to the on-site grading required to provide adequate slope to drain stormwater. These two trees are in poor to fair condition. The TCP1 shows retention of the remaining three specimen trees, which are located within the PMA area on the western part of the property.

The proposed single-family attached residential development is a significant and reasonable use for the subject site, and it cannot be accomplished elsewhere on the site without additional variances and PMA impacts. Requiring the applicant to retain these two specimen trees on the site would further limit the area of the site available for development to the extent that it would cause the applicant an unwarranted hardship.

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

Enforcement of the requirement that all specimen trees be preserved, along with an appropriate percentage of their CRZ, would 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 were left undisturbed on a site for sufficient time to grow; however, the species, size, construction tolerance, and location on a site are all somewhat unique for each site. The site contains five specimen trees, and development of the site will remove two of these trees. The two trees requested for removal are due to tree condition, location on-site, and to provide the necessary infrastructure including grading for required SWM. Based on the location and species of the specimen trees to be removed, retaining the trees and avoiding disturbance to the CRZ would have a considerable 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 specimen trees requested for removal are located in the upland areas outside of the REFs.

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

Not granting the variance would prevent the site from being developed in a functional and efficient manner. This is not a special privilege that would be denied to other applicants. If other similar residential developments contained specimen trees and needed grading for SWM, they would be given the same considerations during the review of the required variance application.

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

The applicant has taken no actions leading to the conditions or circumstances that are the subject of the variance request. The request to remove the trees is solely based on the location of the trees on the site and their condition. These trees are requested for removal to achieve optimal development for the single-family attached dwelling subdivision with associated infrastructure.

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

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.

The removal of two specimen trees will not adversely affect 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.

The required findings of Section 25-119(d) have been adequately addressed for the removal of two specimen trees, identified as Specimen Trees ST-21 and ST-25. The variance for the removal of two specimen trees for construction of residential development is, therefore, approved.

Regulated Environmental Features

REFs are required to be preserved and/or restored to the fullest extent possible under Section 24-4300, the Environmental Standards of the Subdivision Regulations. The on-site REFs include streams, stream buffers, wetlands, wetland buffers, and steep slopes.

Section 24-4303(d)(5) of the Subdivision Regulations states: "Where land is located outside the Chesapeake Bay Critical Area Overlay (CBCAO) zones, the preliminary plan of subdivision (minor or major) and all plans associated with the application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state, to the fullest extent possible, consistent with the Environmental Technical Manual established in accordance with Subtitle 25: Trees and Vegetation, of the County Code. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required in accordance with Subtitle 27: Zoning Ordinance, of the County Code, for the reasonable development of the lot outside the regulated feature."

Impacts to the REFs should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use, orderly, and efficient development of the subject property, or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include,

but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for SWM facilities.

Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the REFs. SWM outfalls may also be considered necessary if the site has been designed to place the outfall at the point of least impact. The types of impacts that should be avoided include those for site grading, building placement, parking, SWM facilities (not including outfalls), and road crossings where reasonable alternatives exist.

The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with the County Code.

An SOJ, dated November 15, 2023, was submitted with the PPS for impacts to the PMA. The SOJ includes requests to impact 0.14 acre (5,940 square feet) of on-site PMA, for road improvements to McKendree Road and installation of one sanitary sewer pipe connection. This sewer connection will service the entire 79 single-family attached dwelling development. Specifically, the applicant requested approval of two impact areas, as described below:

Impact 1 - PMA impacts totaling 0.07 acre were requested for construction for a sanitary sewer connection. The impact area will disturb PMA, wetland buffer, stream buffer, and 100-year floodplain.

Impact 2 - PMA impacts totaling 0.07 acre were requested for ROW improvements to McKendree Road. The impact area will disturb PMA, wetland buffer, stream buffer, and 100-year floodplain.

The ROW improvements to McKendree Road are required by DPIE for the development, and the sanitary sewer connection will provide service to the entire 79 lot subdivision. The existing on-site sewer alignment goes along the entire western property line within the Timothy Branch floodplain. The impact locations are adjacent to McKendree Road and if located elsewhere on the site would result in greater PMA impacts. The two PMA impact areas are approved, and the REFs on the subject property have been preserved and/or restored to the fullest extent possible based on the limits of disturbance (LOD) shown on the TCP1.

Soils

Section 24-4101(c) of the Subdivision Regulations states that the Planning Board shall restrict or prohibit the subdivision of land found to be unsafe for development. The restriction or prohibition may be due to: (a) natural conditions, including but not limited to flooding, erosive stream action, high water table, unstable soils, severe slopes, or soils that are unstable either because they are highly erodible or prone to significant movement or deformation (Factor of Safety < 1.5), or (b) man-made conditions on the land, including but not limited to unstable fills or slopes.

According to the United States Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, soils present include Beltsville silt loam, Croom gravelly sandy loam, Grosstown gravelly silt loam, Potobac-Issue complex, and Woodstown sandy loam. Marlboro and Christiana clays are not found to occur on this property. There are no unsafe soils present on-site.

Erosion and Sediment Control

Section 24-4303(d)(7) of the Subdivision Regulations requires the approval of a concept grading, erosion and sediment control plan by the Soil Conservation District, prior to final approval of the PPS (minor or major), if required by Subtitle 32: Water Resources Protection and Grading Code, of this Code. The County does require the approval of an erosion and sediment control plan. The concept plan has not yet been approved by the Soil Conservation District, and the approved concept plan shall be submitted, prior to signature approval of the PPS. The TCP1 must reflect the LOD as shown on the approved concept plan, not only for the installation of permanent site infrastructure, but also for the installation of all temporary infrastructure, including erosion and sediment control measures, prior to signature approval of the PPS. A copy of the concept erosion and sediment control plan must also be submitted with the TCP2, so that the ultimate LOD for the project can be verified and shown on the TCP2.

Based on the preceding findings, the PPS conforms to the relevant environmental policies of the master plan and the Green Infrastructure Plan, and the relevant environmental requirements of Subtitles 24, 25, and 27.

14. **Urban Design**—The PPS includes 79 lots and 13 parcels for the development of 79 single-family attached (townhouse) dwelling units. The proposed use of this property in the RSF-A Zone is permitted, and this development will be required to file a DET, in accordance with Section 27-3605(a)(2)(N) of the Zoning Ordinance, since construction of more than 10 townhouse dwelling units is proposed. Section 27-4202(f)(2) of the Zoning Ordinance provides intensity and dimensional standards applicable to townhouse development in the RSF-A Zone as follows:

- Density: Maximum 16.33 dwelling units/net acre.
- Minimum lot area: No requirement
- Lot Width, Minimum: 20 feet. Applicable to the individual lots under townhouse units. The minimum lot width for the development lot as a whole shall be 100 feet.
- Lot Frontage (width) at front street line, Minimum: 16 feet
- Lot Coverage: Maximum 45 percent of net lot area. Applicable to the lot coverage of the development lot as a whole rather than individual lots under townhouse units.
- Front Yard Depth: Minimum 15 feet.

- Side Yard Depth: Minimum 8 feet. Applicable to the buildings on the edges of the development lot as a whole. Within the development lot as a whole, a minimum separation of 8 feet is required between buildings.
- Rear Yard Depth: Minimum 20 feet. May be reduced to 0 feet when a 20-foot-wide or wider alley is provided, or to a range between 5 and 10 feet when an alley less than 20 feet in width is provided.
- Principal structure height: Maximum 50 feet.

Based on the net lot area of 8.32 acres, the proposed density is 9.5 dwelling units per acre. According to the information available at this time in the PPS and TCP1, the above RSF-A intensity and dimensional standards will be met. Conformance will be confirmed at the time of the DET.

The following development standards should be addressed at the time of DET and will be further analyzed when more information is available:

- Section 27-6305(a) of the Zoning Ordinance requires that a minimum of two parking spaces per dwelling unit be provided for townhouse dwelling units in residential zones. In addition, per Section 27-6305(g) of the Zoning Ordinance, a minimum of one visitor parking space is required for every 20 dwelling units. Based upon the proposed 79 townhouse units, the minimum parking requirement is 158 resident parking spaces and four visitor parking spaces. The townhouse dwellings appear to provide two garage parking spaces per unit. Visitor parking spaces anticipated to exceed the minimum requirement are provided along Private Road A. Conformance to the parking requirements will be evaluated at the time of DET.
- Section 27-61603(a)(1)(B) of the Zoning Ordinance states that under the Zoning Ordinance's green building point system, this development will be required to achieve a minimum of 4 points.

Conformance with Open Space Set Aside Requirements

The development is required to provide a 20 percent minimum open space set-aside per Table 27-6403 of the Zoning Ordinance. For a site area of 12.86 acres, a minimum of 2.572 acres (112,036 square feet) is required to be placed in an open space set-aside. An exhibit was submitted by the applicant with the PPS demonstrating that this requirement will be met through the provision of natural features, SWM areas, landscape buffering, and passive recreation totaling 5.64 acres (245,713 square feet). Conformance with open space set-aside requirements will be confirmed at the time of DET.

Conformance with the Requirements of the 2018 Prince George's County Landscape Manual

The development is subject to the Landscape Manual. Conformance with the following requirements of the Landscape Manual will be evaluated at the time of DET: Section 4.1,

Residential requirements; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; Section 4.8, Building Frontage Landscape Requirements; Section 4.9, Sustainable Landscaping Requirements and Section 4.10, Street Trees (For Private Streets).

Per Section 4.1, the planting requirements for townhouses include a minimum of one and one-half major shade trees and one ornamental or evergreen tree per dwelling unit along the entire front and side building façades that face a street, and there shall be planted perennials or shrubs, as provided for in Table 4.1-1 of the Landscape Manual.

McKendree Road is a major collector road and historic roadway. Per Section 4.6, a minimum 20-foot-wide buffer is required to be planted with a minimum of 80 plant units per 100 linear feet of frontage. All plant material required by this section shall be located outside of PUEs adjacent to the ROW.

A buffering between incompatible uses is required, according to Section 4.7. The minimum bufferyard to be provided by the applicant along the east property line will be determined during the DET review. Currently, a 10-foot-wide bufferyard is shown on the PPS; the bufferyard shall be removed from the PPS, as its width is not approved with this PPS. The applicant may be able to utilize Section 4.7(c)(10)(E) to reduce the bufferyard width, which allows a reduction if a portion of the required bufferyard is located on the adjacent property.

Per Section 4.8, the development shall provide a minimum of eight percent planted area with a minimum of one shade tree for every 30 linear feet of building frontage area, excluding driveway openings. Calculations shall also be included.

Along the private streets, a minimum of one tree shall be planted per 40 linear feet on each side of the street, and a minimum of 48 square feet of surface area per tree shall be provided. Street trees provided according to Section 4.10 may be credited towards the building frontage zone requirements of Section 4.8. More requirements and design guidelines are provided in Section 4.10 of the Landscape Manual. Many of the sidewalks in the development, as well as the Timothy Branch trail, abut the roadbed of the streets they parallel. At the time of the DET, the applicant should consider moving these sidewalks to allow planting strips between the sidewalks and the roadbeds, as an alternative compliance (ACL) request would need to be approved, in order to omit the planting strips.

The Landscape Manual requirements are discussed for the purpose of evaluating the lotting pattern for conflict with future design requirements that will apply. Adjustments to the bufferyards, lots, or a request for ACL may be made, at the time of DET, such that the lotting pattern included with this PPS may be achieved. These options also do not preclude the removal of lots, if determined necessary, at the time of DET review.

Conformance with the 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 RSF-A are required to provide a minimum of 15 percent of the gross tract area in TCC. The

subject site is 12.86 acres and will be required to provide a minimum of two acres of the tract area in TCC. Conformance with this requirement will be evaluated at the time of DET. The PPS does not pose an impediment to achieving conformance with tree canopy coverage requirements.

15. **Noise**—The development is subject to the noise control standards contained in Section 27-6810 of the Zoning Ordinance. Section 27-6810(d) states the following:

Residential lots and uses that are adjacent to existing or planned streets classified as arterial or higher shall demonstrate that outdoor activity areas are mitigated to 65 dBA during the hours of 7:00 a.m. and 10:00 p.m., and 55 dBA during the hours of 10:00 p.m. to 7:00 a.m., and that interior noise levels are mitigated to 45 dBA or less through the submission of a noise study prepared and signed by a professional engineer with competence in acoustical engineering.

Portions of the development are within 300 feet of US 301, a freeway. The applicant submitted a noise study with the subject PPS, in order to study the effects of the noise generated by the freeway on the development. Outdoor activity areas within the development include the private rear yards of the dwellings.

The noise study evaluated average sound levels separately during the hours of 7:00 a.m. to 10:00 p.m. (daytime) and 10:00 p.m. to 7:00 a.m. (nighttime) for the outdoor activity areas, with the goal of demonstrating that noise will be mitigated in outdoor activity areas to no more than 65 dBA equivalent continuous sound level (Leq) during daytime hours and no more than 55 dBA/Leq during nighttime hours. The noise study also evaluated indoor noise, with the goal of ensuring that interior noise could be mitigated to be no more than 45 dBA/Leq during the loudest hour within a 24-hour period (a one-hour noise average).

For exterior noise, the noise study found that the rear yards of Lots 24–29 would be exposed to noise levels above 55 dBA/Leq during nighttime hours. In order to mitigate noise to below the required level in these rear yards, the noise study recommends a 6-foot-tall noise wall at the rear of the lots, extending along the rear lot lines of all six lots and a portion of the east side lot line of Lot 29 (page 11). The DET shall show this noise wall and an associated detail.

The PPS shows the locations of the unmitigated 65 dBA/Leq noise contour and the mitigated 55 dBA/Leq noise contour (at the 5-foot-level). The unmitigated 65 dBA/Leq contour is located off-site. The mitigated 55 dBA/Leq contour was calculated modelling the dwellings as barriers for noise, but not the required noise wall, and it therefore shows the rear yards of Lots 24–29 exposed to noise levels above 55 dBA/Leq. Prior to signature approval of the PPS, the PPS shall be revised to show the unmitigated 55 dBA/Leq noise contour (modeled without any barriers) instead of the mitigated contour. The position of the mitigated 55 dBA/Leq noise contour shall be determined at the time of the DET, when the locations of the dwelling and the noise wall are approved. At the time of DET, the applicant shall submit a revised noise study which accounts for any proposed changes in the positions of the dwelling and the required noise wall and shows what the mitigated 55 dBA/Leq noise contour will look like when both the dwellings and the noise wall are modeled as noise barriers.

For interior noise, the noise study recommends that the dwellings on Lots 24–29, 30, 40, 41, 56, 57, and 79 be provided with architectural upgrades in order to meet the standard stated in the Zoning Ordinance that interior noise be mitigated to be below 45 dBA. These upgrades include resilient channels as well as windows and doors made to achieve certain sound transmission class ratings (page 14).

As the study points out, the Zoning Ordinance is silent on how the 45 dBA goal should be calculated (page 3). Past practice for PPS evaluated under the prior Zoning Ordinance and Subdivision Regulations included a goal of 45 dBA day-night average sound level (Ldn), which is similar to a 45 dBA/Leq 24-hour noise average, but with a 10-decibel (dB) penalty to nighttime noise levels. The noise study assumed a goal of 45 dBA/Leq during the loudest hour during a 24-hour period, which is a more conservative goal than past practice because the averaging period is much shorter and contains the measurement period's highest noise levels. For this reason, the noise study appropriately identifies the dwellings which would need interior noise mitigation as well as the architectural upgrades appropriate to mitigate interior noise. For the lots identified by the noise study, at the time of building permit, the permits shall each include a certification by a professional engineer with competency in acoustical analysis, stating that the building shell or structure has been designed to reduce interior noise levels in the unit to 45 dBA or less.

16. **Citizen Feedback**—No written correspondence was received from members of the community regarding this project, prior to the deadline for submission. No community members signed up to speak at the January 4, 2024 Planning Board meeting.
17. **Public Hearing**—At the January 4, 2024 Planning Board hearing, staff presented the PPS to the Planning Board. In response to staff's presentation, the applicant's attorney spoke to indicate the applicant's agreement with the findings and conditions laid out in the technical staff report. The applicant's attorney also highlighted the property's conformance with the land use and density recommendations of the master plan. No individuals testified in opposition or support of the application.

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

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Geraldo, and Shapiro voting in favor of the motion, and with Commissioner Doerner being absent at its regular meeting held on Thursday, January 4, 2024, in Largo, Maryland.


Adopted by the Prince George's County Planning Board this 25th day of January 2024.

Peter A. Shapiro
Chairman



By Jessica Jones
Planning Board Administrator

PAS:JJ:EDC:rpg



Approved for Legal Sufficiency
M-NCPPC Office of General
Counsel