

PGCPB No. 2023-136

File No. PPS-2022-037

R E S O L U T I O N

WHEREAS, Deanna Jackson and Bertha Burrus are the owners of a 4.39-acre parcel of land known as Parcel 59, said property being in the 18th Election District of Prince George's County, Maryland, and being zoned Residential Single-Family Attached (RSF-A); and

WHEREAS, on September 12, 2023, Deanna Jackson and Bertha Burrus filed an application for approval of a Preliminary Plan of Subdivision for 33 lots and 2 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan PPS-2022-037 for Rollins Avenue Development was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on December 14, 2023; and

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

WHEREAS, on December 14, 2023, 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 TCP1-014-2023, APPROVED a Variance to Section 25-122(b)(1)(G), and APPROVED Preliminary Plan of Subdivision PPS-2022-037 for 33 lots and 2 parcels, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be revised, as follows:
 - a. Update General Notes 5, 21, 36, and 37 on the coversheet, to include the approval numbers and approval dates of the revised stormwater management concept plan, the revised natural resources inventory, and the concept erosion and sediment control plan, as applicable, once these plans have been approved.
 - b. In General Note 6, correct the net acreage to 4.36 acres (gross acreage minus area in the 100-year floodplain).
 - c. In General Note 15, include a density calculation based on the number of dwelling units and the net acreage (number of units / net acreage = dwelling units per acre), indicating a density of 7.56 dwelling units per acre.
 - d. Revise General Note 25, to state that the mandatory parkland dedication requirement is being met with parkland conveyance.
 - e. Revise General Note 28, to include the number of the associated Type 1 Tree Conservation Plan (TCP1-014-2023).

- f. Correct General Note 8, to be consistent with the acreage of the primary management area on the site.
 - g. On Sheet 2, in the land use summary table, correct the acreage of the environmentally regulated area, to be consistent with the acreage of the primary management area, and delete the net developable area line from this table.
 - h. Remove Sheet 3 from the PPS and show the proposed water and sewer lines from Sheet 3 on Sheet 2 instead. The proposed electric line shall not be shown.
 - i. On the plan drawing on Sheet 2, remove the retaining wall access easement and the symbol in the legend for the easement.
 - j. On the plan drawing on Sheet 2, show 10-foot-wide public utility easements along the property's frontages on Rollins Avenue and Denise Drive.
 - k. Show the off-site boundaries of Denise Drive. Label Denise Drive as an unimproved public right-of-way with a width of 80 feet and include the right-of-way's recording reference (Plat Book WWW 85 page 48) in the label.
 - l. On the plan drawing on Sheet 2, remove all proposed trees, as the locations of trees proposed to meet landscaping requirements are not approved, at the time of PPS.
 - m. On the plan drawing on Sheet 2, revise the second line of label for the private street, to read "Deanna Drive-name subject to change".
 - n. Clearly delineate and dimension all proposed property lines with a consistent line type. Each parcel and lot shall be labeled with the proposed area, and Parcel A shall consist of all land to be conveyed to the Homeowners Association.
 - o. On Sheet 2, show the property lines of abutting properties, consistent with Sheet 1.
 - p. Enlarge the bearing and distance labels on the perimeter of the property for legibility. For the new proposed interior lot and parcel lines, label only the distance (length) of each line, enlarge the labels for legibility and provide the area of each lot and parcel.
2. Development of this site shall be in conformance with Stormwater Management Concept Plan 16993-2022-0, and any subsequent revisions.
3. Prior to approval, the final plat of subdivision shall include:
- a. The granting of public utility easements along Rollins Avenue and Denise Drive.
 - b. The granting of a public utility easement along at least one side of the private street.

- c. Dedication of public right-of-way for Rollins Avenue, 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 1.89 +/- acres of parkland as shown on the preliminary plan of subdivision (Parcel B) 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 Prince George's County Planning Department, Development Review Division, along with the application of first final plat.
 - 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 to 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 to 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 the Department of Parks and Recreation. 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, maintenance and easement agreements may be required prior to the issuance of any grading permits.
- 5. The applicant shall submit a copy of the letter, to be provided by the Prince George's County Department of Parks and Recreation, consenting to the placement of woodland conservation easements on lands to be dedicated to M-NCPPC, with all subsequent development applications, for inclusion in the project record.
- 6. In conformance with the recommendations of the 2009 *Master Plan of Transportation* and the 2008 *Approved Capitol Heights Transit District Development Plan*, the applicant and the applicant's heirs, successors, and assignees shall provide the following bicycle and pedestrian facilities, and shall show these facilities on the detailed site plan prior to acceptance:
 - a. 5-foot-wide sidewalks along the property's frontage on Rollins Avenue, unless modified by the operating agency with written correspondence.
 - b. 5-foot-wide sidewalks along both sides of the proposed private street.
 - c. Americans with Disabilities Act accessible curb ramps and a crosswalk crossing the site entrance, unless modified by the operating agency with written correspondence.
 - d. Bicycle parking in conformance with Section 27-6309 of the Prince George's County Zoning Ordinance.
 - e. Additional bicycle facilities appropriate to support bicycle circulation on the site, such as a shared roadway.

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.

- 7. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised, as follows:
 - a. Correct Line 6 on the woodland conservation worksheet to show the revision number as "0."
 - b. Revise the specimen tree labels on the plan to be ST-#.

- c. Revise the following general notes language for conformance with the standard general notes as shown in the 2018 *Environmental Technical Manual*.
 - (1) Revise TCP1, General Note 1, to keep the case number consistent as PPS-2022-037.
 - (2) Revise TCP1, General Note 11, to indicate the current approved stormwater management concept plan number.
 - d. Add the following standard specimen tree removal note under the Specimen Tree Table:

“This plan is in accordance with the following variance from the strict requirements of Subtitle 25 approved by the Planning Board on [ADD DATE] for the removal of Specimen Trees (ST-# through ST-#).”
 - e. Add the critical root zone of Specimen Tree 15.
8. Prior to signature approval of the preliminary plan of subdivision, the applicant shall remove the detail sheet from the Type 1 tree conservation plan. The detail sheet shall be included with the Type 2 tree conservation plan.
9. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-014-2023). 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 (TCP1-014-2023, or most recent revision), or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance (WCO). This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George’s County Planning Department.”
10. 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.”

11. 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.”
12. Prior to issuance of the first permit, the final erosion and sediment control plan shall be submitted. The limits of disturbance shall be consistent between the Type 2 tree conservation plan and the final erosion and sediment control plan.
13. Prior to issuance of the first permit, the final 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.
14. Prior to signature approval of the preliminary plan of subdivision, the natural resources inventory plan shall be revised to show the total linear feet of regulated stream which exists on-site.
15. Prior to signature approval of the preliminary plan of subdivision (PPS), the applicant shall submit an approved, revised stormwater management (SWM) concept plan (as required by the Prince George’s County Department of Permitting, Inspections, and Enforcement). The stormwater facilities shall be consistent between the SWM concept plan, the Type 1 tree conservation plan, and the PPS.
16. 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 ultimate limit of disturbance for the project can be verified and shown on the Type 1 tree conservation plan.
17. Prior to the acceptance of the detailed site plan, the applicant shall submit a parking exhibit or provide information on the detailed site plan showing the locations and dimensions of proposed parking spaces on the private lots.
18. 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.
19. Prior to signature approval of the preliminary plan of subdivision, the TCP1 shall demonstrate that the land area within the public utility easement along Denise Drive is not included in the woodland preservation total and will not be included in the Woodland and Wildlife Habitat Conservation Easement.
20. 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 Liber /folio of the declaration of covenants shall be noted on the final plat, prior to recordation.

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 4.39 gross acres and is located on the west side of Rollins Avenue, approximately 1,800 feet south of its intersection with Old Central Avenue. The property is described by deed in Book 5933 page 23 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 it is subject to the 2008 *Approved Capitol Heights Transit District Development Plan and Transit District Overlay Zoning Map Amendment (TDDP)*, applicable provisions of Subtitles 24 and 27 of the Prince George's County Code, and other applicable plans,

as outlined herein. The recommendations of the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* (Subregion 4 Master Plan) are applicable to the Rollins Avenue right-of-way (ROW).

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 33 lots and 2 parcels for the development of 33 single-family attached dwelling units. The site is not subject to any prior PPS, and a 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-2022-087.

The site includes woodlands and environmental features located at the rear of the property, most of which are located on Parcel B of the PPS. This parcel is to be conveyed to The Maryland-National Capital Park and Planning Commission (M-NCPPC), to add onto the stream valley parkland located on abutting Rollins Avenue Park, 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. Parcel A will contain a private street, open space, stormwater management (SWM) facilities, and additional woodland preservation; this parcel will be conveyed to a homeowners association (HOA). Development of the site will be concentrated in its front portion, in a strip of land approximately 179 feet wide by 393 feet long. Due to the narrowness of this portion of the site, ensuring conformance to some requirements of the Zoning Ordinance, including yard depth, parking, and landscaping may be challenging. These requirements are discussed in the Urban Design finding of this resolution, and they will be further addressed at the time of detailed site plan (DET).

The applicant submitted a request for a variance to Section 25-122(b)(1)(G) of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO), in order to permit the removal of six specimen trees. This request is discussed in the Environmental finding of this resolution.

3. **Setting**—The subject site is located on Tax Map 73 in Grid B-2, and it is within Planning Area 75A. North of the property is a solar field (previously reviewed under Mandatory Referral case MR-1629F in 2017) and a single-family detached dwelling, both of which are in the RSF-A Zone. West of the site is a stream, which feeds into Watts Branch, with a single-family detached dwelling in the RSF-A Zone beyond. South of the site is Rollins Avenue Park, in the Agriculture and Preservation (AG) Zone. The land area of the park includes a ROW, known as Denise Drive, which was dedicated with the platting of the park property in 1973 (Plat Book WWW 85, page 48), but was never improved and remains wooded. East of the Site is Rollins Avenue, with townhouses in the RSF-A Zone beyond. These townhouses are in the Brighton Place Subdivision, reviewed under PPS 4-04011 in 2004.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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	4.39	4.39
Parcels	1	2
Lots	0	33
Dwelling Units	1	33
Commercial GFA	0	0
Subtitle 25 Variance	No	Yes (Section 25-122(b)(1)(G))
Variation	No	No

The subject PPS-2022-037, was accepted for review on September 12, 2023. Pursuant to Section 24-3305(e) of the Subdivision Regulations, the PPS was referred to the Subdivision and Development Review Committee (SDRC) which held a meeting on September 29, 2023, where comments were provided to the applicant. Revised plans were received on November 3, 2023, and November 8, 2023, which were used for the analysis contained herein.

5. **Previous Approvals**—The property is not subject to any previous approvals.
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 TDDP are evaluated, as follows:

Plan 2035

Plan 2035 places this development 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 7.56 dwelling units per acre, the proposed single-family attached development is found to consist of medium-density residential development, as it is categorized by Plan 2035 (page 100). The property is surrounded by developed properties which include other townhouses (on the east side of Rollins Avenue) and, therefore, 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 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 private street, water and sewer service, and stormwater management. For these reasons, the PPS is 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 TDDP recommends the suburban single-family detached land use on the subject property. To support this land use, the TDDP placed the subject property in the suburban neighborhood—single-family detached character area within the Capitol Heights Transit District Overlay (T-D-O) Zone. Development in the character area was intended to consist of larger, single-family detached dwellings, on 0.5-acre lots. The T-D-O Zone includes a variety of standards and guidelines associated with the character area, which are intended to guide single-family detached development. However, this recommendation is in direct conflict with the zoning of the property (RSF-A) that permits single-family attached dwellings. This conflict cannot be reconciled and, therefore, pursuant to Section 24-4101(b)(3) of the Subdivision Regulations, the uses permitted by the County Zoning Ordinance supersede the recommendations set forth in the TDDP.

Sectional Map Amendment/Zoning

The zoning map amendment associated with the TDDP rezoned the subject property from the One-Family Detached Residential (R-55) Zone to the Rural Residential (R-R) Zone (page 57). The sectional map amendment associated with the Subregion 4 Master Plan rezoned the property from the R-R Zone to the Townhouse (R-T) Zone. On November 29, 2021, the Prince George's County District Council approved Resolution CR-136-2021, the Countywide Sectional Map Amendment (CMA), 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 (16993-2022-00) was submitted with this PPS, which shows the use of drywells, bioswales, and a submerged gravel wetland to treat stormwater runoff. This SWM was approved on June 23, 2023, and expires on June 23, 2026.

In a referral memo from the Prince George's County Soil Conservation District (SCD) (Tarr to Diaz-Campbell, dated September 29, 2023), SCD advised that the design of the submerged gravel wetland would need to be revised. Following this, in an email dated November 6, 2023 (Tilley to Green and Deguzman), the applicant requested additional information from DPIE regarding whether the needed revisions would require a revision to the approved SWM concept plan. DPIE responded on November 16, 2023, stating that they would require a revision. The memorandum and emails are incorporated by reference herein.

The modifications to the SWM facilities made in response to SCD comments are reflected on the TCP1, with the location of the submerged gravel wetland and outfall slightly modified from the approved SWM concept plan. Because DPIE has required a revision to the SWM concept plan,

the revised approved SWM concept plan and associated approval letter shall be provided, prior to signature approval of the PPS and the TCP1, to ensure that the SWM facilities are consistently shown on all three plans. It is not anticipated that any further revisions to the SWM facilities are 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.

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 TDDP, 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.

The subject property is within Park Service Area 5. Nearby developed park facilities include Rollins Avenue Park, adjacent to the subject site along the southern border of the property; Capital Heights Park, located within a mile northwest of the subject property; Brooke Road Park, located approximately 1.5 miles southwest of the site; and Oakcrest Community Center, located two miles southwest of the site.

TDDP Conformance

The TDDP provides goals and policies related to parks and recreation, specifically, “to ensure the creation of attractive public parks that feature natural environments and/or recreational facilities that support both active and passive recreation” (page 84). The LPPRP provides parkland acquisition priorities (page 75) and level of service targets for parkland (pages 270–271). Given the PPS includes dedication of public parkland, as discussed below, the PPS aligns with the intentions of the applicable plans to provide natural undeveloped land; to provide open space designed to help satisfy local and sub-regional demand for recreation; and, to support 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).

Pursuant to the acquisition priorities and acreage need cited in the LPPRP, the applicant shall convey approximately 1.89 acres of stream valley parkland, as identified in Parks Exhibit A shown on the referral memorandum provided by the Prince George's County Department of Parks and Recreation (DPR) dated October 24, 2023 (Quattrocchi and Thompson to Diaz-Campbell, incorporated by reference herein). The area of land required to be dedicated encompasses all of the regulated areas identified on the property by the 2017 *Countywide Green*

Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan (Green Infrastructure Plan) and adjacent forested land east of the stream. The area required to be conveyed is within the Watts Branch stream valley of the Anacostia River and contains a quality, mid-succession, tulip tree-dominated forest directly adjacent to Rollins Avenue Park.

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” as a means of meeting the mandatory parkland dedication requirement. The LPPRP recommends that in Service Area 5 there should be a “focus on opportunities to acquire land for both developed and undeveloped parks to meet identified targets” (page 271). The TDDP prioritizes the preservation of natural areas as primary environmental features, and states that parks should be integrated into the Prince George's County green infrastructure system so that they can help preserve natural habitats and local wildlife (page 87). Because the land required to be dedicated is an opportunity to acquire land for an existing developed park, and because the land is an opportunity for part of the County's green infrastructure system to be integrated into the park system, the applicable plans support preservation of the identified land within a stream valley park.

The LPPRP prioritizes acquisition goals for Fiscal Years 2023–2027. The acreage needed for acquisition of other stream valley parks is 375 acres (page 75), and in Service Area 5 there is a need for 1,811 acres of undeveloped parkland (page 270). Per the LPPRP, 60 percent of residents in Service Area 5 are within 0.25 mile of a park and 100 percent of residents are within 0.75 mile of a park. The subject site is adjacent to Rollins Avenue Park, which is developed with a community garden, tennis courts, a playground, a playfield, an outdoor dining area, a dog park and a basketball court. Brook Road Park, improved with a community center, a basketball court, and a playground, is within 1.42 miles of the subject property. For these reasons, it is found that there is reasonable active recreation in the general area.

The TDDP conceptually identifies (in the Vision of Transit Oriented Development section, pages 25–26) a paved hiker/bicycle path in the vicinity of the subject site, which is intended to parallel the Watts Branch stream. However, this path is not shown in any later applicable master plans (including the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), Formula 2040, and the LPPRP), and DPR has no current plans to build the path or to build a connector trail within Rollins Avenue Park, between the path and the developed portion of the park. There is also no specific information on a planned alignment, and so it is not clear that the path would actually fall on the subject property; however, if it did, it would be inappropriate for the applicant to construct the path with their development, as it would not connect to any existing trail segments or pedestrian facilities. For these reasons, the dedication of stream valley parkland shall not be made contingent on the applicant providing a section of the path on the property to be dedicated. Should more specific plans for the path be developed, the provision of dedicated land would allow DPR to construct a portion of the path on the property, at a future time.

The dedication of the 1.89 acres will protect the stream valley, add undeveloped parkland, and serve the community while providing connectivity to public natural open space to the south.

Locations of active recreation facilities within 0.25 mile to 0.50 mile of the subject property were identified, to demonstrate the accessibility of active recreation by future residents. The mandatory dedication of parkland 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.

The boundaries of the 1.89 acres shown for dedication on the PPS (Parcel B) are found to be acceptable. The applicant is providing all woodland conservation on-site, and most of it will be on the land to be dedicated to M-NCPPC. DPR has consented to the placement of woodland conservation easements on the land to be dedicated, 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).

9. **Transportation**—This PPS was reviewed for conformance with the TDDP, the MPOT, and the Subdivision Regulations, to provide the appropriate transportation facilities. The recommendations of the Subregion 4 Master Plan were also evaluated, as they apply to Rollins Avenue.

MASTER PLAN CONFORMANCE

Master Plan Right of Way

The subject site is adjacent to Rollins Avenue (C-428), which is included in the MPOT as a collector road, with an ultimate ROW of 80 feet. The Subregion 4 Master Plan redefined Rollins Avenue as P-403 with an ultimate ROW of 60 feet. The PPS shows the extent of the master plan facility within the limits of the existing ROW, along the property's frontage, and includes dedication of approximately 2,872.72 square feet of ROW, which is sufficient to facilitate the ultimate condition.

The TDDP includes a conceptual road network in the Vision of Transit-Oriented Development section, which is shown on Map 12: Street Classification Plan on page 28 and further discussed on page 29. As shown on other maps in the TDDP, which include both the conceptual road network and existing property lines (such as Map 10 on page 24), portions of this conceptual road network fall on the subject property. The roads include an unnamed east-west roadway along the property's southern boundary, and a north-south extension of Xenia Avenue, which would cross the western portion of the site. However, for several reasons, dedication of these roadways is not required.

Specifically, development which has taken place since the approval of the TDDP appears to be incompatible with the conceptual roads in the locations shown. The solar field to the north, reviewed under Mandatory Referral MR-1629F in 2017, did not provide any ROW to extend Xenia Avenue; this would make any section of Xenia Avenue, on the subject property, a road with no destinations. The Brighton Place subdivision to the east, which was reviewed under PPS 4-04011 in 2004, but not constructed until 2011, provided an alignment for Walbridge Street, which would be misaligned with the east-west roadway. Construction of the east-west roadway, in the location shown on the maps, would put a new entrance onto Rollins Avenue (too close to the existing intersection) for traffic to circulate appropriately. Further, though there is no

information in the TDDP on the classifications of these streets or the ROW widths needed for them, based on the conceptual development in the TDDP (see Map 3, page 10) and the recommended suburban single-family detached land use, the conceptual roads appear to be intended to serve single-family detached dwellings. The applicant's private street, in the location shown on the PPS, is more appropriate for serving townhouse development and will result in fewer environmental impacts than the concept roadways. For these reasons, it would not be appropriate to utilize the TDDP's conceptual road network for the subject site.

The subject PPS is found to be consistent with the plan recommendations.

Master Plan Pedestrian and Bike Facilities

The MPOT includes a planned bicycle lane along Rollins Avenue and provides policy guidance regarding multimodal transportation, including the following policies that related to the subject development (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 3: Small area plans within the Developed and Developing Tiers should identify sidewalk retrofit opportunities in order to provide safe routes to school, pedestrian access to mass transit, and more walkable communities.

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 TDDP does not have any planned pedestrian or bicycle facilities along the frontage of Rollins Avenue. Specific standards regarding the accommodation of pedestrian and bicycle facilities are set for the T-D-O Zone, however, these are not applicable to the subject site because development under the current Zoning Ordinance is not subject to the T-D-O Zone.

The Subregion 4 Master Plan indicates a planned side path (page 213 and page 250) along the frontage of Rollins Avenue; this side path has previously been implemented on the east side of the street. The Subregion 4 Master Plan makes the following goals and strategies regarding the accommodations of pedestrian and bicycle facilities:

Community Goals for Zone 2 (page 16):

Transportation

- **Improve walkability and pedestrian facilities, including sidewalks, crosswalks, pedestrian lighting, and special pavement.**
- **Improve pedestrian and vehicular safety.**

Strategies for implementing General Plan Policy 3 (page 58):

Policy 3: Provide a transportation system that is integrated with and promotes development and revitalization.

Strategies

- **Encourage optimum use of all nonautomotive options for and in all new development, including light and heavy (regional) rail, bus transit, and integrated and safe pedestrian and bicycle facilities.**
- **Provide an integrated sidewalk, trail, and bikeway network to divert as many short trips as possible from auto travel.**
- **Protect local neighborhoods and their residential streets from excessive and high-speed through traffic by such measures as traffic calming initiatives and pedestrian-oriented design requirements for new development.**

Mid-Term strategies for Zone 2, Policy 1 (pages 102-103):

Policy 1: Develop bicycle-friendly roadways to improve connectivity throughout Zone 2.

Strategies: Mid-Term

- **Rollins Avenue: Implement bike lanes from Walker Mill Road to Central Avenue.**
- **Rollins Avenue: Install continuous sidewalks from Walker Mill Road to Central Avenue.**

Transportation Systems Goals (page 233):

- **Provide a safe, affordable, and attractive multimodal transportation system in the Subregion 4 area.**

- **Develop a comprehensive and accessible trail network designed to meet the recreational needs of all pedestrians and bicyclists.**
- **Provide sidewalks, neighborhood trail connections, and bicycle-friendly roadways to accommodate nonmotorized transportation (bicycling and walking) as the preferred mode for some short trips, particularly to transit stops and stations, schools, and within neighborhoods and centers.**
- **Utilize “complete street” and “context-sensitive” concepts to promote travel by alternative modes (transit, biking, and walking) as viable alternatives to the automobile in the neighborhoods and growth centers.**
- **Develop new roads and retrofit existing roads in conformance with the 1999 American Association of State Highway and Transportation Officials (AASHTO) Guide for the Development of Bicycle Facilities to the extent feasible and practical.**
- **Develop walkable and transit-oriented communities through the provision of a comprehensive network of sidewalks and neighborhood trails.**

Transportation Systems Strategies (pages 234-252):
Policy 2

Strategies:

- **Explore ways to provide street connections to established neighborhoods and direct pedestrian and bike connections to nearby public transit, schools, and recreational facilities as part of any new development and redevelopment.**
- **Improve the quality of the pedestrian environment by recommending specific physical improvements such as traffic calming, pedestrian-scale street lighting, pedestrian and biker signal improvements, and street crossing improvements.**
- **Provide continuous sidewalks and designated bike lanes along roadways.**

The PPS shows a network of sidewalks along both sides of the private street and along the property’s frontage on Rollins Avenue. All sidewalks shall be a minimum of five feet wide and there shall be a crosswalk crossing the site access for continuous connections. There is an existing bicycle lane along the Rollins Avenue frontage which shall be maintained. The bicycle and pedestrian facilities shown on the PPS will meet the applicable plan recommendations and are acceptable. The pedestrian and bicycle facilities will be further evaluated with the DET application.

Zone Ordinance Development Standards – Access and Circulation

The applicant provided a circulation plan, as required by Section 27-6204 of the Zoning Ordinance. The circulation plan shows that the site will be served by one full access connection from Rollins Avenue to the private street. The access and circulation shown on the plan are acceptable.

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 an inset plan showing that, based on the street layout, the development will achieve a connectivity index of 3. Conformance with the street connectivity index requirement will be further confirmed with the DET.

Section 27-6903(a)(1) of the Zoning Ordinance recommends a secondary point of vehicular access to or from the site, to ensure emergency vehicle access, if feasible. Because the PPS shows only one entrance along Rollins Avenue to the proposed development, the single access will also serve as emergency access. The street frontage of the subject site is approximately 170 linear feet, which is unlikely to support a secondary access on Rollins Avenue. Topographic change and environmental considerations prevent access to Denise Drive, and since Denise Drive is unimproved and fully wooded, it would be inappropriate for emergency access. A connection to the solar field's maintenance road, while conceivable with the solar field owner's cooperation, is likely also inappropriate due to the security needs of that site and the maintenance road being paved with gravel. Significant improvements to the off-site properties would be needed, in order for it to serve as an emergency access. For these reasons, it appears that providing a secondary emergency access is infeasible; however, this will be confirmed and further analyzed at the time of DET.

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 Rollins Avenue Park to the south and to the solar field to the north. The applicant requested waivers from providing cross-access in their statement of justification (SOJ) dated November 2, 2023, and provided supplemental information in a comment response letter, also dated November 2, 2023. With regard to the solar field, the applicant provided that the solar field is fully fenced, and that access by pedestrians and bicyclists is prohibited for safety and solar panel functionality reasons. With regard to the park, the applicant provided that there are significant forested areas on the portion of the park directly adjoining the subject property, and so there is no means to connect a trail from the proposed townhouse development to the developed portion of the park. Implementing a connection would incur significant impacts to the mature woodlands on the park property. Cross-access will 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.

Section 27-6208(a)(2) of the Zoning Ordinance requires new development to install bike lanes, bike paths, or other bicycle improvements. The applicant requested a waiver from this section, pursuant to Section 27-6208(a)(2)(B), stating in their SOJ that the private street is too narrow to

support the establishment of bike lanes. However, while it may be true that the street is too narrow to support bike lanes, other bicycle facilities, such as a shared roadway and bicycle parking, may be appropriate. The applicant should show proposed bicycle and pedestrian improvements on the DET, which will be reviewed to determine conformance with Section 27-6208. The requirements of Section 27-6208(a)(2) are not waived with this PPS. If a waiver is needed, it may be submitted and evaluated with the DET.

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. 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 TDDP, Subregion 4 Master Plan, and MPOT.

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

- **Plan and provide public facilities to support and fit into the Developed Tier’s development pattern.**

The proposed development will not impede achievement of this goal. This PPS is subject to ADQ-2022-087, which established that, pursuant to adopted tests and standards, public safety facilities are adequate to serve the proposed development. The TDDP 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, the 2018 *Water and Sewer Plan* placed this property in the water and sewer Category 3, Community System. Category 3 comprises all developed land (platted or built) on public water and sewer and undeveloped land with a valid PPS approved for public water and sewer.

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 ROWs of Rollins Avenue (at the front of the site) and Denise Drive (at the rear of the site); however, the 10-foot-wide PUEs along these streets, abutting the ultimate ROW lines, have not been shown on the PPS. Prior to signature approval of the PPS, the PUEs shall be added to the plan, and the conceptual gateway sign location shall be moved out of the PUE along Rollins Avenue. The TCP1 shall also confirm that no woodland conservation area is proposed within the PUE along Denise Drive.

In addition, the PPS depicts a PUE along both sides of the included private street. The standard requirement for private streets is that a PUE be provided along at least one side. At the time of DET, the applicant might consider removing one of the proposed PUEs; space for landscaping is at a premium on the site, as discussed further in the Urban Design finding of this resolution, and removing one PUE would allow more space. If this is proposed, however, the applicant will need to ensure the dwellings are adequately served by dry utilities.

The PPS shows a proposed electric line within the private street right-of-way, rather than within the PUE on either side of the street. It is not clear that this placement of an electric line would be approved. The private street contains an easement to be conveyed to the Washington Suburban Sanitary Commission (WSSC), and generally, WSSC does not permit their easements to be shared with other, parallel utilities. The PUE provides for placement of dry utilities separate from wet utilities within the WSSC easement. The electric line shall be removed from the PPS; its future location may be further coordinated with the utility companies at the time of DET and/or permitting.

12. **Historic**—The TDDP contains minimal goals and policies related to historic preservation. These are not specific to the subject site or applicable to the proposed development. 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 low. A Phase I archology survey is not required. The applicant submitted a Maryland Inventory of Historic Properties form for the existing structures on the property, known as the Lemmer-Carlson House (PG:75A-81). 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 #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
NRI-079-2022	N/A	Staff	Approved	7/20/2023	N/A
PPS-2022-037	TCP1-014-2023	Planning Board	Approved	12/14/2023	2023-136

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.

Site Description

The property is mostly wooded with an existing dwelling towards the road frontage. A review of available information, and the approved natural resources inventory (NRI), indicate that streams and steep slopes are found to occur on the property. The site does not contain any wetlands of special state concern, as mapped by the Maryland Department of Natural Resources (DNR). The County's Department of the Environment watershed map shows the entire site is within the Middle Potomac River basin. The site features steep slopes, with some steeper than 15 percent, and generally drains to the west. The site is not identified by DNR as within a stronghold watershed area. The on-site stream is not categorized as Tier II waters, and the site is not within a Tier II catchment area. According to available information from the Maryland Department of Natural Resources, Natural Heritage Program, rare, threatened, and endangered species are not found to occur on-site. Forest interior dwelling species (FIDS) habitat does exist on the property. The property does not abut any historic or scenic roads. The site is located within the Established Communities of the Growth Policy Map and Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map, as designated by Plan 2035.

ENVIRONMENTAL CONFORMANCE WITH APPLICABLE PLANS

TDDP

The Environmental Infrastructure section of the TDDP lists a four-part strategy to help clean up the Watts Branch stream valley, which is applicable to the PPS. The text in bold below is the text from the TDDP, and the plain text provides comments on plan conformance.

- 1. Close coordination between the Prince George's County Police Department (PGCPD) and the Prince George's County Department of Environmental Resources (DER) [now Department of Permitting, Inspections, and Enforcement (DPIE)] to strictly enforce anti-pollution and anti-littering statutes within the stream valley, including stiffened fines for violators.**

Enforcement of pollution and littering on-site during and after construction, and the associated fines are under the jurisdiction of DPIE. After construction, site care should be monitored by the property owner and/or homeowners association.

- 2. County assistance primarily through the Prince George's County Department of Public Works and Transportation (DPW&T) to aid the Town of Capitol Heights in addressing street maintenance and drainage issues within the town limits.**

County assistance to aid the Town of Capitol Heights must be established by an agreement between the Town of Capitol Heights and the appropriate County agencies.

3. **Development standards and stormwater management requirements that mandate reduced flows of stormwater run-off into local storm sewers. The Development Standards and Guidelines contained in this plan are intended to encourage environmentally sensitive building and site design approaches that will help achieve this objective. DPW&T could assist by requiring stormwater management plans to reduce stormwater runoff from development sites in order to gain approval.**

Adequate SWM is evaluated by DPIE. This PPS shows one submerged gravel wetland and outfall, and several drywells and bioswales. Stormwater is further discussed in the Stormwater Management finding of this resolution.

4. **Formation of an alliance between DER [now DPIE] the [sic] Town of Capitol Heights, and one or more nonprofit environmental remediation organizations that specialize in restoring damaged and neglected streambeds. This partnership would carry out the actual cleaning up and restoration of the Watts Branch streambed. The Maryland Department of the Environment (MDE) and the State Highway Administration (SHA) might also play a role in this effort by providing state resources to help finance or provide material support for this project. Nonprofit organizations that could help leverage community support of the alliance include the Anacostia Watershed Society, Clean Water Action, and the Maryland Chapter of The Sierra Club. The local business community and area residents could also be recruited to help clean up and protect the streambed through special community events such as an “Adopt A Stream” campaign and special streambed cleanup days.**

A stream does exist on-site. The applicant should consider participation with local non-profit organizations in events such as the Prince George’s County Department of the Environment Adopt A Stream to improve the general health of the stream bed and to promote environmental education and environmental connectivity within the community for the future residents. Future residents could be involved in community clean-ups or stream monitoring and are encouraged to participate in other such events in their local community.

Conformance with the Green Infrastructure Plan

The site contains regulated and evaluation areas of 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 comprised of a mostly wooded area with a portion of an on-site stream system on the western portion of the property that flows off-site to the west.

The following policies and strategies are applicable to the subject PPS. The text in **BOLD** is the text from the Green Infrastructure Plan and the plain text provides comments on plan conformance.

Policy 1: Preserve, enhance, and restore the green infrastructure network and its ecological functions while supporting the desired development pattern of Plan 2035.

Strategies:

- 1.1 Ensure that areas of connectivity and ecological functions are maintained, restored, and/or established by:**
 - a. Using the designated green infrastructure network as a guide to decision-making and using it as an amenity in the site design and development review processes.**
 - b. Protecting plant, fish, and wildlife habitats and maximizing the retention and/or restoration of the ecological potential of the landscape by prioritizing healthy, connected ecosystems for conservation.**
 - c. Protecting existing resources when constructing stormwater management features and when providing mitigation for impacts.**
 - d. Recognizing the ecosystem services provided by diverse land uses, such as woodlands, wetlands, meadows, urban forests, farms and grasslands within the green infrastructure network and work toward maintaining or restoring connections between these.**
- 1.2 Ensure that Sensitive Species Project Review Areas and Special Conservation Areas (SCAs), and the critical ecological systems supporting them, are preserved, enhanced, connected, restored, and protected.**
 - a. Identify critical ecological systems and ensure they are preserved and/or protected during the site design and development review processes.**

The property is within the Anacostia River system of the Middle Potomac River basin, but is not within a Tier II catchment area. The site contains a stream system, which is within a regulated area and the rest of the site is within the evaluation area of the network. The current plan will preserve the entirety of the stream system within an area of woodland conservation.

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

- 2.4 Identify Network Gaps when reviewing land development applications and determine the best method to bridge the gap: preservation of existing forests, vegetation, and/or landscape features, and/ or planting of a new corridor with reforestation, landscaping and/or street trees.**

- 2.5 Continue to require mitigation during the development review process for impacts to regulated environmental features, with preference given to locations on-site, within the same watershed as the development creating the impact, and within the green infrastructure network.**
- 2.6 Strategically locate off-site mitigation to restore, enhance and/or protect the green infrastructure network and protect existing resources while providing mitigation.**

The PPS indicates that the regulated system on-site will be preserved to the extent practicable, with no impacts to the PMA. The design adequately preserves a connected wooded stream system. A TCP1 was required with this PPS, which shows that all of the required woodland conservation requirements will be met on-site, within areas conveyed to an HOA or to M-NCPPC, as 2.13 acres of preservation.

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

- 3.3 Design transportation systems to minimize fragmentation and maintain the ecological functioning of the green infrastructure network.**

- a. Provide wildlife and water-based fauna with safe passage under or across roads, sidewalks, and trails as appropriate. Consider the use of arched or bottomless culverts or bridges when existing structures are replaced, or new roads are constructed.**

No fragmentation of regulated environmental features (REF) is shown with this PPS; the environmentally sensitive areas on-site are being preserved to the extent practicable.

- b. Locate trail systems outside the regulated environmental features and their buffers to the fullest extent possible. Where trails must be located within a regulated buffer, they must be designed to minimize clearing and grading and to use low impact surfaces.**

No trails are proposed or required at this time within the area of environmental features on-site. See additional information in the Parks and Recreation finding of this resolution.

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

- 4.2 Continue to require the placement of conservation easements over areas of regulated environmental features, preserved or planted forests, appropriate portions of land contributing to Special Conservation Areas, and other lands containing sensitive features.**

On-site woodland conservation shall be placed in woodland and wildlife habitat conservation easements, prior to the certification of the TCP2. The majority of this land will be dedicated to M-NCPPC. In a referral dated October 24, 2023, DPR stated that the required woodland conservation requirements can be placed on the dedicated land.

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

Strategies:

- 5.8 Limit the placement of stormwater structures within the boundaries of regulated environmental features and their buffers to outfall pipes or other features that cannot be located elsewhere.**
- 5.9 Prioritize the preservation and replanting of vegetation along streams and wetlands to create and expand forested stream buffers to improve water quality.**

The project has an approved SWM Concept Plan 16993-2022. The submitted, approved, SWM concept plan shows the use of a submerged gravel wetland, drywell, and bioswale to meet the current requirements of environmental site design, to the maximum extent practicable. No SWM features are being placed within the PMA.

Policy 7: Preserve, enhance, connect, restore, and preserve forest and tree canopy coverage.

General Strategies for Increasing Forest and Tree Canopy Coverage

- 7.1 Continue to maximize on-site woodland conservation and limit the use of off-site banking and the use of fee-in-lieu.**
- 7.2 Protect, restore, and require the use of native plants. Prioritize the use of species with higher ecological values and plant species that are adaptable to climate change.**
- 7.4 Ensure that trees that are preserved or planted are provided appropriate soils and adequate canopy and root space to continue growth and reach maturity. Where appropriate, ensure that soil treatments and/ or amendments are used.**

The TCP1 provides 49 percent of the gross tract area in woodland conservation. Retention of existing woodlands and planting of native species on-site is required by both the Environmental Technical Manual (ETM) and the 2018 *Prince*

George's County Landscape Manual. Tree canopy coverage (TCC) requirements will be evaluated at the time of DET review.

Forest Canopy Strategies

- 7.12 Discourage the creation of new forest edges by requiring edge treatments such as the planting of shade trees in areas where new forest edges are proposed to reduce the growth of invasive plants.**
- 7.13 Continue to prioritize the protection and maintenance of connected, closed canopy forests during the development review process, especially in areas where FIDS habitat is present or within Sensitive Species Project Review Areas.**
- 7.18 Ensure that new, more compact developments contain an appropriate percentage of green and open spaces that serve multiple functions such as reducing urban temperatures, providing open space, and stormwater management.**

Clearing of woodland is proposed with the subject PPS. The woodland conservation for this development is designed to minimize fragmentation and reinforce new forest edges by providing the conservation area in a single cohesive block, at the rear of the property. This site does contain potential FIDS. Green space is encouraged to serve multiple eco-services, and such green space will be provided in the conservation area.

Policy 12: Provide adequate protection and screening from noise and vibration.

Strategies:

- 12.2 Ensure new development is designed so that dwellings or other places where people sleep are located outside designated noise corridors. Alternatively, mitigation in the form of earthen berms, plant materials, fencing, or building construction methods and materials may be used.**

There are no anticipated noise impacts on the subject property. Rollins Avenue is classified as a primary roadway.

ENVIRONMENTAL REVIEW

Natural Resources Inventory

Section 27-6802 requires an approved NRI with PPS applications. A copy of approved NRI-079-2022 was submitted with this PPS. The site contains steep slopes, 100-year floodplain, streams, and associated buffers that comprise the PMA. The NRI indicates the presence of one forest stand, labeled as Forest Stand 1, with six specimen trees identified on-site and nine specimen trees off-site. Prior to signature approval of the PPS, the NRI shall be revised to

indicate the total linear feet of the regulated stream that exists on-site. All other information from the NRI is correctly shown on the TCP1.

Woodland Conservation

This project is subject to the 2010 Woodland and Wildlife Habitat Conservation Ordinance (WCO) because it is a new PPS, and it is subject to the ETM. TCP1-014-2023 was submitted with the subject PPS and requires minor revisions, to be found in conformance with the WCO.

The Woodland Conservation Threshold (WCT) for this 4.39-acre property is 20 percent of the net tract area or 0.87 acre. The total woodland conservation requirement, based on the amount of clearing proposed, is 0.90 acre. The woodland conservation requirement is to be satisfied with 2.19 acres of on-site woodland conservation, meeting all requirements on-site.

Technical revisions to the TCP1 are required and are included as conditions of approval of this PPS.

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 in the 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.

A Subtitle 25 variance application and a statement of justification (SOJ) in support of a variance, dated November 7, 2023, were submitted. The SOJ requested removal of 6 of the existing 15 specimen trees. Specifically, the applicant sought to remove Specimen Trees ST-3 through ST-5, ST-9, ST-14, and ST-15. The TCP1 shows the location of the trees to be removed. The specimen trees to be removed are in good to poor condition and are located on-site, outside of the PMA, within or along the edge of the upland development areas.

**SPECIMEN TREE SCHEDULE SUMMARY FOR SIX TREES APPROVED FOR
REMOVAL ON TCP1-014-2022**

SPECIMEN TREE #	COMMON NAME	DBH (In Inches)	CONDITION	CONSTRUCTION TOLERANCE	REASON FOR REMOVAL
3	Sweetgum	30	Fair	Good	Townhouse and Grading
4	Silver maple	30,20	Fair	Poor	Townhouse and Grading
5	Black walnut	40,39	Good	Poor	Townhouse and Grading
9	Black walnut	40	Poor	Poor	Stormwater Management
14	Tulip poplar	35	Fair	Poor	Parking Lot and Grading
15	Norway spruce	30	Good	Medium	Townhouse and Grading

The removal of the six specimen trees requested by the applicant is approved based on the findings below. The specific trees approved for removal are Specimen Trees ST-3 through ST-5, ST-9, ST-14, and ST-15.

Four additional specimen trees are mentioned in the variance request ST-1, ST-6, ST-7, and ST-13. All of these trees have greater than 30 percent impacts to the critical root zone (CRZ); however, the applicant is proposing protective measures to retain these trees. While these specimen trees are in good condition, they are all tulip poplars which are highly sensitive to construction and have poor tolerances. The applicant will place these specimen trees into a specimen tree management plan which will establish protective methods and monitoring to ensure the survival of these trees. The specimen tree management plan shall be submitted with the TCP2 as part of the DET review. However, if it appears that the trees will become hazardous or have their condition deteriorate, based on the review of the management plan, the applicant should provide a written variance request for the removal of these four trees at the time of DET. If the trees deteriorate after construction of the development, a revision to the TCP2 will be required to request a variance for removal of the trees.

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 in plain text.

(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 cause an unwarranted hardship if the applicant were required to retain the seven specimen trees. Those special conditions relate to the specimen trees themselves, such as their size, condition, species, and on-site location.

The property is 4.39 acres, and the TCP1 shows approximately 2.08 acres of PMA comprised of steep slopes, 100-year floodplain, streams, and associated buffers. This represents approximately 47 percent of the overall site area. The applicant is proposing to preserve the site's PMA to the fullest extent practicable and is proposing to place the entirety of the PMA in woodland conservation.

All of the specimen trees on-site to be removed are located outside of the PMA. The specimen trees to be removed are located in the upland non-wooded areas of the site most suited for development. This site contains steep slopes, floodplain, streams, and associated buffers, which restrict development potential to the eastern portion of the site. Of the six specimen trees to be removed, one is a tulip poplar and two are black walnut. Both black walnut and tulip poplar have poor construction tolerance. The remainder of the trees requested for removal are silver maple, sweetgum, and spruce. Sweetgum tends to have a good construction tolerance, with spruce exhibiting a medium tolerance to construction and silver maple exhibiting poor construction tolerance. The specimen trees on-site vary between poor to good condition, with the majority identified as in fair condition. If these trees were required to be retained, stresses from development could lead to potential hazards. All of the specimen trees to be removed are outside the PMA area, with only Specimen Tree ST-9 in proximity to the PMA. A further breakdown of the specimen trees to be removed is included below:

Trees Removed for Townhouse and Associated Grading

Tree #	Species	DBH (In Inches)	Condition	Construction Tolerances	Location	Reason for Removal
ST-3	Sweetgum	30	Fair	Good	East Side	Townhouse and Grading
ST-4	Silver maple	30, 20	Fair	Poor	East Side	Townhouse and Grading
ST-5	Black walnut	40, 39 (Split Trunk)	Good	Poor	East Side	Townhouse and Grading
ST-15	Norway spruce	30	Good	Medium	East Side	Townhouse and Grading

The specimen trees to be removed are associated with grading for the townhouses. Identified as Specimen Trees ST-3 through ST-5, and ST-15, these trees are sweetgum, silver maple, black walnut and spruce. The conditions of these trees vary from poor to good. The removal of these trees is required for the development of the site. These trees have grown to specimen tree size as they have been retained as shade trees for the existing dwelling on-site. The removal of these trees allows for full retention of the PMA and reduces the total woodland clearing on-site.

Trees Removed for Parking and Stormwater

Tree #	Species	DBH (In Inches)	Condition	Construction Tolerances	Location (Phase)	Reason for Removal
ST-9	Black Walnut	40	Poor	Poor	Central	Parking and Stormwater
ST-14	Tulip poplar	30	Fair	Poor	Central	Parking and Stormwater

Two specimen trees are to be removed, in association with parking and stormwater within the site. Identified as Specimen Trees ST-9 and ST-14, these trees are identified as a black walnut and tulip poplar. Both trees are in poor condition and have poor construction tolerances. These specimen trees are outside of the PMA in the upland areas of the site. The removal of these specimen trees facilitates the full retention of the PMA and allows the applicant to remove the minimum of woodland, to allow for the adequate, non-woody, buffer required for the stormwater feature.

The proposed use, as residential development, is a reasonable use for the residentially zoned site, and it cannot be accomplished elsewhere on the site, without additional variances and PMA impacts. Development cannot occur on the portions of the site containing REFs and PMA, which limits the site area available for development to the eastern portion of the site. Public utilities have been collocated with the site access, which has been modified to provide adequate turning for emergency vehicles. Requiring the applicant to retain the six specimen trees on the site, by designing the development to avoid impacts to the CRZs, 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 ETM 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.

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. Specifically, the specimen trees to be removed are located in the upland areas outside of the REF. This area is most suited for the townhouse development, which aligns with the uses permitted in the RSF-A Zone. If similar trees were encountered on other sites, they would be evaluated under the same criteria.

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

Not granting the variance would prevent the project from being developed in a functional and efficient manner. This is not a special privilege that would be denied to other applicants. If other similar residential developments were restricted by REF and specimen trees in similar conditions and locations, they would be given the same considerations during the review of the required variance.

(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. Removal of the six specimen trees would be the result of grading required for the development to achieve optimal development for the residential site. The request to remove the trees is solely based on the trees' locations on the site, their species, and their condition.

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

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 SCD. 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 applicant has an approved SWM Concept Plan 16993-2022-00 and associated letter which shows how the stormwater will be conveyed off-site.

The required findings of Section 25-119(d) have been adequately addressed for the removal of six specimen trees, identified as Specimen Trees ST-3 through ST-5, ST-9, ST-14, and ST-15. The applicant will retain the total PMA area within woodland conservation and will provide preservation after grading to retain the total of the wooded stream corridor on-site. The woodland conservation threshold will be met on-site. The requested variance for the removal of six specimen trees for the construction of a residential development is approved.

Regulated Environmental Features

REF 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 REF includes 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.”

No impacts to the primary management area are included with this PPS.

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 U.S. Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, soils present include Collington-wist complex, Elkton silt loam, and Marr-Dodon complex. 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 SCD, 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 SCD, and the approved concept plan shall be submitted, prior to signature approval of the PPS. The TCP1 must reflect the ultimate limits of disturbance (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 erosion and sediment control plan must be submitted with the TCP2, so that the ultimate LOD for the project can be verified and shown on the TCP2.

The PPS shows a retaining wall on the south end of the turn-around at the end of the private street. There is an associated easement shown for access to and maintenance of the retaining wall, however, the easement appears to be strictly contained within land area to be conveyed to the

HOA. It is expected that the HOA is responsible for maintaining the retaining wall, no maintenance area is needed on any private lots or land to be conveyed to M-NCPPC, and an easement, therefore, is not necessary. Prior to signature approval of the PPS, the easement shall be removed given it is strictly contained on a parcel to be conveyed to the HOA.

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

14. **Urban Design**—The PPS includes 33 lots and 2 parcels for the development of 33 single-family attached (townhouse) dwelling units. Residential single-family attached development on 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 more than 10 townhouse dwelling units will be constructed. Section 27-4202(f)(2) provides intensity and dimensional standards applicable to townhouse development in the RSF-A Zone:

- 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.

The PPS includes 29 lots of 1,260 square feet and four lots of 1,760 square feet. The depth of these lots is 63 feet, regardless of whether their width is 20 feet or 28 feet. After subtracting 15 feet and 20 feet for the required front and rear setbacks respectively, the maximum depth of each proposed townhouse unit will be 28 feet. The design of the 28-foot-deep townhouse units will be further analyzed, at the time of DET review, to ensure that good design outcomes can be achieved. Based on the net lot area of 4.362 acres (4.39 gross acres minus 0.028 acres in the

100-year floodplain), the density is 7.56 units per acre; the PPS shall be revised, prior to signature approval, to show the correct net lot area and density. Based on 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 shall be addressed at the time of DET and will be further analyzed when more information is available:

- Section 27-6305(a) 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), a minimum of one visitor parking space is required for every 20 dwelling units. Based upon the proposed 33 townhouse units, the minimum parking requirement is 66 resident parking spaces and two visitor parking spaces. Each townhouse dwelling provides one garage parking space and a driveway to be used for one surface parking space. Four visitor parking spaces are provided at the end of the private street. The driveway depth, to be adequate for parking, will need to be a minimum of 18 feet long, in accordance with Section 27-6306(a). The TCP1 depicts the driveway depth to be approximately 15 feet long, which is not long enough to accommodate a surface parking space. The requirement may be met by offsetting a portion of the townhouse front façade, in order to accommodate the needed length of the driveway; façade offsets are typically required for townhouse dwellings by Section 27-6900(e)(1).
- Section 27-61603(a)(1)(A) states that under the Zoning Ordinance's green building point system, this development will be required to achieve a minimum of 3 points.

Conformance with Open Space Set Aside Requirements

The proposed development is required to provide a 20 percent minimum open space set-aside per Table 27-6403. For a site area of 4.39 acres, a minimum of 0.878 acre 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 dedication of 1.89 acres of land (at the rear of the subject property) to M-NCPPC as part of an extension of the Rollins Avenue Park. This dedication is discussed further in the Parks and Recreation finding of this resolution. Conformance with open space set-aside requirements will be confirmed at the time of DET.

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

The proposed development is subject to the 2018 *Prince George's County Landscape Manual* (Landscape Manual). Specifically, the site is subject to 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 Along Private Streets.

Rollins Avenue is a primary road. Pursuant to Section 4.6, a minimum 20-foot-wide buffer is required to buffer residential development from streets. The TCP1 shows approximately 23 feet of space between the east wall of the dwelling on Lot 1 and the ultimate ROW line, which is enough space to accommodate a 20-foot-wide buffer, but only if part of the buffer is provided on

the private lot. To ensure the buffer is provided on HOA land, at the time of DET, the applicant should consider installing a 6-foot-high decorative fence or wall to screen the rear yard of Lot 1, in accordance with Section 4.6(c)(1)(C) of the Landscape Manual, to reduce the required buffer width. The applicant could also consider reducing the width of Lot 1's side yard.

The PPS shows 10 feet of space provided between the lots and the northern and southern property lines, which border an existing single-family detached dwelling and Rollins Avenue Park, respectively. This will allow conformance to Section 4.7 of the Landscape Manual, which requires 10-foot-wide Type A bufferyards along each property line. The applicant might consider installing a 6-foot-high opaque fence or wall within both bufferyards, in accordance with Section 4.7(c)(10)(D). With a 6-foot-high opaque fence, the bufferyard requirements may be reduced up to 50 percent (including the number of plant units, setback, and landscape yard), so that the bufferyards would be a minimum 5 feet wide. Regarding the northern property line shared with the solar facility, this development could take credit for the 35-foot-wide landscape area (Landscape Area 1) contained in the approved TCP2 (TCP2-020-2018) for the solar facility. Such information should be noted on the landscape plans and will be further reviewed at the time of DET.

The current design shows insufficient space to accommodate both street trees and sidewalks along the private street and is not currently designed to meet the requirements of Section 4.10 of the Landscape Manual. The applicant submitted a statement of justification for an alternative compliance (ACL) request with the PPS; however, it is not a complete request, as it lacks an associated landscape plan. Based on the submitted plans, it appears that conformance to Section 4.8 of the Landscape Manual would also not be met. The site design and footprints of the townhouse units might be revised at the time of DET, so that an ACL is not required, based on the ability to reduce the width of the rear bufferyards (discussed above) and thereby provide more space for landscaping at the front of the lots. At the time of DET, when more information is provided and the full design of the site is presented, including a complete landscape plan, the need for ACL may be evaluated. Conformance with all other applicable landscaping requirements will also be evaluated with the DET.

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 shown 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.

The PPS shows a number of proposed trees at the front of the site, around the parking area, and in between the townhouse sticks, which are discussed in the ACL statement of justification. However, as the ACL request is not being evaluated with the PPS, and the locations of all trees proposed to meet landscaping requirements will not be approved until the DET, the trees shall be removed from the PPS.

Conformance with the Tree Canopy Coverage Ordinance

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development project that proposes more than

5,000 square feet of gross floor area, or disturbance, and requires a grading permit. Properties that are zoned RSF-A are required to provide a minimum of 15 percent of the gross tract area, which equals to approximately 0.6585 acre for this property, to be covered by tree canopy. Compliance with this requirement will be evaluated, at the time of DET review. The PPS does not pose an impediment to achieving conformance with tree canopy coverage requirements.

15. **Citizen Feedback**—No written correspondence was received from members of the community regarding this project, prior to the deadline for submission, and no community members signed up to speak at the December 14, 2023 Planning Board meeting.


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

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner, Geraldo, and Shapiro voting in favor of the motion at its regular meeting held on Thursday, December 14, 2023, in Largo, Maryland.

Adopted by the Prince George's County Planning Board this 4th 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

Dated 12/22/23