

PGCPB No. 2024-050

File No. PPS-2023-024

R E S O L U T I O N

WHEREAS, the Redevelopment Authority of Prince George's County and New Testament Deliverance Church are the owners of 10.91-acres of land known as Parcels 64, 70, 71, 72, 348 and 542, Lots 1–13, and part of Lot 14, said property being in the 18th Election District of Prince George's County, Maryland, and being zoned Residential, Single-Family-65 (RSF-65); and

WHEREAS, on February 6, 2024, the Redevelopment Authority of Prince George's County filed an application for approval of a Preliminary Plan of Subdivision for four parcels and four outparcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan PPS-2023-024 for Addison Park was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission at a public hearing on June 6, 2024; and

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

WHEREAS, on June 6, 2024, 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 TCP1-004-2024, APPROVED a Variance to Section 25-122(b)(1)(G), and APPROVED Preliminary Plan of Subdivision PPS-2023-024, including a Variation from Section 24-4205, for four parcels and four outparcels, subject to the following conditions:

1. Development of the site shall be in conformance with Stormwater Management Concept Plan 12287-2022, and any subsequent revisions.
2. Prior to approval, the final plat of subdivision shall include:
 - a. Dedication of 10-foot-wide public utility easements along the west side of Yolanda Avenue, Dow Street, and Elder Street rights-of-way, as delineated on the approved preliminary plan of subdivision.
 - b. A note indicating that a variation was approved to omit the public utility easements along Rollins Avenue, MD 332 (Old Central Avenue)/MD 214 (Central Avenue), and the east side of Yolanda Avenue.
 - c. Right-of-way dedication along MD 332 (Old Central Avenue) and Yolanda Avenue, as delineated on the approved preliminary plan of subdivision.
3. In accordance with Section 24-4601(b)(4)(C) of the Prince George's County Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees shall allocate appropriate and developable areas for, and provide, adequate on-site recreational facilities.

4. The on-site recreational facilities shall be reviewed by the Development Review Division of the Prince George's County Planning Department, for adequacy and proper siting, with the detailed site plan (DET) review, in accordance with the Park and Recreation Facilities Guidelines. The recreation facilities shall include both indoor and outdoor recreation facilities. Timing for construction shall also be determined at the time of DET review.
5. Prior to submission of the final plat of subdivision, the applicant and the applicant's heirs, successors, and/or assignees shall submit an executed private recreational facilities agreement (RFA), for approval, to the Development Review Division (DRD) of the Prince George's County Planning Department, for construction of on-site recreational facilities. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records, and the Book and page of the RFA shall be noted on the final plat, prior to plat recordation.
6. Prior to approval of building permits for residential development, the applicant and the applicant's heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for construction of recreational facilities.
7. Prior to signature approval of the preliminary plan of subdivision, the plan shall be modified as follows:
 - a. Show the locations of the unmitigated daytime 65 dBA/Leq ground-level and upper-level noise contours, and the unmitigated nighttime 55 dBA/Leq ground-level and upper-level noise contours, all under existing conditions.
 - b. Revise General Note 4 to indicate that the purpose of the subdivision is four parcels and four outparcels for mixed-use development.
 - c. Revise General Note 11 to remove reference to the prior zoning.
 - d. Remove the proposed off-site access easement connecting Elder Street and Outparcel D.
8. In conformance with the 2009 *Approved Countywide Master Plan of Transportation*, and the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment*, the applicant shall provide the following facilities, and shall show the following facilities on the detailed site plan prior to its approval:
 - a. A minimum of 5-foot-wide sidewalks on the subject property's frontage, unless modified by the operating agencies with written correspondence.
 - b. A bicycle lane along the site's frontage of MD 332 (Old Central Avenue), unless modified by the operating agency with written correspondence.
 - c. A side path along the site's frontage of Rollins Avenue, unless modified by the operating agency with written correspondence.

- d. Short- and long-term bicycle parking shall be located throughout the site.
 - e. Direct sidewalk connections to the building entrances, from the roadway frontages and at all access points, to include marked crosswalks and Americans with Disabilities Act curb ramps at all access points and throughout the site.
9. Prior to signature approval of the PPS, the Type 1 tree conservation plan (TCP1) shall be revised as follows:
- a. Revise the Environmental Planning Section approval block to state the TCP1 number (TCP1-004-2024) and list the Development Review Division case number as PPS-2023-024.
 - b. Revise the label for Outparcels A through D to be in a darker, more visible line type.
 - c. Correct the zone in the worksheet to “RSF-65.”
 - d. The Phase 2 portion of the site will be analyzed with a future development proposal, and the existing woodlands on proposed Outparcel D shall be indicated as preserved with this application.
10. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-004-2024). The following note shall be placed on the final plat of subdivision:
- “This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-004-2024, or most recent revision), or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance (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.”
11. Prior to signature approval of the preliminary plan of subdivision, a copy of the approved concept erosion and sediment control plan shall be submitted so that the limit of disturbance for the project can be verified and shown on the Type 1 tree conservation plan.
12. Prior to the issuance of the first permit, the final erosion and sediment control plan shall be submitted. The limits of disturbance shall be consistent with the Type 2 tree conservation plan.
13. Prior to approval of the detailed site plan (DET), the applicant shall provide a Phase II noise analysis which shows the final locations of the residential buildings, and noise mitigation features to ensure that all outdoor activity areas (at ground and upper levels) will have noise mitigated to 55 dBA/Leq or less during the hours of 10:00 p.m. to 7:00 a.m. (nighttime), and 65 dBA/Leq or

less during the hours of 7:00 a.m. to 10:00 p.m. (daytime). The DET and/or building elevations shall show the locations and details of the noise mitigation features required.

14. Prior to approval, the final plat of subdivision shall delineate a cross-access easement for Parcels 2 and 3. An easement or covenant document shall be submitted along with the final plat and be reviewed and approved by the Subdivision Section of the Development Review Division of the Prince George's County Planning Department. The document shall set forth the rights, responsibilities, and liabilities of the parties and shall include the rights of the Prince George's County Planning Board. The document shall be recorded in the Prince George's County Land Records, and the Book/Page indicated 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 site is located in the southeast quadrant of the intersection of MD 332 (Old Central Avenue) and Rollins Avenue. The property is a compilation of parcels identified in the Maryland State Department of Assessments and Taxations as Parcels 64, 70, 71, 72, 348 and 542, and recorded by deed in the Prince George's County Land Records in Book 43839 Page 443, Book 43839 Page 437, Book 43839 Page 455, Book 43839 Page 449, Book 8581 Page 174, and Book 43839 Page 461, respectively. The property also includes Lots 1–13 and part of Lot 14 recorded in Plat Book BDS 1 Plat No. 36 and conveyed by deeds in Book 8581 Page 174 and Book 14176 Page 576. The property is located within the Residential, Single-Family-65 (RSF-65) Zone. In accordance with Section 24-4503 of the Prince George's County Subdivision Regulations, this preliminary plan of subdivision (PPS) is supported by and subject to approved Certificate of Adequacy ADQ-2022-012. The site is subject to the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment*, Subtitles 24 and 27 of the Prince George's County Code, and other applicable plans, as outlined herein.

This PPS includes four parcels and four outparcels. The site currently consists of 42,677 square feet of existing institutional and municipal buildings. Of the existing development, 25,000 square feet of an existing institutional/philanthropic building will be retained on proposed Parcel 2, along with the 4,572-square-foot existing municipal building on proposed Parcel 3. Proposed Parcels 1 and 4 are for a total of 293 new multifamily dwelling units for the elderly. The four outparcels shall be set aside for future development, which will require a new PPS at the time of any development proposal. This PPS is required, in accordance with Section 24-1401 of the Subdivision Regulations, for development of land not subject to any prior subdivision approvals, and Section 24-3402(b)(1) of the Subdivision Regulations for the resubdivision of lots approved prior to October 27, 1970.

A variation from Section 24-4205 of the Subdivision Regulations, which requires a public utility easement (PUE) to be provided along public roads, was evaluated with this PPS. For this development, the applicant proposed not to provide any PUEs along the property's frontage of

MD 214 (Central Avenue) for Parcel 4; MD 332 (Old Central Avenue) for Parcels 1 and 4; Rollins Avenue for Parcels 1, 2 and 3; and Yolanda Avenue for Parcel 4. The variation request is discussed further in the Public Utility Easement finding of this resolution.

The applicant also 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, to permit the removal of eight 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 Grids B1 and C1, and is within Planning Area 75A. MD 332 (Old Central Avenue)/MD 214 (Central Avenue) abut the subject site to the north, with properties in the Local Transit-Oriented-Edge (LTO-E) Zone, developed with a single-family dwelling and nonresidential uses beyond. Rollins Avenue abuts the property to the west, with vacant and single-family detached properties in the Residential, Single-Family-Attached and Residential, Rural Zones beyond. Land to the east and south of the site are also in the Residential, Single-Family-65 (RSF-65) Zone and are developed with single-family detached dwellings. The subject property is also bisected by land not included in this PPS, which is developed with institutional and single-family detached dwellings in the RSF-65 and LTO-E Zones.
4. **Development Data Summary**—The following information relates to the subject PPS and the evaluated development.

	EXISTING	EVALUATED
Zone	RSF-65	RSF-65
Use(s)	Institutional/Commercial	Residential/Institutional/ Commercial
Acreage	10.91	10.91
Lots	14	0
Parcels	6	4
Outparcels	0	4
Dwelling Units	0	293
Nonresidential Gross Floor Area	42,677 sq. ft.	29,572 sq. ft.
Variation	No	Yes, Section 24-4205
Variance	No	Yes, Section 25-122(b)(1)(G)

The subject PPS was accepted for review on February 6, 2024. Pursuant to Section 24-3305(e) of the Prince George's County Subdivision Regulations, this case was referred to the Subdivision and Development Review Committee (SDRC), which held a meeting on February 16, 2024, where comments were provided to the applicant. Revised plans were received on April 29, 2024, which were used for the analysis contained herein.

5. **Previous Approvals**—There are no prior development approvals applicable to the subject property.
6. **Community Planning**—Pursuant to Sections 24-4101(b)(1) and 24-3402(e)(1)(D)(iv) of the Subdivision Regulations, a major PPS shall be consistent with the General Plan and shall conform to all applicable area master plans, sector plans, or functional master plans. Consistency with the 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and conformance with the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* (master plan) are evaluated as follows:

Plan 2035

Plan 2035 places this application in a Local Center (Map 1, Prince George's County Growth Policy Map, page 18). Local centers are focal points for development and civic activity based on their access to transit or major highways. "The plan contains recommendations for directing medium to medium-high residential development, along with limited commercial uses, to these locations, rather than scattering them throughout the Established Communities. These centers support walkability, especially in their cores and where transit service is available" (page 19).

Specifically, the property is in the Addison Road Metro Community Center. "Community Centers are concentrations of activities, services and land uses that serve the immediate community near these Centers. These typically include a variety of public facilities and services—integrated commercial, office and some residential development—and can include mixed-use and higher intensity redevelopment in some communities. Community Centers should also be served by mass transit" (page 38).

The development evaluated is consistent with the goal of a Local Center and supports walkability and transit options because the property has access to pedestrian facilities and both bus and rail service. The site is approximately 1,500 feet west of the Addison Road-Seat Pleasant Metro Rail Station and is served by a variety of transportation options to support walkability and public transportation.

The density is approximately 27 dwelling units per acre, which is consistent with the residential medium-high to residential high density, as identified by Plan 2035 on page 100.

The following policies are recommended by Plan 2035 and are relevant to this PPS:

Housing and Neighborhoods (page 188):

Policy 3: Stabilize existing communities and encourage revitalization and rehabilitation.

Policy 4: Expand housing options to meet the needs of the County's seniors who wish to age in place.

This PPS is consistent with Plan 2035's Housing and Neighborhood policies because the development proposed is to rehabilitate and repurpose an existing school building for institutional

use. Further, a senior living facility will expand the housing options for seniors and those who wish to age in place. At the time of detailed site plan (DET), the applicant should work with staff to incorporate universal design features to ensure that the design of the building meets all handicap and accessibility regulations.

Pursuant to Section 24-4101(b)(1), the PPS is consistent with Plan 2035.

Master Plan

The master plan's vision is to create a network of sustainable, medium- to high-density, transit-supporting, mixed-use, pedestrian-oriented neighborhoods located at the centers and corridor nodes connected to the residential enclaves by a multimodal transportation network (page 48). The master plan recommends mixed-use residential and high density residential on the subject property (Map 4-3: Proposed Land Use Plan, page 62). In addition, the Prince George's County District Council approved Prince George's County Council Bill CB-45-2023 on July 11, 2023, for the purpose of providing authorization in the Prince George's County Zoning Ordinance, for alternate development regulations for development of land owned by the Redevelopment Authority of Prince George's County. This legislation allows the subject property to be developed with multifamily senior housing and increased density pursuant to the regulations and uses of the Local Transit-Oriented-Core (LTO-C) Zone on the property. This property is within Living Area D which has approximately 3.7 square miles of land area (page 90). It includes the town of Capitol Heights and borders the District of Columbia to the west, Addison Road to the east, MD 4 (Pennsylvania Avenue) to the south, and MD 214 (Central Avenue) to the north.

The master plan also provides goals, policies, and strategies to advance the intent and purpose of the plan, which are discussed throughout this resolution and as follows:

Recommendations

Land Use And Community Design (page xviii)

- Offer a well-balanced mix of single-family, multifamily, owner-occupied and rental properties for all age groups, in a range of price points in both established and new neighborhoods.
- Establish a hierarchy of neighborhood, regional, and transit-oriented commercial centers to serve the Subregion 4 area and its surrounding communities.
- Focus redevelopment and economic development resources and initiatives in the underutilized areas of Subregion 4.

Development of a senior living facility at the location of a vacant school and redevelopment of the existing school building was evaluated with this PPS. Repurposing the existing structure will improve the economic development in the area and provide incentive to redevelop previously vacant property.

Housing and Community Revitalization (pages xviii-xix)

- Improve physical and socioeconomic conditions within older neighborhoods.
- Reduce the high concentration of foreclosed and abandoned properties.

The redevelopment of a vacant site and construction of a senior living facility on the school property provides an opportunity for multigeneration living and rehabilitates an underutilized property, improving the physical condition of the neighborhood.

Transportation and Trails System (page xix)

- Encourage a bus and rail transit system, including public parking facilities, which provides efficient and user-friendly service. The goal of this system within centers and along corridors is to eliminate the need for private automobiles.
- Facilitate the safe and orderly movement of traffic.

The property is in a center with bus and rail transit easily accessible from the site. A bus stop is located in front of the property, along MD 332 (Old Central Avenue), and the Addison Road-Seat Pleasant Metro Station is east of the property. These facilities will provide bus and rail transit for the building's residents. Safe and efficient access to these facilities is needed to provide adequate user-friendly service for the residents to use the nearby transit options. Evaluation of the transportation systems is further discussed in the Transportation finding.

Quality of Life/Community Development (page xix)

- Provide a continuous network of sidewalks and bikeways to facilitate pedestrian use and access

The site design includes a sidewalk on Central Avenue, and a master-planned pedestrian and bike facility on Old Central Avenue is planned along the frontage of this property, further improving pedestrian use and access. Evaluation of the transportation systems is further discussed in the Transportation finding.

Living Area D

Recommendations

Land Use and Community Design (pages 99–100)

- Focus high-density condominium and apartment living to the centers.
- Develop mixed-use within one-half mile of centers.

The subject property is located in a center and proposes a senior living facility. The facility will include approximately 293 dwelling units and 29,572 square feet of commercial and institutional development. The density of the development is equal to approximately 27 dwelling units per acre and is consistent with the vision for local centers, as described by Plan 2035 (Table 16, page 108).

Pursuant to Section 24-4101(b)(1) and Section 24-3402(e)(1)(D)(iv) and (v), the proposed development conforms to the master plan, as outlined above and throughout this resolution.

Zoning

On November 29, 2021, the District Council approved Prince George's County Council Resolution CR-136-2021, the Countywide Sectional Map Amendment, which reclassified the subject property from the One-Family Detached Residential (R-55) and Addison Road Metro Town Center and Vicinity Development District Overlay (D-D-O) Zones to the Residential, Single-Family-65 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 stormwater management (SWM) concept plan has been approved by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). A SWM Concept Plan (12287-2022) and associated letter, approved by DPIE on October 6, 2023, were submitted with this PPS. The SWM concept plan shows the use of micro-bioretenion devices, permeable pavers, and a storm filter to detain and treat water before it leaves the site.

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

8. **Parks and Recreation**—This PPS has been reviewed for conformance with the requirements and recommendations of Plan 2035, the master plan, the 2022 *Land Preservation, Parks and Recreation Plan for Prince George's County*, the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, and the Subdivision Regulations, as they pertain to public parks and recreational facilities.

The proposed development aligns with the master plan's intention to improve the existing neighborhood while providing facilities that meet the changing needs of the community. The subject property is within Park Service Area 5. Nearby developed park facilities include Rollins Avenue Park, Capital Heights Park, and Maryland Park, which are within one-half mile of the subject site. The Brooke Road Community Center Park and the Suitland-District Heights Park are within a mile of the subject property. Rollins Avenue Park, located about a half mile south of the subject property on Rollins Avenue, is developed with community gardens, a dog park, tennis courts, pavilions, and other active and passive recreation opportunities suitable for adults.

Section 24-4601 of the Subdivision Regulations, which relates to mandatory dedication of parkland, provides for dedication of land, payment of a fee-in-lieu, and/or provision of private on-site recreational facilities to meet the recreational needs of residents of the subdivision. Based

on the density of development, 15 percent of the net residential lot area should be required to be dedicated to The Maryland-National Capital Park and Planning Commission (M-NCPPC), for public parks, which equates to 1.51 acres for public parklands. The subject property is not adjacent or contiguous to any property currently owned by M-NCPPC, and this proposal is for the redevelopment of developed land, thus, the conveyance of 1.51 acres of land is not feasible for this project.

The recreational guidelines for Prince George's County also set standards based on population. The projected population for the development is 741 new residents. The typical recreational needs include outdoor sitting and eating areas, fitness areas, open space areas, and sports courts. Per Section 24-4601(b)(4)(C)(i) of the Subdivision Regulations, the Prince George's County Planning Board may approve the provision of recreation facilities to meet the mandatory parkland dedication requirement if the proposed facilities will be equivalent or superior in value to the land, improvements, or facilities, which would have otherwise been provided under the requirements of Section 24-4601. The current plan cites interior facilities such as a combined clubhouse/game room, fitness center, and yoga studio. Outdoor amenities include outdoor seating in landscaped open spaces and grill stations with outdoor seating. The proffer of on-site recreation to meet the mandatory parkland dedication requirement is approved because the facilities will meet the requirements of Section 24-4601(b)(4)(C)(i). However, to meet the County recreation guidelines, the development should include a variety of outdoor recreation opportunities for future residents, to include outdoor amenities such as raised bed gardens, horseshoes, croquet, or bocce, to add to the outdoor recreation experience for residents. The provision of additional outdoor recreation amenities shall be reviewed at the time of DET.

Based on the preceding findings, the provision of mandatory dedication of parkland shall be met through the provision of on-site recreational facilities, in accordance with Section 24-4601(b)(4)(C).

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

Master Plan Right of Way

The subject property has frontage on Old Central Avenue (C-409), along the northern bounds of the site. Both the MPOT and master plan recommend this portion of Old Central Avenue as a two- to four-lane collector roadway within 80 feet of right-of-way. The submitted plans accurately display this portion of Old Central Avenue with a variable 80-foot-wide right-of-way, with approximately 0.06 acre of right-of-way dedication from the subject property.

The subject property also has frontage on Rollins Avenue (P-403), along the western bounds of the site. The MPOT does not contain any recommendations for Rollins Avenue. The master plan recommends this portion of P-403 as a two-lane primary roadway within 60 feet of right-of-way. The PPS accurately displays this portion of Rollins Avenue with an existing 60-foot-wide right-of-way and no additional dedication is required.

In addition, the subject property has frontage on Yolanda Avenue (P-400), along the eastern area of the site. Both the MPOT and master plan recommend this portion of P-400 as a two-lane primary roadway within 60 feet of right-of-way. The PPS accurately displays Yolanda Avenue as an existing 30-foot-wide right-of-way and with an ultimate right-of-way delineation that is 60 feet wide. Approximately 0.13 acre of right-of-way dedication from the subject property is proposed to provide dedication of 30 feet from centerline along the property's frontage, to achieve the ultimate right-of-way width, in accordance with the MPOT and master plan.

Lastly, the subject property has frontage on Elder Street, along the southern bounds of the site. Neither the MPOT nor the master plan contain any right-of-way recommendations for Elder Street. The PPS displays this portion of Elder Street as a 50- to 65-foot-wide right-of-way and no additional dedication is required.

The dedications shown on the PPS conform to the requirements of the MPOT and the master plan and will be adequate to serve the additional traffic generated by the project.

Master Plan Pedestrian and Bike Facilities

The MPOT recommends the following facilities master-planned facilities:

- Planned Bicycle Lane: Old Central Avenue
- Planned Side Path: Rollins Avenue

The Complete Streets element of the MPOT reinforces the need for multimodal transportation and includes the following policies regarding the accommodation of pedestrians and bicyclists (MPOT, pages 9 and 10):

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

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

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

The master plan identifies policies to improve bicycle and pedestrian facilities within the plan limits. Policy 2 is copied below (page 252):

Policy 2: Provide sidewalks and neighborhood trail connections within existing communities to improve pedestrian safety, allow for safe routes to Metro stations and schools, and provide for increased nonmotorized connectivity between neighborhoods.

The applicant contends that providing sidewalks along the site's frontage of Yolanda Avenue is impractical due to site constraints. The Planning Board recognizes that the site does present several challenges to providing bicycle and pedestrian amenities. However, as a PPS for a mixed-use development, master plan conformance requires the addition of sidewalks along the site's frontage. Prior to approval of a DET, the applicant shall update plans to provide a minimum 5-foot-wide sidewalk on the subject property's frontage, unless modified by the operating agencies with written correspondence.

In addition, both the MPOT and master plan recommend a bicycle lane along the site's frontage of Old Central Avenue, and a side path along the site's frontage of Rollins Avenue. Master-planned bicycle and pedestrian improvements are required to be implemented at the PPS stage of development. These facilities will assist in creating a more robust bicycle network, particularly in a location which is within biking and walking distance of both the Addison Road-Seat Pleasant Metro Station and the Capitol Heights Metro Station. The applicant shall provide a bicycle lane along the site's frontage of Old Central Avenue and a side path along the site's frontage of Rollins Avenue, and show these facilities on the DET prior to approval, as recommended in the MPOT and master plan.

Bicycle parking shall be provided throughout the site. Short-term parking is to be provided at all office locations, in addition to long and short-term parking being provided at the multifamily buildings. Section 27-3609 of the Zoning Ordinance details bicycle parking requirements, and the facilities shall comply with this standard. The locations and proposed number of short- and long-term bicycle parking spaces will be further examined with the DET application. Continuous and direct pedestrian paths, including crosswalks and associated Americans with Disabilities Act curb ramps, shall be provided at all access points and throughout the site. As discussed in the companion ADQ-2022-012, prior to acceptance of a DET, the applicant shall submit a bicycle and pedestrian facilities plan along with the site plan, which is in conformance with the above-listed recommendations.

Zoning Ordinance Development Standards - Access and Circulation

Prior to reviewing this application, Mr. and Mrs. Turner who reside at 6200 Hanlon Street, abutting the subject property explained that through their deed, the subject site's prior owner provided vehicular access to Old Central Avenue, by way of a "15-foot-wide easement for the purpose of ingress and egress as mentioned in Liber 4985 at Folio 304..." for access to their property. This easement is accurately displayed on the PPS.

Section 27-6104 of the Zoning Ordinance provides the applicability of development standards for the review of PPS applications. Specifically, Section 27-6200 of the Zoning Ordinance provides the Roadway Access, Mobility, and Circulation standards requirements; the relevant subsections are discussed further below.

Regarding vehicle circulation per Section 27-6204 of the Zoning Ordinance, and the access management provisions of Section 27-6206(d) of the Zoning Ordinance, the PPS shows two separate pods of development. The western pod will encompass 141 age-restricted multifamily dwelling units along with 29,572 square feet of commercial and institutional development. The

western pod has frontage on Old Central Avenue, Rollins Avenue, Yolanda Avenue, and Elder Street. One point of vehicle access is provided along Old Central Avenue to Parcel 1, and another point of vehicle access is provided along Rollins Avenue to Parcels 2 and 3. The access to Parcel 1 is the only feasible access given the location at the corner of Old Central Avenue and Rollins Avenue, and constraints of the existing building on-site, which prevent access from a lower classification roadway. While the western pod of development does contain frontage along Yolanda Avenue and Elder Street, no vehicular access is provided at these locations, at this time. The eastern development pod will encompass 152 age-restricted multifamily dwelling units and contain frontage along Old Central Avenue and Yolanda Avenue. One point of vehicle access is provided along Old Central Avenue, for the existing access easement serving the neighboring property, and another point of vehicle access is provided along Yolanda Avenue, which provides primary access to Parcel 4. The PPS meets the requirements for the relevant sections regarding access and circulation.

Pursuant to Section 24-4204(b)(1)(G) of the Subdivision Regulations, shared access is provided for Parcels 2 and 3. These parcels each have frontage on Rollins Avenue. However, the subject site is in the southeast quadrant of the intersection of Rollins Avenue and Old Central Avenue. The access is placed a safe distance from the intersection, and it is to be shared to avoid additional access points being needed closer to adjoining properties and to the intersection. The shared access will thereby reduce vehicular conflicts. The PPS reflects an access easement over Parcel 2, for the use of Parcel 3, should the properties be developed and/or owned separately. The access easement area shall be shown on the final plat and an easement or covenant shall be recorded at the time of final plat, to ensure the perpetual use and maintenance of the access shared by Parcels 2 and 3.

An access easement is shown connecting Elder Street and Outparcel D. However, this easement is located off-site, and no evidence has been provided that the owners of the properties, which would be subject to the easement, will grant the easement. The easement is not necessary to serve Outparcel D because Outparcel D already has frontage on and access to Old Central Avenue, and because Outparcel D is not currently proposed to be developed. Prior to signature approval of the PPS, this access easement shall be removed from the PPS. The subject PPS should not be construed as approving this easement. However, the applicant may still obtain the easement at a future time, if granted by the neighboring property owners.

Regarding the vehicular, pedestrian, and bicycle cross-access requirements of Sections 27-6206, 27-6207 and 27-6208 of the Zoning Ordinance, the details will be further determined at the time of DET. In examining both pods of development, the subject site is adjacent to primarily single-family residential properties, to which cross-access is not provided. In addition, a church is located directly adjacent to the western pod of development, along Old Central Avenue, to which cross-access is not provided. At this time, vehicular, pedestrian, or bicycle cross-access are not appropriate for any of the properties that are adjacent to the subject site. However, the determination of the cross-access feasibility will be further evaluated at the time of DET.

Vehicular access and circulation for the proposed development is found to be sufficient, as it pertains to this PPS review.

Based on the preceding findings, transportation facilities will exist to serve the subdivision, meet the findings required of Subtitles 24 and 27, and conform to the master plan and MPOT.

10. **Public Facilities**—This PPS was reviewed for conformance to the master plan, in accordance with Section 24-4101(b)(1). The master plan identifies the following goals (pages 264–267):

- **Provide residents with public schools that are conveniently located, of adequate size, feature state-of-the-art technology and quality instructional opportunities and serve as active centers for their communities.**
- **Provide all residents with adequate and convenient access to public library facilities.**
- **Locate police and fire and rescue facilities and services that meet the size and location needs of the community to minimize response time.**
- **Provide fire and rescue facilities that meet the needs of the community based upon established county standards and able to accommodate modern vehicles and equipment.**

The development will not impede achievement of the above-referenced goals. The analysis completed with approved ADQ-2022-012 demonstrated that, pursuant to adopted tests and standards, public safety facilities are adequate to serve the development. The master plan does not recommend any police, fire and emergency medical service facilities, schools, parks, or libraries on the subject property.

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, none of which affect this site.

The subject property is located in Sustainable Growth Tier I and is served by public water and sewer, as required by Section 24-4404 of the Subdivision Regulations. Pursuant to Section 24-4405 of the Subdivision Regulations, the 2018 Water and Sewer Plan placed this property in water and sewer Category 3, “Community Systems.” 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 PPS and final plats of subdivision be designed to show all utility easements necessary to serve anticipated development on the land being subdivided, consistent with the recommendations and standards relevant to public utility companies. When utility easements are required by a public utility company, the subdivider shall include the following statement in the dedication documents:

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

Section 24-4205 of the Subdivision Regulations sets forth the design standards for public utilities easements (PUEs), which is in accordance with the standard requirements of public utility companies; all roads, public or private, shall have a PUE at least 10 feet in width. The PUE shall be located outside the sidewalk where a sidewalk is constructed, or where the Subdivision Regulations or Subtitle 27 require a sidewalk. The PUE must also be contiguous to the right-of-way.

The subject site has frontage along the public rights-of-way of Rollins Avenue, Old Central Avenue/Central Avenue, Yolanda Avenue, Dow Place, and Elder Street. The PPS shows a 10-foot-wide PUE to be provided along the west side of Yolanda Avenue, Dow Place, and Elder Street only. The applicant provided a statement of justification (SOJ) in support of a request for a variation from Section 24-4205, to omit the standard 10-foot-wide PUE along the property's frontage of Rollins Avenue (a County road), Old Central Avenue/Central Avenue (a State road), and the east side of Yolanda Avenue (a County road).

Variation from Section 24-4205

Section 24-3403 of the Subdivision Regulations sets forth the required findings for approval of variation requests, as follows:

(a) Purpose

Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle and Section 9-206 of the Environment Article, Annotated Code of Maryland; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:

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

Ten-foot-wide PUEs are required along both sides of all public rights-of-way, to ensure that utilities will be able to serve the subject site and provide for the continuity for placement of public utilities along the right-of-way, to and from the subject property, and abutting properties. However, the applicant does not propose to provide the PUEs along the public rights-of-way of Rollins Avenue, Old Central Avenue/Central Avenue, and the east side of Yolanda Avenue, fronting the subject site. These public rights-of-way, the subject property, and surrounding properties are currently improved, and all utilities required to serve the development currently exist within the right-of-way. The omission of the PUE at the specified locations will have no impact on the utilities already

provided and available for this development, and to surrounding developments. The omission of a PUE in these areas will not prevent adjacent properties from accessing utilities in the right-of-way. Therefore, the granting of the variation will not be detrimental to the public safety, health, or welfare or injurious to others or other property.

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

The conditions on which the variation request is based are unique to the site. The site contains existing buildings to be repurposed, along with infill development on a site within a local transit center, where buildings are envisioned to be designed close to the street with connected streetscape and sidewalk facilities that encourage pedestrian activity for walkability to adjacent metro stations. In addition, the site is surrounded by existing rights-of-way and developed properties with steep grade changes along Rollins Avenue and Central Avenue. Utilities are in place within the existing surrounding public rights-of-way. These factors are unique to the subject property and not generally applicable to other properties.

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

The approval of a variation from Section 24-4205 is unique to the Subdivision Regulations and under the sole approval authority of the Planning Board. In addition, this PPS and variation request for the location of PUEs were referred to the affected public utility companies on February 6, 2024. The companies that were contacted which would potentially use the PUEs included the Potomac Electric Power Company, Washington Gas, Verizon, Comcast, and AT&T. Although they would not use the PUEs, the Washington Suburban Sanitary Commission (WSSC) was also contacted to ensure there would be no conflicts between wet and dry utilities. A response was received from WSSC on February 28, 2024, which did not oppose the variation request. No other utility companies have responded to state that they oppose the variation request. There is no other known law, ordinance, or regulation that would be violated by this request.

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

As discussed above, the site and its surroundings are previously developed, and the site is surrounded by public streets on three sides. The property is irregularly shaped given the existing surrounding development. This limits the ability to expand the land area available for dense development required by the master plan and LTO-C Zone standards that are applicable to the site development. The topographical grade changes on-site, existing utility locations in the existing rights-of-way, and existing development create a practical difficulty in designing areas on-site for utilities to be relocated. The site is also limited by other design requirements that must be met, including providing sidewalks, building frontage improvements, SWM structures, and landscape improvements, which would conflict with the PUE. It is not practical to provide PUEs on-site that are not in alignment with existing utilities surrounding the property, which would result in superfluous easement areas that would be undevelopable on the subject property. These factors create a particular hardship for the owner in meeting the standard requirement.

- (5) **In the RMF-12, RMF-20, and RMF-48 zones, where multifamily dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.**

The site is not located in any of the listed zones. Therefore, this criterion does not apply.

- (6) **A petition for any such variation shall be submitted in writing by the subdivider prior to the meeting of the Subdivision and Development Review Committee and at least thirty (30) calendar days prior to hearing by the Planning Board. The petition shall state fully the grounds for the application and all the facts relied upon by the petitioner. The variation application shall be reviewed concurrently with the preliminary plan of minor or major subdivision application.**

The PPS was accepted for review on February 6, 2024. Pursuant to Section 24-3403(a)(6) of the Subdivision Regulations, the request for variation from Section 24-4205 was concurrently referred to SDRC, which held a meeting on February 16, 2024, where comments were provided to the applicant. A revised SOJ for the variation requested was received April 29, 2024, which was used for the analysis contained herein.

The variation does not have the effect of nullifying the intent and purpose of the Subdivision Regulations to ensure the availability and area for public utility services, given all utilities are currently existing. Subtitle 24 is served to a greater extent by allowing a variation in this instance so that the site may be developed in accordance with other applicable regulations. Based on the proceeding findings, approval of the variation from Section 24-4205, for the provision of PUEs along the public rights-of-way of Rollins Avenue, Old Central Avenue/Central Avenue, and the east side of Yolanda Avenue is granted.

12. **Historic**—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 limits of disturbance for the subject PPS is low. A Phase I archeology survey is not required.

The subject property contains the existing circa 1940 Lyndon Hill Elementary School building. The 2010 *Approved Historic Sites and Districts Plan* includes goals, policies, and strategies relevant to the subject property. Strategy 1 (page 33) states:

On an ongoing basis, and with assistance of the community and interested citizens, identify areas where future survey and documentation work is needed to expand information about important county heritage themes and maintain the Inventory of Historic Resources as a reflection of current preservation interests.

The Lyndon Hill Elementary School building is reflective of the heritage theme of Civil Society–Education identified in the 2010 *Approved Historic Sites and Districts Plan*. Documentation of the school building would address the strategy cited above.

The master plan contains goals and policies related to Historic Resources in Capitol Heights (page 100) that are relevant to the subject property:

The historic portion of the Lyndon Hill Elementary School in Capitol Heights should be better preserved.

The school building is in poor condition and preservation may not be feasible. The master plan contains further goals and policies related to Historic Preservation (page 287–296). While not specific to the subject site, the goals, policies, and strategies (pages 295–296) are supportive of documentation of sites for significance to their communities and the county. Therefore, at the time of DET, staff will recommend that the Lyndon Hill Elementary School building be documented on a Maryland Inventory of Historic Properties form, to be provided to the Maryland Historical Trust.

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

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

Review Case Number	Associated Tree Conservation Plan Number	Authority	Status	Action Date	Resolution Number
NRI-113-2019	N/A	Staff	Approved	9/13/2019	N/A
NRI-113-2019-01	N/A	Staff	Approved	3/31/2022	N/A
PPS-2023-024	TCP1-004-2024	Planning Board	Approved	6/6/2024	2024-050

Grandfathering

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

Site Description

The property is partially wooded and features existing municipal and philanthropic uses. A review of available information, and as shown on the approved natural resources inventory (NRI), indicates that no floodplain, streams, or wetlands are found on the property. 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 site is within the Anacostia River watershed of the Potomac River basin. The site features various steep slopes, with some steeper than 15 percent. The site is not identified by DNR as within a stronghold watershed area, 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 (DNR NHP), rare, threatened, and endangered species are not found to occur on-site. The property does not abut any historic or scenic roads.

Environmental Conformance with Applicable Plans

Prince George's Plan 2035

The site is located within the Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map, as designated by Plan 2035, and is within the Established Communities Growth Policy Area.

Master Plan

The Environmental Infrastructure Section of the master plan contains goals, policies, and strategies. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is the text from the master plan, and the plain text provides comments on the plan's conformance.

Policy 1: Protect, preserve, and enhance the green infrastructure network in Subregion 4.

According to the approved Natural Resource Inventory NRI-113-2019-01, the site does not contain regulated environmental features (REF). Approximately 30 percent of the site is within the green infrastructure network and contains evaluation areas. The on-site evaluation areas are proposed to be counted as "preserved – not credited" on the parcel identified as Outparcel D on the PPS, with the intent to develop this area with a future plan. This development proposal does not seek to protect, preserve, or enhance the green

infrastructure which exists on-site. While this site is located in a developed area with close proximity to the Addison Road-Seat Pleasant Metro station, the area is also significantly underserved in terms of greenspace. As no development is proposed at this time on proposed Outparcel D, the applicant shall seek to provide this acreage as preservation credits to meet a portion of the requirements on-site.

Policy 2: Minimize the impacts of development on the green infrastructure network and special conservation area (SCA's).

Development is proposed across the entire site with a section of the site (Outparcels A through D) identified for future development, with the evaluation area to be retained, not credited, for future development. This site is not within a special conservation area.

Policy 3: Restore and enhance water quality in areas that have been degraded, and preserve water quality in areas not degraded.

Policy 5: Require on-site management of stormwater through the use of environmentally sensitive stormwater management techniques (i.e., fully implement the requirements of ESD) for all development and redevelopment projects.

The approved SWM concept plan shows the use of micro-bioretenention, permeable pavers, and a storm filter to address SWM for the entire project.

Policy 6: Assure that adequate stream buffers are maintained and enhanced and utilized design measures to protect water quality.

The subject property features no stream systems.

Policy 9: Implement environmental sensitive building techniques that reduce overall energy consumption.

The development applications for the subject property which require architectural approval should incorporate green building techniques and the use of environmentally sensitive building techniques to reduce overall energy consumption. The use of green building techniques and energy conservation techniques is encouraged to be implemented to the greatest extent possible.

Policy 13: Preserve, restore, and enhance the existing tree canopy.

Policy 14: Improve the County's capacity to support increases in the tree canopy.

Subtitle 25, Division 3 requires the site to provide tree canopy coverage (TCC), which will be addressed on the landscape plan at the time of DET review. Woodland conservation is discussed in the Environmental Review section of this finding.

Conformance with the 2017 Green Infrastructure Plan

The Countywide Green Infrastructure Plan was approved with the adoption of *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (CR-11-2017) on March 7, 2017. The site contains evaluation areas as designated by the Green Infrastructure Plan. This area is comprised of a mostly wooded area to the east of Yolanda Avenue. The following policies and strategies are applicable to the subject application. The text in **BOLD** is the text from the Green Infrastructure Plan and the plain text provides comments on plan conformance.

POLICY 1: Preserve, enhance, and restore the green infrastructure network and its ecological functions while supporting the desired development pattern of Plan Prince George's 2035.

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 Anacostia River watershed of the Potomac River basin, but is not within a Tier II catchment area. The site does not contain any streams or wetlands. The evaluation area on the east portion of the site is mostly wooded. Sensitive species are not located on-site per the SSPRA GIS layer prepared by the Heritage and Wildlife Service, Maryland Department of Natural Resources. Woodland in the evaluation area is not to be

cleared as part of this development application and is to be retained, not credited, as the areas are anticipated to be cleared in a future Phase 2. The Phase 2 portions of the site shall be analyzed with a future development proposal and shall be indicated as preserved with this PPS.

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.**

This PPS indicates that no stream systems or wetlands are on-site. Thus, there is no PMA or impacts to PMA. A Type 1 tree conservation plan (TCP1) is required with this PPS, which shows that all 3.05 acres of the required woodland conservation requirement will be met off-site. No new vegetation corridors are included with this development. The applicant is encouraged to seek the proposed off-site credits within the same watershed.

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 REFs is included with this PPS; woodlands are to be removed from the development area. The remaining woodland is to be retained and not credited for removal, as part of the future Phase 2. The Phase 2 portions of the site shall be analyzed with a future development proposal and shall be indicated as preserved with this PPS.

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

No trail systems or master-planned trails exist or are included with this PPS.

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.**

No special conservation areas are located on-site, and no woodland conservation is proposed on-site. The Phase 2 portions of the site will be analyzed with a future development proposal and shall be indicated as preserved with this PPS.

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

- 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 approved SWM concept plan shows the use of micro-bioretenion, permeable pavers, and a storm filter to meet the current requirements of environmental site design to the maximum extent practicable.

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 none of the gross tract area as woodland conservation, with all preservation off-site. Retention of existing woodlands and planting of native species onsite is required by both the Environmental Technical Manual (ETM) and the 2018 *Prince George's County Landscape Manual* (Landscape Manual). Tree canopy coverage requirements will be evaluated at the time of DET review. The Phase 2 portions of the site will be analyzed with a future development proposal and shall be indicated as preserved with this PPS.

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 evaluated with the subject PPS. Woodland conservation is designed to minimize fragmentation and reinforce new forest edges. This site does not contain potential forest interior dwelling species. Green space is encouraged to serve multiple eco-services; however, no preservation or reforestation is proposed. The remaining area of woodland on-site is identified as "preserved – not credited." The Phase 2 portions of the site will be analyzed with a future development proposal and shall be indicated as preserved on this PPS. If this area of woodlands is allowed to be cleared with a future application, then there will be no on-site tree canopy.

Environmental Review

Existing Conditions/Natural Resource Inventory

Section 27-6802 of the Zoning Ordinance requires an approved Natural Resources Inventory (NRI) plan with PPS applications. Approved NRI-113-2019-01 was submitted with this PPS. The site does not contain floodplain, streams, or wetlands. The NRI indicates the presence of one forest stand of 1.99 acres, labeled as Stand F1, with 18 specimen trees identified on-site and

6 specimen trees off-site. The TCP1 and the PPS show all required information correctly in conformance with the NRI.

Woodland Conservation

This project is subject to the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the application is for a new PPS, and is subject to the ETM. TCP1-004-2024 was submitted with the subject PPS and requires minor revisions to be found in conformance with the WCO.

The woodland conservation threshold for this 10.91-acre property is 20 percent of the net tract area or 2.18 acres. The total woodland conservation requirement is based on the amount of clearing proposed, which is 3.05 acres. The woodland conservation requirement is to be satisfied with 3.05 acres of off-site credits. Preservation of on-site woodlands or reforestation is not provided. As no development is being proposed as part of Phase 2, the applicant shall revise the TCP1 and worksheet to revise the woodlands preserved – not credited to woodland preservation. In addition, this area could be supported by reforestation which would allow the applicant to meet a portion of the woodland conservation threshold on-site. This woodland preservation and reforestation would assist the applicant in adequately addressing Policies 1, 13, and 14 of the master plan, and Policies 1 and 7 of the Green Infrastructure Plan.

Technical revisions to the TCP1 are required and included in the conditions herein.

Specimen Trees

Section 25-122(b)(1)(G) of the WCO 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 Maryland Code. Section 5-1611 of the Natural Resources Article requires the local jurisdiction to provide procedures for granting variances to the local forest conservation program. The variance criteria in the WCO are set forth in Section 25-119(d) of the Prince George's County Code. Section 25-119(d)(4) of the County Code clarifies that variances granted under Subtitle 25 are not considered zoning variances.

A Subtitle 25 variance application and a SOJ in support of a variance dated January 30, 2024, was submitted. The SOJ requests the proposed removal of eight of the existing 18 specimen trees located on-site. Specifically, the applicant seeks to remove specimen trees ST-11, and ST-17 though ST-23. The TCP1 and specimen tree removal exhibit show the location of trees for removal. The specimen trees for removal are in good to poor condition and are located on-site, with specimen tree ST-17 located off-site.

**SPECIMEN TREE SCHEDULE SUMMARY FOR 8 TREES PROPOSED FOR
REMOVAL ON TCP1-004-2024**

TREE NUMBER	COMMON NAME	DBH (In Inches)	CONDITION	CONSTRUCTION TOLERANCE	APPROVED DISPOSITION
11	Pin oak	50	Fair	Good	Remove
17	White pine	30	Fair	Medium	Remove
18	Willow oak	57	Good	Medium - Good	Remove
19	Red maple	30	Poor	Good	Remove
20	Red maple	58	Poor	Good	Remove
21	Red maple	54	Very Poor	Good	Remove
22	Silver maple	53	Good	Poor	Remove
23	Weeping willow	30	Fair	Poor	Remove

The removal of the eight specimen trees requested by the applicant is approved, based on the findings below. The specific trees supported for removal are ST-11 and ST-17 though ST-23.

Evaluation

Section 25-119(d)(1) of the County Code 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.

(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 10.91 acres, and the site contains no PMA such as streams, floodplain, wetlands, and associated buffers. The majority of the specimen trees are clustered in several locations on the site. Specimen trees ST-11, ST-17, and ST-18 are located around the existing building on Parcel 64, with specimen trees ST-19 through ST-23 located on Parcel 348 in the woodland area. The remaining specimen trees on-site are located in the central and south-central regions. These specimen trees are not to be impacted, at this time. Of the seven specimen trees for removal, one is in very poor condition, two are in poor condition, two are in fair condition, and one is in good condition. The species are a mix of maple and oak, with a weeping willow. These species have a range in construction tolerances between poor to good.

The proposed use, as two multifamily senior housing buildings and an institutional use, is a reasonable use for the residentially zoned site. The master plan densities envisioned, and applicable zone requirements include locating

buildings to be along the Old Central Avenue/Central Avenue road frontage. Specimen trees ST-11, ST-17, ST-18, and ST-19 through ST-23 are generally located on the northern portions of the site. Specimen trees ST-11, ST-17, and ST-18 are located around the existing philanthropic building and are to be removed, due to rehabilitation of a building along the road frontage. Specimen trees ST-19 through ST-23 will be removed for the construction of and parking for the second building. Requiring the applicant to retain the eight specimen trees on the site by designing the development to avoid impacts to the critical root zone and be in conformance with the development requirements of the master plan and applicable zone requirements 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 critical root zone 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 are all unique for each site.

Based on the location and species of the specimen trees for removal, retaining the trees and avoiding disturbance to the critical root zone would have a considerable impact on the development potential of the property as established by the master plan, and applicable zone requirements. If similar trees were encountered on other sites, they would be evaluated under the same criteria.

The residential development is a use that aligns with the uses permitted for this property. The specimen trees for removal are located in the portions of the property close to the road frontage.

(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 by other applicants. If other similar residential developments featured specific development conditions in the Sector Plan and specimen trees in similar conditions and locations, they would be given the same considerations during the review of the required variance application.

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

The existing site conditions or circumstances, including the location of the specimen trees, are not the result of actions by the applicant. The removal of the eight specimen trees would be the result of the grading required to achieve optimal development for the 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 stormwater management (SWM) are reviewed and approved by the Prince George's County Department of Permitting, Inspections and Enforcement. Erosion and sediment control requirements are reviewed and approved by the Prince George's County Soil Conservation District. Both SWM and sediment and erosion control requirements are to be met in conformance with state and local laws to ensure that the quality of water leaving the site meets the state's standards. State standards are set to ensure that no degradation occurs.

The required findings of Section 25-119(d)(1) have been adequately addressed for the removal of eight specimen trees, identified as ST-11 and ST-17 though ST-23. The Planning Board approves the requested variance for the removal of eight specimen trees, for the construction of residential development.

Preservation of Regulated Environmental Features/Primary Management Area

REFS are required to be preserved, and/or restored to the fullest extent possible, under Section 24-4300 of the Environmental Standards of the Subdivision Regulations. This site contains no REFs which would comprise the PMA.

Erosion and Sediment Control

Section 24-4303(d)(7) of the Subdivision Regulations requires the approval of a concept grading, erosion and sediment control plan, by the Soil Conservation District prior to final approval of the PPS, if required by Subtitle 32: Water Resources Protection and Grading Code, of this Code. The County requires the approval of an erosion and sediment control plan. The TCP1 must reflect the ultimate limits of disturbance (LOD), not only for the installation of permanent site infrastructure but also for the installation of all temporary infrastructure, including erosion and sediment control

measures. A copy of the erosion and sediment control technical plan must be submitted with the Type 2 tree conservation plan (TCP2) so that the ultimate LOD for the project can be verified and shown on the TCP2.

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, prone to significant movement, deformation (factor of safety < 1.5), or (b) man-made conditions on the land including, but not limited to, unstable fills or slopes.

According to the United States Department of Agriculture Natural Resource Conservation Service Web Soil Survey, soils present include Collington-Wist-Urban Land Complex. Marlboro and Christiana clays are not found to occur on this property.

14. **Urban Design**—This PPS is for subdivision of the existing site into four parcels and four outparcels, for the development of 293 apartment units for the elderly, and 29,572 square feet of commercial and institutional development. Specifically, the 293 multifamily units will be split between Parcels 1 and 4, with 141 units and 152 units, respectively. The 29,572 square feet of commercial and institutional development will be split between Parcels 2 and 3.

The adopted Prince George's County Council Bill, CB-45-2023, allows for properties owned by the County's Redevelopment Authority, and which either front on Central Avenue/East Capital Street or Old Central Avenue, to develop pursuant to the regulations of the Local Transit-Oriented-Core (LTO-C) Zone. As such, the PPS and future DET are evaluated in accordance with the regulations and standards of the LTO-C Zone. The following requirements of the Zoning Ordinance apply to development of the site, and those specifically applicable to the review of the PPS are discussed further below:

Prince George's County Zoning Ordinance

This development will require filing a DET, in accordance with Section 27-3605(a)(1) of the Zoning Ordinance, since more than 10,000 square feet is proposed. Conformance with the applicable regulations of the Zoning Ordinance is required and will be evaluated at the time of DET review including, but not limited to, the following:

- Part 27-5 Use Regulations;
- Section 27-4204 Requirements for the LTO Zone, as applicable;
- Section 27-6200 Roadway Access, Mobility, and Circulation;
- Section 27-6300 Off-Street Parking and Loading;
- Section 27-6400 Open Spaces Set-Asides;

- Section 27-6500 Landscaping
- Section 27-6600 Fences and Walls;
- Section 27-6700 Exterior Lighting;
- Section 27-6800 Environmental Protection and Noise Control;
- Section 27-6900 Multifamily, Townhouse, and Three-Family Form and Design Standards;
- Section 27-61200 Neighborhood Compatibility Standards;
- Section 27-61500 Signage; and,
- Section 27-61600 Green Building Standards.

Section 27-4204(e)(3) of the Zoning Ordinance provides intensity and dimensional standards applicable to multifamily development in the LTO-C Zone:

Density (Min Max) (du/ac)	20.00 80.00
Net Lot Area (Minimum)(SF)	1,500
Block Length (Min Max) (ft.)	200 600
Floor Area Ratio (Min Max)	0.5 3.0
Lot Coverage (Min Max) (% of lot width)	65 100
Build-to-Line (Min Max) (ft.)	15 27
Front Yard Depth (Minimum) (ft.)	0
Side Yard Depth (Minimum) (ft.)	0
Rear Yard Depth (Minimum) (ft.)	0
Building Facade Fenestration (Minimum) (% of street-level facade area)	<ul style="list-style-type: none"> • Abutting or facing a street frontage or pedestrian way: 50 • Facing a public gathering space: 45
Principal Structure Height (Min Max) (ft.)	No requirement 70

The subject PPS complies with this minimum lot requirements described above. In accordance with Section 27-6400 of the Zoning Ordinance, an open space set-aside exhibit was provided with the PPS which conceptually shows plaza areas proposed to meet the requirement for Parcels 1 through 4. Building and site details in conformance with the requirements of Section 27-4204(e)(3) and Part 27-6, Development Standards, of the Zoning Ordinance will be evaluated at time of DET review.

There are curb cuts proposed at the following locations:

- Old Central Avenue
- Rollins Avenue
- Yolanda Avenue

Per the provisions in Section 27-4204 of the Zoning Ordinance, for Transit-Oriented/Activity Center Base Zones, curb cuts must maintain a minimum distance of 100 feet from other curb cuts in the same block face. The aforementioned curb cuts proposed for the site access points do not appear to meet the minimum distance requirements due to the curb cuts of adjacent properties.

The applicant has filed a separate application for a major departure from Section 27-4204, per the guidelines set in Table 27-3614(b)(2): Major Departures. Departures (Minor and Major) of the current Zoning Ordinance and will be evaluated at time of DET review.

In accordance with Section 27-6903(a)(1) of the Zoning Ordinance, development with more than 20 dwelling units shall have at least one secondary point of vehicular access to or from the site to ensure emergency vehicle access, if feasible. The PPS shows that both Parcels 1 and 4 have one entry/exit point on Old Central Avenue and Yolanda Avenue, respectively, which will also serve as emergency vehicular access. The SOJ provided by the applicant demonstrates that a secondary point of vehicular access for emergency vehicles is unfeasible due to existing site constraints. This will be further evaluated at the time of DET review.

Noise Controls

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

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

The site is in the vicinity of Central Avenue, an arterial right-of-way. The applicant submitted a Phase I noise analysis with the PPS, to study the effects of the noise generated by the arterial roadway on the proposed development. Outdoor activity areas within the development conceptually include courtyards for each multifamily building. Any upper-level balconies, which may be proposed, would also be outdoor activity areas; at this time, no information has been provided on whether any balconies are proposed.

The noise analysis evaluated average sound levels separately during the hours of 7:00 a.m. to 10:00 p.m. (daytime) and 10:00 p.m. to 7:00 a.m. (nighttime) for the outdoor activity areas, with the goal of demonstrating that noise will be mitigated in outdoor activity areas to no more than 65 dBA equivalent continuous sound level (Leq) during daytime hours, and no more than 55 dBA

Leq during nighttime hours. The noise study also evaluated indoor noise, with the goal of ensuring that interior noise could be mitigated to be no more than 45 dBA/Leq.

For exterior noise, the noise study found that under future conditions, with buildings in place fronting along Old Central Avenue/Central Avenue, courtyards interior to or at the rear of the buildings will not be exposed to noise levels above 55 dBA/Leq during nighttime hours. At the time of DET, the applicant should determine whether any balconies are proposed and submit a Phase II noise study in order to show how noise will be mitigated for the affected outdoor activity areas. The DET should show the details of any noise mitigation needed to meet the requirements of Section 27-6810.

The PPS shall show the locations of the unmitigated daytime 65 dBA/Leq ground-level noise and upper-level noise contours, and the unmitigated nighttime 55 dBA/Leq ground-level and upper-level noise contours, all under existing conditions.

For interior noise, the noise study found that the maximum impact upon the proposed buildings at the façades would be 70 dBA/Leq under daytime conditions and 63 dBA/Leq under nighttime conditions. Standard building construction methods are able to provide a minimum of 20 decibels (dB) of noise reduction. The building materials shall be evaluated, and a Phase II noise study provided with the DET to demonstrate the proposed building materials will maintain interior noise levels at 45 dBA or less.

2018 Prince George's County Landscape Manual Conformance

The proposed development is subject to the 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; and Section 4.9, Sustainable Landscaping Requirements. Conformance with applicable landscaping requirements of the Landscape Manual will be evaluated at the time of DET review.

Conformance with the Tree Canopy Coverage Ordinance

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of TCC on projects that require a grading permit or propose 5,000 square feet or greater of gross floor area or disturbance. Conformance with this requirement will be evaluated at the time of DET review.

15. **Citizen Feedback**—No correspondence from members of the community, regarding this project, was received.
16. **Referral to Municipalities**—The subject property is located within one mile of the municipal boundaries of Seat Pleasant, Capitol Heights, and Fairmount Heights. The PPS was referred to adjacent municipalities for review and comments on February 6, 2024. No referral response from the adjacent municipalities was received.
17. **Planning Board Hearing**—Prior to 12:00 p.m. on June 4, 2024, the Prince George's County Planning Department received one exhibit from the applicant, entered into the record as

Applicant's Exhibit 1, proposing revisions to two findings and two conditions. The Planning Board reviewed the proposed revisions and, at the conclusion of the hearing, voted to affirm their agreement with the revisions.

No other written correspondence from members of the community, regarding this project, was received prior to the public hearing held on June 6, 2024, and no citizens signed up to speak at the hearing.


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.

* * * * *

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 Doerner, with Commissioners Washington, Doerner, and Bailey voting in favor of the motion, and with Commissioners Geraldo and Shapiro absent at its regular meeting held on Thursday, June 6, 2024, in Largo, Maryland.

Adopted by the Prince George's County Planning Board this 27th day of June 2024.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:EDC:tr

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: June 17, 2024