

PGCPB No. 2024-051

File No. SDP-2303

R E S O L U T I O N

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

WHEREAS, the applicant, D.R. Horton, Inc., submitted an application for approval of a Specific Design Plan; and

WHEREAS, the subject property is within the Legacy Comprehensive Design Zone (LCD); and

WHEREAS, pursuant to Section 27-1704(h) of the Zoning Ordinance, property in the LCD Zone may proceed to develop in accordance with the standards and procedures of the Zoning Ordinance in existence prior to April 1, 2024, subject to the terms and conditions of the development approvals which it has received; and

WHEREAS, the subject property was included in Comprehensive Design Plan CDP-22002, which was approved by the Prince George's County Planning Board on September 14, 2023 (PGCPB Resolution No. 2023-100); and

WHEREAS, pursuant to Section 27-1704(a) of the Zoning Ordinance, CDP-22002 remains valid for a period of twenty (20) years from April 1, 2022; and

WHEREAS, therefore, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed this application under the Zoning Ordinance in existence prior to April 1, 2022; and

WHEREAS, in consideration of evidence presented at a public hearing on June 6, 2024, regarding Specific Design Plan SDP-2303 for Dobson Farms, the Planning Board finds:

1. **Request:** This application requests approval of a specific design plan (SDP) for infrastructure improvements, including public streets, water, sewer, stormdrain utilities, and stormwater management (SWM) facilities.

2. **Development Data Summary:**

	EXISTING	EVALUATED
Zones	LCD	Prior R-S
Use	Vacant	Grading Infrastructure
Gross Total Acreage	581.06	581.06
Floodplain Acreage	194.73	194.73
Net Acreage of SDP	386.33	386.33

3. **Location:** This site is located on the south side of McKendree Road, approximately 1,400 feet west of its intersection with US 301 (Robert Crain Highway).

4. **Surrounding Uses:** The subject site is bounded to the north by undeveloped land and single-family residences in the Agricultural-Residential (AR) and Residential, Rural Zones beyond; to the south by Charles County; to the east by McKendree Road, with townhouses in the Residential, Single-Family-Attached Zone beyond; and to the west by Gardner Road, with a variety of non-agricultural uses in the AR Zone beyond. The property also abuts Mattawoman Creek, which runs east-west along the southern portion of the property and serves as the boundary between Prince George's County and Charles County.

5. **Previous Approvals:** The following applications were previously approved for the subject property:

In 1968, the Prince George's County District Council approved Special Exception SE-1719, for expansion of the golf course and construction of ponds on the property.

In 1969, the District Council approved SE-2004, to permit a golf course, a country club, and a concession stand on the property.

In 1978, the District Council approved SE-2970, to permit the mining of sand and gravel, for five years, on a tract of 102 acres on the property.

In 1997, the District Council approved SE-4218, to permit the mining of sand and gravel on the property.

In 2003, the District Council approved SE-4479, to permit the extension of the mining of sand and gravel on a tract of 65 acres, for three years, on the property.

In 2011, the District Council approved SE-4669, to permit the extension of the mining of sand and gravel for six years on the property.

Zoning Map Amendment (Basic Plan) A-10059 was accepted for review on February 17, 2021, prior to the effective date of the new Prince George's County Zoning Ordinance. Publication of the technical staff report (June 28, 2021); the Prince George's County Planning Board hearing (July 29, 2021); adoption of the Planning Board's A-10059-C-10 Resolution No. 2021-109 (September 9, 2021); and the Zoning Hearing Examiner's hearing (March 2, 2022) and decision recommending approval to the Residential Suburban Development (R-S) Zone, all occurred prior to the effective date of the new Zoning Ordinance. The District Council's decision of A-10059 (Zoning Ordinance No. 8-2022) also occurred after April 1, 2022, which resulted in a zone set forth within the new Zoning Ordinance, pursuant to Section 27-1703(a) of the Zoning Ordinance. In October 2022, the overall site was rezoned to the LCD Zone, by the District Council, as the appropriate replacement for the R-S Zone, through A-10059, for 857 to 1,106 dwelling units, subject to five conditions. The density range permitted with the basic plan was 857 to 1,106 dwelling units.

On September 14, 2023, the Planning Board approved Comprehensive Design Plan CDP-22002, for Dobson Farms (PGCPB Resolution No. 2023-100). The CDP approved a residential development, with a mix of housing types consisting of up to 1,106 dwelling units, subject to 19 conditions.

6. **Design Features:** The irregularly shaped 581-acre property follows Mattawoman Creek and the Charles County boundary along the southern property line. Grading and the limits of disturbance are shown on the SDP together with existing environmental features on the property such as topography, streams, floodplain, wetlands, and primary management areas (PMAs). Details of the layout and site design for this development will be determined when a full-scale SDP is submitted for review.

The subject SDP includes infrastructure improvement designs for public streets, water, sewer, stormdrain utilities, and SWM facilities, all of which will be essential to further develop the site as a residential community.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendment (Basic Plan) A-10059:** The District Council approved Basic Plan A-10059 on October 17, 2022, for development of up to 1,106 single-family detached and attached dwelling units, pursuant to the requirements of the prior R-S Zone. The approved basic plan was subject to five conditions. The conditions that are relevant to the review of this SDP are provided as follows:

1. **The Applicant shall provide a stream corridor assessment survey with a NRI plan review.**

An updated Natural Resources Inventory Plan (NRI-001-2022-01) was approved on March 31, 2022, with the required stream corridor assessment survey.

2. **The Applicant shall meet the entire Woodland Conservation requirement on-site for the prior R-S Zone applicable prior to April 1, 2022. The Tree Canopy Coverage requirements shall be met on-site pursuant to the standards of the prior R-S Zone applicable prior to April 1, 2022.**

The approved Type 1 Tree Conservation Plan (TCP1-011-2023) certified with the CDP showed the entire woodland requirement met on-site and using the prior zoning (R-S) woodland conservation threshold. The Type 2 Tree Conservation Plan (TCP2-008-2024) submitted with this SDP application shows the entire woodland requirement will be met on-site.

3. **The Applicant shall create new wetland and enhance existing wetlands with adjoining meadows focusing on providing wildlife habitat.**

The approved TCP1 certified with the CDP application showed four types of habitat creation areas planned for the open and forested areas on-site. The TCP2 submitted with this application shows the locations of the required habitat enhancement areas. These habitat areas will be further reviewed with the preliminary plan of subdivision (PPS). Below are summary descriptions of each habitat enhancement area:

Wetland Creation—New areas of wetlands will be created through minimal grading and the introduction of native wetland species local to the region. These areas will be located in lower topographic regions, within the vicinity of the Mattawoman floodplain and its connected wetlands. The goal of these new wetlands is to create a habitat extension of the Mattawoman watershed system, creating a more robust transitional buffer between the approved development and the mature woodlands along Mattawoman Creek.

Meadow Habitat Creation—In areas that are not planned for reforestation plantings, native meadows will be created utilizing minor grade changes and purposeful plantings to create a different type of habitat edge adjacent to the existing woodlands. These areas are envisioned to create connections from isolated wetlands to forest edge regions.

Forest Edge Treatment—Forest edge treatments are selective plantings of new tree and shrub species that can protect vulnerable, mature, canopy edges of existing woodlands. The planting of understory, flowering, and canopy species along the forest edge is included to ensure a greater natural buffer between the approved development and the adjacent woodlands, protecting the existing woodlands from windthrow and invasive species encroachment.

Woodland Understory Enhancement—Opportunities exist throughout the existing woodlands for selective low-footprint woodland enhancement. This would be accomplished through the planting and establishment of native herbaceous species, along with infill planting of shrubs and understory trees. The strategic establishment of lower and mid-canopy species within the existing woodland provides the opportunity to balance the existing forest ecosystem with a suitable understory of native trees, shrubs, and herbaceous plantings.

4. The Applicant shall provide selective woodland understory enhancement focusing on habitat and biodiversity.

The previously approved TCP1 showed woodland understory enhancement areas. These habitat areas will be further reviewed with the PPS.

5. The Applicant shall provide ecological enhancement through selective environmental site design planting motifs that both replicate and increase the biodiversity of the local ecology.

The previously approved TCP1 showed a variety of ecological enhancement areas. These habitat areas will be further reviewed in the PPS.

8. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the applicable SDP requirements of the prior Zoning Ordinance.

a. Section 27-527 of the prior Zoning Ordinance sets forth the following criteria for approval of an SDP:

- (a) **The applicant shall demonstrate to the Planning Board that, in the preparation of the Specific Design Plan, he has devoted adequate attention to building and landscape design, and engineering factors. The signatures of a qualified design team (including an architect, a landscape architect, and a professional engineer) on the Specific Design Plan shall be prima facie evidence that the respective factors within the scope of the signer's profession have been considered.**

The subject plan conforms to the requirements of this Section by establishing infrastructure improvement designs for public streets, water, sewer, stormdrain utilities, and SWM facilities, to further development of the site, in conformance with CDP-22002. The subject SDP does not include any landscape, building, or architectural components. The site plan was prepared by Rodgers Consulting Inc. and signed by the appropriate civil engineer, in accordance with this requirement. This criterion will be evaluated again with the full SDP.

- (b) **The Specific Design Plan shall include (at least) the following with all plans prepared at the same scale:**

- (1) **A reproducible site plan showing buildings, functional use areas, circulation, and relationships between them; and in the V-M and V-L Zones, a three-dimensional model and a modified grid plan, which may include only the Village Proper, and any Hamlet, which incorporates plan concepts, spatial and visual relationships, streetscape, and other characteristics of traditional rural villages shall be provided prior to Planning Board and District Council review;**
- (2) **Reproducible preliminary architectural plans, including floor plans and exterior elevations;**
- (3) **A reproducible landscape plan prepared in accordance with the provisions of the Landscape Manual;**
- (4) **A Type 2 Tree Conservation Plan prepared in conformance with Division 2 of Subtitle 25 and The Woodland and Wildlife Habitat Conservation Technical Manual or Standard Letter of Exemption;**
- (5) **An approved Natural Resource Inventory; and**

(6) A statement of justification describing how the proposed design preserves or restores the regulated environmental features to the fullest extent possible.

This SDP has been prepared to meet all the applicable drawing and plan submission requirements. It should be noted that the application is for infrastructure only, to support the ultimate development of the property. Thus, no architectural elevations are included at this time. Such plan details will be reflected in future SDP revisions. A TCP2 has been submitted in conjunction with this application and reflects all approved infrastructure improvements and impacts.

According to the previously approved NRI-001-2022-01, the property contains mapped regulated environmental features (REF) including streams, stream buffers, wetlands, wetland buffers, and 100-year floodplain. A statement of justification (SOJ) was submitted that describes how the REFs are preserved to the fullest extent possible. The conservation methods of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) require priority to be placed on the preservation of the on-site woodland and wildlife habitat areas and the planting of stream corridors, and emphasizes the preservation of large contiguous woodland within the green infrastructure network.

- (c) An applicant may submit a Specific Design Plan for Infrastructure in order to proceed with limited site improvements. These improvements must include infrastructure which is essential to the future development of the site, including streets, utilities, or stormwater management facilities. Only those regulations, submittal requirements, development standards, and site design guidelines which are applicable shall be considered. The Planning Board may also consider the proposal in light of future requirements, such that the plan cannot propose any improvements which would hinder the achievement of the purposes of the zone, the purposes of this Division, or any conditions of previous approvals, in the future. The Planning Board shall also consider any recommendations by the Department of Permitting, Inspections, and Enforcement and the Prince George's Soil Conservation District. Prior to approval, the Planning Board shall find that the Specific Design Plan is in conformance with an approved Type 2 Tree Conservation Plan and must also approve a Type 2 Tree Conservation Plan in conjunction with approval of the Specific Design Plan for Infrastructure.**

This SDP is for infrastructure only. Specifically, the application includes infrastructure improvements for public streets, water, sewer, stormdrain utilities, and SWM facilities for the property. All areas shown to be impacted by this application will ultimately be developed with residential units, in conformance with the approved CDP applicable to the property. A TCP2 has been submitted for review with this application. An approved SWM Concept Plan

(14756-2023-SDC) was also submitted with this application. The Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) issued the approval on May 2, 2024.

- b. Section 27-528 of the prior Zoning Ordinance sets forth the following criteria for approval of an SDP for infrastructure:

- (b) **Prior to approving a Specific Design Plan for Infrastructure, the Planning Board shall find that the plan conforms to the approved Comprehensive Design Plan, prevents off-site property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.**

This application conforms to the approved CDP-22001, as mentioned herein. Further, the approved layout and associated infrastructure will not be detrimental to the health, safety, or welfare of any resident or property owner within the County.

This application area contains REFs including steep slopes, floodplain, wetlands, streams, and their associated buffers which comprise the PMA. This SDP application is only for impacts needed for on-site infrastructure. The applicant included 27 PMA impact areas as part of this infrastructure application.

The approved infrastructure is necessary to implement the planned residential development for the property, as reflected in the approved basic plan and CDP. The ultimate development of the residential uses for the property will promote the health, safety, and welfare of the existing residents of the County by providing a variety of new living opportunities, as well as increasing the overall tax base for Prince George's County. In addition, all grading activities will be performed pursuant to a site development permit from DPIE and will respect all approved limits of disturbance established for the property, thereby preventing off-site property damage and environmental degradation. The approved grading will also incorporate all required sediment control devices to prevent any damaging drainage, erosion, or pollution discharge.

9. **Comprehensive Design Plan CDP-22002:** CDP-22002 for Dobson Farms was approved by the Planning Board on September 14, 2023 (PGCPB Resolution No. 2023-100), and affirmed by the District Council on January 25, 2024, for a residential development with a mix of housing types consisting of up to 1,106 dwelling units, subject to 19 conditions. The conditions that are relevant to the review of this SDP are provided as follows:

2. **Prior to acceptance of the preliminary plan of subdivision application, a statement of justification (SOJ) for the necessary primary management area (PMA) impacts shall be included in the application package. The SOJ shall address all proposed**

impacts on regulated environmental features. PMA impacts, solely associated with the creation of lots, will not be allowed.

An SOJ was included in the application package for the PMA impacts of the approved infrastructure improvements. All other PMA impacts will be reviewed with the PPS.

3. **Prior to acceptance of the preliminary plan of subdivision application, a variance request and impact sheets for the removal of any specimen trees shall be included in the application package.**

Variance requests were included in the application package for specimen tree removals due to the infrastructure impacts. All other specimen tree removal requests will be reviewed with the PPS.

5. **An approved stormwater management concept plan and approval letter, or an indication that an application for such approval has been filed, shall be submitted with the preliminary plan of subdivision application.**

An approved SWM Concept Plan (14756-2023-SDC) was submitted with this application. DPIE issued the approval on May 2, 2024.

The remaining applicable conditions (11–15) contain requirements for density increments, green building techniques, interpretive signage, and shared-use path specifications. Conformance with these conditions will be evaluated when a full-scale SDP is submitted for consideration.

10. **2010 Prince George's County Landscape Manual:** Per Section 27-528(a)(1) of the prior Zoning Ordinance, an SDP must conform to the applicable standards of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The development of infrastructure only is exempt from conformance with Section 4.1, Residential Requirements; Section 4.2, Requirements for Landscape Strips along Streets; Section 4.6, Buffering Development from Streets; and Section 4.7, Buffering Incompatible Uses, of the Landscape Manual because it does not impose a change in intensity of use, or an increase of impervious area for parking or loading spaces or gross floor area on the subject property. Future SDPs that include development of the site will be reevaluated for conformance with the applicable sections of the Landscape Manual.
11. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the WCO because the property is greater than 40,000 square feet in size and contains more than 10,000 square feet of existing woodland. TCP2-008-2024 was submitted with the SDP application.

Based on the TCP2, the overall site contains a total of 198.36 acres of net tract woodlands and 184.03 acres of wooded floodplain. The plan shows a proposal to clear 94.63 acres of on-site woodlands, 1.96 acres of wooded floodplain, and 0.93 acre of off-site woodlands. This application uses the prior zoning (R-S) woodland conservation threshold for a requirement of 103.80 acres. Currently, the woodland conservation worksheet shows 101.98 acres of on-site preservation and 1.82 acres of on-site reforestation to meet the woodland requirement on-site.

12. **Prince George's Country Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading or building permit for more than 5,000 square feet of disturbance. Properties applying the prior R-S Zone are required to provide a minimum of 15 percent of the gross tract area in TCC. Conformance with the requirements of the Tree Canopy Coverage Ordinance will be evaluated when a full-scale SDP is submitted for consideration.
13. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows, and are incorporated herein by reference:
 - a. **Community Planning**—The Planning Board has reviewed and adopts the memorandum dated February 20, 2024 (Calomese to Lockhart), the Community Planning Division noted that the applicable master plan is the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* (master plan). Master plan conformance was determined with the approval of Basic Plan A-10059. The residential development consists of 1,106 dwelling units with a mix of housing types. The approved use conforms with the master plan's recommended land use.
 - b. **Transportation Planning**—The Planning Board has reviewed and adopts the memorandum dated May 8, 2024 (Ryan to Lockhart). Transportation staff provided an analysis of previous conditions of approval that have been incorporated in the findings above. The memorandum noted that the subject property fronts along McKendree Road (MC-502) to its north. This portion of McKendree Road falls within the 2009 *Approved Countywide Master Plan of Transportation*, which recommends this portion of McKendree Road as a four-lane master plan collector roadway, with 100 feet of right-of-way. At the time of PPS for the subject property, the applicant will be required to dedicate right-of-way for the portion that fronts the site. The planned right-of-way for these facilities will incorporate the design and construction of the shared-use path along the site's frontage, as recommended. In addition, the following comments were offered:

Transportation Planning Review

The applicant's submission displays vehicular, bicycle, and pedestrian movement throughout the site. Two points of vehicle access have been provided along the site's frontage of McKendree Road. Circulation is confined to the site, thereby ensuring no cut through traffic will impact operations. The applicant has also included a conceptual traffic calming exhibit. This exhibit displays a series of traffic calming devices, including raised crosswalks, standard crosswalks, street trees, street lighting, and signage. However, the traffic calming exhibit only displays Road A until its intersection with Road C and Road D. At subsequent stages of development, Transportation staff will make further recommendations related to traffic calming measures for Roads C and D.

The applicant has also included a bicycle and pedestrian facilities plan demonstrating bicycle and pedestrian movement through the site. Sidewalks are shown along both sides of all roads throughout the subdivision. The bicycle and pedestrian exhibit shows a

bicycle lane along both sides of Road A. However, the SDP plans only display a 10-foot-wide shared-use path along the north side of Road A. Prior to certification of the subject application, Transportation staff requests that the applicant update plans to display a bicycle lane along both sides of Road A, from its origin along McKendree Road, to its terminus at its intersection with Road C and Road D.

The bicycle and pedestrian facilities plan, and the SDP plans display a 10-foot-wide shared-use path along the north side of Road C. Road C moves west-southwest and serves the westernmost point of the development. The shared-use path is shown on the entirety of Road C. In addition, the bicycle and pedestrian facilities plan shows a conceptual trail originating along Road A, which runs east and departs the subject property. This trail would connect with an existing trail to the adjacent development to the east of the subject site, which is known as Dobson Ridge, and was approved under PPS 4-20002. A notation is added to this trail which reads "Trail connection via private roadways to be demonstrated at time of Preliminary Plan." Transportation staff concur with this notation and will further examine direct pedestrian trails between the subject site and the Dobson Ridge site, at the time of PPS.

c. **Subdivision**—The Planning Board has reviewed and adopts the memorandum dated May 7, 2024 (Diaz-Campbell to Lockhart). Subdivision staff provided an analysis of previous conditions of approval which are incorporated in the findings of this resolution. In addition, the following comments were offered:

- (1) The SDP does not show public utility easements provided along both sides of all public streets, as required by Section 24-122(a) of the prior Prince George's County Subdivision Regulations. Conformance with this requirement will be required at the time of PPS.
- (2) The layout of all streets will be evaluated in accordance with the prior Subdivision Regulations, at the time of PPS, and may require revisions to the layout shown on this SDP.
- (3) Parcel 6, and a portion of Parcel 8 (located on the west side of the property) are located in Sustainable Growth Tier IV, and in Water and Sewer Category 6. Restrictions on the future subdivision and development of this area were discussed with CDP-22002. The portion of the property in Tier IV is required to be recorded as one or more outparcels and will not be developed (see Findings on page 17 and Condition 16 of PGCPB Resolution No. 2023-100).
- (4) Final plats for the property will be required following approval of the PPS and SDP before permits may be approved for the subject property.
- (5) Prior to approval of the final plats of subdivision, a vacation petition must be approved to vacate the existing public right-of-way for Meadow Drive, Meadow Court, Green View Lane, and Scenic Avenue.

- d. **Environmental Planning**—The Planning Board has reviewed and adopts the memorandum dated May 6, 2024 (Schneider to Lockhart). A review of the site’s environmental features and prior conditions of approvals was presented. The site has an approved Natural Resources Inventory Plan (NRI-001-2022-01) which shows the existing conditions of the property. The TCP2 requires technical corrections, with conditions recommended herein.

Specimen Trees

Section 25-122(b)(1)(G) of the Prince George’s County Code 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 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 County Code. Section 25-119(d)(4) clarifies that variances granted under Subtitle 25 are not considered zoning variances.

The site contains 189 specimen trees, and the current proposal for infrastructure seeks to remove 21 specimen trees leaving 168 specimen trees. These requested 21 specimen trees for removal have condition ratings of good (15 specimen trees), fair (2 specimen trees), poor (2 specimen trees) and fair-poor (2 specimen trees).

Evaluation

Environmental Planning staff support the removal of 19 of the 21 specimen trees requested by the applicant. Specimen trees ST-126 and ST-127 are requested for removal, but are part of mass grading of the application area and not infrastructure. These two trees will be evaluated for removal with the PPS. After the removal of 19 specimen trees, the remaining specimen trees on-site will be 170, in compliance with Section 25-122(b)(1)(G) of the County Code. Furthermore, retaining majority of the specimen trees on-site aligns with one of the policies of the WCO, which is to conserve and protect trees through planning techniques and construction practices in order to prevent adverse effects on any sensitive environmental features.

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 for the removal of 19 specimen trees, 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 property would cause an unwarranted hardship if the applicant were required to retain these 19 specimen trees identified as ST-5, ST-6, ST-19 through 21, ST-26, ST-27, ST-34, ST-37, ST-51, ST-52, ST-68, ST-71 through 73, ST-80, ST-107, ST-219, and ST-220. Requiring the applicant to retain the 19 specimen trees on-site would further limit the required infrastructure impacts for development to the extent that it would cause the applicant an unwarranted hardship. The subject specimen trees are located within or adjacent to approved limit of disturbance areas for stream road crossings, SWM structures and water and sewer extension pipelines. Retaining these 19 specimen trees would hinder the approved infrastructure development. The large amount of specimen trees (189) located throughout the entire property makes it impossible to develop the site as contemplated by the basic plan and CDP without affecting a single specimen tree. Development cannot occur on the portions of the site containing PMA, which limits the site area available for development.

(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. The site contains 189 specimen trees, and the applicant seeks to remove 19 of these trees (10 percent). The 19 trees are being removed due to their location within the approved infrastructure limit of disturbance. The applicant is providing all their woodland conservation requirements on-site, and 170 specimen trees are located within the area for preservation.

(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 hinder the infrastructure project and the overall Dobson Farm subdivision 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 infrastructure developments were partially wooded with REFs and substantial amounts of specimen trees in similar conditions and locations, it would be given the same considerations during the review of the required variance application.

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

The applicant has taken no actions leading to the conditions or circumstances that are the subject of the variance request. The site is currently vacant, and the removal of the 19 specimen trees would be the result of their location within the approved infrastructure limits of disturbance and preserving the woodland

conservation requirement on-site to achieve optimal development for the residential subdivision.

(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, building uses on the site, or on neighboring properties, which have any impact on the location or size of the specimen trees. The trees have grown to specimen tree size based on natural conditions and have not been impacted by any neighboring land or building uses.

(F) Granting of the variance will not adversely affect water quality.

The removal of 19 specimen trees will not adversely affect water quality. Furthermore, the approved Dobson Farm development will not adversely affect water quality because the project will be subject to the requirements of the Prince George's County Soil Conservation District, and the approval of a stormwater concept plan by DPIE. The approved SWM plan includes micro-bioretenention ponds, submerged gravel wetlands, grass swales, and disconnect areas.

The applicant submitted a variance request to remove 21 specimen trees (ST-5, ST-6, ST-19–21, ST-26, ST-27, ST-34, ST-37, ST-51, ST-52, ST-68, ST-71–73, ST-80, ST-107, ST-126, ST-127, ST-219, and ST-220) required for infrastructure construction for the approved Dobson Farm residential subdivision. Two of the requested specimen trees for removal (ST-126 and ST-127) were for mass grading of the site and not for infrastructure. A condition has been included herein, requiring the applicant to provide a variance request and full evaluation regarding the removal of Specimen Trees ST-126 and ST-127 within the residential lots, with the acceptance of a PPS when more detailed information is available.

Environmental Planning staff recommend the Planning Board grant the variance removal request for 19 specimen trees identified as ST-5, ST-6, ST-19–21, ST-26, ST-27, ST-34, ST-37, ST-51, ST-52, ST-68, ST-71–73, ST-80, ST-107, ST-219, and ST-220.

Regulated Environmental Features

This application area contains REFs including steep slopes, floodplain, wetlands, streams, and their associated buffers, which comprise the PMA. This SDP application is for impacts needed for on-site infrastructure only. The applicant sought 27 PMA impact areas, as part of this infrastructure application, for SWM outfall structures, one trail connection, four road crossings, one interior road grading area, and four sewer connections. These planned impact areas require infrastructure to adequately develop the approved Dobson Farm subdivision.

Two requested impact areas for trail connection (Impact E) to the adjacent subdivision to the east, and an interior road grading (Impact L), do not meet the standard as required infrastructure for this SDP and are not recommended for approval with this SDP application.

Environmental Planning staff recommend approval of 25 impact areas (A, B, C, D, F, G, H, I, J, K, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, and AA) and do not recommend approval of Impact Areas E and L, a trail connection and interior road grading. A condition has been included herein, requiring the applicant to provide a SOJ and full evaluation regarding PMA impacts within the planned residential lot area, for Impact Areas E and L, with the acceptance of the PPS when more detailed information is available.

- e. **Historic Preservation**—The Planning Board has reviewed and adopts the memorandum dated February 20, 2024 (Smith, Chisholm, and Stabler to Lockhart). Historic Preservation staff noted that a Phase I archeology survey was conducted on the subject property, from September to December 2020. The study consisted of background research and an archeological field survey of the portion of the property planned for development. The subject property is located south and west of McKendree Road, and primarily includes fallow agricultural fields, forests, and wooded floodplain. The property is characterized by relatively level terrain in the north that slopes gently southward toward Mattawoman Creek and its expansive floodplain.

One previously identified site, 18PR602, a Late Archaic prehistoric short-term camp, and early to mid-20th century artifact scatter associated with a farm outbuilding, is located in the south-central portion of the property. A total of 5,954 shovel test pits (STPs) were excavated. Of these, 45 positive STPs contained 379 artifacts resulting in the identification of 12 isolated finds, 5 new archeological sites, and an expansion of previously recorded Site 18PR602. Sites 18PR1193, 18PR1194, and 18PR1197 are late 19th- to 20th-century artifact scatters, associated with former farm buildings. Site 18PR1195 is a prehistoric Late Woodland artifact scatter and Site 18PR1196 is a precontact lithic scatter of unknown temporal affiliation. The applicant's archeological consultant concluded that Sites 18PR1193, 18PR1194, 18PR1197, and the expansion of Site 18PR602, retain low potential to provide significant data on historic or precontact lifeways. The applicant's consultant recommended no further work on these sites. The Late Woodland prehistoric component of Site 18PR1195 represents an archeological resource type that has not been significantly studied along the upper Mattawoman Creek drainage. The applicant's consultant recommended that Site 18PR1195 either be avoided, or subjected to Phase II archeological investigations, to evaluate its integrity and significance.

- f. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—The Planning Board has reviewed and adopts the memorandum dated March 18, 2024 (Guzman to Lockhart). DPIE offered several comments to be addressed at the time of permitting.

- g. **Prince George's County Health Department**—The Health Department did not comment on the subject SDP.
 - h. **Prince George's County Department of Parks and Recreation (DPR)**— The Planning Board has reviewed and adopts the memorandum dated April 5, 2024 (Thompson to Lockhart). DPR provided an analysis of previous conditions and noted that any DPR-related impacts and conditions will be reviewed with subsequent development applications.
 - i. **Special Projects**—The Planning Board has reviewed and adopts the memorandum dated February 23, 2024 (Walker to Lockhart). The Special Projects Section noted that, pursuant to adopted tests and standards, public safety facilities (fire) and water and sewer service are adequate to serve the approved development. There are no police, fire and emergency medical service facilities, public schools, parks, or libraries planned on the subject property. The staging of development will not be an unreasonable burden on available public facilities. Another public facilities review will be conducted at the time of PPS.
14. **Planning Board:** The Planning Board held a public hearing on this application on June 6, 2024. At the hearing, and in rendering its decision, the Board considered all written and oral testimony, along with all exhibits submitted according to the Planning Board's procedures.

Prior to the hearing, and in accordance with the Planning Board's procedures, the applicant provided an exhibit, known as Applicant Exhibit 1, which provided revised findings and conditions regarding the technical staff report. The exhibit revised the Transportation Planning referral on page 11 of the technical staff report, replacing "throughout the subdivision. As a condition of approval, prior to acceptance of the SDP for full site development, staff request that the applicant submit a traffic calming exhibit displaying calming measures throughout the development" with "for Roads C and D." The exhibit also replaced "show" with "label" in Condition 1c and deleted Condition 2a. In addition, the exhibit added "unless these are approved for removal at the time of preliminary plan of subdivision and Type 1 tree conservation plan (TCP1)" to Conditions 4a and 4b, respectively. Finally, the exhibit added "unless additional specimen tree removal is approved at the time of preliminary plan of subdivision and Type 1 tree conservation plan (TCP1)" to Condition 4e and deleted "ST-126 (33.5 White oak), ST-127 (32 inch White oak)" from this condition. These revised conditions were agreed upon by staff and the applicant.

In addition to the document submitted by the applicant, two letters of opposition from the Brandywine/TB Southern Region Neighborhood Coalition (BTB Coalition), known as Opposition Exhibits 1 and 2, were sent to the Planning Board's Office, expressing their concerns about the subject development. The letters opposed the overall project and use, the adequacy of public facilities, discharges from nearby power plants, the impacts of ground disturbance on off-site properties, and impacts on equity and inclusion. As detailed above, the project and proposed uses were approved by the District Council (A-10059 rezoning and Basic Plan) and further delineated in CDP-22022. This SDP for infrastructure's conformance with each is addressed in Findings 7 and 9 if this resolution, respectively. The adequacy of public facilities is

reviewed at the time of PPS and is not an applicable finding for an SDP for infrastructure. Power plant discharges and issues concerning equity and inclusion, to the extent applicable, were issues before the District Council at the time of rezoning and are not findings applicable to an SDP for infrastructure. In addition, the potential impacts of the infrastructure work proposed in this SDP on nearby properties are required to be addressed at the time of permitting, where all regulations governing such issues as erosion, sediment control, and SWM apply.

The hearing began with a technical staff presentation, followed by the applicant's presentation. Ms. Kamita Gray, President of the BTB Coalition, reiterated the concerns outlined in Opposition Exhibits 1 and 2. The Planning Board agrees with staff that the subject SDP is for infrastructure only. Subsequent applications will further elevate the issues raised by Ms. Gray.

Following this discussion, the Planning Board voted to approve Specific Design Plan SDP-2301 and Type 2 Tree Conservation Plan TCP2-50-2023, subject to the recommended conditions of approval within the technical staff report, as revised by Applicant Exhibit 1.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED Type 2 Tree Conservation Plan TCP2-008-2024, and further APPROVED Specific Design Plan SDP-2303 for the above-described land, subject to the following conditions:

1. Prior to certification of the specific design plan, the plan shall be revised as follows:
 - a. Revise the coversheet to add the following note under the parcel identification table, which is carried forward from the coversheet of Comprehensive Design Plan CDP-22002:

“** Lot 1, Block B; Lot 5, Block C; and Lot 6, Block D were included in the deeds recorded in Liber 34004 at folio 498 and Liber 41072 at folio 211, but were not included in the Country Club Estates Subdivision Plat. Said lots are identified as Parcel 35 on Tax Map 164.”
 - b. Provide the limits of disturbance to match Type 2 Tree Conservation Plan TCP2-008-2024.
 - c. Revise the site plan to label a bicycle lane along both sides of Road A, from its origin along McKendree Road to its terminus at its intersection with Road C and Road D.
2. With the acceptance of the preliminary plan of subdivision, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
 - a. Provide a variance request and full evaluation regarding the removal of Specimen Trees ST-126 and ST-127 within the residential lots.

- b. Provide a statement of justification and full evaluation regarding primary management area Impact Areas E and L within the residential lot areas.
3. No grading or building permits shall be approved for the subject property prior to the approval of a preliminary plan of subdivision.
4. Prior to certification, the Type 2 tree conservation plan (TCP2) shall be revised as follows:
 - a. Revise the limits of disturbance and specimen tree table on Sheet 2, to show that Specimen Trees ST-126 and ST-127 are to remain, unless these are approved for removal at the time of preliminary plan of subdivision and Type 1 tree conservation plan.
 - b. Revise the limits of disturbance and primary management area impacts to remove the requested Impact Areas E and L for the plan view, unless these are approved for removal at the time of preliminary plan of subdivision and Type 1 tree conservation plan.
 - c. The Liber and folio of the recorded woodland and wildlife habitat conservation easement shall be added to the standard TCP2 notes on the plan as follows:

“Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded in the Prince George’s County Land Records at Liber _____ Folio _____. Revisions to this TCP2 may require a revision to the recorded easement.”
 - d. Prior to signature approval of the TCP2, have the property owner sign the Owner’s Awareness Certificate on each sheet of the TCP2.
 - e. Add the following note to the plan under the specimen tree table, unless additional specimen tree removal is approved at the time of preliminary plan of subdivision and Type 1 tree conservation plan:

“NOTE: This plan is in accordance with the following variance from the strict requirements of Subtitle 25 approved by the Planning Board on (ADD DATE): The removal of 19 specimen trees (Section 25-122(b)(1)(G)), ST-5 (31 inch Loblolly pine), ST-6 (31 inch Tulip poplar), ST-19 (30 inch Red maple), ST 20 (37 inch Red maple), ST-21 (36 inch Red Maple), ST-26 (41 inch Pin oak), ST-27 (50 inch Willow oak), ST-34 (48.5 inch Red maple), ST-37 (34.5 inch Red maple), ST-51 (33 inch Willow oak), ST-52 (34 inch Tulip poplar), ST-68 (30 inch Tulip poplar), ST-71 (42 inch Tulip poplar), ST 72 (38 inch Willow oak), ST-73 (32.5 inch Tulip poplar), ST-80 (38 inch Red maple), ST-107 (31.5 inch Tulip poplar), ST-219(36 inch Silver maple), and ST-220 (32-inch Red maple).”
 - f. Add a revision note and have the revised plan signed and dated by the qualified professional preparing the plan.

5. Prior to the issuance of any permits which impact 100-year floodplain, wetlands, wetland buffers, streams, or waters of the United States, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

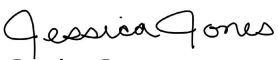
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner 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:TH:tr

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: June 14, 2024