



# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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Upper Marlboro, Maryland 20772  
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PGCPB No. 2023-65(A)

File No. ZMA-2022-003

## A M E N D E D R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed Zoning Map Amendment Application No. ZMA-2022-003, Smith Lake Estates, requesting approval in accordance with Subtitle 27 of the Prince George's County Code; and

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

WHEREAS, the subject property is within the Residential, Rural (RR) Zone; and

†WHEREAS, after consideration of the evidence presented at the public hearing on May 18, 2023; [~~the Prince George's County Planning Board finds:~~]

†WHEREAS, by an email sent on September 12, 2023 by the Zoning Hearing Examiner, this zoning map amendment application was remanded by the Prince George's County Office of the Zoning Hearing Examiner to post a legal advertisement for the case, per Section 27-3407(b) of the Prince George's County Zoning Ordinance;

†WHEREAS, after consideration of the evidence presented at the public hearing on November 9, 2023, the Prince George's County Planning Board finds:

1. **Location and Site Description:** The subject property is 62.52 acres, and is located west of Frank Tippet Road, approximately 600 feet from its intersection with Commo Road. The property consists of four deed parcels known as Parcels 10, 18, 20, and 62 recorded in the Prince George's County Land Records, in Liber 42875 at folio 528. The proposed access to the property is provided from one point on Frank Tippet Road. The property is located within the Residential, Rural (RR) Zone. The applicant has requested to rezone the subject property from the RR Zone to the Residential Planned Development (R-PD) Zone, pursuant to Section 27-3602 of the Prince George's County Zoning Ordinance, for development of a maximum of 150 single-family detached and townhouse dwelling units.
2. **History:** The property was the subject of two previously approved preliminary plans of subdivision (PPS) and one detailed site plan. PPS 4-05035, Smith Property, was approved by the Prince George's County Planning Board (PGCPB Resolution No. 05-267) on December 15, 2005, for 60 lots and 5 parcels, for the development of 60 single-family detached dwellings. PPS 4-09042, Smith Lake Estates, was approved by the Planning Board (PGCPB Resolution No. 11-13) on February 3, 2011, for six lots for the development of six single-family detached dwellings. Detailed Site Plan DSP-07002, Smith Property, was approved on November 9, 2011,

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[Brackets] and ~~strikethrough~~ indicate deleted language

by the Development Review Division, as designee of the Planning Director, for private recreation facilities to accompany 59 single-family detached dwelling units. However, development did not proceed in accordance with these approvals, and the applications have since expired.

On November 29, 2021, the Prince George's County District Council approved Prince George's County Council Resolution CR-136-2021, the Countywide Sectional Map Amendment (CMA), which reclassified the subject property from the Rural Residential (R-R) Zone to the RR Zone, effective April 1, 2022. The subject property is mostly undeveloped and wooded. Currently, 11 structures exist on the site, including 3 collapsed buildings, 3 dwellings, 2 barns, a frame garage, covered pavilion, and a woodshed. The site was previously used for agriculture and features a large farm pond on the eastern portion of the site, which has developed into a wetland area.

**†Remand**

This case was previously heard at the May 18, 2023 Planning Board meeting. This zoning map amendment application was remanded by the Prince George's County Office of the Zoning Hearing Examiner to post a legal advertisement for the case, per Section 27-3407(b) of the Prince George's County Zoning Ordinance. Staff has confirmed that the required legal advertisements were published the week of October 2, 2023.

3. **Neighborhood and Surrounding Uses:** The following uses and roadways immediately surround the site:  
  
    **North—**          Commo Road and the Tippetts Estates Subdivision in the RR Zone.  
  
    **East—**           Frank Tippetts Road and single-family detached homes in the RR Zone.  
  
    **South—**          Cheltenham Youth Facility in the RR Zone.  
  
    **West—**           Vacant land in the RR Zone.
4. **Request:** This application seeks to rezone the subject property from the RR Zone to the R-PD Zone, pursuant to Section 27-3602, for development of a maximum of 150 single-family detached and townhouse dwelling units.
5. **General and Master Plan Recommendations:** Pursuant to Section 27-4301(d)(1)(A), General Standards for All Planned Development Zones; and Section 27-4302(a)(2), R-PD Zone Use Standards, of the Zoning Ordinance, the proposed zoning map amendment (ZMA) is in conformance with the 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and the vision of the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* (Subregion 6 Master Plan and SMA).

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## **Land Use**

### **2014 Plan Prince George's 2035 Approved General Plan (Plan 2035)**

Plan 2035 places the subject property in the Established Communities Growth Policy Area. Established Communities are most appropriate for context-sensitive infill and low- to medium-density development. This Growth Policy area also recommends enhancing existing public services, facilities, and infrastructure throughout these communities (page 20; also refer to Map 1, Prince George's County Growth Policy Map, page 18).

The subject property is also part of the Future Water and Sewer Service Area. Development in this area is largely determined by the availability and capacity of water and sewer services. The site is currently in water sewer Category 3.

### **2013 Approved Subregion 6 Master Plan and Sectional Map Amendment**

The Subregion 6 Master Plan and SMA recommends residential low land use on the subject property. Residential low is described as "residential areas of up to 3.5 dwelling units per acre consisting of primarily single-family detached dwellings" (page 40). The proposed development will contain a maximum of 150 dwelling units, or 2.39 dwelling units per acre. The dwelling types will be a mix of single-family detached and townhouse dwellings.

### **Scenic and Historic Roads**

Frank Tippet Road is not designated as a scenic or historic roadway in the 2009 *Approved Countywide Master Plan of Transportation* (MPOT).

### **Summary of Master Plan and SMA Conformance**

The proposed ZMA is in conformance with Plan 2035 and the Subregion 6 Master Plan and SMA because the application proposes single-family detached homes and townhouses of similar character and density to the surrounding community, as prescribed by the guidance of Plan 2035, for properties located in the Established Communities Growth Policy Area.

6. **Compliance with Applicable Provisions of the Zoning Ordinance:** This finding is provided to evaluate all applicable zoning provisions, as it pertains to the proposed rezoning of the subject property from the RR Zone to the R-PD Zone.

### **Section 27-3602(b)(7)(A) – Review and Recommendation by Advisory Board or Official**

**(A) The Planning Board shall make a recommendation on the application in accordance with Section 27-3602(c), Planned Development (PD) Decision Standards, and transmit its recommendation to the ZHE. The Planning Board may suggest revisions to the PD Basic Plan and PD Conditions of Approval. The Planning Board's recommendation shall address:**

- (i) Whether the application complies with Section 27-3602(c), Planned Development (PD) Decision Standards;**

The subject application is found to conform with the Planned Development Decision Standards found in Section 27-3602(c), as detailed in the subsequent section below.

**(ii) The need and justification for the PD zone;**

The subject property is currently zoned RR, which requires a minimum of 20,000 square feet of lot area and a minimum lot width of 100 feet for single-family detached dwellings. The allowable density in the RR Zone is 2.17 dwelling units per acre, which would result in 130 single-family dwelling units. The RR Zone also does not permit townhouse dwellings, so there would not be a mix of dwelling types on the site.

The flexibility of the R-PD Zone will allow the applicant to include both single-family detached and townhouse dwellings within the development. The proposed maximum density of 2.5 dwelling units per acre would result in a total of 150 dwelling units, only 20 dwelling units above what is permitted in the base RR Zone. The R-PD Zone will also allow the applicant to develop lots with a reduced lot area and lot width, creating a more compact and inclusive residential development, while working with the existing environmental habitat.

The site contains environmental constraints including streams, wetlands, and floodplain areas. The proposed development is an environmentally sensitive design that preserves and protects the various environmental features of the site. The existing pond will be converted into a stormwater management (SWM) facility. Woodland on-site will also be retained, to the extent practicable, and placed within a woodland conservation easement.

**(iii) The effect of the PD zone, if any, on the land subject to the proposed PD and on surrounding neighborhoods; and**

The R-PD Zone will not negatively or adversely affect the subject property or the surrounding neighborhoods. The site is surrounded to the north and east by residential subdivisions beyond Commo Road and Frank Tippet Road. The site also directly abuts two single-family dwellings to the east. Vacant and wooded land is to the west of the site and, to the south, is the state-owned Cheltenham Youth Facility.

The site will have one access point off Frank Tippet Road that will lead to the internal street network. The proposed dwelling units, along the north side of the property, will be buffered from the adjacent Commo Road and residential subdivision beyond by landscaped areas and natural environmental features. The portion of the site that directly abuts residential dwellings to the east will have proposed dwellings set further away from the property line, to reduce any potential impacts to the adjacent residential uses.

- (iv) **The relationship of the proposed PD zone to the purposes of this Ordinance, the General Plan, and the applicable Area Master Plan or Sector Plan, with appropriate consideration as to whether the proposed PD zone will further the purposes of this Ordinance, the General Plan, and the applicable Area Master Plan or Sector Plan.**

The proposed R-PD Zone will further the purposes of this Ordinance, the General Plan, and the area master plan. The health, safety, and welfare of the future inhabitants of the development will be protected and promoted by providing high-quality development that features both passive and active recreation amenities. The mix of dwelling types proposed will enhance the established character of the surrounding residential communities and provide options for families of various sizes. The existing pond on-site will serve as a centralized gathering place for the community, with convenient access through pedestrian walkways and trails. Potential amenities, such as a pocket park and playground area, will be provided for active recreation.

The development also ensures the provision of open space, to protect the scenic and natural features surrounding the site. The required open space set-aside amount is 20 percent of the development site area. The proposed basic plan shows that 31 percent of open space will be provided. The subject property is also near Maryland-National Capital Park and Planning Commission (M-NCPPC) owned Piscataway Creek Stream Valley Park and Cheltenham Park for additional recreation options. Environmentally sensitive design practices shall be implemented, to reduce impacts to the PMA and adequately buffer regulated areas from the proposed residential development.

Several policies outlined in Plan 2035 are furthered by the proposed development. One of the six principles that guides the Plan 2035 vision is the concentration of future growth (page 14). The proposed development is utilizing the flexibility provided in the R-PD Zone to create a compact residential community, while simultaneously preserving the existing environmental features. The existing pond will be used as a SWM management facility and as a site amenity. A pedestrian pathway will surround the pond to provide active recreation.

In addition, Policy 4 of Plan 2035 (page 113) states to “Phase new residential development to coincide with the provision of public facilities and services.” Several public facilities will serve the proposed development. Cheltenham Wetlands Park is adjacent to the property, and Cheltenham Woods Community Park and Cheltenham Wildlife Management Area are located within a half-mile of the property. Just northwest of the property is the M-NCPPC Piscataway Creek Steam Valley Park II. Fire Station 840 is located less than five miles from the property, and the Clinton Police Station is located approximately seven miles

from the site. The property is designated in water and sewer Category 3, and proposed lots are to be served by public water and sewer connections. School-age children of future residents will be served by the Rosaryville Elementary School, the Gwynn Park Middle School, and the Frederick Douglass High School.

#### **Section 27-3602(c) – Planned Development (PD) Decision Standards**

**Prior to the approval of the PD zone, the applicant shall demonstrate to the satisfaction of the District Council that the entire development:**

**(1) Is in conformance with the General Plan, the applicable Area Master Plan or Sector Plan, or any applicable Functional Master Plan;**

The subject property is located within the Subregion 6 Master Plan and SMA, which recommends residential low land use. The residential low land use area is described as “residential areas of up to 3.5 dwelling units per acre, primarily single-family detached dwellings” (page 40). In addition, the Subregion 6 Master Plan and SMA indicates one of the purposes of the plan is “to implement the policies and recommendations contained in the 2002 *Prince George’s County Approved General Plan*” (page 5). The 2002 General Plan placed the subject property in the Developing Tier (page 8, Map 2: County Tiers). The land use recommendations for the residential densities in the Developing Tier are primarily residential low and residential low medium. The Developing Tier is envisioned as an area of low- to moderate-density suburban residential communities, distinct commercial centers, and transit-serviceable employment areas. Growth policies in the Developing Tier encourage compact residential neighborhood design and limit commercial uses to designated centers (Subregion 6 Master Plan and SMA, page 7).

The proposed development, with a density range of 1.0–2.5 dwelling units per acre, is well under the recommended maximum density of 3.5 dwelling units per acre for the residential low land use area. The development contains both single-family detached homes and townhouses that are in harmony with the surrounding developments.

**(2) Meets the purposes of the proposed PD zone;**

The purposes of the R-PD Zone are provided in Section 27-4302(a)(1) of the Zoning Ordinance, in which the application demonstrates conformance by providing flexibility in design, comprehensive pedestrian and bicycle circulations, integrated open spaces, compatibility with the surrounding uses, and environmentally sensitive design features. An analysis of how the proposed development meets the criteria for the R-PD Zone is provided below.

**(3) Satisfies all applicable standards of the proposed PD zone; and**

Per Section 27-4302(a)(2), the specific uses allowed in an individual R-PD Zone shall be established in the planned development (PD) basic plan. The proposed uses of

single-family detached and townhouse dwellings are permitted uses. The uses are also consistent with the recommended land uses in Plan 2035 and the Subregion 6 Master Plan and SMA. The intensity and dimensional standards for the R-PD Zone are found in Section 27-4302(a)(3) of the Zoning Ordinance and are to be established with the PD basic plan. All standards are shown on Sheet 1 of the proposed basic plan and conform to the intensity and dimensional standards of the R-PD Zone.

Additional standards, provided in Section 27-4302(a)(3), state that the minimum area must be 20 gross acres, if the gross density is less than 5 units an acre; the property must be located in a residential base zone; and each lot and attached unit in the development shall have direct access to the street. The proposed development meets each of the previously stated required criteria. The subject property has a gross acreage of 62.52 acres, with 2.5 dwelling units per acre proposed. The property is located in the RR base zone, and the basic plan shows that each lot in the development will have direct access to a street.

**(4) Will not adversely impact the surrounding properties.**

The proposed development will not adversely affect the surrounding properties.

Rezoning the subject property to the R-PD Zone will allow for a more efficient use of land and higher-quality development while respecting existing environmental features and surrounding neighborhood character.

The subject property is 62.52 acres and is located west of Frank Tippet Road, approximately 600 feet from its intersection with Commo Road. To the north, across Commo Road, is a subdivision of single-family detached homes on approximately 0.25 acre lots in the RR Zone known as Tippet Estates. To the east are single-family detached homes on approximately 3-acre parcels in the RR Zone. Further east, across Frank Tippet Road, is Terraco Acres, a subdivision of single-family detached homes on approximately 0.25 acre lots, in the RR and Residential, Single-Family-95 Zones. South and west of the property is the 930+ acre Cheltenham Youth Facility, in the RR Zone, owned by the State of Maryland.

The applicant proposes a development of 130–150 units consisting of single-family detached and townhouse dwellings. The R-PD Zone will allow the property to develop with townhouse dwellings, which is currently not permitted in the RR Zone. The mix of housing types are compatible with the area, on lot sizes comparable to surrounding lots. The proposed density range of 1.0–2.5 dwelling units per acre will remain in character with the surrounding subdivisions. The proposed density is also aligned with what is recommended for properties within the residential low land use area, which is a maximum of 3.5 dwelling units per acre.

**Section 27-4301(a). – General Purposes of Planned Development Zones.**

**The Planned Development (PD) zones are established and intended to encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and other County goals and objectives by:**

- (1) Reducing the inflexibility of zone standards that sometimes results from strict application of the zone development, form, and design standards established in this Ordinance;**

The proposed R-PD Zone will allow for multiple housing types and smaller lot sizes, while providing a comparable maximum density to the underlying RR Zone. The RR base zone allows a maximum of 2.17 dwelling units per acre. The proposed development provides a maximum density of 2.5 dwelling units per acre. The R-PD Zone allows the flexibility to achieve a density in line with the surrounding area, while concentrating development in a smaller area. The compact design minimizes impacts to the existing environmentally sensitive areas and features.

- (2) Allowing greater freedom and flexibility in selecting:**

- (A) The form and design of development;**

Smaller lot sizes allow for a more compact development, allowing access to the various environmental features that will be preserved on the property.

- (B) The ways by which pedestrians, bicyclists, transit users, and motorists circulate;**

Residents will be connected to internal and external recreation activities via a multimodal system of streets, bike lanes, and pathways.

- (C) The location and design of the development respective and protective of the natural features of the land and the environment;**

The proposed development features woodland conservations areas, a trail system surrounding an existing pond, and stream preservation. All residents will have direct access to the active and passive recreation areas.

- (D) The location and integration of open space and civic space into the development; and**

Approximately 22 acres of open space (31 percent of the site) are set aside, in accordance with Part 27-6 of the new Zoning Ordinance. Most of the open space is preserved for woodland conservation, and the remaining areas are for active

and passive recreation. Park areas, a playground, and a trail circuit will be provided for active recreation. Sitting areas around the existing pond and in other areas provide passive recreative activities. These amenities are connected to the residential dwellings through a pedestrian and bicycle path network, allowing easy access to community areas.

**(E) Design amenities.**

The R-PD Zone has allowed the applicant to preserve the natural environmental features of the site, while simultaneously providing a connected residential development.

**(3) Where appropriate, allowing greater freedom in providing a well-integrated mix of uses in the same development, including a mix of nonresidential development, housing types, lot sizes, and densities/intensities;**

The proposed uses will include single-family detached and townhouse dwellings, which are both permitted uses in the R-PD Zone. The minimum lot size areas will also range from 2,200 square feet to 5,300 square feet. There is a maximum proposed density of 2.5 dwelling units per acre, which results in 150 dwelling units.

**(4) Allowing more efficient use of land, with coordinated and right-sized networks of streets and utilities;**

The proposed development will be served by one access point, from Frank Tippet Road. The development site will include an internal street and sidewalk network for pedestrians and vehicles. Adequacy will be determined in subsequent applications.

**(5) Promoting development forms and patterns that respect the character of established surrounding neighborhoods and other types of land uses;**

The area is developed with the nearby single-family subdivisions of Terraco Acres and Tippet Estates. Single-family detached homes and the adjacent Cheltenham Youth Facility also surround the property. The proposed development offers a mix of single-family detached dwellings and townhouses, designed to fit into the surrounding community.

**(6) Improving community services and facilities and enhancing functionality of vehicular access and circulation; and**

The R-PD Zone allows for a more efficient use of land, while keeping in mind the community's vehicular circulation patterns and access. Internal circulation will be provided by public and private roads, with a full system of sidewalks, increasing the connectivity and pedestrian accessibility with an internal trail system and lake. The

on-site vehicular, pedestrian, and bicycle circulation system will connect to Frank Tippet Road, which is classified as a master plan collector road with planned shared lanes.

- (7) **Promoting development forms that respect and take advantage of a site's natural, scenic, and man-made features, such as rivers, lakes, wetlands, floodplains, trees, historic features, and cultural and archeological resources.**

The subject property was surveyed for archeological resources in 2008. Five archeological sites were identified on the property. All sites were significantly disturbed by plowing and other 20th century activities on the property. No intact cultural features were identified in any of the five sites, and no further archeological investigations are recommended.

The site includes floodplain, streams and associated buffers, steep slopes, and wetlands with their associated buffers. The existing pond will feature an on-site trail system for pedestrian use. Woodland on-site shall be retained, to the maximum extent practicable, and be placed within a woodland conservation easement.

**Section 27-4301(d). – General Standards for All Planned Development Zones.**

**Before approving a PD zone classification, the District Council shall find that the application for the PD zone classification, as well as the PD Basic Plan and Conditions of Approval, comply with the following standards:**

- (1) **PD Basic Plan.**

- (A) **Establish a statement of planning and development goals for the zone that is consistent with the General Plan and the applicable Area Master Plan or Sector Plan and purposes of the PD Zone;**

As stated in the applicant's statement of justification (SOJ), the planning and development goal for the proposed development is to create a community of single-family detached and townhouse dwellings that are compatible to the area and consistent with Plan 2035 and the Subregion 6 Master Plan and SMA. The proposed development includes a maximum of 150 dwelling units (or 2.5 dwellings per acre), on lot sizes at a density commensurate with others in the area. The development is also complete with bicycle and pedestrian lanes and paths, a playground area, and a centralized gathering space around the existing pond.

- (B) **Establish the specific principal, accessory, and temporary uses permitted in the zone. They shall be consistent with the Principal Use Tables (and may only be selected from uses identified as Allowable in the desired PD zone) in Section 27-5101(e), Principal Use Table for Planned Development Zones, and the purposes of the particular type of PD zone, and be subject to**

**applicable use-specific standards identified in the PD Basic Plan, and any additional limitations or requirements applicable to the particular type of PD zone;**

The principal uses for the development will be single-family detached and townhouse dwellings, with permissible accessory structures. No temporary uses are proposed, except for the on-site construction offices. These uses are permitted per Section 27-5101(e) of the Zoning Ordinance.

- (C) Establish the general location of each development area in the zone, its acreage, types and mix of land uses, number of residential units (by use type), nonresidential floor area (by use type), residential density, and nonresidential intensity. The residential density and nonresidential intensity shall be consistent with the general purposes of the PD zone and the specific requirements of the individual PD zone;**

Two development pods are proposed. The first development pod contains single-family detached dwellings on 5.41 acres, surrounding the existing pond. The second development pod contains townhouse dwellings on 1.54 acres.

The number of each dwelling type (single-family detached and townhouse dwellings) is not yet specified, but there will be a maximum of 150 dwelling units, or 2.5 dwelling units per acre. Nonresidential uses include a pocket park, playground area, trails, paths, and sitting areas. The development is concentrated in approximately 30 acres in the south-central, central, and eastern portions of the property. The remaining +/- 30 acres are proposed to be undisturbed and/or included as open space amenity areas, as shown on the open space set-aside exhibit submitted with this application.

- (D) Establish the dimensional standards that apply in the PD zone. The dimensional standards shall be consistent with the requirements of the individual PD zone, and its purposes;**

The proposed dimensional standards are shown on the basic plan and are consistent with the dimensional standards noted in Section 27-4302(a)(3). The dimensional standards noted include density, net lot area, lot width, lot coverage, front yard depth, side yard depth, rear yard depth, and principal structure height.

- (E) Where relevant, establish the standards and requirements that ensure development on the perimeter of the PD zone is designed and located to be compatible with the character of adjacent existing or approved development. Determination of compatible character shall be based on densities/intensities, lot size and dimensions, building height, building mass and scale, form and design features, location and design of parking facilities,**

**hours of operation, exterior lighting, siting of service areas, and any other standards deemed appropriate by the District Council;**

Landscape buffers will be proposed in subsequent applications, along the property's perimeter, as required by the 2010 *Prince George's County Landscape Manual* (Landscape Manual), ensuring compatibility with existing residential parcels to the east and north. Along the southern and western property boundary, lots are buffered from the adjoining properties by existing woodland.

**(F) Establish the general location, amount, and type (whether designated for active or passive recreation) of open space, consistent with the purposes of the individual PD zone;**

Section 27-6403 of the Zoning Ordinance states that the set-aside amount, for residential developments in an R-PD Zone, is 20 percent. The basic plan shows conformance with the requirement, noting the proposed open space set-aside as 31 percent. The open space will consist of a large, activated pond area, woodland conservation, and stream preservation. The pond is envisioned to be an amenity area and central focal point for the community.

**(G) Identify the general location of environmentally sensitive lands, resource lands, wildlife habitat, and waterway corridors, and ensure protection of these lands consistent with the purposes of the individual PD zone and the requirements of this Ordinance;**

The general location of environmentally sensitive lands, resource lands, wildlife habitat, and waterway corridors are shown on the basic plan. The applicant shall meet the woodland conservation requirements on-site, minimize impacts to primary management areas (PMAs) and specimen trees, and adequately buffer the on-site stream system from the proposed residential development.

**(H) Identify the general location of existing on-site and adjacent historic sites and districts and archeological and cultural resources;**

The subject property was surveyed for archeological resources in 2008. Five archeological sites were identified on the property: 18PR927—an early 20th century house site; 18PR928—a late 19th to mid-20th century African American farmstead; 18PR929—a prehistoric lithic scatter; 19PR930—a prehistoric lithic scatter and 19th century artifact scatter; and 18PR931—an early to late 19th century woodland short-term prehistoric camp. All sites were significantly disturbed by plowing and other 20th century activities on the property. No intact cultural features were identified among any of the five sites. No further archeological investigations were recommended by the applicant's consultant archeologist due to extensive modern disturbance. Staff agree that no additional investigations are necessary.

- (I) Identify the general on-site pedestrian circulation system, including any existing on-site and adjacent pedestrian circulation systems (pedestrian and bicycle pathways, and trails), and how it will connect to off-site pedestrian systems in ways that are consistent with the purposes of the individual PD zone, and the requirements of this Ordinance;**

A circulation exhibit was submitted which shows the proposed development will be served by one access point from Frank Tippet Road. While a single point of access is undesirable given the number of lots being proposed, the on-site environmental constraints and overall topography make additional points of access a challenge. The initial layout of the site shows a series of nodes and links, resulting in a connectivity index of 1.5. Table 27-6206(f)(1) of the Zoning Ordinance shows that this index is deemed acceptable.

- (J) Identify the general design and layout of the on-site transportation circulation system, including the general location of all public and private streets, existing or projected transit corridors, and how they interface with the pedestrian circulation system, and connect to existing and planned County and regional systems in a manner consistent with the purposes of the individual PD zone, and the requirements of this Ordinance;**

Residents will be connected to internal and external activities via a multimodal system of streets, bike lanes, and paths.

Staff recommend that the implementation of complete streets be considered during future development applications for the subject property. In addition, staff recommend that pedestrian and bicycle facilities be provided, consistent with the Subregion 6 Master Plan and SMA pedestrian and bicycle policies, to provide additional connections and facilities that promote multimodal transportation. This property is subject to the MPOT, which recommends a planned shared roadway along Frank Tippet Road and Commo Road.

- (K) Identify the general location of on-site potable water and wastewater facilities, and how they will connect to existing and planned County and regional systems in a manner consistent with the purposes of the individual PD zone, and the requirements of this Ordinance;**

The proposed SWM facilities and their connections are shown on the basic plan.

- (L) Identify the general location of on-site storm drainage facilities, and how they will connect to existing and planned County systems, in a manner consistent with the purposes of the individual PD zone, and the requirements of this Ordinance;**

The on-site storm drainage facilities and their connections are shown on the basic plan.

- (M) Identify the general location and layout of all other on-site and off-site public facilities serving the development (including any municipal public facilities, when the subject property is located within a municipality), and how they are consistent with the purposes of the individual PD zone. The other on-site and off-site public facilities considered shall include—but not limited to—parks, schools, and facilities for fire protection, police protection, EMS, stormwater management, and solid waste management;**

The subject property is not located within a municipality. A number of public facilities will serve the development. Cheltenham Wetlands Park is adjacent to the property. Cheltenham Woods Community Park and Cheltenham Wildlife Management Area are located within a half-mile of the property. Just northwest of the property is the Maryland-National Capital Park and Planning Commission's Piscataway Creek Stream Valley Park II. Fire Station 840 is located on Brandywine Road, less than five miles from the property, and the Clinton Police Station is located one block off of Brandywine Road, approximately seven miles from the site.

- (N) Establish provisions addressing how transportation, potable water, wastewater, stormwater management, and other public facilities will be provided to accommodate the proposed development;**

The property is designated water and sewer Category 3, and proposed lots are to be served by public water and sewer connections. The on-site vehicular and pedestrian circulation system will connect to Frank Tippet Road, which is classified as a master-planned collector road, with planned shared lanes. The school-age children of future residents could be served by the Rosaryville Elementary School, the Gwynn Park Middle School, and the Frederick Douglass High School.

- (O) Establish the development standards that will be applied to development in accordance with Section 27-4301(d)(2), Development Standards.**

Compliance with these standards will be fully detailed and evaluated in future stages of the review process, but general descriptions of the development standards are noted below. No modifications to the development standards are proposed at this stage.

### **Section 27-4302(a)(1) – Residential Planned Development (R-PD) Zone Purposes**

**The purposes of the Residential Planned Development (R-PD) Zone are:**

- (A) To provide flexibility for the design of innovative, high-quality, planned residential communities that include a mix of residential use types along with a range of complementary and mutually supporting nonresidential land uses that serve the needs of the residents of the development;**

Maintaining the character of the surrounding community is a key purpose and goal of the R-PD Zone. The proposed development provides a mix of housing types on the site, including wide townhouse dwellings, otherwise referred to commonly as “villas.” These units will be between 26 feet and 32 feet wide, and generally 2 stories in height. The combination of single-family detached and townhouse dwellings will provide the mix of housing types within the development envisioned in the R-PD Zone.

The flexibility provided by the R-PD Zone allows the applicant to provide a variety of single-family detached and townhouse dwellings, in various sizes, to achieve a higher quality of development. With the proposed mix of housing sizes and types, the development is envisioned as a multigenerational development, accessible to first time homeowners and also those seeking a home to age in place. These features are keeping in character with the area, which also includes a range of homes on varying sized parcels as seen in the Terraco Acres and Tippetts Estates subdivisions that surround the project.

- (B) To ensure and support the development of comprehensive pedestrian and bicycle circulation networks, which are separated from vehicular roadways and link residential, commercial, open space, and recreation areas;**

The proposed development makes efficient use of land, while keeping in mind the community’s vehicular circulation patterns and access, and the impact on the environment. The internal circulation will be provided by public and private roads with a full system of sidewalks, augmenting the connectivity and pedestrian focus with an internal trail system and lake. The on-site vehicular, pedestrian, and bicycle circulation system will connect to Frank Tippetts Road, which is classified as a master-planned collector road with planned shared lanes.

The subject property falls within the Developing Tier of the Subregion 6 Master Plan and SMA, which requires sidewalks on both sides of all new internal roads. As development occurs within the proposed area, staff will further evaluate bicycle and pedestrian transportation facilities.

- (C) To preserve and support well-integrated open spaces and recreation facilities for the use of the residents of the planned residential community;**

The existing pond on-site will serve as a centralized gathering place for the community, with convenient pedestrian access through walkways and trails. Additional amenities may include a pocket park and playground area for active recreation. Potential sitting areas around the existing pond will provide passive recreation activities.

**(D) To ensure that the planned residential community is developed in a manner that does not adversely impact the surrounding communities; and**

The subject property is located in the Cheltenham Community, on the south side of Commo Road, west of its intersection with Frank Tippet Road. North, across Commo Road, is the Tippet Estates subdivision. Abutting the property to the east are single-family detached homes. Further east, across Frank Tippet Road, is the Terraco Acres subdivision. Southwest of the property is the 930+ acre Cheltenham Youth Facility, owned by the State of Maryland. The facility abuts the entire southwestern boundary of the property.

The development proposes 130–150 dwelling units consisting of a mix of single-family detached and townhouse dwellings, in character with the surrounding subdivisions, with a density of 1.0–2.5 dwelling units per acre. The RR Zone currently allows a maximum density of 2.17 dwelling units per acre and does not allow townhome development. The R-PD Zone will allow the property to develop with single-family detached and townhouse dwelling units that are compatible to the area, on lot sizes more in line with surrounding lots, and while allowing a density similar to the existing allowable density in the RR Zone.

**(E) To ensure the planned residential community respects the topographic and other environmental characteristics of the site on which it is located.**

The Smith Lake Estates property is comprised of varying environmental features that include old agricultural fields, a forested stream valley and associated floodplain, an abandoned farm pond, upland woodlands, and wetlands. The topography varies throughout the site but generally slopes downwards to the north and west towards the existing farm pond and stream valleys.

The proposed development preserves, to the fullest extent practical, the existing environmental features. Specifically, streams and slopes, and an existing pond, are seen as a valuable asset for the future community. Views of the various environmental features are focal points in the development along streets and at intersections. A full environmental review is contained in Finding 7 of this technical staff report.

**Part 27-6 - Applicable Development Standards**

Per Section 27-3602(a)(5)(H), Planned Development Map Amendment Submittal Requirements, of the Zoning Ordinance, a PD map amendment application shall include a proposed PD basic plan and proposed PD conditions of approval addressing all requirements and standards set forth in Section 27-4300, Planned Development Zones, of the Zoning Ordinance. Per Section 27-4301(d)(2), General Standards of All Planned Development Zones, before approving a PD zone classification, the District Council shall find that the application for the PD zone classification, as well as the PD basic plan and conditions of approval, comply with the development standards in Part 27-6. Development standards and the Landscape Manual shall apply to all development in each PD zone. Conformance with the development standards will also be further evaluated at the time of detailed site plan (DET) .

Conformance with the development standards of the Zoning Ordinance, as described in the applicant's SOJ dated January 25, 2023, is incorporated herein by reference. The following discussion is offered:

**(a) Section 27-6200 Roadway Access, Mobility, and Circulation**

A circulation plan was provided demonstrating sufficient vehicular, pedestrian and bicycle access and circulation. The proposed development will be served by one access point from Frank Tippet Road only. While a single point of access is undesirable, given the number of lots being proposed, the on-site environmental constraints and overall topography make additional points of access a challenge. The initial layout of the site shows a series of nodes and links resulting in a connectivity index of 1.5. Table 27-6206(f)(1) shows that this index is deemed acceptable.

**(b) Section 27-6300 Off-Street Parking and Loading**

The proposed development consists of townhouse dwellings and single-family detached housing. Parking will be provided both on- and off-street to accommodate the proposed development.

**(c) Section 27-6400 Open Space Set-Asides**

Section 27-6403 states that the set-aside amount, for residential development in an R-PD Zone, is 20 percent. The proposed development includes a number of open space types, including a large, activated pond area; woodland conservation; and stream preservation. The existing pond will be designed within the development to serve as a centralized gathering place for the community, with convenient access through pedestrian walkways and trails.

**(f) Section 27-6700 Exterior Lighting**

Section 27-6706(c)(1) of the Zoning Ordinance allows a maximum illumination of 0.5-foot candles at the property lines for single-family detached, and 1.0-foot candles for

townhouse development. Section 27-6703 of the Zoning Ordinance requires a light plan to be prepared and submitted at the time of DET or building permit phase. Energy-saving light fixtures shall be utilized, and light minimization will be evaluated by the Urban Design Section with subsequent development review applications.

**(g) Section 27-6800 Environmental Protection and Noise Controls**

A natural resources inventory (NRI) is required as part of a zoning amendment application, per Section 27-6802 of the Zoning Ordinance. Approved NRI-010-05-03 was included in the subject application and referenced on Sheet 2 of the civil plan set. If the proposed ZMA is approved to rezone the property from RR to R-PD, the forest conservation threshold under the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance would remain at 20 percent. The applicant shall strive to meet the woodland conservation requirements on-site, minimize impacts to PMAs and specimen trees, and adequately buffer the on-site stream system from the proposed residential development. Woodland conservation, SWM, specimen trees, and PMA impacts shall be evaluated with subsequent development applications.

A noise study will be conducted for the development at the appropriate stage of development.

**(h) Section 27-6903 Multifamily, Townhouse, and Three-Family Form and Design Standards**

New multifamily, townhouse, or three-family development with 20 or more 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 applicant stated, in the submitted SOJ, that a secondary access point is not feasible and design specifics will be presented at the DET stage. A stream valley and steep slopes do exist along Commo Road, and the proposed design meets the connectivity index.

**(i) Section 27-61200 Neighborhood Compatibility Standards**

As noted above in Finding 5, the surrounding area is developed with the single-family subdivisions of Terraco Acres and Tippet Estates. A few single-family homes on larger parcels and state facilities make up the local neighborhood. The proposed development offers a mix of single-family detached and townhouse dwellings thoughtfully designed to fit with the surrounding neighborhood and uses.

**(l) Section 27-61500 Signage**

One gateway sign at the entrance to the property will be proposed in subsequent applications.

**(m) Section 27-61600 Green Building Standards**

The applicant shall strive to utilize green building techniques applicable for the proposed residential development. Green building techniques will be evaluated by the Urban Design Section, with subsequent development proposals.

7. **Environmental Review:** This finding is provided to describe the existing site features on the property and the impact of the requested rezoning, as it pertains to environmental conformance.

**Grandfathering**

The project is subject to the environmental regulations contained in Subtitles 24, 25, and 27 of the Prince George's County Code because the development proposal will be required to file a new PPS application, to reflect changes proposed under the development proposal.

**Site Description**

This site is generally triangular in shape and is mostly wooded. A stream is present on-site, which coincides with the northern property boundary, branching out into the property at two locations. This site was previously used for agriculture and features a large farm pond on the eastern portion of the site, which has developed into a wetland area. Floodplain is present on-site in conjunction with the stream system. The site lies within the Middle Potomac watershed, Piscataway Creek. Unsafe soils containing Marlboro Clays or Christiana Complexes are not present on-site. The site contains regulated and evaluation areas, as designated in the *Countywide Green Infrastructure Plan* of the 2017 *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan). The site is located within Planning Area 82A. Based on the Sensitive Species Project Review Area (SSPRA) GIS layer prepared by the Maryland Department of the Environment, Heritage and Wildlife Service, forest interior dwelling species are present on-site. The site is within an SSPRA and falls within the drainage area to Piscataway Creek, which is known to support important fish species, including the state-listed threatened American Brook Lamprey. This site is within a Tier II catchment area identified as Piscataway Creek 1 and 2.

**Plan Prince George's 2035 Approved General Plan**

The site is located within the Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map and has a Growth Policy of Established Communities as designated by Plan 2035.

**Master Plan Conformance; Approved Subregion 6 Master Plan and Sectional Map Amendment Environmental Infrastructure**

The Environmental Infrastructure Section of the Subregion 6 Master Plan and SMA outlines nine policies for protecting, preserving, and restoring regulated environmental features (REF), in which the subject development demonstrates conformance.

The applicant proposes to retain the majority of the PMA, with impacts proposed to the existing farm pond to be converted into a SWM facility. The applicant proposes to provide an on-site recreation trail around the existing farm pond. Based on the provided open space set-aside plan, the applicant proposes to retain the majority of the PMA within a woodland conservation area.

#### **2017 Countywide Green Infrastructure Plan**

The majority of the site is mapped within the green infrastructure network, as delineated in accordance with the Green Infrastructure Plan. The regulated area is mapped along the streams and REFs, and the evaluation area is mapped along the remainder of the site as existing forest contiguous to the stream. The plans, as submitted, generally show preservation of the regulated areas. However, more detailed information will be evaluated during subsequent development applications. The ZMA request demonstrates conformance with the Green Infrastructure Plan.

#### **Existing Conditions/Natural Resource Inventory**

Per Section 27-6802, an NRI is required as part of a ZMA application. NRI-010-05-03, which covers the land area, was included in the application and referenced on Sheet 2 of the civil plan set.

#### **Woodland Conservation**

The woodland conservation threshold will remain as 20 percent with the proposed R-PD Zone. All future applications will require tree conservation plans in accordance with the current regulations.

#### **Specimen Trees**

A forest stand delineation report was submitted with the NRI, which was required with this ZMA. The forest stand delineation indicates that 111 specimen trees are located on-site. A variance request for the proposed removal of specimen trees shall be submitted with the acceptance of the PPS or associated case. Every effort shall be made to preserve specimen trees to the fullest extent practicable.

#### **Regulated Environmental Features**

There is PMA, comprised of REF, which includes floodplain, streams and associated buffers, steep slopes, and wetlands with their associated buffers. Section 27-6808 of the Zoning Ordinance refers to Section 24-4300 of the Prince George's County Subdivision Regulations, which establishes that subdivisions shall be designed to minimize the impact of development on the land and on REFs. Section 24-4303(d)(5) of the Subdivision Regulations establishes that, for land located outside of the Chesapeake Bay Critical Area Overlay Zone, the PPS shall demonstrate the preservation and/or restoration of REFs in a natural state, to the fullest extent possible.

#### **Stormwater Management**

A site development concept plan will be reviewed by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), and the approved concept plan shall be submitted for review with the acceptance of the PPS.

### **Erosion and Sediment Control**

This site is within a Tier II catchment area. Tier II waters are high-quality waters within the State of Maryland, as designated by the Maryland Department of Environment, that are afforded special protection under Maryland's Anti-degradation policy. A 150-foot-wide expanded buffer is required on-site for all intermittent and perennial streams, in accordance with the Prince George's Soil Conservation District (PGSCD) requirements. Redundant erosion and sediment control measures may be required on the Erosion and Sediment Control Plan, reviewed by the PGSCD.

### **Summary**

As described in Section 27-6404(a) of the Zoning Ordinance, natural features are to be included on the open space set-aside exhibit, which has been added as a condition herein. This section defines features that are considered natural features and establishes that PMA is counted under natural features. The PMA, which counts towards the open space set-aside requirement, should be clearly indicated on the exhibit.

The applicant shall meet the woodland conservation requirements on-site, minimize impacts to PMA and specimen trees, and adequately buffer the on-site stream system from the proposed residential development. Woodland conservation, SWM, specimen trees, and PMA impacts shall be evaluated with subsequent development applications.

8. **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. **Historic Preservation**—The Planning Board has approved and adopts the memorandum dated March 6, 2023 (Stabler to Lockhart), which indicated that the subject property was surveyed for archeological resources in 2008. Five archeological sites were identified on the property, and no intact cultural features were identified in any of the five sites. The Planning Board concurs that no additional investigations are necessary on Sites 18PR927, 18PR928, 18PR929, 18PR930, or 18PR931.
  - b. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—The Planning Board has reviewed and adopts the memorandum dated March 29, 2023 (Giles to Lockhart), which offered numerous comments that will be addressed in subsequent development applications and the permitting process. The subject application is consistent with the SWM concept plan filed under DPIE case number 42748-2004-02, approved on December 19, 2013 and expired on December 19, 2016. The SWM concept shall be extended, prior to approval of ZMA-2022-003, which has been added as a condition herein.
  - c. **Prince George's County Department of Parks and Recreation (DPR)**—The Planning Board has approved and adopts the memorandum dated March 31, 2023, which indicated the subject site was previously reviewed as part of PPS 4-0035, 4-05035, 4-08065, 4-09042, and DSP-07002 where the provision of on-site recreation facilities to fulfill the parkland dedication requirement was recommended. The property is 50 feet south of the

Piscataway Stream Valley Park, the Piscataway Creek Trail, and approximately 600 feet east of the 75-acre Cheltenham Park. Southwest of the property is the 930+ acre Cheltenham Youth Facility, owned by the State of Maryland, which abuts the entire southwestern boundary of the property.

Per the applicant's SOJ, the existing pond will be designed within the development to serve as a centralized gathering place for the community, with convenient access through pedestrian walkways and trails. Potential amenities, such as a pocket park and playground area, will be provided for active recreation. Sitting areas around the existing pond will provide a peaceful respite for passive recreative activities.

Given the proposed density of the development and the proximity to M-NCPPC owned land, the provision of land conveyance and on-site recreation within the development to meet the parkland dedication requirement is recommended. The western area (Sheet 2) of the property, south of Como Road adjacent to the Cheltenham Youth Facility, is being evaluated for future conveyance. At the time of evaluation of the PPS, the recommendations and requirements of the R-PD Zone, the Subregion 6 Master Plan and SMA, and the Subdivision Regulations, as they pertain to the provision of public parks and recreation facilities, will be reviewed.

- d. **Subdivision**—The Planning Board has approved and adopts the memorandum dated April 17, 2023 (Heath to Lockhart), which provided a review of the subject application and noted the property was the subject of two previously approved PPS applications. Development, however, did not proceed in accordance with these approvals, and both preliminary plans have since expired.

A new PPS and a certificate of adequacy will be required for the division of land if this application is approved. The proposed site layout and lotting pattern will be further evaluated with the PPS and must comply with all development standards contained in the Subdivision Regulations. A final plat of subdivision will be required, following the approval of a PPS, before any permits may be approved for development of the site.

- e. **Transportation**—The Planning Board has approved and adopts the memorandum dated April 20, 2023 (Burton to Lockhart), which noted the proposed development will be served by one access point from Frank Tippet Road only. While a single point of access is undesirable given the number of lots being proposed, the on-site environmental constraints and overall topography make additional points of access a challenge. The proposed layout of the site shows a series of nodes and links, resulting in a connectivity index of 1.5. Table 27-6206(f)(1) shows that this index is deemed acceptable.

- f. **Environmental**—The Planning Board has approved and adopts the memorandum dated April 24, 2023 (Kirchhof to Lockhart), which included a discussion of relevant previous conditions of approval, which have been incorporated into Finding 7 above. The Planning Board recommends approval of the ZMA, subject to conditions that have been included in the Recommendation section of this technical staff report.

- g. **Community Planning**—The Planning Board has approved and adopts the revised memorandum dated April 28, 2023 (Green to Lockhart), which indicated that Subregion 6 Master Plan and SMA conformance is required for this application and provided the following summarized comments:

The Subregion 6 Master Plan and SMA recommends residential low land use on the subject property. Residential low land use is described as “residential areas of up to 3.5 dwelling units per acre. Primarily single-family detached dwellings” (page 40).

Plan 2035 places the subject property in the Established Communities Growth Policy Area. Established communities are most appropriate for context-sensitive infill and low-to medium-density development.

Pursuant to Sections 27-4301(d)(1)(A) and 27-4302(a)(2), this application is consistent with and furthers the goals, policies, and vision of the Subregion 6 Master Plan and SMA and Plan 2035. The development proposes densities consistent with the recommended residential-low land use of the master plan and SMA. The proposed uses of single-family detached homes and townhouse dwellings are of similar character to the surrounding community, and are context-sensitive, as prescribed in Plan 2035, for properties in the Established Communities Growth Policy area.

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 recommends to the District Council for Prince George’s County, Maryland that the above-noted application be APPROVED, subject to the following conditions and consideration:

1. Prior to certification of this zoning map amendment, the applicant shall correct the open space set side exhibit to include the existing farm pond primary management area as part of the natural features.
2. At the time of preliminary plan of subdivision:
  - a. The woodland conservation threshold of 20 percent shall be met on-site.
  - b. Extend the Stormwater Management Concept Plan (42748-2004-02) approved by the Prince George’s County Department of Permitting, Inspections and Enforcement on December 19, 2013, and expired on December 19, 2016.
  - c. Provide a detailed exhibit depicting all passive and active recreation amenities.

Consideration:

1. Additional areas for passive recreation should be incorporated into the site design, or the proposed passive recreation areas should be enlarged and centrally located for easy access to all residents. The project will be required to demonstrate mandatory dedication of parkland, at the time of preliminary plan of subdivision, which may be met through land dedication, fee in-lieu, and/or private recreational facilities.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Geraldo, and Shapiro voting in favor of the motion, and with Commissioner Doerner opposing the motion at its regular meeting held on Thursday, May 18, 2023 in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of June 2023.

†This is to certify that the foregoing is a true and correct copy of the remand action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Geraldo, seconded by Commissioner Doerner, with Commissioners Geraldo, Doerner, and Shapiro voting in favor of the motion, and with Commissioners Bailey and Washington absent at its regular meeting held on Thursday, November 9, 2023, in Upper Marlboro, Maryland. The adoption of this amended resolution based on the reconsideration action taken does not extend the validity period.

†Adopted by the Prince George's County Planning Board this 9th day of November 2023.

Peter A. Shapiro  
Chairman

By   
Jessica Jones  
Planning Board Administrator

PAS:JJ:DL:jah

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner  
M-NCPPC Legal Department  
Date: June 6, 2023



Approved for Legal Sufficiency  
M-NCPPC Office of General  
Counsel

Dated 11/5/23

†Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language