



The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Development Review Division
301-952-3530

Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

Preliminary Plan of Subdivision 4-21025 Broad Creek Townhouses at Henson Creek Transit Village

REQUEST	STAFF RECOMMENDATION
80 lots and 8 parcels for the development of 80 single-family attached dwelling units.	With the Conditions Recommended herein: <ul style="list-style-type: none">• Approval of Preliminary Plan of Subdivision 4-21025• Approval of Type 1 Tree Conservation Plan TCP1-002-2022

Location: In the northwest quadrant of the intersection of Livingston Road and Oxon Hill Road.	
Gross Acreage:	14.87
Zone:	RSF-A, AG
Zone Prior:	R-A
Reviewed per prior Subdivision Regulations:	Section 24-1703(a)
Dwelling Units:	80
Gross Floor Area:	0
Lots:	80
Parcels:	8
Planning Area:	80
Council District:	08
Municipality:	N/A
Applicant Address: Abdolhossein Ejtemal, Hossein Ejtemai, and Mahmoud Pirzadeh 2900 Telestar Court Falls Church, VA 22042	
Staff Reviewer: Mridula Gupta Phone Number: 301-952-3504 Email: Mridula.Gupta@ppd.mncppc.org	



Planning Board Date:	05/19/2022
Planning Board Action Limit:	06/30/2022
Mandatory Action Timeframe:	140 days
Staff Report Date:	05/04/2022
Date Accepted:	02/10/2022
Informational Mailing:	07/01/2021
Acceptance Mailing:	02/04/2022
Sign Posting Deadline:	04/19/2022

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at http://www.mncppcapps.org/planning/Person_of_Record/.
Please call 301-952-3530 for additional information.

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THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-21025
Type 1 Tree Conservation Plan TCP1-002-2022
Broad Creek Townhouses at Henson Creek Transit Village

OVERVIEW

The subject site consists of three tax parcels, including Parcel 230 and Parcel 144, as described in the Prince George's County Land Records in Liber 28873 at folio 249, and Parcel 229, as described in the Prince George's County Land Records in Liber 28873 at folio 244. The subject property is located in the Residential, Single-Family-Attached (RSF-A) and Agricultural and Preservation (AG) Zones. However, this application is reviewed according to the prior Residential Townhouse (R-T) and Open Space (O-S) zoning of the subject property, pursuant to the prior Prince George's County Zoning Ordinance and Subdivision Regulations, as required, in accordance with Section 24-1703(a) of the Subdivision Regulations. The property is located in the Henson Creek Transit Village, as designated by the 2006 *Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment* (master plan). Townhouse development is permitted in the R-T Zone, with a minimum lot area of 1,500 square feet if the property is located in a transit village. This preliminary plan of subdivision (PPS) application proposes 80 lots and 8 parcels on the 14.87-acre property, for development consisting of 80 single-family attached residential dwelling units. The property is currently wooded.

Staff recommends **approval** of the PPS, with conditions, based on the findings contained in this technical staff report.

SETTING

The site is located on Tax Map 113 in Grid F4 and Tax Map 114 in Grid A4 and is within Planning Area 80. The site is located in the northwest quadrant of the intersection of Livingston Road and Oxon Hill Road. Henson Creek and its associated floodplain is situated along the western portion of the property. Of the total 14.87-acre property, 7.87 acres lies within the delineated 100-year floodplain. The following development abuts the subject site: Oxon Hill Road to the south, with single-family dwelling in the Residential, Rural Zone and vacant land in Reserved Open Space (ROS) and AG Zones beyond; Livingston Road to the east, with commercial uses in the Commercial, General and Office (CGO) Zone beyond; commercial uses in the CGO and Industrial, Employment Zones and vacant land in the ROS Zone to the north; and vacant land in the ROS Zone to the west.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. **Development Data Summary**—The following information relates to the subject PPS application and the proposed development.

	EXISTING	PROPOSED
Zone	RSF-A, AG	RSF-A, AG
Use(s)	Vacant	Single-family Attached Residential
Acreage	14.87	14.87
Dwelling Units	0	80
Gross Floor Area	0	0
Parcels	3	8
Lots	0	80
Outlots	0	0
Variance	No	No
Variation	No	No

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard at the Subdivision and Development Review Committee (SDRC) meeting on February 18, 2022.

2. **Previous Approvals**—The site is not subject to previous development approvals or a PPS. There are no prior record plats for the subject property. Final plat of subdivision will be required for the newly proposed lots and parcels, pursuant to this PPS, before permits may be approved.

A Special Exception, SE-4295, was filed in 1998, for 1.58-acre property area, including Parcel 229, Parcel 230, and part of Parcel 144 to permit the use of this area for a gas station and vehicle parts and tire store. However, this application was denied by the Prince George's County District Council.

3. **Community Planning**—The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and conformance with the master plan are evaluated as follows:

Plan 2035

This application is located within the Established Communities policy area. Plan 2035 describes Established Communities as areas appropriate for context-sensitive infill and low-to -medium density development.

Master Plan

The master plan recommends Mixed-Use Area land use on the subject property as part of the larger Henson Creek Transit Village.

SMA/Zoning

The 2006 *Approved Henson Creek-South Potomac Sectional Map Amendment* retained the R-T and O-S-Zones on the property. The 2018 Countywide Map Amendment placed the subject property in the RSF-A and AG Zones.

Pursuant to Section 24-121(a)(5) of Subdivision Regulations, this application conforms to the residential component of the Mixed-Use Area land use recommendation of the master plan.

4. **Stormwater Management**—An approved stormwater management (SWM) concept plan (27515-2020-00) was submitted with the PPS application. The SWM design was reviewed and approved by the Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE) to address surface water runoff issues, in accordance with Subtitle 32, Water Quality Resources and Grading Code. The approval letter expires on May 18, 2024. This application proposes stormwater best management practices (BMPs) such as eight micro-bioretention facilities, one large, submerged gravel wetland system, and a grass bio-swale.

In accordance with Section 24-130 of the Subdivision Regulations, development of the site shall conform with the SWM concept approval and any subsequent revisions, to ensure that no on-site or downstream flooding occurs.

5. **Parks and Recreation**—This PPS was reviewed and evaluated for conformance with the requirements and recommendations of Plan 2035, the master plan, the 2017 *Land Preservation, Parks and Recreation Plan for Prince George’s County*, the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, and the prior Subdivision Regulations (Subtitle 24) as they pertain to public parks and recreational facilities.

With its western boundary abutting Henson Creek Stream Valley Park, the subject property is located in close proximity to an array of park facilities. They include Tor Bryan Park, which is located approximately one and a half miles to the north, and Indian Queen Community Center, which is located about one mile to the west. In addition, the Henson Creek Trail is located half a mile west of the subject property. The trail includes connections to Tor Bryan Park, Tucker Road Community Center, Tucker Road Athletic Complex, and the Southern Regional Technology and Recreation Complex. The proposed development is also located approximately one mile north of Harmony Hall Regional Arts Center and Harmony Hall Community Center.

There are no parcels recommended for future parks near the subject property within the master plan.

Mandatory dedication of parkland, pursuant to Section 24-134(a) of the Subdivision Regulations, provides for the dedication of land, the payment of a fee-in-lieu, or on-site recreational facilities. Based on the proposed density of development, five percent of the net residential lot area could be required to be dedicated to the Maryland-National Capital Park and Planning Commission (M-NCPPC) for public parks, which equates to 0.576 acre.

In addition, Section 24-134(a)(4) of the Subdivision Regulations provides guidance with regards to the dedication of the stream valley:

- (4) **When land is shown for preservation as part of a stream valley park on an official master plan, such land may be dedicated or preserved in lieu of active recreation, provided that the Planning Board finds that there is a reasonable amount of recreation in the general area and that any trails shown on the master plan are provided.**

The applicant proposed the dedication of floodplain property (proposed Parcel A) adjacent to the Henson Creek Stream Valley Park. Based on the delineation of the Parcel A parkland, staff provided a revised delineation of the parkland to be dedicated to the applicant on February 22, 2022. The applicant accepted the revised delineation advised by staff, which has been incorporated into the PPS. Dedication of this land will fulfill the intent of the master plan to continue assemblage of land for the existing stream valley park to preserve open space. The Henson Creek Trail is built and located entirely on adjoining M-NCPPC property (Parcel B, as recorded in the Prince George's County Land Records in Plat Book 80 page 87).

Staff finds that the PPS will be in conformance with the applicable master plans and the requirements of Subtitle 24, as they pertain to parks and recreation facilities, with the recommended conditions.

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

Master Plan Conformance

Master Plan Right-of-Way

The site is adjacent to the Oxon Hill Road and Livingston Road rights-of-way, which are identified as collector roadways in the MPOT and the master plan. The recommended right-of-way widths for Oxon Hill Road and Livingston Road are both 80 feet, and the recommended number of lanes along Oxon Hill Road and Livingston Road are four. The submitted plan reflects adequate dedication of 40 feet from the centerlines along Oxon Hill Road and Livingston Road, and therefore, both rights-of-way satisfy the MPOT and master plan recommendations.

Master Plan Pedestrian and Bike Facilities

The MPOT includes the following goal and policies regarding sidewalk and bikeway construction and the accommodation of pedestrians and bicyclists (MPOT, pages 7–8):

Goal: Provide a continuous network of sidewalks, bikeways and trails that provide opportunities for residents to make some trips by walking or bicycling, particularly to mass transit, schools, employment centers, and other activity centers.

Policy 2: Provide adequate pedestrian and bicycle linkages to schools, parks, recreation areas and employment centers.

Policy 3: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.

Policy 4: Identify sidewalk retrofit opportunities for small area plans within the Developed and Developing Tiers in order to provide safe routes to school, pedestrian access to mass transit and more walkable communities.

Policy 5: Plan new development to help achieve the goals of this master plan.

The applicant should provide a continuous network of onsite pedestrian facilities and continuous sidewalks along the property's frontage of Livingston Road and Oxon Hill Road consistent with the MPOT policy recommendations. The internal roadway facilities shown on the PPS provide a varying width that will provide sufficient space to accommodate a six-foot-wide sidewalk, five-foot-wide landscape strip, and a seven-foot-wide space for on-street parking on both sides of the private roadways. Section 27-558(a) of the Zoning Ordinance provides the minimum dimensions of a standard parallel car space as 22 feet by 8 feet, and that of a compact parallel car space as 19 feet by 7 feet. The proposed road sections for Private Roads A and B, as shown on the PPS, include a one-foot-wide strip on either side of the section, which could be incorporated into the width provided for on-street parking, conforming to the minimum size established by the Zoning Ordinance. Staff recommends that at the time of detailed site plan (DSP), the applicant identify location of standard and compact car spaces along the private streets and provide typical road sections at these locations. Staff also recommends that the applicant provide details of the aforementioned pedestrian facilities at the time of DSP.

Staff recommends marked bike lanes along the sections of Oxon Hill Road and Livingston Road that abut the subject property be provided, consistent with the MPOT policy recommendations. The right-of-way width along the property's frontage provides enough room for the recommended bike lanes. The details of these facilities should be provided at the time of DSP.

Transportation Review

Transportation-related findings related to adequacy are made with this application, along with any determinations related to general subdivision layout. Access is proposed by means of existing public collector roadways.

The subject property is located within Transportation Service Area 2, as defined in Plan 2035. As such, the subject property is evaluated according to the following standards:

Links and Signalized Intersections: Level-of-service D, with signalized intersections operating at a critical lane volume of 1,450 or better.

Unsignalized Intersections: The procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted.

For two-way stop-controlled intersections a three-part process is employed: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the critical lane volume is computed.

For all-way stop-controlled intersections a two-part process is employed: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the critical lane volume is computed.

This application is a PPS that includes residential use. The trip generation is estimated using trip rates and requirements in the "Transportation Review Guidelines, Part 1" (Guidelines). The table below summarizes trip generation in each peak-hour that is used in reviewing traffic for the site:

Trip Generation Summary: PPS 4-21025: Broad Creek Townhouses								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Tot	In	Out	Tot
Townhouse	81	Units	11	46	57	42	23	65
Recommended Trip Cap					57			65

The traffic generated by the proposed PPS would impact the following intersections in the transportation system:

- Oxon Hill Road and Livingston Road (signalized)
- MD 210 and Livingston Road/Palmer Road (signalized)
- Oxon Hill Road and Proposed Site Access (unsignalized) under built condition

The following tables represent results of the analyses of the critical intersections under existing, background, and total traffic conditions:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM and PM)		Level of Service (LOS, AM and PM)	
Oxon Hill Road and Livingston Road	742	1156	A	C
MD 210 and Livingston Road/Palmer Road	1452	1391	E	D

The study intersections are not programmed for any lane configuration changes within the next six years in the current Maryland Department of Transportation "Consolidated Transportation Program" or Prince George's County "Capital Improvement Program". Approved but unbuilt developments have been identified within the study area, background traffic has been developed. A one percent annual growth rate for a period of six years has been assumed.

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM and PM)		Level of Service (LOS, AM and PM)	
Oxon Hill Road and Livingston Road	795	1244	A	C
MD 210 and Livingston Road/Palmer Road	1542	1482	E	E

The critical intersections identified above, when analyzed with the total future traffic as developed using the Guidelines including the site trip generation as described above, operate as shown in the following table. A third eastbound Livingston Road left turn lane at MD 210 is proposed as mitigation in accordance with the Guidelines.

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM and PM)		Level of Service (LOS, AM and PM)	
Oxon Hill Road and Livingston Road	836	1294	A	C
MD 210 and Livingston Road/Palmer Road (without mitigation)	1561	1494	E	E
MD 210 and Livingston Road/Palmer Road (with mitigation)	1518	1452	E	E
Oxon Hill Road and Proposed Site Access	19.0*	28.5*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the "Guidelines", delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

The MD 210/Livingston Road/Palmer Park Road intersection mitigation has been utilized by the applicant, per Section 8 of the Guidelines. Section 8 includes five locational criteria that determine where mitigation may be considered. By virtue of the affected intersection being along the applicable section of MD 210, the request meets the third criterion. The total traffic conditions table above includes the analysis of an additional eastbound left turn lane proposed due to failing level of service operations. Per the Guidelines, the applicant shall recommend improvements to a failing intersection that will eliminate at minimum 150 percent of the development generated critical lane volume impact or reduce the critical lane volume to 1,450. In the AM peak hour, the mitigation improvement reduces the critical lane volume by 226 percent of the site's impact, and in the PM peak hour, the mitigation improvement reduces the critical lane volume by 350 percent of the site's impact. The Maryland State Highway Administration is in agreement with the proposed improvements and will conduct additional analysis of the intersection's operations during their signal design phase.

Based on the preceding findings, adequate transportation facilities will exist to serve the proposed subdivision, as required, in accordance with Section 24-124 of the Subdivision Regulations, subject to the recommended conditions.

7. **Public Facilities**—In accordance with Section 24-122.01 of the Subdivision Regulations, water and sewerage, police, and fire and rescue facilities are found to be adequate to serve the subject site, as outlined in a memorandum from the Special Projects Section dated February 28, 2022 (Perry to Gupta), provided in the backup of this technical staff report, and incorporated by reference herein.

The master plan provides goals and policies related to public facilities (pages 79-83). The proposed development aligns with the master plan intention to provide public facilities designed to support existing development patterns. There are no police, fire and emergency medical service facilities, schools, parks, or libraries proposed on the subject property.

8. **Schools**—This PPS was reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and Prince George's County Council Resolutions CR-23-2001 and CR-38-2002, *Amended Adequate Public Schools Facility Regulations for Schools*. The subject property is located within Cluster 5, as identified in the Pupil Yield Factors and Public-School Clusters 2020 Update. Staff has conducted an analysis and the results are as follows:

	Affected School Cluster		
	Elementary School Cluster 5	Middle School Cluster 5	High School Cluster 5
Townhouse (TH) Dwelling Units	80 DU	80 DU	80 DU
Pupil Yield Factor (PYF) – Townhouse (TH)	0.114	0.073	0.091
TH x PYF = Future Subdivision Enrollment	9	6	7
Adjusted Student Enrollment 9/30/19	6,428	2,797	3,668
Total Future Student Enrollment	6,437	2,803	3,675
State Rated Capacity	7,913	3,304	5,050
Percent Capacity	81%	85%	73%

Per Section 24-114.01 of the Subdivision Regulations, School Planning Capacity Analysis, this adequacy analysis was completed for planning purposes to assess the need for new or expanded school facilities, it is not a condition of approval for a subdivision.

Section 10-192.01 School Facilities Surcharge

Section 10-192.01 establishes school surcharges and an annual adjustment for inflation, unrelated to the provision of Subtitle 24. The current amount is \$10,180 per dwelling if a building is located between I-95/495 (Capital Beltway) and the District of Columbia; \$10,180 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$17,451 per dwelling for all other buildings. This project is located outside the Capital Beltway; thus, the surcharge fee is \$17,451 per dwelling. This fee is to be paid to DPIE at the time of issuance of each building permit.

The 2008 *Approved Public Safety Facilities Master Plan* provides guidance on the location and timing of upgrades and renovations to existing facilities and construction of new facilities, which may be addressed through school surcharges imposed by the County.

9. **Use Conversion**—The total development included in this PPS is proposed for up to 80 single-family attached dwelling units in the R-T Zone. Any nonresidential development will require approval of a new PPS, prior to approval of any building permits.
10. **Public Utility Easement**—Section 24-122(a) of the Subdivision Regulations requires that when utility easements are required by a public company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

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

The standard requirement for public utility easements (PUEs) is 10-foot-wide along both sides of all public rights-of-way. The subject site fronts on public rights-of-way to the south along Oxon Hill Road, and to the east along Livingston Road. The required PUEs along all of these public rights-of-way are delineated on the PPS.

Private streets are also proposed, which require PUEs. Section 24-128(b)(12) of the Subdivision Regulations requires that 10-foot-wide PUEs be provided along at least one side of all private streets. The PPS meets this requirement, however, there are two locations where the PUEs do not connect to a public right-of-way or to an adjoining PUE. One instance is the PUE located along the fronts of Lots 1–30, and the other is the PUE located along the fronts of Lots 66–80. Additional PUEs should be provided at appropriate locations to provide for continuity and ease in laying of utilities to service these lots.

11. **Historic**—The property is characterized by wooded terrain and Henson Creek running through the western end of the property. The property to the north and east has developed with commercial and industrial uses. The property to the west and south remains undeveloped. The subject property is adjacent to the County designated Broad Creek Historic District (PG:80-024) to the south, which is rural in character. The subject property is directly across Oxon Hill Road from 9601 Livingston Road (80-024-31), a non-contributing circa 1939 Cape Cod style dwelling in the Broad Creek Historic District.

The subject application was presented to the Broad Creek Local Advisory Committee (LAC) on February 28, 2022. On March 7, 2022, the LAC voted 7-1-0 (one member abstained) to advise the Prince George’s County Historic Preservation Commission (HPC) to recommend disapproval of the subject application to the Prince George’s County Planning Board.

HPC reviewed the subject application at its March 16, 2022 meeting. HPC voted 6-0-1 (the Vice Chair voted "present") to forward the following findings, conclusions, and recommendations to the Planning Board:

1. The Broad Creek Historic District includes approximately 455 acres situated in southwestern Prince George’s County. The district extends along both sides of Livingston Road east of the Potomac River and Broad Creek, a principal tributary, west of Indian Head Highway (MD 210), south of Old Fort Road/Oxon Hill Road, and

north of Fort Washington Road. The Broad Creek Historic District derives its significance from a collection of eighteenth-century buildings and landscape features that were significant during the exploration and settlement of the area and that represent eighteenth-century building forms, styles, and construction methods.

2. The subject application proposes 80 single-family attached dwelling units. The lotting pattern orients the units along Oxon Hill Road (Lots 42–57) to face south towards the Broad Creek Historic District with garage entrances on the rear (north side).
3. The subject application is adjacent to the Broad Creek County Historic District (80-024). This and all subsequent applications will be reviewed by the LAC and HPC for effects of the proposed development on the Historic District. The LAC voted to recommend disapproval of the PPS citing three major concerns:
 - a. Buffering—the number of units in the layout does not leave sufficient space for a robust buffer of landscaping to create or preserve an appropriate transition from urban to rural character.
 - b. Traffic—The number of units in the layout would likely add some 160 new vehicles to an already congested intersection of Livingston Road, Old Fort Road, and Oxon Hill Road.
 - c. Stormwater Management—The density of the development minimizes the surface absorption during rain events.
4. The proposed development would have the greatest visual impact on 9601 Livingston Road. 9601 Livingston Road is a Cape Cod style dwelling built circa 1939 and is a non-contributing building to the Historic District.
5. A Phase I archeology survey was conducted on the subject property in 2014. One site, 18PR1067, an eighteenth to early nineteenth century domestic site was identified on the subject property. This site will be preserved in place and is located on a parcel that will be dedicated to M-NCPPC. Therefore, no further investigations were recommended.

Conclusions

1. Through the PPS, HPC has the opportunity to review the lotting pattern and orientation of the buildings. The proposed units closest to and most visible from the historic district are formally oriented towards the historic district with rear loaded garage entrances.
2. The LAC voted to not recommend approval of the PPS citing three major concerns: buffering, traffic, and storm water management. Concerns regarding traffic and SWM are not the purview of HPC and are more effectively addressed to the Planning Board. HPC staff recognizes that the LAC has been in dialogue with the applicant and encourages the LAC to voice its concerns about traffic and SWM impacts to the Planning Board.

Because of the location of the subject property at the intersection Livingston Road, Old Fort Road, and Oxon Hill Road with commercial development to the north and east, HPC staff notes that formal orientation of the development towards Oxon Hill Road and Livingston Road is more effective in mitigating adverse visual impacts to the Broad Creek Historic District than a landscape buffer. The preservation of the natural area around Henson Creek and the archeology site on the west side of the property is an acceptable way of preserving the significant natural and cultural resources adjacent to the Historic District.

3. Architectural compatibility of the proposed structures visible from the Broad Creek Historic District (80-024) will be reviewed by the Broad Creek LAC and HPC at the time of DSP. Review of architectural compatibility will include consideration of the size, scaling, mass, architecture, and materials, as well as the lighting and landscaping of the proposed townhouse units. HPC will recommend “traditional” rather than “contemporary” architectural expression at that time.
4. Archeology site 18PR1067 was identified on the subject property on a rise to the west of the proposed location of the townhouses. The parcel on which the archeological site is located will be conveyed to M-NCPPC. The site will be preserved in place and, therefore, no further archeological investigations are recommended.

Staff concurs with the findings and recommendations of HPC, subject to the recommended condition listed at the end of this technical staff report.

12. **Environmental**—This PPS application (4-21025) and a Type 1 tree conservation plan (TCP1) were accepted on February 10, 2022. Comments were provided to the applicant at the SDRC meeting on February 18, 2022. A revised PPS, TCP1, and supporting environmental documents were received on March 18, 2022. The following applications and associated plans have been previously reviewed for the subject site:

Development Review Case Number	Associated Tree Conservation Plan or Natural Resources Inventory Number	Authority	Status	Action Date	Resolution Number
SE-4295	N/A	District Council	Denied	6/9/1998	N/A
N/A	NRI-154-06	Staff	Approved	10/3/2008	N/A
N/A	NRI-154-06-01	Staff	Approved	7/13/2015	N/A
N/A	NRI-154-06-02	Staff	Approved	1/21/2022	N/A
4-21025	TCP1-002-2022	Planning Board	Pending	Pending	Pending

Site Description

A review of the available information indicates that regulated environmental features (a stream, wetlands, floodplain, steep slopes, and associated buffers) are located on-site. The on-site stream is the main stem of Henson Creek. The soil types found on-site according to the United States Department of Agriculture Natural Resources Conservation Service Web Soil Survey are Adelphia -Holmdel complex, Grosstown gravelly silt loam, Urban land-Adelphia complex, and Widewater and issue soils. Marlboro or Christiana Clays do not

occur on or in the vicinity of this site. According to the Sensitive Species Project Review Area map received from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or near this property. The on-site stormwater drains to the west towards on-site Henson Creek and its associated floodplain system. This site is within the Henson Creek watershed which flows into the Potomac River. The site has frontage on Livingston Road, which is designated as a master-planned collector roadway, and is adjacent to Oxon Hill Road, which is designated as both a Master Planned collector roadway and historic roadway.

Grandfathering

This project is not grandfathered with respect to the environmental regulations contained in prior Subtitles 24 and 27 that came into effect on September 1, 2010 because the application is for a new PPS.

Plan 2035

The site is located Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map, as designated by Plan 2035.

Conformance with Applicable Plans

Master Plan

The Environmental Infrastructure Section of the master plan text contains five (5) policies, each of which contain strategies. The text in **bold** is the text from the master plan and the plain text provides comments on plan conformance.

Policy 1: Protect, preserve, and enhance the identified green infrastructure network within the Henson Creek planning area.

This entire application area is shown within the regulated and evaluation areas of the 2017 *Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan).

According to the approved natural resources inventory (NRI), this property contains woodlands and regulated environmental features. This application area has the main stem of Henson Creek crossing the western portion of the site. The associated Henson Creek floodplain, wetlands, and wetland buffers are also located on-site. Henson Creek is a primary corridor, and all these regulated environmental feature areas are currently wooded. This application is proposing impacts to the floodplain, wetlands, and wetland buffers. The impacts are required for access to the property, construction of SWM facilities and compensatory floodplain storage facilities. Several of the impact areas will be replanted to restore some of the woodlands lost from the impacts. The remaining on-site regulated environmental features and woodland areas will be protected and preserved with the on-site development.

Policy 2: Restore and enhance water quality in areas that have been degraded and preserve water quality in areas not degraded.

Preservation of water quality in this area should be provided through the application of stormwater BMPs. An approved SWM concept plan (27515-2020-00) was submitted, which addresses surface water runoff issues in accordance with Subtitle 32, Water Quality Resources and Grading Code. These plans were reviewed and approved by DPIE. The stormwater BMPs approved for this application are eight micro-bioretenment facilities, a large, submerged gravel wetland system, and a grass bio-swale.

As part of the concept approval, DPIE reviewed the proposed primary management area (PMA) impacts because floodplain areas associated with Henson Creek were proposed to be impacted. The DPIE approval required that the proposed subdivision provide floodplain compensatory storage for the impacted floodplain areas. Two storage areas are proposed to compensate for the proposed floodplain fill areas. These storage areas will be reforested to further compensate for the impacts.

Policy 3: Reduce Overall energy consumption and implement more environmentally sensitive building techniques.

The use of green building and energy conservation techniques should be encouraged and implemented to the greatest extent possible. Development applications for the subject property should incorporate green and environmentally sensitive building and site design techniques to reduce overall energy consumption to the fullest extent practical and may be evaluated further at the time of DSP review when buildings are proposed.

Policy 4: Reduce light pollution and intrusion into rural and environmentally sensitive areas.

This policy should be evaluated with any development applications for the subject property that require the review of lighting details.

Policy 5: Reduce noise impacts to meet State of Maryland noise standards.

The subject property is proposed for 80 single family attached dwelling units. The site is surrounded by existing woodlands, industrial warehouses, and commercial property. The adjacent roads, Livingston Road and Oxon Hill Road, are identified as collector roadways by the MPOT which does not generate sufficient noise levels to trigger review for noise during the development review process. The proposed use is not anticipated to generate noise impacts.

Countywide Green Infrastructure Plan

According to the Green Infrastructure Plan, the site is mostly within the evaluation area, and two smaller sections of the site are located within the regulated area of the designated green infrastructure network. The site contains Henson Creek, a perennial stream, with the associated stream buffer, as well as floodplain and adjacent woodlands. The one regulated area just east of Livingston Road has been identified by mistake because no regulated

features are located within or adjacent to this area. Impacts are proposed within the evaluation areas for development of the site.

The following policies support the stated measurable objectives of the Green Infrastructure Plan:

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

The property is subject to the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO). Plan 2035 designates the site within the Environmental Strategy Area (formerly the Developing Tier). The proposal preserves woodland while implementing the desired development pattern of Plan 2035 by preserving on-site woodland and PMA in conformance with the WCO.

The property contains regulated and evaluation areas within the green infrastructure network. The evaluation area covers most of the site with a linear regulated area where Henson Creek is located. A regulated area is located along Livingston Road and crosses over the roadway to an existing commercial area. This mapped regulated area does not contain any regulated environmental features. The subject property is mostly wooded. Henson Creek is identified as a primary corridor. Conservation and preservation of these corridors, particularly the headwater areas, will help to improve water quality downstream. The proposed development will not adversely affect water quality, because the project is subject to review by the Prince George's County Soil Conservation District related to sediment and erosion control measures, and approval of SWM by DPIE.

There are six proposed PMA impacts that will disturb the evaluation area. These impacts are to the PMA (floodplain, wetlands, and wetland buffer) for site access, SWM, and floodplain storage. The TCP1 shows the preservation of remaining existing woodland areas. The proposed impacts to the PMA are discussed in the regulated environmental features/PMA section of this memo and the proposed preservation of woodland is discussed in the Woodland Conservation section of this memo. The proposed project, which is consistent with the prior R-T and O-S Zones, preserves the high priority environmental features of the site within the network.

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

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

On-site woodland preservation will be required to be placed within WCO easements prior to the approval of the Type 2 tree conservation plan.

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

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

An approved SWM concept plan (27515-2020-00) has been submitted which addresses surface water runoff issues in accordance with Subtitle 32, Water Quality Resources and Grading Code. These plans were reviewed and approved by DPIE. The PMA impacts associated with this application are located within the floodplain, wetlands, and wetland buffers. Necessary impacts to the PMA are for site access, SWM facilities, and flood storage. The remaining PMA will be preserved as part of the on-site woodland conservation requirement.

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

General Strategies for Increasing Forest and Tree Canopy Coverage

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

Based on the proposed TCP1, the proposed development will preserve three specimen trees, no woodlands in the net tract area, and 6.13 acres of wooded floodplain and PMA. The applicant proposes 1.22 acres of reforestation and 4.69 acres of off-site woodland credits to meet the total woodland conservation requirement of 5.91 acres.

Environmental Review

Natural Resources Inventory/Existing Conditions

Approved NRI-154-06-02 was submitted with the application. The site contains a stream (Henson Creek), floodplain, wetlands, associated buffers, and PMA. The NRI shows the site is fully wooded, with the exception of Henson Creek and has three specimen trees. No structures are present on this property.

Woodland Conservation

This property is subject to the provisions of the WCO because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. TCP1-002-2022 was submitted with the PPS application. Based on the TCP1, the overall site contains a total of 6.26 acres of net tract woodlands and 7.34 acres in the floodplain, for a total of 13.60 acres of woodland. The plan shows a proposal to clear the 6.26 acres of net tract woodland and 1.21 acres of wooded floodplain, resulting in a woodland conservation requirement of 5.30 acres. Currently, the woodland conservation worksheet shows no on-site preservation, 1.22 acres of reforestation, and 4.69 acres of off-site woodland credits for a woodland conservation area of 5.91 acres provided. The three on-site specimen trees are located within the floodplain and will be preserved.

Technical revisions are required to the TCP1 which are included in the recommended conditions of this technical staff report.

Preservation of Regulated Environmental Features/Primary Management Area

Impacts to the regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for SWM facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the regulated environmental features.

SWM outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, SWM facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to develop the site in conformance with the County Code.

The site contains regulated environmental features/PMA. According to the revised TCP1 and statement of justification (SOJ) dated March 17, 2022, the application proposes six impacts to the PMA (floodplain, wetlands, and wetland buffer) for site access, SWM facilities, and floodplain storage. Since this application is proposing PMA impacts to the on-site floodplain for compensatory storage, site access, and stormwater, DPIE has reviewed and approved the subject impacts. DPIE required that the subject application enter the subject property at the proposed location due to site distance requirements. This proposed road access location impacts both the floodplain and the proposed SWM location. The six proposed impact areas are the result of this site access location and associated floodplain impacts.

Statement of Justification

The SOJ includes a request for six PMA impacts totaling 56,585 square feet of impacts proposed to wetlands, wetland buffer, and floodplain.

Analysis of Impacts

Based on the SOJ, the applicant is requesting six impacts, as described below:

Existing Right-of-way—The proposed site access will impact the existing road right-of-way area. Proposed PMA impacts for this road access area are 2,229 square feet of wetland buffer and 25 square feet of floodplain. After construction, this area will not be replanted.

Road Dedication Area—The proposed site access will impact the existing road dedication areas. Proposed PMA impacts for this road access area are 150 square feet of wetlands, 1,821 square feet of wetland buffer, and 1,426 square feet of floodplain. After construction, this area will not be replanted.

Proposed Road A—The proposed site access impact will create a new road (Road A) for the proposed subdivision. Proposed PMA impacts for this new road are 634 square feet of wetlands, 2,057 square feet of wetland buffer, and 9,081 square feet of floodplain. After construction, this area will not be replanted.

Stormwater Management Impact—The creation of Road A within the floodplain has been reviewed by DPIE. This review and meetings with DPIE and the applicant's engineer led to recommendations that the SWM facility be in the floodplain and act as a submerged gravel wetland facility and for floodplain compensatory storage. Proposed PMA impacts for this SWM facility are 34 square feet of wetlands, 1,824 square feet of wetland buffer, and 22,316 square feet of floodplain. After construction, only the area for floodplain storage will be replanted.

Floodplain Compensatory Storage Areas—As part of the proposed floodplain impacts, DPIE is requiring areas of floodplain compensatory storage. This impact is to lower the existing grades to compensate for additional overflow stormwater. Two areas within the floodplain are being proposed for this lowering of soil grades. The first being within the stormwater pond and the other area to the north of the proposed pond area. Proposed PMA impacts for these two floodplain compensatory storage areas are zero square feet of wetlands, zero square feet of wetland buffer, and 12,945 square feet of floodplain. After construction, these areas will be replanted.

Parcel E/Stormwater Management—The proposed site access impact will cut off the PMA areas to the east of the proposed access road. These impacted areas will be used for SWM and grading. Proposed PMA impacts for this new road are 2,558 square feet of wetlands, 4,064 square feet of wetland buffer, and 7,135 square feet of floodplain. After construction, this area will not be replanted.

The proposed PMA impacts are necessary for the orderly development of the subject property. The impacts cannot be avoided because the site is required to provide adequate road access, stormwater, and floodplain storage. The plan shows the preservation, restoration, and enhancement of the remaining areas of the PMA.

Specimen Trees

No specimen trees are proposed for removal with this application.

Conclusion

Based on the level of design information currently available, the limits of disturbance shown on the TCP1, and the impact exhibits provided, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible. Six proposed impacts are necessary to provide adequate road access, stormwater, and floodplain compensatory storage, which is reasonable for the orderly and efficient development of the subject property.

13. Urban Design—Conformance with the Zoning Ordinance is evaluated, as follows:

Conformance with Zoning Ordinance

Townhouse in Transit Village designated by the area master plan is a permitted use in the prior R-T Zone, subject to the requirements of Footnote 84 and additional regulations on minimum lot size, maximum lot coverage, etc. DSP review is required for the proposed development, which must demonstrate the conformance with the requirements of the prior Zoning Ordinance, including but not limited to the following:

- Section 27- 433 Requirements for Townhouse (R-T) Zone
- Section 27- 442, Regulations in the Residential Zones
- Part 11, Off-Street Parking and Loading
- Part 12, Signs

Conformance with the 2010 Prince George's County Landscape Manual

This development is subject to the requirements of the 2010 *Prince George's County Landscape Manual*. Specifically, the site is subject to Section 4.1, Residential Requirements; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; Section 4.9, Sustainable Landscaping Requirements; and Section 4.10, Street Trees along Private Streets. The site's conformance with the applicable landscaping requirements will be evaluated at the time of DSP.

Conformance with the Prince George's County Tree Canopy Coverage Ordinance

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit. Properties that are zoned R-T (under the prior Ordinance) are required to provide a minimum of 15 percent of the gross tract area in TCC. The subject site is 14.87 acres and will be required to provide a minimum of 2.23 acres of the tract area in TCC. The proposed project will be evaluated at the time of DSP for conformance to these requirements.

Other Urban Design Issues

Parking in the compact townhouse development project like this one has been an issue throughout the county. In the past, the Planning Board has required additional 10 percent of parking on top of the currently required parking for townhouses by the Zoning Ordinance. This directive on parking will be further evaluated and enforced at the time of DSP.

Given townhouse community will have many young families, the applicant is encouraged to provide amenities and recreational facilities for young children in a central location. This issue will be further evaluated at the time of DSP which may result in possible loss of lots.

14. **Old Oxon Hill Road**—The subject property consists of three tax parcels, and the property boundary survey provided by the applicant depicts a 30-foot-wide prescriptive right-of-way for Old Oxon Hill Road which is labeled as ‘abandoned’. This right-of-way enters the subject property at its western property line, crosses Henson Creek, before bending down to end at the current right-of-way line of Oxon Hill Road near its intersection with Broad Creek Church Road. This right-of-way is the historic alignment of Oxon Hill Road, before improvements in the 1960s which realigned Oxon Hill Road and Broad Creek Church Road to its current alignment. This old right-of-way is currently situated on proposed Parcel A, which is to be conveyed to M-NCPPC by the applicant.

The County acquired this roadway (now known as Old Oxon Hill Road) through prescriptive use. It is evident from review of old aerial imagery that the use of this road, which is referred to as Old Oxon Hill Road, was abandoned by 1965. Various deeds of the parcels composing the subject property, and right-of-way plats for Oxon Hill Road, label this section of Old Oxon Hill Road as ‘abandoned’. Deeds recorded at Liber 2724 page 269 dated August 27, 1962, Liber 2736 page 180 dated September 6, 1962, and Liber 3531 folio 481 conveyed right-of-way for the new alignment of Oxon Hill Road from the original tracts of land currently part of the subject property. These deeds do not address the abandonment of the 30-foot-wide prescriptive right-of-way.

Plat recorded in the Prince George’s County Land Records for Parcel B titled Henson Creek Park in Plat Book 80 page 87 and dated 1972, however, does depict the old alignment of Oxon Hill Road, labeling it as ‘Old Oxon Hill Road’. Further, a subsequent deed of conveyance for Parcel 144 recorded at Liber 4207 folio 141, expressly preserved all rights and interest which the property owners may have in Old Oxon Hill Road. This road is not referred to as ‘abandoned’ until a deed of conveyance recorded at Liber 7515 at folio 329 dated December 18, 1989.

Therefore, it is not clear if the road is still claimed by the Prince George’s County Department of Public Works and Transportation as a County road. The applicant should request the public road operating agency to begin the process that would provide the applicant with a quit claim deed for the portion of the roadway located on the subject property to provide a record and to remove any adverse color of title. This quit claim deed, or other acceptable means of confirming clear title, should be obtained prior to approval of a final plat for Parcel A.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised to extend the 10-foot-wide public utility easements (PUEs) located along the fronts of Lots 1–30 and Lots 66–80 to connect to an adjoining PUE or a public right-of-way.

2. Total development within the subject property shall be limited to uses which generate no more than 57 AM peak-hour trips and 65 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision, with a new determination of the adequacy of transportation facilities.
3. Any nonresidential development shall require the approval of a new preliminary plan of subdivision, prior to approval any building permits.
4. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan, 27515-2020-00, and any subsequent revisions.
5. Prior to approval of a final plat:
 - a. The applicant and the applicant's heirs, successors, and/or assignees shall grant 10-foot-wide public utility easements along the public and private rights-of-way, in accordance with the approved preliminary plan of subdivision.
 - b. The applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a homeowners association has been established for the subdivision. The draft covenants shall be submitted to the Subdivision Section to ensure that the rights of the Maryland-National Capital Park and Planning Commission are included. The Liber/folio of the declaration of covenants shall be noted on the final plat, prior to recordation.
6. At the time of final plat, the applicant shall dedicate all rights-of-way along the property frontage on Livingston Road and Oxon Hill Road, consistent with the approved preliminary plan of subdivision.
7. Prior to approval of a final plat for Parcel A, the applicant's heirs, successors, and/or assignees shall obtain a quit claim deed or other acceptable means of confirming clear title, from the public operating agency for the portion of Old Oxon Hill Road located on the subject property.
8. At the time of the first final plat, in accordance with Section 24-134(a)(4) of the prior Prince George's County Subdivision Regulations, approximately 5.7 +/- acres of parkland, as shown on the preliminary plan of subdivision, shall be conveyed to the Maryland-National Capital Park and Planning Commission (M-NCPPC). The land to be conveyed shall be subject to the following conditions:
 - a. An original, special warranty deed for the property to be conveyed, (signed by the Washington Suburban Sanitary Commission Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, Upper Marlboro, along with the application of first final plat.
 - b. The applicant and the applicant's heirs, successors, and/or assignees shall demonstrate any liens, leases, mortgages, or trusts have been released from the land to be conveyed to M-NCPPC.

- c. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to application of the first building permit.
 - d. The boundaries, lot or parcel identification, and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.
 - e. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Prince George's County Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair, or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.
 - f. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled, and underground structures shall be removed. The Prince George's County Department of Parks and Recreation shall inspect the site and verify that land is in an acceptable condition for conveyance, prior to dedication.
 - g. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, the Prince George's County Department of Parks and Recreation (DPR) shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement, prior to issuance of grading permits.
 - h. In general, no stormwater management facilities, tree conservation, or utility easements shall be located on land owned by, or to be conveyed to, M-NCPPC. However, the Prince George's County Department of Parks and Recreation (DPR) recognizes that there may be need for conservation or utility easements in the dedicated M-NCPPC parkland. Prior to the granting of any easements, the applicant must obtain written consent from DPR. DPR shall review and approve the location and/or design of any needed easements. Should the easement requests be approved by DPR, a performance bond, maintenance and easement agreements may be required, prior to issuance of any grading permits.
9. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the homeowners association, land as identified on the approved preliminary plan of subdivision and detailed site plan. Land to be conveyed shall be subject to the following:
- a. A copy of the recorded deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division.
 - b. All waste matter of any kind shall be removed from the property, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.

- c. The conveyed land shall not suffer the disposition of construction materials or soil filling, other than the placement of fill material associated with permitted grading operation that are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.
 - d. Any disturbance of land to be conveyed to the association shall be in accordance with an approved site plan and tree conservation plan. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls.
 - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to the association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by the Development Review Division.
 - f. The Prince George's County Planning Board, or its designee, shall be satisfied that there are adequate provisions to ensure retention and future maintenance of the property to be conveyed.
10. At the time of detailed site plan, the architecture, lighting, and landscaping of the proposed townhouses shall be reviewed by the Broad Creek Local Advisory Committee and Historic Preservation Commission for architectural compatibility with the adjacent Broad Creek Historic District (PG:80-024).
11. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan shall be revised as follows:
- a. Add the width dimensions to the reforestation area along the northern property line.
 - b. Add a number to identify the three reforestation areas (example WRA-1).
 - c. Create a table for the three reforestation areas to show the square footage of each area.
 - d. Add a note to the revision block, and sign and date plan by the qualified professional preparing the plan.
12. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area, except for approved impact, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the final plat of subdivision:
- "Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."

13. Development of this subdivision shall be in compliance with an approved Type 1 Tree Conservation Plan (TCP1-002-2022). The following note shall be placed on the final plat of subdivision:

“Development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-002-2022), or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission.”
14. Prior to the issuance of permits for this subdivision, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:

“This plat is subject to the recordation of a Woodland Conservation Easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 Tree Conservation Plan, when approved.”
15. Prior to the issuance of any permits, which impact 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.
16. Prior to the approval of any building permit within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency’s access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
 - a. Provide a third left turn lane along the eastbound leg (Livingston Road) of the MD 210/Livingston Road/Palmer Road intersection, unless modified by the Maryland State Highway Administration, with written correspondence.
17. The detailed site plan shall include typical sections and details for all private streets and alleys. The street sections shall identify location of on-street standard and/or compact car parking spaces. Private streets shall be constructed with minimum six-foot-wide sidewalks on both sides of the travelway.
18. A network of continuous sidewalks shall be provided along the property’s frontage of Oxon Hill Road and Livingston Road. The exact details and profiles of these facilities shall be shown and included as part of the detailed site plan.
19. Protected bicycle lanes shall be provided along the property’s frontage of Oxon Hill Road and Livingston Road. The exact details and profiles of these bicycle facilities shall be shown and included as part of the detailed site plan.