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Preliminary Plan of Subdivision Fairview

4-22050

REQUEST	STAFF RECOMMENDATION
65 lots and 5 parcels for development of 65 single-family attached dwellings	<p>With the conditions recommended herein:</p> <ul style="list-style-type: none"> • Approval of Preliminary Plan of Subdivision 4-22050 • Approval of Type 1 Tree Conservation Plan TCP1-075-04-03 • Approval of a Variation from Section 24-121(a)(4) • Approval of a Variation from Section 24-122(a) • Approval of a Variance to Section 25-122(b)(1)(G)

Location: In the northeast quadrant of the intersection of I-95/495 (Capital Beltway) and MD 704 (Martin Luther King Jr Highway).

Gross Acreage:	7.65
Zone:	CGO
Prior Zone:	C-S-C
Reviewed per prior Subdivision Regulations:	Section 24-1900
Gross Floor Area:	0
Dwelling Units:	65
Lots:	65
Parcels:	5
Planning Area:	73
Council District:	05
Municipality:	N/A

Applicant/Address:
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Planning Board Date:	06/13/2024
Planning Board Action Limit:	07/03/2024
Mandatory Action Timeframe:	140 days
Staff Report Date:	06/06/2024
Date Accepted:	02/13/2024
Informational Mailing:	03/25/2023
Acceptance Mailing:	01/18/2024 03/19/2024
Sign Posting Deadline:	05/14/2024

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 4-22050
Type 1 Tree Conservation Plan TCP1-075-04-03
Variation from Section 24-121(a)(4)
Variation from Section 24-122(a)
Variance to Section 25-122(b)(1)(G)
Fairview

OVERVIEW

The subject property includes a 7.65-acre parcel, known in the Maryland State Department of Assessments and Taxation as Parcel 109, recorded by deed in the Prince George's County Land Records in Book 21975 page 331, dated April 27, 2005. The property is in the Commercial, General and Office (CGO) Zone. However, this application is being reviewed in accordance with the Prince George's County Zoning Ordinance and Prince George's County Subdivision Regulations, effective prior to April 1, 2022 (the "prior Zoning Ordinance" and "prior Subdivision Regulations") pursuant to Section 24-1903(a) of the Subdivision Regulations. This application is therefore reviewed pursuant to the standards of the prior Commercial Shopping Center (C-S-C) Zone for the property, which were in effect prior to April 1, 2022. The site is subject to the 1990 *Approved Largo-Lottsford Master Plan and Adopted Sectional Map Amendment* (master plan).

The subject property is proposed to be subdivided into 65 lots and 5 parcels for development of 65 single-family attached dwellings. The subject preliminary plan of subdivision (PPS) qualifies for review under the prior Zoning Ordinance and prior Subdivision Regulations because it meets the requirements of Section 24-1904 of the current Subdivision Regulations. In accordance with Section 24-1904(a), a pre-application conference was held on July 29, 2022. In accordance with Section 24-1904(b), the applicant provided a statement of justification (SOJ) explaining why they were requesting to use the prior regulations. In accordance with Section 24-1904(c) of the Subdivision Regulations, this PPS is supported by and subject to approved Certificate of Adequacy ADQ-2022-053.

The property is currently undeveloped, and mostly wooded.

The applicant is requesting a variation from Section 24-121(a)(4) of the prior Subdivision Regulations, which states that residential lots adjacent to existing or planned roadways of arterial classification shall be platted with a minimum depth of 150 feet and those lots adjacent to an existing or planned roadway of freeway or higher classification, shall be platted with a depth of 300 feet. This application proposes residential lots within 300 feet of I-95/495 (Capital Beltway) which is a freeway, and within 150 feet of MD 704 (Martin Luther King Jr Highway), which is an

arterial road. This variation request is discussed further in the Noise finding of this technical staff report.

Section 24-122(a) of the prior Subdivision Regulations requires that 10-foot-wide public utility easements (PUE) be provided along both sides of public rights-of-way (ROWs). The property fronts on the public ROW of I-95/495, which is located on the west side of the site. The applicant is requesting approval of a variation from the PUE requirement, which is discussed further in the Public Utility Easement finding of this technical staff report.

The applicant also filed a request for a variance to Section 25-122(b)(1)(G) of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO), for the removal of 16 specimen trees. This request is discussed further in the Environmental finding of this technical staff report.

Staff recommend **APPROVAL** of the PPS with conditions, **APPROVAL** of the requested variations, and **APPROVAL** of the Subtitle 25 variance, based on the findings contained in this technical staff report.

SETTING

The subject site is located on Tax Map 52 in Grid C3 and is within Planning Area 73. The property is located in the northeast quadrant of the intersection of I-95/495 and MD 704.

The subject property is bounded to the north by Fairview Avenue and to the east by Whitfield Chapel Road, with properties beyond developed with single-family detached homes in the Residential, Rural (RR) Zone (formerly the prior version of the Residential, Rural Zone). MD 704 bounds the site to the south, with vacant property beyond zoned Residential, Single-Family-95 (RSF-95), formerly zoned One-Family Detached Residential (R-80). The I-95/495 ROW bounds a portion of the site to the west and the remainder of the western property line of the subject site is adjacent to vacant property zoned RSF-95 (formerly R-80).

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

	EXISTING	EVALUATED
Zone	CGO	C-S-C
Use(s)	Vacant	Single-family Residential
Acreage	7.65	7.65
Lots	0	65
Parcels	1	5
Dwelling Units	0	65
Gross Floor Area	0	0
Subtitle 25 Variance	No	Yes, Section 25-122(b)(1)(G)
Subtitle 24 Variation	No	Yes, Section 24-121(a)(4) And Section 24-122(a)

The subject PPS was accepted for review on February 13, 2024. Pursuant to Section 24-119(d)(2) of the prior Subdivision Regulations, this case was referred to the Subdivision and Development Review Committee (SDRC), which held a meeting on March 1, 2024, where comments were provided to the applicant. Pursuant to Section 24-113(b), the requested variations from Sections 24-121(a)(4) and 24-122(a) were also received on February 13, 2024, and reviewed at the SDRC meeting on March 1, 2024. Revised plans were received on April 25, 2024, and May 10, 2024, which were used for the analysis contained herein.

2. **Site Layout**—The proposed lots are organized into three blocks, which are arranged around two private roads within the subdivision. One access driveway from Whitfield Chapel Road leads to an internal loop (Private Road A), which is further connected to a second street (Private Road B) ending in a cul-de-sac. Private Road A and Private Road B are located within their own parcels (labeled as Parcel 2 and Parcel 3, respectively). In any zone where townhouse dwelling units are permitted, access to townhouses via private streets is permitted, pursuant to Section 24-128(b)(19) of the prior Subdivision Regulations. In accordance with this section, the PPS proposed private roads with a minimum pavement width of 22 feet. The street system features a hierarchical circulation pattern where all units have direct access to private streets. Staff find the proposed access and circulation to be acceptable.

All 65 townhouse lots are proposed to be front-loading, facing the proposed private streets. A large triangular open space parcel (proposed Parcel 5), near the intersection of Whitfield Chapel Road with MD 704, is earmarked to provide on-site recreational facilities and locate an underground stormwater storage facility. Retaining walls, the highest being 5 feet high, are proposed in various locations around the site to address steep slopes. These retaining walls are also located in open space parcels (proposed Parcel 1, Parcel 3, and Parcel 5). All five parcels will be privately owned and maintained by the homeowners association (HOA). In keeping with standard nomenclature, staff recommend that the HOA parcels be assigned an alphabet designation to distinguish them as non-development parcels. The PPS also shows two lots, both labeled as Lot 21, Block B. Prior to signature approval of the PPS, one of these should be renumbered as Lot 28, Block B. It is noted that the boundary lines for the proposed parcels are not clearly defined using the same line type and line weight as the proposed lot lines. Prior to signature approval of the PPS, the parcel boundary lines shall be revised to be shown more clearly.

An entrance feature is proposed near the driveway to Whitfield Chapel Road and is located outside a proposed public utility easement (PUE) and is within open space Parcel 1. Additional parking for visitors, which includes provision for Americans with Disabilities Act-accessible parking, is conceptually proposed at two locations, including near the recreational facility space.

3. **Previous Approvals**—The property has been the subject of several prior development approvals. PPS 4-04135 was approved by the Prince George's County Planning Board (PGCPB Resolution No. 05-16) in 2005 for 12 lots and 1 parcel for single-family detached residential development in the R-80 Zone. Subsequently, the applicant filed a Detailed Site Plan (DSP-05108), which fell dormant and consequently did not receive approval. PPS 4-04135 expired in 2007.

In 2008, PPS 4-08041 was filed for 12 lots and 1 parcel for residential development. In that case, additional information was not received before the Planning Board hearing date, as requested by staff, and the application was withdrawn by the applicant. In 2009, PPS 4-09018 was filed, and approved by the Planning Board (PGCPB Resolution No. 09-166) for 12 lots and 2 parcels for residential development in the R-80 Zone, which was approved on December 3, 2009. As further discussed below, the subject site was rezoned to C-S-C in 2015, and development of the property did not proceed in accordance with 4-09018.

PPS 4-16037 was approved for the subject property on July 26, 2018, by the Planning Board, for 37,900 square feet of commercial development on one parcel. However, this prior PPS has expired. A PPS and final plat are required, to allow construction of more than one single-family dwelling or more than 5,000 square feet of nonresidential development, prior to approval of building permits. The subject application has been filed for subdivision of the property, for residential development of the site, with 65 townhouses.

Basic Plan A-9968

An application to rezone the property from the prior R-80 Zone to the prior C-S-C Zone, Zoning Map Amendment A-10024, was approved by the Prince George's County District Council on May 12, 2015. On January 5, 2018, the District Council amended Condition 2(b) of A-10024 and adopted A-10024-C, which included six conditions, of which the following are applicable to the review of this PPS:

- b. Access to and from the subject property to Whitfield Chapel Road shall be evaluated at the time of any preliminary plan of subdivision and, if necessary, at the time of detailed site plan approval. At the time of preliminary plan of subdivision and, if necessary, at the time of detailed site plan approval, options for the site entrance configuration to the subject property from Whitfield Chapel Road shall be approved by the appropriate review agencies. At the time of preliminary plan of subdivision, Applicant shall submit evidence to demonstrate that the proposed site ingress and egress from Whitfield Chapel Road will provide safe and visible access in accordance with applicable State and County Standards.**

In conformance with Condition 2(b), access to and from the subject property to Whitfield Chapel Road has been evaluated with this PPS and is further discussed in the Transportation finding of this technical staff report.

- d. Applicant, its successors and assigns, shall consider the impact of the proposed development project on surrounding properties with existing residential uses, including potential negative impacts on surrounding residential uses near the property. The Applicant shall meet with members of the surrounding community, homeowners associations (local community representatives) and persons of record prior to the submission of any Preliminary Plan of Subdivision and Detailed Site Plan to specifically discuss compatible proposed land uses as well as suitable ingress and egress issues for the development. The Applicant is encouraged to enter into private land use covenants with the local community representatives to consider appropriate permitted land uses for the subject property and to focus on "low intensity, locally-oriented businesses" as specified within the 1990 Master Plan recommendations.**

The applicant, in their SOJ, provides that they have met with community groups from the surrounding area several times in the past, since approval of the basic plan, as part of prior development approvals for the subject property. The applicant further states that these community groups support development of this site with townhouses, as opposed to commercial uses. The applicant also provided documentation from a community meeting held in 2018, and correspondence for meetings held during the review of the rezoning application. The applicant also stated their intent to hold further meetings with neighboring communities with subsequent DSP applications.

The conditions of A-10024-C, not included above, pertain to the architecture which will be considered at the time of DSP, as required, and commercial uses which are not proposed in this application.

Council Bill CB-14-2021

On May 18, 2021, CB-14-2021 was enacted for the purpose of permitting townhouse use in the C-S-C Zone under certain specified circumstances. These specified circumstances are provided in Footnote 85 of Section 27-461(b) of the prior Zoning Ordinance, which is the Table of Uses for Commercial Zones.

Footnote 85

Permitted use, provided that:

- (A) The property is a minimum of six (6) gross acres in size and a maximum of eight (8) gross acres in size;**

The property meets this criterion as it is 7.65 acres in area.

- (B) The property has frontage along the Capital Beltway (I-495);**

The property meets this criterion as has frontage along I-95/495.

- (C) The property is located adjacent to property in a residential zone;**

The property meets this criterion as it is adjacent to property in a residential zone, specifically, the RSF-95 (formerly R-80) Zone to the west and south; and the RR (formerly the R-R) Zone to the north and east.

- (D) A Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle;**

- (E) The Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle. Regulations concerning lot size, net lot area, lot coverage, frontage, setbacks, density, building height and other requirements of the C-S-C Zone shall not apply. Development shall be in accordance with the applicable dimensional requirements for townhouses in the M-X-T Zone as provided in Section 27-548(h). The remaining regulations shall be established pursuant to the review and**

approval of the Detailed Site Plan. In no event shall the number of townhouse units exceed twenty (20) dwelling units per acre. The minimum building width shall be twenty (20) feet; and

- (F) The development shall design and construct five (5) percent of the dwelling units, or at least three (3) units, whichever is lower, to be accessible for people with mobility disabilities.**

The density proposed with this PPS is 8.5 dwelling units per acre, well below the maximum permitted 20 dwelling units per acre. The proposed townhouse lots shown on the PPS meet the minimum lot size, net lot area, and lot width requirements for townhouses in the prior Mixed Use-Transportation Zone, provided in Section 27-548(h) of the prior Zoning Ordinance. Remaining requirements of Criterion (E) and Criterion (F) will be evaluated at the time of subsequent DSP for the proposed development on the subject property.

- 4. 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

Plan 2035 places this subject site in the Established Communities Growth Policy Area. Plan 2035 classifies existing residential neighborhoods and commercial areas served by public water and sewer outside of the Regional Transit Districts and Local Centers, as Established Communities. Established Communities are most appropriate for “context-sensitive infill and low- to medium-density development” (page 20). Plan 2035 recommends “maintaining and enhancing existing public services (police and fire/EMS), facilities (such as libraries, schools, parks, and open space), and infrastructure in these areas (such as sidewalks) to ensure that the needs of existing residents are met” (page 20).

Master Plan

The master plan recommends residential medium land use on the subject property. The master plan further identifies suburban land use as single-family detached housing, with a density range from 2.7–5.7 dwelling units per acre (Table 8, page 59). The proposed use of 65 single-family attached dwelling units with a density of 8.5 dwelling units per acre, does not conform to the master plan. However, townhouses are permitted by right in the C-S-C Zone, under certain circumstances. Pursuant to Section 24-121(a)(5), of the prior Subdivision Regulations, a PPS and final plat shall conform to the area master plan, including maps and text, unless the Planning Board finds that events have occurred to render the relevant recommendations within the comprehensive plan no longer appropriate, is no longer applicable, or the District Council has not imposed the recommended zoning. The Prince George's County District Council has not imposed zoning that would prohibit uses other than single-family detached dwellings; therefore, master plan conformance with the recommended residential medium land use is not required.

While the recommended land use is no longer applicable, other relevant recommendations of the master plan continue to apply. The master plan places the subject property in Neighborhood A of the Enterprise Community Living Areas. The Enterprise Community totals about 5.5 square miles (3,516 acres) and includes all the land north of Lottsford Road and MD 202 to US 50, between I-95/495 and Enterprise Road.

Master plan recommended goals, objectives, and guidelines to help advance the intent and purpose of the plan are discussed further below, and throughout this technical staff report:

Living Areas

Objectives

- **To encourage the design of residential neighborhoods which preserve as much of the original landform and tree cover as possible.** (page 57)

Policies

- **Access points should be limited on Ardwick-Ardmore Road, Martin Luther King Jr. Highway, Lottsford-vista Road, St. Joseph's Drive, Lottsford Road, and Enterprise Road. Individual lots should not front on these roads, monumental entrances should be utilized for access to residential enclaves.** (page 63)

The Type 1 tree conservation plan (TCP1) submitted with this PPS, depicts the grading and preservation of existing tree cover to the maximum extent, to support the proposed development. The subject site adjoins MD 704 along the south side. No direct access is proposed to, and no individual lots front on, this road. Access to the residential neighborhood is distinguished with an entrance sign proposed near Whitfield Chapel Road.

Zoning

On November 29, 2021, the District Council approved CR-136-2021, the Countywide Sectional Map Amendment (CMA), which reclassified the subject property from the C-S-C Zone to the CGO Zone, effective April 1, 2022. However, this application was reviewed pursuant to the prior C-S-C zoning.

5. **Stormwater Management**—An application for a major subdivision must include an approved stormwater management (SWM) concept plan, or indication that an application for such approval has been filed with the appropriate agency or municipality having approval authority. An unapproved Site Development Concept Plan (34492-2004-02) was submitted with this application, along with receipt of having been filed with the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). The unapproved plan shows the use of micro-bioretenention facilities, bioswales, and an underground storage system. This SWM concept plan is reflective of the proposed layout and will be further reviewed by DPIE. Submittal of an approved SWM concept letter and plan will be required prior to signature approval of the TCP1. No further information pertaining to SWM is required at this time.

Staff find that development of the site, in conformance with SWM concept approval and any subsequent revisions, will ensure that no on-site or downstream flooding occurs. Therefore, this PPS satisfies the requirements of Section 24-130 of the prior Subdivision Regulations.

6. **Parks and Recreation**—This PPS has been reviewed for conformance with the requirements and recommendations of the master plan, the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, the 2022 *Land Preservation, Parks and*

Recreation Plan for Prince George's County, and Sections 24-134 and 24-135 of the prior Subdivision Regulations, as they pertain to public parks and recreation and facilities.

The Prince George's County Department of Parks and Recreation (DPR) manages and maintains Maryland-National Capital Park and Planning Commission (M-NCPPC)-owned parkland on both the east and southeast sides of the subject property. Nearby parks include Carbondale Park, located 0.33 mile east of the subject property, and Ardmore Park, located approximately 0.62 mile to the southeast. Both parks are developed with a full basketball court, fitness stations, a picnic shelter, a playground, a playfield, and outdoor tennis courts. Carbondale Park also offers a walking loop trail.

The proposed development is in alignment with the master plan's intention to provide quality, safe, and convenient parks and recreational facilities within residential developments, providing respite, and contributing to the desirability and livability of the community for current and future residents.

Sections 24-134 and 24-135, which relate to mandatory dedication of parkland, provide for the dedication of land, the payment of a fee-in-lieu, and/or the provision of private on-site recreational facilities to serve the active recreational needs of residential development. Based on the permissible 20 dwelling units per acre density of development, 15 percent of the net residential lot area, 1.15 acres, could be required to be dedicated to M-NCPPC for public parks. However, given the proposed density of 8.5 dwelling units per acre, staff recommend the provision of on-site recreational facilities for future residents to meet the mandatory dedication of parkland requirement.

The PPS identifies Parcel 5 as a combined open space containing woodlands and a recreational facility area. Per the information provided on the cover sheet of the PPS, a tot-lot with play equipment, a dog waste station, picnic tables, park benches, grills, a gazebo, and a bicycle rack are proposed. Staff concur that the area identified for recreational amenities is appropriate for outdoor recreation for future residents. The details and the cost estimates for the on-site facilities will be evaluated at the time of the DSP.

Based on the preceding findings, staff find the provision of mandatory dedication of parkland should be met through on-site recreation facilities, in accordance with Section 24-135(b) of the prior Subdivision Regulations, subject to the conditions recommended in this technical staff report.

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

Master Plan Right-of-Way

The subject property has frontage on Fairview Avenue, along the northern bounds of the site. Neither the MPOT nor the master plan contain any ROW recommendations for this portion of Fairview Avenue. The PPS displays Fairview Avenue as an existing 50-foot-wide ROW, and no additional dedication is required.

The subject property also has frontage along Whitfield Chapel Road, along the eastern bounds of the site. The MPOT recommends this portion of Whitfield Chapel Road as a 4-lane

collector roadway (C-329), with an ultimate ROW width of 80 feet. The master plan does not contain any recommendations for this portion of Whitfield Chapel Road. The PPS accurately displays additional dedication, for a total of 40 feet of ROW width from the centerline, to support road frontage improvements required to serve the development.

The subject property has frontage on MD 704 along the southern bounds of the site. The MPOT recommends this portion of MD 704 as a 4–6 lane arterial roadway (A-22), with an ultimate ROW width of 120–150 feet. The master plan recommends this portion of MD 704 as a 6-lane arterial roadway, with an ultimate ROW width of 150 feet. The PPS accurately displays MD 704 as having 120 feet of existing ROW width, and no additional dedication is required. The dimension of the ROW width from the road baseline to the edge of the existing pavement is labeled on the PPS to be 56 feet. Another dimension should be added to the plan, to provide the ROW width of MD 704 from the road centerline to the property line and demonstrate that it is a minimum of 60 feet.

Lastly, the subject property has frontage on I-95/495 along the western bounds of the subject site. The MPOT recommends this portion of I-95/495 as an 8–12 lane freeway (F-5) with an ultimate ROW width of 300 feet. The master plan recommends this portion of I-95/495 as an 8–10 lane freeway, with an ultimate ROW width of 300 feet. The PPS correctly displays this portion of I-95/495 as a variable width ROW, since the width of the ROW abutting the subject site changes to accommodate the interchange with MD 704. Vehicular access is not sought along the site's frontage of I-95/495 and no additional dedication is required.

Master Plan Pedestrian and Bike Facilities

The MPOT recommends the following master-planned facilities:

- Planned Bicycle Lane: Whitfield Chapel Road
- Planned Side Path: Martin Luther King Jr Highway

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

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

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

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

In addition, the site is subject to the master plan, which includes the following objective discussing active transportation in the Circulation and Transportation chapter:

Objectives

- **To develop and recommend nonvehicular facilities, including pedestrian/ biker trails, bicycle ways and equestrian paths which may link residential areas to each other and to commercial retail facilities, employment centers, recreational areas, and other transportation facilities.** (page 33)

During the SDRC meeting, staff requested that the applicant update plans to display a bicycle lane along the site's frontage of Whitfield Chapel Road and a side path along the site's frontage of MD 704, which are both master-planned facilities supported by the MPOT. As such, prior to acceptance of the DSP, staff recommend the applicant show a bicycle lane along the site's frontage of Whitfield Chapel Road and a side path along the site's frontage of MD 704, as recommended in the MPOT.

In addition, at the SDRC meeting, staff requested that the applicant update plans to replace the existing sidewalk along the site's frontage of Fairview Avenue, which is disconnected and overgrown, with a new 5-foot-wide sidewalk. The applicant's response to SDRC comments indicates that they agree to staff recommendation for a new sidewalk. However, the PPS still displays the existing sidewalk along Fairview Avenue. Prior to acceptance of a DSP, staff recommend that the applicant show a 5-foot-wide sidewalk along the site's frontage of Fairview Avenue.

The PPS features proposed sidewalks along the frontage of Whitfield Chapel Road and existing sidewalks along Fairview Avenue. A series of internal sidewalks provide pedestrian movement throughout the site. Crosswalks are shown throughout the development at intersecting roadways. A crosswalk, crossing the drive aisle, is shown at the point of the main vehicle access from Whitfield Chapel Road. Americans with Disabilities Act (ADA) curb ramps are shown at all crosswalk locations. Staff recommend the applicant provide an additional 5-foot-wide sidewalk, originating along the sidewalk adjacent to Private Road A, located between Lot 12, Block A and Lot 13, Block A, which leads north and connects to the sidewalk along the site's frontage of Fairview Avenue. This additional sidewalk connection will better allow pedestrians to depart the neighborhood without using an automobile, while establishing a more walkable environment. This sidewalk will also provide connectivity to the existing residential community situated to the north, across Fairview Avenue. In addition, staff recommend that the applicant show four bicycle racks (Inverted U-style or a similar model that provides two points of contact for a parked bicycle), which provides parking for eight bicycles, at the central recreation area on Parcel 5.

As required in the companion ADQ-2022-053, prior to acceptance of a DSP, the applicant shall submit a bicycle and pedestrian facilities plan, along with the site plan, which is in conformance with the above-listed recommendations.

Site Access and On-site Circulation

One point of vehicle entry is proposed along Whitfield Chapel Road. The private roads that are proposed to serve the development are confined only to the site, thereby ensuring that no cut-through traffic will take place.

During the SDRC meeting, staff requested that the applicant examine providing vehicular access along Fairview Avenue, rather than along Whitfield Chapel Road. Fairview Avenue is the lowest classified roadway of all road frontages for the subject site. Staff also had concerns about the proximity between the site access point and the intersection of Whitfield Chapel Road and MD 704. The applicant contends that Fairview Avenue is narrow and that the existing single-family residences, which are located north of the site, use Fairview Avenue for parking. A staff visit to the site did confirm that street parking along Fairview Avenue is needed, as many of the houses in this location do not have driveways. The applicant further commented that the limited ROW along Fairview Avenue makes accessing the site solely along Fairview Avenue inappropriate. The applicant has also provided data from the Maryland State Highway Administration (SHA) indicating that the corner clearance distance from the proposed access point on Whitfield Chapel Road to its intersection with MD 704 is required to be 150 feet. The PPS shows a clearance of nearly 300 feet from the access point on Whitfield Chapel Road to its intersection with MD 704. Staff find that vehicular access and circulation for the proposed development to be sufficient.

Based on the preceding findings, the vehicular, pedestrian, and bicycle transportation facilities will serve the proposed subdivision, meet the findings required of Subtitles 24 and 27, and conform to the master plan and MPOT with recommended conditions provided in this technical staff report.

8. **Public Facilities**—This PPS was reviewed for conformance to the master plan, in accordance with Section 24-121(a)(5) and 24-122(b) of the prior Subdivision Regulations. The master plan includes several recommendations and guidelines for the provision of public facilities (pages 93–104). The project will not impede the achievement of these recommendations or specific facility provisions. This PPS is subject to ADQ-2023-053, which established that, pursuant to adopted tests and standards, public safety facilities are adequate to serve the proposed development. There are no master-planned police, fire and emergency medical service facilities, public schools, parks, or libraries proposed on the subject property.

The subject property is located in Planning Area 73, known as Largo-Lottsford. The 2024–2029 Fiscal Year Approved Capital Improvement Program budget identifies several new public facilities proposed for the planning area. However, none of these are in the vicinity of the subject property.

The 2008 *Approved Public Safety Facilities Master Plan* also provides guidance on the location and timing of upgrades, renovations to existing facilities, and construction of new facilities; however, none of its recommendations affect this site.

Section 24-122.01(b)(1) of the prior Subdivision Regulations states that the location of the property, within the appropriate service area of the Ten-Year Water and Sewerage Plan, is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for PPS or final plat approval. The 2018 *Water and Sewer Plan* placed this property in Water and Sewer Category 3, Community System. Category 3 comprises all developed land (platted or built) on public water and sewer, and undeveloped land with a valid preliminary plan approved for public water and sewer. In addition, the property is within Tier 1 of the Sustainable Growth Act. Tier 1 includes those properties served by public sewerage systems.

9. **Public Utility Easement**—In accordance with Section 24-122(a) of the prior Subdivision Regulations, 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 feet wide along both sides of all public ROWs. The subject property has frontage on I-95/495 to the west, MD 704 to the south, Whitfield Chapel Road to the east, and Fairview Road to the north. The PPS shows PUEs along the property frontage on MD 704, Whitfield Chapel Road, and Fairview Avenue, at a minimum of 10 feet wide. The applicant, however, does not propose to provide the PUE along the ROW of I-95/495 fronting the subject site, and is requesting a variation from this requirement, which is further discussed below.

In addition, a minimum 10-foot-wide PUE is required along at least one side of all private streets, pursuant to Section 24-128(b)(12). The PPS shows appropriate width PUEs along at least one side of all private roadways proposed in this subdivision.

Variation from Section 24-122(a)

The PPS proposes to not provide a 10-foot-wide PUE contiguous to I-95/495.

Section 24-113(a) of the prior Subdivision Regulations sets forth the required findings for approval of variation requests, as follows:

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

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

10-foot-wide easements for public utilities are required along both sides of all public ROWs, to ensure that utilities will be able to serve the subject site and surrounding development. However, the applicant does not propose to provide the easement along the public ROW of I-95/495 fronting the subject site to the west.

The western boundary of the property is encumbered with two easements granted to the Washington Suburban Sanitary Commission (WSSC). These easements total approximately 75 feet in width and were conveyed for the location of a large water line. At this time, there are no utilities located along I-95/495, which will

need to be extended to serve the subject property. The existing utilities will be extended from their location within the ROWs of MD 704, Whitfield Chapel Road, and Fairview Avenue, to serve the residential development proposed in this PPS application. No future utility lines will be required to cross the I-95/495 frontage of the property, since utilities are provided along other public roadways of lower classification. The omission of a contiguous, 10-foot-wide PUE along I-95/495 will have no impact on the utilities already provided and available for this development and the surrounding developments. Therefore, the granting of the variation will not be detrimental to the public safety, health, welfare or injurious to others or other property.

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

The conditions on which the variation request is based are unique to the site. The site is constrained by existing public ROWs on all four sides, of which one is a designated freeway, and one is an arterial roadway. There is a substantial elevation difference between the western property boundary and the travel lanes of I-95/495 (between 20 to 50 feet). Furthermore, the existing WSSC easement along the western property line houses a 96-inch water transmission main. It is highly unlikely that WSSC will allow any utility easements to overlap and be colocated with their easement and such a large water line. No dwellings are proposed with direct access to I-95/495, and the need for a PUE abutting I-95/495 is not necessary. Any property developing to the north of Fairview Road will have access to other public roads, from where public utilities can be extended to serve the development.

Given the unique setting of this site, the factors on which the variation is based are unique to this property and not generally applicable to other properties.

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

The approval of a variation from Section 24-122(a) is unique to the Subdivision Regulations and under the sole approval authority of the Planning Board. Further, this PPS and variation request for the location of PUEs was referred to the affected public utility companies, and none have opposed the variation request. Staff are not aware of any other law, ordinance, or regulation that would be violated by this request.

(4) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished

from a mere inconvenience, if strict letter of these regulations is carried out;

The site is unusually situated since it is sandwiched between public roads along all four sides. A WSSC easement, approximately 75 feet wide, abuts the property's frontage to I-95/495. This limits the ability to expand the land area available for development. As mentioned earlier, there is a significant grade difference along the western property edge. Strict adherence to this regulation will require placing a 10-foot-wide PUE along the west side of the property, colocated with the WSSC easement. This PPS was referred to WSSC for their review. In their comments provided to staff on February 28, 2024, WSSC noted that PUEs cannot overlap the WSSC easements. Other utilities may be permitted to be located within WSSC easements under certain conditions and by special request to WSSC, which evaluates these requests on a case-by-case basis.

In addition, if the PUE were required to be placed behind, and east of the existing WSSC easement, this PUE would serve no additional purpose, since there are no utilities located along I-95/495 which would be located within this easement. These factors create a particular hardship to the owner in meeting the standard requirement. PUEs are being proposed along the property's frontage of public roads on three other sides of the site, and will be available to serve the proposed development, and for extension to neighboring properties in the future.

- (5) In the R-30, R-30C, R-18, R-18c, R-10, R-10, and R-H Zones, where multi-family dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113 (a) above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.**

The site is not located in any of the listed zones, and this PPS does not include multifamily dwellings. Therefore, this criterion does not apply.

By virtue of positive findings for each of the criteria for variation approval, staff find that a variation from Section 24-122(a), for elimination of the standard 10-foot-wide PUE requirement, along the frontage of I-95/495, is supportable; that the purposes of the prior Subdivision Regulations and Section 9-206 of the Environment Article are served to a greater extent by the alternative proposal; and recommend that the variation be approved.

- 10. Historic**—The master plan contains goals and policies related to historic preservation (pages 113–118). However, these are not specific to the subject site. A Phase I archeology survey was previously completed on the property in 2005. No significant sites were identified, and no additional studies were recommended. The subject property does not

contain, and is not adjacent to, any designated Prince George's County historic sites or resources.

- 11. Environmental**—The following applications and associated plans were previously reviewed for the subject site:

Development Review Case Number	Associated Tree Conservation Plan or Natural Resource Inventory	Authority	Status	Action Date	Resolution Number
4-04135	TCPI-075-04	Planning Board	Approved	03/01/2007	05-16
DSP-05108	TCP2-065-07	Staff	Dormant	03/11/2014	N/A
4-08041	N/A	Planning Board	Withdrawn	04/23/2009	N/A
4-09018	TCPI-075-04-01	Planning Board	Approved	12/03/2009	09-156
A-10024	N/A	District Council	Approved	5/12/2015	Z.O. 10-2015
NRI-038-08	N/A	Staff	Approved	9/24/2008	N/A
NRI-038-08-01	N/A	Staff	Approved	10/5/2017	N/A
4-16037	TCP1-075-04-02	Planning Board	Approved	7/27/2018	18-87
NRI-038-08-02	N/A	Staff	Approved	5/16/2023	N/A
4-22050	TCP1-075-04-03	Planning Board	Pending	Pending	Pending

Grandfathering

The project is subject to the environmental regulations and woodland conservation requirements contained in Subtitle 25 and prior Subtitles 24 and 27 because the application is for a new PPS.

Environmental Site Description

This site is undeveloped with 6.22 acres of woodlands on-site. An open, maintained grassed area associated with an existing 25-foot-wide water line easement exists along the southern property boundary. A review of the available information identified that regulated environmental features (REF) such as 100-year floodplain, streams, wetlands, associated buffers, and primary management area (PMA) do not exist on-site; however, areas of steep slopes exist on-site. This site is located in the Lower Beaverdam Creek portion of the Western Branch watershed, which is part of the Patuxent River watershed. In a letter dated January 4, 2023, the Maryland Department of Natural Resources Natural Heritage Program has determined that there are no state records for rare, threatened, or endangered species within the boundary of the project site. According to PGAtlas, forest interior dwelling species habitat does not exist on-site. This site is not within an Aviation Policy Area

associated with an airport and does not share frontage with a special roadway designated as a historic road or scenic road.

Prince George's Plan 2035

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

ENVIRONMENTAL CONFORMANCE WITH APPLICABLE PLANS

Master Plan

The Environmental Envelope section of the master plan contains guidelines, of which the following have been determined to be applicable to the current project. The text in **BOLD** is the text from the master plan and the plain text provides comments on plan conformance.

1. **An open space and conservation area network, based on natural conditions such as soils, slopes, watercourses, vegetation, natural ecological features, and estimated future population needs should be delineated and established during the development review process.**
2. **The responsibility for environmentally sound development practices should apply equally to private and public interests.**
3. **Developers shall be encouraged to capitalize on natural assets through the retention and protection of trees, streams, and other ecological features through the use of Comprehensive Design Zones, cluster provisions and site plan review.**
4. **The Natural Reserve Areas, containing floodplain and other areas unsuitable for development, should be restricted from development except from agriculture, recreational and similar uses. Land filling should be discouraged.**
5. **A Preservation Zone shall be established along all perennial streams in accordance with the guidelines of the Patuxent River Primary Management Area. Preservation Zone criteria should apply to all streams in the Planning Area, not just the tributaries to the Patuxent River.**

The existing environmental conditions were analyzed through the review of a Natural Resources Inventory Plan (NRI-038-08-02). The property does not contain any REF such as floodplain, PMA, streams, or wetlands.

6. **Within the Evaluation Zone, cluster and innovative design techniques should be used to minimize impervious surfaces and preserve valuable vegetation and landforms.**

The site is not mapped within an evaluation area on the master plan.

7. **All development proposals shall provide effective means for the preservation and protection of Natural Reserve Areas. Development plans for lands containing open space and conservation areas shall specify how and by whom these areas will be maintained.**
8. **Limited development should be permitted in areas where features of the Conditional Reserve Area are located to the extent that significant physiographic constraints and natural processes of the land are not irreparably disturbed.**

Natural reserve areas have physical features which exhibit severe constraints to development. The only natural reserve areas located on-site is the area of 25 percent and greater slopes located on top of soils containing Christiana complexes as identified on the NRI, located along the southeastern edge of the site. This area will be discussed in further detail in the soils section of this finding.

All proposed reforestation on-site is required to have a five-year maintenance bonding agreement with the County, to be issued at the time of the first grading permit.

9. **In the Perceptual Liability Areas, land uses such as schools, residences, nursing homes, and libraries that are sensitive to noise intrusion, air pollution, and other characteristics of excessive vehicular traffic shall be protected by suitable construction techniques and by the enforcement of legally mandated standards.**

Perceptual liability areas are defined as the negative features which detract from an area, which include highway noise intrusion, air pollution, and negative visual impacts. Best management practices to reduce construction noise, vibration, and air pollution onto surrounding residential properties during construction and during the operation of this site is encouraged. The site will be subject to enforcement under State and Federal regulations related to noise, vibration, and air pollution.

12. **Stormwater plans and facilities to manage runoff quantity and quality shall be coordinated with future development in the Planning Area.**
13. **Stormwater and sediment controls shall be reviewed as an extension and integral part of stormwater management, and their planning and implementation shall be coordinated with future development in the Planning Area.**
17. **Water storage facilities and reservoirs should be provided to meet the needs of the County. The use of underground facilities should be evaluated during the location and design process for future facilities. Above-ground facilities shall be designed and landscaped to enhance, rather than conflict with, the surrounding environment.**
23. **Plans for stormwater impoundments should undergo aesthetic as well as an engineering evaluation. Site plans should be prepared which show**

landscaping and considers views from adjacent roads and development.

The SWM Concept Plan (34492-2004-02) is in review with DPIE to determine if the plan meets the water quality and quantity requirements, in accordance with the current provisions of the County Code which addresses the state regulations. DPIE will continue to review these requirements at the time of final design prior to permit.

- 14. New development shall only be approved in areas where acceptable sewage treatment facilities are assured by the date of occupancy.**
- 15. Priorities in planning and constructing sewerage systems should be scheduled so that the sewage flow never exceeds the ability of the treatment facilities to produce effluent that meets the State and U.S. Environmental Protection Agency standards.**
- 16. New, innovative technologies such as composting toilets should be encouraged in order to reduce the demand on the sewage treatment system.**

This site will be required to connect to the public water and sewer network that is under the regulatory jurisdiction of WSSC. Therefore, WSSC will review this application for conformance with its design standards. In addition, all water and sewer connections will also be required to meet State and Federal standards.

- 18. A forest stand delineation shall be submitted as part of any basic plans, concept plans, or preliminary plans of subdivision.**

A forest stand delineation was previously approved as part of NRI-038-08-02. A summary of the forest stand delineation is located on the NRI that was submitted with this PPS.

- 19. Tree save areas shall be established to act as noise or visual buffers along major transportation corridors and between conflicting land use zones. Tree save areas (and the canopy dripline) shall be adequately protected during the grading and construction phase of the plan. This includes fencing, flagging or bonding. If necessary.**

Woodland preservation and reforestation are proposed along the southern property line on-site, to function as a visual buffer between the development and MD 704. Although an additional area of woodlands is being retained along the western property boundary that will serve as visual relief between the site and I-95/495, it is within an existing water line easement and is counted as being cleared on the TCP1, because it can be removed at any time for maintenance purposes.

Details for fencing and flagging are required to be provided as part of a Type 2 tree conservation plan (TCP2) that will be reviewed at the time of the DSP. As previously mentioned, the reforestation area will be subject to a

five-year maintenance agreement at the time of the first building permit with DPIE.

- 20. Buffer areas without naturally occurring woody vegetation shall be afforested or reforested with native woody vegetation where practicable.**

No REF or associated buffers are located on-site.

- 21. Noise studies should be required for all proposed development close to major roads to address potential noise impacts and appropriate noise attenuation measures. Residential land uses should not be exposed to noise levels greater than 65 dBA without application of noise control measures.**

A Phase I noise study was submitted with the PPS and is further discussed in Finding 12 of this staff report.

- 22. Where existing and proposed roads traverse the Natural and Conditional Reserve Areas, care should be taken to assure minimum disruption to the environmental system.**

No existing or proposed roads traverse any Natural or Conditional Reserve Areas associated with this site.

2017 Green Infrastructure Plan

The 2017 Countywide Green Infrastructure Plan was approved on March 17, 2017, with the adoption of the 2017 *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (CR-11-2017). According to the approved Countywide Green Infrastructure Plan, this site is not within the green infrastructure network as no regulated or evaluation areas exist on-site.

ENVIRONMENTAL REVIEW

Natural Resources Inventory

Approved NRI-038-08-02 was submitted with the application. The majority of the site is wooded with 16 specimen trees. There are no REF on-site. No additional information is required for conformance to the NRI.

Woodland Conservation

The site is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and contains more than 10,000 square feet of woodland. A Type 1 Tree Conservation Plan (TCP1-075-04-03) was submitted with this application.

Based on the TCP1, the site is 7.65 acres, contains 6.22 acres of woodland in the net tract, and has a woodland conservation threshold of 1.15 acres (15 percent). The Woodland Conservation Worksheet proposes the removal of 5.63 acres of woodland, for a woodland conservation requirement of 2.97 acres. According to the TCP1 worksheet, the requirement

is proposed to be met with 0.18 acre of on-site woodland preservation, 0.40 acre of reforestation, and 2.39 acres of off-site woodland conservation credits.

Section 25-122(c)(1) prioritizes methods to meet woodland conservation requirements. The applicant submitted a SOJ dated November 21, 2023, demonstrating why all of the woodland conservation requirements could not be met on-site. The site has two large existing waterline easements that are approximately 1.2 acres in size. Also, the ROWs dedication and required landscape buffers along Whitfield Chapel Road and MD 704 further encumber the site. The waterline easements along with the ROW and landscape buffers total approximately 1.87 acres or 24 percent of the property. The woodland conservation worksheet on the submitted TCP1 shows 0.58 acre of woodland conservation being met on-site, but 2.39 acres of the requirement is being met using off-site woodland conservation credits. Staff support the on-site woodland clearing and the request to use off-site woodland mitigation credits.

Any forest mitigation banks used to satisfy off-site woodland conservation requirements for this project must conform to Subtitle 25 of the Prince George's County Code and Sections 5-1601 through 5-1613 of the Natural Resources Article of the Maryland Code (the Maryland Forest Conservation Act), as amended.

In accordance with Subtitle 25, Division 2, Section 25-122, Methods for Meeting the Woodland and Wildlife Conservation Requirements, if off-site woodland conservation is approved to meet the requirements, then the following locations shall be considered in the order listed: within the same eight-digit sub-watershed, within the same watershed, within the same river basin, within the same growth policy tier, or within Prince George's County. Applicants shall demonstrate to the Prince George's County Planning Director or designee due diligence in seeking out opportunities for off-site woodland conservation locations following these priorities. All woodland conservation is required to be met within Prince George's County.

Specimen Trees

Section 25-122(b)(1)(G) requires that "Specimen trees, champion trees, and trees that are part of a historic site, or are associated with a historic structure, shall be preserved. The design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone, in keeping with the tree's condition, and the species' ability to survive construction, as provided in the [Environmental] Technical Manual." The code, however, is not inflexible.

The authorizing legislation of Prince George's County's WCO is the Maryland Forest Conservation Act, which is codified under Title 5, Subtitle 16 of the Natural Resources Article of the Maryland Code. Section 5-1611 of the Natural Resources Article requires the local jurisdiction to provide procedures for granting variances to the local forest conservation program. The variance criteria in Prince George's County's WCO are set forth in Section 25-119(d). Section 25-119(d)(4) clarifies that variances granted under Subtitle 25 are not considered zoning variances.

A Subtitle 25 variance letter of justification (LOJ) dated February 6, 2023, and revised October 4, 2023, was submitted for review with this application. The approved NRI-038-08-02 identifies a total of 16 specimen trees identified on-site. The following analysis is the review of the request to remove 16 specimen trees.

The LOJ requests the removal of 16 specimen trees identified as Specimen Trees ST-1, ST-2, ST-4 through ST-8, and ST-10 through ST-18. The condition of trees proposed for removal ranges from dead to good. The TCP1 shows the location of the trees proposed for removal for the development of the site and associated infrastructure.

SPECIMEN TREE SCHEDULE SUMMARY FOR TREES PROPOSED FOR REMOVAL

Specimen Tree Number	Common Name	Construction Tolerance	Condition	Size (DBA)	Impacted by Design Elements
ST-1	Tulip Poplar	Poor	Poor	33.5	Remove for SWM
ST-2	Tulip Poplar	Poor	Fair	38	Remove for development
ST-4	Tulip Poplar	Poor	Fair	34	Remove for development
ST-5	Tulip Poplar	Poor	Fair	31.5	Remove for development
ST-6	Tulip Poplar	Poor	Fair	33.5	Remove for development
ST-7	Tulip Poplar	Poor	Poor	32	Remove for development
ST-8	Tulip Poplar	Poor	Good	43.5	Remove for SWM
ST-10	Tulip Poplar	Poor	Fair	33.5	Remove for development
ST-11	Tulip Poplar	Poor	Fair	33.5	Remove for development
ST-12	Tulip Poplar	Poor	Poor	36.5	Remove for development
ST-13	Tulip Poplar	Poor	Poor	37	Remove for development
ST-14	Tulip Poplar	Poor	Poor	35	Remove for development
ST-15	Tulip Poplar	Poor	Dead	34	Remove for development
ST-16	Red Maple	Good	Poor	35.5	Remove for SWM
ST-17	Tulip Poplar	Poor	Poor	30	Remove for development
ST-18	Tulip Poplar	Poor	Poor	32.5	Remove for development

Section 25-119(d) contains six required findings (text in **bold** below) to be made before a variance to the WCO can be granted. An evaluation of this variance request, with respect to the required findings, is provided below. Staff supports the removal of the 16 specimen trees requested by the applicant, based on these findings:

(A) Special conditions peculiar to the property have caused the unwarranted hardship;

In relation to other properties in the area, special conditions peculiar to the subject property would cause an unwarranted hardship if the applicant were required to retain 16 specimen trees identified as Specimen Trees ST-1, ST-2, ST-4 through ST-8, and ST-10 through ST-18. Those special conditions relate to the specimen trees themselves, such as their size, condition, species, and on-site location.

The proposed residential development aligns with the uses permitted in Section 27-461(b) footnote 85 of the Commercial Zone Use Table. The 16 specimen trees requested for removal are located within the developable parts of the site. The table above shows that three specimen trees will be removed for construction of the SWM facility and 13 will be removed for grading of the site, house construction, construction of the roadway, and installation of utilities.

The species proposed for removal are 15 tulip poplars and one red maple. The condition ratings of these trees range from dead to good, with half classified in poor condition. The trees have construction tolerances ranging from poor to good; however, all species of the included specimen trees have limiting factors for their construction tolerance, specifically if significant impacts are proposed to the critical root zone (CRZ). A majority of the specimen trees to be removed are tulip poplars which have a poor tolerance to construction activity.

Staff find that Specimen Trees ST-1, ST-2, ST-4 through ST-8, and ST-10 through ST-18 are integral to the developable portion of the site, the creation of the roads needed for automobile circulation within the site, and for construction of stormwater management facilities to detain and safely convey stormwater off-site. Retention of these trees and protection of their respective CRZs would have a considerable impact on the proposed development by creating challenges for building siting, and for adequate circulation and infrastructure through the site.

(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas;

Enforcement of the requirement that all specimen trees be preserved, along with an appropriate percentage of their CRZ, would deprive the applicant of rights commonly enjoyed by others in similar areas. All variance applications for the removal of specimen trees are evaluated in accordance with the requirements of Subtitle 25 and the Environmental Technical Manual (ETM) for site-specific conditions. Specimen trees grow to such a large size because they are left undisturbed on a site for sufficient time to grow; however, the species, size, construction tolerance, and location on a site are all somewhat unique for each site.

Based on the location, condition, and species of the specimen trees proposed for removal, retaining the trees and avoiding disturbance to the CRZ of Specimen Trees ST-1, ST-2, ST-4 through ST-8, and ST-10 through ST-18, would have a considerable impact on the development potential of the property. The proposed residential development is a use that aligns with the uses permitted in Section 27-461(b) footnote 85 of the Commercial Zone Use Table. If similar trees were encountered on other sites, they would be evaluated under the same criteria.

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

Not granting the variance request for Specimen Trees ST-1, ST-2, ST-4 through ST-8, and ST-10 through ST-18 would prevent the project from being developed in a functional and efficient manner. This is not a special privilege that would be denied to other applicants. If other similar developments featured specimen trees in similar conditions and locations, they would be given the same considerations during the review of the required variance application.

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

The existing site conditions or circumstances, including the location of the specimen trees, are not the result of actions by the applicant. The location of the trees and other natural features throughout the property is based on natural or intentional circumstances that long predate the applicant's interest in developing this site. The removal of 16 specimen trees would be the result of the infrastructure and grading required for the development of this project as proposed by the applicant. The request to remove the trees is solely based on the tree's locations on the site, their species, and their condition.

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

There are no existing conditions relating to land or building uses on the site, or on neighboring properties, which have any impact on the location or size of the specimen trees. The trees have grown to specimen tree size based on natural conditions and have not been impacted by any neighboring land or building uses.

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

Granting this variance request will not violate state water quality standards nor cause measurable degradation in water quality. Requirements regarding SWM will be reviewed and approved by DPIE. Erosion and sediment control requirements are reviewed and approved by Prince George's County Soil Conservation District. Both SWM and sediment and erosion control

requirements are to be met in conformance with state and local laws, to ensure that the quality of water leaving the site meets the state's standards. State standards are set to ensure that no degradation occurs.

The required findings of Section 25-119(d) have been adequately addressed for the removal of 16 specimen trees identified as Specimen Trees ST-1, ST-2, ST-4 through ST-8, and ST-10 through ST-18. Staff recommend that the Planning Board approve the requested variance for the removal of 16 specimen trees for the construction of a residential development.

Regulated Environmental Features/Primary Management Area

The site contains no regulated environmental features.

Soils

Section 24-131 of the prior Subdivision Regulations states "The Planning Board shall restrict or prohibit the subdivision of land found to be unsafe for development. The restriction or prohibition may be due to natural conditions, such as, but not confined to, flooding, erosive stream action, high water table, unstable soils, or severe slopes, or to man-made conditions on the property, such as, but not confined to, unstable fills or slopes."

The predominant soils found to occur on-site, according to the U.S. Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, includes Christiana-Downer complex (10–15 percent slopes), Russet-Christiana complex (2–5 percent slopes), and Udorthents, highway (0–65 percent slopes). According to available information, no Marlboro clay exists on-site; however, Christiana complexes are mapped on this property. Christiana complexes are considered unsafe soils that exhibit shrink/swell characteristics during rain events, which make it unstable for structures.

A geotechnical report, titled "Report of Subsurface Exploration and Geotechnical Engineering Services, Fairview Center" prepared by John D. Hynes & Associates, Inc. and dated September 29, 2023, has been reviewed by the geotechnical staff of M-NCPPC. The geotechnical report indicated Christiana clay has been encountered in the majority of the soil borings performed within the project site and includes two cross-sections of the slope stability analysis performed on steep slopes. The analysis has generally complied with the County's requirements. The following requirements must be addressed and included with the DSP:

1. According to the site's geotechnical engineer, the site grading is not final. The slope analysis of the final mitigated conditions shall be performed and submitted to The Maryland-National Capital Park and Planning Commission at the time of DSP after being updated to reflect the final grading and site conditions.
2. The geotechnical report shall be provided to DPIE for review and approval at the time of grading permit submission.
3. A retaining wall design package including drawings, plans, calculations, global stability analysis, etc. shall be provided to DPIE for review and approval at the time of retaining wall building permit submission.
4. The geotechnical reports shall analyze the proposed grading in Christiana clay areas and recommend maximum allowable slopes. Any slope in excess of 5H:1V

(horizontal to vertical) shall be specifically evaluated, and appropriate mitigation recommendations shall be provided. If reinforcement material is recommended for the slope stability, the material's location, grade, and length shall be identified on both the geotechnical report's analysis and the grading permit plans.

5. The grading in Christiana clay areas must not exceed 5H:1V without specific geotechnical analyses.
6. The geotechnical investigations and analyses shall be performed in compliance with the Prince George's County Geotechnical Guidelines, Techno-Gram 005-2018.

No additional information regarding soils is required at this time.

12. Urban Design—The subject PPS evaluates the development of a 65-lot townhouse community.

Townhouse developments in the prior C-S-C Zone require the approval of a DSP, in accordance with Section 27-461, as listed in footnote 85. Regulations concerning lot size, net lot area, lot coverage, frontage, setbacks, density, height, and other requirements of the C-S-C Zone shall not apply. Instead, development standards shall be in accordance with the requirements for townhouses in the M-X-T Zone, as provided in Section 27-548(h) of the prior Zoning Ordinance. The lots proposed with this PPS conform to the minimum lot requirements of the M-X-T Zone. At the time of DSP review, the applicant will be required to demonstrate conformance with the remaining applicable requirements of the prior Zoning Ordinance.

It is noted that illustrative landscape plans were submitted and show that conformance with Section 4.10 of the 2010 *Prince George's County Landscape Manual* cannot be met. An alternative compliance (AC) will be required and will be evaluated at the time of DSP review. If AC does not meet the requirements of approval, a departure from the design standards will be required, or the redesign of the lotting pattern may be required, which might potentially lead to the loss of proposed lots.

13. Noise—The subject site is located on the east side of I-95/495 and the north side of MD 704. The ROW of I-95/495 is designated as a freeway, and MD 704 is designated as an arterial road; both of these roads are considered as creating transportation-related impacts. Section 24-121(a)(4) of the prior Subdivision Regulations requires adequate protection and screening from traffic nuisances for residential lots adjacent to these roadways. The applicant was required to provide a noise study, analyzing whether any noise mitigation would be needed for the subject property. A study titled "Traffic Noise Impact Analysis," dated September 20, 2021, with supplemental memoranda dated December 1, 2023, and March 29, 2023, were received for review. The study addresses indoor and outdoor noise from road noise sources and considers mitigation in the form of noise barriers and shielding from the proposed buildings based on the proposed lot layout.

The most recent standards for noise require that noise must be mitigated to be no more than 65 A-weighted decibels (dBA) continuous equivalent sound level (Leq) during the hours of 7:00 a.m. to 10:00 p.m. (daytime) and no more than 55 dBA/Leq during the hours of 10:00 p.m. to 7:00 a.m. (nighttime) in outdoor activity areas. This method of measurement establishes that the average noise level in outdoor activity areas must be no

more than 65 dBA during the daytime and 55 dBA during the nighttime. The most recent standards also establish that noise must be mitigated to be no more than 45 dBA in the interiors of dwelling units.

The noise study submitted by the applicant follows the current standards used by the Prince George's County Planning Department. The study delineated the ground level and upper level unmitigated 65 dBA/Leq noise contours during the daytime and the ground level and upper level unmitigated 55 dBA/Leq noise contours during the nighttime. The ground level unmitigated 65 dBA/Leq daytime noise contour and the ground level unmitigated 55 dBA/Leq nighttime noise contour are reproduced on the PPS. The noise study also delineated mitigated noise contours based on a site layout that is reflected in the PPS. To calculate mitigated noise levels, 9-foot-high noise barriers were used around the western, southern, and eastern perimeters of the site. The positions of the ground-level and upper-level mitigated 65 dBA/Leq daytime noise contours and the ground-level and upper-level mitigated 55 dBA/Leq nighttime noise contours are shown on the PPS. However, the final locations of the mitigated noise contours should be determined with a Phase II noise study, at the time of the DSP, when the final positions of dwellings and noise mitigation features, including their details, are known.

The Phase I noise study found that the proposed common outdoor activity areas would not be affected by noise levels above 65 dBA/Leq during the daytime but would be affected by noise levels above 55 dBA/Leq during the nighttime. In addition, the rear yards of most dwellings, and most upper-level balconies, if provided, would be affected by noise above the required maximum average levels. Only a few dwellings, located in the interior of the property, are shown in the Phase I noise study within the unmitigated contours. This is due to high levels of noise observed from traffic along Whitfield Chapel Road, located east of the site. The mitigated noise models employ 9-foot-high noise barriers along the western, eastern, and southern perimeters of the property. The mitigated noise models demonstrate that even with the noise barriers in place as proposed, rear yards of one unit in Block A, nine units in Block B, and eight units in Block C will experience noise levels in excess of 65 dBA Leq. Also, if the architectural design of the townhomes includes upper-level balconies, then seven units in Block A, nine units in Block B, and 12 units in Block C will experience noise levels in excess of 65 dBA Leq. Furthermore, almost none of the rear yards of proposed units fall within nighttime noise level below 55 dBA leq. The noise study recommends an additional noise barrier to reduce the nighttime noise levels to below 55 dBA Leq. The Phase II noise study, which will be required at the time of DSP, should propose noise mitigation to ensure that all outdoor activity areas, including rear yards, are not exposed to noise above the required maximum levels. Additional consideration should be given to the design and mitigation of upper-level balconies, if possible.

The Phase I noise study also found that the façades of dwellings closest to I-95/495 and MD 704 would be exposed to noise levels above 65 dBA/Leq. Standard building construction materials are capable of reducing noise levels at building exteriors of up to 65 decibels (dB), to be no more than 45 dB in building interiors. Therefore, in order to ensure noise levels in the dwelling interiors remain below the required level of 45 dBA, noise mitigation will be required for the dwellings exposed to exterior noise levels above 65 dBA/Leq. This mitigation may consist of upgraded building materials and/or special construction details for the exterior walls, which reduce sound transmission from outside the dwellings. At the time of the DSP, when the final positions of the dwellings are known, the Phase II noise study and the DSP should identify which dwellings will need interior

noise mitigation. The building elevations should include a certification by a professional engineer with competency in acoustical analysis, stating that the building shell or structure has been designed to reduce interior noise levels in the units to 45 dBA or less.

Variation from Section 24-121(a)(4)

Section 24-121(a)(4) sets forth lot depth requirements for lots adjacent to major roadways, as follows:

- (4) Residential lots adjacent to existing or planned roadways of arterial classification shall be platted with a minimum depth of one hundred and fifty (150) feet. Residential lots adjacent to an existing or planned roadway of freeway or higher classification, or an existing or planned transit right-of-way, shall be platted with a depth of three hundred (300) feet. Adequate protection and screening from traffic nuisances shall be provided by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line, when appropriate.**

The applicant has filed a variation request from Section 24-121(a)(4), for lot depth. The PPS proposes a minimum lot depth of less than 300 feet for lots that are adjacent to I-95/495, which is a roadway of freeway classification. Specifically, lots are proposed with a depth of 112 feet at a minimum and 159 feet on average, as measured from the I-95/495 ROW. No residential lots are proposed with a minimum lot depth of less than 150 feet, as measured from MD 704, which is a roadway of arterial classification. There are 44 lots, specifically Lots 10-19, Block A; Lots 7-14 and Lots 21-28, Block B; and Lots 1-18, Block C, which do not meet the minimum 300 feet lot depth requirement for lots adjacent to I-95/495. Section 24-113(a) sets forth the required findings for approval of variation requests, as follows:

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

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

Approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. As previously discussed in the Noise finding, adequate mitigation and shielding will be provided by the proposed noise barriers and townhouse buildings for

proposed outdoor activities and rear yard and upper-balcony activity areas, pursuant to the noise study provided. Conditions pertaining to the structural design of the building shells are included with this PPS to attenuate interior noise levels to 45 dBA Ldn or less. The purpose of the lot depth requirement is to ensure adequate protection from nuisances. With the combination of noise barriers, dwelling orientation, and upgraded construction materials, the adverse impacts from I-95/495 and MD 704 are adequately mitigated in this case. Not conforming to the strict requirements of Section 24-121(a)(3) of the prior Subdivision Regulations will not be detrimental to the public safety, health, welfare or injurious to other property.

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

This property directly abuts I-95/495 and MD 704 and is bounded on the other two sides also by public roads. The western portion of the property is encumbered with an approximately 75-foot-wide WSSC easement. The property is approximately 7.65 acres in area, and only ± 2 areas of the property meet the 300-foot and 150-foot lot depth requirement. These conditions, including the unusual location of the property, are unique to the property and not a situation or configuration generally shared by other properties.

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

The only regulation applicable to the variation being discussed is Section 24-121(a)(4). The approval of a variation is unique to the Subdivision Regulations and under the sole approval authority of the Planning Board. A condition of approval is recommended, which requires the submittal of a Phase II noise study, prior to acceptance of a DSP, which demonstrates that outdoor activity areas (including, but not limited to rear yards) will be mitigated to 65 dBA/Leq or less during the hours of 7:00 a.m. to 10:00 p.m. and 55 dBA/Leq or less during the hours of 10:00 p.m. to 7:00 a.m. Therefore, approval of this variation will not constitute a violation of any other applicable law, ordinance, or regulation.

(4) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would

result, as distinguished from a mere inconvenience, if strict letter of these regulations is carried out;

The property has unique existing physical surroundings, when compared to abutting properties and located within an area with an established framework of development and roadways. These unique physical surroundings include the abutting I-95/495 freeway to the west, location of an arterial road and a collector road to the south and east respectively, and a fourth public road on the north side. These surrounding constraints resulted in the site's existing limited area available for development. The location of I-95/495 to the west and location of MD 704 to the south create an unavoidable conflict with the lot depth requirement. Adherence to the requirements of Section 24-121(a)(4) in this case would result in the loss of 44 townhouse dwelling units, which is two-thirds of the development included in this PPS. This would result in a particular hardship to the applicant, as they would be incapable of developing the property with its intended use if the strict regulations were carried out.

- (5) In the R-30, R-30c, R-18, R-18c, R-10, R-10, and R-H zones, where multi-family dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113 (a) above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.**

The site is not located in any of the listed zones. Furthermore, this PPS does not include multifamily development. Therefore, this finding does not apply.

The purposes of the prior Subdivision Regulations and Section 9-206 of the Environment Article are served to a greater extent by the alternative proposal; and this request will not have the effect of nullifying the intent and purpose of this Subtitle, given the recommendations provided herein, to ensure protection from adverse transportation impacts. Based on the preceding findings, staff recommend **approval** of the requested variation from Section 24-121(a)(4) for 44 lots, specifically Lots 10–19, Block A; Lots 7–14 and Lots 21–28, Block B; and Lots 1–18, Block C.

- 14. Health Department**—The Prince George's County Health Department completed a health impact assessment review of the PPS and provided the following standard regulatory requirements:

2. **During the construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.**
3. **During the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.**

The standard regulatory requirements listed in Comments 2 and 3 will be addressed at the time of permitting.

The Health Department also noted that per their permit records, there are no existing carry-out/convenience store food facilities or markets/grocery stores within a half-mile radius of the subject property, and that research has found that people who live near an abundance of fast-food restaurants and convenience stores compared to grocery/fresh produce stores, have a significantly higher prevalence of obesity and diabetes.

15. **Citizen Feedback**—At the time of the writing of this technical staff report, the Planning Department has not received any written correspondence from members of the community regarding this project.
16. **Referral to Municipalities**—The subject property is located within one mile of the municipal boundaries of the City of Glenarden. The PPS application was referred to the adjacent municipalities for review and comment on February 13, 2024. At the time of the writing of this technical staff report, the Planning Department has not received any comments from the City of Glenarden.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be revised as follows:
 - a. Renumber one of the lots designated as Lot 21, Block B, as Lot 28, Block B.
 - b. Add a dimension to provide the right-of-way width of MD 704 (Martin Luther King Jr Highway) from the road centerline to the property line.
 - c. Add general notes indicating approval of variations from Section 24-122(a) of the prior Prince George's County Subdivision Regulations, along I-95/495 (Capital Beltway), and Section 24-121(a)(4) of the prior Subdivision Regulations, for Lots 10-19, Block A; Lots 7-14 and Lots 21-28, Block B; and Lots 1-18, Block C.
 - d. Revise the plans to assign an alphabet designation to all parcels to be conveyed to the homeowners association.

- e. Revise General Note 20 to provide the approval date for a stormwater management concept plan, once obtained.
 - f. Revise General Note 26 to provide the Type 1 Tree Conservation Plan number TCP1-075-04-03.
 - g. Remove the details for lighting pole, dumpster, chain-link fence, and retaining wall from Sheet 11.
 - h. For the street sections shown on Sheet 11, identify the locations where these sections are applicable.
 - i. Revise the proposed parcel boundary lines by using the same line type and line weight as the proposed lot lines.
2. Prior to approval, the final plat of subdivision shall include:
 - a. Right-of-way dedication along Whitfield Chapel Road, 40 feet from the roadway centerline, in accordance with the approved preliminary plan of subdivision.
 - b. Granting of 10-foot-wide public utility easements along all public and private rights-of-way, except along I-95/495 (Capital Beltway), as delineated on the approved preliminary plan of subdivision.
 - c. A note indicating the Prince George's County Planning Board's approval of a variation from Section 24-122(a) of the Prince George's County Subdivision Regulations, in accordance with the approving resolution for Preliminary Plan of Subdivision 4-22050, for the location of the public utility easement along I-95/495 (Capital Beltway).
 - d. A note indicating the Prince George's County Planning Board's approval of a variation from Section 24-121(a)(4) of the Prince George's County Subdivision Regulations, in accordance with the approving resolution for Preliminary Plan of Subdivision 4-22050, for lots not meeting the minimum lot depth requirement.
 3. Development of this site shall be in conformance with Stormwater Management Concept Plan 34492-2004-02, and any subsequent revisions.
 4. Prior to acceptance of a detailed site plan (DSP), the applicant shall submit a Phase II noise study based on the final site layout and building architecture, that demonstrates that outdoor activity areas (including, but not limited to, rear yards) will be mitigated to 65 dBA/Leq or less during the hours of 7:00 a.m. to 10:00 p.m. and 55 dBA/Leq or less during the hours of 10:00 p.m. to 7:00 a.m., and that the interiors of dwelling units will be mitigated to 45 dBA or less. The DSP shall identify all dwelling units requiring enhanced building shell design or construction materials for interior noise mitigation, and the architecture shall reflect the enhancements required to these units. The DSP shall show the locations and details of features provided for outdoor noise mitigation. The ground-level mitigated 65 dBA/Leq noise contour, ground-level mitigated 55 dBA/Leq noise contour,

upper level mitigated 65 dBA/Leq noise contour, and upper-55 dBA/Leq noise contour shall be delineated on the DSP, accounting for the locations of all noise barriers.

5. In accordance with Section 24-135(b) of the prior Prince George's County Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees shall allocate appropriate and developable areas for, and provide, adequate on-site recreational facilities in accordance with the standards outlined in the Prince George's County *Park and Recreation Facilities Guidelines*.
6. The on-site recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division, of the Planning Department, for adequacy and proper siting, in accordance with the Prince George's County *Park and Recreation Facilities Guidelines*, with the review of the detailed site plan (DSP). Timing for construction shall also be determined at the time of DSP.
7. Prior to submission of the final plat of subdivision for any residential lot/parcel, the applicant, and the applicant's heirs, successors, and/or assignees shall submit an executed private recreational facilities agreement (RFA) to the Development Review Division (DRD) of the Prince George's County Planning Department, for construction of on-site recreational facilities for approval. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records and the Book and page of the RFA shall be noted on the final plat, prior to plat recordation.
8. Prior to approval of building permits for residential development, the applicant and the applicant's heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for construction of recreational facilities.
9. Prior to approval of a final plat, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a homeowners association (HOA) has been established for the subdivision. The draft covenants shall be submitted to the Subdivision Section of the Development Review Division of the Prince George's County Planning Department, to ensure that the rights of The Maryland-National Capital Park and Planning Commission, Prince George's County Planning Board are included. The Book/page of the declaration of covenants shall be noted on the final plat, prior to recordation.
10. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey land to the homeowners association, as identified on the approved preliminary plan of subdivision 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 of the Prince George's County Planning Department.
 - b. All waste matter of any kind shall be removed from the property, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
 - c. The conveyed land shall not suffer the disposition of construction materials or soil filling, other than the placement of fill material associated with permitted grading

operations that are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.

- d. Any disturbance of land to be conveyed to the association shall be in accordance with an approved site plan and tree conservation plan. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls.
 - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to the association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by the Development Review Division of the Prince George's County Planning Department.
 - f. The Prince George's County Planning Board, or its designee, shall be satisfied that there are adequate provisions to ensure retention and future maintenance of the property to be conveyed.
11. In conformance with the recommendations of the 2009 *Approved Countywide Master Plan of Transportation* and the 1990 *Approved Largo-Lottsford Master Plan and Adopted Sectional Map Amendment*, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following facilities, and shall show these improvements on the detailed site plan, prior to its acceptance:
- a. A bicycle lane along the site's frontage of Whitfield Chapel Road, unless modified by the operating agency with written correspondence.
 - b. A side path along the site's frontage of MD 704 (Martin Luther King Jr Highway), unless modified by the operating agency with written correspondence.
 - c. A minimum 5-foot-wide sidewalk along the site's frontage of Fairview Avenue.
 - d. A minimum 5-foot-wide sidewalk, originating along the sidewalk adjacent to Private Road A, located between Lot 12, Block A and Lot 13, Block A, which leads north and connects to the sidewalk along the site's frontage of Fairview Avenue.
 - e. A minimum of four bicycle racks (inverted U-style or a similar model that provides two points of contact for a parked bicycle) at the central recreation area on Parcel 5.
12. Prior to signature approval of the preliminary plan of subdivision (PPS), the Type 1 tree conservation plan (TCP1) shall be revised as follows:
- a. Add the following note below the specimen tree table: "This plan is in accordance with the following variance from the strict requirements of Subtitle 25 approved by the Planning Board on [ADD DATE] for the removal of specimen trees ST-1, ST-2, ST-4 through ST-8, and ST-10 through ST-18."
 - b. Have the plans signed and dated by the qualified professional who prepared them.

13. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan, TCP1-075-04-03. The following note shall be placed on the final plat of subdivision:

“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan TCP1-075-04-03, or most recent revision, or as modified by the Type 2 tree conservation plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance (WCO). This property is subject to the notification provisions of CB-60-2005. Copies of all approved tree conservation plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George’s County Planning Department.”

14. Prior to signature approval of the preliminary plan, an approved stormwater management concept plan shall be submitted, showing a limit of disturbance consistent with the Type 1 tree conservation plan.

15. Prior to issuance of permits for this subdivision, a Type 2 tree conservation plan (TCP2) 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 and wildlife habitat 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.”

16. An updated geotechnical report reflecting the final mitigated conditions shall be included with the detailed site plan acceptance package.

STAFF RECOMMEND:

- Approval of Preliminary Plan of Subdivision 4-22050
- Approval of Type 1 Tree Conservation Plan TCP1-075-04-03
- Approval of Variance to Section 25-122(b)(1)(G)
- Approval of Variation from Section 24-121(a)(4)
- Approval of Variation from Section 24-122(a)