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Preliminary Plan of Subdivision Eagle Lake Campground and Resort

4-22068

REQUEST	STAFF RECOMMENDATION
Five parcels and one outparcel for development of a recreational campground.	With the conditions recommended herein: <ul style="list-style-type: none">• Approval of Preliminary Plan of Subdivision 4-22068• Approval of Type 1 Tree Conservation Plan TCP1-009-2024• Approval of a Variance to Section 25-122(b)(1)(G)• Approval of a Variation from Section 24-122(a)

Location: On the east and west sides of MD 381 (Brandywine Road), approximately 2,200 feet south of its intersection with North Keys Road.

Gross Acreage: 176.65

Zone: AG

Prior Zone: O-S

Reviewed per prior Subdivision Regulations: Section 24-1900

Gross Floor Area: 120,000 sq. ft.

Dwelling Units: N/A

Lots: 0

Parcels: 5

Outparcels: 1

Planning Area: 85B and 86B

Council District: 09

Municipality: N/A

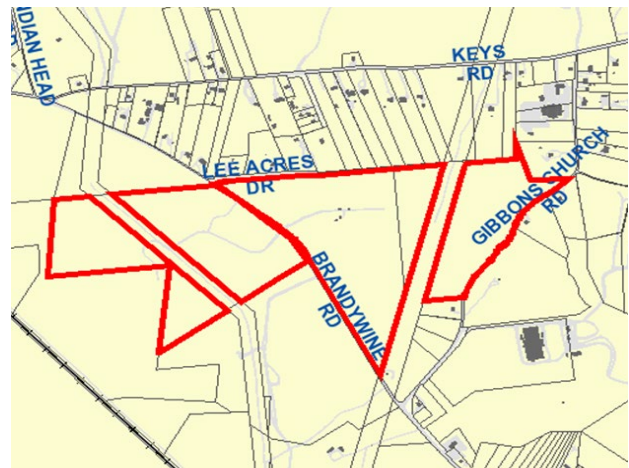
Applicant/Address:

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Planning Board Date: 07/25/2024

Planning Board Action Limit: 09/07/2024

Mandatory Action Timeframe: 140 days

Staff Report Date: 07/18/2024

Date Accepted: 03/20/2024

Informational Mailing: 03/08/2023

Acceptance Mailing: 03/13/2024

Sign Posting Deadline: 06/25/2024

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.

Table of Contents

OVERVIEW	3
SETTING.....	4
FINDINGS AND REASONS FOR STAFF RECOMMENDATION	4
1. Development Data Summary.....	4
2. Previous Approvals.....	5
3. Community Planning.....	5
4. Stormwater Management.....	6
5. Parks and Recreation.....	7
6. Transportation.....	7
7. Public Facilities.....	9
8. Public Utility Easement.....	10
9. Historic.....	13
10. Environmental.....	16
11. Urban Design.....	32
12. Community Feedback.....	33
RECOMMENDATION	33

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-22068
Type 1 Tree Conservation Plan TCP1-009-2024
Variance to Section 25-122(b)(1)(G)
Variation from Section 24-122(a)
Eagle Lake Campground and Resort

OVERVIEW

The subject site is located on the east and west sides of MD 381 (Brandywine Road), approximately 2,200 feet south of its intersection with North Keys Road. The property totals 176.65 acres and consists of 4 existing parcels known in the State of Maryland Department of Assessments and Taxation records as Parcels 9, 67, 69, and 150. Parcel 9 is located on Tax Map 146 Grids B-4 and C-4, and Tax Map 156 Grids B-1 and C-1; Parcel 67 is located on Tax Map 146 Grids A-4 and B-4, and Tax Map 156 Grids A-1 and B-1; Parcel 69 is located on Tax Map 146 Grids C-4 and D-4, and Tax Map 156 Grid C-1; and Parcel 150 is located on Tax Map 146 Grid C-4, and Tax Map 156 Grid C-1. The property is recorded by deed among the Prince George's County Land Records in Book 46747 page 10. The property is also subject to the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* (master plan).

Parcel 67 is located on the west side of Brandywine Road and is bisected by a Potomac Electric Power Company (PEPCO) transmission line. Parcels 9 and 150 are located along the east side of Brandywine Road and are bound to the east by another PEPCO transmission line. To the east of that PEPCO transmission line is Parcel 69, which has frontage along the west side of Gibbons Church Road. The subject property is largely undeveloped. It contains two existing lakes and a pond. The two lakes are located generally within the center of the property on Parcel 9, and a portion of Parcel 150, and were formed by prior sand and gravel mining of the site. A private road provides access from Brandywine Road into the property. The two lakes are situated on either side of the private road. The pond is located in the southwest portion of the site, on Parcel 67.

The property is in the Agricultural and Preservation (AG) Zone. However, this application has been submitted and reviewed under the applicable provisions of the Prince George's County Zoning Ordinance and Prince George's County Subdivision Regulations effective prior to April 1, 2022 ("prior Zoning Ordinance" and "prior Subdivision Regulations"), pursuant to Section 24-1900 of the Subdivision Regulations. Under the prior Zoning Ordinance, the site was in the Open Space (O-S) Zone, which was effective prior to April 1, 2022.

The site is currently used by a private water-skiing club and contains a canopy and boat docks along the northern portion of the lake, on Parcel 150, which are to be removed. The applicant proposes development of a recreational campground containing approximately 264 camping sites

and a variety of supporting amenities, for a total of approximately 120,000 square feet of non-residential development. The subdivision proposes five parcels and one outparcel for development, open space, and road/right-of-way purposes.

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 December 2, 2022. In accordance with Section 24-1904(b), the applicant provided a statement of justification explaining why they requested to use the prior regulations. In accordance with Section 24-1904(c), this PPS is supported by and subject to approved Certificate of Adequacy ADQ-2022-092.

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

The applicant also filed a request for a variation from Section 24-122(a) of the prior Subdivision Regulations, to omit the requirement to provide a public utility easement along the property's street frontage of Lee Acres Drive, along the northern boundary of the site. This request is discussed further in the Public Utility Easement finding of this technical staff report.

Staff recommend **approval** of the PPS and accompanying Type 1 tree conservation plan, with conditions, and **approval** of the variance and variation.

SETTING

The site is located within Planning Areas 85B and 86B. The surrounding properties to the site are located in the AG Zone (formerly the O-S Zone). The land immediately north of the site is improved with several single-family detached dwellings along the north side of Lee Acres Drive. These dwellings are oriented toward and accessed from North Keys Road. There is an additional single-family detached dwelling to the southeast of the site, along the west side of Gibbons Church Road. Much of the remaining area which surrounds the subject property is wooded and undeveloped. However, there is a wet processing plant adjacent to the site, located on the east side of Gibbons Church Road, which is within the Industrial, Heavy (IH) Zone (formerly the Heavy Industrial (I-2) Zone).

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. **Development Data Summary**—The following information relates to the subject preliminary plan of subdivision (PPS) application and the evaluated development.

	EXISTING	EVALUATED
Zones	AG	O-S
Use(s)	Vacant/Recreation	Recreation
Acreage	176.65	176.65
Parcels	4	5
Outparcels	0	1
Nonresidential Gross Floor Area	0 sq. ft.	120,000 sq. ft.
Subtitle 25 Variance	No	Yes
Variation	No	Yes (Section 24-122(a))

The subject PPS, 4-22068, was accepted for review on March 13, 2024. Pursuant to Section 24-119(d)(2) of the prior Prince George's County Subdivision Regulations, the PPS was reviewed by the Subdivision and Development Review Committee (SDRC), which held a meeting on March 29, 2024, at which comments were provided to the applicant. The requested variation from Section 24-122(a) of the prior Subdivision Regulations was received on March 13, 2024, and was also reviewed at the SDRC meeting on March 29, 2024. Revised plans were received on June 14, 2024, which were used for the analysis contained herein.

2. **Previous Approvals**—Parcel 67 was the subject of a prior application, Special Exception SE-4102, which was approved by the Prince George's County District Council in 1995, for surface mining.

Parcel 9 was the subject of SE-3667, which was approved by the Prince George's County Zoning Hearing Examiner (ZHE) in 1986, for surface mining; SE-4026, approved by the District Council in 1992, for surface mining; and SE-4593, approved by ZHE in 2011, for a private (water skiing) club.

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

Plan 2035

Plan 2035 places the application in the Rural And Agricultural Areas. It also recommends the rural and agricultural areas "remain low-density residential or support park and open space land uses and focuses new investment on maintaining existing infrastructure and stabilizing small-scale neighborhood-oriented commercial activities that support the areas' rural lifestyle and character (page 20)."

Further, Parcels 9, 67, and 150 are located within the Priority Preservation Area. The plan states that "[t]he purpose of this designation is to protect agricultural and forest resources and promote the long-term viability of the agricultural sector...While Plan 2035 reinforces County goals for rural and agricultural land preservation, the Priority Preservation Area Functional Master Plan contains specific and detailed policies and strategies to achieve these goals (page 24)."

Master Plan

Pursuant to Section 24-121(a)(5), Planning and Design Requirements, of the prior Subdivision Regulations, a PPS is required to conform to the area master plan, including maps and text, unless the Prince George's County Planning Board finds that events have occurred to render the relevant recommendations within the comprehensive plan no longer appropriate or applicable, or the District Council has not imposed the recommended zoning.

The master plan recommends rural land uses on the subject property and describes rural land uses as "agricultural lands, forests, and very low-density residential that allow these areas to remain rural and conserve these areas' natural resources for future generations" (Table 7, Future Land Use Map Designations, page 40). Subdivision of the property into five parcels and one outparcel for recreational land use generally conforms with a rural future land use designation. However, this PPS does not approve the applicant's proposed recreational campground use or the specific site elements and scale thereof. Based on information provided by the applicant, the proposed development may include 264 camping units, bath houses, a welcome center, playgrounds, a dog park, tennis courts, a 16,500-square-foot miniature golf course, and an 80,000-square-foot water park open to the public.

The zoning permits the use of a recreational campground, and its accessory uses, subject to approval of a special exception. At the time of special exception, pursuant to Section 27-317(a)(3) of the prior Prince George's County Zoning Ordinance, the applicant will be required to demonstrate that a recreational campground of this intensity does not substantially impair the master plan's recommendation for rural land use at this site. Depending on the intensity of development ultimately proposed, this development could impair the implementation of the master plan's recommendation of rural land use for the property in that it would threaten the ability of the property to remain rural, as well as the conservation of its natural resources.

Notwithstanding the specific uses and intensity thereof, which are to be determined at the time of special exception, the master plan provides environmental policies to support the rural development and preservation of the property, along with other policies, as further evaluated throughout this technical staff report. Pursuant to Section 24-121(a)(5), staff find that recreational use of the land conforms to the recommended land use of the master plan, but that the proposed intensity of the use may threaten master plan conformance and must be further evaluated with the special exception. Staff further find that the PPS conforms to the remaining recommendations of the master plan, as further evaluated in this technical staff report, with the recommended conditions of approval.

4. **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 the municipality having approval authority. A SWM Concept Approval Letter (51018-2022-00) and associated plan were submitted with the application for this site. The Prince George's County Department of Permitting, Inspections and Enforcement issued the approval on February 2, 2024, and the plan shows the use of seven micro-bioretention areas, a submerged gravel wetland, and installation of associated grass swales, bioswales, and permeable pavement. The limits of disturbance (LOD) for the SWM facilities are inconsistent with the LOD shown on the Type 1 tree conservation plan (TCP1). Specifically, the location of a proposed wastewater treatment plant with associated drip field, maintenance building, and private driveway is

shown in the southeastern corner of Parcel 1, on the approved SWM concept plan, but not on the TCP1. Therefore, impacts to regulated environmental features (REF) and to clearing of woodlands shown on the approved SWM concept layout have not been requested or accounted for on the TCP1. The applicant has indicated that a wastewater treatment plant is no longer proposed; a wastewater treatment area is instead provided in the northern part of Parcel 69. The SWM concept plan must be revised to be consistent with the TCP1. No further action regarding SWM is required with this PPS review.

Staff find that development of the site, in conformance with the revised SWM concept plan, once approved, and any subsequent revisions, will ensure that no on-site or downstream flooding occurs. Any subsequent revisions will continue to require all stormwater be managed on-site. Therefore, this PPS satisfies the requirements of Section 24-130 of the prior Subdivision Regulations.

5. **Parks and Recreation**—In accordance with Section 24-134(a) of the prior Subdivision Regulations, the subject PPS is exempt from mandatory dedication of parkland requirements because it consists of nonresidential development.
6. **Transportation**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), master plan, and prior Subdivision Regulations to provide the appropriate transportation recommendations.

MPOT and Master Plan Conformance

Master Plan Right-of-Way

The subject property fronts Brandywine Road (C-613), which is designated as a collector roadway with an ultimate right-of-way width of 80 feet. To conform to the master plan recommendations and to provide sufficient right-of-way to serve the development, roadway dedication along Brandywine Road is required. The PPS shows a proposed right-of-way width along Brandywine Road of 80 feet, consistent with the master plan recommendations. Prior to signature approval of the PPS, the labeling for the proposed right-of-way should be adjusted to clearly indicate that dedication is proposed, and to show the width of the land outside of the existing right-of-way that will be dedicated.

The subject site has frontage along Gibbons Church Road to the east, and Lee Acres Drive to the north. Gibbons Church Road and Lee Acres Drive are not identified in the MPOT as master-planned roadways. Although Gibbons Church Road is not identified in the MPOT, the applicant proposes 30 feet of right-of-way for a total of 57,293 square feet (1.32 acres) of dedication along the eastern side of the subject property. Staff find the proposed dedication will be adequate to serve the proposed development and offer no additional recommendations for right-of-way along Gibbons Church Road.

Master Plan Pedestrian and Bike Facilities

The MPOT recommends a shared roadway along Brandywine Road. The MPOT provides policy guidance regarding multimodal transportation and the Complete Streets element of the MPOT recommends how to accommodate infrastructure for people walking and bicycling:

Policy 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.

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 3: Small area plans within the Developed and Developing Tiers should identify sidewalk retrofit opportunities in order to provide safe routes to school, pedestrian access to mass transit, and more walkable communities.

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.

Policy 6: Work with the State Highway Administration and the Prince George's County Department of Public Works and Transportation to develop a complete streets policy to better accommodate the needs of all users within the right-of-way.

The master plan identifies policies to improve bicycle and pedestrian facilities:

Policy 8: Promote and encourage cycling and walking as an alternative to the car for commuting and recreational purposes.

Strategy 1: Incorporate bicycle-compatible road improvements with future frontage improvements or road construction projects.

Staff recommend shared roadway pavement markings and signage be provided along the entire frontage of Brandywine Road, with concurrence from the operating agency. Staff also recommend all internal pedestrian pathways are to include crosswalks and Americans with Disabilities Act curb ramps. Designated space for short-term bicycle parking is also recommended at all recreational areas, to be further evaluated during the review of the special exception.

Access and Circulation

The PPS has additional improvements shown on the plan that include an acceleration lane and deceleration lane along the east side of Brandywine Road, and a bypass lane along the west side of Brandywine Road. It is noted that these improvements are proposed to address operational concerns raised by the Maryland State Highway Administration (SHA), and will be addressed as part of the SHA permitting process. During the review of Certificate of Adequacy ADQ-2022-092, it was determined that the improvements were not required to meet adequacy.

A private road (proposed Parcel A) runs east through the subject site and provides access to the various campsites and recreational areas. The private road is permitted pursuant to Section 24-128(b)(11) of the prior Subdivision Regulations. The proposed 24 feet of pavement width is equal to the standard roadway width for a secondary residential street,

and the road will be constructed pursuant to the specifications and standards of the Prince George's County Department of Public Works and Transportation. The business owners association for the development will be required to maintain the private road and ensure its accessibility to emergency equipment. The Prince George's County Fire Department provided information indicating that, based on the information provided with the PPS, the road will meet fire access requirements for width and the ability to support the imposed loads of fire apparatuses.

The campsites will be accessed via private driveways which provide the required circulation for vehicles. The private driveways are designed in a way to allow vehicles to complete the necessary turning movements to the individual sites. Vehicular circulation is acceptable and will be further evaluated at the time of special exception site plan.

The plan includes a network of 10-foot-wide cart paths, a 10-foot-wide multi-use trail, and 6-foot-wide wooden boardwalks. The side paths will provide for pedestrian circulation throughout the various campsites, and access to the recreational amenities throughout the site. Staff recommend that short-term bicycle parking be provided in the recreational areas, as a condition of approval. At the time of special exception, staff recommend an overall pedestrian circulation plan be provided that clearly identifies the locations and details of the recreational areas and the proposed bicycle parking. Pedestrian circulation is acceptable to staff and will be further evaluated at the time of special exception site plan.

Based on the findings presented above, staff conclude that transportation facilities will exist to serve the proposed subdivision, as required under prior Subtitle 24 of the Prince George's County Code, and will conform to the MPOT and master plan, with the recommended conditions provided in this technical staff report.

7. **Public Facilities**—In accordance with Section 24-121(a)(5), this PPS was reviewed for conformance to the master plan. The master plan contains the following overall goals:

1. **Provide residents of Subregion 6 needed public facilities in locations that serve existing and future populations.**
2. **Ensure that all new public facilities will be constructed to LEED standards and existing buildings will be retrofitted to make them as energy efficient and sustainable as possible.**
3. **Maintain the high level of service by providing essential equipment and professional training for personnel.**
4. **Priority will be given to funding public facilities to support development in the Developing Tier**

The PPS will not impede the achievement of the above-referenced goals or any specific facility improvements. The analysis provided with approved ADQ-2022-092 illustrates 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 recommended on 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 the subject 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 designates the subject property in Water and Sewer Category 6, outside the Sewer Envelope, in the Rural and Agricultural Tier, and within Tier 4 under the Sustainable Growth Act—not planned or zoned for public sewer service; planned for conservation. Development in the Rural and Agricultural Tier is to occur on private well and septic systems. Category 6 consists of all areas outside the limit of planned water and sewer service (Sewer Envelope), and of certain larger tracts of parkland and open space inside the Sewer Envelope. Development in Category 6 must use permanent individual water supply and wastewater disposal systems (i.e., well and septic systems) or shared facilities and smaller community systems (Category 6P), as approved by the County (see Section 5.2.3 in Chapter 5). The submitted plans show that the site is proposed to be served by a private on-site well and a private on-site wastewater treatment area, which will meet the requirements for Category 6.

8. **Public Utility Easement**—In accordance with Section 24-122(a), when utility easements are required by a public utility 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 a minimum of 10 feet wide along both sides of all public rights-of-way. The site abuts Brandywine Road through the east portion of the site, and Gibbons Church Road along the eastern boundary of the site. The required PUEs are reflected on the PPS, along both public rights-of-way.

Lee Acres Drive abuts the subject property to the north; however, no PUE is proposed along this roadway. The applicant submitted a request for a variation from Section 24-122(a), to allow omission of PUEs from the public street frontage, and the required findings to support the variation are provided below.

Variation Request

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, or welfare, or injurious to other property;

The granting of the variation to omit PUEs along the public street frontage of Lee Acres Drive will not be detrimental to public safety, health, or welfare, or be injurious to other property. Lee Acres Drive currently provides access to three existing single-family detached dwellings north of the subject property. Access and utility service to the subject property is not proposed from this roadway. The lake and environmental areas on-site are situated along this roadway. The environmental area consists of woodland to remain and will buffer the subject site from the adjacent properties. Removal of existing vegetation for utility purposes is not needed given the other abutting rights-of-way to the property from which utilities can be provided. In addition, no dry utilities must be routed through the subject property to reach adjacent properties, as all the adjacent properties are already developed and served by dry utilities. No property will be denied access to utilities due to the omission of PUEs from the subject property. Therefore, staff find this criterion is met.

(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 property, and not generally applicable to other properties. Staff agree with the justification put forth by the applicant, that it is relatively unusual for a lake of this size to be located on a single property. In this case, there are three large lakes on the property, two of which are on the same parcel (Parcel 9). The third lake is on Parcel 67, which is on the west side of Brandywine Road, and which is almost entirely burdened by sensitive environmental features which prevent any development. Therefore, development of the recreational campground is proposed exclusively on the east side of Brandywine Road. However, a sizable portion of the property area, on the east side of Brandywine Road, is covered by the two lakes on Parcel 9. When accounting for these factors, as well as the right-of-way dedication and PUE's for Brandywine Road and Gibbons Church Road, tree preservation is limited for this project. The applicant has been able to maximize tree preservation on-site through unique and creative site design. The standard PUE along Lee Acres Drive would reduce tree preservation on-site and potentially force the applicant to request additional off-site woodland mitigation credits. Moreover, the PUE would make it difficult for the proposed hiker/biker trail to pass through this area while retaining woodland. This would significantly reduce pedestrian connectivity and would further hamper the recreational experience that the trail will provide. Therefore, staff find this criterion is met.

(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. In addition, this PPS and variation request for the location of PUEs were referred to the affected public utility companies on March 13, 2024. The companies that were referred which would potentially use the PUEs included the Potomac Electric Power Company, Southern Maryland Electric Company, Baltimore Gas and Electric, Washington Gas, Verizon, Comcast, and AT&T. Although they would not use the PUEs, the application was also referred to the Washington Suburban Sanitary Commission. As of the date of this technical staff report, no utility companies have responded regarding the variation request. Staff are not aware of any other law, ordinance, or regulation that would be impacted by this request. Therefore, staff find this criterion has been met.

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

The particular physical surroundings of the subject property, which affect the variation request, include the presence of three large lakes and associated wetlands requiring sensitive environmental design for the site. All development is proposed in the eastern portion of the property, given that the central and western portion of the property is almost entirely burdened by the lakes and wetlands. Every effort has been made to maximize preservation on-site. Given the site design, a portion of the required on-site preservation area is located along Lee Acres Drive. Since no development will connect to Lee Acres Drive, the applicant submits that no PUE is necessary at this time. The purpose for requiring a PUE on both sides of a right-of-way is to allow public utility companies to install service lines along both sides of the right-of-way without requiring crossings of the right-of-way. In this case, that need does not present itself, as no utilities or vehicular access are proposed for the property in this area. Requiring the PUE would substantially reduce the proposed tree preservation area and would also prevent pedestrian connectivity through the trail system that is proposed for this area. Therefore, staff find this criterion is met.

(5) In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where multifamily dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in 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 in any of the above-listed zones. Therefore, this criterion is not applicable.

Based on the preceding findings, staff find the purposes of prior Subtitle 24 are served to a greater extent by the alternative proposal set forth and recommend approval of the variation from Section 24-122(a), to omit PUEs from the site's public street frontage along Lee Acres Drive.

9. **Historic**—A Phase I archaeology survey was conducted on the subject property, in 2022. Large portions of the parcels within the proposed development are wetlands or were previously mined for sand and gravel. These low-probability areas were not tested. The Gibbons Family Cemetery (Documented Property 86B-040) is located on the east side of the property, adjacent to the west side of Gibbons Church Road, in Brandywine, MD. Remains of the Gibbons family dwelling, their probable store, and an agricultural building were noted and documented as archaeological Site 18PR1226. The ruins were covered in late 20th-century household and demolition debris, likely the result of illicit commercial dumping. Some soft mud, common brick, and a handful of 19th to early 20th-century artifacts suggested that the remains of the Gibbons family structures date to the mid-19th century, and were significantly modified or replaced in the 20th century.

The Gibbons Family Cemetery was documented, and a cadaver dog survey was conducted in and around the marked burials, to determine if other burials were located nearby. No additional potential burials were identified in the survey. Due to the extensive disturbance to archaeological Site 18PR1226, no further work was recommended. The Gibbons Family Cemetery will be preserved in place on the property. No further cultural resources were encountered in the Phase I survey, and no further archaeological investigations were recommended. Historic Preservation staff concurred with the findings and conclusions of the report that no additional archaeological investigations are necessary.

The master plan contains goals and policies related to historic preservation (pages 161 through 173). One relevant goal is:

2. **Ensure that historic sites and resources as part of the subregion's rich cultural heritage are properly documented and protected from the onset of new development through proper and consistent historic preservation practices.**

Preserving the Gibbons Family Cemetery (Documented Property 86B-040) in place, located on the eastern side of the subject site, along Gibbons Church Road, would address the strategy above.

The subject property is reflective of the heritage themes of The Eighteenth Century and the Antebellum Period—Agricultural Heritage and Planters' and Farmers' Dwellings, Commerce, Industry, and Scientific Advancements—Commerce, and Civil Society—African American History identified in the 2010 *Approved Historic Sites and Districts Plan*.

The 2010 *Approved Historic Sites and Districts Plan* contains goals and policies related to historic preservation that are relevant to the subject property. Multiple goals, policies, and strategies (page 52) relate to the protection of cemeteries and are relevant to the subject property, including the following:

Goal: Develop a program that identifies and protects historic cemeteries.

Policy 1: Conduct a reconnaissance level survey of all known burial grounds and cemeteries in the county.

Policy 2: Protect all historic burial grounds and cemeteries.

Strategies

5. **Require developers to establish the boundaries of a burial ground or cemetery on a developing property through historical documentation or archeological investigation prior to approval of a preliminary plan of subdivision. Deed records should be consulted to determine if the burial grounds were described by metes and bounds. Archeological techniques, such as the use of ground-penetrating radar, should be employed to delineate the boundaries of a cemetery.**

6. **Discourage developers from relocating burial grounds and cemeteries from properties by providing incentives for preservation-in-place.**

A goal (page 59) and related policy in planning for archeology is to:

Incorporate archeological resource protection into the local land use and comprehensive planning processes through site identification and preservation.

Policy 1: Ensure that archeological resources are considered and protected through all phases of the development process.

These goals were accomplished through Phase I archeological excavations and the cadaver dog survey cited above. In addition, conformance to Section 24-135.02 of the prior Subdivision Regulations, as discussed below, will ensure protection of the on-site burial ground.

A further policy and strategy identified in the 2010 *Approved Historic Sites and Districts Plan* (page 61) are relevant to the subject property:

Policy 6: Develop a comprehensive interpretive program that organizes site types by themes to reflect the preservation themes identified in the State of Maryland's Preservation Plan.

Strategies

1. **Develop interpretive signage and web sites to convey to the public information collected about archeological sites identified through development projects as well as through parkland development.**

This policy and strategy would be best addressed through interpretive signage and public outreach measures which explore the archeological resources identified in the Phase I surveys, and which further explore the Gibbons family and property. The

Gibbons property includes the Gibbons Methodist Episcopal Church Site, Education Building, Cemetery (Historic Site 86B-001), and an AME church on land deeded by James Gibbons to the founders, formerly enslaved African Americans. The signage and outreach measures should reflect the heritage themes of The Eighteenth Century and the Antebellum Period—Agricultural Heritage and Planters' and Farmers' Dwellings, Commerce, Industry, and Scientific Advancements—Commerce, and Civil Society—African American History.

Section 24-135.02 outlines the requirements to be met when a cemetery is located on property that will be subdivided. The requirements are listed in bold text below, and staff comments on conformance to each requirement are given in plain text.

(a) When a proposed preliminary plan of subdivision includes a cemetery within the site, and there are no plans to relocate the human remains to an existing cemetery, the applicant shall observe the following requirements:

- 1. The corners of the cemetery shall be staked in the field prior to preliminary plan submittal. The stakes shall be maintained by the applicant until preliminary plan approval.**

The applicant submitted photographic evidence with the PPS application showing that the cemetery was staked, as required.

- 2. An inventory of existing cemetery elements (such as walls, gates, landscape features and tombstones, including a record of their inscriptions) and their condition shall be submitted as part of the preliminary plan application.**

This inventory was submitted with the application, as required.

- 3. The placement of lot lines shall promote long-term maintenance of the cemetery and protection of existing elements.**

The proposed lotting pattern of the development will place the cemetery away from parcel boundary lines, in an area which will be retained by the property owner, which will promote protection of the cemetery's existing elements and promote long-term maintenance by the property owner.

- 4. An appropriate fence or wall constructed of stone, brick, metal, or wood shall be maintained or provided to delineate the cemetery boundaries. The design of the proposed enclosure and a construction schedule shall be approved by the Planning Board, or its designee, prior to the issuance of any permits. When deemed appropriate, the Planning Board may require a limited-review Detailed Site Plan in accordance with Section 27-286 of the Prince George's County Code, for the purpose of reviewing the design of the proposed enclosure.**

A condition of approval is recommended with this PPS to ensure that a fence or wall around the cemetery will be shown on the special exception site plan and will be reviewed and approved with that plan.

5. **If the cemetery is not conveyed and accepted into municipal ownership, it shall be protected by arrangements sufficient to assure the Planning Board of its future maintenance and protection. The applicant shall establish a fund in an amount sufficient to provide income for the perpetual maintenance of the cemetery. These arrangements shall ensure that stones or markers are in their original location. Covenants and/or other arrangements shall include a determination of the following:**

- (A) Current and proposed property ownership;**
- (B) Responsibility for maintenance;**
- (C) A maintenance plan and schedule;**
- (D) Adequate access; and**
- (E) Any other specifications deemed necessary by the Planning Board.**

Conditions of approval are recommended with this PPS to require adequate access to the cemetery for maintenance, and to require a management plan addressing the above requirements. These will be further reviewed and approved with the special exception.

- (b) Appropriate measures to protect the cemetery during the development process shall be provided, as deemed necessary by the Planning Board.**

Conformance to the conditions of approval recommended with this PPS, further review and approval of the cemetery fence, management plan, and access at the time of the special exception, and recordation of the management plan in the Prince George's County Land Records at the time of final plat, will ensure appropriate measures are taken throughout the development process to protect the cemetery.

Based on the findings presented above, staff conclude that the requirements of Subtitle 24 and the master plan related to historic preservation and the protection of cemeteries will be met, with the recommended conditions provided in this technical staff report.

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

Review Case Number	Associated Tree Conservation Plan or Natural Resources Inventory Number	Authority	Status	Action Date	Resolution Number
NA	TCP2-068-94	Staff	Approved	12/2/1994	NA
NA	TCP2-068-94-01	Staff	Approved	2/9/1995	NA
NA	TCP2-068-94-02	Staff	Approved	9/26/1995	NA
NA	TCP2-068-94-03	Staff	Approved	7/21/2006	NA
SE-4026	TCP2-087-95	Zoning Hearing Examiner	Approved	1/1/1992	NA
NA	TCP2-087-95-01	Staff	Approved	5/19/2009	NA
NA	TCP2-87-95-02	Staff	Approved	6/13/2011	NA
NA	E-006-10	Staff	Approved	1/26/2010	NA
SE-4593	TCP2-087-95-02	Zoning Hearing Examiner	Approved	10/11/2011	NA
NA	NRI-174-2022	Staff	Approved	3/31/2023	NA
NA	NRI-174-2022-01	Staff	Approved	5/21/2024	NA
4-22068	TCP1-009-2024	Planning Board	Pending	N/A	N/A

Grandfathering

The project is subject to the current environmental regulations contained in Subtitle 25 and prior Subtitles 24 and 27 of the County Code because the application is for a new PPS.

Plan 2035

The site is located within Environmental Strategy Area 3 (formerly the Rural Tier) of Plan 2035's Regulated Environmental Protection Areas Map. It is within the Rural and Agricultural General Plan Growth Policy Area.

Environmental Conformance with Applicable Plans

Master Plan Conformance

The master plan includes an environment section that contains policies regarding natural resources preservation, protection, and restoration. The applicant included a statement of justification dated June 2024, regarding how they believe their project meets these policies. The text in **BOLD** is the text from the master plan, and the plain text provides staff comments on the plan's conformance.

Policy 1: Protect, preserve, and restore the identified green infrastructure network and areas of local significance within Subregion 6 in order to protect critical resources and to guide development and mitigation activities.

Strategies:

- 1. Protect priority areas that will meet multiple protection objectives such as those related to green infrastructure, the priority preservation area, and the Patuxent River Rural Legacy Program.**

The site is not in one of the environmental priority areas of Subregion 6 under the master plan, and it is not under the Patuxent River Rural Legacy Program. Development of the site will meet objectives for protection of green infrastructure based on its conformance to the policies and strategies of the Green Infrastructure Plan of the 2017 *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan*, as discussed below.

- 2. Protect primary corridors (Patuxent River, Charles Branch, Collington Branch, Piscataway Creek, Mattawoman Creek, and Swanson Creek) during the review of land development proposals to ensure the highest level of preservation and restoration possible, with limited impacts for essential development elements. Protect secondary corridors to restore and enhance environmental features, habitat, and important connections.**

Page 66 of the master plan identifies the location of environmental corridors and special conservation areas (SCAs) within limits of the master plan. This site is not located within any of the mapped SCAs. The site data statistics table on the TCP1 demonstrates that no regulated streams are located on-site; however, two mapped tributaries of Mattawoman Creek are mapped to the west on Maryland-National Capital Park and Planning Commission-owned Parcel 105, and to the south of the site on privately owned land on Parcel 8. These off-site tributaries of Mattawoman Creek are considered secondary corridors that should be of primary concern for protection. The development demonstrates no direct impact to either of these stream tributaries. The limits of disturbance have been placed at the northeastern corner of the site, which is the farthest corner of the property from these off-site tributaries, and which is also the area of the site with the least amount of wetland and floodplain area that directly ties into these tributaries. The proposal minimizes impacts to these secondary corridors.

- 3. Preserve and connect habitat areas to the fullest extent possible during the land development process.**

The development proposes to connect existing habitat areas to the fullest extent possible, largely through creation of woodland preservation areas, afforestation/reforestation, and natural regeneration areas that are located adjacent to off-site secondary corridors associated with Mattawoman Creek.

- 4. Preserve or restore regulated areas designated in the green infrastructure network through the development review process for new land development proposals.**

5. **Protect portions of the green infrastructure network outside the primary and secondary corridors to restore and enhance environmental features, habitat, and important connections.**

Conformance with the policies of the Green Infrastructure Plan, as discussed below, will ensure conformance to Strategies 4 and 5 above.

6. **Evaluate land development proposals in the vicinity of SCAs to ensure that the SCAs are not negatively impacted and that green infrastructure connections are either maintained or restored.**

The site is not adjacent to any SCAs.

Policy 2: Protect, preserve, and restore the identified green infrastructure network and areas of local significance within Subregion 6 in order to protect critical resources and to guide development and mitigation activities.

Strategies:

1. **Protect and restore groundwater recharge areas such as wetlands and the headwaters areas of streams and watersheds.**

The majority of the floodplain and wetlands associated with the off-site tributaries of Mattawoman Creek have been preserved and connections to them are proposed to be preserved with woodland preservation and enhanced through a combination of afforestation/reforestation and natural regeneration. The site will treat currently untreated stormwater on-site with seven micro-bioretenment areas, a submerged gravel wetland, and installation of associated grass swales, bioswales, and permeable pavement.

7. **Require environmentally sensitive site design which includes limiting impervious surfaces and implementing best practices in on-site stormwater management to reduce the impact of development on important water resources.**

The project has an approved stormwater management (SWM) concept plan, which should ensure implementation of environmental site design (ESD) so that the on-site SWM will reduce the impact of the development on water resources. A revision to the SWM concept plan is required, as discussed in the Stormwater Management finding of this technical staff report; however, the revised approved SWM concept plan will also be required to implement ESD. Impervious surface coverage will be reviewed with the special exception application.

The master plan also includes a public facilities section which includes the following policy that is relevant to the environmental review of this PPS:

Policy 4: Conserve stream valleys and other natural resource areas (page 137).

Conformance with the policies in the Environmental section of the master plan discussed above will also ensure conformance with this policy.

Conformance with the Green Infrastructure Plan

The Green Infrastructure Plan was approved with the adoption of the *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan*, on March 7, 2017. The site contains regulated and evaluation areas of the Green Infrastructure Plan. The regulated areas are comprised of existing wetlands and their associated buffers, as well as primary management area (PMA) comprised of these regulated environmental features (REF), 100-year floodplain, and adjacent steep slopes. These REFs are located across much of the western and southern portions of the property that connect to off-site areas associated with two tributaries of Mattawoman Creek.

The following policies and strategies are relevant to this application. The text in **bold** is the text from the master plan and the plain text provides comments on plan conformance.

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

1.1 Ensure that areas of connectivity and ecological functions are maintained, restored and/or established by:

- a. **Using the designated green infrastructure network as a guide to decision-making and using it as an amenity in the site design and development review processes.**
- b. **Protecting plant, fish, and wildlife habitats and maximizing the retention and/or restoration of the ecological potential of the landscape by prioritizing healthy, connected ecosystems for conservation.**
- c. **Protecting existing resources when constructing stormwater management features and when providing mitigation for impacts.**
- d. **Recognizing the ecosystem services provided by diverse land uses, such as woodlands, wetlands, meadows, urban forests, farms and grasslands within the green infrastructure network and work toward maintaining or restoring connections between these.**

Most of the regulated and evaluation areas are proposed to be preserved on-site, particularly areas to the west and south that have the most immediate connections to the off-site Mattawoman green corridors associated with the off-site tributaries.

1.2 Ensure that Sensitive Species Project Review Areas and Special Conservation Areas (SCAs), and the critical ecological systems supporting them, are preserved, enhanced, connected, restored, and protected.

- a. **Identify critical ecological systems and ensure they are preserved and/or protected during the site design and development review processes.**

No special SCAs are located on or within the vicinity of the subject site.

POLICY 2: Support implementation of the 2017 GI Plan throughout the planning process.

- 2.4 Identify Network Gaps when reviewing land development applications and determine the best method to bridge the gap: preservation of existing forests, vegetation, and/or landscape features, and/ or planting of a new corridor with reforestation, landscaping and/or street trees.**

Most of the existing forest area is proposed to be preserved within the floodplain, with additional afforestation/reforestation/natural regeneration proposed within the floodplain to satisfy the entirety of the woodland conservation requirements on-site. The TCP1 proposes to bridge many of the existing network gaps by connecting most of the regulated and evaluation areas with afforestation and natural regeneration.

- 2.5 Continue to require mitigation during the development review process for impacts to regulated environmental features, with preference given to locations on-site, within the same watershed as the development creating the impact, and within the green infrastructure network.**

On-site mitigation for the requested impacts to REFs is proposed with this application and is further discussed in the Preservation of Regulated Environmental Features/Primary Management Area section below.

- 2.6 Strategically locate off-site mitigation to restore, enhance and/or protect the green infrastructure network and protect existing resources while providing mitigation.**

POLICY 3: Ensure public expenditures for staffing, programs, and infrastructure support the implementation of the 2017 GI Plan.

- 3.3 Design transportation systems to minimize fragmentation and maintain the ecological functioning of the green infrastructure network.**

- a. **Provide wildlife and water-based fauna with safe passage under or across roads, sidewalks, and trails as appropriate. Consider the use of arched or bottomless culverts or bridges when existing structures are replaced, or new roads are constructed.**

No stream crossings are proposed with this application. Connection of wetland areas under roads via culverts is encouraged, where feasible, to help facilitate safe passage of wildlife across the site. Protection of the wetland and floodplain area into conservation easements will help protect

the existing network in perpetuity for wildlife and water-based fauna to facilitate safe passage across the site.

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

Two boardwalk trails are proposed within the REFs on-site with this PPS application; however, mitigation for these impacts is proposed on-site by the applicant. These proposed impacts are discussed in greater detail in the Preservation of Regulated Environmental Features/Primary Management Area section of this technical staff report below.

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

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

Afforestation areas will be placed into woodland conservation easements, while all areas within the PMA will be protected within a conservation easement prior to permit.

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

- 5.8 Limit the placement of stormwater structures within the boundaries of regulated environmental features and their buffers to outfall pipes or other features that cannot be located elsewhere.**

Conditions to alter the approved SWM concept plan are detailed in the Stormwater Management section of this technical staff report and will allow the PPS design to be found in conformance with this policy. The site proposes to treat currently untreated stormwater on-site using micro-bioretenion areas and a submerged gravel wetland, and by installing associated grass swales, bioswales, and permeable pavement.

- 5.9 Prioritize the preservation and replanting of vegetation along streams and wetlands to create and expand forested stream buffers to improve water quality.**

No streams exist on-site; however, the development appears to prioritize preservation of the majority of wetlands on-site that flow to off-site streams. In addition, the applicant proposes creation of a new gravel wetland area to further improve water quality and as mitigation to offset proposed wetland impacts on-site.

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

General Strategies for Increasing Forest and Tree Canopy Coverage

7.1 Continue to maximize on-site woodland conservation and limit the use of off-site banking and the use of fee-in-lieu.

Clearing of woodland is proposed with this application; however, the woodland conservation threshold of 50 percent, or 51.22 acres, is proposed to be met with on-site woodland preservation, afforestation, and natural regeneration. It was noted that a portion of the woodland preservation requirements, specifically 13.54 acres of off-site woodland conservation credits, were previously provided through the implementation of TCP2-068-94; however, no additional off-site mitigation is proposed with this PPS application. Afforestation areas will be placed into woodland conservation easements, while all areas within the PMA will be protected within a conservation easement prior to permit. The application does not request the use of a fee-in-lieu. Retention of existing woodlands and planting of native species on-site is required by both the Environmental Technical Manual (ETM) and the 2010 *Prince George's County Landscape Manual* (Landscape Manual), which can count toward the tree canopy coverage (TCC) requirement for the development. TCC requirements will be evaluated at the time of the associated special exception plan review.

7.2 Protect, restore, and require the use of native plants. Prioritize the use of species with higher ecological values and plant species that are adaptable to climate change.

Retention of existing woodlands and planting of native species on-site is required by both the ETM and Landscape Manual, which can count toward the TCC requirement for the development.

7.4 Ensure that trees that are preserved or planted are provided appropriate soils and adequate canopy and root space to continue growth and reach maturity. Where appropriate, ensure that soil treatments and/ or amendments are used.

No detailed planting specifications are required as part of a TCP1. Planting details regarding spacing specifications and any soil amendments will be reviewed, as required, as part of the TCP2 and landscape plan, at time of the special exception. Such planting specifications for spacing and soil amendments must be in conformance with the planting standards and details in the ETM and Landscape Manual, respectively.

Forest Canopy Strategies

7.12 Discourage the creation of new forest edges by requiring edge treatments such as the planting of shade trees in areas where new forest edges are proposed to reduce the growth of invasive plants.

7.13 Continue to prioritize the protection and maintenance of connected, closed canopy forests during the development review process, especially in areas where FIDS habitat is present or within Sensitive Species Project Review Areas.

Development is confined to the northeast corner of the site, minimizing the creation of new forest edge areas. Most of the existing forest edges and unconnected areas are proposed to be closed and connected through afforestation, which will further protect and expand existing woodland areas, encouraging wildlife to traverse safely across the site. By creating more contiguous forest on-site, pioneer invasive species may be discouraged from establishing in the open areas. Although potential forest interior dwellings species habitat will be impacted on the eastern side of the property, the habitat on the western side of the property will be protected and potentially expanded with the proposed afforestation on the unwooded areas adjoining this existing habitat. The western side of the property is deemed a slightly higher priority for preservation, as part of that side of the property is mapped within a sensitive species review area (per PGAtlas) that expands off-site to the west.

Some newly created forest edges are proposed on-site as an inevitable consequence of developing a largely wooded site. However, where feasible, created edges are proposed to be afforested, and where afforestation is not feasible, the woodlands themselves have largely been proposed to be protected through counting them as woodland preservation areas on-site. All woodland preservation and afforestation areas will be placed into woodland conservation easements, while all areas within the PMA will be protected within a conservation easement prior to permitting. Retention of existing woodlands and planting of native species on-site is required by both the ETM and Landscape Manual, which can count toward the TCC requirement for the development.

7.18 Ensure that new, more compact developments contain an appropriate percentage of green and open spaces that serve multiple functions such as reducing urban temperatures, providing open space, and stormwater management.

TCC requirements will be evaluated at the time of the associated special exception plan review, and conformance to the requirements will ensure that an appropriate percentage of the development contains green and open spaces.

Environmental Review

Natural Resources Inventory/Existing Conditions

An approved Natural Resources Inventory (NRI-174-2022-01) was submitted with the application. This site is associated with REFs which include wetlands and their associated buffers. The 100-year regulated County floodplain is mapped on-site. PMA comprised of REFs, 100-year floodplain, and any adjacent steep slopes, is also mapped on-site. This site is mapped within a Tier II catchment area. The western edge of the site is mapped within a sensitive species review area per PGAtlas; however, according to correspondence from the Maryland Department of Natural Resources (MDNR) dated February 9, 2024, there are no official records for state or federal listed, candidate, proposed, or rare plant or animal

species within the project area. No restrictions were given with the letter regarding rare, threatened, or endangered species on the property.

According to the NRI, there are currently six different forest stands located on-site. There is a total of 33.44 acres of woodlands in the existing floodplain, and 78.60 acres of woodlands outside of the floodplain. The site contains four specimen trees with no champion or historic trees identified on-site.

Woodland Conservation

This site is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the application is for a new PPS, and it is subject to the requirements of the ETM. This application was submitted with TCP1-009-2024 and requires revisions to be found in conformance with the WCO.

The PPS application is applying the zoning standards to this application that were in effect prior to April 1, 2022, for the Open Space (O-S) Zone; however, the TCP1 worksheet is using the current Agricultural and Preservation Zone standards. The TCP1 worksheet must be revised with the O-S Zone.

This site combines the land associated with two separate existing and previously implemented TCP2s, as well as land that was not previously covered with a tree conservation plan. The applicant has adjusted the TCP1 worksheet so that the existing woodland values in the tree conservation plan worksheet are greater than what currently exists on the site per the approved NRI, to account for the baseline existing woodland values that were associated with the existing conditions prior to development of TCP2-087-95 and TCP2-068-95. The applicant has also noted under the TCP1 worksheet that since the approval of the existing TCP2s, additional dieback of woodlands occurred most likely due to the filling of the mining strip pits with water. This has been accounted for in the total amount of clearing on the TCP1 worksheet. The applicant noted that there was also additional forest preservation due to the natural process of succession. The applicant also noted that a portion of the woodland preservation requirements, specifically the 13.54 acres of off-site woodland conservation credits, have already been provided through the implementation of TCP2-068-94.

Based on incorporating these prior site conditions into the tree conservation plan worksheet, the existing woodland values increased to 89.47 acres outside of the existing floodplain and 35.87 acres of woodlands within the floodplain. The woodland conservation threshold for this 176.65-acre property is 50 percent of the net tract area or 51.22 acres. The total woodland conservation requirement based on the amount of clearing proposed is 67.34 acres. This requirement is proposed to be satisfied with 45.43 acres of on-site woodland preservation, 6.94 acres of afforestation/reforestation, 6.92 acres of natural regeneration, and 13.54 acres of previously recorded off-site woodland conservation credits. No additional off-site mitigation is proposed with this application. The applicant proposes to exceed the total requirement by 5.49 acres.

Despite the integration of TCP2-068-94 and TCP2-087-95 into the existing woodland calculations, it is unclear which subsequent TCP2 revision clearing values were included in these calculations for TCP2-068-94 and TCP2-087-95. The notes beneath the tree conservation plan worksheet just reference the base TCP2 numbers for the additional clearing values included in the TCP1 worksheet. The note shall be updated under the TCP1

worksheet stating that the clearing values in the TCP1 worksheet include previous clearing amounts from TCP2-068-94-03 and TCP2-087-95-02. The TCP1 worksheet shall be revised accordingly as needed.

Both TCP2-068-94 and TCP2-087-95 included portions utilized as off-site banks serving other properties. The TCP2-087-95 had all its banks vacated with the approval of TCP2-087-95-01. However, TCP2-068-94-03 still has existing off-site bank credits on a portion of the PPS property. The limits of the tree conservation plan bank areas are not reflected on the TCP1, and the acreage of these banks is also not reflected within the TCP1 worksheet. The TCP1 worksheet and plan appears to be double counting the off-site banks for credit to meet the requirements of this PPS development, which is not permitted by Subtitle 25 (Section 25-119(a)(8) of the Prince George's County Code) as the bank credit areas are already in use fulfilling other development project requirements. The existing off-site banks must be separated out of the woodland preservation value of the worksheet and accounted for in either the "off-site WCA (preservation) being provided on this property" or "off-site WCA (afforestation) being provided on this property" as appropriate. Alternatively, these banks can be vacated and relocated off-site following the requirements of Subtitle 25. If the banks are vacated, the vacation and relocation of these banks must occur prior to signature approval of the PPS and TCP1.

Additional technical revisions to the TCP1 are required and included in the recommended conditions of approval of this technical staff report.

Specimen Trees

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

The authorizing legislation of 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 the WCO are set forth in Section 25-119(d) of the County Code. Section 25-119(d)(4) of the County Code clarifies that variances granted under Subtitle 25 are not considered zoning variances.

A Subtitle 25 variance was submitted for review with this application. The approved NRI-174-2022-01 identifies a total of four specimen trees on-site. The following analysis is a review of the request to remove one specimen tree.

The letter of justification (LOJ) requests the removal of one specimen tree identified as Specimen Tree ST-161. The existing condition of the proposed tree for removal is poor. The TCP1 shows the location of this tree proposed for removal on Sheet 7, on the northern end of the property in the center of an area designated for the development of campsites on Parcel A.

This tree is requested for removal for grading and construction of private driveways to enable vehicular access to the proposed campsites located in this area, as well as for the development of five campsites.

Specimen Tree Variance SOJ Table						
No.	DBH	Common Name	Location	Rating	Impacted by Design Elements	Construction Tolerance
161	30"	Black Walnut	Within the net developable area	Poor	Proximate to two proposed private driveways needed to access campsites, as well as located on area proposed for five campsites.	Poor

The variance criteria of Section 25-119(d) are provided below in bold text. Staff responses to each criterion are provided in plain text.

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

In relation to other properties in the area, special conditions peculiar to the subject property would cause an unwarranted hardship if the applicant were required to retain the one specimen tree located on-site. Those "special conditions" relate to the specimen tree itself, such as its size, condition, species, and on-site location.

Specimen tree ST-161 is a 30-inch diameter at breast height (DBH) black walnut located within the net developable area of the site and is in poor condition.

The table above indicates that this tree species has poor construction tolerances.

Staff find that the removal of Specimen Tree ST-161 is needed to facilitate grading and construction of private driveways to enable vehicular access and circulation to the proposed campsites located in this area, as well as for the development of five campsites.

Retention of this tree and protection of its respective critical root zone would have a considerable impact on the proposed development by creating challenges for implementing transportation circulation of the site, and for the creation of five campsites. The location of this specimen tree is an area of the site that forms part of the largest contiguous developable area of the property that is free of REFs, regulated County floodplain, and existing tree banks. It is also located furthest away from the regulated portion of the green infrastructure network that has the closest connections to the Mattawoman green corridors associated with off-site tributaries, which are considered priorities for preservation under the master plan. Shifting the development elsewhere on-site would most likely result in further impacts to REFs, woodlands, existing County regulated floodplain, and regulated and evaluation area

of the Green Infrastructure Plan that are closest to the Mattawoman green corridors prioritized for preservation.

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

Approval of a variance for removal of the specimen trees is necessary to ensure that the applicant is afforded the same considerations provided to owners of other properties that encounter similar conditions and in similar locations on a site. The proposed campground may be allowed by special exception. Based on the unique characteristics of the property, enforcement of these rules would deprive the applicant of the right to develop the property in a similar manner to other properties zoned O-S in the area which may be developed with permitted uses.

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

Not granting the variance would prevent the proposed project from grading and developing in a functional and efficient manner. If other constrained properties encounter trees in similar locations on a site, the same considerations would be provided during the review of the required variance application. The proposed campground with recreation facilities is a use that is only allowed in the O-S Zone by special exception. At this time, the special exception for the use is not in review.

(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 tree, is not the result of actions by the applicant.

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

The request to remove the tree does not arise from any condition on a neighboring property.

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

All proposed land development activities will require sediment control and SWM measures to be reviewed and approved by the County. Stormwater requirements will be evaluated by the Prince George's County Department of Permitting, Inspections and Enforcement and additional information regarding the proposed stormwater facilities can be located in the stormwater section of this memorandum. Sediment and erosion control measures for this site will be subject to the requirements of the Prince George's County Soil Conservation District. The removal of the single specimen tree will not result in a degradation of water quality.

Based on the above findings, staff recommend approval of the variance to remove Specimen Tree ST-161.

Preservation of Regulated Environmental Features/Primary Management Area

This site contains REFs that are required to be preserved and/or restored to the fullest extent possible under Section 24-130(b)(5) of the prior Subdivision Regulations.

Section 24-130(b)(5) states: "Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible consistent with the guidance provided by the Environmental Technical Manual established by Subtitle 25. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required pursuant to Subtitle 27, for the reasonable development of the lot outside the regulated feature. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat."

Impacts to the REFs should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for SWM facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the REFs. The SWM outfalls may also be considered necessary impacts if the site has been designed to place outfalls at points of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, SWM facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to develop the site reasonably in conformance with County Code.

The REFs on this property, as delineated in the approved NRI plan, include wetlands and their associated buffers. The PMA, inclusive of these REFs, existing floodplain, and adjacent steep slopes, is also mapped along just under one third of the site (49.83 acres). The applicant initially submitted a LOJ in January 2024, for approval of three impacts to the on-site REFs. This was subsequently updated to a request for six impacts in a revised LOJ dated June 2024. As part of their request for the approval of REF impacts, the applicant proposes 0.77 acre of mitigation in the form of wetland enhancement to the largest lakes on the eastern side of the site. A summary of proposed Impacts 1-6 is as follows:

Impact Number	Type of Impact	Square footage impact to REFs (Per the June 2024 SOJ)
1	Private Road and Boardwalk	20,222 sq. ft.
2	Beach	10,629 sq. ft.
3	Storm Drain Outfall	526 sq. ft.
4	Cabin Boardwalk	3,213 sq. ft.
5	Utility Connection/Storm Drain, Grading, Outfall	1,259 sq. ft.
6	Stormwater Management Facility/Storm Drain, Grading	3,269 sq. ft.
	Total:	39,117 sq. ft.

Impact 1: This impact consists of a proposed road crossing into the site, and a boardwalk around the northern lake for a total of 20,222 square feet; however, much of the impact is temporary and will remain as wetlands underneath the boardwalk. Mitigation of 3,279 square feet, the area of permanent impact, has been added to Mitigation Area 1 which is located along the western portion of the existing southern lake. The street is deemed necessary to access the site. Accordingly, the portion of Impact 1 associated with the road crossing qualifies as a necessary impact per the County Code and staff find that the REFs have been preserved and/or restored in a natural state to the fullest extent possible, in accordance with the requirements of prior Subtitles 24 and 27. The boardwalk is a site feature associated with the applicant's proposed use. Accordingly, review of the REF impacts associated with the boardwalk are more appropriate at the time of the special exception, when the use and site layout will be reviewed. At that time, the applicant should provide further justification demonstrating how the boardwalk impacts are unavoidable and "necessary impacts" within the meaning of the ETM (See ETM page C-3).

Impact 2: This impact is for 10,629 square feet of permanent impact for the creation of a recreational beach that is to be offset with 10,629 square feet of mitigation within proposed Mitigation Area 1. The beach is a site feature associated with the applicant's proposed use. Accordingly, review of the REF impacts associated with the beach are more appropriate at the time of the special exception when the use and site layout will be reviewed. At that time, the applicant should provide further justification demonstrating how the beach impacts are unavoidable and "necessary impacts" within the meaning of the ETM (See ETM page C-3). Staff note that necessary impacts are only those "directly attributable to *infrastructure* required for the reasonable use and orderly and efficient development to the subject property or those required by the County Code for reasons of health, safety, or welfare" (*emphasis added*). Examples of necessary impacts include sanitary sewer and water lines, road crossings, and outfalls for SWM.

Impact 3: This impact is for 526 square feet of permanent wetland buffer impact and has been proposed for a storm drain outfall. The applicant proposes 526 square feet of mitigation to be added to Mitigation Area 1. This type of impact qualifies as a necessary impact per the County Code and staff find that the REFs have been preserved and/or restored in a natural state to the fullest extent possible, in accordance with the requirements of prior Subtitles 24 and 27.

Impact 4: This impact is for a permanent impact of 9,754 square feet and is located on the north side of Parcel 4, due to the addition of a beach. A temporary impact of 4,614 square feet is also located on Parcel 4 in order to place the above-ground boardwalk. The total impact is 14,368 square feet. Although only 9,754 square feet of mitigation is required, 10,453 square feet of mitigation has been added. This is the entirety of Mitigation Area 2. The boardwalk and beach are site features associated with the applicant's proposed use. Accordingly, review of the REF impacts associated with the boardwalk and beach is more appropriate at the time of the special exception when the use and site layout will be reviewed. At that time, the applicant should provide further justification demonstrating how the boardwalk and beach impacts are unavoidable and "necessary impacts" within the meaning of

the ETM (See ETM page C-3). Staff note that necessary impacts are only those “directly attributable to *infrastructure* required for the reasonable use and orderly and efficient development to the subject property or those required by the County Code for reasons of health, safety, or welfare” (*emphasis added*). Examples of necessary impacts include sanitary sewer and water lines, road crossings, and outfalls for SWM.

Impact 5: This impact is proposed for a permanent impact of 1,259 square feet. 1,259 square feet of mitigation have been added to Mitigation Area 1. This impact is for a utility connection, stormdrain, outfall, and associated grading. This type of impact qualifies as a necessary impact per the County Code and staff find that the REFs have been preserved and/or restored in a natural state to the fullest extent possible, in accordance with the requirements of prior Subtitles 24 and 27.

Impact 6: This impact is for the proposed non-woody buffer required to abut the submerged gravel wetland and for the associated outfall structure for a total of 3,269 square feet of proposed permanent impact to existing wetlands and their associated buffers. This proposed impact is located on the central portion of Parcel 4, just north of the recreational vehicle parking spaces. Staff agree that the outfall structure qualifies as a necessary impact per the County Code and ETM, but the non-woody buffer toe is considered part of the stormwater structure, which is considered an avoidable impact. The applicant shall redesign the structure inclusive of the non-woody buffer to be outside of the existing wetland and wetland buffer area. Removing natural existing wetlands for the creation of artificial wetlands when the impacts can be avoided through alternative designs is not supported. Staff recommend that the proposed submerged gravel wetland be redesigned so that the non-woody toe is outside of the PMA.

Based on the level of design information available at the present time, staff recommend the following:

- Impact 1 is recommended for approval for the development of the access road only. The portion attributable to the proposed boardwalk is not recommended for approval at this time. The proposed boardwalk may be included for review at time of special exception.
- Impact 2, for a recreational beach, is not recommended for approval at this time. It may be included for review at time of special exception.
- Impact 3 is recommended for approval for the development of a stormdrain outfall.
- Impact 4, for a recreational beach and boardwalk, is not recommended for approval at this time. It may be included for review at time of special exception.
- Impact 5 is recommended for approval for the development of utility connections, a stormdrain outfall, and associated grading.

- Impact 6 is recommended for approval for the outfall structure only. Impact 6 shall be revised to remove the non woody toe of the proposed submerged gravel wetland from the PMA.

With the above recommended revisions, the REFs can be found to have been preserved and/or restored to the fullest extent possible.

Soils

The predominant soils found to occur on-site according to the United States Department of Agriculture Natural Resource Conservation Service Web Soil Survey include Aquasco silt loam, frequently flooded (0-2 percent slopes); Beltsville silt loam (0-2 percent slopes); Beltsville silt loam (5-10 percent slopes); Croom gravelly sandy loam (2-5 percent slopes); Downer-Hammonton complex (2-5 percent slopes); Grosstown-Hoghole complex (5-10 percent slopes); Hoghole-Grosstown complex (0-5 percent slopes); Ingleside sandy loam (0-2 percent slopes); Lenni and Quindocqua soils (0-2 percent slopes); Leonardtown silt loam, frequently ponded (0-2 percent slopes); Potobac-Issue complex, frequently flooded; Udorthents, reclaimed gravel pits (0-5 percent slopes); Udorthends, reclaimed gravel pits (0-5 percent slopes); Udorthents, reclaimed gravel pits (15-25 percent slopes); Woodstown sandy loam, Northern Coastal Plain (0-2 percent slopes); Woodstown sandy loam, Northern Coastal Plain (2-5 percent slopes); and Woodstown sandy loam (5-10 percent slopes).

According to available information, unsafe soils containing Marlboro clay or Christiana complexes are not mapped on this property. A geotechnical review was not requested with this application; however, a copy of one was submitted with this application. It may be required for review by the County with a future development application in conformance with Prince George's County Council Bill CB-94-2004.

Erosion and Sediment Control

The County requires the approval of an Erosion and Sediment Control Plan. The tree conservation plan must reflect the ultimate limits of disturbance (LOD) not only for installation of permanent site infrastructure, but also for the installation of all temporary infrastructure including erosion and sediment control measures. A copy of the erosion and sediment control technical plan must be submitted so that the ultimate LOD for the project can be verified and shown on the TCP2.

- 11. Urban Design**—The proposed subdivision provides a parcel layout congruent with features bisecting the property. A business owners association is proposed to ensure the perpetual ownership and maintenance of the property's environmental and common areas. The layout includes Outparcel 1 at the westernmost part of the site. Outparcel 1 does not have street frontage, contains existing environmental features, woodland preservation, is not proposed for development and is to be conveyed to a business owner's association for the property. Parcel 1 is located on the west side of MD 381 (Brandywine Road) and contains an existing pond, environmental features, woodland preservation and natural regeneration areas. Parcel A contains a proposed private road that will provide access to the campground areas and associated facilities and will be conveyed to the business owner's association. Parcel 2 is on the north side of private road Parcel A, contains an existing lake, is proposed as part of the campground development area with woodland preservation provided along its northern and western boundaries. Parcel 3 is on the south side private road Parcel A, contains an existing lake, is proposed as part of the campground development area with woodland preservation provided along its western and eastern boundaries. Parcel 4 is at

the easternmost part of the site, is proposed as part of the campground development area with woodland preservation and environmental features, including the cemetery, primarily located in the northern portion of the parcel. Parcel 4 is also proposed to contain a water treatment facility for the campground and, although it is bifurcated from the rest of the site, it is proposed to be accessed by a private right-of-way continuous from private road Parcel A. The applicant is currently coordinating with the Potomac Electric Power Company for the easement crossing.

A recreational campground is permitted with approval of a special exception. A detailed site plan (DSP) is not mandated per the zone and use regulations as found in Sections 27-425 and 27-400 of the prior Zoning Ordinance. All proposed uses (including accessory uses) will be fully evaluated at the time of the special exception. It is possible for a DSP to be required as a condition of a special exception. At that time, per Section 27-269(a)(3) of the prior Zoning Ordinance, the conditional approval shall state as clearly as possible the reasons for requiring the site plan and the specific parts of the proposed development to be reviewed, which may include any of the design guidelines contained in Sections 27-274 and 27-283 of the prior Zoning Ordinance.

The regulations and requirements of the prior Zoning Ordinance apply to development in the O-S Zone regarding landscaping, screening, buffering, fencing, and building setbacks. For the proposed use of a recreational campground, there are also use regulations that will need to be satisfied at the time of special exception, which are detailed in Section 27-400. The proposed development will be required to demonstrate conformance with the applicable requirements of the prior Zoning Ordinance at the time of special exception and building permit review. Conformance with the Landscape Manual and Subtitle 25, Division 3, the Prince George's County Tree Canopy Coverage Ordinance, will also be evaluated at the time of special exception and/or any site plan review.

12. **Community Feedback**—At the time of the writing of this technical staff report, the Prince George's County Planning Department had not received any correspondence from the community for this subject application.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised as follows:
 - a. Include labeling for the proposed right-of-way along MD 381 (Brandywine Road) (C-613) to indicate that dedication is being provided, consistent with the labeling provided for the right-of-way dedication along Gibbons Church Road.
 - b. Revise the PPS to be consistent with the revisions required to the Type 1 tree conservation plan (TCP1) in terms of removal of primary management area impacts not approved with the TCP1.

- c. Revise General Note 20 to indicate the new approved stormwater management concept plan number and approval date, once a revision has been approved.
 - d. In General Note 19, revise the proposed total gross floor area based on the elimination of campsite cabins from the development per General Note 10. Provide a breakdown in General Note 19 of the buildings contributing to the gross floor area.
- 2. Development of this site shall be in conformance with Stormwater Management Concept Plan 51015-2022 and any subsequent revisions.
- 3. Prior to approval, the final plat of subdivision shall include the following in accordance with the preliminary plan of subdivision:
 - a. The granting of public utility easements along the abutting public rights-of-way of MD 381 (Brandywine Road) and Gibbons Church Road.
 - b. A note indicating a variation from Section 24-122(a) of the prior Prince George's County Subdivision Regulations has been approved to omit the public utility easement along Lee Acres Drive.
 - c. The dedication of right-of-way 40 feet from the centerline of MD 381 (Brandywine Road), along the property's road frontage.
 - d. The dedication of right-of-way 30 feet from the centerline of Gibbons Church Road.
 - e. The recording reference and delineation of the easement providing access to Parcel 4 across the Potomac Electric Power Company property.
- 4. Development of the site shall include no grading within 50 feet of the Gibbons Family Cemetery, Documented Property 86B-040.
- 5. Prior to any ground disturbance or the issuance of a grading permit, the applicant shall install a super silt fence around the 50-foot boundary of the Gibbons Family Cemetery, to protect the site during grading and construction. Proof of installation of the fence shall be provided to Historic Preservation Section staff prior to issuance of the grading permit for the area around the Gibbons Family Cemetery.
- 6. Prior to approval of the grading permit for the portion of the development adjacent to the Gibbons Family Cemetery, the applicant shall retain a consultant archeologist to perform monitoring while grading occurs. The archeologist shall have the authority to temporarily halt work if significant subsurface features or burials are encountered and consult with Historic Preservation Section staff to determine appropriate mitigation measures before work resumes.
- 7. Prior to the issuance of the first building permit, the permit plans shall show a permanent wall or fence to delineate the Gibbons Family Cemetery boundaries and provide for the placement of an interpretive marker at a location close to or attached to the cemetery fence/wall. The applicant shall submit the design of the wall or fence, a detail for the interpretive marker and its location, and the proposed text to the Historic Preservation Section staff for review at the time of the special exception application.

8. Prior to the acceptance of the special exception application, the applicant and the applicant's heirs, successors, and/or assignees shall:
 - a. Show adequate access to the Gibbons Family Cemetery on the plans; and
 - b. Provide a management plan to the Historic Preservation Section staff that describes how the Gibbons Family Cemetery will be maintained, including a schedule for maintenance and a list of work to be conducted; the management plan shall identify which entity will have responsibility for the execution of the management plan after the subject development is completed. The management plan shall be approved as part of the special exception application.
9. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* and the 2013 *Approved Subregion 6 Master Plan*, the applicant and the applicant's heirs, successors, and/or assignees shall construct the following facilities, and shall display the details, location, and extent of the following facilities on the special exception site plan prior to acceptance:
 - a. Shared road pavement markings and signage along the subject property's frontage of MD 381 (Brandywine Road), unless modified with written correspondence from the operating agency.
 - b. Short-term bicycle parking at all recreational or gathering areas
 - c. Provide a bicycle and pedestrian circulation plan that illustrates the location, limits, specifications and details of the on-site recreational amenities.
10. Prior to approval of a final plat, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a business owners association 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 draft covenants shall state that the business owners association is responsible for maintenance of the private roads and accessibility of the private roads to emergency equipment and include the approved cemetery management plan. The Book/page of the declaration of covenants shall be noted on the final plat, prior to recordation.
11. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey land to the business owners association, as identified on the approved preliminary plan of subdivision. 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.
12. Development of this subdivision shall be in compliance with an approved Type 1 Tree Conservation Plan (TCP1-009-2024). The following notes shall be placed on the final plat of subdivision:
- "This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-009-2024), or as modified by a future Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy."
13. Prior to the issuance of permits for this subdivision, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:
- "This plat is subject to the recordation of a Woodland Conservation Easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 Tree Conservation Plan, when approved."
14. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area, except for any approved impacts, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

"Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."

15. Prior to signature approval of the preliminary plan of subdivision (PPS), an approved revised stormwater concept plan shall be submitted. The limits of disturbance and layout shall be consistent with the PPS and Type 1 tree conservation plan.
16. Prior to the issuance of any permits that impact wetlands, wetland buffers, streams, or, waters of the United States, the Applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions were complied with, and associated mitigation plans.
17. Prior to the issuance of the first permit, the final erosion and sediment control plan shall be submitted. The limits of disturbance of this plan shall be consistent with the Type 1 and Type 2 tree conservation plans.
18. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised as follows:
 - a. Remove the non-woody toe for the proposed gravel wetland from inside of the regulated environmental features.
 - b. Remove the proposed impacts for the beach from the regulated environmental features area.
 - c. Remove the proposed impacts for the boardwalks from the regulated environmental features areas.
 - d. Revise all labels on the coversheet to be consistent with those in the Woodland Summary Table.
 - e. Account for all existing woodland conservation banks on-site by either identifying and labeling their locations on the plans and accounting for them in the worksheet, or by vacating them from the site and relocating them off-site and document with a general note.
 - f. Update the zoning in the TCP1 worksheet to O-S.
 - g. Update the footnotes beneath the TCP1 worksheet by stating that the clearing values in the TCP1 worksheet include previous clearing amounts from Type 2 Tree Conservation Plans TCP2-068-94-03 and TCP2-087-95-02. The TCP1 worksheet proposed clearing amounts inside and outside of the floodplain must be revised accordingly as needed.
 - h. After the above changes are made, revise the worksheet to accurately reflect the woodland conservation requirement, and how the requirement will be met.

STAFF RECOMMEND:

- Approval of Preliminary Plan of Subdivision 4-22068
- Approval of Type 1 Tree Conservation Plan TCP1-009-2024
- Approval of a Variance to Section 25-122(b)(1)(G)
- Approval of a Variation from Section 24-122(a)