

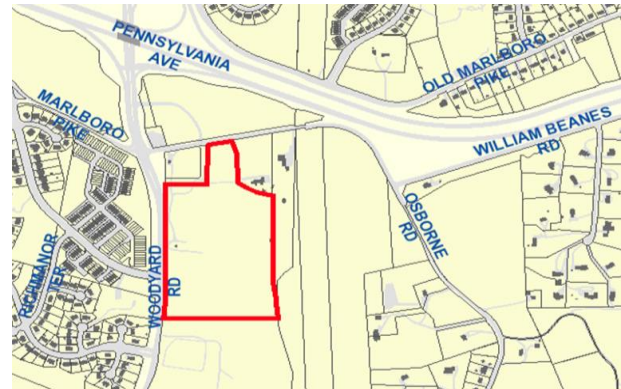


## Preliminary Plan of Subdivision Hope Village - Phase 2

**4-23007**

REQUEST	STAFF RECOMMENDATION
249 lots and 33 parcels for the development of 249 single-family attached dwellings.	With the conditions recommended herein: <ul style="list-style-type: none"><li>• Approval of Preliminary Plan of Subdivision 4-23007</li><li>• Approval of Type 1 Tree Conservation Plan TCP1-015-2019-03</li><li>• Approval of a Variation from Section 24-128(b)(7)(A)</li></ul>

<b>Location:</b> At the southeast quadrant of the intersection of MD 223 (Woodyard Road) and Marlboro Pike.	
Gross Acreage:	34.24
Zone:	RMF-48/MIO
Prior Zone:	M-X-T/M-I-O
Reviewed per prior Subdivision Regulations:	Section 27-1704
Gross Floor Area:	N/A
Dwelling Units:	249
Lots:	249
Parcels:	33
Planning Area:	82A
Council District:	09
Municipality:	N/A
<b>Applicant/Address:</b> CBR Woodyard, LLC 7 Hillchase Court Pikesville, MD 21208	
<b>Staff Reviewer:</b> Eddie Diaz-Campbell <b>Phone Number:</b> 301-952-3665 <b>Email:</b> Eddie.Diaz-Campbell@ppd.mncppc.org	



Planning Board Date:	03/21/2024
Planning Board Action Limit:	05/22/2024
Mandatory Action Timeframe:	140 days
Staff Report Date:	03/07/2024
Date Accepted:	12/21/2023
Informational Mailing:	03/30/2023
Acceptance Mailing:	12/19/2023
Sign Posting Deadline:	02/20/2024

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THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-23007  
Type 1 Tree Conservation Plan TCP1-015-2019-03  
Variation from Section 24-128(b)(7)(A)

**OVERVIEW**

The overall Hope Village project is located in the southeast quadrant of the intersection of MD 223 (Woodyard Road) and the northern branch of Marlboro Pike. The subject property encompasses Phase 2 of the project (34.24 acres), located in the southeast portion of the overall site, with frontage on both MD 223 and Marlboro Pike, but not at their intersection. The subject property consists of part of Parcel 6, recorded by deed in Book 21377 page 394 of the Prince George's County Land Records. The other part of Parcel 6 was subdivided and platted as two new parcels with Phase 1 of the Hope Village project, at the intersection of MD 223 and Marlboro Pike.

The property is in the Residential, Multifamily-48 (RMF-48) Zone and the Military Installation Overlay (MIO) Zone for height; however, this application has been reviewed in accordance with the Prince George's County Zoning Ordinance and Prince George's County Subdivision Regulations effective prior to April 1, 2022, pursuant to Section 27-1704 of the Zoning Ordinance. The subject property was included in Conceptual Site Plan CSP-18007, which was approved by the Prince George's County Planning Board on February 6, 2020 (PGCPB Resolution No. 2020-19), pursuant to the Zoning Ordinance in effect prior to April 1, 2022 (prior Zoning Ordinance). Pursuant to Section 27-1704(a) of the Zoning Ordinance, CSP-18007 remains valid for a period of 20 years from April 1, 2022; and pursuant to Section 27-1704(b) of the Zoning Ordinance, subdivision applications submitted under a valid CSP, approved under the prior Zoning Ordinance, and still valid pursuant to the time limit specified under Section 27-1704(a), may be reviewed and decided in accordance with the Subdivision Regulations in existence at the time of the approval of the CSP. Under the prior Zoning Ordinance, the site was within the Mixed Use-Transportation Oriented (M-X-T) Zone and the prior version of the Military Installation Overlay (M-I-O) Zone, which were effective prior to April 1, 2022. The property is subject to the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* (master plan).

The site was previously subject to Preliminary Plan of Subdivision (PPS) 4-20003. This PPS enabled Phase 1 of the Hope Village project, which included the subject property as an outparcel for future subdivision. The subject PPS is required for the division of land and the construction of multiple dwelling units. In accordance with Section 24-4503(a)(4) of the Subdivision Regulations, this PPS is supported by and subject to approved Certificate of Adequacy ADQ-2023-013.

The site is currently an agricultural use and mostly wooded. This PPS application proposes to subdivide the property into 249 lots and 33 parcels for development of 249 single-family attached dwellings. The parcels will be conveyed to a homeowners association (HOA) and used for open space, private streets and alleys, and stormwater management. According to the applicant, the HOA will be a member of the business owners association previously established for the overall Hope Village project. One new public street, an extension of master-planned collector road C-605 (also known as the southern branch of Marlboro Pike), will be dedicated through the site from the intersection of C-605 and MD 223 to the property's eastern boundary.

The applicant filed a request for a variation from Section 24-128(b)(7)(A) of the prior Subdivision Regulations, to allow lots in the M-X-T Zone to be served by private alleys without frontage on public streets. This request is discussed further in the Site Layout and Access finding of this technical staff report.

Staff recommend **approval** of the PPS, with conditions, **approval** of the variation, and **approval** of the variance, based on the findings contained in this technical staff report.

## SETTING

The subject property is located on Tax Map 100 in Grid B-3, and is within Planning Area 82A. Northwest of the property is Phase 1 of the Hope Village project, with the intersection of the north branch of Marlboro Pike and MD 223 beyond. Phase 1 has been platted as two parcels, Parcel 1 and Parcel A; however, the development approved for these parcels, a food and beverage store with a gas station on Parcel 1 and a private street on Parcel A, has not yet been constructed. Both parcels are in the RMF-48 Zone (formerly in the M-X-T Zone).

North of the subject property is the northern branch of Marlboro Pike, with vacant, wooded land in the Legacy Comprehensive Design Zone (formerly in the Local Activity Center Zone) beyond. Northeast of the property are a single-family detached dwelling and a church in the Agricultural-Residential (AR) Zone (formerly in the Residential-Agricultural (R-A) Zone). East of the property are wooded lands belonging to the church and to the Maryland-National Capital Park and Planning Commission, also located in the AR Zone (formerly in the R-A Zone), with right-of-way for power lines owned by the Potomac Electric Power Company beyond. South of the property is agricultural land in the AR Zone (formerly in the R-A Zone), previously proposed to be developed as a church under PPS 4-16008. The aforementioned single-family detached dwelling is on a parcel known as Parcel 46, while the proposed development of the church is on two parcels known as Parcel 78 and Parcel 76.

West of the subject property is MD 223, with Windsor Park and the Norbourne Subdivision beyond. Windsor Park is split-zoned between the Residential, Rural (RR) Zone and the Residential Single-Family Attached (RSF-A) Zone (and was previously split between the prior version of the Rural Residential (R-R) Zone and the Residential Townhouse (R-T) Zone). The Norbourne Subdivision consists of single-family attached dwellings in the RSF-A Zone (formerly in the R-T Zone) and was developed pursuant to PPS 4-07086. The southern branch of Marlboro Pike (C-605) runs west through the Norbourne Subdivision, and subsequently through the adjoining Belmont Crest subdivision, before reaching the joining point of the two branches of Marlboro Pike, approximately 1,400 feet northwest of the Hope Village site. Though not proposed with this PPS, the southern branch of Marlboro Pike is anticipated to be the road's ultimate relocated route.

The entirety of the site and all the above-mentioned surrounding properties are in the MIO Zone for height, specifically the Conical Surface (20:1) Right Runway, Area Label E. The subject PPS was evaluated for conformance to the requirements of the prior M-I-O Zone.

## FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

	EXISTING	EVALUATED
Zones	RMF-48/MIO	M-X-T/M-I-O
Use(s)	Agricultural	Residential single-family attached
Acreage	34.24	34.24
Parcels	1	33
Lots	0	249
Dwelling Units	0	249
Subtitle 25 Variance	Yes (25-122(b)(1)(G))	No
Variation	No	Yes (24-128(b)(7)(A))

The subject PPS, 4-23007, was accepted for review on December 21, 2023. Pursuant to Section 24-119(d)(2) of the prior Prince George's County Subdivision Regulations, the Subdivision and Development Review Committee (SDRC) provided comments on this PPS to the applicant at its meeting on January 5, 2024. The requested variation from Section 24-128(b)(7)(A) of the prior Subdivision Regulations was submitted alongside the PPS and was also reviewed at the SDRC meeting on January 5, 2024, as required by Section 24-113(b) of the prior Subdivision Regulations. Revised plans were received on January 26, 2024, and February 16, 2024, which were used for the analysis contained herein.

- Previous Approvals**—Prior to 1981, Parcel 6 was one parcel together with what is now known as Parcel 46, abutting to the northeast, and Parcel 78, abutting to the south. Parcel 46 was legally subdivided by deed from Parcel 6 in 1981 (Liber 5478 Folio 975). Parcel 78 was created by an invalid division of Parcel 6, in 2003 (Liber 17537 Folio 646). The remainder of Parcel 6 was conveyed by deed in 2005 (Liber 21377 Folio 394). On September 29, 2016, the Prince George's County Planning Board approved PPS 4-16008 for Parcel 78, which validated the division of land. PPS 4-16008 expired in 2022, before any final plats were filed for Parcel 78; however, in the interim, PPS 4-20003 was approved for the subject property, in 2021. Approval of the subject PPS will allow validation of the subdivision of Parcel 6 to continue, and the lots and parcels of the new subdivision to be recorded. Any development for Parcel 78 will also require a new PPS and final plat.

The 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* (master plan) rezoned the subject property from the R-R Zone to the Mixed Use-Transportation Oriented (M-X-T) Zone (Prince George's County Council Resolution CR-83-2013, Revision 3).

The Hope Village project was first proposed under Conceptual Site Plan CSP-18007, which was approved by the Planning Board on February 6, 2020 (PGCPB Resolution No. 2020-19). CSP-18007 proposed a mixed-use development with 38 single-family attached residential units and 181,950 square feet of commercial and institutional uses, including a hotel, a food and beverage store with a gas station, an assisted living facility, and a church. Of these proposed uses, only the food and beverage store with a gas station proceeded to future stages of the approval process, as Phase 1 of the overall project, under PPS-20003, Detailed Site Plan DSP-20008, and Final Plat 5-22118. CSP-18007 was approved subject to four conditions, however, they are not relevant to the review of the subject PPS.

On October 23, 2023, the Planning Board approved CSP-18007-01 (PGCPB Resolution No. 2023-106), which amended the original CSP. This CSP amendment proposed development of 250 to 270 single-family attached dwelling units, replacing all proposed uses of the original CSP except the Phase 1 food and beverage store with a gas station. CSP-18007-01 was approved subject to five conditions, and the following conditions are relevant to the review of the subject PPS. The conditions are listed in **bold** text, and staff responses to each condition are given in plain text.

**2. Prior to acceptance of the preliminary plan of subdivision, the following information shall be provided or shown on the plans:**

- a. Submit a Phase 1 noise analysis for any development that includes residential uses.**

This noise analysis was submitted as required and is discussed in the Noise finding of this technical staff report.

- b. Submit an approved Phase I archeology report.**

This archaeology report was submitted as required and is discussed in the Historic finding of this technical staff report.

- c. Provide continuous standard sidewalks along both sides of all internal roads, excluding alleys, unless modified with written correspondence, by the Prince George's County Department of Public Works and Transportation and the Prince George's County Department of Permitting, Inspections and Enforcement.**

- d. Provide an 8-foot-wide trail along the property frontage or within the right-of-way of MD 223 (Woodyard Road), consistent with the standards of the Maryland State Highway Administration (SHA), unless modified by SHA.**

- e. Provide bicycle lanes along the property frontages of Marlboro Pike and master planned collector road C-605, unless modified by the operating agency.**

- f. Provide an additional pedestrian connection between the residential units and the retail use, if feasible. If infeasible, documentation demonstrating why and how the trail cannot be built shall be submitted.**
- g. If development is proposed along a proposed master-planned collector road, the plan shall provide a pedestrian crossing of MD 223 (Woodyard Road) and C-605, to enable access to Windsor Park and the residential developments to the west of MD 223, unless modified by the Maryland State Highway Administration.**
- h. The applicant, and the applicant's heirs, successors, and/or assignees shall show the extent and limits of the ultimate right-of-way along the subject property's frontage of MD 223 (Woodyard Road) and C-605, and necessary right-of-way dedication to facilitate the master planned roadway.**

Continuous sidewalks are shown on the plans, along all internal roads. An 8-foot-wide trail along the property's frontage of MD 223 is shown within a proposed public use easement on the PPS. A pedestrian circulation exhibit was provided demonstrating pedestrian movements within the subject site, along all frontages and along the boundary of the proposed gas station approved under PPS 4-20003. The pedestrian crossing of MD 223 has been shown on the plan and was further discussed in approved Certificate of Adequacy ADQ-2023-013. Right-of-way dedication is accurately shown and discussed further in the Transportation finding of this technical staff report.

**3. Unless modified at the time of approval of the certificate of adequacy and the preliminary plan of subdivision, the applicant, and the applicant's heirs, successors, and/or assignees shall provide the following roadway improvements to meet adequacy and said improvements shall be concurred by the appropriate operating agencies.**

- a. Add a northbound MD 223 (Woodyard Road) right-turn lane at master-planned collector road C-605/site access.**
- b. Add a southbound MD 223 left-turn lane at C-605/site access.**
- c. Convert eastbound left-turn lane along C-605, to a left through lane.**
- d. Add a westbound left through lane at MD 223 and C-605/site access intersection.**
- e. Add a westbound right-turn lane at MD 223 and C-605/site access intersection.**
- f. Add a northbound MD 223 right-turn lane, at site access, north of C-605.**
- g. Add a westbound right-turn lane along site access, north of C-605.**

- h. **Convert eastbound Marlboro Pike through lane, at site access, to a through right lane.**
- i. **Convert westbound Marlboro Pike through lane, at site access, to a left through lane.**
- j. **Add a northbound shared left-right lane along site access at Marlboro Pike.**

The improvements listed above are reflected in the traffic impact study submitted with this PPS and associated ADQ. Road improvements were discussed in further detail with approved ADQ-2023-013.

- 5. **During the review of the preliminary plan of subdivision, the applicant shall submit an approved stormwater management concept plan and approval letter for the area proposed for development showing the stormwater facilities, the master-planned roadway (if applicable), and proposed buildings, to allow for a full analysis of the proposed impacts to the regulated environmental features, if any.**

The approved stormwater management (SWM) concept plan was submitted as required and is discussed in the Stormwater Management finding of this technical staff report. Submission of the plan allowed staff to perform a full analysis of proposed impacts to the regulated environmental features (REFs) on-site; these impacts are discussed in the Environmental finding of this technical staff report.

The site was previously subject to PPS 4-20003 (PGCPB Resolution No. 2021-11), which was approved on January 21, 2021, and expired on February 11, 2024. This PPS enabled development of Phase 1 of the Hope Village project by approving two parcels and one outparcel for development of 4,650 square feet of commercial development, subject to nine conditions. Phase 1 of the development was encompassed within the two parcels, while Phase 2 is proposed in the area previously approved as an outparcel. Phase 1 of the development remains subject to 4-20003 because the two parcels received final plat approval and were recorded in land records. Phase 2 is covered under the subject PPS. None of the conditions of the prior PPS need to be carried forward and made conditions of the subject PPS.

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

#### **Plan 2035**

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



## **Master Plan**

The master plan recommends Residential-Low land use on the subject property. Residential-Low land use is described as “Residential areas of up to 3.5 dwelling units per acre. Primarily single-family detached dwellings” (page 40). The proposed development consists of 249 single-family attached dwellings at a density of 7.36 dwelling units per acre. Therefore, the proposed use does not conform with the master plan’s recommended land use. However, on July 24, 2013, the Prince George’s County District Council approved the master plan and associated sectional map amendment with Revision 3 of Council Resolution CR-83-2013. This revision rezoned the subject property from the Residential-Agricultural (R-A) Zone to the M-X-T Zone.

According to Plan 2035, all planning documents which were duly adopted and approved prior to the date of adoption of Plan 2035 remain in full force and effect, except for the designation of tiers, corridors, and centers, until those plans are revised or superseded. Pursuant to Section 24-121(a)(5) of the prior Subdivision Regulations, a PPS must conform to the area master plan, unless events have occurred to render the relevant recommendations no longer appropriate, or the District Council has not imposed the recommended zoning. Staff find that, pursuant to Section 24-121(a)(5), the District Council has not imposed the recommended zoning, and therefore, the PPS is not required to conform to the land use recommendation of the master plan. The subject PPS is for the second phase of the Hope Village development; Phase 1 included the necessary commercial development to satisfy the requirements of the M-X-T Zone for a mix of uses.

The PPS must still conform to the relevant master plan recommendations that do not conflict with the M-X-T zoning imposed by the District Council. Relevant policies and strategies of the master plan are listed below in bold text. Staff responses to each policy are given in plain text.

**Development Pattern and Land Use -Developing Tier Policy 1: “Promote a development pattern that allocates appropriate amounts of land for residential, commercial, employment, industrial and institutional land uses in accordance with county development goals by considering local and regional needs, the integration of land uses wherever possible, and the impact of development proposals on the economy, environment, equity, and efficiency” (page 58).**

The PPS evaluates single-family attached residential development. Previous phases of this development included a more diverse mixture of land uses typical of the M-X-T Zone.

**Development Pattern and Land Use Strategy 1: “Maintain low to moderate-density land uses except as part of mixed-use development and planned communities” (page 58).**

The proposed density of 7.36 dwelling units per acre is appropriate as part of a mixed-use development, pursuant to this strategy.

**Transportation Policy 2: "Ensure that the road system is improved concurrently with development, so that road and intersection capacity match demand" (page 93).**

The applicant will dedicate public right-of-way for the master-planned extension of C-605. Other road improvements were required under Condition 3 of CSP-18007-01. As shown in approved ADQ-2023-013, construction of these improvements will ensure that all critical intersections will operate at acceptable levels given the additional trips generated by the development.

**Environmental Policy 7: "Encourage the use of green building techniques and community designs that reduce resource and energy consumption" (page 79).**

Although this PPS does not include the review of architecture, the use of green building techniques and community designs is encouraged at the time of DSP.

**Living Areas and Community Character - Suburban/Developing Tier Communities Policy: "Continue to build high-quality, suburban development organized around a network of open space and community facilities with attention to site design" (page 179).**

The PPS proposes development of a suburban residential neighborhood of attached dwellings, with picnic and play areas for recreation, to conform with this policy.

**Strategy 1: "Develop a comprehensive trail/sidewalk system to connect the community" (page 179).**

The development will include a side path and sidewalk system to ensure conformance with the recommendations of the master plan and the 2009 *Approved Countywide Master Plan of Transportation* (MPOT). Conformance with these recommendations is discussed further in the Transportation finding of this technical staff report.

**Strategy 8: "Design site features such as storm water management facilities during the development process so that they become amenities in the development" (page 179).**

The PPS depicts the presence of SWM facilities on-site. At the time of the DSP required for this development, the applicant may design the SWM facilities in such a way to ensure they act as site amenities.

**Strategy 9: "Provide green edges (woods, and landscaping) in new developments to provide a buffer that blends naturally into surrounding wooded areas" (page 179).**

The Type 1 Tree Conservation Plan (TCP1) submitted alongside this PPS depicts woodland preservation and afforestation that will connect with wooded areas off-site. Proposed landscaping for the development will be evaluated at the time of DSP.

Staff find that the PPS conforms to the relevant policies and strategies of the master plan listed above. The PPS proposes development of the property at a contextually appropriate density level with a mix of uses from the previous phase. The project is expected to be a high-quality, suburban development organized around a network of open spaces with a strong pedestrian circulation system. The project is expected to integrate well into the built environment of its surroundings. Review of the project with the DSP should ensure that these expectations are met.

### **Zoning**

The master plan classified the subject property in the M-X-T Zone. On November 29, 2021, the District Council approved Council Resolution CR-136-2021, the Countywide Sectional Map Amendment, which reclassified the subject property from the M-X-T Zone to the Residential, Multifamily-48 (RMF-48) Zone. However, this PPS is reviewed according to the prior M-X-T zoning.

### **Aviation/Military Installation Overlay Zone**

This PPS is within the prior M-I-O Zone for height. The subject property is in imaginary surface “E,” the conical surface. At the time of DSP, the height of all proposed structures will be evaluated for conformance to Section 27-548.54 of the prior Prince George’s County Zoning Ordinance, to ensure no structure exceeds the height limit for structures under surface “E.”

4. **Stormwater Management**—An application for a major subdivision must include an approved SWM concept plan, or indication that an application for such approval has been filed with the appropriate agency or the municipality having approval authority. An approved SWM Concept Plan (Plan Approval No. 05557-2024-SDC, Permit No. P32055-2024-SDC) was submitted with the subject application. The approved plan shows the use of submerged gravel wetlands, micro-bioretenion devices, bio-swales, and the proposed eight micro-bioretenion ponds from Phase 1 of the Hope Village development. This plan is reflective of the proposed layout and will be further reviewed by the Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE). Submittal of the approved SWM concept letter and plan, or an approved revision, will be required for subsequent development review applications. No further information pertaining to SWM is required at this time.

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

5. **Parks and Recreation**—This PPS has been reviewed for conformance with the requirements and recommendations of the master plan, the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, the 2022 *Land Preservation, Parks and Recreation Plan for Prince George’s County*, and Sections 24-134 and 24-135 of the prior Subdivision Regulations, as they pertain to public parks and recreation and facilities.

The Prince George’s County Department of Parks and Recreation manages and maintains the Maryland-National Capital Park and Planning Commission (M-NCPPC)-owned parkland on both the east and west sides of the subject property. Parks nearby include Windsor Park, located on the west side of MD 223, directly across from the subject property, developed with a playfield, playground, and parking; Mellwood Parke Park, approximately 1.5 miles to

the northeast; and Mellwood Hills Park, located 1.5 miles to the south. Hope Village is also located approximately one mile north of Mellwood Pond Park. The southeastern edge of the subject property borders an undeveloped park known as Melwood-Westphalia Park, that is bisected on a north/south alignment by right-of-way for a Potomac Electric Power Company transmission line.

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

The master plan indicates an abundance of regional parkland at 12,970 acres. However, additional local parkland should still be pursued to meet the anticipated population of 78,000 by 2030. In addition, the MPOT also calls for the development of a planned, hard surface trail along MD 223, that runs along the western edge of the subject property, and a planned bike route/shared-use road along the northern branch of Marlboro Pike, that borders the northern property edge.

Sections 24-134 and 24-135, which relate to mandatory dedication of parkland, provide for the dedication of land, the payment of a fee-in-lieu, and/or the provision of private on-site recreational facilities to serve the active recreational needs of residential development. Based on the proposed density of development, 7.5 percent of the net residential lot area, 2.54 acres could be required to be dedicated to M-NCPPC for public parks. However, given the proposed density, staff recommend the provision of on-site recreational facilities for future residents, to meet the mandatory dedication of parkland requirement.

The PPS identifies open space amenity areas on Parcels J, W, EE, and GG, with sidewalk connections to these features. Staff concur that the identified areas are appropriate to provide outdoor recreation for future residents. The details and the cost estimates for the on-site facilities will be evaluated at the time of the DSP.

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

Condition 2(g) of CSP-18007-01 requires a safe pedestrian crossing of MD 223 for residents of the subject development to access the existing Windsor Park. Condition 2(d) of the CSP requires provision of the master-planned trail along MD 223. These improvements will enable residents to access M-NCPPC properties in the vicinity of the site, in addition to the facilities which will be provided on-site. The master-planned trail is shown on the subject property instead of within the public right-of-way, and so the plan shows a public use easement covering the trail. At the time of DSP, the needed width of the easement should be determined. The easement may need to be a few feet wider than the trail itself to allow maintenance of the trail.

6. **Site Access and Layout**—The development is organized into seven blocks, which are divided by major roads within the subdivision and by environmental features. With the exception of C-605, all proposed streets and alleys will be privately owned and maintained by the homeowners association (HOA). The street system features a hierarchical circulation

pattern where all units accessed via alleys have readily available access to private streets. Staff find the proposed access and circulation to be acceptable.

The private streets proposed with this PPS connect to the private streets previously approved with Phase 1 of Hope Village, to create an overall private street network for the development. Lots 31–40, Block C front on a portion of Street B that is not within this PPS, but is still within the overall Hope Village development. According to the applicant, the HOA for the residential portion of Hope Village will be a member of the business owners association for the overall Hope Village development. This arrangement will ensure that the residents have access to the private streets in Phase 1.

In the M-X-T Zone, access to townhouses via private streets is permitted pursuant to Section 24-128(b)(7)(A). This section also allows private alleys to serve any permitted use, provided the lots served have frontage on and pedestrian access to a public right-of-way. However, Lots 1–9, Block A; Lots 7–34, Block B; Lots 1–15, Block D; Lots 12–52, Block E; Lots 1–16 and 24–36, Block F; and Lots 1–6 and 34–41, Block G are served by alleys and do not have frontage on a public right-of-way. The applicant submitted a request for a variation from Section 24-128(b)(7)(A), to allow these units to instead front on private streets and open spaces.

### **Variation Request**

The below listed criteria are contained in Section 24-113 of the prior Subdivision Regulations and must be met for a variation to be approved. The criteria are listed below in bold text, and staff findings regarding each criterion are given in plain text.

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

The proposed alleys are part of a hierarchical vehicular circulation system and have been designed with sufficient width to accommodate passenger and emergency vehicles, in order to ensure safe vehicular access to all units within the development. Exhibits submitted by the applicant, including a pedestrian circulation exhibit dated January 2024, and a fire access distances exhibit dated September 2023 (updated January 2024), further demonstrate that units served by alleys will have safe pedestrian circulation to the development's street network, and that emergency access can be provided to the units along the longest alleys within the development. Since adequate access to all the units is provided via the private streets, alleys, and pedestrian circulation system, there is no need for additional public streets within the development. The provision of these elements in lieu of public streets will not affect any adjacent properties. For these reasons, staff find that the PPS, as designed, will not be detrimental to the public safety, health, or welfare, or injurious to other properties, with the approval of this variation.

**(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 site is unique in that the District Council approved the M-X-T Zone for the property, allowing townhouse development, yet the property is a greenfield site encumbered by environmental features that constrain the positions of dwellings.

The positions of dwellings are further constrained by the position of Phase 1 at the corner of MD 223 and the north branch of Marlboro Pike; the regulations of the M-X-T Zone, which require the development to have an outward orientation (Section 27-546(d)(3) of the prior Zoning Ordinance); the Subdivision Regulations, which require a minimum 150-foot lot depth along arterial roadways (Section 24-121(a)(4) of the prior Subdivision Regulations); and the contrasting requirement for appropriate buffering between the development and adjacent land zoned for low-density residential development (Section 4.7 of the 2010 *Prince George's County Landscape Manual* (Landscape Manual)). These factors strongly influence the areas of the site which may be developed, the orientation of the units, and consequently, the locations and routes of streets and alleys provided for access, as well as the locations of open spaces. The layout of the site, encouraged by these factors, is unique to the property and not generally applicable to other properties, and is the condition upon which the variation is based. Therefore, staff find that this criterion is met.

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

Staff are not aware of any law, ordinance, or regulation which would be violated by the granting of this variation. The granting of a variation is unique to the Subdivision Regulations and under the sole authority of the Planning Board.

**(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;**

As described above, there are several aspects of the site's topographical conditions and physical surroundings which affect the regulations applicable to this site, and consequently, constrain the site layout, including the on-site environmental features, the abutting arterial roadway, and the abutting land zoned for low-density residential development. If the strict letter of Section 24-128(b)(7)(A) were to be carried out, a particular hardship to the owner would result because in order to continue to provide alleys to the affected units, the applicant would have to provide public streets for the units to front on, which would be a greater amount of infrastructure required compared to private streets. Since the development can be effectively served by private streets and alleys, there is no need for the greater infrastructure investment. The alternative would be to ensure no lots are served by alleys which do not front on a public street, which would greatly increase the number of front-loaded garage units provided on the private streets. This option may also present a hardship to the applicant, as it would require the applicant to substantially revise their site layout, but would not result in a superior design outcome. For these reasons, 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 evaluated in accordance with the M-X-T Zone. Therefore, this criterion is not applicable.

Staff find that the site is unique to the surrounding properties, and the variation request is supported by the required findings. Approval of the variation will not have the effect of nullifying the intent and purpose of the Subdivision Regulations, but instead will result in a better outcome than could be achieved through strict compliance with the Subdivision Regulations. Therefore, staff recommend approval of the variation from Section 24-128(b)(7)(A), to allow Lots 1–9, Block A; Lots 7–34, Block B; Lots 1–15, Block D; Lots 12–52, Block E; Lots 1–16 and 24–36, Block F; and Lots 1–6 and 34–41, Block G to be served by alleys while not having frontage on a public right-of-way.

7. **Transportation**—This PPS was reviewed for conformance with the MPOT, master plan, and prior Subdivision Regulations to provide the appropriate transportation recommendations.

**Transportation Related Master Plan Conformance**

**Master Plan Right-of-Way**

The subject property fronts MD 223, which is designated as an arterial roadway (A-53) with an ultimate right-of-way of 120–150 feet along the property's western boundary. The dedication of right-of-way previously occurred and was recorded with right-of-way Plat No. 19998. This PPS does not display any additional right-of-way dedication for MD 223 and is consistent with prior approvals.

The subject property is also impacted by the master-planned collector roadway C-605, which has an east-west alignment through the site connecting to MD 223. C-605 is designated with an 80-foot-wide right-of-way and 2 or 4 lanes. This PPS displays the ultimate C-605 right-of-way throughout the subject property. The C-605 alignment is consistent with the approved CSP and is acceptable.

**Master Plan Pedestrian and Bike Facilities**

The MPOT recommends the following facilities which affect the subject site:

- **Shared lanes: Marlboro Pike and Marlboro Pike Extension (C-605) [i.e., on both the north and south branches of Marlboro Pike]**
- **Shared-use path: Woodyard Road (MD 223)**

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 (MPOT, pages 9–10):

**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.**

In addition, the master plan recommends the following:

**Policy 7: Expand, encourage, and promote hiker/biker/equestrian recreational activities (page 105).**

**Strategy 3: Provide shared-use sidepaths or wide shoulders at the time of road improvements at the following locations (page 107):**

- **MD 223 from MD 4 to Livingston Road.**

**Policy 8: Promote and encourage cycling and walking as an alternative to the car for commuting and recreational purposes (page 107).**

**Strategy 1: Incorporate bicycle-compatible road improvements with future frontage improvements or road construction projects (page 107).**

This PPS includes an 8-foot-wide, shared-use path along the east side of MD 223, consistent with the Maryland State Highway Administration standards and previous approvals, and bicycle lanes along C-605. Though the MPOT recommends shared lanes on C-605, the bicycle lanes are a better improvement because they provide dedicated space for bicyclists. Standard sidewalks are shown along both sides of all new roads. Sidewalk retrofit opportunities off-site were identified as part of ADQ-2023-013, to meet bicycle and pedestrian impact statement requirements.

A pedestrian circulation plan was provided to display a continuous route throughout the site, with sidewalks along both sides of the internal roadways and connecting to the roadway frontages. Staff recommend that crosswalks and associated Americans with Disabilities Act curb ramps be provided throughout the site. Staff further recommend that short-term bicycle parking be provided at all proposed recreation areas. Staff find that the



proposed and recommended bicycle and pedestrian facilities will meet the policies of both the MPOT and master plan for complete streets and bicycle and pedestrian facilities.

Based on the findings presented above, staff conclude that multimodal 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.

8. **Public Facilities**—This PPS was reviewed for conformance to the master plan in accordance with Section 24-121(a)(5). The master plan identifies the following goals for public facilities (page 119):
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 proposed development will not impede achievement of any of the above-referenced goals. The analysis provided with approved ADQ-2023-013 illustrates that, pursuant to adopted tests and standards, public safety facilities are adequate to serve the proposed development. There are no police, fire and emergency medical service facilities, public schools, parks, or libraries proposed 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* placed this property in Water and Sewer Category 4, Community System Adequate for Development Planning. The Water and Sewer Plan states that once a property has been changed to Category 4 and meets certain criteria, a plan amendment application to move to Category 3 may be submitted. Category 3 status allows the owner of the property to obtain appropriate water and sewer extension authorization, record the final plat, and subsequently receive building permits. Plan amendments for changes from Category 4 to Category 3, and for public use allocations, are generally approved administratively.

The property is within Tier 2 of the Sustainable Growth Act. Tier 2 are properties currently planned for public sewer service.

9. **Public Utility Easement**—In accordance with Section 24-122(a) of the prior Subdivision Regulations, when utility easements are required by a public company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

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

The standard requirement for public utility easements (PUEs) is 10 feet wide along both sides of all public rights-of-way. The subject property has frontage on MD 223 and the north branch of Marlboro Pike, and proposes a new public street, C-605. The PPS shows the required PUEs along all three public roadways.

In addition, a PUE is required along at least one side of all private streets, pursuant to Section 24-128(b)(12) of the prior Subdivision Regulations. The PPS shows PUEs along at least one side of all private roadways except a segment of Private Street D. Prior to signature approval of the PPS, the plan should be revised to show a PUE along at least one side of the entirety of Private Street D.

10. **Historic**—The master plan includes goals and policies related to historic preservation (pages 161–173). However, these are not specific to the subject site.

The subject property was once part of the large Woodyard plantation patented to Henry Darnall, in 1683. The property was later acquired by Stephen West, who was a Revolutionary War-era industrialist, providing weapons and clothing for the war effort. West held more than 100 enslaved people on his vast landholdings in Prince George’s County. Two tobacco barns on the subject property were recorded on a Maryland Inventory of Historic Properties form, in 1974.

A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicated the probability of archeological sites within the subject property was high. A Phase I archeology survey was completed in August 2023. A total of 580 shovel test pits were excavated across the study area. A total of 34 artifacts were recovered, and one site, 18PR1255, was recorded. Site 18PR1255 was a scatter of historic architectural and domestic artifacts, ranging in date from the late 19th to early 20th centuries. Due to the lack of intact soil deposits and the paucity of artifacts recovered, no further work was recommended on Site 18PR1255.

Staff concur that no additional archaeological investigations are necessary on the subject property, and no further work is recommended. From the standpoint of historic preservation, the PPS may be approved.

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

Development Review Case Number	Associated Tree Conservation Plan Number	Authority	Status	Action Date	Resolution Number
NRI-164-06	N/A	Staff	Approved	4/30/2019	N/A
CSP-18007	TCP1-015-2019	Planning Board	Approved	2/6/2020	2020-19
4-20003	TCP1-015-2019-01	Planning Board	Approved	1/12/2021	2021-11
DSP-20008	TCP2-043-2020	Planning Board	Approved	5/17/2021	2021-24
CSP-18007-01	TCP1-015-2019-02	Planning Board	Approved	10/12/2023	2023-106
4-23007	TCP1-015-2019-03	Planning Board	Pending	Pending	Pending

### Grandfathering

The project is subject to the current regulations of Subtitle 25, and prior regulations of Subtitles 24 and 27, because the application is for a new PPS.

### Site Description

The overall Hope Village development is 37.51 acres. Phase 2 of the project is the subject of this application, and it consists of approximately 34.24 acres. This portion of the site is partially wooded. A review of the approved Natural Resources Inventory Plan (NRI-164-06) indicates that streams, wetlands, and steep slopes occur on the property. There is potential forest interior dwelling species habitat mapped on-site. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species on or in the vicinity of this property. The site has one stream system with two unnamed segments that drain to the southeast. This site is located within the Western Branch of the Patuxent River watershed. The property fronts on MD 223, which is designated as historic, and classified as a master-planned arterial roadway. The site is located within Subregion 6 and is within Environmental Strategy Area 2 (formerly the Developing Tier) of Plan 2035's Regulated Environmental Protection Areas Map. The site is also in the Established Communities of the General Plan Growth Policy map, as designated by Plan 2035, and is shown on the General Plan Generalized Future Land Use map in Plan 2035 as Residential Low. According to the *Green Infrastructure Plan* of the 2017 *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan), the site contains regulated and evaluation areas.

### Environmental Conformance with Applicable Plans

#### Master Plan Conformance

The master plan contains goals, policies, and strategies in the Environmental Infrastructure section. The following guidelines have been determined to be applicable to the current project. The text in **bold** is the policy text from the master plan, and the plain text provides comments on plan 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 (page 68).**

The submitted TCP1 proposes to provide woodland conservation and reforestation within the critical green infrastructure and habitat corridors within the site. All proposed development is contained outside of the REFs, with the exception of

necessary infrastructure such as sewer line connections and the master-planned roadway, which bisects the site.

**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 (page 69).**

The TCP1 proposes to protect the majority of the portions of the site within the regulated areas of the green infrastructure network. Reforestation is proposed to further buffer these sensitive REFs. The property is not in the vicinity of the priority preservation area or the Patuxent River Rural Legacy Program.

As part of this PPS, various plans were included for review which showed key items such as natural features, REFs, slopes, master-planned roadways, open space, utilities, and SWM. These plans helped the determination of where natural resources should be preserved and where development can occur.

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 69).**

This site is located within the Western Branch of the Patuxent River watershed but does not include primary or secondary corridors. Two unnamed stream systems are located on the property, which flow south to the Charles Branch.

The TCP1 proposes to protect the majority of the stream systems within woodland preservation, further buffered by reforestation where possible. The only impacts proposed to the stream systems are those required for development, including a stormwater outfall, utility connection, and a master-planned roadway.

3. **Preserve and connect habitat areas to the fullest extent possible during the land development process (page 69).**

Prior to approval of the Type 2 tree conservation plan (TCP2) for the site, the applicant is required to record a woodland and wildlife habitat conservation easement which contains the woodland preservation and reforestation areas. Prior to the commencement of the grading permit, the applicant is required to place a temporary protective fence along the limits defined in the easement, to protect the woodland conservation during construction.

4. **Preserve or restore regulated areas designated in the green infrastructure network through the development review process for new land development proposals (page 69).**

The TCP1 proposes to preserve the majority of the regulated areas as woodland preservation, providing reforestation to further buffer REFs.

5. **Protect portions of the green infrastructure network outside the primary and secondary corridors to restore and enhance environmental features, habitat, and important connections (page 69).**

The TCP1 proposes to provide reforestation to further protect the environmental features within the green infrastructure network and to restore and enhance important connections to expand potential habitat.

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 (page 69).**

The site is not in the vicinity of the special conservation areas in the master plan. The PPS proposes reforestation to buffer the green infrastructure network. The regulated areas are proposed for preservation to the greatest extent possible, limiting the impacts for master-planned roadways and necessary infrastructure to develop the site.

7. **Preserve and enhance, where possible, grassland habitats that are of critical importance to native and migratory bird species (page 69).**

Grassland habitat was not identified on this site. This site was previously an agricultural use.

**Policy 2: Restore and enhance water quality in degraded areas and preserve water quality in areas not degraded (page 72).**

**Strategies:**

1. **Protect and restore groundwater recharge areas such as wetlands and the headwaters areas of streams and watersheds (page 72).**
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 (page 73).**
9. **Evaluate current right-of-way requirements and opportunities for bioretention and on-site stormwater management in watersheds with ten percent or greater impervious surface (page 73).**

This site is bisected by a master-planned right of way, C-605 Marlboro Pike, which crosses through the REFs and requires a stream crossing. Impacts to the REFs are limited to those required for the master-planned roadway and necessary infrastructure. The TCP1 proposes to place the majority of the sensitive environmental features within woodland preservation. SWM will be reviewed by DPIE, and sediment and erosion control measures will be reviewed by the Prince George's County's Soil Conservation District.

### **Conformance with the Green Infrastructure Plan**

According to the Green Infrastructure Plan, the site contains regulated and evaluation areas. The following policies and strategies are applicable to the subject application. The text in **bold** is the text from the Green Infrastructure Plan, and the plain text provides staff findings 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, re-stored, 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.**
- 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.**

The property is within the Western Branch of the Patuxent River watershed and is not within a Tier II catchment area. The site contains a stream system, which is within the regulated area of the green infrastructure network. The current plan proposes to leave the majority of the stream system undisturbed, and to provide woodland preservation within the stream buffer and primary management area (PMA). Stream crossings are proposed with this application for the master-planned roadway, C-605. Additional impacts to the PMA are proposed and discussed below. The application proposes reforestation and woodland preservation around the on-site stream systems, to further buffer the sensitive areas and protect downstream habitats. Sensitive species habitat was not identified on this site, and it is not in a special conservation area. SWM was reviewed by DPIE, and sediment and erosion control measures will be reviewed by the Prince George's County's Soil Conservation District. The limits of disturbance shown on the SWM plans and the sediment and erosion control plans shall be consistent with the limits of disturbance on the future TCP2 revision.

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

The PPS proposes to minimize the impacts to the green infrastructure network on-site by limiting them to one required stream crossing, to implement a master-planned road; one utility connection; and one stormwater outfall, with the majority of the regulated areas proposed to be protected by woodland conservation. A TCP1 was provided with this application which shows that the required woodland conservation requirement will be met through woodland preservation, reforestation, and off-site credits.

**Policy 3: Ensure public expenditures for staffing, programs, and infrastructure support the implementation of the 2017 GI Plan [Green Infrastructure 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 fragmentation of REFs by transportation systems is proposed with this PPS; however, the environmentally sensitive areas on-site are being impacted for the necessary master-planned roadway, utility connection, and stormwater outfall, resulting in impacts to the PMA.

- 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.**

The master-planned trail along MD 223 proposed with this application is located outside the REFs and their buffers to the fullest extent possible.

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

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

On-site woodland conservation shall be placed in woodland and wildlife habitat conservation easements prior to the certification of the subsequent detailed site plan (DSP) and associated TCP2.

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

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

The proposal has received SWM concept approval from DPIE. The approved concept plan submitted with this application (Plan Approval No. 05557-2024-SDC, Permit No. P32055-2024-SDC) shows use of bio-swales, micro-bioretenment, and submerged gravel wetlands to meet the current requirements of environmental site design to the maximum extent practicable. The TCP1 submitted shows one impact to the PMA for a stormwater outfall. The TCP2 shall be in conformance with the



approved SWM concept plan and any subsequent revisions. No stormwater facilities aside from one stormwater outfall are proposed within the PMA.

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

***General Strategies for Increasing Forest and Tree Canopy Coverage***

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

Woodland exists on-site along the stream systems and throughout the site. This application proposes to provide on-site preservation, on-site reforestation, and off-site credits. Retention of existing woodlands and planting of native species on-site is required by both the Environmental Technical Manual, and the Landscape Manual, which can count toward the tree canopy coverage (TCC) requirement for the development. TCC requirements will be evaluated at the time of DSP review.

***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.**
- 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.**

Clearing of woodland is proposed with the subject application; however, the woodland conservation threshold of 15 percent is proposed to be met with on-site woodland preservation. Woodland conservation is to be designed to minimize fragmentation and reinforce new forest edges. This site does contain potential forest interior dwelling species. Green space is encouraged to serve multiple eco-services.

## **Environmental Review**

### **Natural Resources Inventory/Environmental Features**

An approved Natural Resources Inventory Plan (NRI-164-06) was submitted with the application. The site is partially wooded and contains REFs, steep slopes, streams, wetlands, and their associated buffers comprising the PMA. The site statistics table on the NRI shows 7.81 acres of PMA, with 1,129 linear feet of regulated streams. The site also contains 27 specimen trees, with the majority located within the PMA.

### **Woodland Conservation**

The site is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and contains more than 10,000 square feet of woodland. A Type 1 Tree Conservation Plan (TCP1-015-2019-03) was submitted with this application.

Phase 2 contains approximately 34.24 acres. It contains 0.39 acre of wooded floodplain, and 23.76 acres of woodland. The TCP1 proposes to clear 16.92 acres of woodland, resulting in a total woodland conservation requirement of 9.80 acres, which is proposed to be met with 6.38 acres of on-site preservation, 2.36 acres of afforestation, and 1.06 acres of off-site credits. Technical revisions are required to the TCP1 prior to signature approval of the PPS and are listed in the recommended conditions of this technical staff report.

Two areas of reforestation, labeled as WRA-8 and WRA-9, are proposed along the slopes of submerged gravel wetlands, SGW-2 and SGW-3. Depending on the slope, this reforestation area may not be supported. Prior to signature approval of the PPS, the applicant shall provide a measurement on the slope and confirmation from DPIE and the Prince George's County Soil Conservation District agreeing to the reforestation in close proximity to the stormwater facilities, or else remove these areas of reforestation from the plan.

One reforestation area, identified as WRA-10, is located between a set of townhomes and the sidewalk network along the western frontage of the site. This reforestation area is segmented by the presence of the sidewalk network and further reduced in size when the appropriate setbacks are added. This reforestation area should be evaluated as an area of landscape planting, to meet the preservation and reforestation design guidelines in Subtitle 25-122(b) of the Prince George's County Code.

A woodland and wildlife habitat conservation easement was recorded as part of Phase 1 on TCP2-043-2020 (Book 48381 page 513 of the County Land Records), which showed reforestation on Phase 2 in order to meet the woodland conservation requirements for Phase 1. This easement shall be abandoned prior to the certification of the TCP2 with Phase 2.

### **Specimen Trees**

Section 25-122(b)(1)(G) of the County Code requires that "Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree's condition and the species' ability to survive construction as provided in the [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 Annotated Code of Maryland. Section 5-1611 of the Natural Resources Article requires the local jurisdiction to provide procedures for granting variances to the local forest conservation program. The variance criteria in Prince George's County's WCO are set forth in Section 25-119(d) of the County Code. Section 25-119(d)(4) clarifies that variances granted under Subtitle 25 are not considered zoning variances.

A Subtitle 25 variance dated May 12, 2023, and revised September 11, 2023, was submitted for review with the CSP-18007-01 application. The request included 13 specimen trees identified as ST-2, ST-4, ST-8, ST-9, ST-10, ST-11, ST-21, ST-22, ST-23, ST-24, ST-25, ST-26, and ST-27. The TCP1 shows the location of the trees proposed for removal. These specimen trees are proposed for removal for the development of the site and associated infrastructure. The required findings of Section 25-119(d) were adequately addressed for the removal of 13 specimen trees, and the Planning Board approved the requested variance for the removal of 13 specimen trees for the construction of a mixed-use development with PGCPB Resolution No. 2023-106. No additional specimen trees are requested for removal with this application.

#### **Preservation of Regulated Environmental Features/Primary Management Area**

The site contains regulated environmental features (REF) including streams, stream buffers, wetlands, wetland buffers, and steep slopes which comprise the PMA.

Section 24-130(b)(5) of the prior Subdivision Regulations 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 REF 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 REF. SWM outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, SWM facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site, in conformance with the County Code. Impacts to REFs must first be avoided and then minimized.

A letter of justification and exhibit for PMA impacts were submitted with this application. The letter of justification proposes revisions to the four impacts to the PMA, which were requested with CSP-18007-01, and contains a brief description of each impact. Staff support Impacts 1 through 4.

**Impact 1: Sewer Main**

With CSP-18007-01, Impact 1 proposed 7,275 square feet (0.17 acre) of PMA impacts for the construction of a sewer main. Impact 1 was subsequently revised with this PPS to be reduced to 6,741 square feet (0.15 acre). This development proposes a new sewer line to connect to the proposed sewer line and deeded easement (Book 17537 page 690) through the abutting Galilee property (Parcels 78 and 76) to the south. While impacts for utilities are generally supported if they have been minimized to the extent practicable, this development is reliant on the adjacent property to allow for the construction of a sewer line along the eastern portion of their site. The Galilee property had separate entitlement approvals including a TCP1 associated with PPS 4-16008 (TCP1-003-2016), which expired alongside that PPS. The Galilee property is currently in pre-acceptance review for a new PPS (4-23023). That application proposes a sewer connection to the existing sewer trunk line located along the Galilee property's southernmost point.

The impact on the subject Hope Village property is supported as proposed. For the development proposed with this PPS, the sewer connection is considered necessary for adequate public facilities; however, the connection is reliant on the Galilee property allowing the sewer connection for this property by increasing that property's woodland clearing and PMA impacts. In a meeting held for CSP-18007-01 on August 29, 2023, the applicant for Hope Village stated that the off-site connection on the Galilee property would be addressed with a separate standalone TCP2 for utilities. Impacts to the PMA for the extension on the Galilee property will be evaluated separately when that application is submitted.

**Impact 2: C-605 Extension**

Impact 2 proposes 38,750 square feet (0.89 acre) of PMA impacts for the master-planned right-of-way extension of C-605. This impact proposes a culvert to maintain stream flow and is designed with the intent to minimize impacts to the extent practicable. Realignment of this roadway or relocation would still result in a sizable impact to the PMA. This impact is proposed to implement a master-planned right-of-way and is supported as proposed.

**Impact 3: C-605 Extension**

Impact 3 proposes 22,781 square feet (0.52 acre) of PMA impacts to an isolated wetland for the master-planned right-of-way extension of C-605. The current master-planned alignment of Marlboro Pike (C-605) was previously reviewed in meetings with the Transportation Planning Section, for further minimization, and it was determined that the wetland impact was unavoidable. Realignment of this roadway or relocation would still result in a sizable impact to this REF due to the grading required for this type of roadway. This impact is proposed as the main site access point and is supported as proposed.

**Impact 4: Stormwater Outfall**

With CSP-18007-01, Impact 4 proposed 185 square feet (0.004 acre) of PMA impacts. With this PPS, Impact 4 was subsequently revised to 194 square feet (0.004 acre), for the construction of a stormwater outfall, in association with a micro-bioretenention facility which serves the townhouse units along the eastern property edge. Impacts for outfalls are considered allowable impacts and are generally supported in association with an approved SWM concept plan. This impact is reflective of the approved SWM concept plan and is supported as proposed.

This site contains multiple areas of PMA (7.81 acres total) consisting of steep slopes, wetlands, 100-year floodplain, streams, and wetlands. Four impacts are proposed to the PMA area with this application. Impacts 1 through 4 are supported as proposed.

**Soils**

The predominant soils found to occur, according to the United States Department of Agriculture Natural Resource Conservation Service Web Soil Survey, include Dodon fine sandy loam, Marr-Dodon complex, and Widewater and issue soils. According to available mapping information, unsafe soils containing Marlboro clay or Christiana complexes do not occur on this property. This information is provided for the applicant's benefit.

Based on the foregoing findings, staff find that the PPS conforms to the relevant environmental policies of the master plan and Green Infrastructure Plan, and the relevant environmental requirements of Subtitle 25 and prior Subtitle 24, with the recommended conditions of approval.

- 12. Urban Design**—The proposed development is subject to DSP approval.

**Conformance with the Requirements of the prior Prince George's County Zoning Ordinance**

The applicant proposes 249 lots and 33 parcels for the development of 249 single-family attached dwellings. The use proposed for this property in the Mixed Use-Transportation Oriented (M-X-T) Zone is permitted per Section 27-547 of the prior Prince George's County Zoning Ordinance. In addition, this development is required to file a DSP in accordance with Section 27-546(a) of the prior Zoning Ordinance.

Conformance with the prior Zoning Ordinance is required for the proposed development and will be reviewed at the time of DSP, including but not limited to the following:

- Section 27-544, regarding requirements for the M-X-T Zone, as applicable;
- Section 27-545, Optional method of development;
- Section 27-546, Site plans;
- Section 27-547(d), regarding uses permitted in the M-X-T Zone;
- Section 27-548, regarding regulations in the M-X-T Zone;
- Section 27-548.54, Requirements for Height;

- Part 11, Off-Street Parking and Loading; and
- Part 12, Signs

#### **Conformance with the 2010 Prince George's County Landscape Manual**

Pursuant to Section 27-124.03 of the prior Zoning Ordinance, the proposed development is subject to the Landscape Manual. Specifically, the site is subject to Section 4.1, Residential Requirements; Section 4.2, Requirements from Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; Section 4.9, Sustainable Landscaping Requirements; and Section 4.10, Street Trees along Private Streets. Conformance with the applicable landscaping requirements will be determined at the time of DSP review.

#### **Conformance with the Tree Canopy Coverage Ordinance**

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development projects that propose more than 5,000 square feet of gross floor area or disturbance, and require a grading permit. The subject site is located within the Residential, Multifamily-48 (RMF-48) Zone. Therefore, it is required to provide a minimum of 15 percent of the gross tract area to be covered by tree canopy. The subject site is 34.24 acres and the required TCC is 5.136 acres. Compliance with this requirement will be evaluated at the time of DSP review.

#### **Additional Urban Design Findings**

Blocks B and D feature rear-loaded townhouses whose fronts face each other across narrow open spaces (mews). The submitted plans show that the mews provide both pedestrian circulation and green areas. However, the design of the mews and associated site details will be further evaluated at the time of DSP, to ensure that they are functional and attractive common areas. Specifically, sidewalks and landscaping should be located near the front lot lines to ensure a clear delineation between the private front yards and the common areas.

For a better design outcome, the mews should have primacy as common areas over the alleys at the rears of the dwellings. To help meet this goal, the setbacks between the alleys and the back faces of the rear-loaded units should be minimized to allow greater depth of the units' front yards. The applicant should consider providing rear setbacks that are large enough to allow placement of trash and recycling bins on trash collection days, but not so large as to allow for full parking pads, since the parking requirements for each unit can be met in the garages. This will be evaluated at the time of DSP, when more details are available.

Parcel J includes two recreational areas in the vicinity of Lots 1–6, Block B. In the submitted plan, one of the recreation areas is located behind these lots, which limits its visibility and may limit its use by residents. At the time of DSP, the applicant should consider consolidating the two recreation areas into one larger recreation area along the frontage of Parcel C. This might be accomplished by rotating the lots so that they face Lots 7–13, Block B, across a mew (see below diagram). An additional alley and associated parcel could be approved at the time of DSP, to serve Lots 1–6 without substantially changing the vehicular circulation pattern evaluated with the subject PPS. Landscape screening may be needed in the recreational open space to separate the recreation area and the alley.

## Revised Plan (01.26.2024)

Revised Plan



Recommended Layout



13. **Noise**—The property abuts MD 223, which is an arterial roadway. Therefore, the applicant was required to provide a noise study analyzing whether any noise mitigation would be needed for the subject property.

The most recent standards require that noise must be mitigated to be no more than 65 A-weighted decibels (dBA) continuous equivalent sound level (Leq) during the hours of 7:00 a.m. to 10:00 p.m. (daytime), and no more than 55 dBA/Leq during the hours of 10:00 p.m. to 7:00 a.m. (nighttime), in outdoor activity areas. This method of measurement establishes that the average noise level in outdoor activity areas must be no more than 65 dBA during the daytime and 55 dBA during the nighttime. The most recent standards also establish that noise must be mitigated to be no more than 45 dBA in the interiors of dwelling units.

The Phase I noise study submitted by the applicant follows the current standards. The study delineated the ground level and upper level unmitigated 65 dBA/Leq noise contours during the daytime and the ground level and upper level unmitigated 55 dBA/Leq noise contours during the nighttime. The ground level unmitigated 65 dBA/Leq daytime noise contour and the ground level unmitigated 55 dBA/Leq nighttime noise contour are reproduced on the PPS. The noise study also delineated mitigated noise contours; however, these were based on a site layout that is not up to date with the PPS. The positions of the ground level and upper level mitigated 65 dBA/Leq daytime noise contours and the ground level and upper level mitigated 55 dBA/Leq nighttime noise contours should be determined with a Phase II noise study at the time of the DSP, when the final positions of dwellings and noise mitigation features are known.

The Phase I noise study found that all the proposed common outdoor activity areas would be unaffected by noise levels above 65 dBA/Leq during the daytime and 55 dBA/Leq during the nighttime. However, the rear yards of some dwellings, and some upper-level balconies, if provided, would be affected by noise above the required maximum average levels. More specifically, dwellings in Blocks A, D, and C within approximately 430 feet of the north branch of Marlboro Pike, and dwellings in Blocks E and F within approximately 260 feet of MD 223, are shown in the Phase I noise study within the unmitigated contours. The Phase II noise study should propose noise mitigation to ensure that all outdoor activity areas on the private lots, including rear yards and any upper-level balconies, are not exposed to noise above the required maximum levels. The mitigation may consist of buildings or noise barriers such as fences or berms.

The Phase I noise study also found that the facades of dwellings closest to MD 223 and the north branch of Marlboro Pike would be exposed to noise levels above 65 dBA/Leq. Standard building construction materials are capable of reducing noise levels at building exteriors of up to 65 decibels (dB), to be no more than 45 dB in building interiors. Therefore, to ensure noise levels in the dwelling interiors remain below the required level of 45 dBA, noise mitigation will be required for the dwellings exposed to exterior noise levels above 65 dBA/Leq. This mitigation may consist of upgraded building materials which reduce sound transmission from outside the dwellings. At the time of DSP, when the final positions of the dwellings are known, the Phase II noise study and the DSP should identify which dwellings will need interior noise mitigation. At the time of the building permit for each of these dwellings, the permit should include a certification by a professional engineer with competency in acoustical analysis, stating that the building shell or structure has been designed to reduce interior noise levels in the units to 45 dBA or less.

- 14. Community Feedback**—At the time of the writing of this technical staff report, the Prince George’s County Planning Department did not receive any correspondence from the community regarding any specific concerns for this subject application. However, general interest was expressed, and a citizen was provided with information on the project proposal, how to become a person of record, how to register to speak at the Planning Board hearing, and contact information for further coordination with staff and the applicant.

## RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be revised as follows:
  - a. Show a 10-foot-wide public utility easement along at least one side of the full length of Private Street D.
  - b. Consolidate the undesignated strip of land between Private Street D and Lot 45, Block E into the lot.
  - c. Revise the legend to include the symbology for the 65 dBA/Leq and 55 dBA/Leq ground-level noise contours, and to remove the symbology for the 65 dBA/Ldn noise contour.



- d. Revise the density in General Note 14 to use the net tract area instead of the gross tract area.
  - e. Revise the development standards table to remove the minimum front setback, as the setbacks will be determined with the detailed site plan.
  - f. Revise General Note 21 to include the approval date of the stormwater management concept plan.
  - g. Add a general note indicating approval of a variation from Section 24-128(b)(7)(A) of the prior Prince George's County Subdivision Regulations.
  - h. Correct the acreage expressed on the plan to clarify the total acreage of Hope Village to be 37.5074 acres, with Phase 1 being 3.2672 acres and Phase 2 being 34.2402 acres.
2. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised, as follows:
- a. Add the approval information for Conceptual Site Plan CSP-18007-01 to the Environmental Planning Section approval block.
  - b. Provide a measurement on the slope and confirmation from the Prince George's County Department of Permitting, Inspections and Enforcement and the Prince George's County Soil Conservation District agreeing to the reforestation in close proximity to the stormwater facilities, or else remove these reforestation areas from the plan.
  - c. Revise the TCP1 to provide dimension lines on all woodland conservation preservation and reforestation areas, to demonstrate that these areas meet the design criteria provided in Subtitle 25-122(b) of the Prince George's County Code, and revise any areas that do not meet the design criteria to meet them.
  - d. Update the soils table to be consistent with the approved natural resources inventory plan.
  - e. Correct the acreage expressed on the plan to clarify the total acreage of Hope Village to be 37.5074 acres, with Phase 1 being 3.2672 acres and Phase 2 being 34.2402 acres.
3. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan (Plan Approval No. 05557-2024-SDC, Permit No. P32055-2024-SDC) and any subsequent revisions.
4. Prior to approval, the final plat of subdivision shall include:
- a. Dedication of the proposed public right-of-way for C-605 (Marlboro Pike extension).

- b. The granting of public utility easements along both sides of all public streets, and along at least one side of all private streets.
  - c. A note indicating approval of a variation from Section 24-128(b)(7)(A) of the prior Prince George's County Subdivision Regulations
- 5. In accordance with Section 24-135(b) of the prior Prince George's County Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees shall allocate appropriate and developable areas for, and provide adequate on-site recreational facilities.
- 6. The on-site recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division of the Prince George's County Planning Department, for adequacy and proper siting, in accordance with the Park and Recreation Facilities Guidelines, with the review of the detailed site plan (DSP). Timing for construction shall also be determined at the time of DSP.
- 7. Prior to submission of the final plat of subdivision for any residential lot/parcel, the applicant and the applicant's heirs, successors, and/or assignees shall submit an executed private recreational facilities agreement (RFA) to the Development Review Division (DRD) of the Prince George's County Planning Department, for construction of on-site recreational facilities, for approval. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records, and the Book and page of the RFA shall be noted on the final plat prior to plat recordation.
- 8. Prior to approval of building permits for residential development, the applicant and the applicant's heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for construction of recreational facilities.
- 9. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* and the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment*, the applicant shall provide the following facilities and show the following facilities on the detailed site plan, prior to its acceptance:
  - a. A minimum 8-foot-wide shared-use path along the frontage of MD 223 (Woodyard Road).
  - b. A minimum 5-foot-wide sidewalk along the frontage of Marlboro Pike (north branch).
  - c. A minimum 5-foot-wide sidewalk along both sides of C-605 (Marlboro Pike extension) and associated crosswalks and Americans with Disabilities Act curb ramps.
  - d. Minimum 5-foot-wide sidewalk along both sides of all internal roadways and associated crosswalks and Americans with Disabilities Act curb ramps.
  - e. Standard bicycle lanes along the frontage of Marlboro Pike and C-605 (Marlboro Pike extension).

- f. Crosswalks and Americans with Disabilities Act curb ramps crossing all vehicular access points.
  - g. Short-term bicycle parking at all recreation areas.
- 10. Prior to approval of a final plat, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a homeowners association (HOA) has been established for the subdivision. The applicant shall also demonstrate that the HOA is part of the business owners association for the overall Hope Village development. The draft covenants shall be submitted to the Subdivision Section of the Development Review Division of the Prince George's County Planning Department, to ensure that the rights of the Maryland-National Capital Park and Planning Commission Prince George's County Planning Board are included. The Book/page of the declaration of covenants shall be noted on the final plat, prior to recordation.
- 11. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey land to the homeowners association, as identified on the approved preliminary plan of subdivision. 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 conformance with an approved Type 1 Tree Conservation Plan, TCP1-015-2019-03. The following note shall be placed on the final plat of subdivision:

“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan TCP1-015-2019-03, or most recent revision, or as modified by the Type 2 tree conservation plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance (WCO). This property is subject to the notification provisions of CB-60-2005. Copies of all approved tree conservation plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George’s County Planning Department.”
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 and wildlife habitat conservation easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 tree conservation plan, when approved.”
14. At the time of final plat of subdivision, 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 the issuance of any permits which impact 100-year floodplain, wetlands, wetland buffers, streams or waters of the United States, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
16. Prior to the issuance of the first permit, the final erosion and sediment control plan shall be submitted. The limits of disturbance shall be consistent between the plans.
17. Prior to issuance of the first permit, the final location of stormwater management (SWM) features on the Type 2 tree conservation plan shall be reflective of the approved SWM concept plan. The limits of disturbance shall be consistent between the plans.
18. Prior to approval of a final plat of subdivision for the development, a draft public use easement or covenant for the master-planned trail along MD 223 (Woodyard Road), shall be reviewed and approved by the Prince George’s County Planning Department of the Maryland-National Capital Park and Planning Commission (M-NCPPC) and be fully executed. The easement or covenant documents shall set forth the rights, responsibilities,

and liabilities of the parties and shall include the rights of M-NCPPC's Prince George's County Planning Board. The limits of the easement shall be reflected on the final plat. The easement or covenant shall be recorded in the Prince George's County Land Records, and the Book/page of the easement or covenant shall be indicated on the final plat, prior to recordation.

19. Prior to acceptance of a detailed site plan (DSP), the applicant shall submit a Phase II noise study based on the final site layout and building architecture. The study shall demonstrate that outdoor activity areas (including, but not limited to rear yards and any upper-level balconies) will be mitigated to 65 dBA/Leq or less during the hours of 7:00 a.m. to 10:00 p.m., and 55 dBA/Leq or less during the hours of 10:00 p.m. to 7:00 a.m., and that the interiors of dwelling units will be mitigated to 45 dBA or less. The DSP shall show the locations and details of features provided for outdoor noise mitigation. The ground level mitigated 65 dBA/Leq noise contour, ground level mitigated 55 dBA/Leq noise contour, upper level mitigated 65 dBA/Leq noise contour, and upper level 55 dBA/Leq noise contour shall be delineated on the DSP, accounting for the locations of all noise barriers.
20. Prior to approval of a building permit for any residential building identified on the detailed site plan as being affected by noise levels exceeding 65 dBA/Leq, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permit, stating that the building shell or structure has been designed to reduce interior noise levels to 45 dBA or less.
21. At the time of detailed site plan, the location and width of the master-planned trail along MD 223 (Woodyard Road) and an associated public use easement shall be shown on the plans.

**STAFF RECOMMEND:**

- Approval of Preliminary Plan of Subdivision 4-23007
- Approval of Type 1 Tree Conservation Plan TCP1-015-2019-03
- Approval of a Variation from Section 24-128(b)(7)(A)