



The Maryland-National Capital Park and Planning Commission

PRINCE GEORGE'S COUNTY
Planning Department

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Preliminary Plan of Subdivision Galilee Baptist Church

4-23023

REQUEST	STAFF RECOMMENDATION
Two parcels for 38,988 square feet of institutional development.	With the conditions recommended herein: <ul style="list-style-type: none">• Approval of Preliminary Plan of Subdivision 4-23023• Approval of Type 1 Tree Conservation Plan TCP1-003-2016-01• Variance from Section 25-122(b)(1)(G)

Location: On the east side of MD 223 (Woodyard Road), approximately 0.6 mile south of its intersection with MD 4 (Pennsylvania Avenue).



Gross Acreage:	49.97
Zone:	AR/MIO
Prior Zone:	R-A/M-I-O
Reviewed per prior Subdivision Regulations:	Section 24-1900
Gross Floor Area:	38,988 sq. ft.
Dwelling Units:	N/A
Lots:	0
Parcels:	2
Planning Area:	82A
Council District:	09
Municipality:	N/A

Applicant/Address:
Galilee Baptist Church
2101 Shadyside Avenue
Suitland, MD 20746

Staff Reviewer: Mridula Gupta
Phone Number: 301-952-3504
Email: Mridula.Gupta@ppd.mncppc.org

Planning Board Date:	05/30/2024
Planning Board Action Limit:	09/02/2024
Mandatory Action Timeframe:	140 days
Staff Report Date:	05/16/2024
Date Accepted:	03/14/2024
Informational Mailing:	08/16/2023 02/05/2024
Acceptance Mailing:	03/06/2024
Sign Posting Deadline:	04/30/2024

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

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THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-23023
Type 1 Tree Conservation Plan TCP1-003-2016-01
Variance from Section 25-122(b)(1)(G)
Galilee Baptist Church

OVERVIEW

The subject property includes two parcels, known in the Maryland State Department of Assessments and Taxation as Parcels 76 and 78, recorded by deed in the Prince George's County Land Records in Book 30474 page 41, dated March 26, 2009. The property is in the Agricultural-Residential (AR) Zone. The property is also overlaid by the Military Installation Overlay (MIO) Zone for height. However, this application is being reviewed in accordance with the Prince George's County Zoning Ordinance and Prince George's County Subdivision Regulations, effective prior to April 1, 2022 (the "prior Zoning Ordinance" and "prior Subdivision Regulations") pursuant to Section 24-1903(a) of the Subdivision Regulations. This application is therefore reviewed pursuant to the standards of the prior Residential-Agricultural (R-A) and prior Military Installation Overlay (M-I-O) Zones for the property, which were in effect prior to April 1, 2022. The site is subject to the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* (master plan).

The 49.97-acre property is bifurcated by master-planned collector road C-606 (Osborne Road Relocated), which is proposed to be dedicated throughout its length within the subject property, thus creating two parcels, Parcel 1 (38.43 acres) and Parcel 2 (8.52 acres), which are proposed with this preliminary plan of subdivision (PPS). The applicant proposes development of a 38,988-square-foot church with 800 seats on Parcel 1. No development is proposed on Parcel 2 at this time. Parcel 2 is instead proposed for woodland preservation. Depending on what is ultimately proposed for Parcel 2, future development approvals may be required. The subject PPS qualifies for review under the prior Zoning Ordinance and prior Subdivision Regulations because it meets the requirements of Section 24-1904 of the current Subdivision Regulations. In accordance with Section 24-1904(a), a pre-application conference was held on August 11, 2023. In accordance with Section 24-1904(b), the applicant provided a statement of justification (SOJ) explaining why they were requesting to use the prior regulations. In accordance with Section 24-1904(c) of the Subdivision Regulations, this PPS is supported by and subject to approved Certificate of Adequacy ADQ-2023-043.

The property is currently partially used for agriculture. There is an existing farm structure on Parcel 78 which will be razed.

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

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

SETTING

The subject site is located on Tax Map 100 in Grids A4, B3, and B4, and is within Planning Area 82A. The property is located on the east side of MD 223 (Woodyard Road), approximately 0.6 mile south of its intersection with MD 4 (Pennsylvania Avenue).

The site is bounded to the north by undeveloped land currently used for agricultural purposes in the Residential, Multifamily-48 Zone (formerly the Mixed Use-Transportation Oriented Zone), which received PPS approval for single-family residential development, pursuant to PPS 4-23007. The property is bound to the south by single-family detached dwellings in the AR Zone (formerly the R-A Zone); and to the east by vacant, Maryland-National Capital Park and Planning Commission-owned property in the AR Zone (formerly the R-A Zone). To the west of the property lies the right-of-way (ROW) of MD 223 with single-family detached dwellings in the Residential, Rural Zone (formerly the Rural Residential Zone) beyond.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

	EXISTING	EVALUATED
Zone	AR/MIO	R-A/M-I-O
Use(s)	Vacant	Institutional
Acreage	49.97	49.97
Lots	0	0
Parcels	2	2
Dwelling Units	0	0
Gross Floor Area	0	38,988 square feet
Subtitle 25 Variance	No	Yes, 25-122(b)(1)(G)
Variation	No	No

The subject PPS was accepted for review on March 14, 2024. Pursuant to Section 24-119(d)(2) of the prior Subdivision Regulations, this case was referred to the Subdivision and Development Review Committee (SDRC), which held a meeting on March 29, 2024, where comments were provided to the applicant. Revised plans were received on April 25, 2024, which were used for the analysis contained herein.

- Previous Approvals**—PPS 4-16008 was approved for the subject property by the Prince George’s County Planning Board on September 29, 2016, for 73,673 square feet of institutional development on two parcels. However, this prior PPS has expired. A PPS and

final plat are required, to allow construction of more than 5,000 square feet of nonresidential development, prior to approval of building permits.

Parcels 76 and 78 were formally part of a larger parent parcel known as Parcel 6. Parcel 76 was legally subdivided by deed (by inter-family transfer) from Parcel 6 in 1981 (Liber 5478 folio 975), in accordance with Section 24-107(c)(3) of the prior Subdivision Regulations and was therefore limited for use as a single-family detached dwelling. Although no development is proposed on that portion of the property (Parcel 76), by including it in the subject PPS, it will no longer be subject to this restriction.

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 Parcels 76 and 78, which validated the division of Parcel 78. However, PPS 4-16008 expired in 2022, before any final plats were filed. In the interim, PPS 4-20003, titled Hope Village, was approved for the remainder of Parcel 6 in 2021, thus revalidating subdivision of the parent Parcel 6. Approval of the subject PPS for Parcel 78 will allow the validation of the subdivision of Parcel 6 to continue, and the parcels of the new subdivision to be recorded.

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

Plan 2035

Plan 2035 places this subject site in the Established Communities Growth Policy Area. "Plan 2035 classifies existing residential neighborhoods and commercial areas served by public water and sewer outside of the Regional Transit Districts and Local Centers, as Established Communities. Established Communities are most appropriate for context-sensitive infill and low- to medium-density development. 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

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

The master plan recommends institutional and residential low land use on the subject property. The proposed use, a place of worship, conforms to the recommended land use. In addition, the PPS shall conform to other relevant master plan policies and strategies that are applicable to the subject property. These strategies are discussed further, below and throughout this technical staff report:

Development Pattern and Land Use - Developing Tier (page 58)

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.

Strategies

2. Preserve and expand areas of institutional and public and private open space.

The PPS evaluates institutional development on the subject property, which is in line with this strategy, to expand institutional use in this tier.

Aviation/MIOZ

This application is within the Imaginary Surface E of the Military Installation Overlay (M-I-O) Zone. Pursuant to Section 27-548.54 of the prior Zoning Ordinance, at the time of building permit, a licensed engineer (or qualified professional of competent expertise) shall certify that structures do not exceed the height established by the Impact Map for Height, utilizing the formulae and methodology set forth in Section 27-548.54(e). Conformance with this requirement will be further evaluated at the time of permit review when buildings are proposed.

Zoning

The master plan retained this property in the R-A Zone. On November 29, 2021, the Prince George's County District Council approved CR-136-2021, the Countywide Sectional Map Amendment (CMA), which reclassified the subject property from the R-A Zone to the AR Zone, effective April 1, 2022. However, this application was reviewed pursuant to the prior R-A zoning.

- 4. Stormwater Management**—An application for a major subdivision must include an approved stormwater management (SWM) concept plan, or indication that an application for such approval has been filed with the appropriate agency or municipality having approval authority. An approved SWM Concept Plan (29538-2016-00) was submitted with this application. The plan shows the stormwater requirements are to be met with 36 micro-bioretention facilities and 14 permeable pavement facilities. This SWM concept plan shows an older layout, which shows a larger parking area. The current conceptual layout, as shown on the Type 1 tree conservation plan (TCP1), shows a greatly reduced parking area and additional woodland conservation on-site. The PPS and TCP1 are consistent with the approved SWM concept plan, since the design demonstrates that SWM can be met for a larger impervious area than that shown on the TCP1.

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

- 5. Parks and Recreation**—Sections 24-134 and 24-135 of the prior Subdivision Regulations, 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 recreational facilities to meet the park and recreation needs of the residents of a subdivision. This application is exempt from Section 24-134, the parkland dedication requirement, because it is a nonresidential development.

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

Master Plan Right-of-Way

The subject property fronts MD 223, which is designated as a master-planned arterial road (A-53) with a recommended ultimate ROW of 120–150 feet along the property’s western boundary. The PPS includes proposed ROW dedication, to accommodate a width of 60 feet from the future centerline of MD 223 along the property frontage.

The subject property is also impacted by the master-planned collector roadway, C-606, which runs east-west through the property. This master plan roadway will connect MD 223 with US 301 (Robert Crain Highway). This PPS proposes to dedicate the portion of C-606 ROW that traverses the property. The access to the subject property is proposed from this ROW. C-606 is recommended as an 80-foot-wide ROW with four lanes and shall be designed in accordance with the Prince George’s County Department of Public Works and Transportation (DPW&T) Urban 4-Lane Collector Road (Standard 100.03).

Staff find the proposed dedications conform to the requirements of the MPOT and the master plan and will be adequate to serve the additional traffic generated by the project.

Master Plan Pedestrian and Bike Facilities

The MPOT recommends the following master-planned facilities:

- Planned Side Path: MD 223
- Planned Shared Use Facility: C-606

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

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

Policy 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 site is subject to the master plan, which includes the following policies and strategies (pages 105–108):

Policy 7: Expand, encourage, and promote hiker/biker/equestrian recreational activities.

Strategies

3. Provide shared-use side paths or wide shoulders at the time of road improvements at the following locations:

- **MD 223 from MD 4 to Livingston Road (Subregion 5).**

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

Strategies

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

Staff recommend an 8-foot-wide shared-use path along the east side of MD 223 be provided, consistent with the Maryland State Highway Administration (SHA) standards and consistent with the Hope Village development, approved just north of the site. Staff also recommend that a 5-foot-wide sidewalk and 5-foot-wide bicycle lanes, as consistent with the DPW&T design standard mentioned above, be provided along C-606, to accommodate the future connections of bicyclists and pedestrians to and from this site to adjacent properties and transportation networks. Conditions requiring that these facilities be shown on the permit site plan have been included herein.

Site Access and On-site Circulation

The ROW for C-606 is proposed to be partially improved to provide access to the subject property. Approximately 400 linear feet of C-606 is proposed to be constructed, along with one full-movement vehicular access point, approximately 300 feet from its intersection with MD 223, which will provide access to the development. Staff recommend that crosswalks and associated Americans with Disabilities Act (ADA) curb ramps be provided at all vehicular access points, to facilitate pedestrian movement throughout the site. A condition requiring that these facilities be shown on the permit site plan has been included herein.

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

7. **Public Facilities**—This PPS was reviewed for conformance to the master plan, in accordance with Section 24-121(a)(5) and 24-122(b) of the prior Subdivision Regulations. The master plan identifies the following goals for the provision of public facilities, which are relevant to the review of this PPS (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 project will not impede achievement of the above-referenced goals or specific facility improvements. This PPS is subject to ADQ-2023-043, which established that pursuant to adopted tests and standards, public safety facilities are adequate to serve the proposed development. There are no master-planned police, fire and emergency medical service facilities, public schools, parks, or libraries proposed on the subject property.

The subject property is located in Planning Area 82A, known as Rosaryville. The 2024–2029 Fiscal Year Approved Capital Improvement Program (CIP) budget does not identify any new public facilities proposed for the planning area.

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

Section 24-122.01(b)(1) of the prior Subdivision Regulations states that the location of the property, within the appropriate service area of the Ten-Year Water and Sewerage Plan, is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for PPS or final plat approval. The 2018 *Water and Sewer Plan* placed this property in Water and Sewer Category 4, Community System Adequate for Development Planning. Category 4 includes properties inside the envelope eligible for public water and sewer, for which the subdivision process is required. In addition, the property is within Tier 1 of the Sustainable Growth Act. Tier 1 includes those properties served by public sewerage systems. For a project located inside the water and sewer envelope to advance to permitting (public water and sewer), a water and sewer category of 3 is required. The applicant will need to secure an administrative water and sewer category change, prior to approval of the final plat.

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

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

The standard requirement for public utility easements (PUEs) is 10 feet wide along both sides of all public ROWs. The subject property has frontage on MD 223 to the west. The PPS also proposes dedication of master plan C-606 ROW through the property. The PPS shows PUEs along both ROWs, at a minimum of 10 feet wide.

9. **Historic**—The subject property was once part of a large plantation known as the Woodyard, throughout the eighteenth and early-nineteenth centuries. The Woodyard was established by Henry Darnall, who was a wealthy planter and proprietary agent of Charles Calvert (third Lord of Baltimore) and served as Deputy Governor of Maryland for a time. Through his connections to the Calvert family, Darnall acquired large amounts of land, wealth, and political power. Large numbers of enslaved people worked the land, which was divided into various quarters, operated by overseers.

Under the ownership of Stephen West, the Woodyard plantation was an important supplier of the Continental Army. It was also an encampment site for American forces during the British march on Washington in 1814. During the late-nineteenth and early-twentieth centuries, the Woodyard plantation was further divided into smaller farms, but was still owned by descendants of Stephen West. In the 1920s, smaller parcels of the former plantation were sold off, and later subdivided.

The master plan also identifies a number of heritage themes relevant to the subject property including Agricultural Heritage, Archeological Areas, African American History, and Military History (pages 163–164). The master plan also contains goals and policies related to Historic Preservation (page 162) that are relevant to the subject property:

Historic and Cultural Resources – Goals:

1. **Encourage local stewardship and pride by implementing strategies that will increase public knowledge of the area’s cultural assets and historic preservation procedures.**
2. **Ensure that historic sites and resources as part of the subregion’s rich cultural heritage are properly documented and protected from the onset of new development through proper and consistent historic preservation practices.**

To meet these goals, a Phase I archeological survey was conducted on the subject property in July 2016. A pedestrian reconnaissance survey was conducted in areas of the property included within a series of community gardens. Shovel test pits were excavated in other areas of the property with relatively level topography and less than 50 percent visibility. Several historic artifacts, and one possible prehistoric artifact, were identified in the northwestern portion of the property. The artifact scatter was widely dispersed, and therefore, a site number was not assigned. An area that contained small flecks of brick was also identified to the south of the artifact scatter and to the south of the remnant of an old roadbed. It is believed that this may have been the site of an agricultural building that was demolished prior to 1938, as nothing is visible in the aerial photographs from that year. No other artifacts were found in association with the brick flecks, and an archeological site was not delineated. Any trace of this building was likely destroyed by continued plowing of the

area. In summary, no archeological sites were delineated on the subject property and no further archeological investigations are recommended.

This proposal will not impact any known Prince George's County historic sites, historic resources, or archeological resources.

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

Development Review Case Number	Associated Tree Conservation Plan or Natural Resource Inventory	Authority	Status	Action Date	Resolution Number
N/A	NRI-139-06	Staff	Dormant	4/28/2016	N/A
N/A	NRI-104-2016	Staff	Approved	5/17/2016	N/A
4-16008	TCP1-003-2016	Planning Board	Approved	9/26/2016	16-116
N/A	TCP2-001-2019	Staff	Pending	Pending	Pending
4-23023	TCP1-003-2016-01	Planning Board	Pending	Pending	Pending

Grandfathering

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

Environmental Site Description

Based on available information, the site contains streams, wetlands, steep slopes, and 100-year floodplain, which make up the primary management area (PMA). The site is in the Charles Branch watershed of the Western Branch of the Patuxent River basin. Based on available information, Marlboro clay is not found to occur in the vicinity of this property, nor are Christiana complexes. MD 223 is classified as an historic road.

Prince George's Plan 2035

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

ENVIRONMENTAL CONFORMANCE WITH APPLICABLE PLANS

Master Plan

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

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.

The majority of the eastern and southern portions of the site are within the green infrastructure network. Evaluation and regulated areas are found to coincide within the woodland on-site and the portion of Charles Branch, respectively. The TCP1 proposes to preserve the majority of all green infrastructure areas, with the exception of an impact for a stormwater outfall structure and two impacts for a sewer line.

A master plan ROW (C-606) is shown through the site. The future development of this ROW would result in impacts to the regulated area, specifically to the PMA, where a stream crossing would be necessary to construct the road. These impacts are necessary for the development of the site and planned circulation, and will be further evaluated to minimize, as needed. Based on the minimization of disturbance inside the green infrastructure network, this proposal meets the intent of protecting critical resources.

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

This development proposal is to construct an institutional facility with parking and infrastructure. The site currently has an approved SWM concept plan and associated SWM concept approval letter.

The SWM concept plan shows how this site will meet environmental site design to the maximum extent practicable. SWM is discussed further in the Stormwater Management finding of this technical staff report.

Policy 4: Protect, restore and enhance the Chesapeake Bay Critical Area.

The subject property is not located in the Chesapeake Bay Critical Area.

Policy 7: Encourage the use of green building techniques and community design that reduce resource and energy consumption.

The development applications for the subject property, which require architectural approval, should incorporate green building techniques and the use of environmentally sensitive building techniques, to reduce overall energy consumption. The use of green building and energy conservation techniques is encouraged to be implemented to the greatest extent possible.

Policy 8: Reduce energy usage from lighting, as well as light pollution and intrusion into residential, rural, and environmentally sensitive areas.

The site has existing, adjacent residential uses to the south of this property as well as to the west of MD 223. Additional development is also proposed to the north of the site. Woodland preservation is proposed adjacent to the building, driveways, and parking areas on the site. Light intrusion into the on-site and off-site natural

areas to be preserved and into adjacent residential areas should be avoided through the use of full cut-off optics. In accordance with Section 27-562 of the prior Zoning Ordinance, lighting for parking lots shall be arranged so as not to reflect or glare on land used for residential purposes. This requirement will be applicable at the time of permit review. Lighting techniques will be evaluated at that time for compliance. It is anticipated that the proposed lighting will be located near the existing church building and driveway areas central to the site, and thus will have minimal impact on adjoining properties.

2017 Green Infrastructure Plan

The 2017 *Countywide Green Infrastructure Plan* was approved on March 17, 2017, with the adoption of the 2017 *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (CR-11-2017). According to the approved *Countywide Green Infrastructure Plan*, this site 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 master 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 2035.

Strategies

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

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 majority of the eastern and southern portions of the site are within the green infrastructure network. Evaluation and regulated areas are found to coincide within the woodland on-site and the portion of Charles Branch, respectively. The property is within the Western Branch of the Patuxent River watershed and is not within a Tier II catchment area. Three impacts to the PMA are proposed: one for a stormwater outfall and two for sewer line connection. The current plan proposes to leave the majority of the stream system undisturbed, and to provide woodland preservation within the stream buffer and PMA. The application proposes 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 (PGSCD).

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 on the green infrastructure network on-site by limiting impacts to only woodland clearing in the evaluation areas. The impacts to regulated areas proposed are limited to stormwater and utilities. The remainder is to be protected by woodland conservation, thereby retaining and preserving the continuous network of regulated environmental areas on-site. The TCP1 shows that the required woodland conservation requirement will be met through on-site woodland preservation reforestation credits. No off-site mitigation is required.

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

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

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

No fragmentation of regulated environmental features (REF) by transportation systems is proposed with the subject PPS.

- 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.**

No trail systems are proposed with this PPS.

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 Type 2 tree conservation plan (TCP2). The REF not approved to be impacted shall also be placed in a conservation easement.

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

Strategies

- 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 approved SWM concept plan submitted with this PPS shows use of micro-bioretenment and permeable pavers, located outside of the REF, to meet the current requirements of environmental site design to the maximum extent practicable. Existing vegetation around the on-site stream will be preserved.

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 system and throughout the site. This application proposes to provide on-site preservation and reforestation credits. Retention of existing woodlands and planting of native species on-site is required by both the Environmental Technical Manual (ETM), and the 2010 *Prince George's County Landscape Manual* (Landscape Manual), which can count toward the tree canopy coverage requirement for the development.

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.**

Tree Canopy Strategies

- 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 is proposed to be met fully on-site. Woodland conservation is to be designed to minimize fragmentation and reinforce new forest

edges. Proposed woodland conservation and reforestation are located on the east portion of the site, and adequately buffer the PMA. This site does contain potential forest interior dwelling species. Green space is encouraged to serve multiple eco-services. Tree canopy coverage requirements will be evaluated at the time of the permit plan review.

ENVIRONMENTAL REVIEW

Natural Resources Inventory

The Natural Resources Inventory, NRI-104-2016, was approved on May 17, 2016. In order to remain valid for this PPS, the NRI received a one-year revalidation and is valid until January 26, 2025. All existing features shown on the TCP1 and PPS are in conformance with the NRI.

Woodland Conservation

This property 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 existing woodland. A Type 1 Tree Conservation Plan (TCP1-003-2016-01) was submitted with the PPS application.

The 49.97-acre site contains 31.11 acres of existing woodland on the net tract and 3.38 acres of woodland within the 100-year floodplain. The site has a woodland conservation threshold of 22.78 acres, or 50 percent of the net tract, as tabulated. A total of 9.08 acres of woodland and 0.02 acre of wooded floodplain is proposed to be cleared with this application. The applicant is proposing to meet the full requirements on-site with 22.03 acres of preservation and 3.60 acres of reforestation.

The TCP1 has been reviewed and requires technical revisions, to be in conformance with the applicable 2010 WCO.

Specimen Trees

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

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

A Subtitle 25 variance application and SOJ in support of a variance was received on April 25, 2024, and dated February 15, 2024.

Section 25-119(d)(1) of the WCO contains six required findings to be made before a variance can be granted. The letter of justification submitted seeks to address the required findings for the specimen trees. Details specific to individual trees have also been provided in the following chart.

**Specimen Tree Schedule Summary
for two trees proposed for removal on TCP1-003-2016-01**

Specimen Tree Number	Common Name	DBH (in inches)	Condition	Applicants' Proposed Disposition
8	Yellow Poplar	31	Fair	Remove
9	Yellow Poplar	37	Fair	Remove

A variance from Section 25-122(b)(1)(G) is requested for the clearing of the two specimen trees on-site. The current proposal for this property is to develop the site as a place of worship. This variance is requested to the WCO, which requires under Section 25-122 of the Zoning Ordinance, that "woodland conservation shall be designed as stated in this Division unless a variance is approved by the approving authority for the associated case". The subtitle variance application form requires an SOJ of how the findings are being met.

The text below in **BOLD**, labeled A–F, are the six criteria listed in Section 25-119(d)(1). The plain text provides responses to the criteria:

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

The southern and eastern portions of the property feature significant areas of REF, with the majority of specimen trees on-site located in or near the PMA. This constitutes a special condition that would cause an unwarranted hardship were the applicant required to retain all specimen trees. Generally, the proposed development will be located in areas of the site that have been cleared and have no specimen trees. However, both Specimen Trees ST-8 and ST-9 must be removed for the placement of a gravity fed sewer line. The location of the sewer line is generally driven by the slope of the property and to serve the site's sewer needs. In addition, it has also been located to avoid impacts to the extensive areas of PMA, REF, and specimen trees on the property. Moving the proposed sewer line elsewhere, while still providing adequate sewer for the proposed development, would result in greater impacts to the REF and specimen trees. Therefore, requiring the applicant to retain the two specimen trees on-site could push the sewer line further into the PMA, unnecessarily. Therefore, it would cause the applicant an unwarranted hardship.

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

Approval of a variance for removal of the specimen trees is necessary to ensure that the applicant is afforded the same considerations provided to owners of other properties that encounter similar conditions and in similar locations on a site. The trees that are proposed for removal are located near

the proposed sewer line. The rest of the specimen trees on-site and within the PMA will be preserved.

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

Not granting the variance would prevent the project from being developed in a functional and efficient manner. This is not a special privilege that would be denied to other applicants. If other properties encounter trees in similar locations on a site, the same considerations would be provided during the review of the required variance application.

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

The removal of the trees as a result of their location on the property, and the limitations on site design, are not the result of actions by the applicant. The removal of the two specimen trees is requested to achieve optimal development for necessary infrastructure.

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

The request to remove the specimen trees does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property.

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

Granting the variance will not adversely affect water quality because the applicant is required to meet current SWM requirements on-site. SWM requirements will be evaluated by DPIE, and additional information regarding the proposed stormwater facilities can be located in the stormwater section of this memorandum. Sediment and erosion control measures for this site will be subject to the requirements of PGSCD. The removal of the two specimen trees will not result in a marked degradation of water quality.

The applicant proposes to remove Specimen Trees ST-8 and ST-9, in order to develop a new public utility line. The required findings of Section 25-119(d) have been adequately addressed for the removal of the two specimen trees. After evaluating the applicant's request, staff supports the request to remove Specimen Trees ST-8 and ST-9.

Regulated Environmental Features/Primary Management Area

Impacts to 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 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 County Code.

The site contains REF. According to the TCP1, impacts are requested for a stormwater outfall and sewer line. An SOJ has been received for the proposed impacts to wetlands, wetland buffer, and stream buffer, all within the PMA.

As previously mentioned, a master plan ROW, C-606, is planned along the southern boundary of Parcel 78, per MPOT. The ROW is not proposed to be constructed along its entire frontage of the subject property. Full construction of C-606 will impact a portion of PMA located in the eastern portion of the ROW, and these impacts will be evaluated at that time.

Statement of Justification

The SOJ includes a request for four impacts to the PMA, totaling approximately 8,114 square feet (0.19 acre) on-site, consisting of a stormwater outfall, two impacts for sewer connections, and a 10-foot-wide PUE along MD 223.

Analysis of Impacts

Based on the SOJ, the applicant is requesting a total of four impacts described below:

PMA Impact 1

Impact 1 is for 1,665 square feet (0.04 acre) of PMA impacts for a sewer line, which runs north to south through the site. This location was chosen as a connection point from the development to the north, known as Hope Village Phase 2 (4-23007). Due to the nature of the stream system on-site, the sewer line would need to cross the PMA in order to connect the development from the north to the sewer line. This impact is supported as proposed.

PMA Impact 2

Impact 2 is for 5,085 square feet (0.12 acre) for a permanent impact for a SWM outfall. This impact is only for the outfall and is required to allow the on-site stormwater facilities to discharge treated water to a natural watercourse. The location of this impact has been slightly modified, due to the sewer line, from what is shown on the approved stormwater concept plan; however, the general location is the same. This impact is supported as proposed.

PMA Impact 3

Impact 3 is for 982 square feet (0.02 acre) for the southern portion of a sewer line to connect this site to the existing sewer trunk line located in the southern portion of the site, abutting proposed Parcel 2. This location was chosen as a connection point, where the existing sewer line is closer to the

edge of the PMA, in order to avoid additional PMA impacts. This impact is supported as proposed.

PMA Impact 4

Impact 4 is for 382 square feet (0.01 acre) and is located along the northern frontage of the site, where the 10-foot-wide PUE impacts a wetland buffer. This impact is part of the required frontage improvements along MD 223 and is supported as proposed.

Four impacts to the REF on the subject property have been requested with this application. Proposed impacts are for a stormwater outfall, frontage improvement, and sewer line. The application proposes to place the majority of woodland on-site within a preservation easement, to further protect the sensitive PMA area.

The proposed sewer line is a required utility connection for the development to the north of this site, Hope Village Phase 2 (4-23007). This sewer line, when constructed, will serve both Hope Village Phase 2 and Galilee Baptist Church. PMA Impacts 1–4 are supported as proposed. The PMA is preserved and/or restored to the fullest extent possible, based on the limits of disturbance shown on the TCP1.

Soils

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

The predominant soils found to occur according to the U.S. Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey include Dodon fine sandy loam, Hoghole-Grosstowon complex, Marr-Dodon complex, Marr-Dodon-Urban land complex, Westphalia and Dodon soils, and Widewater and Issue soils. According to available information, no unsafe soils containing Christiana complexes or Marlboro clay exist on-site.

- 11. Urban Design**—The subject PPS proposes two parcels for 38,988 square feet of institutional development; specifically for a place of worship. A place of worship is permitted in the R-A Zone. A detailed site plan (DSP) is not required per the zone and use regulations, as found in Sections 27-426 and 27-441 of the prior Prince George’s County Zoning Ordinance.

The regulations and requirements of the Zoning Ordinance apply to development in the R-A Zone regarding landscaping, screening, buffering, fencing, lot coverage, height, and building setbacks. The proposed development will be required to demonstrate conformance with the applicable requirements of the Zoning Ordinance at the time of building permit review including, but not limited to, the following:

- Section 27-442 requirements for the R-A Zone, as applicable;
- Part 11 Off-Street Parking and Loading; and
- Part 12 Signs.

2010 Prince George's County Landscape Manual

The proposed development is subject to the provisions of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Conformance is to be demonstrated to the following requirements of the Landscape Manual and will be reviewed at the time of permitting: Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from Streets (MD 223 (Woodyard Road) is classified as a scenic and historic roadway); Section 4.7, Buffering Incompatible Uses (Bufferyard Type C); and Section 4.9, Sustainable Landscaping Requirements.

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 require a grading permit or propose 5,000 square feet or greater of gross floor area or disturbance. Properties that are zoned AR are exempt from the tree canopy coverage requirements per Table 1 of Section 25-128 of the Prince George's County Code.

12. Health Department—The Prince George's County Health Department completed a health impact assessment review of the PPS, and provided the following comments:

- "1. Creation of additional impervious surface in this recharge area could have long term impacts on the sustainability of this important groundwater resource.
- "2. During the construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.
- "3. During the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control."

The approved SWM concept plan submitted with this PPS shows use of the existing SWM facilities to meet the current requirements of environmental site design to the maximum extent practicable. Per Subtitle 32 of the County Code, the maximum extent practicable standard is met when 100 percent of predevelopment groundwater recharge is replicated. Final SWM design will be reviewed by DPIE. The standard regulatory requirements listed in Comments 2 and 3 will be addressed at the time of permitting.

13. Citizen Feedback—At the time of the writing of this technical staff report, the Prince George's County Planning Department has not received any written correspondence from members of the community regarding this project.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be modified as follows:
 - a. Revise General Note 27 to provide the Type 1 tree conservation plan number, TCP1-003-2016-01.
 - b. On Sheet 3, move the arrow for site access from the intersection of MD 223 (Woodyard Road) and C-606 (Osbourne Road relocated), to the driveway location on C-606.
 - c. Dimension and label the right-of-way width of MD 223 (Woodyard Road) from the road centerline to the property line.
 - d. On Sheet 3, revise the label for "Parcel A" to "Parcel 2".
 - e. Remove the lines which are shown on Parcel 1, approximately 40 feet offset from the property boundary.
 - f. Label the existing farm road from MD 223 (Woodyard Road) to be removed.
2. Prior to approval, the final plat of subdivision shall include:
 - a. Right-of-way dedication along MD 223 (Woodyard Road) and C-606 (Osbourne Road relocated), in accordance with the approved preliminary plan of subdivision.
 - b. Granting of 10-foot-wide public utility easements along all public rights-of-way, as delineated on the approved preliminary plan of subdivision.
3. Development of this site shall be in conformance with Stormwater Management Concept Plan 29538-2016-00, and any subsequent revisions.
4. The applicant and the applicant's heirs, successors, and/or assignees shall provide the following facilities, and shall show these improvements on the permit site plan, at the time of permit submission:
 - a. A minimum 8-foot-wide shared-use path along the frontage of MD 223 (Woodyard Road), unless modified by the operating agency with written correspondence.
 - b. A minimum 5-foot-wide sidewalk and 5-foot-wide bicycle lane along the frontage of C-606 (Osbourne Road relocated), unless modified by the operating agency with written correspondence.
 - c. Crosswalks and associated Americans with Disabilities Act (ADA) curb ramps at all vehicular access points and throughout the site to the building entrance.
 - d. Minimum 5-foot-wide sidewalk from C-606 (Osbourne Road relocated) to the building.

- e. At least two bicycle racks (inverted U-style or a similar model that provides two points of contact for a parked bicycle) which provide parking for four bicycles at locations no more than 50 feet from the entrances to all new buildings.
5. Prior to signature approval of the preliminary plan of subdivision (PPS), the Type 1 tree conservation plan (TCP1) shall be revised, as follows:
 - a. Revise the Environmental Planning Section approval block to the standard for a tree conservation plan associated with a Development Review Division case. Provide the prior TCP1 approval information along the -00 approval line. Indicate 4-23023 for the Development Review Division case number along the -01 approval line and indicate the reason for revision as "New Preliminary Plan of Subdivision".
 - b. Correct the woodland conservation worksheet to not have the TCP1 number and tree conservation plan revision number as separate text blocks.
6. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan, TCP1-003-2016-01. 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 TCP1-003-2016-01, 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."
7. 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 of the Development Review Division of the Prince George's County Planning Department, 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."
8. Prior to issuance of permits for this subdivision, a Type 2 tree conservation plan (TCP2) shall be approved. The following note shall be placed on the final plat of subdivision:

"This plat is subject to the recordation of a woodland and wildlife habitat conservation easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 tree conservation plan, when approved."

STAFF RECOMMEND:

- Approval of Preliminary Plan of Subdivision 4-23023
- Approval of Type 1 Tree Conservation Plan TCP1-003-2016-01
- Approval of Variance from Section 25-122(b)(1)(G)