



# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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Upper Marlboro, Maryland 20772  
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PGCPB No. 2023-08

File No. PPS-2022-001

## R E S O L U T I O N

WHEREAS, Whitehall Associates, L.L.C. is the owner of a 20.09-acre parcel of land known as Parcel B of Whitehall Square, said property being in the 6th Election District of Prince George's County, Maryland, and being zoned Residential, Single-Family – Attached (RSF-A); and

WHEREAS, on October 5, 2022, K. Hovnanian Homes of Maryland, L.L.C. filed an application for approval of a Preliminary Plan of Subdivision for 135 lots and 31 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan of Subdivision PPS-2022-001 for Washington Square was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on January 26, 2023, for its review and action in accordance with the Land Use Article of the Annotated Code of Maryland and the Regulation for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on January 26, 2023, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Type 1 Tree Conservation Plan TCP1-019-2022, and APPROVED a Variance to Section 25-122(b)(1)(G), and further APPROVED Preliminary Plan of Subdivision PPS-2022-001 for 135 lots and 31 parcels with the following conditions:

1. Prior to signature approval, the preliminary plan of subdivision shall be revised to provide the following:
  - a. A note stating that the mandatory dedication of parkland requirement is being addressed by providing improvements to (southern) Bradbury Park and on-site recreational facilities, to meet the recreational needs of the projected population.
  - b. Provide and label the distance between the front lot lines of Lots 128 and 129 to be a minimum of 8 feet.
2. Development of the site shall be in conformance with Stormwater Management Concept Plan 4689-2022, and any subsequent revisions.

3. Prior to approval, the final plat of subdivision shall include:
  - a. Right-of-way dedication along all roadways, in accordance with the approved preliminary plan of subdivision.
  - b. The dedication of 10-foot-wide public utility easements along all abutting public rights-of-way, and one side of private streets, as delineated on the approved preliminary plan of subdivision.
4. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised as follows:
  - a. The TCP1 shall be revised to address the discrepancy between the site statistics regarding the on-site woodlands.
  - b. Identify any previously dedicated land and reflect the acreage within the woodland conservation worksheet.
  - c. Revise the general notes language for conformance with the standard general notes as shown in the 2018 Environmental Technical Manual.
  - d. Revise the woodland preservation area labels on the TCP1 to “WPA” to be reflective of the requirements in the 2018 Environmental Technical Manual. Combine Woodland Preservation Areas 4 and 6 into one area, as the future Washington Suburban Sanitary Commission easement will be evaluated with the detailed site plan.
5. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-019-2022). 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 (TCP1-019-2022) (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. 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.”
6. Prior to the issuance of permits for this subdivision, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:

“This plat is subject to the recordation of a woodland conservation easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 Tree Conservation Plan, when approved.”

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 wetlands and associated buffers 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."
8. Prior to the issuance of any permits which impact 100-year floodplain, wetland buffers, 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.
9. Prior to signature approval of the preliminary plan of subdivision, a copy of the approved concept erosion and sediment control plan shall be submitted. The limits of disturbance shall be consistent between the plans.
10. In accordance with Section 24-4601(4)(C) of the 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. The recreational facilities shall be constructed in accordance with the applicable standards in the Parks and Recreation Facilities Guidelines.
11. Prior to submission of the final plat of subdivision for any residential lot, the applicant and the applicant's heirs, successors, and/or assignees shall submit three original executed private recreational facilities agreements (RFAs) 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 Liber and folio of the RFA shall be noted on the final plat prior to plat recordation.
12. 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, per the Parks and Recreation Facilities Guidelines, with the review of the site plan. Timing for construction shall also be determined at the time of the site plan review.
13. 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 guarantees to the Development Review Division of the Prince George's County Planning Department, for construction of the on-site recreational facilities.

14. Per Section 24-4601(4)(C) of the Prince George's County Subdivision Regulations, the applicant and the applicant's heirs, successors, and /or assignees shall provide recreational amenities on the adjacent (southern) Bradbury Park, including ADA-accessible tables and seating, benches, grills, and pickleball overlays at the tennis courts.
15. Prior to submission of the final plat of subdivision for any residential lot, the applicant and the applicant's heirs, successors, and/or assignees shall submit three original executed public recreational facilities agreements (RFAs) to the Prince George's County Department of Parks and Recreation, Park Planning and Development Division (PP&D), for construction of off-site recreational facilities, for approval. Upon approval by PP& D, which shall not be unreasonably delayed, the RFA shall be recorded among the Prince George's County Land Records and the Liber and folio of the RFA shall be noted on the final plat, prior to plat recordation. The public RFA shall establish the timing for construction of the off-site recreational facilities and include a right of entry on Maryland-National Capital Park and Planning Commission park property.
16. 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 guarantees to the Prince George's County Department of Parks and Recreation – Park Planning and Development Division, for construction of recreational facilities on Maryland-National Capital Park and Planning Commission park property.
17. Although not required, if the applicant or the applicant's heirs, successors, and/or assignees ever decide to convey in fee-simple the 5.76 acres of woodland conservation and 1.5 acres of floodplain, as identified on the Type 1 tree conservation plan, the land shall be conveyed to the Maryland-National Capital Park and Planning Commission as parkland, after being placed in a conservation easement and with the hazardous trees having been removed.
18. Although not required, if the applicant or the applicant's heirs, successors, and/or assignees ever decide to convey in fee simple the 5.76 acres of woodland conservation and 1.5 acres of floodplain, as identified on the Type 1 tree conservation plan, the land to be conveyed shall be subject to the following conditions:
  - a. An original, special warranty deed for the property to be conveyed (signed by the Washington Suburban Sanitary Commission Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, of the Prince George's County Planning Department.
  - b. The Maryland-National Capital Park and Planning Commission shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to sewer extensions, adjacent road improvements, drains, sidewalls, curbs and gutters, and front-foot benefit charges prior to and subsequent to final plat.

- c. The boundaries and acreage of land to be conveyed to the Maryland-National Capital Park and Planning Commission shall be indicated on all development plans and permits which include such property.
  - d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Prince George's County Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair, or improvements made necessary or required by the Maryland-National Capital Park and Planning Commission (M-NCPPC) development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.
  - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by the Maryland-National Capital Park and Planning Commission (M-NCPPC). If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, the Prince George's County Department of Parks and Recreation (DPR) shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
  - f. All waste matter of any kind shall be removed from the property to be conveyed. The Prince George's County Department of Parks and Recreation shall inspect the site and verify that it is in acceptable condition for conveyance, prior to final plat approval.
  - g. No stormwater management facilities, tree conservation, or utility easements shall be proposed on lands owned by or to be conveyed to the Maryland-National Capital Park and Planning Commission without the prior written consent of the Prince George's County Department of Parks and Recreation (DPR). DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and easement agreement may be required prior to the issuance of grading permit.
19. Prior to the issuance of any grading permit, the applicant shall ensure that all artifacts from the archeological investigations on the subject property are curated at the Maryland Archaeological Conservation Laboratory in Calvert County, Maryland.
20. At the time of site plan, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that the design of all on-site and frontage transportation improvements are in conformance with approved Preliminary Plan of Subdivision PPS-2022-001.
21. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* and the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment*, the applicant and the applicant's heirs, successors, and/or assignees shall construct the following master plan facilities and depict the following facilities on any detailed site plan prior to its acceptance:

- a. ADA curb ramps and crosswalks crossing all vehicular access points.
- b. Share the Road signs and sharrows along all internal roadways.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject property is located on the north side of Arnold Road, between Whitehall Street and Suitland Road, and is 20.09 acres. The subject property consists of one parcel, known as Parcel B of Whitehall Square, recorded in the Prince George's County Land Records in Plat Book WWW 74 page 61. The property is located within the Residential, Single-Family – Attached (RSF-A) Zone. In accordance with Section 24-4503 of the Prince George's County Subdivision Regulations, this preliminary plan of subdivision (PPS) is supported by and subject to approved Certificate of Adequacy ADQ-2022-010. The site is subject to the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* (master plan), Subtitles 24 and 27 of the Prince George's County Code, and other applicable plans, as outlined herein. This PPS includes 135 lots and 31 parcels for development of 135 single-family attached dwellings. The site currently consists of primarily vacant land, with the exception of a parking lot on the western side of the property that supports the abutting multifamily development to the west. Three points of vehicular access are proposed: one from Suitland Road, one from Arnold Road, and one from Whitehall Street.

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

3. **Setting**—The property is located on Tax Map 80 in Grids C2, C3, D2, D3. The property is within Planning Area 75A. The abutting properties to the north consist of Maryland-National Capital Park and Planning Commission (M-NCPPC) property (Bradbury Park), within the Reserved Open Space Zone, and commercial development and single-family detached dwellings in the RSF-A Zone. The properties to the east beyond Whitehall Street consist of single-family detached and multifamily dwellings within the RSF-A Zone. The properties to the south, beyond Arnold Road, consist of office development, vacant land, commercial development, transportation, and utility development within the Legacy Mixed-Use Town Center Zone. The abutting properties to the west consist of multifamily development within the RSF-A Zone.

## FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

	EXISTING	APPROVED
Zone	RSF-A	RSF-A
Use(s)	Vacant	Vacant
Acreage	20.09	20.09
Lots	0	135
Parcels	1	31
Dwelling Units	0	135
Gross Floor Area	0	0

Pursuant to Section 24-3305(e) of the Subdivision Regulations, this case was heard at the Subdivision and Development Review Committee meeting on October 14, 2022.

5. **Previous Approvals**—PPS 4-70018 was previously approved, and the property is subject to a plat approved on May 27, 1970, which is recorded in the Prince George's County Land Records in Plat Book WWW 74 page 61. In accordance with Section 24-3402(b)(1) of the Subdivision Regulations, a property with a plat approved prior to October 27, 1970 must be resubdivided, if more than one single-family detached dwelling is proposed. This PPS has been filed, in fulfillment of the resubdivision requirement, as well as to further divide the land. PPS-2022-001 supersedes PPS 4-70018, and a new final plat will be required.
6. **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

The subject property is located in the Established Communities growth policy area. The vision for the Established Communities area is to create the most appropriate context-sensitive infill and low- to medium-density development (page 20).

### Master Plan Conformance

The property is within the Living Area F of the master plan, which recommends mixed use residential on the subject property (page 62). The vision of the master plan is to provide an eclectic mix of housing that is within historic neighborhoods, and includes high-rise apartment and condominium developments, new urbanist transit-oriented housing communities, and public housing developments (page 41).

On November 29, 2021, the Prince George's County District Council approved Prince George's County Council Resolution CR-136-2021, the Countywide Sectional Map Amendment, which reclassified the subject property from the R-T Zone to the RSF-A Zone effective April 1, 2022.

The purpose of the RSF-A zone is to provide development that supports residential living, walkability, and is well connected to the surrounding land.

Pursuant to Section 24-4101(b)(1) of the Subdivision Regulations, this PPS is consistent with Plan 2035 and conforms to the land use recommendations of the master plan.

7. **Stormwater Management**—Pursuant to Section 24-4303(b) of the Subdivision Regulations, an application for a major subdivision must include an approved stormwater management (SWM) concept plan. SWM Concept Plan 4689-2022, approved by the Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE), was submitted with this PPS. The SWM concept plan shows the use micro-bioretenention and submerged gravel wetlands to detain and treat water before it leaves the site.

Development of the site, in conformance with the SWM concept approval and any subsequent revisions to ensure that no on-site or downstream flooding occurs, satisfies the requirements of Sections 24-4303 and 24-4403 of the Subdivision Regulations.

8. **Parks and Recreation**—This PPS has been reviewed for conformance with the requirements and recommendations of Plan 2035, the 2017 *Land Preservation, Parks and Recreation Plan for Prince George’s County* (LPPRP), the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, and the Subdivision Regulations as the pertain to public parks and recreational facilities.

Pursuant to Section 24-4101(b), the proposed development aligns with the master plan’s intention to improve upon the existing neighborhood and community parks while providing facilities that meet the changing needs of the community.

Park and recreation amenities serving the subject property include the Suitland Road Community Room located south of the subject property on Suitland Road and Bradbury Park, which is directly adjacent to the subject property at its northern boundary. Bradbury Park is a 25.8-acre, largely forested park. The southern section, adjacent to the development, of the park is developed with tennis courts, two small barbecue areas, and seating areas placed west of the tennis court entrance. The larger northern section of the park is developed with a playground, basketball courts, a recreation center, softball fields with football and soccer overlays, barbecue areas, and a horseshoe pit.

The applicant proffered to provide on-site recreational facilities that include sitting areas with benches in amenity spaces shown in the north and west development areas (1,200 square feet, \$30,000); a connection along Whitehall Street to southern Bradbury Park at the tennis courts (420 linear feet, \$16,800); 10-foot asphalt trail loops around stormwater facilities located in the north and west development areas (1,420 linear feet, \$85,200); and benches located throughout the site and along the asphalt trails around the SWM facilities (9 each, \$1,200), which the applicant valued at \$142,800.00.



Section 24-4600 of the Subdivision Regulations, which relates to mandatory dedication of parkland, provides for the dedication of land, the payment of a fee-in-lieu (\$54,140), and/or the provision of recreational facilities (with a minimum value of \$142,461.00). Based on the proposed density of development, 7.5 percent of the net residential lot area should be required to be dedicated to M-NCPPC for public parks, which equates to approximately 1.51 acres for public parklands. The recreational guidelines for Prince George's County also set standards based on population. Based on the projected population of 378 residents for the development, the typical recreational needs include outdoor sitting and eating areas, a tot lot, and an open play area.

The subject property contains stream tributaries, wetlands, steep and severe slopes, and woodlands that are immediately adjacent to existing forested parkland that is part of Bradbury Park. These areas are largely within the on-site primary management area (PMA) which is protected by local and state government for non-disturbance. Accordingly, this area is not appropriate to satisfy the park and recreation needs of the community. Nonetheless, this area is abutting existing parkland with natural areas that are currently maintained by the Prince George's County Department of Parks and Recreation (DPR). The master plan contains policies related to environmental protection.

**Policy 4: Utilize existing natural features and the green infrastructure network as opportunities to increase parkland and open space (page 275).**

***Strategies***

- **Maintain undeveloped parks as open space or wooded buffers, especially in cases where they are too small for active use or contain natural features such as wetlands or steep slopes, that make them undesirable for park development (page 275).**

The Type 1 tree conservation plan (TCP1) shows a total of 4.26 acres of woodland preservation areas (WPA 1–4) and 1.5 acres of flood plain, all of which are to be placed in a conservation easement. At the applicant's discretion, they may convey all 5.76 acres to DPR, as a donation, after the removal of any hazardous trees and the conservation easement is in place. Although not for the purpose of meeting mandatory dedication, the optional conveyance in fee simple of this land area would be consistent with the stated policies of the LPPRP, Formula 2040, and other DPR-stated land management, acquisition, and stewardships goals.

In accordance with Section 24-4601(b)(4)(B) and (C) of the Subdivision Regulations, where land is found to be unsuitable to satisfy the provision of mandatory dedication, a fee-in-lieu and/or recreational facilities shall be provided. Section 24-4601(b)(4)(A)(ii) credits SWM ponds as passive recreation amenities. The PPS includes the creation of 135 townhouse dwelling units distributed throughout three phases – north (65 units), south (9 units), and west (60 units), each area with a SWM facility with benches and trail loops as a recreational amenity. The PPS also includes a connection along Whitehall Street to southern Bradbury Park. The applicant shall provide this connection, in addition to the passive recreational amenities proffered, as this section of Bradbury Park will primarily serve the future residents of this development.

In addition, it is anticipated the residents of this subdivision will utilize the recreational facilities available and readily accessible immediately adjacent to the site at Bradbury Park. In an effort to enhance opportunities for active recreation, the applicant shall provide modest improvements to (southern) Bradbury Park, in addition to the on-site recreational amenities proffered by the applicant, including installation of grills (3 each, \$1,050), ADA-accessible tables (3 each \$4,050) and seating, benches (4 each, \$600), a pickleball court overlay (4 courts, \$1,600) over one of the tennis courts, and trash receptacles (\$1,561), to meet the mandatory parkland dedication requirement.

On a conceptual basis, the applicant proposed outdoor recreational amenities that include sitting areas with benches in amenity spaces, a connection along Whitehall Street to southern Bradbury Park at the tennis courts, 10-foot asphalt trail loops around stormwater facilities located in the north and west development areas, and benches located throughout the site and along the asphalt trails around the SWM facilities. With the additional recreational facility improvements to Bradbury Park, the applicant's proposal to provide recreational facilities will meet the requirements of Section 24-4600. These facilities will be reviewed in further detail at the time of detailed site plan (DET).

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

#### **Master Plan Right of Way**

The subject property has frontage on Suitland Road (C-415) along the southwest bounds of the site. Per the MPOT and the master plan, the portion of Suitland Road that fronts the subject property is designated as a 2–4 lane collector roadway with an ultimate right-of-way of 80 feet. The latest PPS submission displays the existing configuration of Suitland Road along the property's frontage with variable width right-of-way of 80–90 feet, which is consistent with the MPOT recommendation. This portion of Suitland Road has already been constructed, and as such, no additional right-of-way dedication is required with this PPS.

The subject property also has frontage on Arnold Road along its southern bounds and Whitehall Street along its eastern bounds. Neither of these roads carry a master plan designation per the MPOT or the master plan. The applicant's submission displays both Arnold Road and Whitehall Street as two-lane roadways within a 55-foot-wide right-of-way. These roadways have already been constructed and no additional right-of-way dedication is needed along either of these roads to meet the requirements of the Subdivision Regulations or the master plan recommendations for multimodal facilities.

#### **MPOT Pedestrian and Bike Facilities**

This PPS is subject to the MPOT which recommends the following facilities:

- **Bicycle Lane: Suitland Road**

In addition, the MPOT's Complete Streets element reinforces the need for multimodal transportation and includes the following policies regarding the accommodation of pedestrians and bicyclists (MPOT, pages 9 and 10):

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

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

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

The bicycle lane along the subject property's frontage of Suitland Road has already been constructed. Furthermore, the latest PPS submission shows that the internal street network is designed to provide sufficient space to accommodate a system of pedestrian and bicycle facilities consistent with the MPOT and the master plan recommended policies. The master plan contains transportation policies and recommendations that are consistent with the those in the MPOT. As a condition of approval, the applicant shall develop the site with a series of interconnected bicycle and pedestrian facilities.

### **Transportation Review**

Section 24-4200 of the Subdivision Regulations provides design requirements for access and circulation. The latest PPS submission contained concept designs and circulation plans which detailed the general design of the abutting street network as well as on-site facilities, which are in conformance with Section 24-4201 of the Subdivision Regulations.

As part of the initial review of the subject PPS, it was requested that the applicant provide an access management analysis to demonstrate that all proposed access points met the access management standards, as required by Section 24-4202 of the Subdivision Regulations, as well as the State and County standards. The applicant provided an access management analysis which assess the Maryland State Highway Administration standards and County standards to demonstrate adequate access management to the site. Using corner clearance standards specific to the three road frontages, Suitland Road as a collector roadway requires a minimum corner clearance of 75 feet. The latest PPS submission shows that the corner clearance from Arnold Road to the driveway along Suitland Road provides 190 feet of corner clearance, which is acceptable. In addition, the single access point along Suitland Road is sufficient to support the density associated with the specific pod of development to be served by this driveway and as such, meets the zoning access requirements for driveways on collector roadways. The corner clearance from the Arnold Road site driveway and Suitland Road is 408 feet and the corner clearance along the Arnold Road site driveway and Whitehall Street is 187 feet, both of which meet corner clearance requirements. Lastly, the corner clearance along the Whitehall Street site

driveway to Arnold Road is 286 feet, which also meets corner clearance requirements. The PPS also shows additional points of access for emergency vehicles use, specifically along Suitland Road between Lots 48 and 57, and along Whitehall Street between Lots 114 and 115. The applicant shall provide these additional points of access for the use of emergency vehicles, in accordance with Section 27-6903(a)(1) of the Prince George's County Zoning Ordinance.

Regarding on-site circulation, the circulation plans demonstrate the design and specifications for multimodal transportation facilities on-site. In the initial review of the PPS, it was requested that the applicant provide a traffic calming analysis, to demonstrate that the on-site transportation facilities will provide sufficient space to accommodate on-site transportation management features to enhance safety, consistent with the Zoning Ordinance requirements. In a response, the applicant noted that the traffic calming measures provided in Section 27-6206(j) of the Zoning Ordinance are not required because there are no linear street segments over 800 linear feet long, which is found to be acceptable. The latest PPS displays conformance with Section 27-6206(f)(1) of the Zoning Ordinance which establishes a minimum street connectivity index score of 1.50. The applicant's submission shows 24 nodes and 16 links, achieving a street connectivity index of 1.50, which meets the requirement. In addition, the three proposed site access points meet the on-site minimum stacking lane distance, as detailed in Section 27-6206(m) of the Zoning Ordinance.

The circulation plans show sidewalks along both sides of all new private streets. In addition, 10-foot-wide maintenance paths have been provided surrounding stormwater facilities at the southern and northeast bounds of the subject site. These paths connect to sidewalk networks, thereby providing additional on-site pedestrian amenities. The proposed access and circulation is sufficient and conforms to the design standards outlined in Subtitle 24.

In conclusion, the site access to each pod of development is sufficient. The internal layout provides a continuous road network that allows vehicles to easily enter and exit the site. In addition, the internal roadways are confined only to the site, thereby ensuring that no cut through traffic are permitted from any neighboring developments. The submitted plans display a sidewalk along the site's frontage of Suitland Road, Arnold Road, and Whitehall Street. However, as a condition of approval, crosswalks shall be provided at all three points of site access, which will connect the proposed sidewalks facilities and increase pedestrian safety and awareness along Suitland Road, Arnold Road, and Whitehall Street.

10. **Public Facilities**—This PPS was reviewed for conformance to the master plan, in accordance with Section 24-4101(b)(1). Chapter 9 of the master plan establishes the following goals for public facilities with the subregion:

- **Locate police and fire and rescue facilities and services that meet the size and location needs of the community to minimize response time.**
- **Provide residents with public schools that are conveniently located, of adequate size, feature state-of-the-art technology and quality instructional opportunities, and serve as active centers for their communities.**

- **Provide adequate public water and sewer service to areas eligible for service.**

The development will not impede achievement of any of the above-referenced goals. The master plan does not propose any police, fire and emergency medical service facilities, schools, parks, or libraries on the subject property. This PPS is further supported by an approved certificate of adequacy (ADQ-2022-010), which ensures adequate public facilities to support the proposed land use. The 2008 *Approved Public Safety Facilities Master Plan* also provides guidance on the location and timing of upgrades and renovations to existing facilities and construction of new facilities, none of which affect this site.

11. **Public Utility Easement**—Section 24-4401 of the Subdivision Regulations requires that when utility easements are required by a public company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

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

In accordance with Section 24-4205 of the Subdivision Regulations, all roads public or private shall have a public utility easement (PUE) at least 10 feet in width. The PUE shall be located outside the sidewalk, where a sidewalk is constructed, or if the Subdivision Regulations or Subtitle 27 require a sidewalk and shall be contiguous to the right-of-way. The subject site has frontage along the existing public rights-of-way Suitland Road, Arnold Road, and Whitehall Street. The PPS depicts the 10-foot-wide PUEs along all three rights-of-way. The PPS also depicts 10-foot-wide PUEs along either side of all proposed private streets.

12. **Historic**—The master plan contains goals and policies related to historic preservation (pages 287–296). However, these are not specific to the subject site or applicable to the proposed development. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is moderate. The property does contain the site of the Cator-Jenkins House (PG 75A-019). No longer standing, the Cator-Jenkins house was a two-story, L-shaped frame house with a gable roof in around 1897.

A Phase I archaeology survey was conducted, and the report was completed in July 2022. A site designated 18PR1225 was identified. No additional archaeology is recommended by the report. No further archaeological investigations are necessary on the subject property. The artifacts from the Phase I archeological investigations on the subject property have not yet been curated with the Maryland Archaeological Conservation Laboratory in Saint Leonard, Maryland, and this condition is still outstanding. The applicant must ensure that all artifacts from the archeological investigations on the subject property are curated at the Maryland Archaeological Conservation Laboratory in Calvert County, Maryland prior to issuance of any grading permit.

13. **Environmental**—PPS-2022-001 was accepted for review on October 5, 2022. Comments were provided in a Subdivision and Development Review Committee meeting on October 14, 2022. Revised information was received on December 22, 2022. The following applications and associated plans have been reviewed for the subject site:

Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
NRI-081-2022	N/A	Staff	Approved	5/16/2022	N/A
PPS-2022-001	TCP1-019-2022	Planning Board	Approved	1/26/2023	2023-08

#### **Grandfathering**

The project is subject to the environmental regulations contained in Subtitles 24, 25, and 27 because this is a new PPS.

#### **Site Description**

The property is fully wooded and currently vacant. A review of available information, and as shown on the approved natural resources inventory (NRI), indicates that floodplain, streams, and steep slopes are found to occur on the property. The site does not contain any Wetlands of Special State Concern, as mapped by the Maryland Department of Natural Resources (DNR) but does contain wetlands along the western edge of the site, and in association with the on-site stream systems. The County's Department of the Environment watershed map shows the entire site is within Oxon Creek of the Potomac River basin. The site features various steep slopes, with some slopes steeper than 15 percent, and generally drains to the northeast. The site is not identified by DNR as within a stronghold watershed area. The on-site stream is not categorized as Tier II waters, and the site is not within a Tier II catchment area. According to available information from the Maryland Department of Natural Resources Natural Heritage Program, rare, threatened, and endangered species are not found to occur on-site. The property does not abut any historic or scenic roads.

#### **Plan 2035**

The site is located within the Established Communities of the Growth Policy Map and Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map, as designated by Plan 2035. The site has regulated areas and evaluation areas mapped within the 2017 *Countywide Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan).

#### **Master Plan Conformance**

The Environmental Infrastructure Section of the master plan includes goals, policies, and strategies. The following policies are applicable to the current project regarding natural resources preservation, protection, and restoration. The text in **BOLD** is from the master plan, and the plain text provides comments on plan conformance.

**Policy 1: Protect, preserve, and enhance the green infrastructure network in Subregion 4.**

According to the approved Natural Resource Inventory NRI-081-2022, the site contains regulated environmental features within or adjacent to the subject property. Approximately 90 percent of the site is within the green infrastructure network and contains regulated areas and evaluation areas. The regulated area is found along the on-site stream system and the TCP1 shows woodland in this area as being saved. The on-site evaluation areas are proposed to be impacted in order to avoid the regulated primary management area (PMA).

**Policy 2: Minimize the impacts of development on the green infrastructure network and special conservation area (SCA's).**

Development is focused outside of the PMA. There are impacts proposed for utility connection, frontage improvements, and stormwater outfalls. Impacts are evaluated in the Environmental Review Section of this finding.

**Policy 3: Restore and enhance water quality in areas that have been degraded, and preserve water quality in areas not degraded.**

The applicant proposed a mixture of gravel wetlands, and micro-bioretenention areas to address SWM for the entire project. This SWM concept was approved by DPIE and assigned No. 4689-2022.

**Policy 4: Improve the base information needed for the county to undertake and support stream restoration and mitigation projects.**

The site has an approved NRI that details existing conditions of the site. The subject property has one stream system on-site and the TCP1 does not propose to impact this stream. An existing sewer line is located to the west of the stream and this utility right-of-way will remain open. As part of the PPS, frontage improvements to Whitehall Street are required by the Prince George's County Department of Public Works and Transportation to improve the roadbed beyond the proposed entrance to the property line. No stream restoration or mitigation is required, as part of this PPS.

**Policy 5: Require on-site management of stormwater through the use of environmentally sensitive stormwater management techniques (i.e., fully implement the requirements of ESD) for all development and redevelopment projects.**

The applicant proposed a mixture of gravel wetlands and micro-bioretenention areas to address SWM for the entire project. This SWM concept was approved by DPIE and assigned No. 4689-2022.

**Policy 6: Assure that adequate stream buffers are maintained and enhanced and utilized design measures to protect water quality.**

The subject property is maintaining the existing wooded stream. The stream buffer is being minimally impacted for the proposed SWM outfall structures and sewer connection. A portion of the frontage improvements occur within the stream buffer. This impact area was previously disturbed by the existing Whitehall Street.

**Policy 7: Reduce air pollution to support public health and wellness by placing a high priority on transit-oriented development and transportation demand management (TDM) projects and programs.**

Air quality is a regional issue that is currently being addressed by the Council of Governments.

**Policy 8: Reduce adverse noise impacts so that the State of Maryland's noise standards are met.**

The project includes construction of a 135-lot residential subdivision, with roads and a SWM facility. The subdivision may generate some noise from added vehicular traffic, but not enough for a noise study to be prepared. It is not anticipated that the development will create adverse noise impacts.

**Policy 9: Implement environmental sensitive building techniques that reduce overall 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 techniques and energy conservation techniques is encouraged to be implemented to the greatest extent possible.

**Policy 10: Implement land use policies that encourage infill and support TOD and walkable neighborhoods.**

This site is not an infill site and is not within a transit-oriented district.

**Policy 12: Ensure that the Chesapeake Bay Critical Area is protected to the maximum extent possible through the implementation of water quality and other related measures.**

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



**Policy 13: Preserve, restore, and enhance the existing tree canopy.**

Subtitle 25, Division 3 requires the site to provide 10 percent tree canopy coverage (TCC). TCC will be addressed at the time of DET review. Woodland Conservation is discussed in the Environmental Review Section of this finding.

**Policy 14: Improve the County's capacity to support increases in the tree canopy.**

See Policy 13.

**Green Infrastructure Plan**

The site contains evaluation areas of the Green Infrastructure Plan. This area is comprised of a mostly wooded area with a portion of an on-site stream system at the northern property's edge that flows off-site to the north.

The following policies and strategies are applicable to the subject PPS. The text in **BOLD** is the text from the Green Infrastructure Plan and the plain text provides comments on plan conformance.

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

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

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

- 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 Oxon Creek of the Potomac River basin but is not within a Tier II catchment area. The site contains a stream system and associated wetlands, part of which are within an evaluation area and the rest within the regulated area of the network. The current plan preserves the majority of the stream system within an area of woodland conservation.

**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 indicates that the regulated system on-site will be preserved to the extent practicable, with six impacts to the PMA. Impacts are for SWM outfalls, utility connections, and right-of-way improvements. The design adequately preserves a connected wooded stream system. A TCP1 is required with this PPS which shows that 4.90 acres of the required woodland conservation requirement will be met on-site, as 4.59 acres of preservation and 0.44-acre of afforestation.

**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 is included with this PPS; the environmentally sensitive areas on-site are being preserved, to the extent practicable.

- 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 or proposed master-planned trails exist or are included with this PPS. A sidewalk connection to Bradbury Park, to the north, is to be provided outside of the PMA.

**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 Type 2 tree conservation plan.

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

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

The development proposal received a SWM concept approval plan (4689-2022). The submitted approved concept plan shows the use of submerged gravel wetlands and micro-bioretenment, to meet the current requirements of environmental site design to the maximum extent practicable. No SWM features aside from outfalls are being placed within the PMA. Only 0.01 acre of impacts to the floodplain are proposed.

**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.**

The TCP1 provides more than 20 percent of the gross tract area in woodland conservation. Retention of existing woodlands and planting of native species on-site is required by both the Environmental Technical Manual (ETM) and the 2022 *Prince George's County Landscape Manual* (Landscape Manual). TCC requirements will be evaluated at the time of DET 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 included with the subject PPS. Woodland conservation is designed to minimize fragmentation and reinforce new forest edges. This site does not contain potential forest interior dwelling species. Green space is encouraged to serve multiple eco-services.

**POLICY 12: Provide adequate protection and screening from noise and vibration.**

- 12.2 Ensure new development is designed so that dwellings or other places where people sleep are located outside designated noise corridors. Alternatively, mitigation in the form of earthen berms, plant materials, fencing, or building construction methods and materials may be used.**

The subject property is not located abutting or adjacent to an arterial or higher classification roadway that would be known to cause transportation-generated noise above acceptable levels.

**Environmental Review**

**Natural Resources Inventory**

Section 27-6802 of the Zoning Ordinance requires an approved NRI plan with PPS applications. The signed NRI-081-2022 was submitted with this PPS. The site contains floodplain, streams, wetlands, and associated buffers that comprise the PMA. The NRI indicates the presence of three forest stands, labeled as Stands 1–3, with 16 specimen trees identified on-site. The TCP1 and the PPS show all required information correctly in conformance with the NRI; however, the site's statistics shown on the TCP1 do not conform with the NRI. The NRI shows 19.22 acres of total woodland, with 17.72 acres in the net tract and 1.50 acres in the floodplain. The TCP1 shows the same floodplain but identifies 17.13 acres of woodland within the net tract. The TCP1 shall be revised to address the discrepancy between the existing woodland totals.

**Woodland Conservation**

This project is subject to the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because this is a new PPS, and subject to the ETM. TCP1-019-2022 was submitted with the subject application and requires minor revisions to be found in conformance with the WCO.

The woodland conservation threshold for this 20.10-acre property is 20 percent of the net tract area or 3.72 acres. The total woodland conservation requirement based on the amount of clearing proposed is 6.98 acres. The woodland conservation requirement is to be satisfied with 4.59 acres of on-site woodland conservation, consisting of 4.15 acres of woodland preservation and 0.44 acre of afforestation. A total of 2.39 acres of off-site credits will meet the remainder of the requirements.

**Specimen Trees**

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

The authorizing legislation of the 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 a statement of justification (SOJ) in support of a variance dated December 23, 2022, were submitted. The SOJ requests the proposed removal of 7 of the existing 16 specimen trees located on-site. Specifically, the applicant requested to remove Specimen Trees 6, 7, 9, and 13–16. The TCP1 and specimen tree removal exhibit show the location of the trees for removal. The specimen trees for removal are in good to poor condition and are located on-site, outside of the PMA, within, or along the edge of the upland development areas.

**SPECIMEN TREE SCHEDULE SUMMARY  
FOR 7 TREES PROPOSED FOR REMOVAL ON TCP1-019-2022**

<b>Tree #</b>	<b>COMMON NAME</b>	<b>DBH (in inches)</b>	<b>CONDITION</b>	<b>APPLICANTS PROPOSED DISPOSITION</b>
6	White oak	42	Poor	Remove
7	White oak	47	Good	Remove
9	Southern red oak	37	Good	Remove
13	Tulip poplar	31	Good	Remove
14	White oak	31	Fair	Remove
15	Northern pecan	36	Fair	Remove
16	Eastern cottonwood	34	Fair	Remove

The removal of the seven specimen trees is approved, based on the findings below. The specific trees approved for removal are 6, 7, 9, and 13–16.

**Evaluation**

Section 25-119(d)(1) of the WCO contains six required findings [text in **bold** below] to be made before a variance from the WCO can be granted. An evaluation of this variance request, with respect to the required findings, is provided below.

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

In relation to other properties in the area, special conditions peculiar to the subject property would cause an unwarranted hardship if the applicant were required to retain the seven specimen trees. Those “special conditions” relate to the specimen trees themselves, such as their size, condition, species, and on-site location.

The property is 20.10 acres, and the TCP1 shows approximately 6.46 acres of PMA comprised of streams, floodplain, wetlands, and associated buffers. This represents approximately 32.14 percent of the overall site area. The PPS preserves the site's PMA, to the fullest extent practicable, and provides woodland conservation and afforestation to further protect the PMA. Half of the specimen trees on-site are located within the PMA and are to be preserved. The specimen trees for removal are located along and within the upland areas of the site most suited for development. This site contains steep slopes, wetlands, streams, and floodplains, which restrict development potential. Due to the nature of how the PMA bisects the site, three developable islands are formed with access points off the three adjacent roads. Of the seven specimen trees for removal, one is a Tulip poplar, which has poor construction tolerances. The remainder of the trees for removal are majority oak, along with a Northern pecan and Eastern cottonwood. These species have a good to medium construction tolerance and vary in condition ratings. One oak is identified as in poor condition. Another oak, pecan, and cottonwood are in fair condition. The remaining oaks and poplar are in good condition. If these trees were required to be retained, stresses from development could lead to potential hazards. The majority of specimen trees for removal are outside the PMA area, with only Specimen Tree 6 within the PMA, and retention of these trees could result in additional PMA impacts. A further breakdown of the specimen trees for removal is included below:

#### **Trees Removed for Stormwater Management**

<b>Tree #</b>	<b>Species</b>	<b>DBH (In Inches)</b>	<b>Condition</b>	<b>Construction Tolerances</b>	<b>Location (Phase)</b>	<b>Reason for Removal</b>
6	White oak	42	Poor	Good-Medium	North	Stormwater Management and Outfall
7	White oak	47	Good	Good-Medium	North	Stormwater Management and Outfall
14	White oak	31	Fair	Good-Medium	West	Stormwater Management and Outfall

Three specimen trees for removal are associated with SWM. Identified as Specimen Trees 6, 7, and 14, all three are white oak in varying conditions, from poor to good. The largest specimen tree is 47 inches in diameter at breast height (DBH) and is located in close proximity to Specimen Tree 6. The removal of these trees is required for the safe conveyance of stormwater off-site. The location of these outfalls is reflective of the approved SWM Concept Plan 4680-2022.

### Trees removed for Grading

Tree #	Species	DBH (in inches)	Condition	Construction Tolerances	Location (Phase)	Reason for Removal
9	Red oak	37	Good	Good-Medium	North	Grading
13	Tulip poplar	31	Good	Poor	West	Grading
15	Northern pecan	36	Fair	Good	West	Grading and Suitland Right-of-way Improvements
16	Eastern cottonwood	34	Fair	Good	West	Grading and Roadway

Four specimen trees are for removal in association with grading and roadways within the site. Identified as Specimen Trees 9, 13, 15, and 16, four separate species are identified: a red oak, tulip poplar, northern pecan, and eastern cottonwood. The largest specimen tree in this group is 37 DBH red oak in good condition. Conditions range from fair to good. While oak, pecan, and cottonwood all have good construction tolerances, poplar responds poorly to stress from construction. These specimen trees are outside of the PMA in the upland areas of the site.

The proposed use, as residential development, is a reasonable use for the residentially zoned site, and it cannot be accomplished elsewhere on the site without additional variances and PMA impacts. Development cannot occur on the portions of the site containing regulated environmental features and PMA, which limit the site area available for development. Requiring the applicant to retain the seven specimen trees on the site by designing the development to avoid impacts to the critical root zone would further limit the area of the site available for development to the extent that 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.**

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

Based on the location and species of the specimen trees for removal, retaining the trees and avoiding disturbance to the critical root zone would have a considerable impact on the development potential of the property. If similar trees were encountered on other sites, they would be evaluated under the same criteria. The townhouse development is a use that aligns with the uses permitted in the RSF-A Zone. The specimen trees for removal are located in the upland areas, outside of the regulated environmental features.



**(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 by other applicants. If other similar residential developments were bisected by regulated environmental features and specimen trees in similar conditions and locations, they would be given the same considerations during the review of the required variance application.

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

The existing site conditions or circumstances, including the location of the specimen trees, are not the result of actions by the applicant. The removal of the seven specimen trees would be the result of the grading required for the development to achieve optimal development for the residential site. The removal of trees is solely based on the trees' locations on the site, their species, and their condition.

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

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

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

Granting this variance request will not violate state water quality standards nor cause measurable degradation in water quality. Requirements regarding SWM will be reviewed and approved by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). Erosion and sediment control requirements are reviewed and approved by the Prince George's Soil Conservation District. Both SWM and sediment and erosion control requirements are to be met in conformance with state and local laws to ensure that the quality of water leaving the site meets the state's standards. State standards are set to ensure that no degradation occurs.

**Conclusion**

The required findings of Section 25-119(d)(1) have been adequately addressed for the removal of seven specimen trees, identified as Specimen Trees 6, 7, 9, and 13–16. The majority of the PMA area is being retained within woodland conservation and reforestation, after grading, to promote retention of the wooded stream corridor on-site. The woodland conservation threshold is being met on-site. The Prince George's County Planning Board approved the requested variance for the removal of seven specimen trees, for construction of residential development.

### **Regulated Environmental Features**

Regulated environmental features are required to be preserved and/or restored to the fullest extent possible under Section 24-4300, Environmental Standards, of the Subdivision Regulations. The on-site regulated environmental features include streams, stream buffers, wetlands, wetland buffers, and steep slopes.

Section 24-4303(d)(5) of the Subdivision Regulations states: “Where land is located outside the Chesapeake Bay Critical Area Overlay (CBCAO) zones, the preliminary plan of subdivision (minor or major) and all plans associated with the application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state, to the fullest extent possible, consistent with the Environmental Technical Manual established in accordance with Subtitle 25: Trees and Vegetation, of the County Code. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required in accordance with Subtitle 27: Zoning Ordinance, of the County Code, for the reasonable development of the lot outside the regulated feature.”

### **PMA Impacts**

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

One impact to the PMA is shown on the revised TCP1 for a potential future Washington Suburban Sanitary Commission (WSSC) easement connection or development to the adjacent park. This impact was not requested with this PPS. As this development proposal requires a DET review, the impact for the future WSSC easement shall be reviewed with that application.

Six impacts to the PMA are included with this PPS. A PMA impact exhibit was submitted on October 5, 2022, to quantify the PMA impacts by development. Impacts are for frontage improvements, outfalls, and utility connections. A summary of each impact, in detail, is as follows:

**Impact 1**

This includes 418 square feet of PMA impact for an outfall associated with the south phase. This impact supports the micro-bioretention for SWM for the south phase. The location of this impact is reflective of the approved SWM Concept Plan, 4680-2022. This impact is approved.

**Impact 2**

This includes 6,827 square feet of PMA impacts for the required frontage improvements needed along Whitehall Street. This street currently exists within the stream buffer and these impacts are approved.

**Impact 3**

This includes 471 square feet of PMA impacts for an outfall associated with the SWM proposed for the north phase. The location of this impact is reflective of the approved SWM Concept Plan, 4680-2022. This impact is approved.

**Impact 4**

This includes 742 square feet of PMA impacts for an outfall associated with the SWM proposed to serve the west phase. The location of this impact is reflective of the approved SWM Concept Plan, 4680-2022. This impact is approved.

**Impact 5**

This includes 2,860 square feet of PMA impacts for the required sewer utility connection. Impact 5 ties into an existing sanitary sewer easement. The location of this impact is reflective of the approved SWM Concept Plan, 4680-2022. This impact is approved.

**Impact 6**

This includes 790 square feet of PMA impacts for an outfall associated with the right-of-way improvements for Arnold Road. The location of this impact is reflective of the approved SWM Concept Plan, 4680-2022. This impact is approved.

Six PMA impacts are included with this PPS, identified as Impacts 1–6. Impacts 1, 3, and 4 are for outfalls to safely convey stormwater off-site. Impacts 2 and 6 are associated with required frontage improvements. Impact 5 is for a connection to an existing WSSC easement that runs parallel with the on-site stream system. The location of these impacts is reflective of the approved SWM Concept Plan, 4680-2022. Impacts are approved, as proposed, with no modifications.

**Soils**

Section 24-4101(c) of the Subdivision Regulations states that 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 including, but not limited to, flooding, erosive stream action, high water table, unstable soils, severe slopes, or soils that are unstable either because they are highly erodible or prone to significant movement or deformation (Factor of Safety < 1.5), or man-made conditions on the land including, but not limited to, unstable fills or slopes.

According to the United States Department of Agriculture Natural Resource Conservation Service Web Soil Survey, soils present include Beltsville-Urban land complexes, Croom-Marr complexes, Grosstown gravelly silt loam, and Sassafras-Urban land complexes. Marlboro and Christiana clays are not found to occur on this property.

**Erosion and Sediment Control**

Section 24-4303(d)(7) of the Subdivision Regulations requires that a Concept Grading, Erosion and Sediment Control Plan (concept sediment control plan) be approved by the Prince George's Soil Conservation District, prior to final approval of the PPS (minor or major), if required by Subtitle 32: Water Resources Protection and Grading Code, of this Code. According to Section 32-126(a) of the County Code, a concept sediment control plan is required before a grading permit is issued for any site; therefore, a concept sediment control plan is required for this project. The County requires the approval of an erosion and sediment control plan. The TCP1 must reflect the ultimate limits of disturbance (LOD), not only for the installation of permanent site infrastructure, but also for the installation of all temporary infrastructure, including erosion and sediment control measures. Prior to the signature approval of the PPS, a copy of the approved concept sediment control plan must be submitted so that the ultimate LOD for the project can be verified and shown on the TCP1.

14. **Urban Design**—The subject PPS was evaluated for conformance with the applicable plans and requirements, as follows:

**Conformance with the Zoning Ordinance**

The PPS includes 31 parcels and 135 lots for development of 135 townhouse dwelling units. The use is permitted on this property; and this development will be required to file a DET, in accordance with Section 27-3605(a)(1) of the Zoning Ordinance, since construction of more than 10 townhouse dwelling units is proposed. Conformance with Zoning Ordinance regulations is required for the development and will be reviewed at the time of DET including, but not limited to, the following:

- Part 27-5 Use Regulations;
- Section 27-4202 requirements for RSF-A Zone as applicable;
- Section 27-6200 Roadway Access, Mobility, and Circulation;
- Section 27-6300 Off-Street Parking and Loading;
- Section 27-6400 Open Space Set-Asides;
- Section 27-6600 Fences and Walls;
- Section 27-6700 Exterior Lighting;

- Section 27-6900 Multifamily, Townhouse, and Three-Family Form and Design Standards;
- Section 27-61200 Neighborhood Compatibility Standards – for development along Whitehall Street, fronting single-family detached dwellings;
- Section 27-61500 Signage; and,
- Section 27-61600 Green Building Standards.

Section 27-4202(f)(2) of the Zoning Ordinance provides intensity and dimensional standards applicable to townhouse development in the RSF-A Zone:

- Density: Maximum 16.33 dwelling units/net acre.
- Minimum lot area: No requirement
- Lot Width, Minimum: 20 feet. Applicable to the individual lots under townhouse units. The minimum lot width for the development lot for a townhouse stick shall be 100 feet.
- Lot Frontage (width) at front street line, Minimum: 16 feet
- Lot Coverage: Maximum 45 percent of net lot area. Applicable to the lot coverage of the development lot as a whole, rather than individual lots under townhouse units.
- Front Yard Depth: Minimum 15 feet.
- Side Yard Depth: Minimum 8 feet. Applicable to the buildings on the edges of the development lot as a whole. Within the development lot as a whole, a minimum separation of 8 feet is required between buildings.
- Rear Yard Depth: Minimum 20 feet. May be reduced to zero feet when a 20-foot-wide or wider alley is provided, or to a range between 5 and 10 feet when an alley less than 20 feet in width is provided.
- Principal structure height: Maximum 50 feet.

This development proposes a density of 7.26 dwelling units/acre which is within the maximum density standard for this property. The zone standards will be further reviewed at the time of DET.

The following development standards should be addressed at the time of DET:

- Section 27-6206(f)(1) requires a minimum internal street connectivity index score of 1.50 for new single-family residential subdivisions located in a residential zone. An exhibit was submitted by the applicant with the PPS, demonstrating that this townhouse development will achieve a connectivity index of 1.50.
- Section 27-6305(a) of the Zoning Ordinance requires that a minimum of two parking spaces per dwelling unit be provided for townhouse dwelling units in residential zones. In addition, per Section 27-6305(g), requires a minimum of one visitor parking space for every 20 dwelling units. Based upon the proposed 135 townhouse units, the minimum parking requirement is 270 resident parking spaces and 7 visitor parking spaces. The applicant proposed townhouse dwellings which provide one garage parking space and a driveway apron, to be used for one or two surface parking spaces. Another 32 parking spaces are provided off private streets and alleys. The driveway aprons, to be adequate for parking, shall be a minimum of 18 feet long. The TCP1 depicts the driveway aprons to be a minimum of 19 feet long, thus meeting the minimum dimensions of a parking space listed in Section 27-6306(a) of the Zoning Ordinance.
- Section 27-6309(a)(1) of the Zoning Ordinance requires bicycle racks or lockers to accommodate at least two bicycles, for up to 10 parking spaces at all parking areas. At least one additional bicycle space shall be provided for each additional 10 parking spaces or major fraction thereof, provided, no more than 20 bicycle parking spaces shall be required for any single vehicular parking area.
- Proposed development will require 20 percent minimum open space set-aside, per Table 27-6403. For a site area of 20.1-acres, a minimum of 4.02 acres is required for open space set-aside. The applicant submitted an exhibit with the PPS, demonstrating that this requirement will be met by the open space characterized by on-site natural features including streams, wetlands, steep slopes, floodplains, woodland conservation areas, and associated environmental buffers, as identified in Section 27-6404(a) of the Zoning Ordinance, and totaling 6.58 acres.
- Section 27-6903(a)(1) requires that development with more than 20 dwelling units shall have at least one secondary point of vehicular access to or from the site to ensure emergency vehicle access, if feasible. The PPS shows two points of emergency vehicular access to a public street (Suitland Road and Whitehall Street), in addition to the main vehicular access points from the development to all three abutting public streets.
- Section 27-6903(c)(2) of the Zoning Ordinance requires that townhouse developments with more than one building shall be configured so that primary

building entrances are oriented towards external streets, internal streets, or open space areas (like mews or courtyards). The PPS shows Lots 36–68 which are oriented to front on open space parcels which are 12.5 feet wide. The design of this open space shall be evaluated further at the time of DET, including the provision of landscaping, site furniture, and lighting.

- Section 27-61200 of the Zoning Ordinance includes Neighborhood Compatibility Standards; development shall comply with standards related to building, parking, signage, and open space listed in this section.
- Section 27-61603(a)(1)(B) of the Zoning Ordinance contains a green building point system; this development will be required to achieve a minimum of four points.

**Conformance with the 2022 Prince George's County Landscape Manual**

The development is subject to the 2022 *Prince George's County Landscape Manual* (Landscape Manual). Specifically, Section 4.1, Residential Requirements; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; Section 4.8, Building Frontage Landscape Requirements; Section 4.9, Sustainable Landscaping Requirements, and Section 4.10, Street Trees (For Private Streets) apply to this site. Conformance with the applicable landscaping requirements will be determined at the time of DET review.

Section 4.10 of the Landscape Manual requires that street trees be provided on each side of a private street, in a planting bed no less than 6 feet wide by 8 feet long, between the street curb and the sidewalk. This requirement does not appear to be met on the north side of the private street (Parcel N) near Lot 135.

Section 4.6(c) of the Landscape Manual requires a 35-foot landscape buffer adjacent to a collector road, when rear yards of townhouses are oriented towards a street. Per the lot layout shown on the PPS, Lots 35, 41, 48, and 57 are lots whose rear yards are oriented towards Suitland Road and will not meet this requirement. It is also noted that a public utility easement (PUE) is located within the available buffer width. While the buffer area can be provided between the lot lines and the street, either on individual lots or as part of the homeowners association-owned open space parcel, all plant material required for this buffer shall be located outside of the PUE and off the lots as much as possible.

Section 4.7(c) of the Landscape Manual requires a minimum 10-foot landscape buffer abutting the multifamily development to the northwest, and a minimum 30-foot landscape buffer abutting the daycare to the northeast. These requirements are not met by the proposed lot layout.

The applicant may request an alternative compliance at the time of DET, in accordance with Section 1.3 of the Landscape Manual. However, if equally effective landscape treatment cannot be achieved, the reconfiguration or removal of lots may be required.

**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 proposes more than 5,000 square feet of gross floor area or disturbance and requires a grading permit. Properties that are zoned RSF-A are required to provide a minimum of 15 percent of the gross tract area, which equals to approximately 3.015 acres for this property, to be covered by tree canopy. Compliance with this requirement will be evaluated at the time of DET review.


BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner, and Shapiro voting in favor of the motion, and with Commissioner Geraldo absent at its regular meeting held on Thursday, January 26, 2023, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 16th day of February 2023.

Peter A. Shapiro  
Chairman

By   
Jessica Jones  
Planning Board Administrator

PAS:JJ:AH:rpg

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner  
M-NCPPC Legal Department  
Date: February 10, 2023