



# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 2023-117

File No. 4-23006

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

WHEREAS, Gabriel Akem and Evelyne Mantab are the owners of a 7.50-acre parcel of land known as Parcels 7 and 19, said property being in the 9th Election District of Prince George's County, Maryland, and being zoned Residential, Single-Family-95 (RSF-95); and

WHEREAS, on May 26, 2023, Gabriel Akem and Evelyne Mantab filed an application for approval of a Preliminary Plan of Subdivision for 21 lots, 2 parcels, and 1 outlot; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-23006 for Glorious Subdivision 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 November 2, 2023; and

WHEREAS, new Subdivision Regulations, Subtitle 24, of the Prince George's County Code went into effect on April 1, 2022; and

WHEREAS, pursuant to Section 24-1900 *et seq.* of the Prince George's County Subdivision Regulations, subdivision applications submitted before April 1, 2024 may be reviewed and decided in accordance with the Subdivision Regulations, Subtitle 24, of the Prince George's County Code in existence prior to April 1, 2022 (prior Subdivision Regulations); and

WHEREAS, the applicant has complied with the procedures required in order to proceed with development under the prior Subdivision Regulations contained in Section 24-1904 of the Prince George's County Subdivision Regulations; and

WHEREAS, therefore, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed the application under the prior Subdivision Regulations; and

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

WHEREAS, on November 2, 2023, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application; and

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 TCP1-009-2023, and APPROVED a Variance to Section 25-122(b)(1)(G), and further APPROVED Preliminary Plan of Subdivision 4-23006 for 21 lots, 1 parcel, and 2 outlots, with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be revised as follows:
  - a. Redesignate Parcel C as Outlot A.
  - b. Show the individual arc lengths of the street frontages for Lots 6–8.
  - c. Revise Site Note 2 to indicate that the property is in Tax Map 125, Grids C-1, C-2, D-1, and D-2.
  - d. Revise Site Note 16 to show a minimum lot width of 50 feet at the front street line.
  - e. Revise General Note 21 to show the approval date of the stormwater management concept plan.
  - f. Show all proposed stormwater management (SWM) facilities on the PPS, consistent with the Type 1 tree conservation plan and the approved SWM concept plan.
  - g. Show easements over the micro-bioretenction areas and the associated drainage areas connecting them to the stormdrain system. Label to whom the easements will be conveyed.
  - h. Label the ingress/egress easements which will be removed as “to be abandoned,” rather than “to be vacated.”
  - i. Label the area of right-of-way dedication to Brandywine Road, including the square footage of the dedication area.
2. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised, as follows:
  - a. Revise the TCP1 approval block, “00” approval line, Development Review Division column to add “4-23006”.
  - b. Revise the woodland conservation worksheet to show the woodland conservation requirement as 3.35 acres and the off-site requirement will be met with 3.35 acres.
  - c. Add the various proposed stormwater management symbols to the legend with a label (dry well, grass swale, riprap, micro-bioretenction).
  - d. Show easements over the micro-bioretenction areas and the associated drainage areas connecting them to the stormdrain system. Label to whom the easements will be conveyed.

- e. Have the revised plan signed and dated by the qualified professional who prepared it.
  - f. Redesignate Parcel C as Outlot A.
3. Prior to signature approval of the preliminary plan of subdivision (PPS), a copy of the approved stormwater management (SWM) concept letter and plan associated with this site shall be submitted. The stormwater facilities shall be consistent between the PPS, Type 1 tree conservation plan, and the approved SWM concept plan.
  4. Development of this site shall be in conformance with Stormwater Management Concept Plan 2036-2023-00, once approved, and any subsequent revisions.
  5. Prior to approval, the final plat of subdivision shall include:
    - a. Dedication of the proposed public rights-of-way for Glorious Court and Brandywine Road.
    - a. The granting of public utility easements in accordance with the preliminary plan of subdivision.
    - b. Evidence of abandonment of the existing 10-foot-wide ingress/egress easements on Lots 7–12.
  6. Prior to approval of grading permits, the applicant shall submit evidence that off-site utility easements have been recorded on adjoining Parcel 9, and on adjoining Lots 8 and 9, Block HH, of the Summit Creek subdivision, to support the off-site stormdrain and sewer lines shown on the preliminary plan of subdivision. The locations of the off-site easements may be modified by the appropriate permitting agency.
  7. Prior to approval of the final plat of subdivision, in accordance with Section 24-135 of the prior Prince George's County Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees shall provide a fee-in-lieu payment for mandatory parkland dedication.
  8. The applicant and the applicant's heirs, successors, and/or assignees shall provide the following facilities, and shall show these facilities on the permit plan, prior to its approval:
    - a. A designated bike lane along the subject site's entire frontage on Brandywine Road, unless modified by the operating agency, with written correspondence.
  9. Prior to approval of a final plat, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a homeowners association has been established for the subdivision. The draft covenants shall be submitted to the Subdivision Section of the Development Review Division of the Prince George's County Planning Department, to ensure

that the rights of the Maryland-National Capital Park and Planning Commission are included. The Liber/folio of the declaration of covenants shall be noted on the final plat, prior to recordation.

10. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey land to the homeowners association, as identified on the approved preliminary plan of subdivision. Land to be conveyed shall be subject to the following:
  - a. A copy of the recorded deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division of the Prince George's County Planning Department.
  - b. All waste matter of any kind shall be removed from the property, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
  - c. The conveyed land shall not suffer the disposition of construction materials or soil filling, other than the placement of fill material associated with permitted grading operations that are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.
  - d. Any disturbance of land to be conveyed to the association shall be in accordance with an approved site plan and tree conservation plan. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls.
  - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to the association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by the Development Review Division of the Prince George's County Planning Department.
  - f. The Prince George's County Planning Board, or its designee, shall be satisfied that there are adequate provisions to ensure retention and future maintenance of the property to be conveyed.
11. Prior to the issuance of a grading permit, the existing outbuildings at 10050 Brandywine Road, shall be thoroughly documented on a Maryland Inventory of Historic Properties form by a 36CFR61-certified consultant. The form shall be submitted in draft to Historic Preservation staff for review and approval, and the final form shall be submitted to the Maryland Historical Trust.
12. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-009-2023). 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 (TCP1-009-2023), or as modified by the Type 2 Tree Conservation

Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance (WCO). This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department."

13. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall either convey Outlots A and B to the owner of abutting Parcel 9, as identified on the approved preliminary plan of subdivision, or to the homeowners association.

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 site is located on the east side of Brandywine Road, approximately 1,500 feet north of its intersection with Symposium Way. The property totals 7.50 acres and consists of two parcels known as Parcels 7 and 19, both of which are described by deed in Book 47226 page 353 of the Prince George's County Land Records. The property is in the Residential, Single-Family-95 (RSF-95) Zone, however, this preliminary plan of subdivision (PPS) was submitted for review under the prior Prince George's County Zoning Ordinance and prior Prince George's County Subdivision Regulations, pursuant to Section 24-1900 *et seq.* of the Subdivision Regulations. Under the prior Zoning Ordinance, the site was within the One Family Detached Residential (R-80) Zone, which was effective prior to April 1, 2022. The property is subject to the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (master plan).

The site has never been the subject of a PPS; therefore, the PPS is required for the division of land and the construction of multiple dwelling units. In accordance with Section 24-1904(c) of the Subdivision Regulations, this PPS is supported by and subject to approved Certificate of Adequacy ADQ-2023-011.

The site was formerly used for agriculture and features several barns and sheds, all of which will be razed. This PPS includes 21 lots, 1 parcel, and 2 outlots for development of 21 single-family detached dwellings. The parcel will be conveyed to a homeowners association (HOA) and used for open space. The outlots will either be conveyed to the owner of an abutting property known as Parcel 9 or will be conveyed to the HOA. A new public street (Glorious Court) will serve the dwellings on-site. These site features are discussed in detail in the Site Access and Layout finding of this resolution. The applicant proposed the subdivision to include two parcels and one outlot; however, for reasons discussed in the aforementioned finding, both properties which may be conveyed to the owner of abutting Parcel 9 shall be designated as outlots.

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

3. **Setting**— The subject site is located on Tax Map 125 in Grids C-1, C-2, D-1, and D-2, and it is within Planning Area 81A. North of the site are two parcels known as Parcels 8 and 9, which are zoned RSF-95. Parcel 8 is owned by Prince George's County and used as a parking lot. Parcel 9 is a currently landlocked parcel featuring an existing single-family detached dwelling, accessed by an existing access easement over the subject property. Development of the subdivision may give Parcel 9 frontage on Glorious Court (see the Site Access and Layout finding of this resolution for details). East of the site are single-family detached dwellings in the Legacy Comprehensive Design (LCD) Zone. These dwellings front on Eyelet Court and are part of the Summit Creek subdivision. South of the site are single-family detached dwellings in the LCD and RSF-95 zones. West of the site, across Brandywine Road, are single-family detached dwellings in the RSF-95 Zone, and a church in the Commercial, General, and Office Zone. The site has frontage on Brandywine Road only in its northwest corner; the southeast portion of the site is separated from Brandywine Road by four single-family detached dwellings in the RSF-95 Zone.
4. **Development Data Summary**—The following information relates to the subject PPS and the evaluated development.

	EXISTING	EVALUATED
Zones	RSF-95	R-80
Use(s)	Vacant/former agricultural	Residential single-family detached
Acreage	7.50	7.50
Parcels	2	1 *
Lots	0	21
Outlots	0	2 *
Dwelling Units	0	21
Subtitle 25 Variance	No	Yes (25-122(b)(1)(G))
Variation	No	No

**Note:** \*As discussed herein, though two parcels and one outlot were proposed by the applicant, this PPS includes approval of one parcel and two outlots.

The subject PPS, 4-23006, was accepted for review on May 26, 2023. Pursuant to Section 24-119(d)(2) of the prior Prince George's County Subdivision Regulations, the Subdivision and Development Review Committee (SDRC) provided comments on this PPS to the applicant at its meeting on June 9, 2023. Revised plans were received on September 28, 2023 and October 13, 2023, which were used for the analysis contained herein.

5. **Previous Approvals**—There are no previous development approvals which apply to the subject site.
6. **Community Planning**—The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and conformance with the master plan is evaluated, as follows:

**Plan 2035**

The subject site is located in the Established Communities area, which is most appropriate for context-sensitive infill and low- to medium-density development. Plan 2035 recommends maintaining and enhancing existing public services (police and fire/EMS), facilities (such as libraries, schools, parks, and open space), and infrastructure in these areas (such as sidewalks) to ensure that the needs of existing residents are met (page 20).

**Master Plan**

The master plan recommends Residential Low land uses on the subject property. Residential Low land uses consist of residential areas up to 3.5 dwelling units per acre, and primarily of single-family detached dwellings (pages 31–32). In addition, the master plan makes the following recommendations that affect the subject property:

**Goals:**

- **Provide for compatible new development in older, established communities of Accokeek, Brandywine, and Clinton. (Page 35)**

**Guidelines:**

- ***Compatibility:* Ensure buildings are appropriately scaled for their site and recognize adjacent land use and development. Give consideration to similarity in density, setback, style, bulk, materials, and site layout to surrounding residential areas. Locate new structures to maintain existing rhythms of building width and spacing, with setbacks that respect predominant setbacks in the neighborhood.**
- ***Heights:* New dwellings should generally be within 10–15 percent of the height of adjacent dwellings. The proportion (relationship of height to width) of new structures should be as similar as possible and compatible with the proportion of existing adjacent structures.**
- ***Variety:* Use quality materials and architectural detailing and, where possible, provide a range of housing forms to add variety and provide diversity and choice.**
- ***Open space:* Incorporate public and private open spaces, such as pocket parks and tot lots, to enhance the appearance and environmental character of the community.**

- ***Trees:* Mature trees are an important part of neighborhood character. Maintain mature trees wherever possible.**
- ***Fences:* Use open fences or low hedges rather than high walls.**
- ***Circulation and connectivity:* Connect on-site and off-site roads, sidewalks, trails, streetscapes, and open space networks. Lay out new streets in a size and scale to maintain continuity of the existing community's circulation system. Avoid closed street systems, and generally restrict culs-de-sac to a short keyhole design." (Page 43)**

**Strategies:**

- **Ensure that infill development complements the community. Use infill development guidelines above in this section when reviewing infill proposals. (Page 45)**

The proposed development meets the goals, guidelines, and strategies for infill development given by the master plan. The development includes lots which are of a similar size to those in the surrounding area, and these lots will allow for density and setbacks compatible with the surrounding residential neighborhoods. The development will incorporate some open space on the HOA parcel. The street and sidewalks will connect to existing streets and sidewalks off-site, and they are at a size and scale which will maintain continuity of the existing community's circulation system. The street is a cul-de-sac because there are no opportunities for street connectivity other than at the site entrance. Preservation of woodlands and specimen trees is discussed in the Environmental finding of this resolution. Proposed building heights and architecture, and any proposed fences, will be evaluated at the time of permitting.

**Sectional Map Amendment/Zoning**

The sectional map amendment associated with the 2013 master plan retained the property in the One Family Detached Residential (R-80) Zone. 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-80 Zone to the Residential, Single-Family-95 Zone. However, this PPS was reviewed according to the prior R-80 zoning.

According to Plan 2035, all planning documents which were duly adopted and approved prior to the date of adoption of Plan 2035, remain in full force and effect, except for the designation of tiers, corridors, and centers, until those plans are revised or superseded. Pursuant to Section 24-121(a)(5) of the prior Subdivision Regulations, a PPS must conform to the area master plan, unless events have occurred to render the relevant recommendations no longer appropriate, or the District Council has not imposed the recommended zoning. Pursuant to Section 24-121(a)(5), this PPS conforms to the master plan.



7. **Stormwater Management**—An application for a major subdivision must include an approved stormwater management (SWM) concept plan, or indication that an application for such approval has been filed with the appropriate agency or the municipality having approval authority. An unapproved SWM Concept Plan, 2036-2023-00, was submitted with the subject PPS; this plan is currently under review by the Site Road Section of the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). The plan proposes stormwater to be directed into 25 dry wells, 4 grass swales, one micro-bioretenention facility, and rooftop disconnects.

Section 24-121(a)(15) of the prior Subdivision Regulations requires that the Prince George's County Planning Board shall not approve a PPS until evidence is submitted that a SWM concept plan has been approved by DPIE, unless the Planning Board finds that such approval will not affect the subdivision. With the exception of one micro-bioretenention facility on Parcel A, the SWM facilities are located on private lots. It is not anticipated that revisions to the SWM facilities will result in the need for additional parcels or cause significant revisions to the subdivision layout. Therefore, the future approval of the SWM concept plan will not affect the subdivision, so long as the proposed SWM facilities, buildings, interior roads, and surface parking are shown consistently on the SWM concept plan, the PPS, and the Type 1 tree conservation plan (TCP1) for the site. The approved SWM concept plan showing these features, and the associated approval letter, shall be provided prior to signature approval of the PPS, to ensure that the facilities are consistently shown on all three plans.

The approved SWM concept plan will also be required as part of the permit application submittal. Development of the site, in conformance with the SWM concept plan (once approved) and any subsequent revisions, to ensure that no on-site or downstream flooding occurs, satisfies the requirements of Section 24-130 of the prior Subdivision Regulations.

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

The proposed development has no impact on the master plan's park and open space recommendations. The master plan indicates that the Maryland-National Capital Park and Planning Commission (M-NCPPC) owns approximately 231 acres of parkland in the planning area, a large portion of which is in the Henson Creek Stream Valley Park. The master plan emphasizes that expanding facilities and services for youth is a growing priority in Clinton. The new Southern Area Aquatics and Recreation Complex facility assists in meeting the recreational programming needs of the area youth.

Park and recreation amenities serving the subject property include the Cosca Regional Park, located 1.5 miles from the development site. This park is improved with a skate park, playgrounds, picnic areas, a lake/pond, a field house, camping facilities, canoe/kayak facilities, a shelter pavilion, a volleyball court, a tram train, trails, an outdoor tennis court, and a lighted softball diamond. The Surratt House Historic Site, within one mile, provides outdoor space and

historic and educational opportunities to visitors. The subject property is also 3.5 miles southwest of Tanglewood Park, and 2.5 miles northwest of the Stephen Decatur Community Center.

Sections 24-134 and 24-135, which relate to mandatory dedication of parkland, provide for the dedication of land, the payment of a fee-in-lieu, and/or the provision of private on-site recreational facilities to serve the active recreational needs of residential development. The development proposal is for 21 single-family detached lots. Based on the density, five percent of the net residential lot area could be required to be dedicated to M-NCPPC for public parks, which equates to 0.375 acre. However, the subject property is not adjacent or contiguous to any property currently owned by M-NCPPC. In addition, the recreational guidelines for Prince George's County also set standards based on population; the projected population for the development is 63 new residents. The 0.375 acre of dedicated land would not be sufficient to provide for the types of active recreational activities that are needed.

Per Section 24-135, the Prince George's County Planning Board may approve the payment of fees in place of parkland dedication. Payment of a fee, in-lieu of the mandatory dedication of parkland, is required for the 21 lots. The fee may be used to fund improvements at nearby public parks, to serve the recreational needs of the residents.

Based on the preceding findings, the provision of mandatory dedication of parkland shall be met through the payment of a fee-in-lieu, in accordance with Section 24-135(a) of the prior Subdivision Regulations.

9. **Site Access and Layout**—The access to the subject property will be via a new public street (Glorious Court) intersecting Brandywine Road at the existing traffic signal serving the intersection of Thrift Road and Brandywine Road. The new public street travels east from the access point on Brandywine Road, before turning south for a short distance and then traveling west, ultimately terminating in a cul-de-sac. This public street provides access to all the lots in the subdivision. No lots will take direct access from Brandywine Road. The overall access, circulation, and roadway configuration are acceptable.

Adjoining off-site Parcel 9, which has no existing street frontage, is currently accessed via a 10-foot-wide ingress/egress easement to Brandywine Road, which crosses the northwest corner of the subject property. Proposed Parcel C is designated on the PPS to encompass the existing access easement, and it is to be conveyed to the owner of Parcel 9, subject to their agreement. This land shall be designated as an outlot, instead of a parcel, given the minimum zoning requirements are not met for this land area to be independently buildable. Prior to signature approval of the PPS, the plans shall be updated to designate Parcel C as Outlot A. The outlot should be incorporated into Parcel 9, pursuant to Section 24-121(a)(7) of the prior Subdivision Regulations; however, it may also be conveyed to the development's HOA, given the conveyance is subject to agreement of the owner of Parcel 9.

The PPS shows an outlot (Outlot B) between Glorious Court and Parcel 9, which should also be conveyed to the owner of Parcel 9, subject to their agreement, and incorporated into that parcel, pursuant to Section 24-121(a)(7). Incorporating this outlot will give Parcel 9 frontage on Glorious

Court, which may allow a future PPS for development of additional lots fronting on Glorious Court. However, this land may also be conveyed to the HOA, given the conveyance is subject to agreement of the owner of Parcel 9. Both outlots, if conveyed to the HOA, may still be conveyed by the HOA to the owner of Parcel 9 at a future time, given that the outlots are being created with the intent to provide access to and support potential future development of Parcel 9.

There is a second 10-foot-wide ingress/egress easement on the south side of the property. This easement is not improved and serves only the subject property (specifically, existing Parcel 19). This easement shall be abandoned with the final plat for the development.

The PPS shows off-site utility easements to serve the development. These include a 20-foot-wide stormdrain easement on Parcel 9 to the north; and a 30-foot-wide sewer easement on Lots 8 and 9, Block HH, of the Summit Creek subdivision, to the east. Prior to approval of grading permits for the development, the applicant shall provide evidence that the adjoining property owners have granted the easements. The locations of the off-site easements may be modified by the appropriate permitting agency. However, such a change is not expected to result in substantial revisions to the subdivision's lotting pattern.

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

#### **Master Plan Conformance**

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

The subject property has frontage on Brandywine Road. Per the MPOT and master plan, the portion of Brandywine Road that fronts the subject property is designated as a 4-lane collector roadway, with an ultimate right-of-way of 80 feet. The plans reflect an ultimate right-of-way of 40 feet from centerline, consistent with the master plan recommendations.

##### **Master Plan Pedestrian and Bike Facilities**

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

- **Dedicated bike lanes: Brandywine Road**

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, pages 9–10):

**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.**

Sidewalks currently exist along the subject site's frontage and are shown on the submitted plan. A bike lane also currently exists along the site frontage. To build the entrance to the development, the intersection of Brandywine Road and Thrift Road will be upgraded to a four-way intersection, causing a portion of the bike lane to be removed during the upgrade. To fulfill the intent of the master plan, the bike lane shall be restored with the completion of the road improvements, as required by DPIE. As a condition of approval, the applicant shall provide the bike lane along the subject site's entire frontage on Brandywine Road and shall show the facility on the permit plan for the development, unless modified by the operating agency with written correspondence.

Based on the findings presented above, multimodal transportation facilities will exist to serve the subdivision, as required under prior Subtitle 24 of the Prince George's County Code, and the subdivision will conform to the MPOT and master plan.

11. **Public Facilities**—This PPS was reviewed for conformance to the master plan in accordance with Section 24-121(a)(5). The master plan contains a Public Facilities chapter (page 129) which establishes the following overall goals:

**Goals:**

- **Needed public facilities are provided at locations that effectively and efficiently serve the existing and future population.**
- **Schools operate at 100 percent of capacity or less to provide an effective, quality learning environment.**
- **Priority is given to funding public facilities to support development in the Developing Tier policy area.**
- **All new public facilities are constructed to LEED (Leadership in Energy Efficiency and Design) standards or the equivalent and existing buildings will be retrofitted to make them energy efficient.**

There are policies established for the following areas in the Public Facilities chapter of the master plan: schools, libraries, public safety, parks and recreation, solid waste management/recycling, and water and sewer. The development will not impede achievement of any of the above-referenced goals or policies. The analysis provided with approved Certificate of Adequacy ADQ-2023-011 illustrates that, pursuant to adopted tests and standards, public safety facilities are adequate to serve the development. In addition, the 2021 *Update of the Pupil Yield Factors and*

*Public School Clusters* shows that Cluster 6 is operating below 100 percent capacity. There are no police, fire and emergency medical service facilities, public schools, parks, or libraries proposed on the subject property.

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

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

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

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

The standard requirement for public utility easements (PUEs) is 10 feet wide along both sides of all public rights-of-way. The subject property has frontage on Brandywine Road, and includes a new public street, Glorious Court. The required PUEs are provided along both roadways. All PUEs are 10 feet wide, except on the part of Outlot B where there are fewer than 10 feet between the right-of-way line and the site’s overall property boundary. The PUE at this location has been made as wide as possible within the confines of the site; the portions of the PUE not currently provided would be required should Parcel 9 be developed in a way that requires a PPS. The PUEs provided by this PPS are sufficient to accommodate dry utility access to all the residential lots.

13. **Historic**—The master plan contains goals and policies related to historic preservation (pages 155–160). However, these are not specific to the subject site or applicable to the development. The subject property does not contain, and is not adjacent to, any designated Prince George’s County historic sites or resources.

A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicated the probability of archeological sites within the subject property was high. A Phase I archeology investigation was completed, and a report was prepared in February 2023. No further work was recommended. The archeology report confirmed the presence of agricultural outbuildings, including two small outbuildings, the poured concrete foundation of a small garage, and two tobacco barns, one dating to the 1940s and the other to an unknown building date. As tobacco barns represent a quickly disappearing and culturally

important building type, documentation of the remaining structures associated with the agricultural complex is required.

14. **Environmental**—The subject PPS was received on May 26, 2023. Environmental comments were provided during the SDRC meeting on June 9, 2023. The following applications and associated plans were previously reviewed for the subject site:

<b>Development Review Case Number</b>	<b>Associated Tree Conservation Plan Number</b>	<b>Authority</b>	<b>Status</b>	<b>Action Date</b>	<b>Resolution Number</b>
NRI-140-2022	N/A	Staff	Approved	1/13/2023	N/A
4-23006	TCP1-009-2023	Planning Board	Approved	11/2/2023	2023-117

#### **Grandfathering**

The project is subject to the current regulations of Subtitle 25 and prior regulations of Subtitles 24 and 27 that came into effect on September 1, 2010, and February 1, 2012, because the project is a new PPS.

#### **Site Description**

A review of the available information indicates that the site contains no regulated environmental features (REF), such as streams, non-tidal wetlands, their associated buffers or 100-year floodplain. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program there are no rare, threatened, or endangered species found to occur on or in the vicinity of the development area. The site is relatively flat; however, the elevation is highest near the southwest corner of the site and then drains to the north, east, and south from the high point. This site is located within the Piscataway Creek watershed which flows into the Potomac River. The site has frontage on Brandywine Road, which is identified as a master plan collector roadway and a historic roadway. This section of Brandywine Road is also identified as part of the “John Wilkes Booth Escape Scenic Byway.”

#### **Plan 2035**

The site is located within Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map, the Established Communities of the General Plan Growth Policy Map, and the Residential Low land use category of the General Plan Generalized Future Land Use Map, as designated by Plan 2035.

#### **Environmental Conformance with Applicable Plans**

##### **Master Plan Conformance**

In the approved master plan, the section on environment contains eight subsections (A–H), each of which contain policies and strategies. The text in **bold** is the policy text from the master plan and the plain text provides comments on plan conformance:

**A. Green Infrastructure**

- **Implement the master plan's desired development pattern while protecting sensitive environmental features and meeting the full intent of environmental policies and regulations.**
- **Ensure the new development incorporates open space, environmentally sensitive design, and mitigation activities.**
- **Protect, preserve, and enhance the identified green infrastructure network.**

A small area in the northeastern corner of the site is within the evaluation area, within the designated network of the plan. This area consists of woodland edge vegetation that was preserved from previous on-site agricultural activities. The evaluation area will be impacted for infrastructure (road and SWM structures), grading, and one single-family lot.

**B. Water Quality, Stormwater Management, and Groundwater**

- **Encourage the restoration and enhancement of water quality in degraded areas and the preservation of water quality in areas not degraded.**
- **Protect and restore groundwater recharge areas such as wetlands and the headwater areas of streams.**

The SWM concept design is required to be reviewed, and approved by DPIE, to address surface water runoff issues in accordance with Subtitle 32, Water Resources Protection and Grading Code. This requires that environmental site design be implemented to the maximum extent practicable. An unapproved SWM Concept Plan, 2036-2023-00, was submitted with the subject PPS. The SWM concept plan proposes stormwater to be directed into 25 dry wells, 4 grass swales, one micro-bioretenention facility, and rooftop disconnect.

There are no REFs such as streams, floodplain, or associated wetlands located on-site.

**C. Watersheds**

- **Ensure that, to the fullest extent possible, land use policies support the protection of the Mattawoman Creek and Piscataway Creek watersheds.**

- **Conserve as much land as possible, in the Rural Tier portion of the watershed, as natural resource land (forest, mineral, and agriculture).**
- **Minimize impervious surfaces in the Developing Tier portion of the watershed through use of conservation subdivisions and environmentally sensitive design and, especially in the higher density Brandywine Community Center, incorporate best stormwater design practices to increase infiltration and reduce run-off volumes.**

This PPS is for the construction of a single-family detached subdivision. Most of the project area was previously farmed and improved with an existing farmhouse and barns. The former agricultural fields have gone fallow, resulting in the natural regeneration of woodlands and open grasslands, as shown on the approved natural resources inventory plan (NRI). The surrounding properties are comprised of woodlands, residential uses, and industrial uses.

The property is located approximately 400 feet south of an unnamed tributary to North Branch- Piscataway Creek. This area between the site and the unnamed stream is undeveloped and fully wooded.

The subject property is located within the Environmental Strategy Area 2, which was formerly the Developing Tier. There are no REFs on-site.

Impervious surfaces within the development will be minimized through use of environmentally sensitive design and best stormwater design practices, as required by the SWM concept plan and TCP1. Impervious coverage will be further limited by zoning through the lot coverage maximums of the R-80 Zone.

#### **D. Chesapeake Bay Critical Area**

- **Enhance the County's Critical Area protection program in response to local, regional, and statewide initiatives and legislative changes.**

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

#### **E. Air Quality and Greenhouse Gas Emissions**

- **Reduce air pollution through transportation demand management (TDM) projects and programs.**
- **Promote "climate-friendly" development patterns through planning processes and land use decisions.**



- **Increase awareness of the sources of air pollution and greenhouse gas emissions.**

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

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

According to the *Countywide Green Infrastructure Plan* of the 2017 *Approved Prince George's County Resource Conservation Plan*, (Green Infrastructure Plan) a small area in the northeastern corner of the site is within the evaluation area within the designated network of the plan. The conceptual site design, as reflected on the PPS and the TCP1, is in keeping with the goals of the Green Infrastructure Plan and focuses on development outside of the most sensitive areas of the site. A detailed evaluation of major green infrastructure components has been provided in the Master Plan Conformance section above.

#### **Environmental Review**

##### **Natural Resources Inventory/Existing Conditions**

Natural Resource Inventory Plan NRI-140-2022 was approved on January 13, 2023, and was submitted with the review package. The NRI verifies that the site contains no REFs or primary management area (PMA), but contains woodland areas, and three specimen trees.

The NRI shows 3.01 acres of on-site woodlands, however, re-delineation of the woodlands with the TCP1 indicates that there are 3.12 acres of on-site woodlands. The change in woodland lines and acreage shown on the TCP1 is acceptable. In addition, the NRI shows three specimen trees, with one tree having a diameter of 28 inches. This tree does not qualify as a specimen tree, and so is not shown on the TCP1. This tree was appropriately removed from the specimen tree table on the TCP1.

No revisions are required for conformance to the NRI.

##### **Woodland Conservation**

The site is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) of the County Code because the property is greater than 40,000 square feet in size and contains more than 10,000 square feet of existing woodland.

Based on the TCP1, the overall site contains a total of 3.12 acres of net tract woodlands. The plan shows clearing of 3.01 acres of on-site woodlands and 0.05 acre of off-site woodlands, for a woodland conservation requirement of 3.35 acres. The woodland conservation worksheet shall be revised to show 3.35 acres of off-site woodland credits to meet the woodland requirement.

The applicant provided further information in a statement of justification (SOJ) dated September 27, 2023, concerning why the on-site woodland could not be retained on-site. The on-site woodlands are located within the eastern and western areas of the site. The only site access is from the existing Brandywine Road right-of-way, which impacts the woodland found in

the western area of the property. This entrance location is required by the Site Road Section of DPIE, and the County's road standards, to have a wider pavement area to facilitate the traffic flow that goes in and out of the subdivision. This western wooded area cannot be preserved. The remaining woodlands are located within the lowest elevation area of the site, which will be used for SWM, and grading for the development of the site. Lots 8 through 14, Block HH, of the Summit Creek subdivision are located along the eastern property line, and grading is needed to maintain positive water drainage in the Glorious Subdivision. The entire eastern woodland area cannot be preserved, due to the amount of grading for the development and proper drainage needed for the development area and Summit Creek. The on-site woodland clearing and the request to use off-site woodland mitigation credits is approved.

Technical revisions are required to the TCP1, which are included in the conditions of approval of this resolution.

#### **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. 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 site contains two specimen trees with both having good condition ratings. The design will remove one of these on-site specimen trees.

#### **Review of Subtitle 25 Variance Request**

A Subtitle 25 Variance application and a SOJ in support of the variance were received for review with this PPS and were dated August 25, 2023.

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

#### **SPECIMEN TREE SCHEDULE SUMMARY**

<b>ST Number</b>	<b>Common Name</b>	<b>Diameter at Breast Height-Dbh (In Inches)</b>	<b>Condition</b>	<b>Retain/Remove</b>
ST-1	red oak	30	Good	Remove
ST-2	red oak	30	Good	Retain

#### **Statement of Justification Request**

The text 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;**

In relation to other properties in the area, special conditions peculiar to the property would cause an unwarranted hardship if the applicant were required to retain Specimen Tree ST-1. The property is partially wooded with open areas and existing structures. To develop the site, woodland clearing, grading, and filling are required. ST-1 is located within the western portion of the site adjacent to existing outbuildings that will not be saved. Retaining the specimen tree and not impacting its critical root zone is not feasible due to the on-site grading required to provide adequate slope to drain the site's stormwater. The development will retain the other on-site specimen tree, identified on the plan as ST-2, with a condition rating of good (red oak 30-inch DBH).

The use of the property for single-family detached residential dwellings is a significant and reasonable use for the subject site, and it cannot be accomplished without adequate SWM. The area around ST-1 and its critical root zone will be impacted (greater than 65 percent) by grading and filling for adequate SWM elevations. Requiring the applicant to retain the one specimen tree on the site 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.

The site contains two specimen trees, and the applicant proposes to remove one of these trees. The one tree is requested for removal to provide adequate grading for required SWM.

**(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 similar residential developments contained specimen trees with needed grading required for SWM, it 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 applicant has taken no prior actions leading to the conditions or circumstances that are the subject of the variance request. The removal of ST-1 is tied to the site's proposed grading, to provide SWM to a topographically flat site. This tree is requested for removal

to achieve optimal development for the single-family attached dwelling subdivision with associated 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**

There are no existing conditions, existing land, or building uses on the site, or on neighboring properties that have any impact on the location or size of specimen tree ST-1. The tree has grown to specimen tree size based on natural conditions and has not been impacted by any neighboring land or building uses.

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

The removal of one specimen tree will not adversely affect water quality. In addition, the Glorious Subdivision development will not adversely affect water quality. The project will be subject to the requirements of the Prince George's County Soil Conservation District, and the approval of a stormwater concept plan by DPIE. The applicant will meet the woodland conservation requirement with off-site woodland credits.

The required findings of Section 25-119(d) have been adequately addressed for removal of the one specimen tree identified as ST-1 and, therefore, the variance request is approved.

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

According to the approved NRI, the site does not contain any REFs or PMA.

**Soils**

The soil types found on-site, according to the United States Department of Agriculture Natural Resources Conservation Services Web Soil Survey, are Beltsville silt loam, Hoghole-Grosstown complex, and Sassafras sandy loam soils. Marlboro clay was not identified on-site, but Christiana clay is located just off-site, in the northeast corner.

Based on the foregoing findings, the PPS conforms to the relevant environmental policies of the master plan and Green Infrastructure Plan, and the relevant environmental requirements of Subtitles 24 and 25.

15. **Urban Design**—The development is not subject to a detailed site plan approval.

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

The PPS includes 21 lots for development of 21 single-family detached dwellings. This use is permitted by right in the R-80 Zone, per Section 27-441 of the prior Zoning Ordinance.

Conformance with the prior Zoning Ordinance is required for the development, at the time of permitting including, but not limited to, the following:

- Section 27-429, requirements for the R-80 Zone, as applicable;
- Section 27-441(b) regarding uses permitted in the R-80 Zone;
- Part 11, Off-Street Parking and Loading; and
- Part 12, Signs

**Conformance with the 2010 Prince George’s County Landscape Manual**

Pursuant to Section 27-124.03 of the prior Zoning Ordinance, the development is subject to the 2010 *Prince George’s County Landscape Manual*. Specifically, Section 4.1, Residential Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscape Requirements, apply to this site. Conformance with the applicable landscaping requirements will be determined at the time of permitting.

**Conformance with the Tree Canopy Coverage Ordinance**

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development projects that propose more than 5,000 square feet of gross floor area or disturbance, and requires a grading permit. The subject site is required to provide a minimum of 15 percent of the gross tract area to be covered by tree canopy. Compliance with this requirement will be evaluated at the time of permitting.

16. **Community Feedback**—The Prince George’s County Planning Department did not receive any written correspondence from the community for the subject PPS. No community members signed up to speak at the Planning Board hearing held on November 2, 2023.


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, November 2, 2023, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 9th day of November 2023.

Peter A. Shapiro  
Chairman

  
By Jessica Jones  
Planning Board Administrator

PAS:JJ:EDC:rpg

  
Approved for Legal Sufficiency  
M-NCPPC Office of General  
Counsel