



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

PGCPB No. 2023-89

File No. 4-22060

RESOLUTION

WHEREAS, Harbor View Development LLC is the owner of a 20.12-acre parcel of land known as Lots 63–91, Block 122; Lots 13–24, Block 123; Lots 8-14, Block 124; rights-of-way of Chippewa Drive, Crow Way, and portions of Bald Eagle Drive of the Forest Heights Subdivision; and Parcels 26, 27, 32, 33, 35, 36, and 37, said property being in the 12th Election District of Prince George’s County, Maryland, and being zoned Residential, Multifamily-48 (RMF-48) and is partially subject to the Intense Development Overlay (I-D-O) Zone associated with the Chesapeake Bay Critical Area (CBCA); and

WHEREAS, on May 24, 2023, Harbor View Development LLC filed an application for approval of a Preliminary Plan of Subdivision for 19 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-22060 for National View 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 July 27, 2023; and

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

WHEREAS, pursuant to Section 24-1900 of the Subdivision Regulations, subdivision applications submitted before April 1, 2024, may be reviewed and decided in accordance with the prior Subdivision Regulations; and

WHEREAS, pursuant to Section 27-1704(b) of the Zoning Ordinance, subsequent subdivision applications for property subject to a valid conceptual site plan approved under the prior Zoning Ordinance may proceed to be reviewed and decided in accordance with the prior 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 Regulations for the Subdivision of Land, Subtitle 24, Prince George’s County Code in existence prior to April 1, 2022; and

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

WHEREAS, on July 27, 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 TCP1-009-2022-01, and APPROVED Preliminary Plan of Subdivision 4-22060, including a Variation from Section 24-128(b)(12), for 19 parcels, with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be revised, as follows:
 - a. Revise General Note 2 to specify that Lots 61–91 are in Block 122; add Lots 13–24, Block 123, and Lots 8–14, Block 124; and show the plat recording reference for all of the existing lots (Plat Book WWW 28 page 5).
 - b. Revise General Note 11 to include a calculation for the floor area ratio, rather than just the resulting value.
 - c. Revise General Note 14 to state that the site is in the Residential, Multifamily-48 (RMF-48) Zone, but is being reviewed according to the standards of the prior Mixed Use-Transportation Oriented (M-X-T) Zone, and specify the existing use as vacant.
 - d. Revise General Note 26 to state that the associated Type 1 tree conservation plan is TCP1-009-2022-01.
 - e. Add a general note which shows a calculation of the residential density of the development.
 - f. Update the PPS to show the correct mailing address of the applicant.
 - g. Ensure all labels on the PPS are legible and not overlapped by other labels or site features.
 - h. Show all sidewalks within the private street parcels and public rights-of-way, which are proposed with this PPS, with stippling to enhance visibility.
 - i. Label the two on-site debris piles on Parcels 1 and 2 as “to be removed.”
 - j. Show the correct alignment of the stormwater biofilter on Parcel B.
2. Prior to signature approval of the preliminary plan of subdivision (PPS), the Type 1 tree conservation plan shall be revised, as follows:
 - a. Label Building A as containing residential and commercial uses, rather than office and commercial uses.
 - b. Revise the boundaries of Woodland Preservation Area B (as labeled on the tree conservation plan area summary chart), and show the correct alignment of the stormwater biofilter on Parcel B, in order to account for the realignment of Private Road A, between the conceptual site plan and the PPS.
 - c. Revise the labels of the two woodland preservation areas shown on the plan drawings, so

that they match the labels given in the tree conservation plan area summary chart.

3. Development of this site shall be in conformance with Stormwater Management Concept Plan 49501-2021-00 and any subsequent revisions.
4. Prior to approval, the final plat of subdivision shall include:
 - a. A note reflecting the granting of a variation, with the preliminary plan of subdivision, from Section 24-128(b)(12) of the prior Prince George's County Subdivision Regulations, to exclude the granting of a public utility easement (PUE) along a portion of Private Street B, to allow PUEs along Private Streets A and B to be fully or partially within the private right-of-way, and allow all PUEs along private streets to be a minimum of 7 feet wide.
 - b. The granting of public utility easements, along the public and private roadways, in accordance with the preliminary plan of subdivision.
5. In accordance with Section 24-135(b) of the prior Prince George's County Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees shall allocate appropriate and developable areas for, and provide, adequate on-site recreational facilities.
6. The on-site recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division of the Prince George's County Planning Department, for adequacy and proper siting, in accordance with the *Parks and Recreation Facilities Guidelines*, with the review of the detailed site plan (DSP). Timing for construction shall be determined, at the time of DSP.
7. Prior to submission of the final plat of subdivision for any residential parcel, the applicant and the applicant's heirs, successors, and/or assignees shall submit an executed private recreational facilities agreement (RFA) to the Development Review Division (DRD) of the Prince George's County Planning Department, for construction of on-site recreational facilities, for approval. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records, and the book and page of the RFA shall be noted on the final plat, prior to plat recordation.
8. Prior to approval of each building permit for residential development, the applicant and the applicant's heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for construction of recreational facilities, in phase with the residential development.
9. The detailed site plan shall determine which open space areas and recreation facilities on the site, if any, will be open to public use. Prior to approval of a final plat for the development, a draft public use easement or covenant for the public use areas shall be reviewed and approved by the Maryland-National Capital Park and Planning Commission (M-NCPPC) and be fully executed. The easement or covenant documents shall set forth the rights, responsibilities, and liabilities of

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

10. The applicant and the applicant's heirs, successors, and/or assignees shall construct the following facilities. The applicant shall show the following facilities on the detailed site plan (DSP), prior to its acceptance:
 - a. A shared-use path or appropriate alternative facility to safely convey pedestrian and bicycle traffic along Private Road A, connecting to Seneca Drive to the north and Bald Eagle Road to the south. The applicant shall work with Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department staff, during the review of the DSP, and shall give consideration to visual and physical compatibility between the shared-use path or alternative facility and the adjacent retaining wall.
 - b. D11-1 Bike Route or R4-11/Bicycles May Use Full Lane signage along Private Road A.
11. The applicant shall provide a public access easement or covenant allowing public access over the shared-use path connecting Seneca Drive and Bald Eagle Road. Prior to approval of a final plat for the development, a draft public access easement or covenant shall be reviewed and approved by the Maryland-National Capital Park and Planning Commission (M-NCPPC), and be fully executed. The easement or covenant documents shall set forth the rights, responsibilities, and liabilities of the parties and shall include the rights of M-NCPPC. The limits of any easement shall be reflected on the final plat. The easement or covenant shall be recorded in the Prince George's County Land Records, and the Liber/folio of the easement or covenant shall be indicated on the final plat, prior to recordation.
12. Prior to approval of a final plat, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a community 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.
13. Prior to approval of building permits for development within each detailed site plan (DSP), the applicant and the applicant's heirs, successors, and/or assignees shall convey land, as identified on the approved preliminary plan of subdivision and/or DSP, to the community association. 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.
 - 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.
14. Prior to acceptance of the detailed site plan, the applicant and the applicant's heirs, successors, and/or assignees shall submit a geotechnical investigation report with details of the proposed retaining walls and building areas, where Christiana clay is present and significant grading is proposed. The geotechnical report shall include a slope stability analysis for the proposed conditions and shall be performed, in accordance with Prince George's County Guideline, Techno-Gram 005-2018 and 002-2021.
15. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-009-2022-01). The following note shall be placed on the final plat of subdivision:
- “This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-009-2022-01 or most recent revision), or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance (WCO). This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department.”
16. Prior to 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.”

17. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area, except for any approved impacts, and shall be reviewed by the Environmental Planning Section, prior to approval of the final plat. The following note shall be placed on the plat:

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

18. Prior to acceptance of a detailed site plan, the applicant and the applicant’s heirs, successors, and/or assignees shall submit a Phase 2 noise study, based on the final site layout and building architecture that demonstrates the interior of dwelling units will be mitigated to 45 dBA/Ldn or less and that outdoor activity areas (including, but not limited to, the community gardens and rooftop amenity areas) will be mitigated to 65 dBA/Ldn or less.
19. Prior to approval of a building permit for any residential building identified on the detailed site plan as being affected by noise levels exceeding 65 dBA/Ldn, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permit, stating that the building shell or structure has been designed to reduce interior noise levels to 45 dBA/Ldn or less.
20. Any abandoned well or septic system shall be pumped, backfilled, and/or sealed, in accordance with Code of Maryland Regulations 26.04.04, by a licensed well driller or witnessed by a representative of the Prince George’s County Health Department, prior to rough grading permit.
21. Prior to the approval of building permits, the applicant and the applicant’s heirs, successors, and/or assignees shall remove the two on-site debris piles. All solid waste materials (debris/rubbish) observed shall be collected and properly disposed of in a municipal landfill.

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 north side of I-95/495 (Capital Beltway), approximately 1,100 feet west of its interchange with MD 210, and adjacent to Bald Eagle Road. The northern portion of the property consists of Lots 63-91, Block 122; Lots 13-24, Block 123; and, Lots 8-14, Block 124, of the Forest Heights Subdivision, Section 16, as well as unimproved public

rights-of-way (ROWs), including Chippewa Drive, Crow Way, and portions of Bald Eagle Drive, all recorded in Plat Book WWW 28 page 5 in the Prince George's County Land Records. The southern portion of the property consists of tax parcels, recorded in County Land Records, known as Parcels 26 and 27 (Liber 41840 folio 235), Parcel 32 (Liber 42799 folio 255), Parcels 33, 35, and 37 (Liber 41808 folio 190), and Parcel 36 (Liber 41808 folio 154). The property totals 20.12 acres.

The property is in the Residential, Multifamily-48 (RMF-48) Zone and is partially subject to the Intense Development Overlay (I-D-O) Zone associated with the Chesapeake Bay Critical Area (CBCA). 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 24-1703(b) of the Subdivision Regulations. Under the prior Zoning Ordinance, the site was within the Mixed Use-Transportation Oriented (M-X-T) Zone and the prior version of the I-D-O Zone, which were effective prior to April 1, 2022. The northern portion of the property is within the area of the 2014 *Approved Eastover/Forest Heights/Glassmanor Sector Plan and Sectional Map Amendment* (2014 Sector Plan), while the southern portion of the property is within the area of the 2000 *Approved Master Plan and Sectional Map Amendment for the Heights and Vicinity (Planning Area 76A)* (2000 Master Plan). The northern portion of the property is within the Town of Forest Heights.

The site consists of existing woodlands on hilly terrain, generally sloping downward to the north towards Oxon Creek. The site overlooks a national park known as Oxon Cove Park and Oxon Hill Farm, as well as the Potomac River, and it contains a historic site known as the Butler House. This PPS is for subdivision of the property into 19 parcels, for 71,918 square feet of commercial development and 1,562 multifamily dwelling units, including 362 dwelling units reserved for elderly housing. Of the 19 parcels, Parcels 1-4 are for mixed-use development; Parcels 5-7 are for elderly housing; and Parcels A-L are to be used as private street, alley, and open space parcels, which will be conveyed to a community association.

The PPS is required for the division of land, construction of more than 5,000 square feet of nonresidential floor area, and construction of multiple dwelling units. In accordance with Section 24-1704(b) of the Subdivision Regulations, this PPS is supported by and subject to approved Certificate of Adequacy ADQ-2022-067.

The PPS includes approval of a variation from Section 24-128(b)(12) of the prior Subdivision Regulations, in order to omit a public utility easement (PUE) segment, to locate PUEs within private rights-of-way, and reduce the required width of the PUEs from 10 feet to 7 feet. The variation is discussed further in the Public Utility Easement finding of this resolution.

3. **Setting**—The subject site is located on Tax Map 95 in Grids F-3 and F-4, and within Planning Area 76A. West of the site are Oxon Cove Park and Oxon Hill Farm, located on National Park Service (NPS) land in the Reserved Open Space Zone. North and northeast of the site are single-family detached dwellings within the Town of Forest Heights, located in the Residential, Single-Family-65 Zone. East of the site is woodland in the Agricultural and Preservation Zone, with Bald Eagle Road and the interchange of I-95/495 and MD 210 beyond. South of the site is

I-95/495, with development in the Industrial, Employment (IE) Zone and the edge area of the Regional Transit-Oriented, Low Intensity (RTO-L-E) Zone beyond. The development in the IE Zone consists of a park-and-ride lot, an office building, and the Tanger Outlets Mall, while the development in the RTO-L-E Zone consists of a gas station, parking lots, and the MGM Hotel and Casino (part of National Harbor). The northwest corner of the property and lands further to the northwest are within the IDO Zone associated with the CBCA. This PPS was evaluated according to the standards of the I-D-O Zone of the prior Zoning Ordinance.

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

| | EXISTING | EVALUATED |
|---------------------------------|--------------------------|---|
| Zones | RMF-48/IDO | M-X-T/I-D-O |
| Use(s) | Vacant | Commercial, multifamily |
| Acreage | 20.12 | 20.12 |
| Parcels | 7 | 19 |
| Lots | 48 | 0 |
| Dwelling Units | 0 | 1,562 |
| Nonresidential Gross Floor Area | 0 sq. ft. | 71,918 sq. ft. |
| Variance | Yes (25-122(b)(1)(G)) | This variance remains in effect, pursuant to CSP-21006 |
| Variation | No | Yes (24-128(b)(12)) |

The subject PPS 4-22060 was accepted for review on May 24, 2023. Pursuant to Section 24-119(d)(2) of the prior Subdivision Regulations, this case was heard at the Subdivision and Development Review Committee (SDRC) meeting on June 9, 2023. The variation from Section 24-128(b)(12) was accepted on May 24, 2023, along with the PPS, and also heard at the SDRC meeting on June 9, 2023, as required by Section 24-113(b) of the Subdivision Regulations. Revised plans were received on June 22, 2023, which were used for the analysis contained herein.

5. **Previous Approvals**—Forest Heights Subdivision, Section 16, located within the Town of Forest Heights in the northern part of the site, was platted in April 1956 in Plat Book WWW 28 page 5 of the County Land Records. There is no information available regarding a PPS associated with this plat. The single-family lots on this site were never developed and the site has remained vacant.

The Butler House property, in the southern part of the site, is mostly wooded, but has two historic residences and an existing electric utility ROW. The property is comprised of Parcels 26, 32, 33, 35, 36, and 37, which are not mapped within the Forest Heights municipal boundary. This section contains the Butler House (PG:76A-014/National Register), a Prince George's County historic site that was designated in 1981 and listed in the National Register of Historic Places in March 2005. The Butler House property is adjacent to Mount Welby (PG:76A-013/National

Register), also a Prince George's County historic site (designated in 1981), located within the adjacent national park. The Oxon Hill Farm property was listed in the National Register of Historic Places in September 2003. At least four outbuildings were located on the subject property, from approximately 1965 until 1998 when the outbuildings were demolished.

On October 26, 2021, the Prince George's County District Council approved Zoning Map Amendment A-10055 (via Zoning Ordinance No. 6-2021) to rezone the subject site from the One-Family Detached Residential (R-55) and Rural Residential (R-R) Zones to the M-X-T Zone, with five conditions. The conditions pertain to the conceptual site plan (CSP) and detailed site plan (DSP) for the subject property, and are not applicable to this PPS.

On May 26, 2022, the Prince George's County Planning Board approved CSP-21004 (PGCPB Resolution No. 2022-65) for the subject site. The CSP approved up to 289,000 square feet of office and commercial development and a range of 1,465 to 1,870 multifamily dwelling units, including up to 485 units reserved for elderly housing. The development evaluated with this PPS is within that approved under the CSP. CSP-21004 was approved subject to four conditions, of which Condition 2 is applicable to this PPS. Condition 2 has three Subconditions 2(a) through 2(c); Conditions 2(a) and 2(b) pertain to on-site bicycle and pedestrian facilities and are addressed in the Transportation finding of this resolution, and Condition 2(c) pertains to a Phase 1 noise study and is addressed in the Noise finding of this resolution.

A Conservation Plan, CP-21006, was approved alongside the CSP for the portion of the property which is in the I-D-O Zone, in the CBCA. The CP was approved by the Planning Board on May 26, 2022 (PGCPB Resolution No. 2022-64), subject to one condition which is not applicable to this PPS. The CP preserves the area of the site within the I-D-O Zone as open space. The area is to contain a 12-foot-wide shared-use path, a stormwater management (SWM) facility, existing utility easements, utility connections, and a picnic pavilion.

6. **Community Planning**—The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035), and conformance with the 2014 Sector Plan and the 2000 Master Plan are evaluated, as follows:

Plan 2035

Plan 2035 places this site within the Established Communities policy area. Plan 2035 describes Established Communities as areas “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).

2014 Sector Plan and 2000 Master Plan

The 2000 Master Plan does not make a specific future land use recommendation for the southern part of the property. However, it does recommend that infill development be compatible with the low-density character of surrounding neighborhoods (page 13). The 2014 Sector Plan also does not make a specific future land use recommendation, but includes the northern portion of the

property in Focus Area 5, Town of Forest Heights (page 55). Unlike the other focus areas, no recommendations are made to change the current land use. This indicates that the area's existing land use, described as dense single-family housing, should remain the same (page 12). In addition, the sector plan "proposes completing sidewalks on each side of the streets of Forest Heights and implementing a complete streets program" (page 55).

Sectional Map Amendment/Zoning

The District Council approved A-10055 on October 26, 2021, rezoning the property to the M-X-T Zone. On November 29, 2021, the District Council approved CR-136-2021, the Countywide Sectional Map Amendment, which reclassified the subject property from the M-X-T Zone to the RMF-48 Zone. However, this PPS is reviewed according to the prior M-X-T 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 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 is not required to conform to the land use recommendations of either the 2014 Sector Plan or the 2000 Master Plan because the District Council has approved A-10055, which rezoned the property to M-X-T. The rezoning rendered the relevant land use recommendations, within the 2000 Master Plan and 2014 Sector Plan, no longer applicable. Instead, those uses allowed, in accordance with the M-X-T Zone, are permitted.

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. A SWM Concept (49501-2021-00) approval letter and associated plan were submitted with the PPS for this site. The Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) issued the approval on August 31, 2022. The SWM concept plan shows that stormwater will be directed into 18 box bioretention facilities and six storm filters. A fee of \$351,770 is required, in lieu of providing on-site attenuation and quality control measures.

No further information is required, at this time, regarding SWM with this PPS. 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 Section 24-130 of the prior Subdivision Regulations.

8. **Parks and Recreation**—This PPS has been reviewed for conformance with the requirements and recommendations of the 2014 Sector Plan; the 2000 Master Plan; the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*; the 2017 *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 aligns with the intention of both the 2014 Sector Plan and the 2000 Master Plan to improve upon the existing neighborhood and community parks, while providing enhanced facilities to the community.

The 2014 Sector Plan emphasizes the need to build upon existing pathways and complete the trail network in the area. The PPS shows a 12-foot-wide pedestrian and bike trail through the northern part of the property, which will connect to Seneca Drive within the existing Forest Heights community. Seneca Drive connects with Huron Drive, along which is Bell Acres Park which, in turn, provides a connection to the Oxon Run Trail. Pedestrian-friendly crosswalks are also proposed at the entrance to the development on Bald Eagle Road, with connections to the existing trail network at Oxon Hill Farm and Oxon Cove Park. These sidewalks will also allow for a connection over the Capital Beltway to National Harbor, via the Bald Eagle Road bridge.

The 2000 Master Plan recommends (page 119) the acquisition of a 10-acre parcel on a portion of the applicant's property near the historic Butler House (76A-014). The plan recommends acquisition for passive recreational use. The Prince George's County Department of Parks and Recreation has not had an opportunity to purchase this property, as recommended. However, the applicant is proposing an interpretive exhibit of the historic Butler House and the creation of rooftop gardens as part of the development plan, and these site features will provide opportunities for passive recreation uses, which meets the intent of the master plan recommendation.

The subject property is bordered on its western edge by federal parkland managed by the NPS, known as Oxon Cove Park and Oxon Hill Farm. The property is also approximately 0.5 mile south of Bell Acres Park, which is developed with a multi-use field with softball, football, and soccer overlays; a softball diamond; an outdoor tennis court; a full basketball court; a playground; a picnic area; and a natural surface trail. Other developed parks nearby include the Forest Heights Park, approximately 0.5 mile east of the development site, improved with a basketball court, a picnic area, a playground, and an open playfield; the Birchwood City Park, approximately one mile to the east, containing a park building, ballfields, a playground, and picnic areas; and the Glassmanor Community Center, approximately one mile northeast of the subject site. The development is also approximately 1.9 miles northwest of the Southern Regional Technology and Recreation Complex, which serves as the closest multigenerational facility to the area, and it is approximately 0.9 mile north of Oxon Hill Manor. The existing sidewalk, that runs along the property frontage at Oxon Hill Manor, has a direct connection to the Woodrow Wilson Bridge Trail and National Harbor. A segment of the Oxon Hill Farm Trail is adjacent to Bell Acres Park. Funding was approved in the FY21–FY26 County Improvement Plan for rehabilitation and an extension of the Oxon Run Trail, in this location. The Potomac Heritage Trail also connects to the Oxon Hill Farm Trail crossing the Capital Beltway and heading south along Oxon Hill Road.

Sections 24-134 and 24-135 relate to mandatory dedication of parkland, and 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 recreational needs of a development. Based on the proposed density of the subject development, 15 percent of the net residential lot area could be required to be dedicated to the Maryland-National Capital Park and Planning Commission (M-NCPPC) for public parks, which equates to 2.15 acres for public parklands. The subject property is, however,

not adjacent to or contiguous with any property currently owned by M-NCPPC. The recreational guidelines for Prince George's County also set standards based on population. The proposed development would generate approximately 3,749 additional people in the local community, and the conveyance of 2.15 acres of dedicated land would not be sufficient to provide for the types of active recreational activities needed for these new residents. Based on the projected population of the development, the typical recreational needs include outdoor sitting and eating areas, playgrounds, fitness areas, open play areas, ball fields, and basketball and tennis courts.

Due to physical constraints and the layout of the property, the current design does not include any land conveyance. The applicant will, instead, provide on-site recreation facilities to meet the parkland dedication requirement, which may be approved by the Planning Board in place of parkland dedication, per Section 24-135. The applicant provided a Recreational Facilities Concepts exhibit (incorporated by reference) that illustrates possible locations for on-site outdoor and indoor community amenities, some of which would qualify as recreational facilities to meet the mandatory parkland dedication requirement. Amenities cited include community gardens, the Butler House commemorative historic exhibit, a pocket park, terraced green space, courtyards with terraced seating, three observatory viewing platforms (included in Buildings A, B, and C), and seven fitness centers (included in Buildings B, C, D, E, F, and G). Amenities specifically cited on the conceptual recreational facilities agreement (RFA) worksheet (included with the exhibit) include a dog park, a 12-foot-wide pedestrian and bike trail, a picnic pavilion, furnished urban retail plazas, a fitness center in Building A, and swimming pools in Buildings B and C. It is noted that, at the time of DSP, the list of facilities proposed to meet the mandatory dedication requirement will be further evaluated to ensure all of them qualify as recreation facilities.

Given the site's proximity and connectivity to Forest Heights and National Harbor, the on-site amenities and/or recreational facilities proposed to meet the parkland dedication requirement should be public facing, in order to provide opportunities to promote community cohesion, economic development, and health and wellness. Specifically, the community gardens, the Butler House commemorative historic exhibit, additional seating, and water stations in the plazas should be considered for inclusion, as part of the on-site recreation facilities, at the time of DSP, as an alternative to one of the two pools being proposed. Swimming is a seasonal activity and is usually a resident-restricted amenity within developments. The series of open spaces included in the development plan, however, present an opportunity for a linear park within the development: traversing from the northern section of the property, improved with the dog park and picnic area; south to the centrally located retail plazas, green spaces, and pocket park; further south to the Butler House historic exhibit; and thence to the community gardens at the southern section of the property. This linear park would physically connect Forest Heights to National Harbor.

The on-site recreational facilities shall be evaluated by Urban Design staff, per the Parks and Recreation Facilities Guidelines, at the time of DSP review, with an emphasis towards ensuring the open spaces and recreation features on-site are designed in such a way to ensure their cohesion as a linear park. Adjustments to the RFA worksheet will ensure that facilities contributing to the linear park are required to be constructed, rather than left to the applicant's discretion, as would be the case with other amenities exceeding the required value of recreation facilities. The adjustments should also make some improvements to the open spaces (additional

seating and water stations) that ensure they function both as recreational facilities for the residents and as public-facing amenities for visitors. The linear park would meet the 2014 Sector Plan’s goals of ensuring the community “offers a full range of open space and recreational opportunities” (page 18) and ensuring “park space is accessible with links between neighborhoods, schools, commercial areas, other open spaces, and important community resources” (page 23). The linear park would also meet the 2000 Master Plan guidelines that “recreational opportunities should be offered in each community to reflect the recreational preferences and needs of local users” and “recreation areas, neighborhoods and commercial areas should be connected by trails and walkways” (page 121).

The implementation of a linear park and public-facing facilities does not necessarily anticipate that any or all parts of the park would be available for use by the general public, over and above just residents and retail visitors. It may be appropriate, however, to allow public use in certain areas, such as the historic exhibit. The DSP shall determine which of the provided open spaces and recreation areas, if any, will be made available to the public. These areas shall be made, subject to public use easements or provisions of the community association covenant, which will ensure they will be accessible and useable by the public, if appropriate.

Based on the preceding findings, the provision of mandatory dedication of parkland shall be met through the provision of on-site recreational facilities, in accordance with Section 24-135(b) of the Subdivision Regulations..

9. **Site Access and Layout**—The PPS includes seven development parcels, arranged linearly from south to north, with Parcel 1 being the southernmost development parcel and Parcel 7 being the northernmost. Private Street A runs along the west side of the site and acts as the spine road for the development, with Private Streets B and C and Private Alley B extending eastward from it. Private Alley A connects Private Streets B and C and runs along the east side of the site, behind Parcels 1, 2, and 3. All vehicular access to the site is via Bald Eagle Road.

The following table shows the proposed development and access for each parcel:

| Parcel Name | Building Name | Gross Floor Area (Nonresidential) | Dwelling Units | Access From |
|--------------------|----------------------|--|-----------------------|------------------------------------|
| Parcel 1 | Building A | 23,851 sq. ft. | 220 | Private Street A & Private Alley A |
| Parcel 2 | Building B | 14,277 sq. ft. | 360 | Private Street B |
| Parcel 3 | Building C | 17,411 sq. ft. | 410 | Private Streets B & C |
| Parcel 4 | Building D | 16,379 sq. ft. | 210 | Private Street C & Private Alley B |
| Parcel 5 | Building E | N/A | 156 (elderly housing) | Private Alley B |
| Parcel 6 | Building F | N/A | 82 (elderly housing) | Private Street A |
| Parcel 7 | Building G | N/A | 124 (elderly housing) | Private Street A |

The total 71,918 square feet of nonresidential development is further identified in the applicant's traffic study as a 150-student daycare facility of 10,270 square feet, 41,689 square feet of retail space, and 19,959 square feet of other/loading space. These development quantities may be adjusted, at the time of DSP and/or permitting, when specific users are identified.

The PPS shows that all of the development parcels will be accessed by private streets and alleys, pursuant to Section 24-128(b)(15) of the Subdivision Regulations. This section allows the Planning Board to approve private ROWs (including private streets and alleys) for use as part of an integrated shopping center in the M-X-T Zone:

(15) For use as part of an Integrated Shopping Center:

- (A) For land in the C-S-C, M-A-C, M-X-C, or M-X-T Zones, the Planning Board may approve a subdivision with a private right-of-way or easement, provided that:**
 - (i) Such right-of-way or easement shall have a minimum right-of-way width of twenty-two (22) feet connecting the lots to a public road;**
 - (ii) Such authorization shall be based on a written finding that the private right-of-way or easement is adequate to serve the extent of the development proposed and shall not result in any adverse impact on the access and use of other lots or parcels within the Integrated Shopping Center; and**
 - (iii) The development shall comply with all other applicable requirements of this Code.**

All of the private streets and alleys have a ROW width of at least 22 feet, and together they connect all the parcels to a public road. The private streets and alleys are adequate to serve the extent of the development proposed and will not result in any adverse impact on the access and use of the parcels.

The development meets the definition of an integrated shopping center given in Section 27-107.01(a)(208) of the Zoning Ordinance. The proposed development will feature at least three retail stores, will be planned under a uniform development scheme, and will be served by common and immediate off-street parking and loading facilities. Though not every parcel within the development will feature retail uses, the parcels featuring only residential uses are still included in the integrated shopping center, by virtue of being part of the same uniform development scheme as the mixed-use parcels. Vehicular access to the residential parcels, at the rear of the development, is exclusively through the mixed-use component at the front of the development.

An unpaved roadway, known as Bald Eagle Road (not to be confused with the paved, modern Bald Eagle Road located east of the property), has historically run along the western edge of the

site. However, this roadway is no longer in use. The Butler House historic site is located along this road. A portion of the roadway was previously formalized as Bald Eagle Drive, when Section 16 of the Forest Heights Subdivision was platted; however, Section 16 was never developed, and the road therefore never improved. The development includes vacating the portion of the existing Bald Eagle Drive ROW located on-site, along with the ROWs for Chippewa Drive and Crow Way, which are similarly unimproved. A vacation petition for these ROWs must be approved, prior to approval of final plats for the development. Private Street A, a distinct new private street which follows the route of the old road, may retain the name Bald Eagle Road or Bald Eagle Drive; however, this has not been confirmed.

10. **Transportation**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the 2014 Sector Plan, the 2000 Master Plan, CSP-21004, and the Subdivision Regulations, to provide the appropriate transportation findings.

Prior Conditions of Approval

The site is subject to CSP-21004, which was approved by the Planning Board on May 26, 2022. Approval of the CSP imposed the following transportation conditions, that are relevant to the subject PPS:

2. At time of preliminary plan of subdivision (PPS), the applicant shall:

- a. **Provide a vertical grade plan along the length of the main access roadway. In consideration of the varying grades on this site, this plan shall be reviewed for the purpose of determining where bicycle lanes are needed to ensure safe and efficient traffic flow for vehicles and bicycles.**
- b. **Provide a standard sidewalk along the west side of the main access roadway (Bald Eagle Drive). Notwithstanding, the design and feasibility of the sidewalk along the west side of the main access road can be evaluated as part of the PPS or detailed site plan.**

The applicant provided a vertical grade plan, as required, and it shows a bicycle lane, instead of a standard sidewalk along the west side of Private Street A. Considering the recommendations of the applicable sector plan, master plan, and the MPOT's planned trail system, a shared-use path should be provided along the west side of Private Road A, to replace the sidewalk conditioned in CSP-21004, as further discussed below.

Master Plan Conformance

Master Plan Right-of-Way

The subject site has frontage on Bald Eagle Road. No ROW dedication is needed with this PPS.

Master Plan Pedestrian and Bike Facilities

The MPOT includes a planned natural surface trail along the route of the historic Bald Eagle Road. The MPOT also provides policy guidance regarding multimodal transportation and the

Complete Streets element, which recommends how to accommodate infrastructure for people walking and bicycling. The MPOT includes the following policies that relate to the subject development:

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

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

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

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

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

Neither the 2000 Master Plan nor the 2014 Sector Plan, which apply to this development, have additional planned pedestrian or bicycle facilities which affect the subject site. However, the plans make the following recommendations regarding the accommodation of pedestrian and bicycle facilities.

The 2014 Sector Plan includes the following goals relating to connectivity and street infrastructure (page 21):

- **Include pedestrian infrastructure such as sidewalks, crosswalks including pedestrian/bicycle refuge islands and raised crosswalks or speed tables, accessible pedestrian signals, to include audible cues for people with low vision and push buttons reachable by wheelchair users, and sidewalk curb extensions.**
- **Incorporate traffic calming measures to lower driving speeds and define the edges of vehicle travel lane, incorporating road diets, center medians, shorter curb corner radii, and eliminating free-flow right-turn lanes, street trees, planter strips, and ground cover.**
- **Provide bicycle accommodations, such as dedicated bicycle lanes, cycle tracks, side paths, or wide street shoulders.**

- **Develop a comprehensive and accessible trail network designed to meet the recreational needs of all trail groups, including equestrians, mountain bikers, pedestrians, and bicyclists.**
- **Incorporate appropriate pedestrian- and transit-oriented features, to the extent practical and feasible, in all new development within the plan area.**
- **Provide adequate pedestrian and bicycle linkages to schools, parks, recreation areas, commercial areas, and employment centers.**
- **Identify sidewalk retrofit opportunities in neighborhoods in order to provide safe routes to school, pedestrian access to mass transit, and more walkable communities.**

The 2014 Sector Plan also discusses proposed trail improvements which are not on-site, but are near it and affect the subject development (page 35):

A critical component of a community improvement plan includes a comprehensive network of pedestrian and bicycle paths to provide alternative connectivity as well as recreational activity choices. This plan makes recommendations to add sidewalks and trails where they are missing or incomplete. Sidewalks should follow public streets and be within public rights of way when possible to maintain ease of access for all residents. Trails are proposed to follow streams and connect recreational land uses. The intention is to build upon existing pathways and to complete the network of trails. There is currently a regional trail system along Oxon Run west of and behind Eastover Shopping Center. This system is part of a National Park Service trail that leads south to the historic Oxon Hill Farm. This system requires a bridge replacement at the tributary below Forest Heights Elementary School that was washed out several years ago.

The District of Columbia is also constructing complete streets trails and bikeways to connect to and through the city. MD 210 connects to the proposed South Capitol Street Trail as well as proposed improved complete streets along Southern Avenue.

The development of a trail is proposed in this plan for the tributary beside Forest Heights Elementary School that is a critical link between Oxon Run and Livingston Avenue and would serve to provide a complete walkway from east and west Forest Heights to Oxon Run. Other trails create connections between parks, Glassmanor Community Center/Park, Forest Heights Neighborhood Park, Oxon Run, and new parks and trails.

The 2000 Master Plan indicates the following guidelines in the Transportation chapter (pages 66-67):

- **Residential streets should provide for convenient, safe movement of traffic into and out of residential areas. Residential streets should be built, or modified where appropriate, to discourage through traffic and commuter parking in those neighborhoods.**
- **Pedestrians and bikers should have convenient, safe and full access to Metrorail and other multimodal transportation facilities in the planning area.**

The 2000 Master Plan also indicates that the goal for trails is “to provide a trail network that provides opportunities for safe and accessible nonmotorized transportation including hiking, biking and horseback riding (where appropriate) that connects communities to transportation hubs, commercial centers, and community attractions including schools, parks, and recreational and cultural assets, while avoiding and minimizing damage to sensitive areas” (page 123). The 2000 Master Plan includes the follow guidelines, in support of this goal in the Trails chapter (pages 127–128):

- **A system of trails and walks for pedestrians, bicyclists, and equestrians should be developed to connect neighborhoods, recreation areas, commercial areas, employment areas, and transit facilities.**
- **Where remaining opportunities exist, bikeways, equestrian, and pedestrian trails should be located as far from conflict with the automobile as possible.**
- **In order to save public funds and make the best use of available land, trails should utilize existing rights-of-way, wherever possible, including those of existing roads, water, sewer and power lines.**
- **As the local road system is expanded and improved, highway designs should incorporate appropriate clearances, grades, and paving to accommodate trails.**
- **Applications for preliminary subdivision plans should show interior trails and proposed connections with the planned trails system.**
- **Trails provided privately within subdivisions shall be encouraged to connect with the planned trails system.**
- **When and where feasible, all trails and sidewalks are to be handicapped accessible.**

The PPS shows a bicycle lane on the west side of Private Street A. The PPS also shows a network of sidewalks along both sides of all new roads inside the property, except Private Street A, where sidewalk is only provided on the east side. Based on the Complete Streets policy, the master plan goals and guidelines indicated above, and the trail system in the area, a publicly available

10-foot-wide shared-use path or an equivalent alternative facility should be provided along the west side of Private Road A, connecting to Seneca Drive and ultimately to Oxon Run Trail to the north, and MD 414 (Oxon Hill Road) via Bald Eagle Road to the south. This shared-use path should be provided, in lieu of the public master-planned natural surface trail recommended by the MPOT for the subject property, in consideration of the property's rezoning for high-density and high-intensity development, and the resulting need for more robust infrastructure to accommodate a high volume of pedestrians and bicyclists. To ensure public access, the shared-use path or alternative facility shall be placed within a public access easement.

The applicant has previously indicated a belief that a sidewalk or shared-use path, located on the west side of Private Street A, is unnecessary because there is no proposed development on the west side of the roadway. However, while the sidewalk on the east side of Private Street A is adequate to serve the proposed development, it is expected to be heavily trafficked with pedestrians accessing the buildings. A shared-use path on the west side of Private Street A, on the other hand, would allow pedestrians and cyclists on the path to bypass the National View development, avoiding conflicts with pedestrians traveling on the east sidewalk. This would ensure the path serves its purpose as a master-planned trail, which is part of the wider trail network in the area, allowing regional connectivity. Access between the sidewalk on the east side of the street and the shared-use path on the west side of the street could be provided at appropriate crossings. The shared-use path would also allow for two-way bicycle traffic, whereas the proposed bicycle lane only allows for one-way traffic; the shared-use path may, therefore, replace the bicycle lane. The shared-use path shall be accompanied by D11-1 Bike Route or R4-11/ Bicycles May Use Full Lane signage on Private Road A itself, since a 10-foot-wide shared-use path is on the narrow side of the range of widths recommended by the American Association of State Highway and Transportation Officials (AASHTO) and some bicyclists may, therefore, still choose to ride in the roadway.

The applicant has also indicated engineering and safety concerns regarding a possible sidewalk or shared-use path on the west side of Private Street A. The applicant will be conducting extensive grading and implementing a retaining wall on the west side of the street, in order to support the street's construction. As shown on the applicant's vertical grade plan, the retaining wall will allow the street to be provided below the grade of the adjoining property to the west. The recommended 10-foot-wide shared-use path should be located between the retaining wall and the vehicle travel lanes. This may necessitate shifting the roadbed of Private Road A east by several feet. A 10-foot-wide shared-use path is the preferred facility for ensuring regional bicycle and pedestrian traffic is safely separated from local pedestrian traffic accessing the development. However, given the concerns raised by the applicant, the applicant shall work with staff, at the time of DSP, to evaluate if an alternative facility would more safely convey pedestrian and bicycle traffic along Private Road A. The engineering and design of the retaining wall, the bicycle and pedestrian facility, and street shall be evaluated together, at the time of DSP, in order to determine how engineering and safety concerns regarding the grading and retaining wall should be addressed. Consideration shall also be given to the physical and visual compatibility of the facility and retaining wall.

All other proposed pedestrian and bicycle facilities will be further evaluated with the DSP.

Based on the findings presented above, multimodal transportation facilities will exist to serve the subdivision, as required under Subtitle 24 of the Prince George's County Code, and will conform to the MPOT, the 2000 Master Plan, and the 2014 Sector Plan.

11. **Public Facilities**—This PPS was reviewed for conformance to the 2014 Sector Plan and the 2000 Master Plan, in accordance with Section 24-121(a)(5). Both documents contain a public facilities discussion. The primary goals for public facilities in the plans are, as follows:

2014 Sector Plan

- **This plan recommends public facilities that support growth and contribute to a livable and walkable environment that makes the sector plan area a desirable place to live, work, and play for existing and future residents, employees, and visitors. This plan strives to integrate public facilities into mixed-use buildings, when possible, recommend and support partnerships and cost sharing with religious and other non-profit organizations in the community, and address county financing responsibilities. (page 73)**

2000 Master Plan

- **To provide needed public infrastructure and services - including schools, libraries, police, fire and rescue, and health facilities and services - within Planning Area 76A in a timely manner and with attention given to the needs of specific user groups. (page 99)**

The proposed development will not impede achievement of the above-referenced goals or their associated recommendations. The analysis completed with ADQ-2022-067 showed that, pursuant to adopted tests and standards, public safety facilities are adequate to serve the proposed development. There are no police, fire and emergency medical service facilities, public schools, parks, or libraries proposed on the subject property.

The 2008 *Approved Public Safety Facilities Master Plan* also provides guidance on the location and timing of upgrades and 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 preliminary 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), 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 PUEs is 10 feet wide along both sides of all public ROWs. The subject property has frontage on two public ROWs, including Bald Eagle Road at the southern end of the property and the off-site portion of Bald Eagle Drive at the northwestern end of the property. The required PUEs are provided at these two locations. In addition, Section 24-128(b)(12) requires that all private streets have a 10-foot-wide PUE along at least one side of the ROW. The applicant is proposing PUEs along one side of each of the Private Streets, A, B, and C. However, these PUEs are a minimum of 7 feet wide. The PUEs along Private Streets A and B are located fully or partially within the private ROW, and the PUE along Private Street B does not extend the full length of the street. These proposed conditions require a variation from Section 24-128(b)(12), discussed below, in order to be approved.

Variation from Section 24-128(b)(12)

Section 24-113 sets forth the required criteria for approval of a variation, as follows:

- (a) **Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:**

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

The granting of the variation will not be injurious to other property because PUEs will not need to be routed through the subject site to serve any other properties. The PUEs serving the site originate on Bald Eagle Road, and extend as far north as the northernmost development parcel (Parcel 7), but not as far north as the residential lots in the Town of Forest Heights. Public utilities are already in place to serve the abutting residential area, and so there is no need for an extension of the PUEs to the existing development. The PUEs are proposed exclusively to serve the subject property and have no need to serve surrounding properties.

The granting of the variation will also not be detrimental to the public safety, health, or welfare. Neither the elimination of a short segment of PUE along Private Street B nor the location of PUEs within the private ROWs will impact the development's ability to serve the development parcels with public utilities. The reduction of the PUEs from 10 feet wide to 7 feet wide will also not impact the PUEs' ability to contain all utility lines necessary to serve the development. The applicant does not propose serving the property with natural gas, due to health and environmental concerns. However, if it does become necessary to serve the development with natural gas in the future, a 7-foot-wide PUE is sufficient to contain parallel gas and electric lines with the necessary lateral separation, so long as the electrical line is placed within a conduit. The applicant stated that the electrical lines within the development's PUEs will be within conduits.

- (2) The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The conditions on which the variation request is based are unique to the site. The site features a hilly topography and a narrow shape, both of which limit which portions of the site can be developed with roads, buildings, and other structures. A compact development scheme is needed, in order to make the site developable, which necessitates that the utilities serving the site be given a compact design, as well. Such a compact design is appropriate, given the M-X-T zoning of the site, which anticipates a high density and intensity of uses. Providing the PUEs at 7 feet wide and locating the PUEs within the ROW, will reduce their impact on other needed site features. Eliminating a section of PUE along Private Street B, where it is not needed, also reduces the impact of that PUE.

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

The approval of a variation from Section 24-128(b)(12) is unique to the Subdivision Regulations and under the sole approval authority of the Planning Board. Further, this PPS and variation request were referred to the affected public utility companies, and none have opposed the variation request. There are no other known laws, ordinances, or regulations that would be violated by this request.

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

As stated above, the property has a particular shape and topographical conditions which make developing the site challenging, limiting the areas of the site which can be developed and necessitating a compact development scheme. If the strict letter of these regulations is carried out, a particular hardship to the owner could result, as the developer may need to displace other site features, including buildings, SWM features, stormdrains, and driveways, in order to accommodate wider PUEs, PUEs on the development parcels, or a PUE along the remaining length of Private Street B. Such features may not be able to be displaced without seriously impacting the applicant's ability to provide a compact development scheme, which is appropriate to this unique site.

- (5) **In the R-30, R-30C, R-18, R-18c, R-10, R-10, and R-H Zones, where multi-family dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113 (a) above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.**

The site is not located in any of the listed zones. Therefore, this criterion does not apply.

The site is unique to the surrounding properties, and the variation request is supported by the required findings. Approval of the variation will not have the effect of nullifying the intent and purpose of the Subdivision Regulations, but instead will result in a better outcome than could be achieved through strict compliance with the Subdivision Regulations. Therefore, the variation from Section 24-128(b)(12), to reduce the required width of the PUEs along the private streets, from 10 feet to 7 feet; to allow for full or partial placement of the PUE within the private ROW along Private Streets A and B; and to eliminate a segment of PUE along Private Street B is approved.

It is noted that, due to the compact nature of the development proposed on the site, most of the PUEs will be located underneath sidewalks or other hardscape areas, rather than in grass areas. The placement and construction of the public utilities shall be closely coordinated with the utility companies, to ensure proper maintenance can be performed on the utilities once they are covered over with hard surfaces.

13. **Historic**—The subject PPS was referred to the Historic Preservation Commission (HPC), which reviewed the PPS at its meeting on July 18, 2023, and voted 5-0 to recommend to the Planning Board approval of the PPS, with no new conditions. HPC forwarded the following findings:

Historic Preservation

1. The subject property contains the Butler House (76A-014), designated as a Prince George's County historic site in 1981, and listed in the National Register of Historic

Places in March 2005. The subject property is adjacent to Mount Welby (76A-013), also a Prince George's County historic site (designated in 1981), that is owned by the National Park Service and located within the Oxon Cove Farm. The Oxon Cove Farm property was listed in the National Register of Historic Places in September 2003.

2. The Butler House is a three-bay, two-and-one-half-story wood frame and log dwelling with a steeply pitched side-gable roof and a large, shed addition. It stands on a triangular piece of land between Forest Heights, the Capital Beltway, and the Oxon Hill Children's Farm/Oxon Cove Farm in the Oxon Hill vicinity. The Butler House is significant for its association with the themes "African American experience, 1660–1865" and "The Freedmen's Bureau, 1865–1872", as set forth in the Multiple Property Documentation for African American Historic Resources in Prince George's County, Maryland. Henry Alexander Butler, a free African American from Charles County, moved with his family to the property around 1853, and completed construction of the house. The property had been continuously associated with the Butler family since that time, and until its recent sale to the applicant for the subject application (Prince George's County Deed Records, Liber 41808 page 190).

The Butler House, now in ruinous condition, and its associated property are nevertheless rare surviving examples of a documented pre-Civil War landholding/farmstead inhabited by a free African American family. Until recently, the house was covered in cast stone veneer, although wood lap siding was visible on the gable ends. The steeply pitched, side-gable roof was covered in metal panels and wood shake. The main entry was in the south bay of the west (front) elevation and had a mid-20th century, half-glass door. The window openings contained mid-20th century metal sash. A large, one-and-one-half-story shed addition containing a kitchen extended from the north gable end. A parged brick chimney rose between the north gable end and the shed addition. A one-story screen porch was added to the east elevation.

According to Butler family oral history, the Butler house began in 1851, as a post office. Henry Alexander Butler, a free African American man from Charles County, moved with his family to the property in 1853 and completed construction of the house. The Butler family possesses receipts for taxes paid on the property by Henry Butler in 1859 and 1860. However, the property was not legally deeded to Butler until 1873. The Butlers turned their property into a small farm that included a chicken house, meat house, barns, and other agricultural buildings. The Butler House faced the main road from the District of Columbia through Prince George's County. During the Civil War, Union officers are said to have stopped at the house when traveling through the area. Family photographs indicate that the Butlers lived a comfortable, middle-class life. They also enjoyed high status in the African American community. Henry Butler became a Reconstruction-era community leader, serving as trustee of the Freedmen's Bureau school near Oxon Hill. The Butlers associated with prominent African American Washingtonians including the first African American priest and a Mr. Lewis, master barber at the United States Capitol.

The 1938 aerial photographs show another house to the south of the Butler House, which was demolished between 1984 and 1993. A third Cape Cod style house to the south of the second house was built on the Butler property in the 1940s. That house is still standing in ruinous condition. The property remained with the Butler family until it was sold to Harbor View Development, LLC in 2019. The property also holds potential to yield information about African American material culture. The Butler House meets Criterion A for listing in the National Register of Historic Places, as it is associated with events that have made a significant contribution to the broad patterns of history.

3. The northern portion of the subject property was owned by several other African American families, including the Hattons and the Proctors. Henry Hatton acquired 21 acres of Mt. Welby from Joseph H. Bowling on January 9, 1868. Hatton had a blacksmith shop in Oxon Hill. This tract was to the north and west of the Butler property. Two of Hatton's sons, Henry and George W. Hatton, joined the United States Colored Troops during the Civil War. The 1860 Census shows the Butlers, Hattons, and Proctors residing near one another. The Hattons and Butlers continued to reside near each other through the 1880s. The 1880 Census shows Henry Hatton's daughter, Sarah Gray, her husband Ned Gray, and several members of the Proctor family residing between Henry Hatton and Henry Butler. The 1894 Hopkins Map shows the Butler House and four houses owned by Hattons and Proctors along Bald Eagle Road, which extends through the subject property to the north.

Henry Hatton died in 1896, and in his will he devised portions of his Oxon Hill farm to his children, Martha Harris, Sarah L. Gray, Susanna Ayers, Josephine E. Carroll, and his grandson George C. Hatton. The Gray and Ayers families appear in the 1900, 1910 and 1920 Census records near the Butler family.

Henry A. Butler died in 1904 and devised one acre lots to his children, Amelia, Ellen, Louisa, Sarah's daughter, Charles, William, James, John, and Julia. Several of Henry Butler's children and grandchildren continued to live in the Butler House through the late 20th century. The Hatton property appears to have been abandoned in the 1940s to 1950s when the Forest Heights housing development was platted.

4. The Mount Welby Historic Site/Oxon Cove Farm (76A-013) is adjacent to the subject property. Oxon Cove Farm is an agricultural complex, encompassing 14 buildings and 2 structures, which occupy a rural site in Prince George's County, Maryland, approximately 10 miles south of the District of Columbia, in the vicinity of Oxon Hill, Maryland. The property is currently part of a living farm museum operated by the National Park Service. The resources encompassed in Oxon Cove Park are associated with the property's sequential development as a plantation, an institutional agricultural complex, and a farm museum, during the 19th and 20th centuries. The area surrounding the complex is utilized for pasture, cultivation, and passive recreation. The following historic resources are included within the boundaries of the complex: a brick masonry house; hexagonal wooden-frame outbuilding; brick root cellar; wooden-frame hog house; wooden-frame horse and pony barn; wooden-frame chicken house; steel-frame

implement shed; wooden-frame visitor barn; steel-frame windmill; wooden-frame hay barn; wooden-frame feed building; brick masonry stable; wooden-frame tool shed; wooden-frame "sorghum sirup" shed; and wooden-frame dairy barn, and tile silo.

Oxon Cove Farm is located on the crest of a ridge overlooking the east bank of the Potomac River, north of I-95. The complex is oriented to the south and commands a view of the river valley, including views of the municipal jurisdictions of Alexandria and Arlington, Virginia, and the District of Columbia. The agricultural complex is spatially divided into two areas, defined by the farmstead and farmyard. The dwelling and domestic area dominates the complex from the crest of the ridge; most of the outbuildings lie in a swale east of the dwelling and define the farmyard. Access to the complex is by way of a straight gravel drive that extends approximately 0.2 miles past the dairy barn and the "sorghum sirup" shed to the main complex of outbuildings. This complex consists of the visitor barn, windmill, hay barn, feed building, tool shed, stable, implement shed, and chicken house. The drive continues beyond this area to the farm dwelling, approximately 370 feet to the west. Northwest of the outbuilding core are the horse and pony barn, hog house, and root cellar. Turn-of-the-century farm implements and machines are scattered throughout the park grounds. The buildings that comprise the complex date from the early 19th to the late 20th centuries.

Oxon Cove Farm is a 16-element agricultural complex encompassing 14 buildings, 2 structures, and associated landscape features. The eight contributing elements constitute a recognizable agricultural complex that is significant for its association with mental health care. Buildings included within the complex are associated with two time periods and two principal themes. The time periods are circa 1800–1850, and 1891–1943. The historic themes important to Oxon Cove Farm include agriculture and mental health care. Oxon Cove Farm was among the first agricultural complexes to be used as a therapeutic treatment center for the mentally ill. This innovative approach marked a change in patient therapy for the mentally ill, from warehousing of patients to treatment within an active work atmosphere. Under the ownership of St. Elizabeth's Hospital, Oxon Cove Farm, then known as Godding Croft, provided innovative treatments for the mentally ill within an active agricultural context.

Mount Welby was determined eligible for listing in the National Register under Criterion A for its association with St. Elizabeth's Hospital in the District of Columbia. Mount Welby was used by the hospital as a farm where mental patients could be helped in their treatment by honest labor in fresh air. The farm provided not only beneficial labor for the patients, but also helped to make the hospital self-sufficient by providing food for patients and staff.

The property was also determined eligible under Criterion C for architecture. The house, (Mount Welby), which was constructed in 1811 and substantially altered in the last quarter of the nineteenth century (c. 1891), is an unusual melding of a Federal-period house with the urban row house aesthetic of the Victorian period. In addition, the farmstead encompasses a fairly complete grouping of agricultural buildings dating from

the early to late 19th century and is a rare reminder of the area's agricultural past. The property includes eight buildings: a two-story brick house, a two-story brick barn, a wood framed barn, a granary, root cellar, implement shed, cattle shed, and hexagonal outbuilding, and occupies a prominent site overlooking the Potomac River across from Alexandria, Virginia.

Archeology

5. A Phase I archeology survey was conducted on the subject property in October and November 2019. The fieldwork consisted of a pedestrian survey and shovel testing as the subsurface investigation. The fieldwork was initiated with a pedestrian survey in which several bottle and container glass dumps were identified. Several trash dumps were noted along the ravine to the east of the Butler houses. A large modern scatter of materials around the Butler houses are possibly associated with their abandonment in the late 20th century. Similar modern dumps were identified within the area subdivided for the Forest Heights property and near the residences on Cree Drive. No historic artifact concentrations or scatters were noted on the surface.

Subsurface investigations comprised a shovel test pit (STP) survey with a spacing interval of 50 feet. A total of 196 STPs were laid out in a grid and 20 of those STPs were not excavated. Artifacts were recovered from 55 of the STPs. Most of the positive STPs were concentrated around the two extant Butler houses. An overlying plow zone stratum was noted in most of the STPs and contained artifacts from different time periods that were mixed. Due to the sloping topography, much of the soil had eroded over time.

Artifacts recovered date from the prehistoric to modern periods. Prehistoric artifacts include debitage and non-debitage of local quartz related to tool making. One quartzite fire-cracked rock was recovered. The prehistoric artifacts were not found in any concentration and were scattered over an area 600 feet in length. A site was not designated for this diffuse artifact scatter. Modern material recovered includes artifacts from the architecture, clothing, domestic, fauna, and miscellaneous categories. Most of the historic artifacts recovered date to the 20th century occupation of the property.

Site 18PR1150 – The Butler House

Cultural features identified include a combination well house and adjacent well east of the Butler House. A buried septic tank was partially exposed on the west side of the Butler House. Both features are constructed of concrete and are likely related to the last occupation of the Butler House. An area southwest of the Butler House and east of the entry road was indicated to be a possible burial ground. Several large specimen oak and cedar trees surround the area, along with a line of boxwood bushes and patchy ground cover of periwinkle. A buried impermeable surface was also encountered running along the rear of the 1853 Butler House and extending to the mid-20th century house to the south. This likely represents a driveway that can be seen extending off Bald Eagle Hill Road in aerial photographs.

Three additional features were noted to the north of the Butler House property on land owned by the Hatton and Proctor families. These include a possible trash pit, a large anomalous depression or pit, and a pile of disarticulated field stone. These features possibly represent the remnants of buildings depicted on the 1894 Hopkins Map that were likely occupied from the 1870s to the 1950s.

Two ruinous houses remain on the portion of the property formerly occupied by the Butler family. One is the 1853 Butler House (76A-014), with more modern additions. The house fronts on Bald Eagle Hill Road and collapsed in the early 21st century. The 1940s house is located to the south of the Butler House and is a Cape Cod style building. All windows and doors are missing, and the interior is exposed to the elements.

Site 18PR1151

Site 18PR1151 is in the southern portion of the subject property near the entrance to Oxon Cove Park. It comprised a small artifact scatter containing undecorated whiteware ceramic, a sherd of clear embossed container glass, and a small brick fragment. The artifacts were found in a plow zone context, and no cultural features were identified. No further work was recommended on this site and Historic Preservation staff concurred.

Site 18PR1152

Site 18PR1152 is in the southern portion of the Forest Heights property and to the north of site 18PR1151, on a narrow forest ridge nose fronting Bald Eagle Drive. A 25-foot grid was laid out over the site and included 9 STPs. Only three STPs contained cultural material, comprised of domestic glass, including aqua-tinted embossed bottle glass and clear container glass. The size of the site was estimated to be at least 25 feet north-south by 50 feet east-west. Because of the lack of intact cultural features and buried artifact deposit, no further work was recommended on site 18PR1152.

Site 18PR1153

Site 18PR1153 is located north of site 18PR1152 at the northern extent of the Forest Heights property. It is situated on a very narrow forested ridge nose along Bald Eagle Drive. A grid of shovel test locations was placed over the estimated boundary of the site at a 25-foot spacing increment. A total of 13 shovel test locations were mapped and 11 were excavated. Six of the 11 STPs contained cultural material, encompassing an area measuring 75 feet north-south by 25 feet east-west. Twenty-two artifacts were recovered from the six positive STPs. The artifact assemblage consisted of a wire nail, aqua tinted window glass, clear window glass, a brick fragment, and clear container glass. No cultural or foundation features for a dwelling were noted. No further work was recommended on site 18PR1153.

6. A Phase II archeological evaluation was conducted on sites 18PR1150, 18PR1152, and 18PR1153 between November 2021 and February 2022. Historic research established that the three sites were associated with the Henry Butler and Henry Hatton families, both of whom were free blacks prior to the Civil War. The Butler family owned the southern

10-acre portion of the site containing site 18PR1150 and the Hattons the northern 12-acre portion, associated with sites 18PR1152 and 18PR1153.

The fieldwork consisted of a combination of intensive shovel testing and test unit excavation. Eight test units measuring three square feet were placed within site 18PR1150. Overall, 5,161 artifacts were recovered from the excavation of site 18PR1150. Several above ground features were noted within site 18PR1150, including a cinder block septic tank (F1), a modern concrete well (F2), a historic brick-lined well (F3), and a domestic midden (F4). The first three features were concentrated in the front and side yards of the Butler House, while the midden was located near the northern boundary of the Butler property.

The only intact features that may remain within site 18PR1150 on the Butler property, and that may provide significant information on the Butler family, are a brick-lined well to the northwest of the Butler House and a possible burial ground to the southwest of the house that is covered with periwinkle.

7. In July 2022, a partial Phase III archeological data recovery project was conducted on three potentially significant areas of 18PR1150, the site identified during Phase I investigations of the property conducted during 2020. Fieldwork included trenching, close-interval shovel test pits, and judgmental test units of subsurface features.

Fieldwork in the yard area surrounding the 1853 Butler house consisted of a close-interval STP survey, test unit excavation, and mechanical excavation. A total of 76 STPs at a 15-foot interval were excavated across the study area. Twenty-five STPs yielded cultural material, predominantly to the west and south of the house. Six excavation units and the mechanical removal of a portion of the asphalt road east of the house were completed upon review of the STP data. Eight intact cultural features were identified including: a 19th-century trench, possibly used for drainage, a modern well water utility line, a historic post hole of unknown function, a 19th-century brick lined well, a modern septic tank, a modern well system, a historic brick wall with a landscape or road border function, and a section of an historic cobble road. Cultural material recovered from the excavation included architectural-related materials such as brick, window glass, wire nails, road asphalt, an asphalt shingle and domestic material such as whiteware, yellowware, ironstone, American blue and gray stoneware, redware, bottle glass, a cosmetic container fragment, tumbler and wine glass fragments, a button, and lamp chimney fragments, a blue bead, graphite pencil fragments, a carnival token, and a handful of white ball clay tobacco pipe fragments. The artifacts recovered during excavation suggest an 1840–1900 occupation period, corresponding to Henry Butler’s occupation of the 1853 house. Modern features such as the septic system correspond to later family use of the property during the twentieth century.

The 19th-century brick well located in the front yard (east yard) of the 1853 house was excavated using a combination of mechanical and manual techniques. The western half of the well was removed, and soil was examined. Soils were removed to a depth of

63 inches below ground surface. The feature matrix consisted of fill, containing a mix of modern and historic artifacts including brick, mortar, concrete, wire nails, windowpane glass, whiteware, modern beer bottle glass, plywood and plastic. No artifact deposits were recovered below 59 inches below ground surface, suggesting that the well was periodically cleaned prior to abandonment. No further investigation was recommended. Historic Preservation staff concur that no additional archeological investigations are necessary on Butler Site A, 18PR1150. However, the area below the collapsed house remains to be investigated. Once the house debris is carefully cleared, additional archeological investigations are recommended in that area.

Three 30-foot-long trenches were mechanically excavated in the potential cemetery. Each trench was three feet long, and the trenches were spaced five feet apart from each other. Each trench was excavated mechanically and cleaned by hand to expose any soil anomalies. No soil anomalies were identified during the trench excavation, and nothing could be identified as graves. No further investigation is recommended.

8. The northern portion of the subject property is in the 2014 *Approved Eastover/Forest Heights/Glassmanor Sector Plan* and the southern portion of the property is in the 2000 *Approved Master Plan for The Heights and Vicinity*. The 2014 Sector Plan contains minimal goals and policies related to historic preservation. One goal of the plan generally calls for the “*Protection of unique cultural, historic, and environmental resources.*” (page 111). However, these are not specific to the subject site or applicable to the proposed development. The Butler House and Mount Welby historic sites are located within the 2000 Master Plan. The 2000 Master Plan includes goals and policies related to historic preservation (pages 129–134), and made the following recommendation for the Butler House Historic Site (page 133):

The plan recommends that a program be developed to rehabilitate and reuse the Butler House. The Butler House was designated as a Historic Site in 1981 for its significance as representing the home and farm of a free black family of comfortable means. The home of generations of the Henry Butler family since the Civil War period, it has not been occupied for years and suffers from severe deterioration. The property is proposed for parkland with the underlying residential zone being R-55; the house itself and its immediate setting could be rehabilitated or rebuilt and used as an interpretive center to demonstrate aspects of mid-nineteenth century farm life of free blacks; the surrounding land could be used to reestablish farm gardens/orchard mid-nineteenth century landscape. (If it becomes parkland, along with other passive parkland uses, community gardens could be established on part of the land.)

The project could be set up so that children could experience farm life as part of school classes or scout projects. The interpretation of the mid-nineteenth century farm life of free blacks would round out the County’s farm interpretation: from the plantation economy interpretation

of Montpelier in Laurel or Marietta in Glenn Dale, or interpretation of life of an average farmer in colonial days as at the National Colonial Farm in Accokeek. All other properties associated with African American history in the County date from the late-nineteenth-century or later, with the exception of the Northampton Site, a slave quarter ruins dating from the early nineteenth century.

9. On October 21, 2021, the District Council approved A-10055-C, to rezone the subject property from R-R and R-55 to the M-X-T Zone. Condition 2 is relevant to historic preservation concerns:
 - (2) **The request will be subject to Conceptual and Detailed Site Plan approval in accordance with the strictures found in Part 3, Division 9 of the Zoning Ordinance (2019 Edition, 2020 Supplement). Additionally, special attention should be given to the development's compatibility with the surrounding area and any restrictions associated with the I-D-O Zone, as well as some appropriate recognition of the historic Butler House property.**

This condition will be addressed at the time of DSP.

10. On May 26, 2022, the Planning Board approved CSP-21004 for the subject property. Prince George's County Planning Board Resolution No. 2022-65 includes the following conditions relevant to historic preservation and archeology concerns:

3. At the time of detailed site plan, the applicant shall:

- c. **Conduct Phase III archeological investigations on the brick-lined well and in the location of a possible burial ground associated with the Butler House Historic site, (76A-014). The applicant's consultant archeologist shall also examine the areas below and around the ruins of the Butler House and in the vicinity of the house foundation to determine if significant intact archeological deposits or features are present.**

Phase III investigation of the brick-lined well and in the possible burial ground has been completed and no further work was required on either of those sites. The ruins of the Butler House have not yet been removed and additional archeological investigations will be required in that area once the ruins have been carefully cleared.

- d. **Give special attention to the scale, mass, proportion, materials, architecture, lighting, and landscaping of any new construction within the viewshed of the Mount Welby Historic Site (76A-013).**

This condition is still outstanding and will be addressed at the time of DSP.

- e. **Develop a comprehensive plan for permanently commemorating the history and significance of the property. These commemorative measures may include, but not be limited to, narrative and commemorative signage, web-based educational materials, and/or the potential reconstruction of the Butler House, in whole or in part, as means of telling the unique story of the property. The location, character, and wording of any signage or commemorative features and any other educational or public outreach measures shall be reviewed by the Historic Preservation Commission and approved by Historic Preservation staff. The comprehensive plan shall include the timing for installation and/or launch for the commemorative measures.**

This condition is still outstanding and will be addressed at the time of DSP.

4. **Prior to approval of any grading permit, the applicant shall provide a final report detailing the Phase III archeological investigations and ensure that all artifacts are made available for curation at the Maryland Archaeological Conservation Laboratory in Calvert County, Maryland.**

This condition is still outstanding and will be addressed at the time of grading permit.

HPC also forwarded the following conclusions:

1. The Butler House is in ruinous condition. Nevertheless, the applicant will need to apply for a Historic Area Work Permit to demolish and remove the Butler House ruins prior to development. The ruins should be removed in a careful manner to allow for possible archeological investigations of the area below and around the house.
2. To mitigate the loss of the Butler House Historic Site and its historic context, the applicant will be required to develop a comprehensive plan for permanently commemorating the history and significance of the property. These commemorative measures may include, but not be limited to, narrative and commemorative signage, web-based educational materials, and/or the potential reconstruction of the Butler House in whole or in part, as means of telling the unique story of the property.
3. The existing environmental setting of the historic site includes all 2.23 acres that make up Parcel 35. This environmental setting should remain in place throughout the development process and may be reduced by HPC to facilitate development and to aid in the commemoration of the property. HPC does not have the authority to eliminate the

environmental setting in its entirety. The applicant should work with HPC on the ultimate character and location of the environmental setting as part of the interpretive and mitigative measures that will commemorate the Butler House Historic Site, as well as the history of the other African American occupants of the property. The interpretive measures to be developed by the applicant and reviewed by HPC will require approval through the Historic Area Work Permit process if they are located within the existing environmental setting. If they are to be located outside the environmental setting, the applicant will be required to complete those plans and potentially complete the interpretive measures, prior to the potential reduction of the environmental setting.

4. The proposed development will be highly visible from the Mt. Welby Historic Site. Through the DSP process, the applicant should work with Planning Department and Historic Preservation staff to reduce the visibility of proposed construction from the Mt. Welby Historic Site, as well as to address the effects of scale and massing of the development on the adjacent National Park.
 5. Bald Eagle Road, which extends north-south through the subject property, was a main artery of the north-south postal roads running from the New England colonies through New York, Philadelphia, and Baltimore to a point near Bladensburg. The branch that ran to the early settlements in Southern Maryland through the subject property was known as the River Road. During the Civil War, Union troops and their provisions were transported up and down the road and cut it up so badly that a new road had to be built around and bypassing it. The road was then only used to access the Butler, Gray, and Hatton residences. As much of this historic road as possible should be preserved within the development, possibly as a trail, and interpretive measures should discuss the significance of this ancient route.
 6. Due to the lack of intact cultural features and diagnostic artifacts found in the Phase II archeological investigations at sites 18PR1152 and 18PR1153, no further work was recommended on either site. Historic Preservation staff concur with the report's findings and conclusions that no further work is necessary on sites 18PR1152 and 18PR1153. Staff also concur that no additional investigations are necessary on the brick-lined well within site 18PR1151. The applicant's consultant archeologist should examine the areas below the ruins of the Butler House, and in the vicinity of the house foundation, to determine if significant intact archeological deposits or features are present.
14. **Environmental**—The subject PPS was received on May 24, 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:

| Development Review Case | Associated TCP(s) | Authority | Status | Action Date | Resolution Number |
|-------------------------|-------------------|----------------|----------|-------------|-------------------|
| NRI-184-14 | N/A | Staff | Approved | 8/30/2022 | N/A |
| NRI-146-2019 | N/A | Staff | Approved | 3/25/2000 | N/A |
| A-10055 | N/A | County Council | Approved | 10/21/2021 | Z.O. 06-21 |
| CSP-21004 | TCP1-009-2022 | Planning Board | Approved | 5/26/2022 | 2022-65 |
| CP-21006 | N/A | Planning Board | Approved | 5/26/2022 | 2022-64 |
| 4-22060 | TCP1-009-2022-01 | Planning Board | Approved | 7/27/2023 | 2023-89 |

Grandfathering

The project is subject to the environmental regulations contained in prior Subtitles 24 and 27, and the regulations in current Subtitle 25, that came into effect on September 1, 2010 and February 1, 2012. The portion of the site located in the CBCA is subject to Subtitle 5B.

Site Description

The subject PPS area is 20.12 acres, and approximately 1.73 acres of the site is within the I-D-O Zone of the CBCA. The PPS area is divided into two areas, the Butler Tract (south) and the platted lots in Section 16 of the Forest Heights Subdivision (north).

The southern portion of the site contains no regulated environmental features (REF), but it is adjacent to an extensive ephemeral stream channel and contains specimen trees. This stream was investigated during the natural resources inventory (NRI) review and was determined to be ephemeral. This area is mostly wooded and contains mapped forest interior dwelling species (FIDS) bird habitat. According to the 2017 *Countywide Green Infrastructure Plan* of the *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan), the Butler Tract is mostly located within a regulated area, with the southernmost area of the site located in evaluation areas. Parcel 35 of the Butler tract is located within a historic site environmental setting that is associated with the Butler residence (76A-014). The Capital Beltway is adjacent to the southern portion of the site and is identified as a master-planned freeway.

The northern portion of the site does not contain any mapped REF, but contains specimen trees, FIDS habitat, and is entirely wooded. The northwest corner of the site is within the CBCA I-D-O Zone. According to the Green Infrastructure Plan, the platted lot area is entirely within the regulated area. No master-planned roads are mapped adjacent to this northern section of the PPS.

An unimproved road, known as Bald Eagle Drive or Bald Eagle Road, extends through the site north to south, eventually connecting with MD 210. This road provided a historical connection between Oxon Hill and Washington, DC, dating to 1850; however, this roadway is not identified as historic or scenic. Adjoining the property to the west of Bald Eagle Road is the historic setting for the Mount Welby residence (76A-013), the Oxon Cove Park, and the Oxon Hill Farm owned by the NPS. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program (DNR NHP), there are no rare, threatened, or endangered species found to occur on, or in the vicinity of, the PPS area.

Plan 2035

The site is located within Environmental Strategy Area 1 (formerly the Developed Tier) and Environmental Strategy Area 4 (Chesapeake Bay Critical Area), of the Regulated Environmental Protection Areas Map and has a Growth Policy of Established Communities, as designated by Plan 2035.

Environmental Conformance with Applicable Plans

The PPS area is located within two different master plan areas. The north area, within Section 16 of the Forest Heights Subdivision, is located within the 2014 Sector Plan and the south area (Butler Tract) is within the 2000 Master Plan.

The following are the environmental goals and recommendations of both plans and how they impact the PPS area.

2014 Sector Plan, page 23 (North Area)

Recommendation 1: Reduce flooding and personal property damage due to flooding (Forest Heights, Rolph Road, and North Heron Drive).

Rolph Road and North Heron Drive are located north of the subject site. The topography shown on PGAtlas.com indicates the site area draining away from the identified roadways, in a different drainage area. Drainage from the subject site is not expected to cause flood impacts to the above-mentioned roads.

The north area of the site is within Forest Heights, but not within a designated floodplain area. The subject site has an approved SWM concept plan reviewed by DPIE. The concept approval provided no comments pertaining to any on-site floodplain areas.

Recommendation 2: Restore ecological function and environmental diversity in streamways, woodlands, and other natural areas.

The site, as it exists today, is in a natural condition, wooded with no development. There are no REFs located within this subject area.

Any development activity will require the removal of woodland areas. This area is zoned M-X-T, which is intended for high-density projects. The overall PPS net tract area (18.38 acres) has a woodland conservation threshold (WCT) of 2.73 acres (15 percent) and, with the clearing shown on the Type 1 tree conservation plan (TCP1), this results in a woodland conservation requirement of 5.64 acres. The developer is meeting the woodland conservation requirement with 2.60 acres of woodland preservation and 3.05 acres of off-site woodland bank credits. The TCP1 shows preservation of 14 percent of the existing on-site woodland. Replanting woodlands within the development area is difficult, due to the narrow shape of the parcel area and required infrastructure.

Recommendation 3: Maintain open space linkages, reduce gap distances between natural areas, and provide traversable pathways for plant and animal migration.

Currently, the northern part of the property is entirely wooded and is in an area identified as potential FIDS habitat. This area would be considered as an edge habitat because it is not greater than 300 feet from a woodland opening. The PPS area is part of a larger wooded historic setting for the Mount Welby residence (76A-013), the Oxon Cove Park, and the Oxon Hill Farm owned by the NPS. The submitted TCP1 of this master plan area shows that the applicant will maintain the woodlands within the CBCA and a wooded buffer along the rear of the lots on Cree Drive.

Recommendation 4: Reduce and remove impervious cover and increase urban tree canopy.

Presently, there are no impervious surfaces within the northern half of the site. The CBCA portion of the PPS area, as approved with CP-21006, includes only woodland clearing for a picnic pavilion and a shared-use paved trail to access the M-X-T development and Seneca Drive. The area outside the CBCA contains the M-X-T development of buildings, interior roads, SWM structures, and walkways. The woodlands, between the development and the existing residential lots abutting the site, will be preserved and placed in a woodland conservation easement.

Recommendation 5: Incorporate Low Impact Development (LID) stormwater management to restore water quality and ecological function.

A SWM Concept (49501-2021-00) approval letter and associated plan were submitted with the PPS for this site. DPIE issued the approval on August 31, 2022. The current regulations require that environmental site design, which is equivalent to low-impact development, be implemented, to the maximum extent practicable. The SWM in the CBCA, as shown on the concept plan, shows stormwater directed to an underground storage treatment facility and into grass swales. In the M-X-T development area, the SWM concept plan shows stormwater to be directed into box bioretention facilities and storm filters.

Recommendation 6: Encourage property owners to plant trees and other vegetation.

The northern part of the property is entirely wooded, with no open area or structures. The M-X-T development will be comprised of a mix of residential and nonresidential uses allowed by the Zoning Ordinance, to heavily develop the site. The submitted TCP1 shows woodland preservation along the northern and eastern boundary, buffering the existing off-site single-family detached residences. No individual residential lots are shown on the PPS. The overall PPS area has a WCT of 2.73 acres (15 percent) and a woodland conservation requirement of 5.64 acres. The developer is meeting the woodland conservation requirement with 2.60 acres of woodland preservation and 3.05 acres of off-site woodland bank credits.

Recommendation 7: Incorporate “green building” techniques in new and redevelopment construction.

The applicant is encouraged to provide information regarding the use of green building techniques and alternative energy, to be evaluated with future applications.

Recommendation 8: Reduce pollutants such as trash, nitrogen, and phosphorous in streams and the watershed.

The approved NRI, for this portion of the PPS area, did not identify any on-site streams or wetland areas. This master plan area also contains the CBCA area within the I-D-O Zone. The I-D-O area is required to be capable of reducing pollutant loads generated from a developed site to a level at least 10 percent below the loads generated at the same site, prior to development. As part of the SWM concept plan review (49501-2021-00), DPIE reviewed and approved the CBCA portion of the site, to make sure that the proposed SWM techniques reduce the amount of nitrogen and phosphorous released back into the environment from the proposed CBCA development stormwater runoff.

The project area outside the CBCA was reviewed by DPIE, as part of the same SWM Concept (49501-2021-00) approval letter and associated plan. DPIE approved SWM structures, such as bioretention facilities and storm filters, to improve the quality of water released back into the watershed.

2000 Master Plan, pages 111–114 (Butler Tract/South Area)

Goal: To protect and enhance the environmental qualities of the planning area by preserving natural environmental assets as an integral part of the community.

Recommendation 1: Woodland Preservation – The existing woodlands in Natural Reserve Areas must be retained. Other existing woodlands should be retained to the extent possible in order to maintain or increase the current percentage of woodland. Furthermore, the expansion of woodlands through afforestation and reforestation is encouraged in the implementation of the greenways and open space program linkages.

The master plan does not designate any areas on the site as natural reserve area, but does designate a portion of the site as wooded.

This portion of the site contains steep slopes, in several locations. These areas are Sassafras and Croom soils (15–25 percent and 25–40 percent slopes), which are highly erodible soils. One of the areas of steep slopes is adjacent to an ephemeral stream channel. The woodlands are contiguous with woodland on the north portion of the site, as well as woodlands extending west to the Potomac River,

Oxon Run, and the CBCA. The woodlands on-site contribute to the potential FIDS habitat. The only unforested area on-site is the southernmost area of the Butler Tract. This area was cleared of woody vegetation for an electric transmission line that extends from a pole along Bald Eagle Road and crosses the site to the Oxon Hill Farm National Park site to the west.

The submitted TCP1 shows the proposed mixed-use development of residential and commercial buildings, roadways, and infrastructure. This area is zoned M-X-T, which is intended for high-density projects. The subject TCP1 shows woodland preservation adjacent to the existing developed residential lots off Cree Drive, and a woodland area adjacent to the entrance from Bald Eagle Road. No reforestation is shown on the TCP1. The overall net tract area (18.38 acres) has a WCT of 2.73 acres (15 percent) and, with the clearing shown, the woodland conservation requirement is 5.64 acres. The developer will meet the woodland conservation requirement with 2.60 acres of woodland preservation and 3.05 acres of off-site woodland bank credits.

Recommendation 2: The County should pursue efforts to minimize development impacts on contiguous woodland areas adjacent to Henson Creek and the Oxon Run Tributary through land acquisition for parks, where feasible, and through appropriate land use recommendations.

The site is part of a large contiguous vegetated area, associated with FIDS edge habitat and potential FIDS habitat. This site and the site to the west have environmental settings associated with designated historic sites. The wooded parcel to the west is owned by the NPS. The site is near the Oxon Run Tributary, but not immediately adjacent, and the above recommendation to acquire parkland is no longer applicable to the subject property because it has been rezoned to the M-X-T Zone for high-density development. Woodland preservation within the CBCA at the northern end of the property will help minimize the impact of the development on the tributary.

Recommendation 3: Stormwater Management – The County should ensure that stormwater is properly managed, and major streams and detention/retention basins should be monitored for water quality and flow characteristics. The plan recommends the development of five stormwater management ponds as shown on the plan map.

Recommendation 4: Alternative solutions to provide remedial action for on-site stormwater management may be necessary, until such time as the Department of Environmental Resources (DER) implements the proposed potential regional stormwater management ponds in the planning area.

Development of the site will be subject to the current SWM regulations, which require that environmental site design be implemented, to the maximum extent practicable. A SWM Concept (49501-2021-00) approval letter and associated plan were submitted with the PPS. DPIE issued the approval on August 31, 2022. The SWM concept plan shows that stormwater will be directed into 18 box bioretention facilities and six storm filters.

Additional information regarding on-site REF is evaluated in the Environmental Review section below.

Recommendation 5: Noise Attenuation – In areas of 65 dBA (Ldn) or greater, residential development proposals should be reviewed and certified by a professional acoustical engineer stating that the building shell of habitable structures located within a prescribed noise corridor will attenuate ultimate exterior noise level to an interior level not to exceed 45 dBA (Ldn), especially in the AICUZ designated noise corridor.

The proposed M-X-T development is a mix of retail, commercial, and residential uses. This subject property is located adjacent to the Capital Beltway, which is designated as a freeway master-planned roadway. This roadway is regulated for noise, with respect to proposed residential development. A Phase 1 noise study was provided with the PPS application and a Phase 2 noise study shall be provided at the time of DSP; see the Noise finding of this resolution.

Recommendation 6: Air Quality: The County should continue to participate aggressively in metropolitan efforts to prevent further air quality deterioration and should support all available measures to improve local air quality.

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

Recommendation 7: Proposed developments should meet stringent standards and guidelines and the potential environmental impacts of human activities should be identified as early as possible in the planning process. The constraints of Natural Reserve and Conditional Reserve Area must be adhered to.

No REF is located on-site, other than steep slopes. The proposed high-density development will grade the site to accommodate the infrastructure and buildings needed for the development proposal. The development will require SWM approval from DPIE and sediment and erosion control approval from the Soil Conservation District.

The site is not in a natural reserve area or conditional reserve area, as described in the master plan, but the site is wooded and contains areas of steep slopes associated with highly erodible soils. The on-site woodland should be preserved or planted, to the fullest extent possible.

Conformance with the Green Infrastructure Plan

The entire site is mapped within the green infrastructure network, as delineated in the Green Infrastructure Plan. The regulated area is mapped along Bald Eagle Drive in the CBCA, and the rest of the site area is mapped as evaluation area. The area of regulated area was approved for impact with CP-21006. The current PPS and revised TCP1 are found to be in general conformance with the Green Infrastructure Plan.

Environmental Review

Area within the Chesapeake Bay Critical Area

The CBCA portion of the site (1.73 acres) is covered by combined NRI-184-14, covering both inside and outside the CBCA. CP-21006 was approved for this area and no new activities are proposed within the CBCA, as part of this PPS.

Area Outside the Chesapeake Bay Critical Area

Natural Resources Inventory/Existing Conditions

The northern and southern portions of the property are subject to separate NRIs. As mentioned above, the northern portion is subject to NRI-184-14 and the southern portion is subject to NRI-146-2019. The site does not contain wetlands, streams, or 100-year floodplain; however, the site does contain steep slopes and specimen trees. There are several debris piles in the area around the Butler House site, including one within an existing swale. The applicant stated that these debris piles would be removed. The TCP1 shows all the required information correctly, in conformance with the NRIs.

Woodland Conservation

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

The TCP1 shows the proposed development with buildings, roads, SWM structures, utilities, and woodland preservation areas. Based on the submitted TCP1, the overall site contains a total of 14.65 acres of net tract woodlands. The plan shows a proposal to clear 11.52 acres of on-site woodlands, for a woodland conservation requirement of 5.64 acres. The plan view and woodland conservation worksheet shows 2.60 acres of on-site woodland preservation and 3.05 acres of off-site woodland credits, to meet the woodland requirement. The applicant shall purchase the woodland credits within the Potomac River watershed, before the first permit.

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.”

According to the NRI, 30 specimen trees are located outside the CBCA. A variance from Section 25-122(b)(1)(G) was requested, for the removal of 21 specimen trees with CSP-21004. The Planning Board approved the removal of 21 specimen trees, as part of CSP-21004. No additional specimen trees are proposed to be removed with this PPS.

Soils/Unsafe Soils

According to the U.S. Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey, the National View site contains the following soil types: Sassafras-Croom complex, Beltsville silt loam, Sassafras, and Croom soils, and Sassafras sandy loam series. In addition, Christiana complex is in proximity to the site.

The site elevation varies significantly, sloping down toward the north from elevation 196 to elevation 40, as shown on the provided plans. Mass grading and site retaining walls are proposed. A geotechnical report of the subsoil conditions and slope stability, to determine a global stability analysis, was requested with the CSP application. The geotechnical report was provided with the PPS application, and the following comments were provided to the applicant:

“The Factor of Safety of Section B-B’ for the proposed condition is 1.3 (page 147 of the geotechnical report) and is unacceptable. As stated in the geotechnical report, additional global stability analyses will be necessary and submitted at time of the DSP application since geometric configurations and finished floor elevations will be revised, along with retaining wall heights and locations. The geotechnical investigations and the analyses shall be performed in accordance with Prince George’s County Guidelines, Techno-Gram 005-2018 and 002-2021.”

These comments and a final analysis shall be reviewed, at the time of DSP. The slope analysis for the existing conditions was reviewed with this PPS.

Erosion and Sediment Control

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

Prince George’s County Health Department

This PPS was referred to the Prince George’s County Health Department, which advised that there may be abandoned underground well and/or septic structures that may not have been

backfilled in an acceptable manner, on-site. The Health Department recommended the applicant contact the Division of Environmental Engineering/Policy Program for guidance on how to backfill abandoned well and septic structures.

Based on the foregoing findings, the PPS conforms to the relevant environmental policies of the 2014 Sector Plan, the 2000 Master Plan, the Green Infrastructure Plan, and the relevant environmental requirements of Subtitles 24 and 25.

15. **Urban Design**—The proposed development will be subject to DSP approval, in accordance with the following:

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

The PPS is for a mixed-use development consisting of residential and commercial uses. Residential and commercial uses are permitted by-right in the M-X-T Zone, per Section 27-547 of the prior Zoning Ordinance. In addition, this development is required to file a DSP, in accordance with Section 27-546(a) of the prior Zoning Ordinance. Development of the site shall conform with the regulations for development of property in the M-X-T Zone.

Conformance with the applicable requirements of the Zoning Ordinance must be demonstrated, at the time of DSP and building permit review. Applicable requirements can be found in:

- Section 27- 544 regulations for the M-X-T Zone;
- Section 27-547 uses permitted in the M-X-T Zone;
- Part 11 Off-Street Parking and Loading; and
- Part 12 Signs

The site shall also conform to the regulations of the I-D-O Zone, where applicable, through conformance to CP-21006.

Conformance with the 2010 Prince George's County Landscape Manual

Pursuant to Section 27-124.03 of the prior Zoning Ordinance, the proposed development is subject to the 2010 *Prince George's County Landscape Manual*. Specifically, Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; and Section 4.9, Sustainable Landscape Requirements, apply to this site. Conformance with the applicable landscaping requirements will be evaluated, at the time of DSP and building permit review.

Conformance with the Tree Canopy Coverage Ordinance

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development projects that propose more than 5,000 square feet of gross floor area, or disturbance, and require a grading permit. Properties in the RMF-48 Zone are 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 DSP and building permit review.

16. **Noise**—The site is proximate to I-95/495, a freeway, and MD 210, an arterial roadway; both of which are known noise generators which should be evaluated for impacts on residential development. Accordingly, the CSP for this development conditioned that a Phase 1 noise study be provided at the time of PPS (Condition 2(a)). The applicant provided a Phase 1 noise study, dated June 21, 2023, which evaluated noise impact on the development's proposed buildings and outdoor activity areas, based on noise measurements taken on-site.

The noise study found that the community gardens, located at the southern end of the site, would be exposed to future noise levels greater than 65 dBA/Ldn. The study further found that noise levels will exceed 65 dBA/Ldn upon the upper rooftops of Buildings B and C where, according to the applicant's Conceptual Recreational Features exhibit, outdoor amenities serving the multifamily units may be located. The noise study also found that residential units, located along the upper portions of Buildings B and C, will be impacted by noise levels above 65 dBA/Ldn. The study did not specifically evaluate noise impacts upon either the residential units within or the recreational amenities on top of Building A, because the study incorrectly stated that Building A would be limited to office and commercial uses. However, given that Building A is closer to I-95/495, than either Building B or C, it should be assumed there will be noise impacts on this building. The noise study did not find any impact on Buildings D, E, or F, or on any other proposed outdoor activity areas.

The Phase 1 noise study states that further analysis is needed to determine the mitigation measures necessary to ensure all outdoor activity areas are exposed to noise levels no greater than 65 dBA/Ldn, and all dwelling units are exposed to interior noise levels no greater than 45 dBA/Ldn. This analysis shall be completed with the DSP, when site details and building architecture are proposed. Prior to acceptance of the DSP, the applicant shall submit a Phase 2 noise study, which evaluates and proposes the necessary noise mitigation measures for the affected dwellings and activity areas.

17. **Town of Forest Heights**—No comments were received from the Town of Forest Heights.
18. **Community Feedback**—At the Planning Board meeting on July 27, 2023, one member of the public spoke in favor of the project, representing Fort Washington Forward. The representative requested information regarding the transportation infrastructure proposed to support the development, and requested a meeting with the applicant. In response, the applicant explained the traffic analysis performed with ADQ-2022-067 and the resulting required road improvements. The applicant confirmed that the traffic study was dated May 9, 2023, and did not reflect reduced traffic counts, as a result of the COVID-19 pandemic or school closures. The applicant also discussed the proposed on-site bicycle and pedestrian facilities and their connections to the wider trail network in the area. The applicant agreed to meet with the representative and their organization.


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 Geraldo, with Commissioners Washington, Geraldo, Doerner, and Shapiro voting in favor of the motion, and with Commissioner Bailey absent at its regular meeting held on Thursday, July 27, 2023, in Upper Marlboro, Maryland.

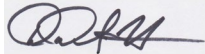
Adopted by the Prince George's County Planning Board this 7th day of September 2023.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:MG:rpg

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: August 22, 2023