

PGCPB No. 2024-003

File No. 4-22070

R E S O L U T I O N

WHEREAS, Walton Maryland, LLC is the owner of a 38.32-acre parcel of land known as Lots 1 through 72, and Parcels A through C, Kenwood Village, said property being in the 15th Election District of Prince George's County, Maryland, and being zoned Legacy Comprehensive Design (LCD); and

WHEREAS, the subject property was included in Comprehensive Design Plan CDP-0303, which was approved by the Prince George's County Planning Board on March 3, 2005 (PGCPB Resolution No. 05-65) and affirmed by the Prince George's County District Council, pursuant to the Zoning Ordinance in effect prior to April 1, 2022 (prior Zoning Ordinance); and

WHEREAS, pursuant to Section 27-1704(a) of the Zoning Ordinance, CDP-0303 remains valid for a period of twenty (20) years from April 1, 2022; and

WHEREAS, on October 4, 2023, BHC, Inc. filed an application for approval of a Preliminary Plan of Subdivision for 124 lots and 18 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-22070 for Kenwood Village was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on January 4, 2024; and

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

WHEREAS, pursuant to Section 27-1704(b) of the Zoning Ordinance, subdivision applications submitted under a valid comprehensive design plan approved under the prior Zoning Ordinance and still valid pursuant to the time limit specified under Section 27-1704(a), may be reviewed and decided in accordance with the Subdivision Regulations in existence at the time of the approval of the comprehensive design plan; and

WHEREAS, therefore, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed the application under the Subdivision Regulations, 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 January 4, 2024, 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 TCP1-017-04-04, APPROVED a Variance to Section 25-122(b)(1)(G), and APPROVED Preliminary Plan of Subdivision 4-22070, including a Variation from Section 24-121(a)(4), for 124 lots and 18 parcels, subject to the following conditions:

1. Development of the site shall be in conformance with Stormwater Management Concept Plan 19807-2022, and any subsequent revisions.
2. Prior to approval, the final plat of subdivision shall include dedication of 10-foot-wide public utility easements along both sides of all public rights-of-way, as delineated on the approved preliminary plan of subdivision.
3. Prior to approval of the final plat, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a homeowners association has been established for the subdivision. The draft covenants shall be submitted to the Subdivision Section of the Development Review Division of the Prince George's County Planning Department for approval, and to ensure that the rights of The Maryland-National Capital Park and Planning Commission are included. The book and page of the declaration of covenants shall be noted on the final plat, prior to recordation.
4. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey land to the homeowners association, as identified on the approved preliminary plan of subdivision. Land to be conveyed shall be subject to the following:
  - a. A copy of the deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division of the Prince George's County Planning Department.
  - b. All waste matter of any kind shall be removed from the property, and all disturbed areas shall have a full stand of grass or other vegetation, upon completion of any phase, section, or the entire project.
  - c. The conveyed land shall not suffer the disposition of construction materials or soil filling, other than the placement of fill material associated with permitted grading operations that are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.
  - d. Any disturbance of land to be conveyed to the association shall be in accordance with an approved site plan and tree conservation plan. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls.
  - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to the association. The location and design of drainage outfalls, that adversely impact property to be conveyed, shall be reviewed and approved by the Development Review Division of the Prince George's County Planning Department.
  - f. The Prince George's County Planning Board, or its designee, shall be satisfied that there are adequate provisions to ensure retention and future maintenance of the property to be conveyed.

5. Prior to the issuance of the 93rd building permit, the applicant, and the applicant's heirs, successors, and/or assignees shall make a payment of \$70,000, in 2013 dollars, to The Maryland-National Capital Park and Planning Commission, Department of Parks and Recreation. This fee is provided in lieu of grading the southern portion of the dedicated parkland, constructing a 10-foot-wide gravel maintenance access road, and preparing detailed construction drawings for improvements to the dedicated parkland. At the time of payment, this amount shall be adjusted for inflation using the Consumer Price Index.
6. Prior to acceptance of the specific design plan (SDP), the application package shall include the following:
  - a. Standard sidewalks shall be shown on both sides of all internal roads, unless modified by the Prince George's County Department of Public Works and Transportation.
  - b. The internal streets shall be designed to follow the 2009 *Approved Countywide Master Plan of Transportation Complete Streets Policies and Principles*, and include traffic calming measures, unless modified with written correspondence from the Prince George's County Department of Public Works and Transportation.
  - c. Written approval from the Prince George's County Department of Parks and Recreation for the woodland conservation credits that are located on property owned by The Maryland-National Capital Park and Planning Commission. The written approval shall specifically state the location, acreage, and methodology of the woodland conservation credits.
  - d. A final geotechnical analysis.
  - e. Revise/supplement the Phase I noise study to provide modeled noise levels using Leq from 7:00 a.m. to 10:00 p.m. and 10:00 p.m. to 7:00 a.m., and provide models for each time frame for upper- and ground-level measurements. In addition, provide the 55 dBA contour on the exhibits/models for the 10:00 p.m. to 7:00 a.m. Leq.
7. A wetland study, including the streams, shall be included in future development applications.
8. At the time of the 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, of the Prince George's County Planning Department, prior to approval of the final plat. The following note shall be placed on the plat:

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

9. Prior to issuance of any permits which impact wetlands, wetland buffers, streams, or waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
10. Prior to signature approval of the preliminary plan, the Type 1 tree conservation plan shall be revised as follows:
  - a. Add the following note below the specimen tree table: “This plan is in accordance with the following variance from the strict requirements of Subtitle 25 approved by the Planning Board on [ADD DATE] for the removal of Specimen Trees ST-006 through ST-010, ST-020 through ST-027, ST-030 through ST-032, ST-039, ST-043, ST-044, ST-064, ST-065, ST-069 through ST-072, ST-078 through ST-085, ST-092 through ST-100, ST-104, ST-108, ST-109, ST-114, ST-115, ST-121 through ST-140, ST-145, and ST-146.”
  - b. Have the plans signed and dated by the qualified professional who prepared them.
11. Prior to approval of the specific design plan, the applicant shall add a note to the plans stating that screening in the buffer on both sides of the stream, that parallels with White House Road, shall be provided by leaving the wetlands in a natural state except for the crossing anticipated as part of the proposed project design.
12. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-017-04-04). 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 (TCP1-017-04-04) [or most recent revision], or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George’s County Planning Department.”
13. 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.”
14. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised as follows:

- a. Modify the noise contour lines consistent with the revised/supplemented Phase I noise study required by Condition 6(e).
  - b. Add a note to indicate that Parcel C may either be conveyed to the homeowners association or dedicated to the public for the extension of proposed Moonlit Meadow Drive to the eastern property boundary.
15. No later than 40 days prior to the Prince George’s County Planning Board hearing for the specific design plan (SDP), provide the following information:
- a. A Phase II noise analysis, certified by a professional engineer, providing noise modeling from 7:00 a.m. to 10:00 p.m. and 10:00 p.m. to 7:00 a.m., and evaluating the mitigation provided with the SDP, to ensure a 45 dBA or less interior at all times and 44 dBA at outdoor activity areas from 10:00 p.m. to 7:00 a.m.
  - b. Details of noise walls, architecture, and/or other noise mitigation, which shall mitigate the interior of dwellings to 45 dBA or less and outdoor activity areas, including rear yards, to 65 dBA or less from 7:00 a.m. to 10:00 p.m. and 55 dBA or less from 10:00 p.m. to 7:00 a.m.

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 applicable legal requirements of Subtitles 24 and 27 of the Prince George’s County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject property is 38.32 acres and is located at the southeast quadrant of the intersection of White House Road and Harry S Truman Drive. The property consists of 72 lots and 3 parcels, known as Lots 1 through 72, and Parcels A through C, Kenwood Village. These lots and parcels are recorded in the Prince George’s County Land Records in Plat Book SJH 242, pages 50 through 56. The property is within the Legacy Comprehensive Design (LCD) Zone; however, this preliminary plan of subdivision (PPS) was reviewed in accordance with the prior Prince George’s County Zoning Ordinance and prior Prince George’s County Subdivision Regulations, pursuant to Section 27-1704(b) of the Zoning Ordinance. More specifically, Section 27-1704(b) of the Zoning Ordinance provides: “Until and unless the period of time under which the development approval or permit remains valid expires, the project may proceed to the next steps in the approval process (including any subdivision steps that may be necessary) and continue to be reviewed and decided under the Zoning Ordinance and Subdivision Regulations under which it was approved.” As discussed in detail below, the evaluated development has received prior Basic Plan and comprehensive design plan (CDP) approvals under the prior Zoning Ordinance, which remain valid. Accordingly, the project may proceed to PPS approval under the prior Subdivision Regulations.

Under the prior Zoning Ordinance, the subject property was in the Residential Suburban Development (R-S) Zone. In accordance with Section 24-4503(a)(4) of the Subdivision

Regulations, this PPS is supported by and subject to approved Certificate of Adequacy ADQ-2022-094. The subject property is located within the boundary of, and evaluated in accordance with, the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* (master plan), the applicable provisions of the prior versions of Subtitles 24 and 27 of the Prince George’s County Code, and other applicable plans, as outlined herein. This PPS includes 124 lots and 18 parcels for development of 124 single-family detached dwellings. Vehicular access is to be provided from White House Road.

Section 24-121(a)(4) of the prior Subdivision Regulations requires residential lots, adjacent to an existing or planned roadway of arterial classification, to have a minimum lot depth of 150 feet. A variation from this section is discussed further in the Noise finding of this resolution.

A variance to Section 25-122(b)(1)(G) of the 2010 Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (WCO), in order to allow the removal of 69 specimen trees, is discussed further in the Environmental finding of this resolution.

3. **Setting**—The subject property is located on Tax Map 75 in Grids A4 and B4, and Tax Map 83 in Grids A1 and B1, and is within Planning Area 78. The properties to the north, beyond White House Road, consist of single-family detached dwellings within the Residential, Single-Family-95 (RSF-95) Zone. The abutting property to the east consists of agricultural land within the Residential Estate (RE) Zone. The property beyond the planned extension of Harry S Truman Drive consists of parks and open space land within the LCD Zone. The abutting properties to the south consist of residential land within the Agricultural-Residential (AR) Zone.
4. **Development Data Summary**—The following information relates to the subject PPS and the evaluated development.

	<b>EXISTING</b>	<b>EVALUATED</b>
Zone	LCD	R-S
Use(s)	Vacant	Residential
Acreage	38.32	38.32
Lots	72	124
Parcels	3	18
Dwelling Units	0	124

PPS 4-22070 was accepted for review on October 4, 2023. Pursuant to Section 24-119(d)(2) of the prior Subdivision Regulations, this case was reviewed at the Subdivision and Development Review Committee meeting on October 13, 2023. Revised plans were received on October 27, 2023 and November 6, 2023, which were used for the analysis contained herein.

5. **Previous Approvals**—In November 1992, the Prince George’s County District Council approved Zoning Map Amendment (Basic Plan) A-9802-C and Zoning Map Amendment (Basic Plan) A-9803-C, which rezoned the overall 63.10-acre property from the Residential-Estate (R-E) Zone

to R-S Zone. Specifically, the 38.32-acre portion of the site covered under this PPS is subject to A-9802-C.

In March 2005, Comprehensive Design Plan CDP-0303 was approved by the Prince George's County Planning Board (PGCPB Resolution No. 05-65), which was affirmed by the District Council, for the development of 84 single-family detached dwelling units on the subject site.

On September 13, 2007, PPS 4-06159 was approved by the Planning Board (PGCPB Resolution No. 07-169(A)) for 72 lots and 3 parcels for the development of 72 single-family detached dwellings. PPS 4-06159 is superseded by PPS 4-22070.

On July 24, 2013, the District Council approved Specific Design Plan SDP-0805 for the development of 72 single-family detached dwellings.

On August 1, 2014, the Prince George's County Planning Director approved SDP-0805-01, which amended the building regulations table to conform to PPS 4-06159.

On February 24, 2015, the Planning Director approved SDP-0805-02, to reflect revised lot lines and utility locations.

On April 21, 2015, the lots and parcels approved with PPS 4-06159 were recorded in Prince George's County Land Records in Plat Book SJH 242 pages 50–56. However, the property was never developed. The subject PPS replaces and supersedes the prior PPS, and will require vacation of the existing dedicated public rights-of-way (ROWs) internal to the development and coincidental to the prior subdivision, in order to achieve the included lotting pattern. A minor vacation petition will be required for the vacation of the undeveloped public roadways, prior to final plat approval for the subject PPS. The subdivision of lots and parcels approved herein, and dedication of the newly delineated roadways, will be required on the new final plats.

On February 27, 2023, the District Council approved A-9802-C-01, which amended the original basic plan to alter the lot sizes and required buffers, and to delete and amend conditions in the original basic plan. Conditions of A-9802-C-01, which supersede those of the original basic plan approval applicable to the review of this PPS, are analyzed in the related findings in this resolution.

On July 14, 2023, CDP-0303-01 was approved by the Planning Board (PGCPB Resolution No. 2023-84), for the development of 124 single-family detached dwellings. Conditions of CDP-0303-01, which supersede those of the original CDP applicable to the review of this PPS, are analyzed in the related findings in this resolution. The subject PPS was filed in accordance with the amended basic plan and CDP for 124 lots.

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

### **Plan 2035**

This property is located in the Established Communities Growth Policy Area. The vision for the Established Communities area is most appropriate for context-sensitive infill and low- to medium-density development. Plan 2035 recommends maintaining and enhancing existing public services (police and fire/EMS), facilities (such as libraries, schools, parks, and open space), and infrastructure in these areas (such as sidewalks) to ensure that the needs of existing residents are met (page 20). Low-to medium-density is defined by Plan 2035 as having 0.5 to 8 dwelling units per acre (page 100). The density for this development was determined, based on the total net tract area under the basic plan and CDP approvals, to be 2.17 dwelling units per acre, given the proposal for 124 dwelling units. This is consistent with the density described in Plan 2035.

### **Master Plan Conformance**

According to Plan 2035, all planning documents which were duly adopted and approved, prior to the date of adoption of Plan 2035, remain in full force and effect (except for the designation of tiers, corridors, and centers), until those plans are revised or superseded. Pursuant to Section 24-121(a)(5) of the prior Subdivision Regulations, a PPS must conform to the area master plan, unless events have occurred to render the relevant recommendations no longer appropriate or the District Council has not imposed the recommended zoning. The master plan recommends low-density residential on the subject property. Low-density residential is defined by the master plan as residential areas of up to 3.5 dwelling units per acre, and primarily single-family detached (page 40). This PPS includes 124 lots for single-family detached development, equating to 2.17 dwelling units per acre, as calculated based on the total net tract area with the CDP approval, and is within the density recommended by the master plan.

The goal of the master plan is to retain sustainable agricultural land. The master plan develops recommendations that strengthen the Established Communities and promote new development, while at the same time preserving the more rural landscape (page 7). While the subject property is not agriculturally zoned, agricultural land abuts the subject property to the east and south. The basic plan and CDP approvals require additional buffering along these property boundaries to be reviewed at the time of SDP.

Pursuant to Section 24-121(a)(5), this PPS conforms to the land use recommendation of the master plan.

### **Sectional Map Amendment/Zoning**

Zoning Map Amendments (Basic Plans) A-9802-C-01 and A-9803-C-01 reclassified the subject property to the R-S Zone.

On November 29, 2021, the District Council approved Council Resolution CR-136-2021, the Countywide Sectional Map Amendment (CMA), which reclassified the subject property from the R-S Zone to the LCD Zone, effective April 1, 2022.

7. **Stormwater Management**—An application for a major subdivision must include an approved stormwater management (SWM) concept plan, or an indication that an application for such approval has been filed with the appropriate agency or the municipality having approval authority. An approved SWM Concept Plan (19807-2022) was submitted with this PPS. The



SWM concept plan shows the use of three on-site submerged gravel wetlands to treat and detain stormwater before it leaves the site. No further information is required regarding SWM with this PPS.

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

8. **Parks and Recreation**—This PPS has been reviewed for conformance with the requirements and recommendations of Plan 2035, the 2022 *Land Preservation, Parks and Recreation Plan*, the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, the master plan, the prior Subdivision Regulations, and conditions of the related approvals, as they pertain to public parks and recreation and facilities.

#### **Previous Approvals**

The following conditions are relevant to the subject PPS:

A-9802-C-01

14. **At the time of review of the Preliminary Plan of Subdivision, the Applicant(s) shall allocate developable areas to provide adequate on-site recreational facilities.**

The PPS identifies developable areas for on-site recreational facilities, which is discussed further in this finding below.

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8. **The applicant and the applicant's heirs, successors, and/or assignees, shall provide on-site recreational facilities, in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*, and be reviewed by the Development Review Division of the Prince George's County Planning Department, at the time of preliminary plan of subdivision and specific design plan.**

The PPS identifies developable locations for on-site recreational facilities. However, details of the facilities are more appropriate to be identified and shown with the SDP. The on-site recreational facilities were required by CDP-0303-01 in exchange for density increments and are outside of the requirements of mandatory parkland dedication required by a PPS.

25. **The applicant shall carry the proposed fee-in-lieu, in the amount of \$70,000 in 2013 dollars. This fee is provided in lieu of grading the southern portion of the dedicated parkland, constructing a 10-foot-wide gravel maintenance**

**access road, and preparing detailed construction drawings for improvements to the dedicated parkland.**

The above requirement was in place with the prior PPS approved for the site, along with the dedication of land, to fulfill the requirements of mandatory parkland dedication. A fee payment will be required, prior to issuance of the 93rd building permit, and is included as a condition of this approval.

Nearby developed parks include Heritage Glen Park, about 0.5 mile northwest of the subject property; Walker Mill Regional Park, 3 miles to the west; and, Watkins Regional Park, about 4 miles to the northeast. Also, Westphalia Community Center is 3 miles southwest of Kenwood Village. Adjacent to the subject site are the Southwest Branch Stream Valley Park and the undeveloped Kenwood Village Park.

**Master Plan Conformance**

This PPS was reviewed for conformance to the master plan per Section 24-121(a)(5) of the prior Subdivision Regulations. The master plan recommends the development of 25 acres for a neighborhood park and trailhead, southeast of Ritchie Marlboro and White House Roads, adjacent to the subject property. The applicant has conveyed 19.1 acres of land to The Maryland-National Capital Park and Planning Commission (M-NCPPC) to be used as public parkland. This is discussed further in the findings below. The PPS aligns with the master plan's intention to provide quality, safe, and convenient parks and recreational facilities within mixed-use developments, providing respite and contributing to the desirability and livability of the community, for current and future residents.

**Subdivision Regulations Conformance**

Separate from the evaluation of adequacy, mandatory dedication of parkland requirements is applicable. This PPS is subject to the provisions of Section 24-134 of the prior Subdivision Regulations, which pertain to mandatory dedication of parkland and provides for the dedication of land, the payment of a fee-in-lieu, or recreational facilities, to meet the requirement. Based on the proposed density of development, five percent of the net residential lot area is required to be dedicated to M-NCPPC for public parks. The applicant met this requirement with the conveyance of 19.1 acres of land to M-NCPPC. This land was dedicated with the approval of PPS 4-06159 and recorded as Parcel A in Plat Book SJH 242 page 50. In accordance with Section 24-134(a)(3)(D) of the prior Subdivision Regulations, any resubdivision of property on which land was previously dedicated or a fee-in-lieu paid, the applicant shall be credited to the extent that land dedication or fees would otherwise be required upon such resubdivision. As such, the requirements of mandatory parkland dedication have been met with the approval of PPS 4-06159 and are not required with this PPS.

Notwithstanding Section 24-134(a)(3)(D), the applicant is required to provide on-site recreational facilities in accordance with the conditions of CDP-0303-01. The locations of these recreational facilities are shown on the PPS. Details of these recreational facilities shall be provided at the time of SDP.

The mandatory dedication requirements have been met, for the subject property, in accordance with Section 24-134(a)(3)(D).

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

**Prior Approvals**

The following conditions are relevant to the subject PPS:

A-9802-C-01

1. **No direct access to any residential lots shall be permitted from White House Road or Harry S Truman Drive.**

The PPS does not provide direct access to any residential lot from White House Road or Harry S Truman Drive. All residential lots will be accessed via internal streets.

2. **The Applicant(s)/developer(s) and the Applicant(s) heirs, successors, and/or assignees shall dedicate a 120-foot right-of-way for Ritchie Marlboro Road relocated (A-39) (Harry S Truman Drive).**

This condition was satisfied by recordation of the final subdivision plats for PPS 4-06159. The existing, dedicated 120-foot right-of-way (ROW) for Ritchie Marlboro Road relocated (Harry S Truman Drive) is reflected on the PPS.

3. **The applicant/developer, his heirs, successors and/or assignees, shall dedicate a 60-foot right-of-way from the proposed centerline for White House Road (A-36). The applicant/developer, his heirs, successors and/or assignees, shall construct or bond to construct a half section of White House Road for the entire segment of this roadway through the subject parcel per the Department of Public Works & Transportation (DPW&T) requirements prior to the issuance of building permits. This construction shall accommodate a left turn lane along eastbound White House Road at Harry S Truman Drive extended (A-38).**

This facility has been constructed.

16. **The Applicant(s) shall provide an interconnected network of pedestrian and bikeway facilities, internal to the site. The exact location and design of said facilities shall be evaluated with future applications.**

Internal streets will be required to conform to the MPOT Complete Streets Policies and Principles. Conformance to this condition will be reviewed at the time of SDP.

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- 2. The preliminary plan of subdivision application shall include the amount of right-of-way dedication, in accordance with the 2009 Approved Countywide Master Plan of Transportation.**

The subject site has frontage on White House Road (A-36), which is designated as an arterial roadway with an ultimate ROW of 120 feet along the property's northern boundary which is reflected on the PPS. The site is also impacted by Harry S Truman Drive (A-39), which is designated as an arterial road with 120 feet of ultimate ROW along the property's western boundary, which is also reflected on the PPS.

- 9. During the review of the preliminary plan of subdivision, the appropriate point of transition from an 80-foot right-of-way to a 50-foot right-of-way, along the major internal street, shall be determined. The point of transition shall be consistent with typical practices and shall consider lotting patterns and the overall internal street network.**

The location of the transition, which takes place south of the intersection of Bright Spring Road and Willow Breeze Lane and prior to the internal stream crossing, minimizes the environmental impact and is acceptable.

- 11. At the time of specific design plan, the shared-use path and the specifications and details for all master plan facilities, along the frontage of White House Road, shall be shown on the plan, unless modified by the appropriate agency with written correspondence.**

Conformance to this condition will be evaluated at the time of SDP.

- 22. Standard sidewalks shall be indicated on both sides of all internal roads, if approved by the Department of Public Works and Transportation.**

Standard sidewalks will be provided along both sides of all internal roads. Conformance to this condition will be evaluated at the time of SDP.

- 26. Prior to the first building permit, the following transportation improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timeline for construction with the appropriate operating agency:**

- a. Reconstruction of westbound White House Road at Harry S Truman Drive to have one through only lane and one right-turn only lane.**

**b. Installation of an eastbound right-turn only lane along White House Road at the site access.**

A traffic impact study was required for this PPS and the results of the study are further discussed in the associated Certificate of Adequacy ADQ-2022-094.

These improvements have been included in the background traffic analysis for the current PPS. Conditions of approval are included, based on the most recent study.

## **MASTER PLAN CONFORMANCE**

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

The subject site has frontage on White House Road (A-36), which is designated as an arterial roadway with an ultimate ROW of 120 feet along the property's northern boundary, which is reflected on the PPS. The site also has frontage along the future extension of Harry S Truman Drive (A-39), which is designated as an arterial road with 120 feet of ultimate ROW along the property's western boundary, which is also reflected on the PPS. At this time, no further dedication is required.

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

The MPOT recommends a shared-use path along White House Road adjacent to the property. The MPOT provides policy guidance regarding multimodal transportation and the Complete Streets element of the MPOT recommends how to accommodate infrastructure for people walking and bicycling. The MPOT includes the following policies related to the subject development:

**Policy 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers (page 9).**

**Policy 3: Small area plans within the Developed and Developing Tiers should identify sidewalk retrofit opportunities to provide safe routes to schools, pedestrian access to mass transit, and more walkable communities (page 10).**

**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* (page 10).**

**Policy 5: Evaluate new development proposals in the Developed and Developing Tiers for conformance with the complete streets principles (page 10).**

The master plan recommends the following policy regarding pedestrian and bicycle infrastructure:

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

**Strategies: Incorporate bicycle-compatible road improvements with future frontage improvements or road construction projects.**

The PPS includes the construction of sidewalks along both sides of all new roadways. The PPS does not show the shared-use path and sidewalks along White House Road as it abuts the subject property. However, an 8-foot-wide shared-use path has been permitted for construction along the northern side of White House Road, and thereby satisfies the MPOT recommendation.

**Access and Circulation Review**

The PPS indicates that the site will be served by a network of public roadways, internal to the site, connecting to one full movement access point along White House Road. No access from Harry S Truman Drive is provided. The site vehicular access and circulation is sufficient.

A memorandum was received from the Prince George's County Department of Public Works and Transportation (DPW&T), dated December 1, 2023 (Quaiyum to Heath). Upon review of the traffic impact study, DPW&T identified the intersection of White House Road at Harry S Truman Drive to be analyzed for signal warrants. This is conditioned in the associated ADQ for the subject property. In addition to the signal warrant analysis, DPW&T raised concerns regarding speeding in the proposed development. The following are recommended speed mitigation options proposed by the agency:

**The applicant should consider deploying altogether seven (7) speed humps in this subdivision with one (1) speed hump along Kenwood Village Lane, one (1) on Street A and five (5) speed humps along Street B. The design and specific location could be incorporated in the final design during the grading permit stage.**

**The applicant should also install a Hammerhead on both sides of Street B.**

These traffic calming measures will be further evaluated, at the time of SDP.

An open space parcel (Parcel C) is located between the termination of proposed Moonlit Meadow Drive and the eastern boundary of the property. This parcel is currently denoted on the PPS to be conveyed to the homeowners association (HOA). However, Moonlit Meadow Drive could potentially be extended eastward to provide connectivity to the abutting property to the east, in the event of its development. Parcel C, therefore, should have the flexibility to be dedicated for public use, if needed. A note shall be added to the PPS indicating that Parcel C may either be conveyed to the HOA or dedicated to public use for the extension of proposed Moonlit Meadow Drive to the eastern property boundary.

Based on the preceding findings, the vehicular, pedestrian, and bicycle transportation facilities will serve the proposed subdivision, meet the findings required of Subtitle 24, and conform to the master plan and MPOT.

**10. Public Facilities**—This PPS was reviewed for conformance to the master plan, in accordance with Section 24-121(a)(5). The master plan contains a chapter on Public Facilities which identifies the following goals:

- 1. Provide residents of Subregion 6 needed public facilities in locations that serve existing and future populations.**
- 2. Ensure that all new public facilities will be constructed to LEED standards and existing buildings will be retrofitted to make them as energy efficient and sustainable as possible.**
- 3. Maintain the high level of service by providing essential equipment and professional training for personnel.**
- 4. Priority will be given to funding public facilities to support development in the Developing Tier.**

The proposed development will not impede achievement of the above-referenced goals. This PPS is subject to ADQ-2022-094 which established 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.

The subject property is located in Sustainable Growth Tier I. Section 24-122.01(b)(1) of the prior Subdivision Regulations states, “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 subject property is in water and sewer Category 3 — Community Systems. Category 3 comprises all developed land (platted or built) on public water and sewer and undeveloped land with a valid preliminary plan approved for public water and sewer. Sustainable Growth Tier I includes those properties served by public sewerage systems.

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

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

The standard requirement for public utility easements (PUEs) is 10 feet wide along both sides of all public ROWs. The subject site has frontage along the existing public ROW of White House Road and the planned extension of Harry S Truman Drive. To provide access and public street frontage to subdivided lots, a network of public roads is included with this PPS.

The required 10-foot-wide PUEs are correctly shown and labeled parallel, contiguous, and adjacent to the ROW lines of all public streets. All required PUEs, as shown on the PPS, will be recorded with the final plat.

- 12. Historic**—A Phase I archeological survey was completed on the Kenwood Village Property in February 2007. A draft report, *Phase I Archeological Investigation of the Kenwood Village Property in Prince George's County, Maryland, Preliminary Plan #4-06159*, was received by the Planning Department, and reviewed by the Historic Preservation staff. Three archeological sites were identified, 18PR870, 18PR871, and 18PR872. Site 18PR870 is an early to late 20th-century domestic site; site 18PR871 is a mid 18th- to late 20th-century domestic site, which contained two houses; and site 18PR872 is a small, prehistoric site, of unknown date, at the head of a spring. Two historic access roads lead to sites 18PR870 and 18PR871, from White House Road. These access roads could be used as recreational trails for development. A portion of the Chesapeake Beach Railroad bed is also located in the southwestern corner of the property.

Phase II archeological investigations were conducted on site 18PR871, in 2016. Due to the degree of modern disturbance, in the form of demolition, by heavy machinery and the deposition of the resulting debris in several pits, in addition to the lack of intact cultural deposits, no further work was recommended on site 18PR871. No additional archeological investigations are necessary on site 18PR87 due to the level of modern disturbance and the lack of intact cultural features that could provide significant information on the history of Prince George's County.

### **Previous Approvals**

CDP-0303-01

- 12. At the time of the specific design plan, the applicant shall submit the wording and location of an interpretive sign, detailing the findings of the archeological investigations conducted on the subject property.**
- 21. Prior to issuance of the 47th building permit, the applicant shall install the required interpretive sign, detailing the findings of the archeological investigations.**

Conformance to the above conditions should be reviewed, at the time of SDP, and enforced, at the time of the appropriate building permits.

The master plan contains goals and policies related to historic preservation (pages 161–174). However, these are not specific to the subject site or applicable to this PPS. The subject property does not contain, and is not adjacent to, any designated Prince George's County historic sites or resources.



**13. Environmental**—The following applications and associated plans have been reviewed for the subject site:

Development Review Case	Associated TCP(s)	Authority	Status	Action Date	Resolution Number
A-9802 & A-9803	N/A	District Council	Approved	1/29/93	Zoning Ordinance No. 50-1992 and 51-1992
CDP-0303	TCPI-017-04	Planning Board	Approved	3/3/05	PGCPB No. 05-65
4-06159	TCPI-017-04-01	Planning Board	Approved	9/13/07	PGCPB No. 07-169
NRI-135-05	N/A	Staff	Approved	2/3/06	N/A
4-06159 Amended	TCPI-017-04-02	Planning Board	Approved	7/11/13	PGCPB No. 07-169 (A)
SDP-0805	TCPII-006-13	Planning Board	Approved	3/28/13	PGCPB No. 13-31
SDP-0805-02	TCPII-006-13-01	Planning Director	Approved	2/23/15	N/A
NRI-135-05-01	N/A	Staff	Approved	7/8/16	N/A
A-9802-C-01 & A-9803-C-01	N/A	District Council	Approved	2/27/23	Z.O. No. 1-2023
CDP-0303-01	TCPI-017-04-03	Planning Board	Approved	7/14/2023	PGCPB No. 2023-84
4-22070	TCPI-017-04-04	Planning Board	Approved	1/4/2024	PGCPB No. 2024-003

**Grandfathering**

This project is subject to the environmental regulations contained in prior Subtitles 24, 27, and the current Subtitle 25 because this is a new PPS. The areas outside of this PPS will retain grandfathering.

**Environmental Site Description**

Streams, wetlands, and 100-year floodplain with associated areas of steep slopes, are within the limits of this site. No Sensitive Species Project Review Areas are indicated or mapped on the site. Furthermore, no rare, threatened, or endangered species are indicated as present on-site. This property is located in the Southwest Branch watershed in the Patuxent River basin. The site contains Regulated Areas and Evaluation Areas, as designated on the 2017 *Countywide Green Infrastructure Plan* of the *Approved Prince George’s County Resource Conservation Plan* (Green Infrastructure Plan). The site is located within the Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map, and in the Established Communities of the General Plan Growth Policy map, as designated by Plan 2035.

**Previous Approvals**

The following conditions are relevant to the subject PPS:

Basic Plan A-9802-C-01

5. **There shall be no grading or cutting of trees on the site prior to Phase II approval, except with the written permission of the Prince George’s County Planning Board.**

No grading or cutting of trees has occurred on this site, based on a review of the most recent aerial photography available.

7. **A 50-foot buffer shall be provided along the eastern property boundary and shall include a 6-foot-high black vinyl-clad chain link fence (or approved alternative), extending to the south side of White House Road. The only disturbance to this buffer shall be for the construction of stormwater management facilities located within 550-feet from the right-of-way of White House Road. A 25-foot landscaped buffer shall be provided along the southern property boundary and provide the number of plant units required for a “B” buffer yard, as required by the 2010 Prince George’s County Landscape Manual, and shall include a 6-foot-high black vinyl-clad chain link fence (or approved alternative), extending to the east side of Harry S Truman Drive.**

Adequate space is provided to accommodate a 50-foot-wide buffer along the eastern property boundary. The 50-foot-wide buffer and landscape buffers will be reviewed at the time of SDP.

8. **A Type I Tree Conservation Plan (TCP) in accordance with the Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance, is required for review by the Environmental Planning Section to be approved by the Planning Board prior to Comprehensive Design Plan approval. Woodland Conservation of 25 percent of the net tract is recommended.**

A revision to a Type 1 Tree Conservation Plan, TCP1-017-04-04, was submitted with this PPS. Woodland conservation of 25 percent of the net tract is shown on the plan; this condition must continue to be met with future development applications.

9. **Phase II shall show consistency with the Patuxent River Policy Plan in buffering streams.**

Conformance to this condition shall be reviewed with future development applications.

10. **Approval of existing Conditions, 100-year Floodplain and Stormwater Management (SWM) Concept Plan by the Prince George’s County Department of the Environment (DOE), prior to the approval of a Preliminary Plan of Subdivision, unless determined by DOE prior to submittal of the preliminary plat that this study will not be required until time of Specific Design Plan. At a minimum, the following shall be included: 50-foot buffers between the floodplain and lot lines; SWM ponds shall provide 2-10-100-year attenuation; water quality shall be achieved by**

**infiltration or ponds; water quality ponds shall be located outside of wetland areas; and all impervious areas shall drain directly to a water quality facility.**

Conformance to this condition shall be reviewed with future development applications. The 100-year floodplain and SWM Concept Plan 19807-2022 were reviewed and approved by DPIE and not the Maryland Department of the Environment. The SWM concept plan includes submerged gravel wetlands, in lieu of ponds.

The submerged gravel wetlands will provide 10- and 100-year attenuation and are located outside of the wetland areas. A minimum of 50-foot-wide buffers between the floodplain and lot lines have been met.

11. **The Applicant(s) shall submit a 100-year Floodplain Study and a Stormwater Management (SWM) Concept Plan to the Prince George's County Department of Environmental Resources for approval prior to approval of the Preliminary Plan of Subdivision. The SWM Concept Plan shall also address road improvements to White House Road and construction of Harry S Truman Drive.**

The applicant submitted the 100-year floodplain study and SWM concept plans to DPIE instead of the Maryland Department of the Environment. Approved SWM Concept Plan 19807-2022 was provided with this PPS. The 100-year floodplain study (FPS 200601) was also provided with this PPS; however, the layout of this PPS does not match what is shown on the floodplain study. The DPIE floodplain information request form, dated June 8, 2022, says FPS 200601 governs and floodplain easements will be required.

12. **A 75-foot non-disturbance buffer shall apply along both sides of all streams and shall be expanded to include the 100-year floodplain, wetlands, steep slopes, and soils with erodibility factors of 0.35 and greater. Such buffers shall be approved by the Environmental Planning Section prior to Specific Design Plan, Phase III. Additional screen plantings may be required to provide adequate screening, to be approved by the Urban Design Section.**

Conformance to the 75-foot non-disturbance buffer, along both sides of all streams, and any determined buffer expansions, will be reviewed at the time of SDP.

13. **The Applicant(s) shall submit a detailed soils study to demonstrate the site is geologically suitable for the proposed development, for approval by the Prince George's Soil Conservation District and the Environmental Planning Section, prior to Specific Design Plan approval.**

A geotechnical report will be required with the SDP acceptance.

Comprehensive Design Plan CDP-0303-01

3. **Prior to acceptance of the preliminary plan of subdivision application, a statement of justification (SOJ) for the necessary primary management area (PMA) impacts shall be included in the application package. The SOJ shall address all proposed impacts on regulated environmental features. PMA impacts solely associated with the creation of lots will not be allowed.**

A statement of justification (SOJ) for necessary PMA impacts was provided with the PPS. The evaluation of the PMA impacts is discussed in the Environmental Review section of this finding.

4. **All subsequent plan submittals for this property, including the Preliminary Plan of Subdivision and Specific Design Plan, shall further minimize the extent and number of PMA impacts proposed as each phase of the development process utilizes increasingly detailed information. Impacts solely associated with the creation of lots will not be allowed.**

The PMA impacts were evaluated with this PPS and are discussed in further detail under the Environmental Review section of this finding.

7. **A copy of the approved stormwater management concept plan and approval letter shall be submitted no more than 40 days prior to the hearing for the preliminary plan of subdivision application.**

The approved SWM Concept Plan 19807-2022 and approval letter were provided with this PPS.

18. **Crediting of woodland conservation shown on any property to be dedicated to, or is owned by, the Maryland-National Capital Park and Planning Commission is subject to written approval by the Prince George's County Department of Parks and Recreation, prior to certification of the Type 2 tree conservation plan which specifically states the location, acreage, and methodology of the woodland conservation credits.**

This condition will be verified when the Type 2 tree conservation plan is reviewed.

19. **At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall be approved by the Environmental Planning Section and shall contain the delineated Patuxent River Primary Management Area, except areas of approved impacts. 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 of the Planning Director. The removal of hazardous trees, limbs, branches, or trunks is allowed.”**

Conformance to this condition will be reviewed, at the time of the final plat, and has been carried forward as a condition of approval of this PPS.

20. **Before issuance of permits which impact wetlands, wetland buffers, streams or Waters of the United States, the applicant shall submit to the Planning Department copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.**

Conformance to this condition will be reviewed, at the time of permitting, and has been carried forward as a condition of approval of this PPS.

## **ENVIRONMENTAL CONFORMANCE WITH APPLICABLE PLANS**

### **Master Plan**

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

**Policy 1: Protect, preserve, and enhance the identified green infrastructure network and areas of local significance within the Subregion 6 in order to protect critical resources and to guide development and mitigation activities.**

### **Strategies**

1. **Protect priority areas that will meet multiple protection objectives such as those related to green infrastructure, the priority preservation area, and the Patuxent River Rural Legacy Program.**
2. **Protect primary corridors (Patuxent River, Charles Branch, Collington Branch, Piscataway Creek, Mattawoman Creek, and Swanson Creek) during the review of land development proposals to ensure the highest level of preservation and restoration possible, with limited impacts for essential development elements. Protect secondary corridors to restore and enhance environmental features, habitat, and important connections.**
3. **Preserve and connect habitat areas to the fullest extent possible during the land development process.**

4. **Preserve or restore regulated areas designated in the green infrastructure network through the development review process for new land development proposals.**
5. **Protect portions of the green infrastructure network outside the primary and secondary corridors to restore and enhance environmental features, habitat, and important connections.**
6. **Evaluate land development proposals in the vicinity of SCAs to ensure that the SCAs are not negatively impacted and that green infrastructure connections are either maintained or restored.**
7. **Preserve and enhance, where possible, grassland habitats that are of critical importance to native and migratory bird species.**

The development site is not located in a special conservation area, but is near a primary corridor, Collington Branch, and contains regulated areas and evaluation areas designated in the Green Infrastructure Plan. There are no proposed impacts to the wetlands. Impacts to the 100-year floodplain are for infrastructure use only.

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

**Strategies:**

1. **Protect and restore groundwater recharge areas such as wetlands and the headwaters areas of streams and watersheds.**
3. **Require retrofitting of locations without stormwater management or with poorly performing facilities as they are identified during the development review process.**
4. **Define and identify operations and activities that create stormwater management “hot spots” to adjust development and enforcement as necessary for pollution prevention.**
5. **Require private developers to perform stream corridor assessments, where one has not already been conducted, when development along stream corridors without completed assessments is proposed. Use the outcome of these assessments to guide restoration requirements upon which development approval will be contingent.**
7. **Require environmentally sensitive site design which includes limiting impervious surfaces and implementing best practices in on-site stormwater management to reduce the impact of development on important water resources.**

Wetlands and wetland buffers on-site will be protected, to the fullest extent possible, during local review of development projects and by state and federal review and permitting authorities. The project is a new development and will comply with the State environmental site design requirements in the design and review of SWM facilities for the site.

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

The subject project is not located within the Chesapeake Bay Critical Area.

**Conformance with the Green Infrastructure Plan**

According to the Green Infrastructure Plan, there are regulated and evaluation areas on the subject site. Approximately 70 percent of the site is located in the evaluation area, and approximately 30 percent of the site is located in the regulated area. These areas are due to the presence of a stream, wetland, and 100-year floodplain that run along the northern and central portions of the site. The conceptual design, as reflected on the PPS and the TCP1, meets the goals of the Green Infrastructure Plan and focuses on development outside of the most sensitive areas of the site.

**ENVIRONMENTAL REVIEW**

**Natural Resources Inventory**

Natural Resources Inventory NRI-001-2023, which only covers the area of the proposed residential development, was submitted with this PPS.

According to NRI-001-2023, the site contains areas of regulated environmental features (REF), such as steep slopes, streams, or wetlands, and 100-year floodplain located along White House Road, in the central portion of the site, and in the area of the proposed Harry S Truman Drive. The wetlands on-site are associated with streams that run along White House Road and through the center of the site. The NRI shows the proposed residential site containing 146 specimen trees that are on-site or in close proximity to the property, which range in condition from dead to good. The PPS shows all the required information correctly in conformance with the NRI.

**Woodland Conservation**

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

The TCP1-017-04-04 was submitted with the subject PPS. The total site contains 52.49 acres of woodlands and 7.63 acres of wooded floodplains and has a woodland conservation threshold of 25 percent, or 11.33 acres. The TCP1 is broken into two phases, one for the parkland dedication and the other for the residential portion. This PPS is for the residential portion of the site. The residential phase proposes to clear 25.65 acres of woodland and 0.26 acre of wooded floodplain, resulting in a cumulative woodland conservation requirement of 20.88 acres.

The woodland conservation requirement for the residential phase will be met with 4.51 acres of on-site preservation and 5.57 acres of off-site mitigation credits. The parkland woodland conservation requirement will be met with 10.80 acres of preservation for a total of 20.88 acres of woodland conservation provided. Crediting of woodland conservation shown on any property to be dedicated to or is owned by M-NCPPC is subject to written approval by DPR. No further information is required.

The applicant provided a SOJ of why the woodland conservation requirement cannot be fully met on-site. This statement points out that the off-site woodland mitigation was previously approved with TCP1-017-04-02 and TCP2-006-13-01. Also, the woodland conservation threshold for this development is calculated as 25 percent, or 11.33 acres, which is an increase of five percent of what other developments in this zone are required to meet. This is a requirement in accordance with Condition 8 of Basic Plan A-9802-C-01, discussed in the Previous Approvals finding. As noted, this PPS is for the increase in the number of lots from 72 to 124, however, the area of disturbance has only marginally changed from the previous approvals. All areas suitable for planting have been utilized. The subject property does not qualify for fee-in-lieu, as more than 1.00 acre of woodland conservation is required. Off-site mitigation credits have already been processed based on the previous approvals. The use of off-site woodland mitigation credits will continue to be revisited with future development applications.

### **Specimen Trees**

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

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

A Subtitle 25 variance application dated February 9, 2023, and a letter of justification (LOJ) dated September 28, 2023, was submitted for review with this PPS. The approved NRI-001-2023 identifies a total of 146 specimen trees on-site. The following analysis is the review of the request to remove 69 specimen trees.

The LOJ requests the removal of 69 specimen trees identified as Specimen Trees ST-006 through ST-010, ST-020 through ST-027, ST-030 through ST-032, ST-039, ST-043, ST-044, ST-064, ST-065, ST-069 through ST-072, ST-078 through ST-085, ST-092 through ST-100, ST-104, ST-108, ST-109, ST-114, ST-115, ST-121 through ST-140, ST-145 and ST-146. The condition of



trees proposed for removal ranges from dead to good. The TCP1 shows the location of the trees proposed for removal. These specimen trees were proposed for removal for the development of the site and associated infrastructure.

Specimen Tree Number	Common Name	Construction Tolerance	Condition	Size (DBA)	Impacted by Design Elements
006	Sweetgum	Good	Good	30	Remove for SWM
007	Tulip Poplar	Poor	Good	36.5	Remove for SWM
008	Tulip Poplar	Poor	Good	37	Remove for SWM
009	Tulip Poplar	Poor	Good	30.5	Remove for SWM
010	Tulip Poplar	Poor	Good	30	Remove for SWM
020	Tulip Poplar	Poor	Good	34	Remove for SWM
021	Tulip Poplar	Poor	Good	36	Remove for SWM
022	Tulip Poplar	Poor	Good	36	Remove for SWM
023	Tulip Poplar	Poor	Good	32	Remove for grading
024	Tulip Poplar	Poor	Good	48	Remove for development
025	Tulip Poplar	Poor	Good	41	Remove for development
026	Tulip Poplar	Poor	Good	31	Remove for development
027	White oak	Medium/Good	Good	34	Remove for development
030	Tulip Poplar	Poor	Dead	37	Remove for development
031	Tulip Poplar	Poor	Good	32	Remove for development
032	Tulip Poplar	Poor	Good	31.5	Remove for development
039	Southern red oak	Good	Good	36.5	Remove for development
043	Tulip Poplar	Poor	Good	30	Remove for grading
044	Tulip Poplar	Poor	Good	38	Remove for grading
064	Hickory	Medium	Good	30	Remove for water line
065	Southern red oak	Good	Good	43	Remove for water line
069	Tulip Poplar	Poor	Poor	32	Remove for development
070	Tulip Poplar	Poor	Good	32	Remove for development
071	Tulip Poplar	Poor	Good	31	Remove for grading
072	Tulip Poplar	Poor	Good	59	Remove for grading
078	Tulip Poplar	Poor	Good	55	Remove for grading
079	American Beech	Poor	Good	33	Remove for grading
080	Pignut Hickory	Medium	Good	34	Remove for grading
081	Pignut Hickory	Medium	Good	34	Remove for grading
082	Tulip Poplar	Poor	Good	38	Remove for grading
083	Tulip Poplar	Poor	Fair	71.5	Remove for grading
084	Tulip Poplar	Poor	Good	42	Remove for grading
085	Sycamore	Medium	Good	45	Remove for grading
092	Tulip Poplar	Poor	Good	32	Remove for development

Specimen Tree Number	Common Name	Construction Tolerance	Condition	Size (DBA)	Impacted by Design Elements
093	American Beech	Poor	Good	32.5	Remove for access
094	Tulip Poplar	Poor	Good	38	Remove for access
095	Tulip Poplar	Poor	Good	48	Remove for access
096	American Beech	Poor	Good	36	Remove for access
097	Tulip Poplar	Poor	Good	36	Remove for grading
098	White oak	Medium/Good	Good	41	Remove for access
099	American Beech	Poor	Good	34	Remove for access
100	American Beech	Poor	Good	36	Remove for access
104	Tulip Poplar	Poor	Good	42	Remove for grading
108	Southern red oak	Good	Good	51	Remove for grading
109	Tulip Poplar	Poor	Good	39.5	Remove for grading
114	Sugar maple	Poor	Good	32	Remove for grading
115	American elm	Medium	Poor	32	Remove for grading
121	White oak	Medium/Good	Good	37	Remove for access
122	Tulip Poplar	Poor	Good	47	Remove for access
123	Tulip Poplar	Poor	Good	31.5	Remove for access
124	Tulip Poplar	Poor	Good	30	Remove for access
125	Tulip Poplar	Poor	Good	32	Remove for access
126	Tulip Poplar	Poor	Good	42	Remove for access
127	Tulip Poplar	Poor	Good	36	Remove for access
128	Tulip Poplar	Poor	Good	31	Remove for access
129	Sycamore	Medium	Good	32	Remove for access
130	Tulip Poplar	Poor	Good	42	Remove for access
131	Tulip Poplar	Poor	Good	32	Remove for access
132	Tulip Poplar	Poor	Good	42	Remove for SWM
133	Tulip Poplar	Poor	Good	42	Remove for SWM
134	Tulip Poplar	Poor	Fair	35	Remove for SWM
135	Tulip Poplar	Poor	Good	30	Remove for SWM
136	Tulip Poplar	Poor	Good	44	Remove for SWM
137	Tulip Poplar	Poor	Good	44	Remove for SWM
138	Red maple	Good	Fair	38	Remove for access
139	Red maple	Good	Good	34	Remove for access
140	Tulip Poplar	Poor	Good	32	Remove for SWM
145	Tulip Poplar	Poor	Good	32	Remove for SWM
146	White oak	Medium/Good	Good	32	Remove for SWM

### **Evaluation**

Section 25-119(d) contains six required findings [text in **bold** below] to be made before a variance to the WCO can be granted. An evaluation of this variance request, with respect to the required findings, is provided below. Removal of the 69 specimen trees requested by the applicant is approved, based on these findings:

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

In relation to other properties in the area, special conditions peculiar to the subject property would cause an unwarranted hardship if the applicant were required to retain 69 specimen trees identified as Specimen Trees ST-006 through ST-010, ST-020 through ST-027, ST-030 through ST-032, ST-039, ST-043, ST-044, ST-064, ST-065, ST-069 through ST-072, ST-078 through ST-085, ST-092 through ST-100, ST-104, ST-108, ST-109, ST-114, ST-115, ST-121 through ST-140, ST-145 and ST-146. Those special conditions relate to the specimen trees themselves, such as their size, condition, species, and on-site location.

The proposed residential development is a use that aligns with the uses permitted in the R-S Zone. These 69 specimen trees approved for removal are located within the developable parts of the site. These developable areas of the site consist of flatter topography, void of PMA. The table above shows 16 specimen trees will be removed for construction of the SWM facility, 20 will be removed for grading of the site, 11 will be removed for house construction, 2 will be removed for installation of the water line, and 20 will be removed for the construction of the roadway.

The species proposed for removal are tulip poplar, American beech, sugar maple, hickory, sycamore, elm, sweetgum, and oaks. The condition ratings of these trees range from dead to good, with most classified in good condition. The trees have construction tolerances ranging from poor to good; however, all species of the included specimen trees have limiting factors for their construction tolerance, specifically if significant impacts are proposed to the critical root zone (CRZ). A majority of the specimen trees to be removed are tulip poplars which have a poor tolerance to construction activity.

Specimen trees ST-006 through ST-010, ST-020 through ST-027, ST-030 through ST-032, ST-039, ST-043, ST-044, ST-064, ST-065, ST-069 through ST-072, ST-078 through ST-085, ST-092 through ST-100, ST-104, ST-108, ST-109, ST-114, ST-115, ST-121 through ST-140, ST-145 and ST-146 are integral to the developable portion of the site, the creation of the roads needed for automobile circulation within the site, and for construction of SWM facilities to detain and safely convey stormwater off-site. Retention of these trees and protection of their respective CRZs would have a considerable impact on the

proposed development by creating challenges for building siting, and for adequate circulation and infrastructure through the site.

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

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

Based on the location and species of the specimen trees proposed for removal, retaining the trees and avoiding disturbance to the CRZ of Specimen Trees ST-006 through ST-010, ST-020 through ST-027, ST-030 through ST-032, ST-039, ST-043, ST-044, ST-064, ST-065, ST-069 through ST-072, ST-078 through ST-085, ST-092 through ST-100, ST-104, ST-108, ST-109, ST-114, ST-115, ST-121 through ST-140, ST-145 and ST-146, would have a considerable impact on the development potential of the property, affecting the lotting pattern, circulation, and density of the subject site. If similar trees were encountered on other sites, they would be evaluated under the same criteria.

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

Not granting the variance request for ST-006 through ST-010, ST-020 through ST-027, ST-030 through ST-032, ST-039, ST-043, ST-044, ST-064, ST-065, ST-069 through ST-072, ST-078 through ST-085, ST-092 through ST-100, ST-104, ST-108, ST-109, ST-114, ST-115, ST-121 through ST-140, ST-145 and ST-146 would prevent the project from being developed in a functional and efficient manner. This is not a special privilege that would be denied to other applicants. If other similar developments featured REF and specimen trees in similar conditions and locations, they would be given the same considerations during the review of the required variance application.

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

The existing site conditions or circumstances, including the location of the specimen trees, are not the result of actions by the applicant. The location of the trees and other natural features throughout the property is based on natural or intentional circumstances that long predate the applicant's interest in developing this site. The removal of 69 specimen trees would be the result of the

infrastructure and grading required for development of this project, as proposed by the applicant. The request to remove the trees is solely based on the location of the trees on-site, their species, and/or their condition.

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

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

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

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

**Conclusion**

The required findings of Section 25-119(d) have been adequately addressed for the removal of 69 specimen trees identified as ST-006 through ST-010, ST-020 through ST-027, ST-030 through ST-032, ST-039, ST-043, ST-044, ST-064, ST-065, ST-069 through ST-072, ST-078 through ST-085, ST-092 through ST-100, ST-104, ST-108, ST-109, ST-114, ST-115, ST-121 through ST-140, ST-145, and ST-146. The variance request for the removal of 69 specimen trees for the construction of a residential development is approved.

**Regulated Environmental Features**

This site contains REF that are required to be preserved and/or restored to the fullest extent possible under Section 24-130(b)(5) of the Subdivision Ordinance. The on-site REF includes streams, wetlands, 100-year floodplain, associated buffers, and steep slopes.

Section 24-130(b)(5) of the Subdivision Ordinance states: "Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible consistent with the guidance provided by the Environmental Technical Manual established by Subtitle 25.

Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required pursuant to Subtitle 27, for the reasonable development of the lot outside the regulated feature. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat."

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

An SOJ, dated August 4, 2023, was received for the proposed impacts to this site. Impacts to the PMA are shown on the TCP1 and PPS for the installation of a waterline, the installation of a storm drain outfall, the installation of the site entrance at White House Road, and for the installation of a portion of the development roadway. The SOJ and associated exhibit reflect four proposed impacts to REF(s) associated with the proposed development, totaling 3.92 acres.

The proposed PMA impacts are considered necessary for the orderly development of the subject property. These impacts cannot be avoided because they are required by other provisions of the County and State codes. The plan shows the preservation, restoration, and enhancement of the remaining areas of PMA.

#### **Impact 1 Waterline Installation**

Impact 1 is for the installation of a waterline from White House Road through the proposed ROW of the extension of Harry S Truman Drive. This is a necessary utility impact which will occur in the PMA and 100-year floodplain.

#### **Impact 2 Stormdrain Outfall**

Impact 2 is for the installation of a stormdrain outfall from a SWM facility. This is a necessary impact which will occur in the PMA and 100-year floodplain.

#### **Impact 3 and 4 Roadway Stream Crossings**

Impact 3 is a permanent impact for the internal roadway, which will cross the stream segment that runs north to south on the property. Impact 4 is a permanent impact for the installation of the site's entrance, which includes culverts crossing the stream that runs west to east along the property frontage on White House Road. The impacts will occur in the PMA and 100-year floodplain. This is a necessary impact to gain vehicular access to the site.

#### **Conclusion**

These impacts total 3.92 acres of floodplain and PMA impacts, with a majority of the total impacts related to the construction of the road crossings. A total of approximately 600 linear feet of stream will be disturbed. The wetland impacts are limited to areas for the proposed main

entrance, the second stream crossing, and the waterline installation, with a total impact of approximately 21,260 square feet. The wetland buffer impacts total approximately 29,740 square feet. Mitigation of these impacts will be provided to the maximum extent possible on-site and will utilize off-site mitigation banks, as needed, to meet the requirement.

After evaluating the applicant's SOJ, the impacts of REF are approved. The PMA impacts are considered necessary for the orderly development of the subject property and surrounding infrastructure. These impacts cannot be avoided because they are required by other provisions of the County and State codes. The TCP1 shows the preservation and enhancement of the PMA to the fullest extent practicable.

#### **Soils**

The predominant soils found on-site according to the U.S. Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, include Collington-Wist complex, Widewater, and Issue soils, frequently flooded. Unsafe soils containing Marlboro or Christiana clays have not been identified on this property. A geotechnical report shall be submitted with future development applications.

- 14. Urban Design**—Conformance with the requirements of the prior Zoning Ordinance, the Tree Canopy Coverage Ordinance, and the Landscape Manual is applicable to the development of the subject site, as follows:

#### **Conformance with the prior Zoning Ordinance**

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

- **Section 27-515 regarding uses permitted in the R-S Zone; and**
- **Section 27-513 regarding regulations in the R-S Zone.**

The following conditions are relevant to the subject PPS:

Basic Plan A-9802-C-01

- 6. The minimum lot size shall be 4,200 square feet in all development envelopes.**

All included lots are a minimum of 4,200 square feet.

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

This development in the R-S Zone will be subject to the requirements of the 2010 *Prince George's County Landscape Manual*. The site is subject to Section 4.1, Residential requirements; Section 4.5, Stormwater Management Facilities; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscape Requirements. Conformance with the applicable landscaping requirements will be determined at the time of SDP review.

**Conformance with the Tree Canopy Coverage Ordinance**

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

The PPS does not pose an impediment to achieving conformance with the prior Zoning Ordinance, Landscape Manual and tree canopy coverage requirements that will be applicable, at the time of SDP review.

15. **Noise**—The subject property abuts two arterial ROWs: the existing White House Road and planned extension of Harry S Truman Drive. Section 24-121(a)(4) of the prior Subdivision Regulations provides standards for residential lot depth, adjacent to arterial roadways, and requires adequate protection from traffic nuisances, as follows:

**(a) The Planning Board shall require that proposed subdivisions conform the following:**

- (4) Residential lots adjacent to existing or planned roadways of arterial classification shall be platted with a minimum depth of one hundred and fifty (150) feet. Residential lots adjacent to an existing or planned roadway of freeway or higher classification, or an existing or planned transit right-of-way, shall be platted with a depth of three hundred (300) feet. Adequate protection and screening from traffic nuisances shall be provided by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line, when appropriate.**

The applicant provided a noise analysis dated September 13, 2023. The analysis accounts for noise impacts from both ROWs using computer modeling. Impacts were modeled at ground level (5 feet above grade) and upper level (25 feet above grade). Noise levels were calculated by estimating the future site conditions, including the future roadway traffic volumes along abutting roadways. The estimates provide both unmitigated and mitigated future noise levels. The analysis shows that nine lots along the western boundary of the site would be impacted by noise levels exceeding 65 decibels (dBA) using a day-night average noise level (DNL), with a maximum of 70 dBA DNL, due to noise from the future Harry S Truman Drive extension. The study concludes that mitigation of noise impacts on the rear yards of dwelling units would require a noise barrier, and dwellings would require a building shell analysis to ensure mitigation for interior noise. Prior to acceptance of the SDP, a revised/supplemental Phase I noise study shall be provided with modeled noise levels using the equivalent level of noise (Leq) from 7:00 a.m. to 10:00 p.m. and 10:00 p.m. to 7:00 a.m., with noise models for each time frame for upper- and ground-level measurements. In addition, the 55 dBA contour shall be shown on the exhibits/models for the 10:00 p.m. to 7:00 a.m. Leq. Prior to signature approval, the PPS shall be modified to show noise contour lines, consistent with the revised/supplemental Phase I noise study.



A Phase II noise analysis will be required at least 40 days prior to the Planning Board hearing for the SDP, when building materials and final grading are proposed, to determine the necessary mitigation. This mitigation could include a noise barrier along the western boundary of the property, as well as architectural intervention. The Phase II noise analysis shall demonstrate mitigation at 45 dBA or less for the interior of dwellings at all times and a 55 dBA or less at outdoor activity areas from 10:00 p.m. to 7:00 a.m.

### **Previous Approvals**

Basic Plan A-9802-C-01 contains both conditions and considerations. The considerations related to noise that apply to this PPS are, as follows:

- 3. The depths of all lots adjacent to Harry S Truman Drive and White House Road shall be adequate to provide visual and sound screenings as part of Specific Design Plan approval.**

This consideration was carried forward to the associated CDP and adopted as Condition 6, which is discussed further below.

CDP-0303-01

- 5. The preliminary plan of subdivision application shall include a Phase I noise study addressing potential adverse impacts from existing and widened White House Road (A-36) along the northern property boundary.**

The applicant provided a Phase I noise study with this PPS.

- 6. At the time of preliminary plan of subdivision, adequate lot depth with respect to possible noise or visual impacts from adjacent White House Road shall be reviewed.**

### **Variation Request**

Two lots adjacent to the planned extension of Harry S Truman Drive do not meet the required lot depth. As such, the applicant requested a variation from Section 24-121(a)(4) of the prior Subdivision Regulations for Lots 43 and 44 since they do not provide the minimum 150-foot depth from Harry S Truman Drive. These two consecutive lots are separated from the future extension of Harry S Truman Drive by a 50-foot-wide parcel to be conveyed to the HOA. Each lot is 42 feet wide, with the side yard of Lot 44 being closest and parallel to Harry S Truman Drive, and Lot 43 being farthest from the roadway.

In accordance with Section 24-113(a) of the prior Subdivision Regulations, there are five criteria that must be met for this variation to be approved. The criteria, with discussion, are noted below:

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

The lot depth requirement is to ensure that lots are provided proper protection from the impact of adjacent ROWs. The applicant provided a Phase I noise analysis, dated September 13, 2023, which estimates that Lots 43 and 44 will be subject to both upper-level and ground-level noise, exceeding 65 dBA, when the Harry S Truman roadway is constructed, and will need mitigation. A Phase II noise analysis will need to be conducted to determine the proper mitigation. This mitigation could take the form of a noise barrier along the western property boundary as well as architectural interventions, such as sound transmission class building materials. However, the PPS provides a 50-foot-parcel between the lots and the ROW that may contain a berm, landscaping and/or other noise mitigation necessary to ensure the lots are protected from traffic nuisances, which would fulfill the purposes of Section 24-121(a)(4). Granting a variation will not be detrimental to public safety, health, or welfare, or injurious to other property.

**(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 property is encumbered by steep slopes, PMA, and specimen trees, which control and compact the areas available for development. The northern and central portion of the site are occupied by sensitive environmental areas, which pushes the developable area closer to the Harry S Truman ROW. In addition, the project has provided 19.4 acres of land to M-NCPPC and the dedication of ROWs, which further reduced the size of the property in which to achieve the density approved with CDP-0303-01. These factors have limited the developable area on-site and create conditions that are unique to the property and not generally applicable to other properties.

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

No known applicable law, ordinance, or regulation will be violated by this request. The approval of a variation, in accordance with Section 24-113, is unique to the Subdivision Regulations and under the sole authority of the Planning Board. With the implementation of mitigation, the appropriate noise abatement for protection of the lots will be ensured. Therefore, approval of the variation will not constitute a violation of any other applicable law, ordinance, or regulation.

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

As previously stated, the subject property contains steep slopes, PMA, and specimen trees. These features limit and create isolated pockets of land that are

suitable for development of the site, which is further constrained on two sides by abutting arterial ROWs. A particular hardship to the owner would result if the strict letter of the lot depth regulation is carried out, causing the buildable area to be reduced even further. The proposed development is designed to achieve the approved density, while avoiding impacts to PMA, and is in conformance with the basic plan and CDP applicable to the site.

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

The subject property is not in any of the above-listed zones. Therefore, this criterion does not apply.

The site has unique physical surroundings, 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, to provide protection from arterial and higher classified roadways, given the mitigation proposed. Therefore, the variation from Section 24-121(a)(4), to allow a lot depth of less than 150 feet for Lots 43 and 44, is approved.

- 16. **Community feedback**—No written correspondence was received from members of the community for this subject application, prior to the deadline for submission. Mr. Charles Renninger, representative of the Largo Civic Association, provided verbal testimony in support of the PPS at the Planning Board hearing held on January 4, 2024. No other community member signed up to speak at the hearing.
- 17. **Planning Board Hearing**—During the Planning Board hearing on January 4, 2024, the applicant proposed revisions to conditions of approval and also proposed two new conditions of approval regarding the noise analysis and open space parcels. These revisions are further discussed in Finding 15 (Noise) and Finding 9 (Transportation). The Planning Board approved these revisions and two new conditions, which are included as Conditions 14 and 15 in this resolution.

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.


\* \* \* \* \*

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Geraldo, and Shapiro voting in favor of the motion, and with Commissioner Doerner absent at its regular meeting held on Thursday, January 4, 2024, in Largo, Maryland.

Adopted by the Prince George's County Planning Board this 25th day of January 2024.

Peter A. Shapiro  
Chairman

By   
Jessica Jones  
Planning Board Administrator

PAS:JJ:AH:rpg

APPROVED AS TO LEGAL SUFFICIENCY



David S. Wamer  
M-NCPPC Legal Department  
Date: January 16, 2024